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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 21, 2004.

I hereby appoint the Honorable JEB HENSARLING to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

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

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

TEN YEARS

Mr. DELAY. Mr. Speaker, this week the Republican congressional majority will celebrate the 10th anniversary of the legislative agenda that helped win our majority in the 1994 elections. There will be both praise and criticism of our tenure in the majority, though on the whole, the record shows the benefits our stewardship has brought the Nation in the last decade.

In the last decade, welfare has been reformed, taxes have been cut four times, Medicare has been secured and our health care system strengthened, our military has been restored to its rightful place atop our national agenda, the budget came into balance, public schools have been called to account for decades of underachievement, and our economy has grown 69 percent.

It was doubted so much could be accomplished in 20 years, let alone 10. But while many will seek to argue over our accomplishments of the last decade, the responsibility of those of us in the majority is to focus on the next decade. If the last 10 years have shown the American people that Republicans can govern, the next 10 years must show them that Republicans should govern. So, rather than looking back on an old agenda, we must look forward to a new one, of equal principle and utility, an agenda not just of words but deeds, to protect and defend the security, prosperity and families of the United States.

An agenda not just of tax relief but of fundamental, national tax reform. Not just of preserving our health care and retirement systems for the greatest generation, but of fundamentally rethinking those systems for all generations. Not just of helping small businesses succeed, but of passing sweeping lawsuit abuse reform and universal regulatory reform to get predatory lawyers and busybody bureaucrats off small businesses' backs once and for all. Not just of bandaging over the social wounds inflicted by a culture of death, but of taking up the cause of America's armies of compassion and our Nation's emerging culture of life. Not just of defending our Nation, but of proudly fighting for it, and the ideals upon which it was founded, anywhere and everywhere they are threatened.

It has been a good 10 years, Mr. Speaker. But the celebrations this week do not mark an end, but a new beginning, and a new era of ever more ambitious and worthy ideas, so that we may leave our Nation better than we found it.

That is the purpose of this institution, the goal of this Republican majority, and the driving force behind our agenda for the next 10 years.

SECURING THE NATION'S BORDERS

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

Mr. DREIER. Mr. Speaker, since the 9/11 Commission's final report was issued, we in this body have been working diligently to prepare legislation to improve our Nation's security. To that end, I want to talk about a paramount national security concern, and that is the security of our borders. I know many of us have seen this recent Time Magazine cover story which focused on the incredibly porous southern border that we have with Mexico.

I personally was absolutely horrified when I read this article, Mr. Speaker, on reports of human rights abuses perpetrated by ''coyotes'' who charge exorbitant fees to lead immigrants illegally across the border, as well as Time's accounts of the heinous acts committed by some of those illegals. And clearly, having a border which people feel they can cross illegally at any time is a national security vulnerability.

We must recognize that the vast majority of people who are coming across our borders illegally are looking for better economic opportunity for themselves and their families. This does not justify illegal entry into the United States. So let me make it very clear, Mr. Speaker, ''illegal'' means ''illegal.'' But it does mean that a long-term solution to our immigration problem will only be found when the economies of Mexico and the rest of Latin America provide better opportunities for their

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citizens. But the process of improving those economies, while underway, will be very, very difficult, it will take decades, and we obviously are hoping to implement the Ronald Reagan vision of a Free Trade Area of the Americas which will be very important to that.

As altruistic as Americans have historically been toward immigrants, we are, after all, a Nation of immigrants as we all know, we clearly cannot have foreigners illegally crossing the United States borders unbeknownst to our government. We know that international terrorists have illegally entered our country. That is why we must act now.

In this effort, I have been working closely with two great Americans. Those of you who read this Time Magazine article may recall the comments made by T.J. Bonner, a 26-year veteran still working as a border patrol agent, who is president of the National Border Patrol Council, which represents 10,000 border patrol employees. Bonner's first priority is to ensure that our border patrol agents have the backing they need to do their job. It is his plan, the Bonner plan, which I am introducing as legislation today.

I am joined by my good friend and Democratic colleague, the gentleman from Texas (Mr. REYES), who himself served as chief of the border patrol in both McAllen and El Paso, Texas, during a long and distinguished career fighting to protect our border from infiltration. I am extremely pleased to have the support of Messrs. Bonner and Reyes, for their expertise in border patrol issues is unparalleled. Our legislation gets at the root of the problem of illegal immigration, the draw of our strong economy.

We know why most people illegally cross our borders, as I was saying earlier. Jobs lure them to this country. They are seeking economic opportunity. We do not want to shut the door on that great American dream of opportunity, which is why we have programs where foreign nationals can legally migrate to the United States, can work and can eventually become citizens. But people who skirt the process and enter the United States illegally should not expect to benefit from the American taxpayer.

Under the Bonner plan, we will strenuously enforce laws which prohibit American businesses from employing illegal immigrants. Regrettably, these laws have not been regularly enforced. The laws are also undermined by the explosion in counterfeit identity documents and employers who are unable or unwilling to establish the authenticity of documents presented by job applicants.

Under our legislation, Mr. Speaker, we will dramatically improve the security of the very precious Social Security card by adding a photo ID and other countermeasures to reduce fraud. This same card will be encoded with a unique electronic algorithm to allow employers to verify each prospective applicant's work eligibility status prior to hiring, either through an electronic card reader or a toll-free number. Mr. Speaker, employers will face stiff Federal fines of up to $50,000 and up to 5 years in jail if they knowingly hire an illegal immigrant or choose not to verify a prospective employee's eligibility. The employer would also then be responsible for the cost of deporting the illegal immigrant. With the new and improved Social Security card and verification system, employers will have no excuse if they are found to have hired illegal immigrants.

By eliminating the supply of jobs for illegal workers, we will end the incentive for illegal immigrants to enter the United States because they know that they will be unable to make a living here.

I fully recognize that a number of American industries, from agriculture to gardening and house cleaning and others, have come to depend on an ample supply of illegal workers. That is why I have long supported efforts to establish a responsible guest worker program to allow willing employers to match up with willing foreign workers and to allow those workers to legally enter the United States temporarily to work and then ensure that they return to their homes as scheduled. Coupled with a guest worker program, the Bonner plan will have a positive impact on our economy and on our prospective workers. Workers will only need to update their Social Security card once, to have their photo placed on the card and for other long overdue antifraud measures to be applied. A worker would only need the updated Social Security card when applying for a new job. I want to make it very clear that this is not a national ID card. This is not a national ID card, Mr. Speaker. In fact, the legislation contains language to ensure that the improved Social Security card does not become a national ID card and is only used to verify a prospective employee's authorization to work in the United States. Social Security cards are already routinely required to be provided to new employers. The changes we are proposing to the Social Security card take us no further down the road of creating a national ID card.

Mr. Speaker, I encourage my colleagues to join in supporting this very important effort that will, as Governor Schwarzenegger has said, encourage the American people and those who are looking to come in to play by the rules. This is a top national security priority for us. I hope all of our colleagues will join with us.

[From Time Magazine, Sept. 20, 2004]

WHO LEFT THE DOOR OPEN?

(By Donald L. Barlett and James B. Steele)

The next time you pass through an airport and have to produce a photo ID to establish who you are and then must remove your shoes, take off your belt, empty your pockets, prove your laptop is not an explosive device and send your briefcase or purse through a machine to determine whether it holds weapons, think about this: In a single day, more than 4,000 illegal aliens will walk across the busiest unlawful gateway into the U.S., the 375-mile border between Arizona and Mexico. No searches for weapons. No shoe removal. No photo-ID checks. Before long, many will obtain phony identification papers, including bogus Social Security numbers, to conceal their true identities and mask their unlawful presence.

The influx is so great, the invaders seemingly trip over one another as they walk through the old copper-mining town turned artist colony of Bisbee (pop. 6,000), five miles from the border. Having eluded the U.S. border patrol, they arrive in small groups of three or four, larger contingents of more than a dozen and sometimes packs of a hundred. Worried citizens who spot them keep the Bisbee police officers and Cochise County sheriffs deputies busy tracking down all the trespassing aliens. At night as many as 100 will take over a vacant house. Some crowd into motel rooms, even storage-compartment rental units. During the day, they congregate on school playgrounds, roam through backyards and pass in and out of apartment buildings. Some assemble at the Burger King, waiting for their assigned drivers to appear. Sometimes stolen cars are waiting for them, keys on the floor. But most continue walking to designated pickup points beyond Bisbee, where they will ride in thousands of stolen vehicles, often with the seats ripped out to accommodate more human cargo, on the next leg of their journey to big cities and small towns from California to North Carolina.

The U.S.'s borders, rather than becoming more secure since 9/11, have grown even more porous. And the trend has accelerated in the past year. It's fair to estimate, based on a TIME investigation, that the number of illegal aliens flooding into the U.S. this year will total 3 million—enough to fill 22,000 Boeing 737–700 airliners, or 60 flights every day for a year. It will be the largest wave since 2001 and roughly triple the number of immigrants who will come to the U.S. by legal means. (No one knows how many illegals are living in the U.S., but estimates run as high as 15 million.)

Who are these new arrivals? While the vast majority are Mexicans, a small but sharply growing number come from other countries, including those with large populations hostile to the U.S. From Oct. 1 of last year until Aug. 25, along the southwest border, the border patrol estimates that it apprehended 55,890 people who fall into the category described officially as other than Mexicans, or OTMS. With five weeks remaining in the fiscal year, the number is nearly double the 28,048 apprehended in all of 2002. But that's just how many were caught. TIME estimates, based on longtime government formulas for calculating how many elude capture, that as many as 190,000 illegals from countries other than Mexico have melted into the U.S. population so far this year. The border patrol, which is run by the Department of Homeland Security, refuses to break down OTMS by country. But local law officers, ranchers and others who confront the issue daily tell TIME they have encountered not only a wide variety of Latin Americans (from Guatemala, El Salvador, Brazil, Nicaragua and Venezuela) but also intruders from Afghanistan, Bulgaria, Russia and China as well as Egypt, Iran and Iraq. Law enforcement authorities believe the mass movement of illegals, wherever they are from, offers the perfect cover for terrorists seeking to enter the U.S., especially since tighter controls have been imposed at airports.

Who's to blame for all the intruders? While the growing millions of illegal aliens cross the border on their own two feet, the problem is one of the U.S.'s own making. The

government doesn't want to fix it, and politicians, as usual, are dodging the issue, even though public-opinion polls show that Americans overwhelmingly favor a crackdown on illegal immigration. To be sure, many citizens quietly benefit from the flood of illegals because the supply of cheap labor helps keep down the cost of many goods and services, from chicken parts to lawn care. Many big companies, which have an even clearer stake in cheap labor, aggressively fend off the enforcement of laws that would shut down their supply of illegal workers.

The argument is getting stronger, however, that this is a short-sighted bargain for the U.S. Beyond the terrorism risks, Washington's failure to control the Nation's borders has a painful impact on workers at the bottom of the ladder and, increasingly, those further up the income scale. The system holds down the pay of American workers and rewards the illegals and the businesses that hire them. It breeds anger and resentment among citizens who can't understand why illegal aliens often receive government-funded health care, education benefits and subsidized housing. In border communities, the masses of incoming illegals lay waste to the landscape and create costly burdens for agencies trying to keep public order. Moreover, the system makes a mockery of the U.S. tradition of encouraging legal immigration. Increasingly, there is little incentive to play by the rules.

In the aftermath of 9/11, illegal immigration slowed dramatically for two years. Now it has turned up again. The chronic reason is a Mexican economy unable to provide jobs with a living wage to a growing population. But those who live and work along the border say there is another, more immediate cue for the rush. In a speech on immigration policy last January, George W. Bush proposed ''a new temporary-worker program that will match willing foreign workers with willing American employers when no Americans can be found to fill the jobs.'' The President said his program would give three-year, renewable work visas ''to the millions of undocumented men and women now employed in the United States.'' In Mexico that statement was widely interpreted to mean that once Mexican citizens cross illegally into the U.S., they would be able to stay and eventually gain permanent residence. Even though the legislation shows no signs of getting through Congress this year, a run to the border has begun.

Ranchers, local law officers and others say that is the story they have heard over and over from border crossers. Rancher George Morin, who operates a 12,000-acre spread a few miles from the border, tells TIME, ''All these people say they are coming for the amnesty program.

[They] have been told if they get 10 miles off the border, they are home free.''

The border patrol, by nature an earnest and hard-working corps, is no match for the onslaught. From last October through Aug. 25, it apprehended nearly 1.1 million illegals in all its operations around the U.S. But for every person it picks up, at least three make it into the country safely. The number of agents assigned to the 1,951-mile southern border has grown only somewhat, to more than 9,900 today, up from 8,600 in 2000.

Given that the crisis of illegal immigration bridges the two main issues in the presidential campaign—the economy and national security—one might think that the candidates would pound their podiums with calls for change. But that's not the case so far. Bush has reaffirmed his pledge for an immigration policy that would provide worker's permits for aliens who find jobs, and John Kerry has promised to propose legislation that would lead to permanent residence for many illegal-alien workers. Neither candidate has called for imposing serious fines on the people who encourage illegal immigration: corporate employers.

On the Mexican side of the border, President Vicente Fox has actively encouraged the migration. He made his goal clear in 2000 when he called for a fully open border within 10 years, with ''a free flow of people, workers'' moving between the two countries. When U.S. opposition to the proposal intensified after 9/11, Fox sought the same goal through the back door. He pushed U.S. businesses and city and state governments to accept as legal identification a card called a matricula consular, issued by Mexican consulates. That has allowed illegals to secure driver's licenses and other forms of identification and open bank accounts. Earlier this year Fox pushed U.S. bankers to make it easier for Mexicans working here—some of them legally but most illegally—to ship U.S. dollars back home.

Because of the exploding illegal population, the money sent back represents the third largest source of revenue in Mexico's economy, trailing only oil and manufacturing. That figure reached a record $13 billion last year.

The current border-enforcement system has fostered a culture of commuters who come and go with some hardship but little if any risk of punishment. Thousands cross the U.S.-Mexico border multiple times.

Under immigration law, they could be imprisoned after the second offense. But no one is. Nor on the third, fourth or fifth. In fact, almost never. When asked whether Homeland Security would initiate criminal proceedings against a person who, say, is picked up on four occasions coming into the country illegally, a border-patrol representative said if it did, the immigration legal system would collapse. Said the spokeswoman: ''Because there's such a large influx of people coming across, if we're to put the threshold at four and send them up [to Tucson, Ariz., or Phoenix, Ariz., for processing], we'd be sending . . . too many people, and it would overwhelm the immigration system.''

People who live and work on the Arizona border know all about being overwhelmed.

LIVING IN THE WAR ZONE

When the crowds cross the ranches along and near the border, they discard backpacks, empty Gatorade and water bottles and soiled clothes. They turn the land into a vast latrine, leaving behind revolting mounds of personal refuse and enough discarded plastic bags to stock a Wal-Mart. Night after night, they cut fences intended to hold in cattle and horses. Cows that eat the bags must often be killed because the plastic becomes lodged between the first and second stomachs. The immigrants steal vehicles and saddles. They poison dogs to quiet them. The illegal traffic is so heavy that some ranchers, because of the disruptions and noise, get very little sleep at night.

John Ladd, Jr., a thoughtful, soft-spoken rancher just outside Bisbee, gives new meaning to the word stoic. He is forced to work the equivalent of several weeks a year to repair, as best he can, all the damage done to his property by never-ending swarms of illegal aliens.

''Patience is my forte,'' he says, ''but it's getting lower.'' The 14,000-acre Ladd ranch, in his mother's family since the 1800s, is right on the border. Ladd and his wife and three sons as well as his father and mother have their homes there. The largely flat, scrub-covered piece of real estate, with its occasional groves of cottonwoods, spiny mesquite and clumps of sacaton grass and desert broom, seems to offer few places to hide. But the land is laced with arroyos in which scores of people can disappear from view. Ditches provide trails from the border to Highway 92, a distance of about three miles. That is the route that Ladd says 200 to 300 illegals take every night as they enter the U.S. They punch holes in the barbed-wire border fence and then tear up the many fences intended to separate the breeding cattle—Brahmin, Angus and Hereford—that divide the Ladd land.

Ladd doesn't blame the border patrol, most of whose officers, he says, are doing all they can under the circumstances. Indeed, apprehensions of illegals in Arizona have soared from 9% of the nation's total in 1993 to 51% this year. ''I have real heartache for the agents who are really working,'' he says. ''They track down the [smugglers], and the judges let them off, and they get a free trip back to Mexico, where they can start all over.'' The border-patrol agents, Ladd feels, ''are responsible guys in a hypocritical bureaucracy.''

Border crossing at the Ladd ranch is so flagrant that sometimes the illegals arrive by taxi. A dirt road parallels the border fence and the Ladd property for several miles, in full view of border-patrol electronic lookout posts that ceased functioning long ago. When drivers reach an appropriate location, passengers pile out and run through one of the many holes in the fence and make their way across the ranch.

These gaps present their own special problem. On the other side are Mexican ranches whose cattle wander onto Ladd's. ''I'm up to 215 Mexican cows that I've put back into Mexico,'' he says. ''I've got a dual citizen friend—he's Mexican and American—works on this side for Phelps Dodge [Mining Co.], but he's got a ranch over at the San Jose Mountain. So I call him, and then he calls the Mexican cattle inspector. Then that guy meets me at the border and then coordinates the cows getting back to the rightful owners in Mexico.'' Ladd acknowledges that his do-it-yourself cattle diplomacy is ''breaking both countries' laws.'' How so? ''[In] the United States, you're supposed to quarantine any Mexican cattle for 30 days, and they test them for disease and everything else. What the problem is, there isn't enough cattle inspectors to do that, and then they don't have a holding corral anymore to do that.''

Why does he spend so much time returning strays? So his counterparts in Mexico will return the favor because some of his cattle amble across the border through the same holes. ''The whole reason that I started doing this for the Mexican ranchers was to show'em, 'Yeah, I'm honest. I'm going to give you yours back, so you give me mine.' And it's worked. But the whole story is that I've spent money on long-distance and talked to everybody from the Boundary Commission to USDA to border patrol to customs and everybody else, and I said, 'You need to do something with your international fence.'" He's still waiting.

While the Department of Homeland Security seemingly lacks the money to secure the border, it does have money to spend in quixotic ways.

In a $13 million experimental program started in July, the border patrol will not just drop illegal Mexican aliens at the border but actually fly them, at taxpayer expense, into the heart of Mexico. The theory is that it will discourage them from making the trek north again. But as one illegal, a Dallas construction worker who was among the 138 aboard the first flight, told a Los Angeles Times reporter, ''I will be going back in 15 days. I need to work. The jobs in Mexico don't pay anything.''

The plight of Jim Dickson, a hospital administrator in Bisbee, is summed up with one image. It's an ambulance that pulls into

tiny Copper Queen Community Hospital and discharges illegal aliens injured in an auto accident. The border-patrol officers—on orders from Washington—have refused to take them onto the hospital property after taking them into custody. Instead, the officers have called an ambulance for the injured. If the officers were to arrive at the hospital to make their drop-off, then the border patrol (make that the U.S. government) would be responsible for paying the medical bill. And that's something the Federal Government (make that Congress) will not do. Instead, the government stiffs Dickson, 56, the genial CEO of the Copper Queen, a hospital that dates back to the turn of the previous century, when Bisbee was the largest town between San Diego and St. Louis, MO.

Dickson and his community hospital symbolize much of what has gone wrong with the immigration policies of the U.S. and Mexico—''the irresponsibility,'' as Dickson puts it politely, of both governments.

He figures he has another three years, maybe a little longer, before he might be forced to shut down the hospital. ''We used to have 250 emergency-room visits a month. Now it's 500,'' says Dickson. They range from a lone man or woman rescued in the desert, suffering from dehydration or a heart attack, to multiple victims injured when vans jammed with 20 or more illegals crash during high-speed chases. Along the way the hospital is seeing more and more tuberculosis, aids and hepatitis. ''We don't have to do disaster drills like other hospitals,'' Dickson says. ''We have enough real disasters every year.''

Unlike big governments, small community hospitals cannot run deficits forever. The Copper Queen's shortfall from treating illegal aliens grows each year. This year it will be about $450,000, bringing the total for the past few years to $1.4 million. With each money-losing year, a tiny piece of the 14-bed hospital dies. When that happens, the entire community suffers. Dickson's most agonizing decision came when he was forced to shutter the long-term-care unit. ''It was the only place the elderly could go,'' he says. ''If someone had dementia, we had a room for them.'' But no more. Now if people who spent their life in Bisbee need elder care, they must leave the area. ''The more free care we give,'' Dickson says, ''the more we have to ration what's left.''

Dickson emphasizes that not all the free care is going to illegal aliens passing through on their way to other states. About half goes to Mexicans who use the Copper Queen as their personal emergency-care facility. In effect, the hospital, which performs general surgery, has become the trauma center for that stretch of northern Mexico. If an ambulance pulls up to the border-crossing point near Bisbee and announces ''compassionate entry,'' the border patrol waves it through, and the Copper Queen is compelled to treat the patient. It is one more program that Congress mandates but does not pay for. ''If you make me treat someone,'' says Dickson, ''then you need to pay me. You can't have unfunded mandates in a small hospital.'' Although the Medicare drug act that passed last year provides for modest payments to hospitals that treat illegal aliens, Dickson says there is a catch that the U.S. government has yet to figure out. ''How do I document an undocumented alien? How am I going to prove I rendered that care?

They have no Social Security number, no driver's license.''

The limits of compassion are also being tested on the Tohono O'odham Nation. About twice the size of Delaware, the tribe's reservation shares 65 miles of border with Mexico. Like the residents of the small Arizona towns just to the east, the Native Americans, many of whom live without running water and electricity, are overwhelmed. The Nation's hospital is often packed with migrants who become dehydrated while crossing the scorching desert, where summertime temperatures reach upwards of 110 (degree). The undermanned tribal police force helps the border patrol round up as many as 1,500 illegals a day. ''If this were happening in any other city or part of the country,'' says Vivian Juan Saunders, Tohono O'odham chairwoman, ''it would be considered a crisis.''

Yet the highest levels of the U.S. and Mexican governments have orchestrated this situation as a kind of dance: Mexico sends its poor north to take jobs illegally, and the U.S. arrests enough of the border crossers to create the illusion that it is enforcing the immigration laws while allowing the great majority to get through.

Local lawmen like Jim Elkins and Larry Dever have learned the dance firsthand, and their towns and counties have to pay for it.

Elkins has been the police chief in Bisbee for 12 years, on the force for 30. Dever has been the sheriff of Cochise County—which includes Bisbee and encompasses an area almost the size of Connecticut and Rhode Island, with 84 miles along the Mexican border—for eight years and a deputy before that for 20 years. The two lawmen handle the same kinds of citizen demands made on local law-enforcement agencies everywhere—from murder to drugs to reports of abandoned cats. But never have they seen the likes of today's work, in which their time is monopolized by relentless reports of alien groups making their way through the area. The entries from Bisbee police logs speak for themselves, these a sampling from Friday, May 7:

9:05 a.m.: ''[Caller] advised udas [undocumented aliens] on foot, west [of] high school on dirt road. At least 10 in area. U.S. border patrol advised of same. 38 udas turned over to U.S. border patrol.''

4:31 p.m.: ''[Officer] located three udas walking on Arizona and Congdon. All three turned over to usbp [U.S. border patrol] Naco.''

4:32 p.m.: ''[Officer] copied a report of a silver-in-color van loaded with approximately 30 udas left Warren. Later copied vehicle went disabled at mile post 345 on Highway 80. Thirty to 35 udas were located with vehicle. Udas turned over to U.S. border patrol.''

7:52 p.m.: ''[Officer] located a group of udas in the area [of Blackknob and Minder streets]. Fifteen udas turned over to BP.''

10:02 p.m.: ''Reported a group of udas gathering on the bridge on Blackknob at Minder. Officers located six udas. tot [turned over to] usbp.''

On and on it goes. ''Every day we deal with this,'' says Elkins.

''People don't feel safe. The smugglers are dangerous people . . . I find it hard to believe we can get 80 to 100 people in our neighborhoods. They come across in droves.'' Transporting them requires fleets of stolen cars, which explains why Arizona ranks No. 1 in cars stolen per capita, with 56,000 ripped off last year. ''This is a lot of work for us. We're a small department,'' says Elkins, who has 15 officers. ''So much of our time is spent on federal issues. We should be getting money for this [from the Federal Government]. But we don't.''

The kinds of crime found in most communities are interwoven with the illegal-alien traffic on the border. ''Our methamphetamine problem is alarming,'' Elkins tells TIME. ''The last three homicides here were related to meth. Kids doing meth will take a load of udas to Tucson or Phoenix for a couple of hundred dollars.''

Sheriff Dever says more than a quarter of his budget ''is spent on illegal immigration activities,'' and he points to the ripple effect through the criminal justice system: ''The illegal aliens can't make bond, so they spend more time in jail. They're indigent, so they get a public defender. If they have health problems, they have to be treated.''

Dever feels overrun and doesn't mind who knows it. He relates a story about a recent visit by a television crew that arrived in his office and asked whether he was aware that a group of presumably illegal aliens was camped out in a drainage ditch next to the sheriff's headquarters. Sensing a story, the crew wondered if he was embarrassed by the aliens' presence. A plainspoken man, Dever said he was not the least bit embarrassed. Their presence, he said, illustrated quite pointedly just how pervasive the problem was.

The people who probably should be a little embarrassed are the folks up the road at Fort Huachuca, Ariz., home of the U.S. Army's top-secret Intelligence Center. The facility, which trains and equips military intelligence professionals assigned around the world, also happens to be a thoroughfare for illegal aliens and drug smugglers, with mountains on the base providing a safe haven.

Using some of the same routes as the people smugglers, the drug runners are well armed, equipped with high-tech surveillance equipment and don't hesitate to use their weapons. That's what happened earlier this year, when law-enforcement officers and Mexican drug runners engaged in a fire fight at the border in front of a detachment of Marines just back from Iraq, who were installing a steel fence to prevent illegal aliens from driving through the flimsy barbed wire. The Marines, unarmed, watched placidly. None were injured.

The situation across southern Arizona has spun so far out of control that many on the border believe a day of reckoning is fast approaching, when an incident—an accidental shooting, multiple auto fatalities, a confrontation between drug and people smugglers—will touch off a higher level of violence. And the nightmare scenario: some resident frustrated by the Federal Government's refusal to halt the onslaught will begin shooting the border crossers on his or her property. As a rancher summed up the situation: ''If the law can't protect you, what do you do?'' Everyone, it seems, is armed, including nurses at the local hospital, who carry sidearms on their way to work out of fear for their safety.

HOW CORPORATE AMERICA THRIVES ON ILLEGALS

Popular belief has it that illegals are crossing the border in search of work. In fact, many have their jobs lined up before they leave Mexico. That's because corporate managers go so far as to place orders with smugglers for a specific number of able bodies to be delivered. For corporate America, employing illegal aliens at wages so low few citizens could afford to take the jobs is great for profits and stockholders. That's why the payrolls of so many businesses—meat packers, poultry processors, landscape firms, construction companies, office-cleaning firms and corner convenience stores, among others—are jammed with illegals. And companies are rarely, if ever, punished for it.

A single statistic attests to this. In 2002 the former Immigration and Naturalization Service (INS) issued orders levying fines on only 13 employers for hiring illegal aliens, a minuscule portion of the thousands of offenders. Nonenforcement of employer sanctions, which is in keeping with the Federal Government's nonenforcement of immigration laws across the board, has been the equivalent of hanging out a help wanted sign for illegals. Says Steven Camarota, research

director for the Center for Immigration Studies, a nonpartisan think tank on immigration issues: ''They're telling people, 'If you can run that border, we have a job for you. You can get a driver's license.

You can get a job. You'll be able to send money home.' And in that context, you'd be stupid not to try. We say, 'If you run the gauntlet, you're in.' That's the incentive they've created.''

For nearly 20 years, it has been a crime to hire illegal aliens. Amid an earlier surge in illegal immigration, Congress passed the Immigration Reform and Control Act of 1986, which provided that employers could be fined up to $10,000 for every illegal alien they hired, and repeat offenders could be sent to jail. The act was a response to the widespread belief that employer sanctions were the only way to stem the tide. ''We need employer sanctions to reduce the attraction of jobs in the U.S.,'' an INS spokesman declared as Congress debated the bill. When President Ronald Reagan signed it, he called the sanctions the ''keystone'' of the law. ''It will remove the incentive for illegal immigration by eliminating the job opportunities which draw illegal aliens here,'' he said. Making it a crime for a company to hire an illegal was seen as such a dramatic step at the time that many worried over the consequences. Phil Gramm, then a Republican Senator from Texas, said the legislation ''holds out great peril, peril that employers dealing in good faith could be subject to criminal penalties and in fact go to jail for making a mistake in hiring an illegal alien.''

But companies had little to fear. Neither Reagan nor subsequent Presidents or Congresses were eager to enforce the law. The fate of just one provision in the 1986 act is revealing. As part of the enforcement effort, the law called for a pilot program to establish a telephone verification system that employers could use when hiring workers. It would allow employers to tap into a national data bank to determine the legal status of a job applicant. Only those who had legitimate documentation would be approved. With such a system, employers could no longer use the excuse that they had no way to verify a potential worker's legal status.

To this day—18 years after passage of the immigration-reform bill—a nationwide telephone-verification system has yet to be implemented. A small-scale verification project was established in 1992, but it covered only nine employers in five states. In 1996, Congress enacted yet another immigration-reform bill, and it too provided for a telephone verification program. Called Basic Pilot, it promised to provide employers with an easy way to verify a prospective employee's status. An employer who signed up for the system could call an 800 number and provide the name, Social Security number or the alien ID number of a new hire. The employer would receive either a confirmation that the number and name were valid or an indication that called for further checking.

The system is fatally flawed. Basic Pilot is voluntary. Employers aren't required to sign up. Imagine what compliance with tax laws would be if filing a 1040 were optional.

For all the rhetoric about the perils of illegal immigration, Congress shows no interest in cracking down on employers. When the INS attempted in the past to enforce the law, lawmakers slapped down the agency. In 1998 the INS launched Operation Vanguard, a bold attempt to catch illegals in Nebraska's meat-packing industry. Rather than raid individual plants to round up undocumented workers, as it had done for years, the INS aimed Operation Vanguard at the heart of illicit hiring practices. The agency subpoenaed the employment records of packing houses, then sought to match employee numbers with other data like Social Security numbers.

The INS subpoenaed some 24,000 hiring records and identified 4,700 people with discrepancies at 40 processing plants. It then called for further documentation to verify the workers' status. Nebraska was seen as just the first step. Plans were in the works to launch similar probes in other states where large numbers of illegals were known to be employed in the meat-packing industry. But the INS never got the chance. A huge outcry in Nebraska from meat-packers, Hispanic groups, farmers, community organizations, local politicians and the state's congressional delegation forced the INS to back off.

Not surprisingly, the INS's employer-sanctions program has all but disappeared. Investigations targeting employers of illegal aliens dropped more than 70%, from 7,053 in 1992 to 2,061 in 2002. Arrests on job sites declined from 8,027 in 1992 to 451 in 2002. Perhaps the most dramatic decline: the final orders levying fines for immigration-law violations plunged 99%, from 1,063 in 1992 to 13 in 2002.

As might be expected, employers got the message, albeit one quite different from that spelled out in the 1986 and '96 legislation. Now many corporate managers feel emboldened to place orders for workers while the prospective employees are still in Mexico, then assist them in obtaining phony documentation and transport them hundreds, sometimes thousands of miles from the interior of Mexico to a production line in an American factory.

This notion was supported by evidence introduced during an alien smuggling trial in 2003 involving Tyson Foods Inc., which describes itself as ''the world's largest processor and marketer of chicken, beef and pork.'' In this secretly recorded conversation, a federal undercover agent posed as an alien smuggler who was taking an order from the manager of a chicken-processing plant in Monroe, N.C.:

FEDERAL AGENT: [After explaining that he was a friend of a mutual friend] He said you wanted to talk to me?

CHICKEN-PLANT MANAGER: Yeah, about help . . . Now I'm going to need quite a few . . . Starting on the 29th, a Monday, we are going to start. How many can I get, and how often can you do it?

FEDERAL AGENT: Well, it's not a problem. I think [the mutual friend] told me that you wanted 10?

CHICKEN-PLANT MANAGER: Well, 10 at a time. But over the period of the next three or four months—January, February, March, April, probably May, stuff like that—I'm going to replace somewhere between 300 and 400 people, maybe 500. I'm going to need a lot.

FEDERAL AGENT: . . . I can give you what you need.

CHICKEN-PLANT MANAGER: Now let me ask you this. Do these people have a photo ID and a Social Security card?

FEDERAL AGENT: No . . . these people come from Mexico. I pick them up at Del Rio. That's in Texas, after they cross the river, and then we take them over there, and they get their cards. [The mutual friend] gets them their cards, I guess.

CHICKEN-PLANT MANAGER: I need to talk to him about that.

FEDERAL AGENT: About the cards?

CHICKEN-PLANT MANAGER: Yes, some of them that's got the INS card, and if they put it in a computer . . . if it's not any good . . . Something happens, and we have to lay them off. But if they just have got a regular photo ID from anywhere and a Social Security card, then we don't have to do that.

Securing phony paperwork was part of the scheme, and corporate plant managers often knew in detail how the illegals got their papers. This was apparent in the following exchange between the undercover federal agent arranging for illegals and the manager of a Tyson facility in Glen Allen, Va. The manager is talking about a go-between named Amador who had delivered workers in the past.

TYSON MANAGER: When I went to Tyson and I met Amador, we had very few Spanish-speaking people. With Amador's help, in a couple of years, we went from very few to 80%.

FEDERAL AGENT: My job . . . is to get the people in Mexico to come to the border. When they cross the river, I pick them up, and then I take them to Amador. And he says he can get them, you know, their cards—their IDs and their Social Security cards, and they can go to work that way.

TYSON MANAGER: Excellent. That's what we're needing.

Two Tyson managers later pleaded guilty to conspiring to hire illegal aliens. Three other managers were acquitted of the charges, as was the Tyson Corp. itself. The company insisted that it did not know that illegals were being hired at some of its plants. A company spokesman said the charges were ''absolutely false. In reality, the specific charges are limited to a few managers who were acting outside of company policy at five of our 57 poultry-processing plants.''

One of the arguments that is regularly advanced to justify hiring illegal workers is that they are merely doing jobs American workers won't take. President Bush echoed the theme earlier this year when he proposed the immigration-law changes that would allow millions of illegals to live and work in the U.S.: ''I put forth what I think is a very reasonable proposal, and a humane proposal, one that is not amnesty, but, in fact, recognizes that there are good, honorable, hard-working people here doing jobs Americans won't do.''

While there is no doubt that many illegal aliens work long hours at dirty, dangerous jobs, evidence suggests that it is low wage rates, not the type of job, that American workers reject. That also surfaced in the Tyson case. The two Tyson managers who pleaded guilty contended that they had been forced to hire illegals because Tyson refused to pay wages that would let them attract American workers.

One of those two managers was Truley Ponder, who worked at Tyson's processing plant in Shelbyville, Tenn. In documents filed as part of Ponder's guilty plea, the U.S. Attorney's office noted, ''Ponder would have preferred for the plant to hire 'local people,' but this was not feasible in light of the low wages that Tyson paid, the low unemployment rate in the area from which the plant drew its work force, and the general undesirability of poultry processing work when there were numerous other employment opportunities for unskilled and low skilled employees.

''Ponder made numerous requests for pay increases in Shelbyville above and beyond what the company routinely allowed, but Tyson's corporate management in Springdale rejected his requests for wage increases for production workers. This refusal to pay wages sufficient to enable Tyson to compete for legal laborers, plus the limited work force in the local area, dictated Ponder's need to bring workers in to meet Tyson's production demands.'' Needless to say, hiring illegals had benefits for Tyson. A government consultant estimated that the company saved millions of dollars in wages, benefits and other costs.

When asked whether the company has any illegals on its payroll today, a Tyson spokesman said, ''We have a zero tolerance for the

hiring of individuals who are not authorized to work in the U.S. Unfortunately, the reality for businesses across the country is that it is becoming increasingly difficult to determine just who has proper authorization. The tangle of laws and the increasing sophistication of those providing false documentation puts employers in a very tough position . . . Given the scope of undocumented immigration to the U.S., we and countless other American businesses face a very difficult task in trying to figure out who is eligible to work.''

The impact of the below-market wage earners tends to fall hardest on unskilled workers at the bottom of the wage pyramid. ''Any sizable increase in the number of immigrants will inevitably lower wages for some American workers,'' says George Borjas, a professor at the Kennedy School of Government at Harvard. Borjas calculates that all immigration, by increasing the labor supply from 1980 to 2000, ''reduced the average annual earnings of native-born men by an estimated $1,700, or roughly 4%.'' Borjas says African Americans and native-born Hispanics pay the steepest price because they are more often in direct competition with immigrants for jobs.

WHY ALIEN CRIMINALS ARE AT LARGE IN THE U.S.

Perhaps the most alarming aspect of having 15 million illegals at large in society is Congress's failure to insist that federal agencies separate those who pose a threat from those who don't. The open borders, for example, allow illegals to come into the country, commit crimes and return home with little fear of arrest or punishment.

From Oct. 1, 2003, until July 20, 2004, the border patrol's Tucson sector stopped 9,051 persons crossing into the country illegally who had criminal records in the U.S., meaning they committed crimes here, returned to Mexico, then were trying to re-enter the country. Among them: 378 with active warrants for their arrest. In one week, said border patrol spokeswoman Andrea Zortman, there were two with outstanding ''warrants for homicide.''

And those were just the illegals the border patrol determined had arrest records. Most go undetected. Reason: the border patrol's electronic fingerprint-identification system, which allows officers to determine how many times an alien has been caught sneaking into the U.S., has only a limited amount of criminal-background data. The FBI maintains a separate electronic fingerprint-identification system that covers everyone ever charged with a crime. In true bureaucratic fashion, the two computer systems do not talk to each other. In the 1990s, the two agencies were directed to integrate their systems.

They are still working at it. The most optimistic completion date is 2008. Until then, illegals picked up at the border may have any number of criminal charges pending, but the arresting officers will never know and will allow the intruders to return home.

In any event, the numbers suggest that tens of thousands of criminals, quite possibly hundreds of thousands, treat the southern border as a revolving door to crimes of opportunity. The situation is so out of control that of the 400,000 illegal aliens who have been ordered to be deported, 80,000 have criminal records—and the agency in charge, the Homeland Security Department, does not have a clue as to the whereabouts of any of them, criminal or noncriminal, including those from countries that support terrorism.

What's more, those figures are growing. Every day, prisons across the U.S. release alien convicts who have completed their court-ordered sentences. In many cases, the INS has filed detainers, meaning the prisons are obliged to hold the individuals until they can be picked up by immigration agents and returned to their native countries. But state law enforcement authorities are not permitted to keep prisoners beyond their original sentence. When Homeland Security agents fail to show up promptly, which is often, the alien convicts are released back into the community. In addition to all these, at least 4 million people who arrived in the U.S. legally on work, tourist or education visas have decided to ignore immigration laws and stay permanently.

Again, Homeland Security does not have the slightest idea where these visa scofflaws are.

The government's record in dealing with the 400,000 people it has ordered to be deported is dismal. A sampling of cases last year by the Justice Department's Office of Inspector General (oig) found that of illegal aliens from countries supporting terrorism who had been ordered to be deported, only 6% of those not already in custody were actually removed. Of 114 Iranians with final orders for removal, just 11 could be found and were deported. Of 67 Sudanese with final-removal orders, only one was deported. And of 46 Iraqis with final-removal orders, only four were sent packing. All the rest, presumably, were living with impunity somewhere in the U.S. Those statistics tell only part of the story. Most people charged with an immigration-law violation do not even bother to show up for a court hearing. Imagine for a moment a majority of people charged with a crime in state or federal courts flouting the indictment or charge and refusing to appear in court. They would be swiftly arrested.

But immigration law marches to a different drummer. Most illegals, including those with arrest records, are not jailed while awaiting a hearing. That's because Congress has failed to appropriate enough money to build sufficient holding facilities. Rather, the immigrants are released on their promise to return. They don't. And the odds are they won't be found. The oig investigation revealed that of 204 aliens ordered to be removed in absentia, only 14 were eventually located and shipped out.

The situation is even worse when it comes to those aliens whose requests for asylum are rejected and who are ordered to be deported.

The oig study found that only 3% of those seeking asylum who were ordered removed were ultimately located and deported. That pattern, like failed immigration-law enforcement across the board, bodes well for potential terrorists. In the 1990s, half a dozen aliens applied for asylum before committing terrorist acts. Among them: Ahmad Ajaj and Ramzi Yousef, who entered the country in 1991 and 1992, respectively, seeking asylum. According to the oig, Ajaj left the U.S. and returned in 1992 with a phony passport. He was convicted of passport fraud. Yousef completed the required paperwork and was given a date for his asylum hearing. In the meantime, in 1993, the two men helped commit the first World Trade Center attack, for which they were convicted and imprisoned. At the time, Yousef's application for asylum was still pending.

So what does the failed immigration system mean for ordinary people?

Just ask Sister Helen Lynn Chaska. Actually, you can't. You will have to ask her family and friends.

It's the waning days of summer in 2002 in Klamath Falls, Ore., a city of about 19,000 on the eastern edge of the Cascade Mountains. Two nuns who belonged to the Order of the Immaculate Heart of Mary in Bellevue, Wash., had made one of their periodic trips to Klamath Falls to carry out missionary work. As they had in the past, Sister Helena Maria (her church name), 53, and Sister Mary Louise, 52, checked into a Best Western motel. On Saturday, Aug. 31, they spent the evening proselytizing and selling religious items outside an Albertsons supermarket.

After returning to the motel, the two set out on their ritual prayer walk shortly after midnight. They were dressed in the blue habits they always wore as they walked on a darkened bike path behind the motel, reciting their rosaries. As they reached the midway point in their prayers and turned back toward the motel, they heard a bicycle coming up behind them. A Hispanic male in his 30s or 40s got off, grabbed both women and began kissing them. The more they resisted, the angrier he became. He finally punched Sister Mary Louise in the right eye so hard that she fell and hit her head on a rock, leaving her dazed. While holding Sister Helena Maria so tightly by the rosary knotted around her neck that she gasped for breath, he raped her first and then raped and sodomized Sister Mary Louise and raped Sister Helena Maria a second time. The man pulled the veil over Sister Mary Louise, told her not to move or he would kill her, climbed back on his MTB Super Crown bike and pedaled off. Sister Helena Maria was dead. The rosary had been wound so tightly, its marks were embedded in her neck.

Later that day, police tracked a suspect to another motel, where they began questioning him. He gave his name as Jesus Franco Flores, which turned out to be one of many names he used. In the end, he confessed to beating and raping both nuns. He was not supposed to be in the U.S.; he had been deported at least three times. By his account, his unlawful entries into the U.S. began in 1986 at the age of 17. Under the name Victor Manuel Batres-Martinez, which may have been his legal name, he found his way to Oregon, where he was arrested for unauthorized use of a motor vehicle. His sentence to a juvenile facility was suspended, with the understanding that the INS would deport him. The agency did so and in May 1987 granted him a voluntary return to Mexico, with a notation on government records that ''subject has many good productive years ahead of him.''

Assuming he went as the INS promised, he didn't stay long. In September that year, he was arrested and convicted of theft and shoplifting in Wenatchee, Wash., under the name Manuel Martinez. Two months later, he was convicted of felony sales of marijuana and hashish in Los Angeles and sent to jail for 60 days. In March 1988 he was arrested in Los Angeles, once for robbery, once for possession of a controlled substance. Another possession arrest followed in April.

In August he was arrested in Los Angeles for robbery. In December he was sent to prison in California for second-degree robbery and kidnapping. While there, he was treated for what was deemed to be ''a significant psychiatric disorder.''

In January 1992, after his release, the INS sent him back to Mexico by way of Nogales, Ariz. Six months later, he was back again, spotted by border-patrol officers as he attempted to come back into the U.S. near El Paso, Texas. When agents tried to stop him, he ran into rush-hour traffic on Interstate 10, ''narrowly avoiding collision with several cars,'' according to immigration records. He subsequently was arrested, that time under the name Mateo Jimenez, and ordered to be returned to Mexico. It didn't stick. In November he was arrested by Portland, Ore., police for possession and delivery of a controlled substance. He never showed up for court appearances.

On two occasions in January 2002, border-patrol agents again apprehended him as he tried to re-enter the U.S. Both times they returned him to Mexico. If the border patrol's

electronic fingerprint identification system had been in synch with the FBI's, the agents would have discovered Batres-Martinez's extensive criminal record. Given his prior deportations, Batres-Martinez could have been charged with re-entry after deportation, a felony that carries a substantial prison sentence. In any event, Batres-Martinez told police in Klamath Falls that he entered the U.S. on Aug. 11, 2002, that time coming through New Mexico. He said he hopped a freight train for San Bernardino, Calif., and looked for work, without success, from Los Angeles to Stockton. When he heard that he might have better luck in Portland, he hopped another train but got mixed up in a freight yard and ended up in Klamath Falls.

To avoid the death penalty, Batres-Martinez pleaded guilty to the murder of Sister Helena Maria, attempted aggravated murder of Sister Mary Louise and rape of both nuns. He was sentenced to life in prison without the possibility of parole.

As for U.S. immigration authorities, they were characteristically ineffectual. On Sept. 5, four days after the murder, the INS faxed an immigration detainer to the Klamath County jail, concerning Maximiliano Silerio Esparza, also known as Victor Batres-Martinez: ''You are advised that the action below has been taken by the Immigration and Naturalization Service concerning the above-named inmate of your institution: Investigation has been initiated to determine whether this person is subject to removal from the United States.''

Both political parties and their candidates pay lip service to controlling the borders. But neither President Bush nor Senator Kerry supports a system that would end the incentives for border crossers by cracking down on the employers of illegals. T.J. Bonner, president of the National Border Patrol Council, a labor organization that represents 10,000 border-patrol employees, believes the solution is obvious. The U.S. government, he says, should ''issue a single document that's counterfeit proof, that has an embedded photograph, that says this person has a right to work in the U.S. And that document is the Social Security card. It's not a national ID card.

It's a card that you have to carry when you apply for a job and only then. The employers run it through a scanner, and they get an answer in short order that says, Yes, you may hire, or No, you may not. That would cut off 98% of all the traffic across the border. With your work force of 10,000 border-patrol agents, you actually could control the borders.''

But Bonner doesn't see that happening anytime soon because of pressure from corporate America. And all the available legislative evidence of the past quarter-century supports that view. ''All the politicians—it doesn't matter which side of the aisle you're on—rely heavily on the donations from Big Business,'' he says, ''and Big Business likes this system [of cheap illegal labor].

Unfortunately, in the post–9/11 world, this system puts us in jeopardy.''

In the 9/11 commission's final report, now on the best-seller lists, the panel of investigators took note of the immigration breakdown in general, saying that ''two systemic weaknesses came together in our border system's inability to contribute to an effective defense against the 9/11 attacks: a lack of well-developed counterterrorism measures as a part of border security and an immigration system not able to deliver on its basic commitments, much less support counterterrorism. These weaknesses have been reduced but are far from being overcome.''

Folks on the border who must deal daily with the throngs of illegals are not optimistic that the Federal Government will change its ways.

As Cochise County Sheriff Dever dryly observes, ''People in Washington get up in the morning, their laundry is done, their floors are cleaned, their meals are cooked. Guess who's doing that?''

THE BUSH MEDICARE BILL'S DIRTY LAUNDRY

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

Mr. BROWN of Ohio. Mr. Speaker, America's newspapers are widely read, except on Saturdays. So it is not much of a surprise that the Bush administration waited until late on a Friday afternoon leading into Labor Day weekend to announce that they were raising Medicare premiums by a record 17.4 percent. That is the sort of news, however, you just cannot suppress, so the news that Saturday was all about the Bush administration's plans to impose the biggest premium increase in Medicare's 38-year history. But the White House public relations office is nothing, if not tenacious. So faced with the bad news and faced with the blame for that increase that would naturally affix to the Bush administration, they did what they always do, they tried to shift the blame. Even though the Republicans have controlled the House and the Senate and the White House for the last 3½ years, it is actually the Democrats, they said, who are responsible for the premium increase. But no one bought it then and no one buys it now. The facts are the facts and no amount of spin, no amount of revisionist history, can change the facts.

Before the Bush Medicare bill became law, the nonpartisan Medicare trustees estimated the monthly Medicare premium increase for 2005 would be $2. After the Bush Medicare bill became law, the premium increase instead jumped $11.60. That is the 17.4 percent record increase. The facts are that the premium increase after the Bush Medicare law, which was written by the drug and insurance companies, is five times larger than the premium increase estimated before Congress passed the Medicare law.

So where is all that money going? Where are the billions of dollars out of seniors' pockets, that huge increase, where are those dollars going? The Bush administration is quick to remind us that some of it goes to new preventive health care benefits. That is true. But what they are less eager to say is that a whole lot of it is going directly from seniors' pockets into the pockets of the biggest HMO insurance companies in the country.

The Bush Medicare law creates a $23.5 billion slush fund that HMOs can use to lure seniors out of Medicare and out of Medicare's reliable, equitable core program into the HMO private insurance. This windfall is in addition, this insurance company payoff, to the payments HMOs receive in exchange for covering enrollees. It is a bonus largely paid for because of major political contributions the insurance and the drug industries have made to the Bush administration. Seniors who already spend more than 20 percent of their incomes on out-of-pocket health care costs are receiving a giant increase in their Medicare premiums, and HMOs are receiving a giant boost to their bottom line. HMO profits already, before the Bush administration did this, jumped 50 percent last year. They hardly need more money from America's overstretched seniors.

Social Security benefits for seniors will increase by 2 percent next year. So the Social Security increase and the checks that seniors get will go up 2 percent. The Medicare premiums will go up 17 percent. I will say it again. The Bush administration is draining billions from the Medicare trust fund into the pockets of the big insurance companies. At the same time, the Bush administration is emptying the pockets of America's seniors, again to the tune of billions of dollars.

It is no secret that President Bush and his privatization of Medicare plans wants to take the responsibility for retiree health care away from Medicare and give it to HMOs. But to actually make seniors pay more so the President can pave over their Medicare program, every senior should be enraged, every American taxpayer should be outraged and none of us should put up with it.

The bottom line is the Medicare legislation which the President pushed through this Congress and signed was written by the drug industry and the insurance industry. Medicare premiums went up 17 percent announced by the administration earlier this month and the drug companies and the insurance companies have given President Bush and the Republican leadership tens of millions of dollars in political contributions this year. In the end, it is really as simple as that.

STENHOLM DEBT LIMIT AMENDMENT TO TREASURY TRANSPORTATION APPROPRIATIONS BILL

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

Mr. STENHOLM. Mr. Speaker, 3½ years ago, there was a lot of talk around here about budget surpluses. Some folks actually claimed there was a danger that the government would pay off our debt held by the public too quickly. Today, projections of large budget surpluses have been replaced with projections of deficits as far as the eye can see, and the administration is asking Congress to approve another increase in the debt limit, the credit card limit, if you please, for the United States of America.

Last year, the Republican leadership slipped through a $984 billion increase

in the debt limit, the largest increase in history, without an up-or-down vote in the House of Representatives. This came less than 8 months after we raised the Federal debt ceiling by $450 billion. To put that in proper perspective, it took our country 204 years to borrow the first $984 billion. The Treasury Department estimates that the national debt will exceed the statutory debt limit, which is currently $7.384 trillion, sometime in late September or October, just before the election.

But instead of taking responsibility to pass an increase in the debt limit to pay for our policies, the leadership is counting on the Treasury Department to rely on so-called extraordinary actions, such as dipping into retirement trust funds to avoid reaching the statutory debt limit until mid November and avoid a vote on legislation increasing the debt limit until a lame duck session after the election. These extraordinary actions should be a last resort to avoid a default during a crisis, not a routine action used for political convenience. It would be irresponsible to take funds from retirement trust funds simply to avoid a discussion of the fiscal problems highlighted by the need to increase the debt limit.

When the House resumes consideration of the Treasury Transportation appropriations bill today, I will offer an amendment which would prohibit the Secretary of Treasury from dipping into retirement trust funds in order to circumvent the statutory debt limit. The effect of my amendment would be to force Congress to take responsibility for the increase in the national debt by approving an increase in the debt limit before adjourning in October instead of deferring action until a lame duck session. Congress should have a full and open debate on increasing our national debt limit above $8 trillion instead of relying on financial maneuvers to avoid a vote.

There would be no risk of default if Congress met its responsibility to approve an increase in the debt limit before we adjourn for the election. If my Republican colleagues honestly believe that tax cuts with borrowed money is good economic policy, they should be willing to stand up and vote to increase the national debt to pay for their tax cuts instead of relying on financial maneuvers. Just like credit card spending limits serve as tools to force families to examine their household budgets, the debt limit reminds Congress and the President to evaluate our budget policies.

The national debt has increased by $670 billion over the last 12 months and $1.5 trillion over the last 3 years. The Congressional Budget Office projects that the national debt will exceed $10 trillion in just over 4 years under our current budget policies. As of the end of April, $1.813 trillion of our debt was held by foreign investors, more than $1 trillion of which is held by official institutions. Japan now holds $695 billion of our debt, and the Chinese another $217 billion. Despite this, the leadership of this body is talking about bringing up legislation this week that would add another $130 billion to that debt.

We should not pay for tax cuts or spending by borrowing money against our children's future. Congress should be required to sit down and figure out how to make things fit within a budget just like families do every day. The borrow-and-spend policies of the current majority will leave a crushing debt burden for future generations who do not have any say in what we are doing today and do not benefit from the tax cuts and spending programs for current generations.

The one tax that cannot be repealed is the debt tax, the cost of paying interest on our national debt. The debt tax consumed 18 percent of all government revenues to pay interest on the national debt last year and 40 percent of every dime of income taxes is required to pay interest today at current interest rates. Congress should not grant the administration a blank check to continue on the path of deficit spending. Before we vote to increase the debt limit, we should reinstate the budget enforcement rules which make it harder to pass legislation which would put us further into debt, including pay-as-you-go for all legislation.

If the leadership were willing to work with us to add meaningful budget enforcement provisions to legislation increasing the debt limit, the Blue Dog Democrats would gladly supply bipartisan support for an increase in the debt limit. But if the majority wants to continue with their economic policies that have us on a path to running up more than $10 trillion in debt by the end of the decade, they should be willing to step up to the plate and approve the increase in the debt limit necessary to pay for their policies and not hide until after the elections to tell the people what the results are.

RECESS

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

Accordingly (at 12 o'clock and 53 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOOZMAN) at 2 p.m.

PRAYER

Dr. Gary P. Zola, Executive Director, American Jewish Archives, Cincinnati, Ohio, offered the following prayer:

As we begin legislative deliberations in this great shrine of democracy, we call to mind the words of an American original, Sam Levensen, that Spanish-teacher-turned-entertainer whose homespun stories about his immigrant parents delighted our Nation for generations. Upon his death, Levensen's children discovered their father's ethical will containing these prayerful sentiments:

To America, I owe a debt for the opportunity it gave me to be free and to be me. To my parents I owe America. They gave it to me, and I leave it to you. Take good care of it.

To the Bible, I owe the belief that the human does not live by bread alone, nor do we live alone at all. This is also the democratic tradition. Preserve it.

In this year marking the 350th anniversary of Jewish life in this great land, may we all acknowledge our debt to America, to the courageous immigrants who gave us this national inheritance, and to the Source of All for endowing us with the benefit of our patriot's dream, a Nation pledged to uphold the conviction that liberty and justice are for all.

Thankful are we this day for the manifold blessings that are our daily portion and possession in this great and blessed Nation.

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 gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) come forward and lead the House in the Pledge of Allegiance.

Mrs. CHRISTENSEN 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 a concurrent resolution of the following title in which the concurrence of the House is requested:

> S. Con. Res. 138. Concurrent resolution commending John W. Kluge for his dedication and commitment to the United States on the occasion of his 90th birthday.

The message also announced that the Secretary be directed to request the return of (H.R. 4567) ''An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes,'' in compliance with a request of the Senate for the return thereof.

The message also announced that pursuant to Public law 106–170, the

Chair, on behalf of the Democratic Leader, after consultation with the ranking member of the Senate Committee on Finance, announces the appointment of the following individual to serve as a member of the Ticket to Work and Work Incentives Advisory Panel: Andrew J. Imparato, of Maryland.

The message also announced that pursuant to section 128, of Public Law 108–132, the Chair, on behalf of the majority leader, appoints the following individual to the Commission on Review of Overseas Military Facility Structure of the United States—

Admiral Anthony A. Less of Virginia.

WELCOMING DR. GARY PHILLIP ZOLA, EXECUTIVE DIRECTOR, AMERICAN JEWISH ARCHIVES, CINCINNATI, OHIO

(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 rise today to welcome a distinguished constituent of mine, Dr. Gary Phillip Zola, who we just heard from, who was the guest chaplain of the House today. Dr. Zola is the executive director of the Jacob Rader Marcus Center of the Jewish Archives in Cincinnati, which is the world's largest archival resource which documents the history of North American Jewry. Dr. Zola also serves as an associate professor at Hebrew Union College-Jewish Institute of Religion in Cincinnati.

Under Dr. Zola's leadership, the American Jewish Archives has initiated an impressive array of innovative projects that have captured the attention of both the Jewish and general communities in our country. Currently, Dr. Zola is serving as Chair of the Commission for Commemorating the 350th Anniversary of American Jewish History, which has been organized to help our Nation mark the 350th anniversary of Jewish communal life in North America. This commission represents a historical collaboration of the Library of Congress, the National Archives, the American Jewish History Society, and the Jacob Rader Marcus Center of the American Jewish Archives. The exhibit, by the way, is currently open at the Library of Congress right across the street.

Prior to assuming leadership of the Marcus Center, Dr. Zola served for more than 15 years as the National Dean of Admissions, Student Affairs and Alumni Relations for Hebrew Union College, a true treasure in greater Cincinnati.

Dr. Zola and his wife, Stefi, live in Blue Ash, Ohio, with their four children, Mandi, Jory, Jeremy, and Samantha.

I thank him so much for taking the time to come join us this afternoon and to deliver a very thoughtful prayer and thoughtful moment for us here in the House of Representatives.

OPENING OF THE NATIONAL MUSEUM OF THE AMERICAN INDIAN

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

Mr. PALLONE. Mr. Speaker, positioned at the base of Capitol Hill, the National Museum of the American Indian rises up out of the ground with its curved limestone walls to celebrate the lives and achievements of our country's first citizens. This museum is a unique addition to our National Mall, in so much as it displays a living history of a vibrant people who exists among us today.

Native Americans are not an extinct people to be catalogued. Theirs is not a culture that can be relegated to the confines of a glass display. Accordingly, the new National Museum of the American Indian does not exhibit archaeological artifacts to be surveyed by passersby, but rather offer visitors a glimpse into a lively and vibrant culture that lives on through the customs and traditions practiced by generations of native peoples.

Mr. Speaker, I would like to welcome the thousands of Native Americans that have come to Washington today to celebrate the opening of the National Museum of the American Indian, and I ask my colleagues to join in the celebration this week and take time to reflect upon the rich culture of Native Americans.

MEDIA BIAS

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

Mr. SMITH of Texas. Mr. Speaker, between now and the election, I am announcing the weekly award for the most biased media story.

The CBS broadcast on President Bush's National Guard service has collapsed. CBS and Dan Rather issued an apology, but still tried to justify their actions.

However, there is no excuse for why this broadcast made its way into the homes of millions of Americans. There is no excuse for not trying to obtain the original documents. There is no excuse for not checking the credibility of the person making the accusation who has a history of attacking President Bush. There is no excuse for being in a rush to smear President Bush. There is no excuse for contacting the Kerry campaign before airing the broadcast, and there is no excuse for this serious breach of journalistic ethics.

Mr. Speaker, this week's media bias award has no competition. It goes to CBS News.

OPENING OF THE NATIONAL MUSEUM OF THE AMERICAN INDIAN

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

Mr. KILDEE. Mr. Speaker, today is a very special day for our country because we celebrate the opening of the Smithsonian's National Museum of the American Indian.

I urge all Americans to visit the museum because it will take you through a personal journey to the different experiences of native peoples of the Americas by exposing you to their histories, their art, and their cultures.

Included in its vast collection, the museum shares the stories of the 12 tribes in my own State of Michigan whose historical roots lie with the Chippewa, Ottawa, and Potawatomi Nations.

As a child, I learned of the injustices perpetrated against the Indian people of Michigan; and when I was first elected to public office in 1964, I vowed to work for the human dignity of the Native American people.

That is why I, along with so many of my colleagues, fight so hard today to protect the sovereign rights of our country's first Americans.

Mr. Speaker, I can think of no better physical interactive monument that pays tribute to the past, present, and future of the American Indian than the National Museum of the American Indian.

RIGHTFUL PLACE OF HONOR OF THE FIRST AMERICANS IS REALIZED

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

Mr. HAYWORTH. Mr. Speaker, in the nearly 10 years that I have been honored to serve in the House, I have welcomed many constituents from Arizona to our Nation's capital, but one visit stands out in particular. It was in my first term. The gentleman visiting me was a Vietnam veteran. He was a White Mountain Apache, and he came to my office late in the day and he said, Congressman, I have seen all the monuments, I have seen so many statues, but where is the Indian?

It was not a rhetorical question; but now, for that constituent, and Mr. Speaker, for all Americans, the rightful place of honor of the first Americans is realized. As my colleague from Michigan mentioned earlier, today we celebrate on our National Mall the opening of the National Museum of the American Indian.

Mr. Speaker, I was honored when I first came to this House that nearly one out of every four of my constituents was Native American, and I think the challenge we can confront is that, though we may divide between political parties, there are really only two types of people who serve in the Congress of the United States, those who represent what we now call Indian Country and those who represent what was once Indian Country.

CELEBRATING THE OPENING OF THE NATIONAL MUSEUM OF THE AMERICAN INDIAN

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

Mr. BACA. Mr. Speaker, this week marks a monumental event in our national history. We celebrate the opening of the National Museum of the American Indian. We celebrate the Native American culture, tradition, and rich heritage that they have contributed to this great Nation.

This is a great tribute to the first Americans. We must not stop here. We must do more. We must do more to ensure that we honor our government's trust responsibility and protect tribal sovereignty.

I have stood by Native Americans and fought for their sovereignty since I was first elected to the assembly in California.

We must do more to provide tribes with resources to fulfill their basic needs. Tribes receive only about one-third of the money they need for vital programs. This is unacceptable.

We must do more to end the health disparities for Native Americans

We must do more to protect Native American lands.

Government entities must work together to meet the needs of Native Americans, making a brighter future for all of our people.

Native Americans must be treated with the respect they deserve.

That is why I have introduced H. Res. 167 to create a federally recognized holiday for Native Americans and instruct schools to teach about Native Americans, the role they have in our American history.

Let us remember our Native Americans who have made a great contribution to this Nation and this country.

□ 1415

FEDERAL LAW ENFORCEMENT TRAINING CENTER TRAINING FLIGHT DECK OFFICERS IN THE USE OF FIREARMS

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

Mr. PEARCE. Mr. Speaker, this past weekend, I traveled with the Chairman of the Subcommittee on Aviation of the Committee on Transportation and Infrastructure to my district, to Artesia, New Mexico, where the Federal Law Enforcement Training Center is engaged in training Federal flight deck officers for carrying firearms on aircraft.

Mr. Speaker, that is a policy that this House passed and that the President signed and has now implemented, and I can say that our traveling public is much safer because of the professional training that is being received by people who are flying our aircraft. They are screened psychologically, they are screened in many other ways, so that after they come out of that facility, they come out able to defend the safety of the people on their aircraft at all cost, even up to and including the use of firearms.

Mr. Speaker, the terrorists should be aware of that. We have trained thousands and will continue training thousands more in my district. I would like to commend the people at the Federal Law Enforcement Training Center in Artesia, New Mexico.

NATIONAL MUSEUM OF THE AMERICAN INDIAN

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

Mr. STUPAK. Mr. Speaker, today's grand opening of the Smithsonian National Museum of the American Indian is an excellent opportunity for this Congress and the public to develop a deeper understanding of issues that currently affect Native Americans, and also to celebrate their rich history and culture.

I am proud to be here today to commemorate the history of Native Americans nationally, and in my district of Northern Wisconsin, which is home to six Native American tribes: The Bay Mills Chippewa Indian Community, Hannahville Potawatomi Indian Community, Keweenaw Bay Indian Community, Lac Vieux Desert Band of Lake Superior Chippewa Indians, Little Grand Traverse Bay Band of Odawa Indiana, and the Sault Ste. Marie Tribe of Chippewa Indians.

The Smithsonian's National Museum of the American Indian is a great way of preserving their vibrant history and culture to our Nation. This beautiful long-awaited museum, located on the National Mall, will honor the culture of Native Americans who have contributed so much to this Nation and the world.

The museum, which is set against a backdrop of the United States Capitol building, symbolizes a deeper understanding and reconciliation between America's first citizens and those who have come to make these shores their home. This museum represents a spirit of the Native American tribes across this great Nation. I join them in celebrating the museum's grand opening.

Mr. Speaker, let us all work together to educate ourselves as to the issues affecting Native Americans in this Nation.

COMMEMORATING OPENING OF AMERICAN INDIAN MUSEUM IN WASHINGTON, D.C.

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

Mr. GRIJALVA. Mr. Speaker, I rise today on behalf of the native people of my district and of Arizona to commemorate the opening of the American Indian Museum today in Washington, D.C. This is an historic moment when, at long last, the indigenous people of this continent have a place to call their own on our National Mall and in our national consciousness.

The museum is not a place that will display relics of the past but a living monument to the multitudes of cultures, arts, and languages that exist in the Americas. This museum will be a living legacy to those who have come before and a gift to those who will be born in the future.

This morning I had the honor of seeing the procession of Native American people on our National Mall. Thousands of people from every corner of the continent filled the Mall. They came to make a ceremonial and symbolic journey representing the millions of native people who live and thrive on this continent.

So let us honor our first Americans and let us remember this day as a day where we continue to working and looking forward to extending the support and the respect that the first Americans deserve.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. BOOZMAN) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 20, 2004.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 20, 2004 at 2:15 p.m. and said to contain a message from the President whereby he notifies the Congress he has terminated the national emergency with respect to Libya by an Executive Order.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

TERMINATION OF EMERGENCY DECLARED IN EXECUTIVE ORDER 12543 WITH RESPECT TO LIBYA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–216)

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

To the Congress of the United States:

Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b)

(IEEPA), I hereby report that I have issued an Executive Order (the ''order'') that terminates the national emergency declared in Executive Order 12543 of January 7, 1986, and revokes that Executive Order, Executive Order 12544 of January 8, 1986, Executive Order 12801 of April 15, 1992, and Executive Order 12533 of November 15, 1985. I have determined that the situation that gave rise to this national emergency has been significantly altered by Libya's commitments and actions to eliminate its weapons of mass destruction programs and its Missile Technology Control Regime (MTCR)-class missiles, and by other developments.

Executive Order 12543 of January 7, 1986, imposed sanctions on Libya in response to policies and actions of the Government of Libya that constituted an unusual and extraordinary threat to the national security and foreign policy of the United States. Those sanctions were modified in Executive Order 12544 of January 8, 1986, Executive Order 12801 of April 15, 1992, and supplemented Executive Order 12538 of November 15, 1985.

Based on Libya's recent commitments and actions to implement its December 19, 2003, commitment to eliminate its weapons of mass destruction programs and its MTCR-class missiles, and other developments, I have determined that the situation that gave rise to the national emergency declared in Executive Order 12543 has been significantly altered. My order, therefore, terminates that national emergency with respect to Libya and revokes Executive Orders 12543, 12544, and 12801, and lifts the trade, commercial, and travel sanctions imposed against Libya based on that national emergency. The order also revokes Executive Order 12538, which blocked the import of petroleum products refined in Libya into the United States.

While the order formally lifts sanctions under the national emergency with respect to Libya, it will not lift a wide variety of other sanctions imposed on Libya due to its designation as a state sponsor of terrorism under section 620A of the Foreign Assistance Act (restriction on foreign assistance), section 40 of the Arms Export Control Act (restriction on arms exports), and section 6(j) of the Export Administration Act of 1979 (restriction on exports of certain items on the Commodity Control List), as well as other statutory restrictions applicable to Libya.

I have enclosed a copy of the order, which is effective at 12:01 a.m. eastern daylight time on September 21, 2004.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 20, 2004*.

APPOINTMENT AS MEMBER TO HOUSE LIBRARY OF CONGRESS TRUST FUND BOARD

The SPEAKER pro tempore. Pursuant to section 1 of the Library of Congress Trust Fund Board Act (2 U.S.C. 154 note), the order of the House of December 8, 2003, and upon the recommendation of the minority leader, the Chair announces the Speaker's appointment of the following member on the part of the House to the Library of Congress Trust Fund Board for a 5-year term to fill the existing vacancy thereon:

Mr. J. Richard Fredericks, San Francisco, California.

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 after 6:30 p.m. today.

LLAGAS RECLAMATION GROUNDWATER REMEDIATION INITIATIVE

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4459) to authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, and for other purposes.

The Clerk read as follows:

H.R. 4459

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 ''Llagas Reclamation Groundwater Remediation Initiative''.

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) GROUNDWATER REMEDIATION.—The term ''groundwater remediation'' means actions that are necessary to prevent, minimize, or mitigate damage to groundwater.

(2) LOCAL WATER AUTHORITY.—The term ''local water authority'' means the Santa Clara Valley Water District.

(3) REMEDIATION FUND.—The term ''Remediation Fund'' means the California Basins Groundwater Remediation Fund established pursuant to section 3(a).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. CALIFORNIA BASINS REMEDIATION.

(a) CALIFORNIA BASINS REMEDIATION.—

(1) ESTABLISHMENT OF REMEDIATION FUND.—There shall be established within the Treasury of the United States an interest bearing account to be known as the California Basins Groundwater Remediation Fund.

(2) ADMINISTRATION OF REMEDIATION FUND.—The Remediation Fund shall be administered by the Secretary of the Interior, acting through the Bureau of Reclamation. The Secretary shall administer the Remediation Fund in cooperation with the local water authority.

(3) PURPOSES OF REMEDIATION FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), the amounts in the Remediation Fund, including interest accrued, shall be used by the Secretary to provide grants to the local water authority to reimburse the local water authority for the Federal share of the costs associated with designing and constructing groundwater remediation projects to be administered by the local water authority.

(B) COST-SHARING LIMITATION.—

(i) IN GENERAL.—The Secretary may not obligate any funds appropriated to the Remediation Fund in a fiscal year until the Secretary has deposited into the Remediation Fund an amount provided by non-Federal interests sufficient to ensure that at least 35 percent of any funds obligated by the Secretary for a project are from funds provided to the Secretary for that project by the non-Federal interests.

(ii) NON-FEDERAL RESPONSIBILITY.—Each local water authority shall be responsible for providing the non-Federal amount required by clause (i) for projects under that local water authority. The State of California, local government agencies, and private entities may provide all or any portion of the non-Federal amount.

(iii) CREDITS TOWARD NON-FEDERAL SHARE.—For purposes of clause (ii), the Secretary shall credit the appropriate local water authority with the value of all prior expenditures by non-Federal interests made after January 1, 2000, that are compatible with the purposes of this section, including—

(I) all expenditures made by non-Federal interests to design and construct groundwater remediation projects, including expenditures associated with environmental analyses and public involvement activities that were required to implement the groundwater remediation projects in compliance with applicable Federal and State laws; and

(II) all expenditures made by non-Federal interests to acquire lands, easements, rights-of-way, relocations, disposal areas, and water rights that were required to implement a groundwater remediation project.

(b) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in this section, the Secretary shall comply with any applicable Federal and State laws.

(c) RELATIONSHIP TO OTHER ACTIVITIES.—Nothing in this section shall be construed to affect other Federal or State authorities that are being used or may be used to facilitate remediation and protection of the Llagas groundwater subbasin. In carrying out the activities described in this section, the Secretary shall integrate such activities with ongoing Federal and State projects and activities. None of the funds made available for such activities pursuant to this section shall be counted against any Federal authorization ceiling established for any previously authorized Federal projects or activities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Remediation Fund $25,000,000. Such funds shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

GENERAL LEAVE

Mr. PEARCE. 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. 4459, the bill under consideration.

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

There was no objection.

Mr. PEARCE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. POMBO), the distinguished, wise and principled chairman of the Committee on Resources.

Mr. POMBO. Mr. Speaker, I thank gentleman for yielding me this time.

Mr. Speaker, in California's Eleventh District, the City of Morgan Hill and surrounding communities, face a serious problem due to groundwater contamination with perchlorate. Hundreds of private and city-owned wells have been closed, and many residents are forced to rely on bottled water.

To help remedy this situation, I introduce H.R. 4459, the Llagas Reclamation Groundwater Remediation Initiative. This bill will provide $25 million in Federal funding to assist the Santa Clara Valley Water District's efforts to identify the scope of the contamination and begin a comprehensive, long-term program to once again provide high-quality drinking water to the area's residents. This funding mechanism is based on a practical working model currently underway in the San Gabriel Basin in Southern California.

Everyone agrees on the need for safe drinking water for our communities. This bill reflects this consensus and puts words into action. It is my hope that this bill will act as a successful model for other areas of the country as well.

Mr. Speaker, I urge my colleagues to support this important bill.

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

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

Mrs. CHRISTENSEN. Mr. Speaker, before I speak to H.R. 4459, I just want to also take this opportunity to recognize the opening of the Smithsonian National Museum of the American Indian which will honor, memorialize, and teach the history and culture of the first people of this country and to welcome their representatives here to the Nation's Capitol.

Mr. Speaker, on H.R. 4459, many communities in California, and, in fact, throughout the Nation, are faced with the prospect of shutting down their drinking water supply wells because water has been contaminated with perchlorate or other chemicals. It is critically important we provide assistance to these communities so they can clean up their drinking water supplies.

H.R. 4459 will specifically provide assistance to communities in the Santa Clara Valley area of California. The Committee on Resources has also approved similar legislation, H.R. 4606, for Southern California, introduced by our colleague on the Committee on Resources, the gentleman from California (Mr. BACA). I support both bills and I appreciate the support and leadership demonstrated by the gentleman from California (Mr. POMBO) on this important problem.

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

Mr. HONDA. Mr. Speaker, I commend Chairman POMBO for introducing the Llagas Reclamation Groundwater Remediation Initiative.

On January 16, 2003, residents of San Martin, Morgan Hill, and Gilroy in south Santa Clara County were shocked to learn that perchlorate had been detected in more than 800 area wells. The approximately 90,000 residents of the Llagas Groundwater Subbasin rely solely on groundwater for their drinking water supply, but the perchlorate concentration in more than 200 wells exceeds the California Public Health Goal of 6 micrograms per liter.

From 1956 to 1996, the Olin Corporation owned and, along with Standard Fusee, operated a flare manufacturing facility on Tennant Avenue in Morgan Hill. During that time, waste water containing perchlorate was discharged to evaporation ponds on the site, which allowed perchlorate to enter the subsurface and contaminate groundwater. The perchlorate was first detected in a public water supply well across the street from the Olin facility in Spring 2002. Subsequent groundwater testing by Olin and the Santa Clara Valley Water District revealed a 10.5 mile long perchlorate plume contaminating the groundwater in the area.

As a result, bottled water is being provided to approximately 800 households, and thousands of other residents are receiving treated groundwater from the city of Morgan Hill, the West San Martin Water Works, or San Martin County Water District. The level of community interest in the situation and participation in efforts to solve it, has been unprecedented. The Santa Clara Valley Water District has held two public meetings to respond to community concerns, and approximately 800 people attended the first meeting, with 450 attending the second meeting. Water District staff continues to receive dozens of inquiries from the public every week.

The Water District has spent more than $2,000,000 addressing the perchlorate issue to date. In addition, the City of Morgan Hill has incurred costs for wellhead treatment and the city of Gilroy has incurred costs for contingency planning. The county of Santa Clara has incurred costs related to analyzing health data and communicating health risks to the community. Residents in the affected area have devoted their own time and resources toward finding solutions. The entire community has been affected land is working together to find solutions, and the Federal Government should help in any way it can.

While much work has been done on this contamination case, significant unknowns remain and many of the necessary remediation efforts, including containment of the 10.5 mile long perchlorate plume, have not yet been started. Residents still wonder when the contamination will reach their wells, whether it is safe to eat produce from their gardens or the store, and whether health problems of people they know are related to the perchlorate contamination. The community has the right to have its groundwater restored to the condition it was in before it was polluted. That cleanup should begin now, before the plume affects any more areas.

H.R. 4459 establishes a program that can address the community's perchlorate needs and interests. The $25 million specified in the bill provides a means of implementing overdue solutions for the community. The funding in the bill provides a means for local agencies to implement timely, necessary solutions to protect the community, for which they can be reimbursed by the responsible party at a later date. It is not meant to excuse responsible parties from their duties to remediate contamination.

In the past, Chairman POMBO, Representative LOFGREN, and I have been fortunate to secure appropriations for perchlorate groundwater remediation and cleanup in this area where our Congressional districts come together, but the implementing regulations have prevented the use of this funding to move many projects of interest to the community forward. The broad parameters of H.R. 4459, which authorizes the Secretary of the Interior to participate in the funding and implementation of a balanced, long-term remediation program for California, will provide for solutions the community is asking for.

Once again, I thank chairman POMBO for his hard work on this bill and for bringing it to the House floor quickly. I look forward to continuing to work with him in the future to solve the perchlorate problem in south Santa Clara County.

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

Mrs. CHRISTENSEN. 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 New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 4459.

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.

CASTLE NUGENT FARMS, ST. CROIX, VIRGIN ISLANDS, NATIONAL PARK FEASIBILITY STUDY

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2663) to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms, located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes.

The Clerk read as follows:

H.R. 2663

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

SECTION 1. NATIONAL PARK SERVICE STUDY REGARDING CASTLE NUGENT FARMS.

(a) FINDINGS.—Congress finds the following:

(1) Castle Nugent Farms, located on the southeastern shore of St. Croix, U.S. Virgin Islands, is the largest parcel of privately-held land in the Virgin Islands and has been an operating cattle ranch for 50 years.

(2) This land has the largest and healthiest fringing coral reef anywhere in the Virgin Islands.

(3) It consists of Caribbean dry forest and pasturelands with considerable cultural resources including both pre-Columbian and post-European settlement.

(4) Castle Nugent Farms contains a large historic 17th century Danish estate house that sits on over 4 miles of pristine Caribbean oceanfront property.

(5) In addition to being an area for turtle nesting and night heron nesting, it is the home for the Senepol cattle breed, a unique breed of cattle that was developed on St. Croix in the early 1900's to adapt to the island's climate.

(b) STUDY.—The Secretary of the Interior shall carry out a study regarding the suitability and feasibility of designating Castle Nugent Farms as a unit of the National Park System.

(c) STUDY PROCESS AND COMPLETION.—Section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) shall apply to the conduct and completion of the study required by this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

GENERAL LEAVE

Mr. PEARCE. 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. 2663, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 2663, introduced by my colleague on the Committee on Resources, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), would authorize the Secretary of the Interior to study the suitability and feasibility of designating the Castle Nugent Farms, located on St. Croix, U.S. Virgin Islands, as a unit of the National Park System.

I understand that the owners of the Farm, the largest parcel of privately-held land in the U.S. Virgin Islands, are aware of this legislation and support the National Park Study.

Mr. Speaker, H.R. 2663 is supported by the majority and minority of the Committee on Resources and the administration. I urge adoption of the bill.

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

□ 1430

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

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

Mrs. CHRISTENSEN. Mr. Speaker, I am very pleased the House is considering my bill, H.R. 2663, to provide for a study to determine the feasibility and suitability of designating Castle Nugent Farms on my home island of St. Croix in the U.S. Virgin Islands as a unit of the National Park System.

Castle Nugent Farms is a unique 1,350-acre property located on the southeastern shore of St. Croix. It contains natural and cultural resources which could provide an unparalleled insight into the plantation period of the Virgin Islands.

Castle Nugent Farms is presently operated as a cattle ranch by owners who are very interested in preserving and interpreting the natural and cultural resources of the area. I want to take this opportunity to commend Caroline Gasperi and her family for the stewardship of this land for more than 50 years and for her enthusiasm and dedication to this cause.

The owners are justifiably proud of their ranch which contains more than 4 miles of pristine oceanfront with a large and healthy fringing coral reef. The interior of the property consists of Caribbean dry forest and pasture lands with cultural resources from both pre-Columbian and post-European settlement. A large Danish estate house, dating to the 1730s, sits on the property. That house is listed on the National Register of Historic Places.

At various points in its history, Castle Nugent Farms has been operated as a cotton plantation and a sugarcane plantation. Its current use as a cattle ranch involves raising unique Senepol cattle, a breed which is well-suited to the climate and vegetation of the area.

H.R. 2663 is a noncontroversial bill. The National Park Service has no objections to the legislation, and the property's owners not only support a park study of the site but are enthusiastic about the opportunity to preserve the natural and cultural resources of the farm.

Mr. Speaker, it is my hope that the park study will provide the blueprint by which we can preserve and interpret this unique piece of island history and resources for the benefit of present and future generations.

I want to thank the gentleman from California (Mr. POMBO) for taking the time to personally communicate with my constituent, Mrs. Gasperi, and for his strong support and for shepherding this bill through the committee. And I thank my colleagues on the Committee on Resources for their favorable consideration of H.R. 2663 and express my wholehearted support for the adoption of this bill by the House this afternoon.

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

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 2663.

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.

RIGHT-TO-RIDE LIVESTOCK ON FEDERAL LANDS ACT OF 2004

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2966) to preserve the use and access of pack and saddle stock animals on public lands, including wilderness areas, national monuments, and other specifically designated areas, administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service where there is a historical tradition of such use, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2966

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 ''Right-to-Ride Livestock on Federal Lands Act of 2004''.

SEC. 2. USE AND ACCESS OF PACK AND SADDLE ANIMALS ON PUBLIC LANDS.

(a) NATIONAL PARK SYSTEM LANDS.—Section 12 of Public Law 91–383 (16 U.S.C. 1a–7) is amended by adding at the end the following new subsection:

''(c) USE AND ACCESS OF PACK AND SADDLE ANIMALS.—

''(1) GENERAL RULE.—The Secretary of the Interior shall provide for the management of National Park System lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such use. The Secretary may implement a proposed reduction in the use and access of pack and saddle stock animals on such lands only after complying with the full review process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) RULES OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed—

''(A) to authorize the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

''(B) to limit the authority of the Secretary to impose a temporary emergency closure of a trail, route, or area to pack and saddle stock animals or issue special permits; or

''(C) to create a preference for one recreational use for any unit of the National Park System, without consideration of the stated purpose of the unit.''.

(b) BUREAU OF LAND MANAGEMENT LANDS.—Section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732) is amended by adding at the end the following new subsection:

''(e) USE AND ACCESS OF PACK AND SADDLE ANIMALS.—

''(1) GENERAL RULE.—The Secretary shall provide for the management of public lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated

areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such use. The Secretary may implement a proposed reduction in the use and access of pack and saddle stock animals on such lands only after complying with the full review process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) RULES OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed—

''(A) to authorize the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

''(B) to limit the authority of the Secretary to impose a temporary emergency closure of a trail, route, or area to pack and saddle stock animals or issue special permits; or

''(C) to create a preference for one recreational use for any area of the public lands, without consideration of the stated purpose of the area.''.

(c) NATIONAL WILDLIFE REFUGE SYSTEM LANDS.—Section 4(d) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(d)) is amended by adding at the end the following new paragraph:

''(5)(A) The Secretary shall provide for the management of System lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such use. The Secretary may implement a proposed reduction in the use and access of pack and saddle stock animals on such lands only after complying with the full review process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(B) Nothing in subparagraph (A) shall be construed—

''(i) to authorize the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

''(ii) to limit the authority of the Secretary to impose a temporary emergency closure of a trail, route, or area to pack and saddle stock animals or issue special permits; or

''(iii) to create a preference for one recreational use for any unit of the System, without consideration of the stated purpose of the unit.''.

(d) NATIONAL FOREST SYSTEM LANDS.—Section 15 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1613) is amended—

(1) by inserting ''(a)'' before ''REGULATIONS''; and

(2) by adding at the end the following new subsection:

''(b) USE AND ACCESS OF PACK AND SADDLE ANIMALS.—

''(1) GENERAL RULE.—The Secretary shall provide for the management of National Forest System lands to preserve and facilitate the continued use and access of pack and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas, where there is a historical tradition of such use. As a general rule, all trails, routes, and areas used by pack and saddle stock shall remain open and accessible for such use. The Secretary may implement a proposed reduction in the use and access of pack and saddle stock animals on such lands only after complying with the full review process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) RULES OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed—

''(A) to authorize the Secretary to refuse to issue a permit for a new use of pack and saddle stock animals, including use by a commercial outfitter or guide, without complying with applicable resource management plans and planning processes required under this Act or any other provision of law;

''(B) to limit the authority of the Secretary to impose a temporary emergency closure of a trail, route, or area to pack and saddle stock animals or issue special permits; or

''(C) to create a preference for one recreational use for any unit of the National Forest System, without consideration of the stated purpose of the unit.''.

(e) ISSUANCE OF RULES.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall issue final rules to define the meaning of a historical tradition of use of pack and saddle stock animals on Federal lands for purposes of the amendments made by this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 2966, introduced by the gentleman from California (Mr. RADANOVICH), will preserve the use and access of pack and saddle stock animals on our public lands where there is a historical tradition of such use. Mr. Speaker, the claim may be made by some that the bill singles out pack and saddle use and affords it greater consideration than other forms of recreation or commercial use.

I would argue that pack and saddle use has played a far greater historic role on our public lands, particularly in our Western States, than simply recreation. What may be perceived by some today as recreation was a vital part of everyday living throughout our Nation's history. In addition, this bill in no way diminishes the secretary's ability to implement emergency closures or permanent reductions in the use and access of these pack and stock animals after complying with the full public review process required under the National Environmental Policy Act.

Mr. Speaker, H.R. 2966, as amended, codifies our commitment to access and to preserving one of the most fundamental and truly historic ways to experience our public lands. The bill is supported by the majority and minority of the committee. I urge its adoption.

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

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

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

Mrs. CHRISTENSEN. Mr. Speaker, when H.R. 2966 was considered by the Committee on Resources, the gentleman from West Virginia (Mr. RAHALL), the ranking member, offered a very humorous assessment of the legislation. We all enjoyed his statement's abundant use of horse terms. However, behind his humorous words, the gentleman from West Virginia (Mr. RAHALL) was pointing out there are serious problems with H.R. 2966, and I share the concern raised by the gentleman from West Virginia (Mr. RAHALL), the Bush administration and others that the bill is unnecessary and unwise.

It is not a question of whether there should be pack and saddle animal use on public lands. Many people partake of such use, and there are many places where such use occurs on public lands. No, the real question is whether we should single out and legislatively enshrine a narrow specific recreational use into the missions of the various Federal land management agencies.

No other recreational use, whether historic or not, is enshrined in the Organic Acts of the various land management agencies. H.R. 2966 would bestow on a select group a right not enjoyed by hunters and fishermen, to name just a few. To single out pack and saddle animal use for special consideration upsets the balance that is sometimes necessary between competing uses and resource management.

The underlying problem with the bill is that it directs each land management agency to preserve and facilitate pack and saddle animal use. As the Bush administration testified, conflicts are likely to arise with such a narrow and specific mandate. Further, such a mandate creates a confusing contradiction for land managers when such use is incompatible with the respective land management agency's core mission.

Mr. Speaker, I do not think there is a single person in this room who believes we should ban pack and saddle animal use of public lands. With or without this legislation, it has been and will remain a recreational option on public lands. Our problem is not with that use but with the singling out of that use for special consideration in the law. When and where such use occurs are decisions best made in resource management plans, not in generic statute.

Mr. WAMP. Mr. Speaker, I am a very proud sponsor of H.R. 2966, the Right to Ride Livestock on Federal Lands Act of 2004.

Pack and saddle stock animals were a critical element in many early Americans' livelihood. Today's bill directs the Secretary to provide for the management of public lands to

preserve and facilitate the continued use and access of horse and saddle stock animals on such lands, including wilderness areas, national monuments, and other specifically designated areas where there is a historical tradition of such use.

Not later than 120 days after the date of the enactment of this Act, the Secretary shall issue final rules to define the meaning of a "historical tradition of use" by pack and saddle stock animals on federal lands.

Defining managed recreation of this historical practice within our national forests is critical in recognizing the cultural contributions and precedent of pack and saddle stock in our public lands above simple recreational use.

I believe that horse and saddle stock hold a unique place in our heritage. We must pass this bill to ensure its historical preservation and continued enjoyment as a national pastime.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 2966, 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.

RIVERSIDE-CORONA FEEDER AUTHORIZATION ACT

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3334) to authorize the Secretary of the Interior to participate in the design and construction of the Riverside-Corona Feeder in cooperation with the Western Municipal Water District of Riverside, California, as amended.

The Clerk read as follows:

H.R. 3334

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

SECTION 1. PLANNING, DESIGN, AND CONSTRUCTION OF THE RIVERSIDE-CORONA FEEDER.

(a) IN GENERAL.—The Secretary of the Interior, in cooperation with the Western Municipal Water District, may participate in a project to plan, design, and construct a water supply project, the Riverside-Corona Feeder, which includes 20 groundwater wells and 28 miles of pipeline in San Bernardino and Riverside Counties, California.

(b) AGREEMENTS AND REGULATIONS.—The Secretary may enter into such agreements and promulgate such regulations as are necessary to carry out this section.

(c) FEDERAL COST SHARE.—

(1) PLANNING, DESIGN, CONSTRUCTION.—The Federal share of the cost to plan, design, and construct the project described in subsection (a) shall be the lesser of 35 percent of the total cost of the project or $50,000,000.

(2) STUDIES.—The Federal share of the cost to complete the necessary planning study associated with the project described in subsection (a) shall not exceed 50 percent of the total study cost.

(d) IN-KIND SERVICES.—In-kind services performed by the Western Municipal Water District shall be considered a part of the local cost share to complete the project described in subsection (a).

(e) LIMITATION.—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the project described in subsection (a).

SEC. 2. PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

"SEC. 1637. YUCAIPA VALLEY REGIONAL WATER SUPPLY RENEWAL PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Yucaipa Valley Water District, may participate in the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal within the Santa Ana Watershed described in the report submitted under section 1606.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

"SEC. 1638. CITY OF CORONA WATER UTILITY, CALIFORNIA, WATER RECYCLING AND REUSE PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Corona Water Utility, California, is authorized to participate in the design, planning, and construction of, and land acquisition for, a project to reclaim and reuse wastewater, including degraded groundwaters, within and outside of the service area of the City of Corona Water Utility, California.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.''.

(b) CONFORMING AMENDMENTS.—The table of sections in section 2 of Public Law 102–575 is amended by inserting after the item relating to section 1636 the following:

''1637. Yucaipa Valley Regional Water Supply Renewal Project.

''1638. City of Corona Water Utility, California, water recycling and reuse project.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 3334 sponsored by the gentleman from California (Mr. CALVERT) is another step towards drought-proofing southern California. It also reduces the region's dependence on imported water supplies.

This important legislation authorizes the Secretary of the Interior to help local planners plan and build the Riverside-Corona Feeder project, which would capture and store water in the wet years to increase firm water supplies through a series of groundwater wells and pumps. This bill would also authorize Federal assistance to the city of Corona, California, for its water recycling and reuse project.

The bill also authorizes the Department of the Interior to help build the Yucaipa Valley Water Supply Renewal Project. Located in the district of the distinguished gentleman from California (Mr. LEWIS), this project will include an advanced water filtration system and a brine disposal pipeline to remove salinity, contaminants other organic compounds from the water supply.

All of these projects will help develop much-needed domestic water supplies and reduce over-dependence on imported water while providing limited Federal assistance. I urge my colleagues to support this important measure.

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

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

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

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 3334 would authorize the Secretary of the Interior to design and construct a water supply project, known as the Riverside-Corona Feeder, in Riverside, California.

This legislation also would authorize the Secretary of the Interior to participate in a water reuse project for the city of Corona. Finally, the bill would authorize the secretary to participate in the Yucaipa Valley Regional Water Supply Renewal Project in California.

My colleague on the Republican side has explained the legislation. We have no objection.

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

Mr. PEARCE. 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 New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 3334, 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.

WESTERN RESERVE HERITAGE AREAS STUDY ACT

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3257) to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of establishing the Western Reserve Heritage Area, as amended.

The Clerk read as follows:

H.R. 3257

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 ''Western Reserve Heritage Areas Study Act''.

SEC. 2. NATIONAL PARK SERVICE STUDY REGARDING THE WESTERN RESERVE, OHIO.

(a) FINDINGS.—The Congress finds the following:

(1) The area that encompasses the modern-day counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio with the rich history in what was once the Western Reserve, has made a unique contribution to the cultural, political and industrial development of the United States.

(2) The Western Reserve is distinctive as the land settled by the people of Connecticut after the Revolutionary War. The Western Reserve holds a unique mark as the original wilderness land of the West that many settlers migrated to in order to begin life outside of the original 13 colonies.

(3) The Western Reserve played a significant role in providing land to the people of Connecticut whose property and land was destroyed during the Revolution. These settlers were descendants of the brave immigrants who came to the Americas in the 17th century.

(4) The Western Reserve offered a new destination for those who moved west in search of land and prosperity. The agricultural and industrial base that began in the Western Reserve still lives strong in these prosperous and historical counties.

(5) The heritage of the Western Reserve remains transfixed in the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio. The people of these counties are proud of their heritage as shown through the unwavering attempts to preserve agricultural land and the industrial foundation that has been embedded in this region since the establishment of the Western Reserve. Throughout these counties, historical sites, and markers preserve the unique traditions and customs of its original heritage.

(6) The counties that encompass the Western Reserve continue to maintain a strong connection to its historic past as seen through its preservation of its local heritage, including historic homes, buildings, and centers of public gatherings.

(7) There is a need for assistance for the preservation and promotion of the significance of the Western Reserve as the natural, historic and cultural heritage of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa and Ashland in Ohio.

(8) The Department of the Interior is responsible for protecting the Nation's cultural and historical resources. There are significant examples of such resources within these counties and what was once the Western Reserve to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the State of Ohio and other local governmental entities, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall, in consultation with the State of Ohio, the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland, and other appropriate organizations, carry out a study regarding the suitability and feasibility of establishing the Western Reserve Heritage Area in these counties in Ohio.

(2) CONTENTS.—The study shall include analysis and documentation regarding whether the Study Area—

(A) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(C) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(F) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants, including the Federal Government, and have demonstrated support for the concept of a national heritage area;

(G) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity;

(H) has a conceptual boundary map that is supported by the public; and

(I) has potential or actual impact on private property located within or abutting the Study Area.

(c) BOUNDARIES OF THE STUDY AREA.—The Study Area shall be comprised of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 3257 sponsored by the gentleman from Ohio (Mr. RYAN) and amended by the Committee on Resources would authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of establishing the Western Reserve Heritage Area. The proposed study area under this bill would encompass 14 modern-day counties in Ohio which throughout history have made a unique contribution to the cultural, political and industrial development of the United States.

The Western Reserve is every bit as distinctive as the land settled by the people of Connecticut after the Revolutionary War and holds a unique mark as the original wilderness in the West that many settlers migrated to in order to begin life outside the original 13 colonies.

Mr. Speaker, H.R. 3257, as amended, is supported by the majority and minority of the committee and by the administration. I urge adoption of this bill.

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

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

Mr. Speaker, our system of national heritage areas, created over the last two decades, has been enormously successful. These are grassroots projects that leverage limited Federal support to develop locally funded and managed conservation and preservation programs.

Areas rich in historic and scenic resources but which might not qualify for inclusion in the National Park System receive the funding they need through the National Heritage Area Program. H.R. 3257 will authorize a study to determine whether or not the area in Ohio once known as the Western Reserve would qualify as a National Heritage Area.

Mr. Speaker, the gentleman from Ohio (Mr. RYAN) is to be commended for his tireless efforts on behalf of the communities that would be included in this new area. The gentleman from Ohio (Mr. RYAN) is a freshman member of this body, but he is already demonstrating a willingness to go to bat for communities in need of the kind of Federal support the Heritage Area Program can provide. We look forward to working with him to create the Western Reserve Heritage Area should the study we are authorizing today support such a move.

The gentleman from West Virginia (Mr. RAHALL) and I congratulate the gentleman from Ohio (Mr. RYAN) on this important legislation, and I urge my colleagues to support H.R. 3257.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. RYAN).

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Mr. RYAN of Ohio. Mr. Speaker, I thank the gentlewoman for yielding me this time. And I would also like to take this opportunity to thank the gentleman from California (Chairman POMBO) for the opportunity to do this study.

This is a tremendous opportunity for our community. We have had a ton of

issues in Northern Ohio and in Northeastern Ohio, and I would like to just thank the chairman for giving me an opportunity to help us try to redefine our community. I would also like to thank the gentleman from West Virginia (Mr. RAHALL), ranking member, who has been a tremendous help and support in guidance and his counsel over the past couple of years since I have been in Congress on a variety of issues, but this one in particular. I would also like to thank Jim Zoia on his staff for helping us with the day-to-day operations. I would also like to thank Jennifer Moore on my staff and my chief of staff, Mary Anne Walsh, for their help in making this happen.

The Western Reserve, as has been stated already, was the original West. There were many people from the American Revolution who were forced out of their houses and their homes over into the West, just west of Pennsylvania into Northern Ohio, and it was 14 original counties that are still there today; and there have been significant changes. But since 1792, this area has always represented a place that was indicative, I think, of the American spirit, and the people who were there were very industrious, and they came there with that spirit; and we have had enormous success.

The Western Reserve has been the leader and has showed great progress since 1792. It has been the foundation of the steel industry. It has been the rubber capital of the world. It had the first African American newspaper. It has the oldest labor newspaper. In the last 25 or 30 years or so, this area has had some great challenges. With the decimation, really, of the steel industry in the United States of America, this area took a great fall, and there have been enormous challenges throughout the whole manufacturing sector in these 14 counties, which I think makes this legislation that much more significant because we need to preserve what I believe to be the real history of these communities, a history of progress, a history of economic progress, a history of participation in the social justice aspects of our society.

And I think it is important for us through this heritage corridor to communicate to our children and to our grandchildren that they come from an area that once led the world in the economic and social arenas.

This is the area for the first electric street car, the first Warner Brothers film. The first Packard car was produced in this area; the baseball score card; and one of my favorites, the hot dog, was invented in the old Connecticut Western Reserve; also, the American trucking industry.

And we want our children to know that they come from a place that had three Presidents, President Garfield, President McKinley, President Hayes; three United States Supreme Court justices; Thomas Edison; John Brown the great abolitionist. And the success of our future depends on our understanding of the past. As the gentleman from West Virginia (Mr. RAHALL) said, this heritage corridor in many instances throughout this country provides the economic engine for rebirth of an area, and that is exactly what we need.

We are working on regionalization in Northeast Ohio, and we cannot just have economic regionalization. We need the cultural and historic preservations and have all the groups in our community working together, and this is the rallying point for our community.

So I want to thank, again, the chairman. I want to thank the gentleman from West Virginia (Mr. RAHALL) for helping us improve the quality of life in our community. I would like to thank the gentleman from New Mexico, as well, because I think if these kids and our grandkids know that they come from this stock of Presidents and inventors and entrepreneurs and scientists and many others who have contributed to the economic progress of our country and the social justice of our country that they will be inspired to continue this proud tradition.

Mr. RAHALL. Mr. Speaker, as the Ranking Democratic Member of the Resources Committee, it is a pleasure and privilege to have H.R. 3257, sponsored by our esteemed colleague from Ohio, TIM RYAN, be considered on the floor today.

The dramatic tapestry of our Nation's cultural heritage is one which many of us are seeking to preserve for the benefit of not just current, but future generations, in the form of National Heritage Areas. We do this not just for educational or inspirational purposes, but also, because heritage areas are engines for economic development.

While the measure pending before us today is the logical first step, an authorization of a feasibility study for a proposed Western Reserve Heritage Area, I am confident that once completed, it will find that this particular region of Ohio deserves national recognition for the special cultural and historic resources values it contains. And when that day arrives, it will be a tribute to the untiring dedication and hard work of Representative TIM RYAN.

Indeed, although a freshman Member of this body, TIM RYAN has already garnered a reputation as a fighter for the people of the 17th District of Ohio. The bill we are considering today is reflective of their good judgment in sending a person such as TIM RYAN to Congress to represent them.

I urge my colleagues to support H.R. 3257.

Mr. PEARCE. Mr. Speaker, I thank the gentleman from Ohio for his comments, and I reserve the balance of my time.

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

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 3257, 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.

RAILROAD RIGHT-OF-WAY CONVEYANCE VALIDATION ACT OF 2003

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1658) to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway, and for other purposes.

The Clerk read as follows:

Senate amendment:

Page 2, line 12, strike out ''104'' and insert ''401''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

GENERAL LEAVE

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

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

There was no objection.

Mr. PEARCE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Chairman POMBO).

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

Mr. Speaker, H.R. 1658 would amendment the Railroad Right-of-Way Conveyance Validation Act to legalize, validate, and confirm as far as any interest of the United States is concerned two additional conveyances in San Joaquin County, California. These conveyances involve lands forming part of a right-of-way granted by the U.S. to the Central Pacific Railroad Company under previous law. This bill would declare the conveyances to be between the railroad company and the Bank of America recorded in September, 1945, and between the railroad company, the Southern Pacific Transportation, and the Tri-Valley Packing Association recorded in November of 1957. In short, this bill would lift the cloud over the title to these lands.

This bill passed the House of Representatives by unanimous consent on November 18, 2003. It has been returned to the House for further consideration

due to a technical change made by the other body. I support this change, as do the majority and minority of the Committee on Resources and the administration.

Mr. Speaker, I understand the Senate amendment has a technical error. It references line 17, but it should be line 15. We are very clear that we are correcting a page reference to a deed book in the underlying bill. Rather than send the House bill back to the other body, we will pass it today and make any technical changes later in the session the Senate enrolling Clerk determines necessary.

I urge my colleagues to support this legislation.

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

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

Mrs. CHRISTENSEN. Mr. Speaker, this is a technical matter that will clear title to property owned by several of the gentleman from California's (Chairman POMBO) constituents. The cloud on their title arises out of Federal rights-of-way granted more than a century ago. It is unfortunate that Federal legislation is required to resolve this issue, but there is no other solution.

I join the gentleman from West Virginia (Mr. RAHALL), ranking Democrat, in commending the gentleman from California (Chairman POMBO) for his work on this bill. While this is a simply technical matter, working to address the problems facing our districts one constituent at a time is the essence of our job as Representatives. We urge our colleagues to support the gentleman from California (Chairman POMBO) as he works on behalf of these land owners.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1658.

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

A motion to reconsider was laid on the table.

INTELLECTUAL PROPERTY PROTECTION AND COURTS AMENDMENTS ACT OF 2004

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3632) to prevent and punish counterfeiting of copyrighted copies and phonorecords, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3632

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 ''Intellectual Property Protection and Courts Amendments Act of 2004''.

TITLE I—ANTI-COUNTERFEITING PROVISIONS

SEC. 101. SHORT TITLE.

This title may be cited as the ''Anti-counterfeiting Amendments Act of 2004''.

SEC. 102. PROHIBITION AGAINST TRAFFICKING IN COUNTERFEIT COMPONENTS.

(a) IN GENERAL.—Section 2318 of title 18, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 2318. Trafficking in counterfeit labels, illicit labels, or counterfeit documentation or packaging'';

(2) by striking subsection (a) and inserting the following:

''(a) Whoever, in any of the circumstances described in subsection (c), knowingly traffics in—

''(1) a counterfeit label or illicit label affixed to, enclosing, or accompanying, or designed to be affixed to, enclose, or accompany—

''(A) a phonorecord;

''(B) a copy of a computer program;

''(C) a copy of a motion picture or other audiovisual work;

''(D) a copy of a literary work;

''(E) a copy of a pictorial, graphic, or sculptural work;

''(F) a work of visual art; or

''(G) documentation or packaging; or

''(2) counterfeit documentation or packaging,

shall be fined under this title or imprisoned for not more than 5 years, or both.'';

(3) in subsection (b)—

(A) in paragraph (2), by striking ''and'' after the semicolon;

(B) in paragraph (3)—

(i) by striking ''and 'audiovisual work' have'' and inserting the following: '' 'audiovisual work', 'literary work', 'pictorial, graphic, or sculptural work', 'sound recording', 'work of visual art', and 'copyright owner' have''; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(4) the term 'illicit label' means a genuine certificate, licensing document, registration card, or similar labeling component—

''(A) that is used by the copyright owner to verify that a phonorecord, a copy of a computer program, a copy of a motion picture or other audiovisual work, a copy of a literary work, a copy of a pictorial, graphic, or sculptural work, a work of visual art, or documentation or packaging is not counterfeit or infringing of any copyright; and

''(B) that is, without the authorization of the copyright owner—

''(i) distributed or intended for distribution not in connection with the copy, phonorecord, or work of visual art to which such labeling component was intended to be affixed by the respective copyright owner; or

''(ii) in connection with a genuine certificate or licensing document, knowingly falsified in order to designate a higher number of licensed users or copies than authorized by the copyright owner, unless that certificate or document is used by the copyright owner solely for the purpose of monitoring or tracking the copyright owner's distribution channel and not for the purpose of verifying that a copy or phonorecord is non-infringing;

''(5) the term 'documentation or packaging' means documentation or packaging, in physical form, for a phonorecord, copy of a computer program, copy of a motion picture or other audiovisual work, copy of a literary work, copy of a pictorial, graphic, or sculptural work, or work of visual art; and

''(6) the term 'counterfeit documentation or packaging' means documentation or packaging that appears to be genuine, but is not.'';

(4) in subsection (c)—

(A) by striking paragraph (3) and inserting the following:

''(3) the counterfeit label or illicit label is affixed to, encloses, or accompanies, or is designed to be affixed to, enclose, or accompany—

''(A) a phonorecord of a copyrighted sound recording or copyrighted musical work;

''(B) a copy of a copyrighted computer program;

''(C) a copy of a copyrighted motion picture or other audiovisual work;

''(D) a copy of a literary work;

''(E) a copy of a pictorial, graphic, or sculptural work;

''(F) a work of visual art; or

''(G) copyrighted documentation or packaging; or''; and

(B) in paragraph (4), by striking ''for a computer program''; and

(5) in subsection (d)—

(A) by inserting ''or illicit labels'' after ''counterfeit labels'' each place it appears; and

(B) by inserting before the period at the end the following: '', and of any equipment, device, or material used to manufacture, reproduce, or assemble the counterfeit labels or illicit labels''.

(b) CIVIL REMEDIES.—Section 2318 of title 18, United States Code, is further amended by adding at the end the following:

''(f) CIVIL REMEDIES.—

''(1) IN GENERAL.—Any copyright owner who is injured, or is threatened with injury, by a violation of subsection (a) may bring a civil action in an appropriate United States district court.

''(2) DISCRETION OF COURT.—In any action brought under paragraph (1), the court—

''(A) may grant 1 or more temporary or permanent injunctions on such terms as the court determines to be reasonable to prevent or restrain a violation of subsection (a);

''(B) at any time while the action is pending, may order the impounding, on such terms as the court determines to be reasonable, of any article that is in the custody or control of the alleged violator and that the court has reasonable cause to believe was involved in a violation of subsection (a); and

''(C) may award to the injured party—

''(i) reasonable attorney fees and costs; and

''(ii)(I) actual damages and any additional profits of the violator, as provided in paragraph (3); or

''(II) statutory damages, as provided in paragraph (4).

''(3) ACTUAL DAMAGES AND PROFITS.—

''(A) IN GENERAL.—The injured party is entitled to recover—

''(i) the actual damages suffered by the injured party as a result of a violation of subsection (a), as provided in subparagraph (B) of this paragraph; and

''(ii) any profits of the violator that are attributable to a violation of subsection (a) and are not taken into account in computing the actual damages.

''(B) CALCULATION OF DAMAGES.—The court shall calculate actual damages by multiplying—

''(i) the value of the phonorecords, copies, or works of visual art which are, or are intended to be, affixed with, enclosed in, or accompanied by any counterfeit labels, illicit

labels, or counterfeit documentation or packaging, by

''(ii) the number of phonorecords, copies, or works of visual art which are, or are intended to be, affixed with, enclosed in, or accompanied by any counterfeit labels, illicit labels, or counterfeit documentation or packaging.

''(C) DEFINITION.—For purposes of this paragraph, the 'value' of a phonorecord, copy, or work of visual art is—

''(i) in the case of a copyrighted sound recording or copyrighted musical work, the retail value of an authorized phonorecord of that sound recording or musical work;

''(ii) in the case of a copyrighted computer program, the retail value of an authorized copy of that computer program;

''(iii) in the case of a copyrighted motion picture or other audiovisual work, the retail value of an authorized copy of that motion picture or audiovisual work;

''(iv) in the case of a copyrighted literary work, the retail value of an authorized copy of that literary work;

''(v) in the case of a pictorial, graphic, or sculptural work, the retail value of an authorized copy of that work; and

''(vi) in the case of a work of visual art, the retail value of that work.

''(4) STATUTORY DAMAGES.—The injured party may elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits, an award of statutory damages for each violation of subsection (a) in a sum of not less than $2,500 or more than $25,000, as the court considers appropriate.

''(5) SUBSEQUENT VIOLATION.—The court may increase an award of damages under this subsection by 3 times the amount that would otherwise be awarded, as the court considers appropriate, if the court finds that a person has subsequently violated subsection (a) within 3 years after a final judgment was entered against that person for a violation of that subsection.

''(6) LIMITATION ON ACTIONS.—A civil action may not be commenced under section unless it is commenced within 3 years after the date on which the claimant discovers the violation of subsection (a).''.

(c) CONFORMING AMENDMENT.—The item relating to section 2318 in the table of sections for chapter 113 of title 18, United States Code, is amended to read as follows:

''2318. Trafficking in counterfeit labels, illicit labels, or counterfeit documentation or packaging.''.

SEC. 103. OTHER RIGHTS NOT AFFECTED.

(a) CHAPTERS 5 AND 12 OF TITLE 17; ELECTRONIC TRANSMISSIONS.—The amendments made by this title—

(1) shall not enlarge, diminish, or otherwise affect any liability or limitations on liability under sections 512, 1201 or 1202 of title 17, United States Code; and

(2) shall not be construed to apply—

(A) in any case, to the electronic transmission of a genuine certificate, licensing document, registration card, similar labeling component, or documentation or packaging described in paragraph (4) or (5) of section 2318(b) of title 18, United States Code, as amended by this title; and

(B) in the case of a civil action under section 2318(f) of title 18, United States Code, to the electronic transmission of a counterfeit label or counterfeit documentation or packaging defined in paragraph (1) or (6) of section 2318(b) of title 18, United States Code.

(b) FAIR USE.—The amendments made by this title shall not affect the fair use, under section 107 of title 17, United States Code, of a genuine certificate, licensing document, registration card, similar labeling component, or documentation or packaging described in paragraph (4) or (5) of section 2318(b) of title 18, United States Code, as amended by this title.

TITLE II—FRAUDULENT ONLINE IDENTITY SANCTIONS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Fraudulent Online Identity Sanctions Act''.

SEC. 202. AMENDMENT TO TRADEMARK ACT OF 1946.

Section 35 of the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (commonly referred to as the ''Trademark Act of 1946''; 15 U.S.C. 1117), is amended by adding at the end the following new subsection:

''(e) In the case of a violation referred to in this section, it shall be a rebuttable presumption that the violation is willful for purposes of determining relief if the violator, or a person acting in concert with the violator, knowingly provided or knowingly caused to be provided materially false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering, maintaining, or renewing a domain name used in connection with the violation. Nothing in this subsection limits what may be considered a willful violation under this section.''.

SEC. 203. AMENDMENT TO TITLE 17, UNITED STATES CODE.

Section 504(c) of title 17, United States Code, is amended by adding at the end the following new paragraph:

''(3) (A) In a case of infringement, it shall be a rebuttable presumption that the infringement was committed willfully for purposes of determining relief if the violator, or a person acting in concert with the violator, knowingly provided or knowingly caused to be provided materially false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering, maintaining, or renewing a domain name used in connection with the infringement.

''(B) Nothing in this paragraph limits what may be considered willful infringement under this subsection.

''(C) For purposes of this paragraph, the term 'domain name' has the meaning given that term in section 45 of the Act entitled 'An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes' approved July 5, 1946 (commonly referred to as the 'Trademark Act of 1946'; 15 U.S.C. 1127).''.

SEC. 204. AMENDMENT TO TITLE 18, UNITED STATES CODE.

(a) SENTENCING ENHANCEMENT.—Section 3559 of title 18, United States Code, is amended by adding at the end the following:

''(f)(1) If a defendant who is convicted of a felony offense (other than offense of which an element is the false registration of a domain name) knowingly falsely registered a domain name and knowingly used that domain name in the course of that offense, the maximum imprisonment otherwise provided by law for that offense shall be doubled or increased by 7 years, whichever is less.

''(2) As used in this section—

''(A) the term 'falsely registers' means registers in a manner that prevents the effective identification of or contact with the person who registers; and

''(B) the term 'domain name' has the meaning given that term is section 45 of the Act entitled 'An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes' approved July 5, 1946 (commonly referred to as the 'Trademark Act of 1946') (15 U.S.C. 1127).''.

(b) UNITED STATES SENTENCING COMMISSION.—

(1) DIRECTIVE.—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 the sentencing guidelines and policy statements to ensure that the applicable guideline range for a defendant convicted of any felony offense carried out online that may be facilitated through the use of a domain name registered with materially false contact information is sufficiently stringent to deter commission of such acts.

(2) REQUIREMENTS.—In carrying out this subsection, the Sentencing Commission shall provide sentencing enhancements for anyone convicted of any felony offense furthered through knowingly providing or knowingly causing to be provided materially false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering, maintaining, or renewing a domain name used in connection with the violation.

(3) DEFINITION.—For purposes of this subsection, the term ''domain name'' has the meaning given that term in section 45 of the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (commonly referred to as the ''Trademark Act of 1946''; 15 U.S.C. 1127).

SEC. 205. CONSTRUCTION.

(a) FREE SPEECH AND PRESS.—Nothing in this title shall enlarge or diminish any rights of free speech or of the press for activities related to the registration or use of domain names.

(b) DISCRETION OF COURTS IN DETERMINING RELIEF.—Nothing in this title shall restrict the discretion of a court in determining damages or other relief to be assessed against a person found liable for the infringement of intellectual property rights.

(c) DISCRETION OF COURTS IN DETERMINING TERMS OF IMPRISONMENT.—Nothing in this title shall be construed to limit the discretion of a court to determine the appropriate term of imprisonment for an offense under applicable law.

TITLE III—COURTS

SEC. 301. ADDITIONAL PLACE OF HOLDING COURT IN THE DISTRICT OF COLORADO.

Section 85 of title 28, United States Code, is amended by inserting ''Colorado Springs,'' after ''Boulder,''.

SEC. 302. PLACE OF HOLDING COURT IN THE NORTHERN DISTRICT OF NEW YORK.

Section 112(a) of title 28, United States Code, is amended by inserting ''Plattsburgh,'' after ''Malone,''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) 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. 3632, the bill 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, this legislation addresses a growing problem facing our Nation's creative community. Efforts to ensure that consumers are able to know whether they are buying legitimate software, music, movies, or other forms of intellectual property are being subverted by those who counterfeit authentication labels and steal legitimate ones. These counterfeited and illicit labels are then attached to counterfeit products defrauding consumers into thinking they have purchased a legitimate copy of the product when they have not.

The committee has been made aware of numerous efforts by organized groups to counterfeit authentication labels and to traffic in illicit ones. The activity is highly profitable and less likely to lead to arrest than for dealing in drugs; and until this legislation is signed into law, subject to a loophole in the existing law that allows those who traffic in such labels to face no criminal penalties. The middleman who traffics in illicit and counterfeit labels can walk away from his crime with no penalties. The bill would close this loophole and ensure that everyone who undertakes a scheme to defraud consumers faces criminal penalties.

Because of the short time remaining in this session, H.R. 3632 also incorporates the text of three other noncontroversial bills, H.R. 3754, H.R. 112, and H.R. 4646, in the manager's amendment. H.R. 3754 provides for additional penalties for those who use false domain name contact information to commit crimes. As Internet-based crimes continue to increase in number, updated laws are needed to stop this growth. H.R. 112 and H.R. 4646 provide for a new place of holding Federal district court in Colorado Springs, Colorado, and Plattsburgh, New York, respectively.

H.R. 112 is cosponsored by both Republican and Democratic members of the Colorado delegation. The 10th Circuit Court of Appeals, the Administrative Office of the U.S. Courts have stated they support enactment of the bill. H.R. 4646 is similarly supported by the U.S. Judicial Conference and the U.S. Attorney for the Northern District of New York.

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

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

Mr. Speaker, I rise in support of H.R. 3632, as amended, today by the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary.

As amended, H.R. 3632 is a combination of several bills reported by the Committee on the Judiciary after full consideration. I believe this amalgam of bills is largely noncontroversial and thus ask my colleagues to join me in supporting its passage.

Title I is designed to deter counterfeiting of U.S. copyrighted works. Such counterfeiting is an enormous and growing problem. It costs U.S. software companies alone approximately $11 billion a year and, as a result, costs the U.S. economy thousands of high-tech jobs in the software industry. The impact on other American copyright holders is equally devastating.

Recent events have underscored the scope of the counterfeiting problem as well as the need for title I of this bill. Just last week, a Los Angeles grand jury indicted 11 individuals for conspiring to distribute more than $30 million of counterfeit software. The counterfeiting ring possessed 15,929 genuine stand-alone certificates of authenticity. Those known as COAs are authentication features, like holograms, used to distinguish genuine goods.

Because many COAs are difficult to convincingly reproduce, counterfeiters have become an eager and lucrative market for misappropriated, genuine COAs. And, in fact, the COAs seized last week have an estimated retail value of approximately $1.7 million.

While current law prohibits trafficking in counterfeit software and fake COAs, it provides no sanction against the traffic in genuine COAs. Thus the counterfeiting ring busted last week will escape liability for the almost 20,000 genuine COAs they misappropriated.

□ 1500

Title I remedies this situation. It expands the current prohibitions on trafficking and labels to include genuine labeling components, such as certificates of authenticity.

Title II of the bill before us contains the provisions of H.R. 3754, a largely uncontroversial bill reported out by the Committee on the Judiciary on a voice vote in June of this year. Title II is designed to improve the accuracy and completeness of the Whois database by providing additional civil and criminal remedies for domain name fraud.

The Whois database contains the names, street and e-mail addresses and other contact information of domain name registrants. While all domain name registrants are required to submit information for the Whois database, there are no processes to ensure that this information is either accurate or complete. Inaccurate Whois data hampers law enforcement investigations, facilitates consumer fraud, impairs copyright and trademark protection, imperils computer security, enables identity theft and weakens privacy protection efforts.

Title II seeks to rectify this growing problem through narrow amendments to current law. Title II provides a rebuttable presumption of willfulness with regard to a civil trademark or copyright infringement, if in connection with the infringement the infringer registers a domain name with materially false contact information. Additionally, the bill increases the maximum possible imprisonment for a Federal felony offense when the offender knowingly provided materially false domain name contact information in connection with the offense.

Title III contains the text of H.R. 112 and H.R. 4646, two minor and entirely non-controversial bills previously reported by the Committee on the Judiciary. Section 301 adds Colorado Springs as a place of holding court in the District of Colorado. Section 302 adds Plattsburgh as a place of holding court in the Northern District of New York. Both changes were requested by their respective Congressional delegations and have been supported by the administrative office of the U.S. courts.

Mr. Speaker, in conclusion, I urge my colleagues to support this legislation.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Wisconsin, the chairman of the Committee on the Judiciary, for yielding me time.

Mr. Speaker, product names are a key part of the American economy, not only to boost sales of a product, but also to assure that consumers have some assurances about the identity of the manufacturer of the product they are interested in buying.

Counterfeiting, the effort to deceive consumers into buying lower quality goods instead of the high quality goods they want, is now a real problem for high-tech companies.

For many years, software publishers have attempted to thwart counterfeiting activity by developing physical authentication components, called COAs, that help consumers and law enforcement agencies distinguish between genuine software and sophisticated counterfeits.

Counterfeits are now combining pirated CD–ROMs and packaging with genuine components obtained through theft or fraud. Multiplied by millions of transactions, the result to legitimate businesses is lost jobs, lost profits and lost tax revenue on a scale that compromises the health of otherwise vibrant industries.

Last week, a Federal indictment charged 11 people with conspiring to distribute more than $56 million in counterfeit software and products. However, due to a loophole in existing laws, charges could not be brought concerning over 20,000 illicit COAs that were seized.

Until H.R. 3632 is enacted, Federal law does not prohibit trafficking in genuine physical authentication components. Prosecutors find it impossible to take any legal action in such situations. As a result, this activity has become a highly profitable and largely risk-free elicit business.

The legislation will close this loophole and empower Federal authorities to prosecute counterfeiting activity on a greater scale with better results. Americans will be better protected from those who attempt to deceive them into spending their money on counterfeit products.

The text of H.R. 3754, the Fraudulent Online Identity Sanctions Act, has also been included in the underlying legislation. The Fraudulent Online Identity Sanctions Act assures those that use false identities in conjunction with a domain name face additional penalties for other crimes they commit.

To ensure that online anonymity is protected, the mere act of using an alias online is not penalized. A savings clause assures that first amendment rights are not impacted by the legislation. This legislation, though, will ensure that those who deceive others as they commit crimes online are, in fact, subject to additional criminal penalties for such deceit.

Two Federal Court bills also have been added to the underlying legislation, H.R. 112 and H.R. 4646. These bills create new places of holding U.S. Federal District Court in Colorado Springs, Colorado, and in Plattsburgh, New York. Americans seeking their constitutional right to be heard in Federal Court will find it easier to do so once this legislation is enacted.

H.R. 112 is cosponsored by both Republican and Democratic members of the Colorado delegation.

Mr. Speaker, I urge my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the bill before the House, H.R. 3632, the Anti-Counterfeiting Amendments of 2003. Fortunately, the Subcommittee on Courts, the Internet and Intellectual Property successfully marked this bill up and reported it out favorably on March 31, 2004, as its provisions will address some serious concerns.

The trafficking of security components, for example Certificates of Authenticity (COAs) is a problem that the current law does not adequately address. Logistically, since the security components are useless without the actual product, such action serves no legitimate business purpose. Furthermore, criminal prosecutors have a hard time attaching crimes to the counterfeit sales made by these traffickers.

Nevertheless, the COA is like currency because it gives the real value to the product to which it is attached. The prohibitions found in this legislation will discourage piracy.

To address this problem, H.R. 3632 would amend Section 2318 of Title 18 to prohibit trafficking of these products. With this narrowly-tailored amendment to Section 2318, federal law enforcement and copyright owners will have the tools needed to prevent trafficking in genuine physical security components.

The Anticounterfeiting Amendments will help combat the growing threat of international counterfeiting crimes by ensuring that U.S. laws address all aspects of counterfeiting activities.

In Texas, a crime ring was implicated that was believed to have imported over 100 million counterfeit cigarettes, mislabeling shipping documents by indicating that they were importing toys or plastic parts.

Passage of this important bill with the amendments that will be offered to improve its scope will, in the long run, improve the quality of our intellectual property and technological developments. Moreover, with adequate legal checks put in place to reduce trafficking of security products will foster a more competitive environment. For the above reasons, Mr. Speaker, I support this legislation.

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

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

The SPEAKER pro tempore (Mr. BOOZMAN). 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. 3632, 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.

VIDEO VOYEURISM PREVENTION ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1301) to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes, as amended.

The Clerk read as follows:

S. 1301

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 ''Video Voyeurism Prevention Act of 2004''.

SEC. 2. PROHIBITION OF VIDEO VOYEURISM.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 87 the following new chapter:

''CHAPTER 88—PRIVACY

''Sec.
''1801. Video voyeurism.

''§ 1801. Video voyeurism

''(a) Whoever, in the special maritime and territorial jurisdiction of the United States, has the intent to capture an image of a private area of an individual without their consent, and knowingly does so under circumstances in which the individual has a reasonable expectation of privacy, shall be fined under this title or imprisoned not more than one year, or both.

''(b) In this section—

''(1) the term 'capture', with respect to an image, means to videotape, photograph, film, record by any means, or broadcast;

''(2) the term 'broadcast' means to electronically transmit a visual image with the intent that it be viewed by a person or persons;

''(3) the term 'a private area of the individual' means the naked or undergarment clad genitals, pubic area, buttocks, or female breast of that individual;

''(4) the term 'female breast' means any portion of the female breast below the top of the areola; and

''(5) the term 'under circumstances in which that individual has a reasonable expectation of privacy' means—

''(A) circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of a private area of the individual was being captured; or

''(B) circumstances in which a reasonable person would believe that a private area of the individual would not be visible to the public, regardless of whether that person is in a public or private place.

''(c) This section does not prohibit any lawful law enforcement, correctional, or intelligence activity.''.

(b) AMENDMENT TO PART ANALYSIS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 87 the following new item:

''88. Privacy ..... 1801''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) 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 S. 1301.

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, S. 1301 imposes civil and criminal penalties for intentionally capturing an image of a private area of an individual without the individual's consent and in a circumstance where the individual has a reasonable expectation of privacy.

With the development of smaller cameras and the instantaneous distribution capability of the Internet, the issue of video voyeurism is a huge privacy concern. Unsuspecting adults, as well as high school students and children, have been targeted in school locker rooms, department store dressing rooms, and even in their homes.

One egregious example occurred in Monroe, Louisiana, where a neighbor installed cameras in Susan Wilson's attic. Using those cameras, the neighbor had been watching the Wilsons for months, but because Louisiana had no laws at the time to prosecute the invasion of privacy, the Wilsons have no options for redress.

Many States have since passed laws that target video voyeurism to protect those in private areas, but there are fewer protections for those who may be photographed in compromising positions in public places. S. 1301 makes the acts of video voyeurism illegal on Federal land such as national parks and Federal buildings, using the well-accepted legal concept that individuals are entitled to a reasonable expectation of privacy. It also serves as model legislation for States that have not yet

enacted their own laws or need to update existing laws to account for the rapid spread of camera technology.

This crime would be punishable by a fine of not more than $100,000 or imprisonment for up to 1 year or both. The penalties found in this bill reflect the serious injury that is caused by the invasive nature of these crimes.

The Senate passed S. 1301 by unanimous consent on July 24, 2003, and the gentleman from Ohio (Mr. OXLEY), the gentleman from Texas (Mr. GONZALEZ), the gentleman from Virginia (Mr. GOODE) and the gentleman from Washington (Mr. BAIRD) introduced a bill that was substantially the same in the House.

The gentlewoman from Texas (Ms. JACKSON-LEE) added a definition to the term ''broadcast'' to cover those who would not only video, but directly broadcast these pictures on the Internet. These changes improved the bill, and it is my understanding that the original sponsors in the House and the other body support them.

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

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

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

Mr. Speaker, I rise in support of the legislation before us today. Recent technological advances have made it all too easy for modern day, high-tech peeping toms to recklessly infringe on the privacy rights of many unsuspecting individuals.

The Video Voyeurism Protection Act of 2003 attempts to bring an end to this disturbing phenomenon by making it a crime to secretly take pictures of someone in a State of undress. Specifically, the bill prohibits the use of certain devices to videotape, photograph or record the genitals, pubic area, buttocks or breast of an individual without that individual's consent.

Second, the bill guarantees that perpetrators of video voyeurism will be punished by imposing a sentence of fine or imprisonment for up to 1 year.

Video voyeurism is a serious crime, the extent of which has been greatly exacerbated by the Internet. Because of Internet technology, the pictures that a voyeur captures can be disseminated to a worldwide audience in a matter of seconds. As a result, individuals in the victims rights' community have labeled video voyeurism ''the new frontier of stalking.''

Finally, I would like to commend Senators LEAHY, SCHUMER and DEWINE for taking the lead on this important issue and for making sure that it remains at the forefront of public debate. By all accounts, this bill is truly a worthwhile endeavor. I strongly urge my colleagues to lend their support this sensible piece of legislation.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. OXLEY), the House author of the bill, with the sincere hope that he does not use it all.

Mr. OXLEY. Mr. Speaker, I thank the gentleman for yielding me time, and he will be pleased to know that I will not use the entire 18 minutes.

Mr. Speaker, as the proud sponsor of the Video Voyeurism Act, I would like to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from North Carolina (Chairman COBLE) for their leadership in getting this bill through the committee, and also would like to thank the gentleman from Texas (Mr. GONZALEZ) for sponsoring this bipartisan bill with me.

I would like to express my appreciation for Senator DEWINE's work in passing the companion bill in the Senate. I have introduced this bill in the past 3 Congresses, and I am very happy to see it on the floor today.

My original interest in this issue came from a concern that a constituent expressed in a letter. I had also just written the Child Online Protection Act, which is something we need to have implemented after years of legal delays.

Video voyeurism is something that has been in the news a lot lately, in part, due to the improper use of the camera cell phones that have become so popular. For the victim, it is embarrassing and degrading to be photographed in a compromised position. It is an invasion of personal privacy.

What we have seen in recent years is that technologically savvy predators have infiltrated high school locker rooms, department store dressing rooms and even people's homes using small concealed cameras. Women have even been victimized standing in line at the mall or an amusement park.

What makes it worse now is that these pictures can be instantly posted on the Internet for millions to use. In fact, there are a multitude of Web sites devoted specifically for these types of pictures and videos.

As is often the case, the law has not kept up with technology. Many of these cases have been tried under old peeping tom laws which were not written to cover photographic equipment, so a case either cannot be brought or the sentence does not adequately fit the crime.

Although more States are passing laws to address this, our Video Voyeurism Prevention Act would create a comprehensive law that covers all forms of video voyeurism on Federal land, and it will serve as a model for States that either have not enacted or may not want to strengthen their own laws against video voyeurism.

Mr. Speaker, it is a good bill that protects privacy and decency, and I urge my colleagues to support it.

Mr. SENSENBRENNER. 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 Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 1301, as amended.

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

A motion to reconsider was laid on the table.

□ 1515

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–217)

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

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2004, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on September 22, 2003 (68 FR 55189).

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, in Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 21, 2004.*

GENERAL LEAVE

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the further consideration of H.R. 5025, and that I may include tabular material on the same.

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

There was no objection.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 770 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5025.

□ 1518

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. BOOZMAN (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, September 15, 2004, the amendment by the gentleman from Virginia (Mr. MORAN) had been disposed of.

Pursuant to the order of the House of that day, the order of the House of September 14, 2004, was amended to strike any provision for the amendment by the gentleman from Arizona (Mr. FLAKE) regarding Cuba.

The reading has progressed to page 166, line 3.

AMENDMENT NO. 5 OFFERED BY MR. SANDERS

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. SANDERS:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. _____. None of the funds appropriated by this Act may be used to assist in overturning the judicial ruling contained in the Memorandum and Order of the United States District Court for the Southern District of Illinois entered on July 31, 2003, in the action entitled Kathi Cooper, Beth Harrington, and Matthew Hillesheim, Individually and on Behalf of All Those Similarly Situated vs. IBM Personal Pension Plan and IBM Corporation (Civil No. 99–829–GPM).

The CHAIRMAN pro tempore. Pursuant to the order of the House of Tuesday, September 14, 2004, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

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

Mr. Chairman, this tripartisan amendment is cosponsored by the gentleman from Minnesota (Mr. GUTKNECHT), the gentleman from California (Mr. GEORGE MILLER), the gentleman from New York (Mr. HINCHEY), and the gentleman from Illinois (Mr. EMANUEL). This amendment also has the strong support of the AARP, the largest senior citizen group in this country, representing over 35 million Americans; the AFL–CIO, representing all of organized labor; and the Pension Rights Center.

Mr. Chairman, last year, this amendment passed the House by a vote of 258 to 160. Two years ago, a similar amendment passed by a vote of 308 to 121. By voting for this amendment today, we will be protecting the retirement benefits of some 8 million American workers who have seen their pensions slashed by as much as 50 percent through age discriminatory cash balance pension schemes and the 14 million more American workers who still have traditional, defined benefit plans that could be converted to cash balance schemes. That is the issue today: standing up for those workers and protecting the pensions that they have been promised.

The reason that this amendment is coming up again today is, despite the very strong, tripartisan support that we have seen in the House, this bill has yet to be implemented into law, and it is imperative that we keep fighting and keep standing with American workers who want us to do that.

Mr. Chairman, this amendment is simple and straightforward. In July of 2003, a Federal court ruled that IBM's cash balance pension plan violates Federal anti-age discrimination law. The judge in this case is expected to award damages to IBM employees any day now, after which the company will appeal to the Seventh Circuit Court of Appeals.

Our amendment today would simply prohibit the Federal Government from assisting in overturning this pro-worker court decision. IBM deserves its day in court, like every other litigant, but taxpayer money should not be used to support an age-discriminatory cash balance plan. And this amendment gives Congress the opportunity to make that very clear.

Mr. Chairman, let us be very clear. While this particular lawsuit involves IBM's conversion to a cash balance plan, there are hundreds of other companies that have done exactly the same thing. This is not just IBM; it is hundreds of companies, companies like AT&T, Duke Energy, CBS, Bank of America, Enron, WorldCom and many others. It is not only IBM employees who are hurting but millions of workers from one end of this country to the other who have also been affected, people whose retirement dreams have been shattered when companies change the rules of the game and slash the retirement benefits that were promised to their employees.

This precedent-setting court ruling against cash balance plans confirms what American workers have been saying for years: Cash balance pension conversions discriminate against workers based on age, are illegal and, without adequate protections for older workers, must be stopped. And that is what we are here to do today.

Mr. Chairman, let me just read a brief excerpt from the ruling of Judge Murphy: ''In 1999, IBM opted for a cash balance formula. The plan's actuaries projected that this would produce annual savings of almost $500 million by 2009. These savings would result from reductions of up to 47 percent in future benefits that would be earned by older IBM employees. The 1999 cash balance formula violates the literal terms of the Employee Retirement Income Security Act. IBM's own age discrimination analysis illustrates the problem.'' That was Judge Murphy.

Mr. Chairman, I became involved in this issue several years ago when hundreds of IBM employees in Vermont contacted my office and told me that the pensions that they had been promised by the company had been cut by 20 to 50 percent. In fact, the largest town meeting that I have ever held in Vermont, and I have held many, was for some 700 IBM workers who came out to demand that the company rescind the changes that had been made in their pension plan.

Mr. Chairman, think about it. Think about workers staying at a company through good times and bad times, providing loyalty to their employers because, among other reasons, they expect to receive certain agreed-upon pensions when they retire. And then, Mr. Chairman, one day, out of nowhere, the company sends a document, maybe it is an e-mail, which says, in so many words: Thank you, employees, for your dedicated service to the company, but forget about the promises that we made to you regarding the retirement that you and your family were anticipating. Forget about it. That is gone.

And, in many instances, while pulling the rug out from under their employees, we are seeing older workers, years of service to a company, suddenly find that the pensions that they had been planning on, the retirement dreams that they had been expecting, slashed by up to 50 percent.

Mr. Chairman, for those Members who will tell us that cash balance conversions are good things and should be supported, and there will be some today, I would remind them of a report from the Congressional Research Service that I requested. And very simply, what I asked the CRS to tell me is, what impact would a conversion to cash balance mean for Members of Congress, because I hear over and over again, Members of Congress, they want the American people to have what they have.

Well, surprise, surprise. What the CRS reported was that, if Congress converted to cash balance payment plans, our retirement benefits would go down, down, down. So, if any Member today thinks that it is a great idea to force cash balance payment plans on the workers of America, I hope that they will do the same thing for the Members of Congress and cut their pensions by up to 50 percent.

Mr. Chairman, all over this country today, there is enormous pension anxiety. People who have worked for decades are wondering whether the promises made to them will be kept. That is the issue today. Let us vote for this tripartisan amendment.

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

Mr. ISTOOK. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Oklahoma (Mr. ISTOOK) is recognized for 20 minutes.

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

Mr. Chairman, maybe people do not realize what we are actually debating. We are not debating pension plans. We are not debating conversion of pension plans from one type to another. We have before us the amendment by the gentleman from Vermont to this Transportation and Treasury appropriation bill, and maybe people do not realize what the amendment says.

The amendment says that you cannot use any of the money appropriated in this bill to assist in overturning the judicial ruling on a particular court case. That case, which was in the Southern District of Illinois, decided last year, was the action of Kathi Cooper, Beth Harrington and Matthew Hillesheim, Individually and on Behalf of All Those Similarly Situated v. IBM.

The amendment says, do not use any of the money in this appropriations bill to assist in overturning a court case to which the United States Government is not even a party. It is a case between IBM and some workers at IBM. Not only that, this bill does not contain funding for the judicial system, nor do I believe it is the role of this Congress to say, when I like a court decision, I am going to come here with a bill that says, nobody can overturn this court decision. If I do not like a court decision, I am going to come here with a bill that says, we must overturn the court decision.

Now, we can change underlying law. That is our job. But it is not our job to say, we are going to decide a particular court case. If we want to change the law that governs the entire country, we ought to do it, but not come with a bill that has nothing to do with the judicial system and say, you cannot use this to overturn a court case between IBM and some of its workers.

Now, there is a lot of controversy, we know, about types of pension plans and conversions of pension plans. We have legislation that is being considered. We have the Treasury Department, which is working on potential regulations relating to those conversions. And the Treasury Department works with every company in the country and every individual covered by a pension plan in the country, and you cannot say you do not communicate with each other.

□ 1530

But, again, that is not what this says. It says, do not help somebody overturn a court case to which you are not a party. Come on, get real. Besides which, there has been other litigation on this case, and other courts came down on the other side. I think there have been four cases around the country. Three went one way; this one went the other.

If we want to talk about the issues, let us bring legislation to talk about what pension laws should be generally, not try to say we are going to overturn a court case with an action before this Congress in the amendment.

One final thing just because I know that the proponents of the amendment are getting into the merits of the case. Basically, that case said, well, it is age discrimination if somebody is going to work for a company longer and so their benefits earn more interest than somebody that works for a shorter period of time. And this court decided that was age discrimination. If money accrues more interest because it is invested longer, they call that age discrimination. I do not. I do not think most people who apply common sense would think that.

But this amendment does not belong on this bill. This is not changing the law of the land. This is trying to change the outcome of a lawsuit that is now on appeal to which the United States is not even a party. We should not be doing that.

I ask for opposition to this amendment.

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

Mr. SANDERS. Mr. Chairman, I yield 4 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), a gentleman who has been very active in supporting workers on pension issues.

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

I want to agree in most part with what the chairman said about this issue. It probably is not the appropriate time to have a big debate about pension policy, but I come to a completely different conclusion.

He said this amendment does not belong on this bill. It is a shame that we have to talk about this amendment on this bill, because it really is about pension policy, and it is about age discrimination, and it is about one company in particular. Now, I do disagree with the gentleman from Vermont (Mr. SANDERS). I do not think all of these cash balance plans are inherently evil. And, frankly, there have been a number of companies that have converted their pension plans working with the collective bargaining units, working with their employees, giving employees their choice that have done things the right way. So these are not inherently evil things in terms of pension.

As we go forward as a society, as people change jobs more often, the idea of a cash balance plan may make some sense; but it does not make sense when you have a system that works the way it did in the IBM employees' case, and that is where they were given no choice, they were given no say. These were people with vested benefits.

Let me remind Members about what vested says about things. This is the quotation from Webster's Collegiate Dictionary. It says: ''Fully and unconditionally guaranteed as a legal right, benefit, or privilege.''

Now, these employees showed up for work one day, and they thought they had a pension benefit plan that was vested, that was theirs, that was fully and unconditionally guaranteed; and all of the sudden they found out that day that vested does not mean what they thought it meant. And they finally wound up getting this case before a Federal judge in a Federal court. And the Federal court, and I believe the Federal court in this case was absolutely right, said, wait a second. You cannot do this because the way pensions accrue value is you get most of the benefit.

There is sort of an ascending curve in pension benefits, and it is toward the end of your working career when you get the most benefit. So people who had worked for IBM for 20 years and were going to retire in 5 or 6 years, and I will say that IBM under enormous pressure did rescind the original package that they put in front of the employees, they made it a little better for older workers.

But it did not change the basic facts. First of all, the employees were given no choice even if they were vested. What it did and the reason why IBM and a lot of other employees wanted to convert to these cash balance plans is because they understood that it was a way to shave off those benefits for older workers in the last 5 or 6 years that they might be working for the company.

The bottom line is this: what they were really trying to do is get their hands in the pension funds, because they realized and their actuaries realized that most of these pension funds were overfunded, and they could literally move that money from the pension fund to their bottom line by making these conversions.

Companies are now coming and saying, gee whiz, this is going to cost us billions of dollars. Well, yes, it is going to cost billions of dollars because that was the employees' money. It did not belong to the employer. In fact, in some respects pension funds do not belong to the employee or employer. It is money being held in trust. And one company broke that trust, and the

Federal courts have come down on them very heavily.

I agree with the chairman, we should not have to be offering this amendment today because it is just outrageous for us to think that our own Federal Government would attempt to intervene in a case in which they are not a party to try and overturn a hard-won victory for the employees of IBM. This is an outrage. This is where we, whether Republicans or Democrats, ought to stand together and say it is wrong to steal from pension funds.

Support the Gutknecht-Sanders amendment.

I come to the floor as a cosponsor of this important amendment. IBM employs about 5000 people in my district and there are close to 5000 IBM retirees across the state of Minnesota. Their employees are also my constituents and I, therefore, have a vested interest in ensuring IBM employees are treated fairly.

Fifty years ago a salary was the most important thing to workers. Times have changed. today pensions and other benefits are the main reasons workers choose a particular company. It is important we encourage employers to keep their promises to their employees and not change their pension plans in midstream.

When an employee becomes vested in a pension plan he or she expects to receive those benefits. "Vested" according to my Webster's Collegiate Dictionary means "fully and unconditionally guaranteed as a legal right, benefit, or privilege." These expected benefits should not be taken away.

Unfortunately, IBM did just that. Perhaps IBM received bad business advice, but the method by which IBM went about switching to a cash balance pension plan was far from exemplary. Let me remind you we're not talking about a company in dire fiscal straits. We're talking about a very healthy company.

Originally IBM offered only those employees within five years of retirement a choice between the old and new pensions plans. While I am pleased they expanded this choice to cover more employees after the employees rightly expressed their outrage, I believe the court case brought against IBM should proceed without intervention by the U.S. Treasury Department.

I wish IBM had adopted models used by other companies when they switched to alternatives to traditional defined benefit pension plans.

For example, Honeywell, another company with many employees in Minnesota, across America, and around the world, switched to a pension equity plan in 2000. Honeywell offered all their employees a choice between remaining in the old plan and switching to the new plan. This is the model of how I feel companies should proceed in this area.

The Director of Benefits for Eaton Corporation, Ellen Collier, testified in front of the House Education and Workforce Committee this year that her company has given employees the choice between two retirement plans. Motorola, Deloitte & Touche, Northern States Power, Eastman Kodak and many other companies have all given their employees choice between old and new plans.

I understand that cash balance plans are a reality of the modern world and we should not discourage companies from offering them. I, however, do feel there are right and wrong ways to go about converting from one plan to another.

IBM handled this inappropriately and I believe the court case should proceed without federal government involvement.

This amendment overwhelmingly passed the House last year by a vote of 258 to 160 with strong support from both sides of the aisle. It is supported by the AARP. I urge my colleagues to support the Sanders/Gutknecht Amendment.

Hon. GIL GUTKNECHT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE GUTKNECHT: AARP supports the Gutknecht-Sanders amendment to the Transportation, Treasury and Independent Agencies Appropriations Act for Fiscal Year (FY) 2005 to ensure that the Internal Revenue Service (IRS) does not use any funds in contravention of current law prohibitions on age discrimination in pension plan funds and to specifically prohibit the IRS from issuing regulations or implementing any other measure that would conflict with the July 31, 2003, federal court ruling in Kathi Cooper, et al. v. IBM Personal Pension Plan, et. al.

AARP has long been concerned with the legal basis for the hybrid cash balance formula and the significant age discriminatory issues that arise when employees convert defined benefit pension plans to a cash balance formula. We believe that a careful review of the legal distinction between defined benefit and defined contribution plans such as was conducted by the federal court in Cooper makes clear that the most common designs for hybrid cash balance plans do not fit within the current legal framework of the Internal Revenue Code (IRC), the Age Discrimination in Employment Act (ADEA), and the Employee Retirement Income Security Act (ERISA).

As the court concluded in Cooper, the cash balance plan formula discriminates against older workers, and older workers are particularly disadvantaged when an employer converts from a defined benefit pension plan to a cash balance plan. These longer-term employees have given up wages and accepted a lower pension in the early years of their employment in exchange for the larger future benefits from their employer's traditional defined benefit pension plan. Without adequate protection, older workers will now lose some of the benefits they were promised. Older workers generally have less time to accumulate benefits under a new cash balance formula, have a harder time leaving their current job if compensation and benefits are cut, will have fewer prospects of finding a new job, and are less able to adjust to the changes that may dramatically reduce their retirement security (for example, they have less time to adjust by increasing their savings for retirement).

In September 1999, the IRS imposed a moratorium on corporate plans that convert traditional defined benefit plans to a cash balance formula so the agency could review the matter. The moratorium suspended consideration of approximately 300 pending applications submitted by corporations to convert an existing plan to a cash balance formula. The Treasury initially proposed regulations in December 2002 that would have lifted the moratorium and permitted corporations to establish cash balance plans. However, the IRS withdrew the proposed regulations in July of this year.

In its FY 2005 budget, the Administration proposed legislation that would have addressed some of the concerns related to cash balance plan conversions. AARP was pleased that the legislative proposal recognized the problem with so called "wear-away" and recommended a ban on the wear-away of any benefits at any time after a cash balance plan conversion. In recognition of the transition problem faced by workers, the Administration's proposal also included a five-year "hold harmless" period after each cash balance plan conversion.

While the proposal is a step in the right direction, it does not go far enough. More can be done to ensure that older workers are adequately protected from the impact of a "pension pay cut" in any conversion to a cash balance plan. In fact, many of the recent pension conversions—recognizing the harm to older workers—have provided older and longer-service workers with more generous transition relief, including a choice to remain in the old plan rather than move to the new cash balance plan. This is further confirmation that business can and should do the right thing for their older, longer-service employees.

AARP believes that Treasury should not take any action that would encourage companies to change their pension plans in a manner that is contrary to the age discrimination laws and the federal court ruling. Rather, Congress should act to ensure that older workers are protected in any cash balance conversion. We urge adoption of this amendment.

Thank you for your leadership and dedication to strengthening the private pension system and protecting the pension benefits of workers. Please let me know, or have your staff call Frank Toohey (202–434–3760) of our Federal Affairs office, if we can be of further assistance.

Sincerely,

MICHAEL NAYLOR,
Director of Advocacy.

Mr. SANDERS. Mr. Chairman, does the gentleman have additional speakers?

Mr. ISTOOK. Mr. Chairman, I have another speaker that may be arriving, but they are not here at this time; and other than that, I know of no other Members seeking time.

Mr. SANDERS. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. EMANUEL).

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

I would like to commend the gentleman from Vermont (Mr. SANDERS), the gentleman from Minnesota (Mr. GUTKNECHT), the gentleman from California (Mr. GEORGE MILLER), the gentleman from New York (Mr. HINCHEY) for their leadership on this issue.

We have been down this road before. We dealt with this earlier where a bipartisan group of Members of Congress came together and sent a clear message as it relates to retirement and pensions that you cannot do what IBM and other corporations tried to do. And Congress in that issue was not left versus right. As my colleague from Minnesota (Mr. GUTKNECHT) always says, it is about right versus wrong. And a bipartisan group came together as it relates to the retirement plans of Americans who negotiated a deal and woke up in the middle of the night and had that deal abrogated, and that is not right.

Now, as my colleague from Minnesota said, there is a right way and a wrong way and you can create a win-

win situation. For the older workers who have a defined benefit plan, we are going to honor that. And for younger workers, we are going to get you into a 401(k) or what is called typically a defined contribution, that can happen as well. But you cannot wholesale change something people negotiated in good faith, won at the negotiating table and try in a backhanded way to take that money away. And if we had done that, and as my colleague from Vermont (Mr. SANDERS) has shown, if Members of Congress had opposed all of the sudden a cash balance type of retirement system, people here with 18, 20 years would lose hundreds of thousands of dollars in their retirement plan. They would not think it is right. And if it is not right for a Congressman, it should not be right for people who are employees of companies who agreed to something. That would be wrong.

Now, we are dealing with two cases here: the particular case of IBM and the general issue of retirement plans. On the IBM case, I think it is appropriate for this amendment because to date the Treasury Department has consistently tried to find a way, and this is the latest vehicle to get involved in this IBM case as it relates to the retirement plan and IBM's attempt to go to a cash balance retirement plan which would cheat older workers of many years of their retirement savings that they agreed to and have knowledge that they have when they retire.

We need to stop Treasury from doing what they have been trying to do for 2 years. I do compliment them for their resourcefulness. They have never missed an opportunity to try to figure out a back door to imposing cash balance as a retirement plan.

Now, in general, the larger subject, and, unfortunately, we in this Congress have not gotten to dealing with retirement plans yet as I in my city, we have United Airlines, we have a crisis in people's retirement plans, but we have a subject here. We as a society have told people, save for your retirement outside of Social Security. It is important for you to save and not just rely on Social Security. And here you have a case of workers who have saved outside of Social Security, done everything they have been told to do, and then corporate America is allowed to walk away and cheat them of that.

You cannot tell people on one hand, you need to save for your retirement, and on the other hand let corporate America steal from it or cheat them of it. You either tell them one thing and have the laws of the land follow it, or you tell them another thing and have the laws of the land follow it.

And the deal we are having here on this, because we have no other venue in dealing with the retirement crisis in America, is that we have to tell people, you are going to save outside of retirement and the laws of the land are going to respect what you have done for your life, which is to plan for you and your spouse's retirement and so you can retire with dignity, with Social Security, health care as well as the retirement plan you have in the private sector. And our laws are not going to undercut what you have done your whole life. And we are not going to allow management, I understand the pressure management is under, but we are not going to allow them to walk away with what they agreed to.

You can create, as Secretary of Treasury John Snow did at CSX when he was in private sector, he went to a cash balance, and did right. He did right to older workers. He did right to younger workers, and he did right to his bottom line and his shareholders; and he did not cheat anybody.

It is high time the folks in the Treasury Department get their greedy little hands off and stop trying to figure out every way to undermine working men and women in this country and retirees from what they have earned rightfully at the negotiating table.

Mr. SANDERS. Mr. Chairman, does the gentleman's status remain the same?

Mr. ISTOOK. Mr. Chairman, I just received a note that there is a Member that is on his way.

Mr. SANDERS. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I thank the gentleman from Vermont (Mr. SANDERS) for yielding me time.

This amendment is, in fact, about fairness. It is fairness to the American workers. A Federal court ruled in 2003 in the IBM case a conversion to cash balance plan, in that instance, which would have reduced pensions for older workers by 47 percent was a violation of Federal age discrimination rules.

Now, even though that provision has become law, it has not stopped consultants from trying to convince the Treasury Department to issue new guidance that would overturn that rule and other Court rulings in favor of employees.

By prohibiting the Federal Government from assisting in overturning these judicial rulings, this amendment protects millions of people. Those people stand the risk of having their pensions from hard work and long hours taken away from them by the conversion. It is only right and fair and just that we pass this amendment. More than 8 million employees and retirees have lost $334 billion in benefits as a result of pension plans being shifted to cash balance plans inappropriately.

A large number of older Americans, in this case defined by people 40 years and older, have lost up to 50 percent of the values of their plans. So I think what is even worse about this is the fact that President Bush's administration has supported treating these workers unfairly by backing cash balance plans.

In December of 2002, the IRS proposed lifting the 1999 moratorium on cash balance plan conversion. This year, the administration's budget proposed to give corporations a green light to violate pension age discrimination laws, while providing inadequate protection to workers affected in the future. These threats by the administration to workers' pensions demonstrate the importance of passing this amendment.

By voting for this amendment, Congress will be taking another important step toward protecting the rights of workers. I urge my colleagues to do just that. Support this amendment and stand up for America's workers.

Mr. SANDERS. Mr. Chairman, how much time is left on both sides?

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Vermont (Mr. SANDERS) has 3 minutes remaining. The gentleman from Oklahoma (Mr. ISTOOK) has 16 minutes remaining.

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

Mr. Chairman, I think it is important to remind people what this amendment is and what this amendment is not.

This amendment is not determining the question of what types of pension plans are permitted by law. This amendment does not determine the question about whether you can convert, if you are a company, from one type of pension plan to another. That is not what we are talking about. This amendment says specifically that you cannot overturn a particular court case between IBM and its workers that is in contradiction of multiple other court cases about whether a retirement plan is age discriminatory or not.

□ 1545

That case is on appeal. That case is going to be decided under the law as it existed at the time. We are not changing the underlying law. We are not being asked to create a uniform standard for all companies. We are being asked to help people make sure that they do not lose their case on appeal, even if that appeal is contrary to other court decisions, even if that is not a proper role of this Congress. That is what the amendment is about. It is about stopping the overturning of a particular court case.

Mr. Chairman, yes, there is a large part of other issues that are out there that relate to pension plans, and most of the speakers have been talking about those issues. There are many companies that will tell us they made some bad decisions in years past, and because of it, they and their workers are in a tough spot. They may not be able both to pay the benefits they promised to workers in years past and stay in business.

Many companies have gone into bankruptcy because of this; and in bankruptcy court, if it is a reorganization procedure, they can abrogate, or in other words, they can do away with, or change the terms of, prior pension plans. It is a conflict often between people who worked for a company and received certain promises, and they

want those promises fulfilled and people who currently work for a company, and the company is not going to be able to stay in business if it is stuck with the old pension plan rules.

That is why so many companies want options in this. That is why we are looking at legislation to give companies options. It is a bona fide, honest debate that we need to be having, but it is not what this amendment is about.

This amendment, says, well, you cannot use any money in this particular appropriations bill to help overturn this one case with one set of workers and one company. We should not even be considering an amendment like this, and I oppose it.

Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

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

Mr. SAM JOHNSON of Texas. Mr. Chairman, I rise today to oppose the amendment by the Representative from Vermont.

The gentleman from Ohio (Chairman BOEHNER) and I are working on legislation to reform the pension system, and this ill-timed amendment will undermine our efforts. I ask my colleagues to refrain from using the appropriations process to undermine our comprehensive reform efforts in the committee of jurisdiction.

The various sponsors of this amendment have had a problem with the conversion of the IBM pension plan 5 years ago. Despite the fact that IBM gave its employees everything they were asking for, the sponsors of this amendment now want to continue pushing this issue past its logical conclusion.

They now want to enshrine in law a flawed court case. The court case essentially found that the time value of money is age discriminatory.

An example might explain this crazy logic. Let us say a 25-year-old and a 52-year-old were hired on the same day to do the same job at the same pay. Their company would make an equal contribution to each employee's pension account.

The Cooper case found that the equal pension contribution is age discriminatory. Why? Because the 52 year old has less time to accumulate interest before retiring.

Yes, the logic of the case is that interest or the time value of money is age discriminatory. It is flawed logic, and it has been found to be flawed in every other court that has reviewed this issue.

Thousands of cash balance pension plans cover millions of Americans.

To the extent that the flawed logic of this amendment is given any support in Congress, it will undermine pension plans. Given the growing reluctance of businesses to sponsor traditional defined benefit pension plans, this amendment is just one more reason for companies to walk away from this type of pension and our constituents who need them.

We need to oppose this flawed amendment.

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I hate to rise and oppose two of my good friends, but I thank the gentleman from Texas (Mr. SAM JOHNSON), who has just given a speech; and I just want to contradict a couple of things he said.

First of all, if the IBM company had given IBMers all they wanted, they would not be in court; and if there were not age discrimination, they would not have won; and if it were not for the IRS and the Department of Treasury wanting to get involved in this case, we would not have to offer this amendment.

This is wrong. As my friend said, this is not a matter of right versus left. It is right versus wrong. It is wrong for employers to steal from pension funds. It is that simple.

The reason we are here today is to try and keep this administration from doing something incredibly stupid, and that is, getting involved in this case which the workers have already won, and they are right, because it is the age discrimination.

Cash balance plans are not intrinsically evil. I said that earlier; but when you do it in such a way so that you shave off the end where people really accrue benefits, the courts have correctly ruled.

Mr. SANDERS. Mr. Chairman, I would inquire as to the amount of time left both on sides.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Vermont (Mr. SANDERS) has 2 minutes remaining. The gentleman from Oklahoma (Mr. ISTOOK) has 11 minutes remaining, and he has the right to close.

Mr. ISTOOK. Mr. Chairman, I intend to reserve the balance of my time for closing.

Mr. SANDERS. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, I applaud the gentleman from Vermont (Mr. SANDERS) and the gentleman from Minnesota (Mr. GUTKNECHT) for their leadership and work on this issue.

The gentleman from Vermont's (Mr. Sanders) amendment is very clear. It would prohibit the Federal Government from assisting in overturning or, for that matter, in taking any role thereby in overturning the court decision in this case.

Now, the chairman has characterized this amendment as saying that this court decision cannot be overturned. That is not true at all. IBM and the workers for IBM can contest that, and it can be overturned. The amendment merely says that the U.S. Government cannot take part in the overturning.

The gentleman from Texas has said that this amendment would undermine pension reform. Whatever the chairman's views on the appropriateness of this amendment for this bill, last year this amendment passed this House on this very same bill by a vote of 258 to 160. The chairman was the chairman then. Two years ago, a similar amendment passed the predecessor subcommittee, the Subcommittee on Treasury, Postal Service and General Government, which the chairman was the chairman of also, by a 308 to 121 vote.

So it has been applied to this bill at previous times; and here again, the only issue is that taxpayer money should not be used to support IBM's age discriminatory cash balance plan, as the court decided. It would be an insult to workers if their own Federal dollars were used to cut their own pension plans, and we should overwhelmingly adopt this amendment today as we have done on two previous occasions to the exact same bill in previous years.

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

This amendment is not necessary for us to intervene in a lawsuit that is on appeal. Even if we did, we would be intervening against the weight of what other courts have ruled, and we would also threaten the efforts that this body and many people in it are undertaking, trying to resolve the tricky issues of pension plans, conversions of other pension plans between defined benefit and defined contribution plans.

This does not belong on this bill, and I ask Members to oppose the amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in support of the Sanders Amendment.

The Sanders amendment would ensure that the Treasury Department does not use any of its funds to undermine the Federal court decision in Cooper v. IBM that held that cash balance conversions violate Federal pension and age discrimination law.

We've been here many times before.

In fact, this is the fourth time that the House is voting to protect older workers' pensions under cash balance pension plan conversions. The last two times the amendment passed by 308–121 and 258–160.

Instead of voting to prevent the Treasury Department from undermining workers' pensions, I wish we were voting affirmative legislation to set standards for cash balance plans.

This issue has been going on since 1999.

In 1999, IBM converted its pension plan to a cash balance plan. Luckily, its computer savvy workers quickly figured out that the conversions would reduce their expected pensions. The workers mobilized and got Congress to hold hearings.

The Clinton administration imposed a moratorium on approvals of conversions in September 1999. But then, the new Bush administration tried to issue regulations lifting the moratorium and permit conversions without any worker protections.

Immediately 218 Members of Congress wrote to the President urging him to revise the regulations and protect older workers.

Four times the House and Senate have voted to require Treasury to withdraw its regulations and protect older workers.

Finally, this year, in 2004, the Bush administration relented and withdrew the regulations. The administration even sent up a revised legislative proposal that contained a modicum of older worker protections through it did not go far enough to protect older workers.

But, still the issue is not resolved. Either Congress or the courts must set standards for cash balance plans and conversions to such plans.

The Republican Congress has done nothing on this issue for almost 6 years. If anything, Republican leader would defer to employer lobbying and simply permit cash balance conversions without any protections for older workers.

That's why the courts may have to be the body that resolves some of these issues.

One court, the Federal district court for the State of Illinois, determined that conversions are illegal. Other courts have disagreed. These cases and others still waiting to be heard will take years to resolve.

This amendment makes clear that the Treasury Department shall not interfere in these cases.

Today worker pension security is in crisis. This administration has done nothing to protect worker's pensions and done everything to undermine them.

They didn't protect workers after Enron and Worldcom from employers loading pension plans with employer stock and letting the executive protect themselves while leaving the workers stuck with worthless stock.

They didn't protect participants in 401(K) plans from a broad range of mutual fund abuses that have decimated retirement nest eggs.

And they are not protecting workers now from rampant pension underfunding. The PBGC, the agency that insures traditional pensions, has a $10 billion deficit. And if the airlines go under, the deficit will increase by another $30 billion. Over 1,000 pension plans are more than $50 million underfunded. And workers don't even know because the PBGC is required to keep the information secret.

The administration and the Republican majority are doing nothing to protect worker pensions.

I urge my colleagues to vote once again and remind the majority that it is the will of the Congress that older workers be protected in cash balance pension plan conversions.

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

The CHAIRMAN pro tempore. All time for debate has expired. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

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

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. VAN HOLLEN

Mr. VAN HOLLEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. VAN HOLLEN:

At the end of the bill (before the short title), insert the following:

SEC.____. None of the funds made available by this Act may be used to implement the revision to Office of Management and Budget Circular A–76 made on May 29, 2003.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Tuesday, September 14, 2004, the gentleman from Maryland (Mr. VAN HOLLEN) and the gentleman from Oklahoma (Mr. ISTOOK) each will control 10 minutes.

The Chair recognizes the gentleman from Maryland (Mr. VAN HOLLEN).

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

Mr. Chairman, this amendment deals with the process that we now have in place for contracting out work that is being performed by Federal employees, in other words, the rules that govern the privatization of Federal Government jobs.

That process, which is known as the A–76 process, named after the OMB circular, is now a broken process. In fact, both Federal Government employees and private contractors have serious, legitimate complaints about the existing competitive sourcing process.

This amendment would, in effect, encourage OMB to go back to the drawing board and develop a competitive sourcing process that makes sense and is fair to all parties.

It is an amendment that is identical word for word to the amendment that the House passed on a bipartisan basis last year as part of the Transportation-Treasury appropriations bill.

We passed this amendment last year for a very simple reason. We recognized that the existing contracting-out process is unfair and that it needs to be fixed, and that has not changed from last year to this.

Indeed, already this year, the Committee on Appropriations and this House have acknowledged that the process is inadequate because we have passed both appropriations and authorization bills that change the competitive sourcing process as it applies to specific government agencies.

For example, the Defense appropriations bill that we passed, and which the President has already signed, changes the existing rules for Department of Defense Federal employees in a number of ways.

That bill ensures that Federal employees of the Defense Department are always given an opportunity to compete to keep their jobs by forming what is known as The Most Efficient Organization.

The Defense appropriations bill, again signed by the President already this year, requires that whatever entity is seeking to take over the work, to bid on the work, whether it be a private contractor or a group of Federal employees, must demonstrate that they will save the taxpayer dollars through a procedure known as ''minimal cost differential,'' or the ''10 percent savings rule.'' It makes sense that we would ask as part of the competitive process that we save the taxpayers money.

The Defense appropriations bill also prevents private contractors from gaining an advantage by contributing less to health insurance for their employees or by stripping people of their health benefits.

Those are provisions that have already passed the House, the Senate, and signed by the President as part of the Defense appropriations bill. They make sense and they are fair. If the current process is working, why did we change them as part of this year's Defense appropriations bill?

Why should those rules which we now have applied to DOD employees regarding contracting out not also apply to Federal employees at the Department of Transportation, Treasury Department, and other Government agencies? Why should those other Federal employees be treated as second-class citizens?

We also passed the Defense authorization bill this year. That legislation contains changes to the contracting-out process that requires that Federal employees and private contractors have the same rights to appeal an adverse decision. If they get a bad decision, they appeal.

□ 1600

We should make sure that right applies equally to both parties. That is simple fairness.

Then there are the Homeland Security appropriation bills and the Interior appropriation bills that have already passed this House. Those bills also have specific little changes to the contracting-out process. If it is so fair as it is, why did we as a body already change it this year with respect to those agencies?

And, indeed, the bill we are on today, the Transportation-Treasury appropriation bill, as it came out of committee, contained the Hoyer-Wolf language that also would have made the process more fair, that was taken out on a procedural motion earlier. But the pattern is clear: The Committee on Appropriations and this House, through the actions we have already taken this year on numerous appropriations and authorization bills, have recognized serious problems in the contracting-out process. The only problem is we have responded on an ad hoc piecemeal fashion.

We now have four different sets of rules in different appropriation bills, and we keep changing the rules year to year. The result is we have a patchwork of different rules that apply to different agencies. It is unfair to Federal employees, it is unfair to the private contractors. We should address this issue in a uniform comprehensive manner.

That is what this amendment is all about. It does not get rid of the competitive sourcing rules. The rules in effect before May 2003 will apply until OMB gets its act together and addresses the inadequacies in the process and addresses the kind of issue that this House has addressed this year in its appropriation bill. That is what this is about; sending it back to OMB and telling them to start from scratch and get a fair process in place. Then we will not have to deal with this issue year after year on this appropriation bill, Mr. Chairman.

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

Mr. ISTOOK. Mr. Chairman, I claim the time in opposition to the gentleman's amendment, and I yield myself such time as I may consume.

Mr. Chairman, I think there are many Members of this body who would object to any form of competitive sourcing of work that is currently being done by government workers. It is not a case of the specifics of any particular framework for doing that, they just want to make sure that people that have government jobs are the ones that do the work, despite inefficiencies, despite work that may be outside of the core work of a government agency.

For example, a government agency that may be involved with health care does not have expertise in cleaning its facilities or landscaping its facilities or copying services, or many of the myriad of things that are outsourced or competitively sourced frequently. They may have their own cafeteria workers rather than hiring a company that has expertise in running an employee cafeteria. There is a multitude of instances where it makes sense for the government to do what the private sector has done, and that is to take government functions that are performed by government workers that are not inherently governmental and find someone else that can do it better and cheaper.

The goal of so many Members of this body is to shut down any effort to make the Federal Government more competitive and more efficient because they want to make sure that people are on the government payroll, even if it costs more to do the work, and even if it is less efficient. If it uses more of the taxpayers' money, they do not care. They want to preserve government employees' jobs.

Well, this is not even a question about whether those people will get the jobs. If they go through the process of competitively sourcing it, and maybe letting someone else come in, typically they will hire the same people to do it, but under a new management. Moreover, when we have competitive sourcing competitions between government workers and the private sector, then government workers have to become more competitive; government workers have to become more responsive.

In fact, in these competitions, typically the government employees retain 90 percent of the work. They are not outsourced. This amendment is just trying to stop government efficiency because we have some Federal employee unions and others that insist that the people that do the work have to be members of their unions. That should not be the issue. The issue ought to be making the most of the taxpayers' money.

Now, the administration has already sent us what is called the Statement of Administrative Policy that tells us if this language gets in this bill, it is headed for a veto. We do not need that. We do not need to hurt the taxpayers and we do not need to slow down the legislative process by having a veto on a bill that needs to be adopted and needs to be passed.

The administration has acted to try to streamline what is called the A–76 process, the competitive sourcing process. They are trying to make it more efficient. They are trying to make it fairer to everybody involved. They have tried to make sure that instead of taking 4 years, 4 years, Mr. Chairman, as it often takes to manage these competitions under some old rules, they say you ought to be able to do it in 12 months. That is common sense where I come from, and it is common sense to most people. This amendment, though, wants to shut it down. The amendment wants to block the Committee on Government Reform. It wants to block savings for the taxpayers.

Mr. Chairman, I oppose this bill and I ask other Members to oppose the amendment also.

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

Mr. VAN HOLLEN. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I thank the gentleman for yielding me this time, and I do have to comment that I think this amendment does not want to shut down the process that the gentleman from Oklahoma talks about. In fact, he wants to revise the 2003 process to make improvements that have already been recommended by the General Accounting Office, that have been recommended by congressional lawmakers and, in fact, have been recommended by the Office of Management and Budget from the administration. It is an opportunity for them to get it right.

This amendment would give lawmakers in the OMB an opportunity to revise this privatization process along the lines that Congress has already done in the other instances that my colleague from Maryland has mentioned. So it is not a process of shutting it down, but it is a process of hoping that it will be done fairly and will get the taxpayers the best solution and also treats the Federal employees fairly on this.

This administration has been relaxing health and safety protections, has been scaling back overtime rules, and has been enacting new regulations designed to weaken unions. This administration has been, in fact, waging an all-out assault on the American worker. And now they are shifting it over, to make matters worse, and extending those attacks on the benefits and protections of workers who have chosen public service as a career.

Those people who pursue a career in Federal Government are one of the greatest resources that we have and they are some of the very best in this country. They make our system work and they do their job with skill and, many times, without any recognition. Mr. Chairman, there has been no good reason and no evidence of poor performance to lead this attack on the Federal workforce and no reason to have it come under assault on that basis.

We can have the competition people talk about if it is done properly and it is done on a level playing field. The President has already attempted to curtail the collective bargaining rights of some 180,000 workers in the Department of Justice and in the Department of Homeland Security and threatening to do it in the Department of Defense.

In addition to those legislative reforms, there are proposed revisions in the regulations about outsourcing to private contractors, even trying to redefine the type of work to be considered inherently governmental.

Without this amendment, the changes will affect too many people in an unfair way. Mr. Chairman, I suggest this is not pragmatic public policy. We ought to move and do what this amendment says we should do. I urge my colleagues to support the Van Hollen amendment.

Mr. VAN HOLLEN. Mr. Chairman, may I inquire about the balance of time on each side?

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Maryland (Mr. VAN HOLLEN) has 3 minutes remaining, and the gentleman from Oklahoma (Mr. ISTOOK) has 6 minutes remaining.

Mr. VAN HOLLEN. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Chairman, I rise in support of the Van Hollen amendment to prohibit the use of funds in the Transportation-Treasury and Independent Agencies appropriation bill for fiscal year 2005, which would implement revisions made in 2003 to the Office of Management and Budget's long-standing rules that govern Federal agencies' outsourcing of work.

Given the fact we have lost more than 2 million jobs since 2001, we should present a more thoughtful approach to Federal contracting that is fair to both the Federal and private sectors. I am not convinced that the rush to privatization is a cure-all for all of the workplace issues that we need to deal with. Therefore, I am not

sure it is going to necessarily save taxpayers money.

We should accept the Van Hollen amendment. I urge support for it. Let us go back to the drawing board and get it right.

Mr. ISTOOK. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this is not about whether we keep or do not keep jobs in the United States of America. We are going to keep those jobs. The question is: Does certain work within government agencies have to be performed by a government worker or do they have the ability in a government agency to find the best deal for the taxpayers; the most effective and economical way to accomplish the task?

If it is cheaper to pay a private service to do some work that otherwise you would have to hire a government worker to do, why not hire that private service? Look about us, businesses that have proliferated, for example take the copying business, things like FedEx, Kinkos, and the UPS stores, who do copying over and over. Because they do the same thing and they do it repetitively, for that reason it costs everybody less. Are my colleagues telling me that if we have a big load of copying to do in a government office, and believe me, that happens all the time, are we saying the only way we should be permitted to do it is with a government copying machine, with a government worker standing at that, rather than sending it out where the same thing can be done for less and done quicker and cheaper?

That is a simple example, but it makes the point. There are lots of things the Federal Government does that do not need to be done by the Federal Government. They do not involve people interpreting Federal laws, they do not involve people making a judgment call, they are not law enforcement issues, they are not privacy issues, and they are not confidential information. They are just everyday things that can be done in the private sector as well as in the government sector.

If we competitively source those and give other people the chance to do it, what is wrong with that? What do some people say is wrong? Well, for goodness sakes, then it is not done by somebody that is a member of that government workers' union. And that is the essence of the challenge. That is what the amendment is about. Let us save the taxpayers money and vote against the amendment.

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

Let me just say that this amendment is not, with due deference to the subcommittee chairman, about whether competitive sourcing is a good idea or not, or whether we are going to continue to do competitive sourcing. We have, as a U.S. government, done that, we will continue to do that, and it is a good thing when it is done in a fair and balanced manner. That is what this amendment is about.

I would ask the subcommittee chairman why he would object to a provision that says when we do competitive sourcing the contractor seeking the work has to show that they are going to save taxpayers money. That is one of the things this House has included in appropriation bills that have passed this year, so we can make sure the taxpayer gets a better deal. That is not part of the existing rules.

I would ask the subcommittee chairman why the Committee on Appropriations in this House have already passed four different bills through this House this year, one signed by the President, that already changed the contracting-out rules with respect to certain agencies to make the process more fair? That is what this amendment is about.

This amendment is designed to make sure we have a more even playing field, that we are not here in Congress trying to correct the unfairnesses every year, but we send OMB back to the drawing board, have them use the old rules until they establish a new set of contracting-out, competitive-source rules that are fair to Federal and Government employees, fair to contractors, and get a good deal for the taxpayer.

Mr. Chairman, I urge adoption of the amendment.

Mr. ISTOOK. Mr. Chairman, I yield the balance of my time, which I believe is 4 minutes, to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Chairman, I rise to speak against this amendment. The amendment would eliminate many of the contract reforms that we have worked so hard, so very hard to pass in order to increase the efficiency of government operations.

Contrary to statements of supporters of this amendment, competitive outsourcing is not outsourcing or privatization. I do not know why the supporters of this amendment oppose demanding the most for our taxpayer dollars because that is what we are doing when we talk about competitive sourcing. These contracting reforms create an environment where Federal employees can compete against each other and the private sector to provide services for the government. This is much of what our the government reform efforts are about in this Congress.

Competitive sourcing allows the commercial functions of the government to be contracted out to whomever offers the best deal for the taxpayer. That is called getting the most bang for your buck.

Mr. Chairman, that is what my constituents constantly talk about, is having government work efficiently, having it meet our needs, and having it do so making the best possible use of that taxpayer dollar; being the best steward that we can possibly be of the taxpayer dollar.

□ 1615

If this body adopts the Van Hollen amendment, the progress we have made in eliminating waste in the Federal bureaucracy, much of that will be undone and millions of taxpayer dollars will be spent needlessly. We cannot allow this to happen. We are on the road to making some great strides in reforms.

I urge my colleagues who are serious about having an efficient and effective government, a smaller government that serves the needs of the American people, to vote against the Van Hollen amendment.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The question is on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN).

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

Mr. VAN HOLLEN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN) will be postponed.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise for the purpose of engaging in a colloquy with the gentleman from Massachusetts (Mr. TIERNEY) regarding disposal of Federal property in the town of Nahant in Massachusetts.

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

Mr. OLVER. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, I thank the ranking member for the opportunity to discuss an issue that is critical to my constituents in Nahant, within the Sixth Congressional District of Massachusetts.

One hundred years ago, the Coast Guard seized land from the town of Nahant for the purpose of stationing military personnel. While some of that land was returned in 1954, the town has remained interested in reacquiring the remainder of the parcel located in the Castle Road, Goddard Drive and Gardner Road area. Recently, to address housing needs elsewhere in New England, the Coast Guard decided to sell this property through the General Services Administration. Unfortunately, despite over 50 years of positive relations and Nahant's express interest in purchasing the land, the Coast Guard did not inform the town of that decision.

I became involved to help facilitate a solution that was agreeable to all parties. After a series of meetings and discussions, the General Services Administration and the town of Nahant agreed in principle that the 12 housing units will be conveyed to the town for an amount of $2 million.

Since then, Nahant has convened a special town meeting and approved the $2 million for the purchase of the land. This agreement is moving toward a satisfactory conclusion, but specific legislative language is necessary to codify the sale.

That language, developed in collaboration with and which has the full support of GSA, the Coast Guard, the town

of Nahant and the gentleman from Minnesota (Mr. OBERSTAR), chairman of the Subcommittee on Economic Development, Public Buildings, and Emergency Management, was crafted and accepted in the version of this bill which this subcommittee and the Committee on Appropriations reported last month.

I thank Members for their support of this provision throughout the subcommittee's consideration of the bill. Additionally, I would like to point out, this sale generates $2 million in revenue for the Federal Government. I understand that we cannot get this in the UC list coming up, but I ask for Members' continued support for this as this bill goes to conference.

Mr. OLVER. Mr. Chairman, I completely agree with the gentleman from Massachusetts (Mr. TIERNEY) on the particulars of this legislation. I thank the subcommittee chairman for showing that he actually agrees with this as well by the fact that we have included section 410 at each stage in the appropriations process.

However, section 410 was one of many important provisions which should have been and under normal circumstances would have been protected under the rule by which we are debating this legislation, but it was struck on a point of order.

The gentleman from Massachusetts (Mr. TIERNEY) has made urgency for action in this matter very clear. I give the gentleman my full support.

Mr. Chairman, I ask that the gentleman from Oklahoma work with me to include this provision in the final version of the bill.

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

Mr. OLVER. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I commend the ranking member and the gentleman from Massachusetts (Mr. TIERNEY) for their leadership on this issue. Throughout my time in Congress, of course, I have been a strong supporter of establishing fair market rate for the disposal of excess Federal real property, and I believe the provision we had in this bill accomplishes that. It is unfortunate that under our parliamentary procedures it was stricken on a point of order.

I do agree this sale actually generates revenue for the Federal Government, the $2 million. I understand the concern of the gentleman, that the town has moved forward approving the funds, and I want this resolved in a manner that does not jeopardize that agreement.

I pledge to work with the gentleman from Massachusetts (Mr. TIERNEY) and the gentleman from Massachusetts (Mr. OLVER), the ranking member, as we move through conference to be able to reinstate this provision.

AMENDMENT OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. NORTON:

Page 166, after line 3, insert the following:

SEC. 647. None of the funds made available in this Act may be used to enter into or renew any contract under chapter 89 of title 5, United States Code, for a high deductible health plan that does not require enrollees to remain enrolled in such plan for at least 3 consecutive years from the date of initial enrollment.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Tuesday, September 14, 2004, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Oklahoma (Mr. ISTOOK) each will control 5 minutes on the amendment.

The Chair recognizes the gentlewoman from the District of Columbia (Ms. NORTON).

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

This amendment, I think, could be a win/win for both sides. It protects the Federal Employees Health Benefits Plan while allowing health savings accounts to proceed. My amendment is necessary to preserve the FEHBP.

Surely Members have heard from millions of retirees from across the country who are terrified of health savings accounts, and let me tell Members why.

My bill would allow the health service accounts to proceed putting only enough restrictions on them to keep people from gaming the system, and the way it is set up now, that is what people are encouraged to do. What will happen if health service accounts go into effect the way they are now proposed is that people are encouraged to stay in a health savings account so long as they can anticipate low health care costs. If that is how you anticipate it, you are in. But the moment you know, you anticipate a more major procedure, you are going to get out and get back into the FEHBP, leaving those who must be in the plan, like retirees throughout the United States, paying more.

So what would I do, put a 3-year time limit on it. This is in keeping with how the FEHBP works now. You cannot get out of your plan any time you want to; you have to wait until open season which comes every year. When we are putting the entire system at risk, as this would do, it says you have to be in 3 years so you do not game the system and cost those who must be in the system more money.

The FEHBP is touted as the best plan in the country for a good reason. It has a huge pool of the healthy and not-so-healthy. We spread the burden, we share the rewards. Break up the pool, we destroy the system. Now who is likely to leave? Members can figure it out for themselves: the young and the healthy. That is why the Federal retirees are wiring Members saying: Do not do this to us. Remember the 17 percent increase in Medicare they just had. It is bad enough the increased health care costs we are getting. We know that the young and healthy are going to leave us, not to mention many others who will just take the chance, many of them families, because health care costs are rising so much they will take the chance and may be left in a terrible position when, in fact, they need a traditional response from their insurer.

This is not speculation. I am citing the largest county in Idaho. It is unusual because it is one of the few public employers which allowed health service accounts. Immediately, within the year, premiums rose. So they were in it not a year and got out of it. Their broker said, you have to use health service accounts for everybody or no health service accounts. The hybrid does not work. The mixed system leaves those left holding the bag while others get out of the system when they think it is to their advantage, jumping out when it is to their advantage, jumping right back in when it is not.

I am concerned about healthy young families because they are going to get out because they are trying to save money anywhere they can. We have testimony from people in Idaho who say, if they knew then what they know now. A young person who broke his ankle had been in the health savings account, was left with that huge deductible, he ended up paying the whole thing because you never know. If you never know and you are young, you take the chance. If you are middle-aged or a retiree and in the FEHBP, you will not take the chance, but you will end up paying more in premiums, destroying the very basis for the FEHBP.

I am saying we defeated the notion there should be no health services accounts. My amendment is not going to protect what we have now in the FEHBP. There is going to be an adverse effect. At the very least, the responsible thing to do is to use the Idaho experience, limit the adverse effect by saying fair is fair. You win here and save money, and you are in here for 3 years so you do not leave our families with higher premiums because you can afford to game the system, jumping in when you think it helps you and jumping out when it does not help them.

Mr. Chairman, who can blame them. This is the kind of calculation people make when they want to save money. But the FEHBP should not be destroyed because we have blindly walked into health service accounts ignoring the existing experience. The way to have both, to do a win/win, is to support my amendment.

Mr. ISTOOK. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the FEHBP is successful because it offers opportunity to Federal workers to choose among a variety of plans, to pick which one best meets their needs. It also is successful because when you make that choice, it is not permanent. Annually there is an open season. If workers have gotten into a plan that does not meet the needs of their family the way they desire, they can change every year.

The gentlewoman's amendment says, for certain plans, workers do not have that option. They have to lock themselves in for 3 years. It is a way of killing a type of plan, and we should not do it.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

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

Mr. GUTKNECHT. Mr. Chairman, I rise in opposition to the Norton amendment. Just a few minutes ago, I was here on the House floor arguing about a pension issue because employees were not given a choice. The essence of the Norton amendment is to not give Federal employees this choice.

The idea that Federal employees and public employees in general do not want to have the choice of a health savings account is simply not true. It may not work as we think it will. I have heard of the study in Idaho, but I have also heard studies from private employers that these programs provide as good or better quality health care, and they do something we must do, they save money.

But do not take my word for it. Public employees in the State of Minnesota have studied these, and they want access. I have letters, and I will submit them for the RECORD, from the Minnesota Teamsters Local 320, Minneapolis Police Relief Association, Minnesota Firefighters' Relief Association, Minnesota State Retirement System and from the Public Employees Retirement Association in the State of Minnesota representing over a quarter of a million people in Minnesota, public employees, who want to have access to health savings accounts.

Will they work as well as some people think they will, we do not know. But putting this as part of the Federal Employees Health Benefits Program is one way to find out. The Norton amendment is one small step in chipping away at the option that Federal employees ought to have to find out whether health savings accounts work as well as many of us believe. Public employees from the State of Minnesota have studied this issue. They want to have that opportunity. We should not deny that opportunity for Federal employees.

MINNESOTA TEAMSTERS PUBLIC & LAW ENFORCEMENT EMPLOYEES' UNION, LOCAL NO. 320,
Minneapolis, MN, July 1, 2004.

Congressman GIL GUTKNECHT,
Washington, DC.

DEAR CONGRESSMAN GUTKNECHT: We are writing to you seeking your continued leadership in addressing Health Savings Accounts (HSA's). As you are well aware, in the 2003 Medicare Act, individuals over the age of 65 were excluded from participating in the newly created HSA's.

It is important that not only do the changes to the Medicare Reform Act of 2003 include participation for those over age 65 in the HSA's but the language which ties Medicare ineligibility to HSA participation must also be removed. HSA participation would provide a very modest way in which our over 65 retiree's could tax defer some of their financial resources.

Our public safety retirees put in their time and duty and had planned on living out their retirement years with not having to face financial difficulties. However, health care costs for those over 65 years of age have increased dramatically over the last decade. Supplemental insurance to Medicare can cost a retired couple up to $8,000 per year.

We strongly encourage you to work with other members of Congress and the Bush Administration to correct his discrimination against our retirees.

Again, thank you for all your support and past leadership in the HSA's. Please continue to assist us in this battle for affordable health care.

Sincerely,

SUE MAUREN,
Secretary-Treasurer,
Teamsters Local #320.

MINNEAPOLIS FIREFIGHTERS' RELIEF ASSOCIATION, PENSION FUND,
Minneapolis, MN, July 6, 2004.

Congressman GIL GUTKNECHT,
Washington, DC.

DEAR CONGRESSMAN GUTKNECHT: We are writing to you seeking your continued leadership in addressing Health Savings Accounts (HSA's). As you are well aware, in the 2003 Medicare Act, individuals over the age of 65 were excluded from participating in the newly created HSA's.

It is important that not only do the changes to the Medicare Reform Act of 2003 include participation for those over age 65 in the HSA's but the language which ties Medicare ineligibility to HSA participation must also be removed. HSA participation would provide a very modest way in which our over 65 retirees could tax defer some of their financial resources.

Our Firefighter retirees have dedicated their lives to serving the public and planned on living out their retirement years with not having to face financial difficulties. However, health care costs for those over 65 years of age have increased dramatically over the last decade. Supplemental insurance to Medicare can cost a retired couple up to $8,000 per year.

We strongly encourage you to work with other members of Congress and the Bush Administration to correct this discrimination against our retirees.

Again, thank you for all your support and past leadership in the HSA's. Please continue to assist us in the battle for affordable health care.

Sincerely,

WALTER C. SCHIRMER,
Executive Secretary.

MINNEAPOLIS POLICE RELIEF ASSOCIATION,
Minneapolis, MN, June 30, 2004.

Congressman GIL GUTKNECHT,
Washington, DC.

DEAR CONGRESSMAN GUTKNECHT: We are writing to you seeking your continued leadership in addressing Health Savings Accounts (HSA's). As you are well aware, in the 2003 Medicare Act, individuals over the age of 65 were excluded from participating in the newly created HSA's.

It is important that not only do the changes to the Medicare Reform Act of 2003 include participation for those over age 65 in the HSA's but the language which ties Medicare ineligibility to HSA participation must also be removed. HSA participation would provide a very modest way in which our over 65 retiree's could tax defer some of their financial resources.

Our public safety retirees put in their time and duty and had planned on living out their retirement years with not having to face financial difficulties. However, health care costs for those over 65 years of age have increased dramatically over the last decade. Supplemental insurance to Medicare can cost a retired couple up to $8,000 per year.

We strongly encourage you to work with other members of Congress and the Bush Administration to correct his discrimination against our retiree's.

Again, thank you for all your support and past leadership in the HSA's. Please continue to assist us in this battle for affordable health care.

Sincerely,

RICHARD M. NELSON,
Vice President.

MINNESOTA STATE RETIREMENT SYSTEM,
Saint Paul, MN, July 26, 2004.

Congressman GIL GUTKNECHT,
Washington, DC.

DEAR CONGRESSMAN GUTKNECHT: I want to thank you for your leadership in establishing Health Savings Accounts for those under age 65. I strongly encourage you to support similar accounts that would be valuable for retirees age 65 and over.

As you know, rising health care costs and prescription drug costs have made it difficult, if not impossible, for many people to afford adequate health care coverage. Health Savings Accounts would provide a modest and extremely effective way to help pay for these costs.

On behalf of the 50,000 state employees and 23,000 benefit recipients covered by the Minnesota State Retirement System (MSRS), I encourage you to work with members of Congress and the Bush Administration to provide Health Savings Accounts to all retirees.

Again, thank you for your support and leadership on this and your attempts to lower prescription drug costs.

Sincerely,

DAVID BERGSTROM,
Executive Director.

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION OF MINNESOTA,
Saint Paul, MN, July 20, 2004.

Hon. GIL GUTKNECHT,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN GUTKNECHT: The Public Employees Retirement Association (PERA) of Minnesota is seeking your continued leadership in addressing the issues associated with the Healthcare Savings Accounts (HSA). As you are well aware, with the enactment of the 2003 Medicare Act, individuals over the age of 65 were not included for participation in the newly created accounts.

Important to our participants—150,000 of whom are currently working local government employees and about 60,000 of whom receive monthly benefits from PERA—is ensuring not only a change in the Medicare Reform Act of 2003 to include the availability of the HSA to individuals over the age of 65, but also removing the language which ties Medicare ineligibility to HSA participation. HSA participation would provide a very modest way in which our over-age-65 retirees could defer taxes on some of their financial resources.

Our public safety retirees typically retire earlier than other public employees due to the physical and emotional stresses associated with their positions. Due to the earlier retirement, many begin paying their health insurance at younger ages, hoping to live out their retirement years without having to face financial difficulties. The HSA will help these early retirees until age 65, but as you know health care costs for those over the age of 65 are rising at a significant rate. Supplemental insurance to Medicare can cost a retired couple up to $8,000 a year. Losing the

availability of the HSA at age 65 will prove ever more burdensome to individuals on limited retirement incomes.

We strongly encourage you to work with other members of Congress and the Bush Administration to advance legislation that is fair to retirees of all ages.

Again, thank you for all of your support and the leadership you have demonstrated in enacting the HSA legislation thus far. We look forward to your continuing assistance in this battle for affordable health care.

Sincerely,

MARY MOST VANEK,
PERA Executive Director.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I rise in opposition to this amendment.

First of all, this concern was already addressed in this plan design. The gentlewoman from the District of Columbia (Ms. NORTON) says this is going to have a huge adverse selection, that all of the wealthy and all of the healthy Federal employees are going to run to these health savings accounts, and we are going to have a death spiral in the Federal employee health benefits situation.

Number one, all of the data that is coming out that is bearing fruit from the imposition of HSAs are proving that to be untrue. What we are finding out is the opposite is happening. Older folks and people with more health risk profiles are those who are buying health insurance.

Mr. Chairman, 42 percent of the people who have bought HSAs this year, according to eHealthInsurance, are people who did not have insurance.

□ 1630

Fifty-six percent of the people who bought HSAs are people over the age of 40 years old. We are finding that this is a good tool for people who are the very people who are vulnerable in our system. But more importantly, just in case there was concern that there was any legitimacy to this claim, the folks at OPM devised this system so that the premiums are basically the same as any other premium, so that they do not have a big, tiered premium, so that they have a huge discount on these higher deductible HSA plans versus other traditional plans within the Federal Employee Health Benefit Plan, so they will not have that drain.

But more importantly, what this amendment does is it denies Federal employees choices. It takes one product that they now have as a choice, an option, and say they have got to take it or leave it for 3 years; for 3 years this is all they can have. They cannot participate in open season like they always could, like the other people in the Federal Employee Health Benefit Plan, but it does not apply these limits to the rest of the programs.

So we are saying to all these Federal employees we have this new option, a choice, with premiums very similar to all the other options and choices. They can have it, but they have got to take it for 3 years. That is denying flexibility and choice that we have come to enjoy and appreciate in the Federal Employee Health Benefit Plan.

I urge rejection of this amendment. Adverse selection is not occurring with these products.

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

Mr. Chairman, when we want fair competition, we try to make an equal playing field. If they have a horse race, they try to make sure that each horse is carrying the same burden. They weigh the jockey, they weigh the saddle, they wear the gear; and if they are not the same, they add extra weight to some people so that they are all carrying the same burden.

The gentlewoman from the District of Columbia's (Ms. NORTON) amendment wants to make sure that one type of health care plan does not have fair competition. They say to them, you carry an extra couple of hundred pounds. That is not right. If we want people to have a fair choice and to determine what plan is right for them and their family, they should be able to choose it.

I ask people to reject the amendment.

Mr. SAM JOHNSON of Texas. Mr. Speaker, this debate is about freedom.

Participants in the Federal Employee Health Benefit Program are armed with the ability to leave any given plan at the end of the year if they aren't satisfied with the care, customer service or cost of their coverage.

And that choice is what creates the incentive for health plans to offer good plans.

Ms. NORTON's amendment would bind employees who choose high-deductible plans to a three-year commitment, for fear of something called "adverse selection."

And you know what, that's a valid concern.

But it is a concern that has already been addressed by the Office of Personnel and Management—the folks who run our F.E.H.B.P.

The O.P.M. has vowed to keep premiums for standard plans and high-deductible plans very close to each other—maybe the difference of a dollar or two.

So employees will not be choosing HSA's because of their lower premium.

And as long as that's the case, there is no need to lock them into a three-year contract.

That completely undermines the foundation of the program: Choice!!

Last week we debated whether Federal employees deserve the option of HSA's and the House vote said that they do—let's give them that option without any strings attached—I urge a no vote.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The question is on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON).

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

Ms. NORTON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON) will be postponed.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the President's request for the Treasury Department in this year's budget included a $400 million increase focused on initiatives in the Tax Law Enforcement Bureau. The budget we have before us today cuts nearly three quarters of the President's requested initiative. That, of course, is a prerogative of this Congress, but I think we should examine carefully the inevitable result of making such a deep cut from the President's budget request.

Commissioner Everson of the IRS, in sworn testimony, pointed out that the tax gap, which is defined as the difference between total taxes owed to the Treasury under the provisions of law and what is actually paid into the national Treasury by all filers, both individual and corporate, the tax gap has grown to a minimum of $250 billion each and every year. Now, $250 billion unpaid each year in taxes represents a major part of the yearly deficit which we are accruing and passing off to be paid by our children.

The Commissioner went even further, pointing out that the $250 billion estimate came from studies which from several years ago is almost certainly low and is probably $300 billion per year now. As large as that $250 billion or $350 billion yearly tax gap is, and we have to understand that $1 out of roughly $7 owed in taxes under the law is not paid by those who do not file, who underreport or otherwise evade the legal payment of the taxes owed, the most startling part of Commissioner Everson's testimony under oath, again I say, was his statement that the percentage of Americans who think it is okay to cheat on their taxes has increased from 11 percent to 17 percent in just a few years.

Commissioner Everson stated that two thirds of the new enforcement dollars requested would be devoted to "attacking abuses by high-income taxpayers and corporations and increasing criminal investigations."

Under further questioning, he stated that each dollar expended on added enforcement personnel would yield on average a direct $6 increase in payment of tax owed, but the added enforcement activity would begin to reverse the trend toward a higher percentage of people not paying the taxes owed under the law and in that way be able to reduce the tax gap dramatically.

Mr. Chairman, ours is a tax system that rightly depends largely on voluntary compliance. When a tax gap rose to the point where $1 out of every $7 owed under the law is evaded by nonfiling or systematic underreporting of income or use of illegal tax schemes and shelters, then the vast majority of

honest taxpayers pay in taxes what they owe under the law. The vast majority of honest taxpayers are paying 15 percent higher in taxes than they owe while another group pays none or less than they owe under the law. Such obvious unfairness in the system breeds cynicism and contempt broadly among the citizenry, and we should not in this House be complicit in that unfairness.

Mr. Chairman, at this time I had intended to offer an amendment to add $286 million to the tax law enforcement account under the Treasury Department, thereby restoring full funding to the President's request for tax law enforcement in the Treasury Department. But given that this House has already stripped $41 billion from this legislation, including Federal highway grants to States, airport improvement grants to local communities, essential air service grants for rural airports, transit formula grants for States and funding in major capital investment projects, and highway traffic safety grants to the States, this is not the day to offer such a commonsense amendment.

AMENDMENT OFFERED BY MR. STENHOLM

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STENHOLM:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. None of the funds appropriated by this Act may be used by the Secretary of the Treasury to implement, pursuant to sections 8348(j)(1) and 8348(l)(2) of title 5, United States Code, any suspension of issuance of obligations of the United States for purchase by the Civil Service Retirement and Disability Fund, to implement, pursuant to sections 8438(g)(1) and 8438(h)(2) of such title, any suspension of issuance of obligations of the United States for purchase by the Thrift Savings Fund for the Government Securities Investment Fund, or to implement, pursuant to section 8348(k)(1) of such title, any sale or redemption of securities, obligations, or other invested assets of the Civil Service Retirement and Disability Fund before maturity.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Tuesday, September 14, 2004, the gentleman from Texas (Mr. STENHOLM) and the gentleman from Oklahoma (Mr. ISTOOK) each will control 10 minutes.

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

Mr. STENHOLM. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman this is a very simple amendment to restore a little bit of accountability and honesty around here about our fiscal policies. My amendment would prohibit the Secretary of the Treasury from dipping into retirement trust funds in order to circumvent the statutory debt limit.

The effect of my amendment would be to force Congress to take responsibility for the increase in the national debt by approving an increase in the debt limit before adjourning in October instead of deferring action until a lame duck session. There would be no risk of default if Congress met its responsibility to approve an increase in the debt limit before we adjourn for the election. The Treasury Department has repeatedly warned Congress that we are approaching the debt limit and need to increase it above its current level of 7.384 trillion.

Just 3 years ago, the administration stated that we would not need to raise the debt limit for 7 years and actually warned that we were in danger of paying off our debt too quickly. After 3 years of our current economic policies, projected surpluses have turned into record deficits; and we are being asked to increase the debt limit for the third time in 3 years to more than $8 trillion. But instead of taking responsibility to pay for the debt that we have run up as a result of our policies, the Republican leadership is relying on the Treasury Department to protect them from having to take this vote before the election by dipping into retirement trust funds to avoid breaching the statutory debt limit until mid-November.

When Treasury Secretary Rubin took these extraordinary actions as a last resort to avoid an imminent default during a crisis, he was loudly criticized by Republican leaders in Congress. The Republican majority in Congress passed legislation which would have taken these tools away from him, and some Republicans in Congress called for his impeachment. Today, instead of criticizing the Treasury Department for planning to dip into retirement trust funds, Republican leaders are actively encouraging the Treasury Department to take these same steps as a routine action used for political convenience.

It would be irresponsible to take funds from retirement trust funds simply to avoid a discussion of the fiscal problems highlighted by the need to increase the debt limit. Instead of honestly facing up to our ballooning national debt, the leadership of this body is talking about bringing up legislation this week that would add another $130 billion to that debt.

We should not pay for tax cuts by borrowing money against our children's future. Congress should be required to sit down and figure out how to make things fit within a budget just like families across the country do every day. I would say to my Republican colleagues that if they honestly believe that tax cuts with borrowed money is good economic policy, if they believe that deficits do not matter, they should be willing to stand up and vote openly and honestly on this floor to increase the credit card limit for our country to make room for those cuts.

There would be no need for these maneuvers to avoid a vote on the debt limit if the leadership were willing to work with us to stop the increase in deficit spending. The Blue Dog Democrats will gladly supply bipartisan support for an increase in the debt limit if it is accompanied by meaningful budget enforcement provisions, including the pay-as-you-go rules that were instrumental in turning budget deficits into surpluses in the 1990s. But we will not vote to approve a blank check that will allow the Government to continue runaway deficit spending.

If my colleagues on the other side of the aisle want to continue with our current economic policies that have us on a path of running up more than $10 trillion in debt, it will be up to them to provide the votes. We will work with them if they will work with us.

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

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

Mr. Chairman, I certainly appreciate the good intentions of the gentleman from Texas. He and I both share a great concern about the national debt, about the challenges of having a budget that is not balanced as it should be in normal times, certainly in peacetime. However, this particular amendment does have problems.

The amendment is not necessary to make sure that we have protection for existing trust funds. And I want to refer to some papers we have been provided by the Treasury Department, and I will recite from those for Social Security.

For the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, i.e., the Social Security trust funds, that are specified in the proposed amendment, there is existing law, namely title 42 of the U.S. Code, section 1320b-15, that already prohibits any officer or employee of the United States from delaying the deposit of any amount into, or delaying the credit of any amount to, any such trust fund or otherwise varying from the normal terms, procedures, or timing for making such deposits or credits.

That existing law also prohibits them from refraining from the investment in public debt obligations of amounts in any such trust fund or from redeeming prior to maturity amounts in any such trust fund which are invested in public debt obligations for any purpose other than the payment of benefits or administrative expenses from any such trust fund. We do not need the gentleman's amendment to protect the Social Security trust fund.

Secondly, again, proceeding with the information from the Treasury Department for another trust fund, for the Civil Service Retirement and Disability Fund and the Government Securities Investment Fund, existing law, namely title 5 of the U.S. Code, section 8348(j)(3) and (4) and title 5 of the U.S. Code, section 8438(g)(3) and (4), these already require Treasury at the end of a debt limit impasse to restore those trust funds to the financial position

they would have been in if Treasury exercises the authorities given by Congress to suspend investment or make early redemptions of investments of the CSRDF or of the G fund.

□ 1645

Then for the Department of Defense Military Retirement Fund, the Unemployment Trust Fund, the Department of Defense Education Benefits Fund, the Post-Vietnam Era Veterans Education Fund and the Black Lung Disability Trust Funds, which are specified in the proposed amendment, there is no history that Treasury has ever delayed deposits into or has ever suspended investment or redemption of investments early in those trust funds during debt limit impasses.

The amendment is not necessary to safeguard trust funds. It is not necessary to handcuff the Treasury Department in the management of the national debt. It is necessary that we take steps to control Federal spending and to move toward balancing the Federal budget. But this amendment is not necessary.

I thought it important that someone stands up and recite this information from the Treasury Department to make that case of the lack of a need for this particular amendment.

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

Mr. STENHOLM. Mr. Chairman, I yield myself 1 minute to respond to the chairman.

I will say that everything he has said is 100 percent the truth. We did not mention Social Security. I deliberately did not mention Social Security because that is not the issue here. Everything the gentleman said in the letter from the Treasury is the truth. That is not the point of our amendment.

The point of our amendment is to have an up or down vote by this body to assume the responsibility, rather than allow, under the law, the Secretary of the Treasury to manipulate the funds in a legal way to avoid having a vote on this floor prior to November 2, to have an assumption of the responsibility of the fiscal matters of this country. That is all I am asking.

The chairman is exactly right: We do not need this. If he would assure me that we will have a vote, and since both of us agree on a balanced budget constitutional amendment, this is helpful to those of us like you and I, Mr. Chairman, that want to bring fiscal accountability. That is all we are asking. Let us not confuse this issue with anything other than a clear, plain, up and down vote of expression.

I have already offered on behalf of a substantial number of Democrats to support an up or down vote, if you will put some budget enforcing accountability back into our process.

Mr. ISTOOK. Mr. Chairman, I reserve the balance of my time in order to close.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman for offering this amendment. I thank him for his extraordinary leadership on the issue of fiscal responsibility in this country.

My presumption is that every conservative in the House of Representatives will vote for this. The President talked about who is conservative and who is liberal. It is conservative to be fiscally responsible.

Like the gentleman from Texas, I have supported a constitutional amendment for a balanced budget. I am for investing in programs that I think help America, but I am for spending money that we have, and I am not for spending money that we do not have.

Quite simply, his amendment would force our Republican friends to come to grips with their irresponsible fiscal policies. They talk about balancing the budget, but they have not had a bill vetoed by this President that spent more money than we had, period; not one, not ever. And they are going to spend all of Social Security funds, they are going to spend all of the money that they borrow.

Just two months after taking office, President Bush promised the American people, ''We will pay off $2 trillion of debt over the next decade.'' He explained, quoting again, ''Future generations should not be forced to pay back money that we have borrowed.''

Amen, Mr. President. Why do you not practice what you preach?

Well, Mr. Chairman, the President and Congressional Republicans have run rough-shod over that rhetoric. They did not pay down the debt in 2002; they increased the debt limit by $450 billion. They did not pay down the debt in 2003; they increased the debt limit without a straight up or down vote, which they always demanded when they were in the minority, they increased it by $984 billion.

When I came to Congress, the entire debt from 1789 to 1981 was $985 billion, just $1 billion more than we raised it last year alone. Now the Treasury Secretary is back for more. He warns that the national debt will exceed the statutory debt limit, now $7.384 trillion, later this month or in October. As a result, our Republican friends desperately want the Treasury Department to temporarily dip into the retirement funds of Federal employees to avoid breaching the debt limit, for which they wanted to impeach Bob Rubin. What short memories they have.

Very simply, Mr. Chairman, the Stenholm amendment would prohibit the Secretary from doing that.

Mr. Chairman, the Republican party can run, but it cannot hide, from the debt disaster that its economic policies have caused. None of us will allow the United States to default on its obligations; none of us. But let us show some courage. If the debt limit must be increased, we should vote on it in the open, up or down.

I urge my colleagues to vote for the Stenholm amendment.

Mr. STENHOLM. Mr. Chairman, who has the right to close?

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Oklahoma (Mr. ISTOOK) has the right to close.

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

The CHAIRMAN pro tempore. The gentleman is recognized for 2½ minutes.

Mr. STENHOLM. Mr. Chairman, I hope everyone caught the significance of the exchange between the chairman and me, because I am not disagreeing with anything that he offered in opposition to this amendment, because what he said is 100 percent true. I hope everyone in this body understands the significance of this side offering the hand of bipartisanship to pass an increase in the debt ceiling, which we must do. If we did not do that, our Nation would default on our good credit, and that is intolerable, unthinkable.

The purpose of this amendment, though, is to try once again to get my friends on that side of the aisle to accept the responsibility for the economic policy that they have voted and revoted and voted and revoted and continue to do, and that is building the debt for our children and grandchildren at a rate unseen in our history of our country.

It took us 204 years to borrow the first $1 trillion. We are about to borrow $19 trillion in a year-and-a-half, and my friends on that side do not seem to care.

We are offering to put back pay-as-you-go for spending and tax cuts to be paid for. It does not mean we cannot cut taxes. In fact, I support repeal of the marriage tax penalty, I support doing the child tax credit. I would like to see it. But I want to see it paid for, not passed on to my three grandsons in debt because it is good politics right before an election.

We are offering sincerely to offer some votes. Bring it up and vote on it. Do not force the Treasury to go through the mechanizations that they will go through just to avoid voting on this prior to November 2.

Mr. Chairman, we are sending alerts, the Blue Dogs, in which we will put in writing our willingness to work with you on doing this, because it is the responsible thing for us to do. But we also think it is responsible for this body in a bipartisan way to begin to actually do something about the deficit, other than talk about it and increase it, as we will do later this week, by another $130 billion, unpaid for.

Our grandchildren do not have a vote. That is why it is so easy for us to say here today we can fight two wars, we can fund homeland security, we can fight the war on terrorism, we can do all of these things, but we are going to send the bill to our grandchildren. We are not willing to pay for it, any of it, today. In fact, even worse, we are willing to decrease the amount of money available to do all of these things.

Mr. Chairman, I ask for an aye vote on this, because it is the responsible thing for this body to do.

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

Mr. Chairman, the gentleman from Texas and I are in agreement on a great many things, and I appreciate his pointing that out. I think we both also recognize that the gentleman's intent is to try to force a vote on what is called the statutory debt ceiling and to force a vote before the elections.

Well, we all know that this fiscal year expires September 30. I think it is common knowledge in this town also that with the possible exception of the homeland security appropriation, this current appropriations bill and the other appropriations bills will not be completed before the fiscal year expires September 30. We do not expect most likely those bills will be completed before the election.

Whatever is in this bill is not going to be law by that time. Any instructions to Treasury or anybody else in this bill will not be in law by that time. So we are not accomplishing anything.

But we also should not mistake a vote on the statutory debt ceiling for the votes that actually create the debts of the United States, the spending bills. People argue about the tax cut bills, and I will certainly tell you the tax cuts have done a great deal to stimulate the economy, not only to help people keep more of what they earn, but actually to increase the revenues of the Federal Government by increasing economic activity. We can have that debate another time and place. That is not my point. My point is we are not accomplishing anything in this particular amendment.

Each administration, Republican and Democratic administrations, have had to deal with the challenge of the statutory debt ceiling being set to expire at a certain time or be exceeded. Treasury Secretaries have had to do what they could to make sure the crisis was not created, to make sure that we averted any problems and that the full faith and credit of the United States never lapsed behind our obligations.

That is going to happen again. Those obligations are not going to lapse. But let us not mistake votes upon a statutory debt ceiling for the votes that actually create the debt, which is talking about the level of spending. Let us remember that we have the opportunity, which I expect we will have in the next couple of weeks, to vote on a balanced budget requirement to make sure that in normal times, when we are at peace, in normal times we do have a balanced budget. That will force discipline. That will force controversial votes on this floor. It will require us to exercise self-discipline, to accept our responsibility.

Mr. Chairman, this amendment is not necessary.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. STENHOLM).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. DAVIS OF FLORIDA

Mr. DAVIS of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. DAVIS of Florida:

At the end of the bill, before the short title, insert the following:

SEC. ____. (a) None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to section 515.560 or 515.561 of title 31, Code of Federal Regulations (relating to travel-related transactions incident to travel to Cuba and visiting relatives in Cuba), as published in the Federal Register on June 16, 2004.

(b) The limitation in subsection (a) shall not apply to the implementation, administration, or enforcement of section 515.560(c)(3) of title 31, Code of Federal Regulations.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Tuesday, September 14, 2004, the gentleman from Florida (Mr. DAVIS) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise to offer an amendment to repeal the administration's recently enacted rule restricting family travel to Cuba.

Today, as the Cuban people are struggling to recover from the devastation of Hurricanes Charlie and Ivan, the Department of Treasury is prohibiting Cuban Americans from visiting Cuba to help their own family members abroad.

On June 30 of this year, the Department of Treasury implemented new restrictions on family travel to Cuba. Cuban Americans are now limited to one 14-day visit with their Cuban relatives every 3 years. Let me say that again. Cuban Americans are now limited to one 14-day visit with their Cuban relatives every 3 years.

This administration has also attempted to redefine the definition of the Cuban family. Cuban Americans are no longer permitted to visit their aunts, uncles or cousins in Cuba.

My amendment would prohibit funds in this bill from being used to implement, administer or enforce these changes made to family travel. A vote in favor of my amendment is a vote to reinstate the previous policy, which allowed Cuban Americans one trip per year under a general license, allowed for additional emergency visits under a specific license, and kept uncles, aunts and cousins where they belong, as part of the family.

Mr. Chairman, let me be clear: This amendment deals exclusively with keeping families together and would not permit unfettered travel. I have seen with my own eyes the cruelty of the Castro regime and have consistently voted against allowing tourist travel to Cuba, because I believe the United States should not unilaterally allow Castro to reap these profits.

□ 1700

But the United States should also not be in the business of separating families. This new family travel rule undermines families, punishes Cubans on both sides of the Florida straits, and has minimal effect on the government of Cuba.

The Cuban people are talented and ambitious, but under Castro's oppressive rule, they are left with little hope. For many, their only lifeline is the emotional and financial support they receive from relatives in America.

Mr. Chairman, I have spoken with numerous Cuban-Americans in my community, the Tampa Bay area and across Florida who are heartbroken by these regulations. Rufino Blanco, a Korean War veteran from my hometown, had planned to celebrate his 75th birthday with his many first and second cousins in Cuba this summer. When this rule was enacted, he had to cancel his trip. If this rule stays in place, he will probably never see his relatives again.

Last year, Ignacio and Gloria Menendez of Miami traveled to Cuba to help their daughter recover from an emergency surgery. They had already visited Cuba once that year, so they had to apply for a specific license to make the emergency trip. Under the administration's new rule, their daughter would have to fend for herself, because the Menendezes will not be able to see their daughter again for 3 years.

In fact, a Deputy Assistant Secretary at the U.S. State Department summed up the outrageous insensitivity of this rule when he was quoted by Reuters as saying, ''An individual can decide when they want to travel once every 3 years, and the decision is up to them. So if they have a dying relative, they have to figure out when they want to travel.'' How outrageous.

I share the disgust of Simon Rose, whose Cuban-American wife can now only visit her mother once every 3 years. He says these regulations are ''a perversion to the family values I grew up with.'' And then, most recently, we learned about U.S. Army Specialist and Medic Carlos Lazos who my colleague, the gentleman from Massachusetts (Mr. DELAHUNT) will talk about.

Mr. Chairman, in closing, this chamber is constantly celebrating and supporting America's families. We have passed marriage penalty relief and child tax credits. But these sweeping changes on family travel to Cuba were enacted without so much as one hearing in Congress.

Today, we have an opportunity to right this wrong. We have the opportunity to support families who may be divided in geography but not in flesh and blood and certainly not in heart.

Hurricane Charley caused 5 deaths and at least $1 billion in damage in Cuba. It damaged more than 70,000 homes and flattened hundreds of acres of crops. We are still just starting to gather the statistics on the damage caused by Ivan.

How can Congress stand in the way of Cuban-Americans who so desperately want to go to Cuba to help their own flesh and blood, their relatives in the aftermath of this destruction? How can we strip the Cuban people of this support when they have such little hope to cling to?

Mr. Chairman, this body may be divided on whether the United States should allow travel to Cuba for tourism and business reasons, but I hope today we can unite in support of families. I urge my colleagues to set politics aside and vote in favor of this amendment.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) will control 30 minutes.

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

The President of the United States put a tremendous amount of thought into how to best accelerate a democratic transition in Cuba. The tyranny there, the dictatorship has oppressed the people of that enslaved island for 45 long years. And President Bush has a very strong commitment to do everything possible to accelerate what we know is inevitable, because there is a consensus of opposition within Cuba to, obviously, oppression and dictatorship, but the tyrant has a tremendous amount of personal power based on the fact that he rules with fear, through fear. And President Bush put a tremendous amount of thought into and issued a policy, really the first comprehensive policy on Cuba by the United States in over 40 years, in this 400-page document that he issued and ordered through Executive order, and then implemented its recommendations just a few months ago.

Now, it is a very serious, well-thought-through policy, with various key components. One is to increase the effectiveness of broadcasts, radio and television broadcasts, into Cuba by Radio and Television Martinique to break through the jamming, the embargo, if you will, that Castro maintains on information to the Cuban people. President Bush has even gone so far as to order military aircraft to be used, C–130 aircraft to be used to broadcast television and radio. The jamming is being broken through, and news and information on an increased basis are getting to the Cuban people. That is one element of the President's comprehensive new policy.

The second one is to facilitate increased assistance to the internal pro-democracy movement. Key steps, important steps are being taken in that regard. The head of the United States interests section in Cuba, an extraordinary career diplomat, Jim Cassin, Ambassador Jim Cassin, is doing a great job working with the internal opposition. That also is a serious aspect of the President's new policy.

And the third aspect of the President's policy with regard to accelerating the democratic transition is to reduce the currency that the regime obtains.

Now, what is the objective of our policy, the reason that we have as part of our policy sanctions on the dictatorship in Cuba? It is a three-step goal. Three steps are required for normalization, for the end of the embargo, for aid and assistance: the liberation of all political prisoners, without exception, men and women who are rotting in the totalitarian gulag today, simply because they dream of freedom for their country; the legalization of all political parties, labor unions and the press; free speech, as President Bush likes to refer to that aspect of the goal of U.S. policy, freedom for the prisoners, free speech, and the scheduling of free elections.

Now, that, Mr. Chairman, in a country that for 45 years has been ruled by a totalitarian tyrant who offers to this day harbor, safe harbor, to hundreds of international terrorists as well as countless fugitives from U.S. justice, cop killers, hijackers, drug dealers; a dictator who has engaged aggressively in espionage against the United States, as the FBI will confirm to any Member of this chamber; a regime that has the head of its air force at this time, at this very time, indicted in the United States for murder of unarmed American citizens and the head of its Navy indicted in the United States for drug trafficking.

Now, with regard to that aspect of the President's plan to accelerate a democratic transition that calls for steps to be taken to reduce as much as possible hard currency in the hands of the terrorist state in Cuba, terrorist regime, a reduction in Cuban-American travel to Cuba is part of an important means to getting it accomplished. The dictatorship, just this week, through one of its spokesman, admitted that 25 percent of travel to Cuba and accompanying dollars coming from the United States has been reduced in only the months since the President implemented, ordered the implementation of this new policy. The overwhelming majority, Mr. Chairman, of those affected by the regulations that reduce the amount of travel by Cuban-Americans to Cuba, the amount of those affected directly are in the districts of the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) and the gentleman from Florida (Mr. MENENDEZ) and myself, the Cuban-American members of the United States Congress. It is we, it is we who are accountable in our daily lives when we go to a restaurant, a supermarket, a dry cleaner and at the polls every 2 years, we are accountable to those most affected by the new regulations.

But Cuban-Americans know, and they know very clearly, that freedom never comes free. They also know that the Cuban Adjustment Act in effect treats all Cubans who reach the shores of the United States as political asylees. They know that no other nation's citizens receive that legal treatment and, thus, that with special privileges come special responsibilities.

Political asylees, for example, cannot return to the country from which they sought asylum until the political conditions change in the country from which they sought asylum. Nevertheless, the President's policy permits that Cuban-Americans can return to Cuba, even before the political conditions change there, once every 3 years.

Now, I cannot, Mr. Chairman, I would not pretend to be more expert on the most important issues in each of my colleagues' districts than each of my colleagues. But despite the arrogance inherent in doing so, this amendment says, we know better what is good for Cuban-Americans; we know better what is best for your constituents; we know better than the Members who represent the overwhelming majority of Cuban-Americans in this Congress.

Mr. Chairman, I believe that this amendment is soaked, if you will, in arrogance, and I ask that this body reject it.

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

Mr. DAVIS of Florida. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Fort Lauderdale, Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Chairman, I would, actually, in a sense, not dialogue but mention several things in response to my good friend and one of my closest friends in this chamber, the last speaker, that I do not have the good fortune of having been born a Cuban-American, but having represented the district closest to Cuba for 10 years and having over 200,000 Hispanics, tens of thousands, if not more, Cuban-Americans in my district and having just completed a statewide run where at least all democratic Cuban-Americans had the opportunity to vote for or against me, I think I have a feel for Cuban-Americans and their perspective.

But beyond that, I think that, as my good friend also knows, that for over 20 years, I have stood side-by-side with him in doing everything humanly possible to fight the dictatorship. And I think what needs to be clear on this particular issue and this particular amendment today, that this is not the travel ban issue, this is not the embargo issue, where I have stood side-by-side for the last 12 years with my good friend and colleague, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) in fighting, successfully,

against many of those who today might be joining me in this amendment with the gentleman from Florida (Mr. DAVIS).

Again, let me just be clear for my colleagues and my friends who are listening, that I have fought for 12 years in this House and for 10 years prior to that as an elected official in the State legislature with my friend and colleague in the State legislature, when we could deal with issues to support freedom in Cuba and for the Cuban people.

But this is a very, very specific and a very narrow issue that I think, in fact, goes against everything that we have fought together for, for over 20 years, and it is a very, very, very specific issue. This is not repealing the travel ban. I would be standing here and rigorously fighting if that proposal were here, as often as I have for 10 years, and would be speaking against it and lobbying against it and working against it rigorously, but that is not what this proposal is about.

This is a very specific proposal that deals with very specific things, only family members and changing the rule today that does not let, or until the President implemented the rule, that does not allow free travel, does not allow free access, does not allow free flow of capital to the dictator. Even that restriction was limited, limited to once a year, limited to emergency situations, true emergency situations, not made-up emergency situations, not going to a dance or graduation, but true emergency situations that have been elaborated on and mentioned earlier today. So there were several restrictions even.

I would say to my colleagues that if we actually look at this in terms of capital to the dictator, I mean these are people who are staying with relatives. This is not staying at five-star or tourist hotels. Let us think about what this actually is. It was a mistake. This policy is a mistake. It was a mistake. It was not a thought-through policy in the specifics in terms of the implementation.

□ 1715

I urge all of my colleagues, Democrats and Republicans, supporters of the embargo, opponents of the embargo, supporters of the trade ban, opponents of the trade ban to join in the support of this amendment which is narrowly drawn, very specific, to just deal with a very, very humane issue that deals with not taking a stand on what is the best policy, but on the narrow issue, which is a human issue. I can tell you that not only for the Cuban Americans that I have talked to, but for all Americans, this is a position that has close to universal support throughout this country and throughout the State of Florida.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the distinguished majority leader.

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

Mr. Chairman, he will take the money. He will take the money. There is no such thing as industry in Cuba or family income or tourism or any other economic term that we understand in this country. The only word that describes the economic policy of Fidel Castro's terrorist regime in Cuba is theft.

Every dime that finds its way into Cuba first finds its way into Fidel Castro's bloodthirsty hands. Every dollar of trade with his country is a dollar of trade with his regime, that vile confederation of sycophant contract-killers that he calls a government. That government exists for one purpose, the oppression of the many for the enrichment of one.

If we lift the trade embargo or the travel ban, and American capital flows into Havana Harbor, he will take the money. American consumers will get their fine cigars and their cheap sugar but at the cost of their national honor.

We will tell four decades of Cuban dissidents, dead or alive, in prison or in exile, that their cause was never quite worth fighting for, that freedom is just another commodity to be auctioned off to the highest bidder.

We will tell both our allies and our enemies that America's moral courage has an expiration date. And we will give credence to the great communist lie that all history is economic. We cannot and we must not say any such thing, Mr. Chairman.

Fidel Castro is a terrorist, a murderer and a thief. He funds and otherwise supports international terrorism and the downfall of American democracy.

He mercilessly oppresses dissent in his country, with the help of a secret police that has been responsible for the murder of more than 100,000 Cubans since he took power in 1959. He is not a leader but a Mafia don, greedy, corrupt and evil.

We are not blind. We know commerce with Cuba means commerce with Castro which means more bullets, more machine guns and torture chambers to satisfy his lust for power. Lifting the embargo and opening American tourism and even this amendment to Castro's prison-island would represent a surrender to evil and provide a successful playbook for every terrorist on Earth. It cannot be done.

History is not all economic, Mr. Chairman. Generations hence will not judge us by our wealth but by our courage. History, true history, Mr. Chairman, is not economic. It is moral. That is the standard by which we will be judged and the standard we should apply in this vote today on these amendments.

I urge all my colleagues to stand with free men the world over and vote no on these amendments.

Mr. DAVIS of Florida. Mr. Chairman, I yield 6½ minutes to the distinguished gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, today we have a very simple choice before us. While it implicates the United States' policy regarding Cuba, at a very fundamental level it is about more, much more than the United States and Cuba. It is about values. Family values.

We hear a lot about family values in this Chamber, about the sanctity of the family and the need to protect and strengthen family ties. Well, today the Davis amendment provides us an opportunity to match that rhetoric with action.

It is a test. It is a test for all of us. It is a test to measure the sincerity and the quality of our commitment to family values. In June, as has been indicated, the White House announced new restrictions on family travel which some have suggested would undermine the Cuban government; but I would submit that it is not going to hurt Fidel Castro. No, no. They will not overthrow him, but they will certainly punish families on both sides of the Florida Straits, in Cuba, and in the United States, because until now, Cuban Americans could travel to Cuba to visit family every year, every single year, bringing assistance to their families to help them survive. Well, not any more.

Now Cuban Americans can only visit the islands once every 3 years and they are allowed to travel even on that one occasion if they get permission from the travel police over there somewhere in the Treasury Department. By the way, they can now only visit certain members of the family. They cannot visit aunts and uncles, nieces and nephews. They do not count anymore. And note well, there are no humanitarian exceptions.

The author of this amendment quoted one of the individuals who was instrumental in crafting this anti-family policy. Deputy Assistant Secretary of State Dan Fisk, and I think it is worthy of repetition. These are his words: ''An individual can decide when they want to travel once every 3 years and the decision is up to them.'' I guess this is freedom of choice. ''So if they have a dying relative, they have to figure out when they want to travel.''

I ask my colleagues to pause and think about that for a moment. If your mother and father are both ill and dying and they should die within 3 years of each other, you have to make the decision which funeral you are going to attend. Let me suggest that is anti-family. Let me suggest it is immoral. Let me suggest that it is not what America is all about.

Now, some who support this new anti-family policy argue that allow family travel will somehow promote Cuban terrorism. Let us see, family reunification abets terrorism. That is just simply absurd, Mr. Chairman. That is just simply absurd.

I would urge the opponents of this amendment to meet Carlos Lazo, a blow-up of Mr. Lazo is to my right, and

tell him he is abetting terrorism. He is a Cuban American who escaped from Cuba some 12 years ago on a raft. Now he is a medic in the National Guard serving in Iraq. When he was home on leave, he could not visit Cuba to see his two sons that are now teenagers. And now he is back in Iraq. Hopefully he will see his sons again. But let us remember that that is a hope because every day he risks his life for his adopted country.

Opponents of this amendment would insinuate that this American hero is abetting terrorism? Come on. That is offensive. Let us be clear, this new policy translates an already-failed policy, because Castro has been there for 45 years, into one that is cruel and heartless, anti-family and anti-American, while today the amendment by the gentleman from Florida (Mr. DAVIS) provides a test for those who speak to family values.

I urge my colleagues to support the Davis amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I am always intrigued when I hear about how the United States and measures that the United States can take to help liberate people who are oppressed is anti-family. I am also very intrigued when I do not hear that the cause of all of the problems that the Cuban people suffer from, it is only one individual and his regime, the Castro regime, the anti-American, terrorist regime.

What is pro-family is helping the Cuban people liberate themselves from that regime. What is anti-family is a regime that has destroyed family, a whole Nation, a whole people. So measures that help that anti-family, pro-terrorist regime, measures that help that regime cannot be called pro-family. They are an anti-American terrorist regime.

I am also frankly rather amused when I see letters. Last year I quoted a letter from a Member of Congress on this floor who just spoke right now, about his concern for Cuban Americans. You see, because let us keep that in mind, this amendment only affects Cuban Americans. That is it. Nobody else. And then this amendment, I guess as we had heard before, a little while ago, claims that it knows what is right for Cuban Americans better than Cuban Americans.

We have heard that before. We have heard those similar debates on this floor year after year after year. Pretty soon we are going to hear, Some of my good friends are Cuban Americans.

Well, the reality is this: There is a bipartisan group of us here who represent a majority of the Cuban Americans. Every 2 years we run for reelection, election or reelection, and we do not have to be shown a picture of one individual or two individuals. We represent the vast majority of Cuban Americans. We represent the vast majority of the family members of those people in Cuba. And I keep hearing about how others from other parts of the country seem to know what is right for this group of Hispanics. They know better than those Hispanics know. They know better than that minority group knows about what is best for them.

Well, the reality, Mr. Chairman, is this: I repeat, there are four of us that represent the vast majority of Cuban Americans, the only people affected by this amendment, the only people affected by this amendment. And unanimously those four Members of Congress, one happens to be a Democrat, the other ones happen to be Republicans, all agree unanimously on what is right to help the Cuban people be free, what is right for Cuban Americans in this country.

□ 1730

What is right for them is to not help the Castro regime by allowing it to get more money, to not help that anti-American terrorist regime by allowing it to get more money.

My dear friend, the gentleman from Florida (Mr. DEUTSCH), who has always been on the right side of this issue on the major parts, said today, and I just want to make sure there is no confusion, that what we are talking about here is people cannot go to Cuba and stay at the expensive hotels. Well, wait a second. They could until the new measures put in place by President Bush. Until those new measures, yes, they could.

So to my good friend, the gentleman from Florida (Mr. DEUTSCH), I think he may be a little bit confused as to what this amendment does. If this amendment were to pass then, yes, people could go and travel as many times as they wanted to stay in the most expensive hotels, by the way, all of them run and owned by the Cuban military, by that oppressive military of that anti-American terrorist regime. If this amendment passes, what my good friend, the gentleman from Florida (Mr. DEUTSCH), said that is not happening would happen and could happen.

I am amazed, Mr. Chairman, that people claim they know what is best for areas that are very far away from them and that they know what is best for certain groups, happens to be a Hispanic, large Hispanic group, that they know best. No, those Hispanics, the people that they elect are wrong. They do not know how to elect the right people, so it is up to somebody from way other parts of the country to tell those Hispanics, that minority group, what is really good for them. That is at best patronizing, and there could be some other words that could be used as well.

Mr. DAVIS of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Miami, Florida (Mr. MEEK), whose district abuts the gentleman from Florida's (Mr. MARIO DIAZ-BALART).

Mr. MEEK of Florida. Mr. Chairman, it is a pleasure to present a position on this amendment before the House here today.

I just want to qualify the fact that I live in south Florida, and I do have some good friends that are Cuban, and I do represent many of those individuals. I must say that I voted against this very bill last year in solidarity with many of my friends who are against embargo and want to put pressure on Castro. I believe in that, but I believe that we have crossed the line now as it relates to going into family.

There was some discussion from my good friend and colleague from Miami Dade County talking about, well, folks are going to stay in hotels. Well, if a person is going to see a family member that is sick, nine times out of 10 they are going to stay with that family member.

What has happened now, we are putting on Cuban Americans, I must say Cuban Americans want to go over and visit their family members when they are sick. Now if they have an aunt that is sick, under the new Bush restriction they cannot visit an aunt or a cousin or an uncle that helped to raise them. They could very well be the last living member of their family in Cuba, but they cannot go.

Let us just say that their mother or father is terminally ill and they would like to go and consult with the doctors; they would like to go and give them moral support, spiritual support. They are going have to make a decision now, because President Bush put this restriction in 4 months prior to a major election, I guess because the polling said it was appropriate to do so, they are going to have to make a decision, are they going to visit their family members to give them that support, or are they going to the funeral. If they go to the funeral, they only have a couple of days to do that. Guess what, God forbid if another family member gets sick. Now, if we want to present democracy to families and we want to hurt Castro, then let us hurt Castro. Let us not hurt families.

I have been around Miami Dade County in South Broward for a very long time; and I will tell my colleagues this, there are a lot of people that are hurting and feeling the pain and suffering of this particular restriction. This is far beyond politics and partisanship. This is dealing with families.

I want the people that are paying attention to this debate here today to really understand, if a person has a family member that is on their death bed and they have to make the decision if they are going to be there while they are living and support them or they are going when it is time to put them down to rest, think about that and think about is America trying to present democracy to a Communist country and to Cuba.

Castro is going to turn this around by saying, they will not even allow you to see your son and your daughter for the last time because they came a year before.

This will not deter the Castro government from doing what they are doing. This will make sure that he has another tool to say how bad the United States is. I tell my colleagues, I for one want to see Castro go. I want to see his regime go, and the way to present democracy is not hurting families.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am confused. I thought that the rules of this House required Members to address the contents of the amendment under discussion. Now, the purpose of this amendment, as I understand it, is to allow families to be reunited more than once every 3 years, and yet we have heard a number of voices on the Republican side of the aisle address a very different question. I must assume that they have not read the amendment; and for any of them for whom it would help, I would be happy to read the amendment again.

But based on the comments that I have heard, for instance, from the gentleman from Texas (Mr. DELAY), according to the gospel by the gentleman from Texas (Mr. DELAY), we are supposed to oppose this amendment because Castro is a bad fellow.

Well, I find it interesting that because of our dislike for Fidel Castro, who will either eventually die or fall of his own weight, because of our dislike of Mr. Castro, this Congress is being told that we are supposed to say to a person living in the United States who wants to visit his wife or his daughter or his brother, sorry, but because we do not like Castro, we are going to take it out on you and we are not going to allow your family to see each other more than once every 3 years.

Now, the gentleman from Texas (Mr. DELAY) may think that is consistent with family values. Some of the other majority Members of this House may think that is consistent with family values. I think that is a gross perversion of politics. We are letting our political dislike for Mr. Castro impact negatively the family yearnings of individual Americans and Cubans.

To me, that is a fundamentally immoral position for our government to take, and I just have to again ask Members, before they get up on this floor on this amendment and bloviate about how much they dislike Mr. Castro, I would simply suggest they read the amendment and ask whether or not they think it is morally justified, because they dislike Mr. Castro so much, to take their dislike out on the victims of Castro, which are the families who are split up and who, unless this amendment is passed, will continue to be in a position where the politicians in Washington decide that they know better than individual family members who do not give a rip about politics and are simply trying to figure out ways to see their loved ones.

This is an incredibly disgraceful performance.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I would ask how much time is remaining on both sides.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 13 minutes remaining. The gentleman from Florida (Mr. DAVIS) has 11½ minutes remaining.

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

Perhaps the distinguished gentleman who spoke previously needs to get a little bit more informed on the constituents that we represent. They do care about human rights and they do care about liberty and they do care about politics, the politics of freedom, the politics of human rights, the politics of political prisons. They do care.

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

Mr. LINCOLN DIAZ-BALART of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I am sure they care about politics, but I am sure they do not care for the fact that some Members of this House seem to care more about politics than they do those Cuban families.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I do not know if you do.

Mr. OBEY. With all due respect, I was not referring to myself. I was referring to you.

Mr. LINCOLN DIAZ-BALART of Florida. Well, that is, I believe, uncalled for; but ultimately, what I want to make clear is that our constituents, the constituents represented in an overwhelming majority by the gentleman from Florida (Mr. MARIO DIAZ-BALART), the gentlewoman from Florida (Ms. ROS-LEHTINEN), and the gentleman from New Jersey (Mr. MENENDEZ), and myself do care about their relatives, about human rights, about the three goals of U.S. policy with regard to an island nation that has been oppressed for 45 years, the liberation of all of the political prisoners who are languishing in the gulag, their liberation of all of them without exception. Free speech, the right of free speech, labor unions and the press and political parties and the scheduling of free elections, the unshackling of the chains of the family members is of concern and care to our constituents, and that is why they, being aware that this is a comprehensive, multifaceted policy, not only are supportive of the policy but elect us who are supportive of the policy and who have to be accountable for the policy, not only every 2 years at the polls, but every day at the grocery store and the laundry and the gas station, because it is not a question, as the gentleman from Florida (Mr. MARIO DIAZ-BALART) stated before, of us putting up a photograph.

I would like to put up another photograph now, if I may, of someone who our constituents are very concerned about, and on a daily basis we fear for his life, and that is perhaps the best known political prisoner in Cuba today, a physician. His name is Oscar Biscet, and he lives in a box. This is a replica of the box. This is a replica of the box where Dr. Biscet is being held by the tyrant.

Our constituents are continuously concerned and our prayers, as well as our thoughts, are with Dr. Biscet in that box, punishment cell it is called, where he is held because he is a believer in Gandhi and in nonviolent change as espoused by Martin Luther King. So the tyrant has him in a box.

No, no, no. The politics of oppression, the politics of denial of human rights, the politics of freedom are very much the concern of our constituents. That is why they support these policies that have been implemented by President Bush after comprehensive study in the context of a multifaceted policy, and they continue to support us not only when we go to the gas station and the laundry but at the polls every 2 years.

□ 1745

So to say that our constituents do not know, or as one gentleman just said, have no concern about these issues, is really rooted in ignorance of our constituents. Mr. Chairman, I would say to those distinguished colleagues who may be listening in by television, as I stated before, I would never pretend to be expert on what are the most critical issues in each of our constituents' districts. I would never pretend, never dare to pretend that I would be more expert than each of my colleagues on the most critical important issues in their districts.

But that is what this amendment is saying. This comprehensive policy, which has a facet of reduction of hard currency to the terrorist regime, hard currency that is utilized not only to oppress the Cuban people, but to export terror and to harbor international terrorists, that policy, we have heard today, our constituents cannot be supportive of, or so say Members who do not represent them.

So, again, without seeking to be more expert than everybody else here on their issues, on issues in every Members' district, I would simply ask for the same respect that I think everyone should show toward the most important issues in each of our districts; and, thus, rejection of what I consider an arrogant attitude, which is this amendment of ''we know better what is good for your constituents.'' We know better; that you should have your thoughts elsewhere and not in the suffering of Dr. Biscet.

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

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY). The Chair again reminds all Members that remarks in debate are to be directed to the Chair.

Mr. DAVIS of Florida. Mr. Chairman, I yield 15 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, the issue is very simple. When someone who lives in Florida wants to go to his wife's funeral or visit a family Member who is deathly sick, the question is whose judgment should prevail, the judgment of that individual constituent or the judgment of the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

I think the answer is clear.

Mr. DAVIS of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. FLAKE).

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

To hear the debate, like the gentleman from Wisconsin (Mr. OBEY), I wonder what amendment we are debating. It seems we are debating the Flake amendment all over again. I would like to be debating the Flake amendment. I decided last week that this is not the time to do so, just because of the political environment; that it would not be given a good hearing.

It seems that is what we are debating, the full-out travel for humanitarian, tourism, et cetera, whatever; just allowing Americans the freedom to travel. I wish we were debating that. I think that is the policy we should have. But we are not. This is a very narrow debate on a very specific issue.

The only difference I would have with the comments of the gentleman from Wisconsin (Mr. OBEY) is that many Republicans share this view. In fact, I think over 60, 2 years ago, or 50 or so Republicans voted for the Flake amendment to allow all travel, to allow freedom of all people to travel, and I assume the vote will be even larger among Republicans today.

I too am struck by this amendment and what is termed arrogance. I am called arrogant, I guess, because I assume that Cuban American families ought to decide for themselves whether they should travel. That is not arrogance. It is not arrogance to assume that I do not represent all Cuban Americans. I do not represent very many. There are some in my district; some who have contacted me; some who do want to travel. I think they ought to be given that choice for themselves. It would be arrogant of me to say otherwise.

I think it would be arrogant of me to say, no, I know what is better for you. I think you should not be able to travel to your mother's funeral or that you should have to decide whether to go to your mother or your father's funeral, or that you cannot decide for yourself whether or not you should travel to see another sick relative. That is not a choice we ought to be making for everyone.

I come from a small town in northern Arizona, the town is called Snowflake, named after my great-great grandfather. There are a lot of Flakes in Snowflake, by name, not reputation. I do not represent that area, but I assume I represent a lot of the feelings coming from that group. There are a lot of people who are not Flakes in Snowflake. I would not pretend to represent them. I would not pretend to know where they should travel or where they should not. That is not a decision I should make for them. That is a decision they should make for themselves.

So, for one Member of Congress in a different State than Florida to say he thinks that Cuban Americans in Florida or New Jersey or Indiana or Wisconsin or elsewhere should make that decision for themselves, that is not arrogance, that is simply embracing freedom and that they should have that choice by themselves; that we should not make that choice for them. That is what we are arguing today. That is what it is all about today.

A vote against this amendment puts us in the position of telling Cuban Americans that we know what is best for them, not the opposite. A vote for this amendment says that we make the choice ourselves; that we know whether it is best to travel to Cuba to visit a sick relative, to go to a mother's funeral or to not. That is what this amendment is all about.

Mr. Chairman, I urge support for it, and I commend the gentleman from Florida for bringing this forward, and I commend those who have participated in the debate. Let us just remember what it is about. This is about freedom. This is about family values. It is about allowing families to travel and to make their own decisions.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, it is amazing how history repeats itself. I was not here during the whole South Africa debates, but I heard them. During those South Africa debates, we had those who said we should do business as usual with South Africa to help the blacks in South Africa; that we should be able to do all sorts of business, and by the way, we did business with South Africa, business as usual, forever. Did it help the oppressed people under apartheid? No.

And, Mr. Chairman, when those oppressed people had an opportunity to vote, finally, after many, many years, they did not support those that wanted to do business as usual; that talked about doing business as usual. They supported those that led the efforts to sanction the apartheid regime in South Africa.

Many people on this floor, some who are still here, voted for sanctions against South Africa and yet vote to lift sanction against Cuba using the same argument. I saw just a month ago people on this floor who are against sanctioning the anti-American terrorist regime 90 miles away from the United States vote and speak for sanctions against China. It is interesting how this double standard is so prevalent.

Again, history repeats itself. Those who said we should do business as usual in South Africa to help the oppressed were wrong, and when the oppressed people had an opportunity to speak, they showed how wrong they were. Dr. Biscet and others will have an opportunity to speak, and I think there will be a lot of red faces of those that say they are doing it to help the oppressed people. We do not help the oppressed people by helping to finance the oppressor.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), a fighter for human rights who I very much admire.

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in very strong opposition to the Davis amendment and the other four amendments being offered on Cuba today.

Under the current U.S. laws, we all know, travel to Cuba is allowed for 13 licensed categories. Last year, under these licenses, approximately 100,000 U.S. citizens traveled to Cuba, the vast majority of whom were family members. However, these new regulations promulgated by the administration would further refine this travel to deny at least some of the $96 million in hard currency that has been gotten and gleaned by this rogue regime, through the manipulation of those family visits in 2003, the number from that year. Custom duties and excess baggage fees have added $20 million more in revenue to this gross dictatorship.

To my colleagues, I want to say that I just held a hearing, along with the gentleman from California (Mr. HUNTER), on the issue of human trafficking. Cuba is a Tier III country, an egregious violator when it comes to human trafficking. Approval of this amendment would prop up a regime that not only traffics in human persons, but allows for the exploitation of young children, who are reduced to this horrible thing called child prostitution. When we allow trafficking and child prostitution for the amusement of those who travel there, many of whom bring that hard currency that is now permitted by this administration, I think we are seriously erring and making a grave mistake. We are also enobling and enabling a human rights violator.

Let me also say to my good friend and colleague who spoke a moment ago about the political prisoner, Dr. Biscet, and so many others who are subjected to unspeakable cruelty. A couple of years ago, I offered an amendment that said we will lift the travel ban if and only if the prisoners are let go. Fidel Castro has said one big no to that. And not only has he continued to incarcerate and torture hundreds of political prisoners, the best and the brightest and the bravest of Cuba, he now has arrested another 75 to 80 more and meted

out sentences of 25 to 27 years. That is unconscionable.

We do not want to directly or indirectly enable that kind of dictatorship, that kind of repressive regime. If my colleagues or myself were sitting in one of Cuba's gulags, we would hope that someone would say human rights do matter; that we are not going to provide the hard currency to prop up his regime so that his thugs can so mistreat those prisoners.

I have tried, along with the gentleman from Virginia (Mr. WOLF), to get into the prisons of Cuba and I have been denied. I can get into Cuba and meet with Fidel Castro and have a jawfest for 4 or 5 hours, as some of my colleagues have, but to get into the prisons to say these people should be allowed to go, no, we cannot do that. The ICRC, the Red Cross, has tried repeatedly to get into those prisons and has been refused.

Mr. Chairman, I urge my colleagues to vote ''no'' on this amendment. This is all about human rights and enabling a dictatorship. Say no to the Davis amendment.

Mr. DAVIS of Florida. Mr. Chairman, who has the right to close on the amendment?

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. DAVIS) has the right to close on this amendment.

Mr. DAVIS of Florida. And how much time remains on each side, Mr. Chairman?

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. DAVIS) has 7¼ minutes remaining, and the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 1 minute remaining.

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

Mr. DAVIS of Florida. Mr. Chairman, I yield 3½ minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I listen to this debate and I am stunned, and I find it staggering that we are flying in the face of family values, of family reunification. And because of some people's interest or disinterest or dislike or hate or whatever the range of emotions are about an individual, we really are destroying the fabric of life for Cuban Americans and their families who are in Cuba.

These regulations will disrupt the lives of thousands of Cuban Americans in the United States. It will do nothing to improve human rights. It will do nothing to improve human rights. It will do nothing to bring democracy to that island. Why are we penalizing the good people of Cuba and the people here in the United States who have family there; whose only thought is how they might be reunified with their family, especially if there is a time of need, especially if there is illness, especially if there is a death? What is wrong with us that we do not understand this; and that we only care about family values if we have people living in a democracy?

□ 1800

But for those who do not, and that could be in a lot of places all over this world, we say: Be gone; we are not interested in what your lives are about. Is that what the United States of America is all about?

Close relatives have been able to visit their families once every 12 months. These new regulations say once every 3 years and 14 days at a time. My colleagues have mentioned that the Deputy Assistant Secretary of State for the Western Hemisphere says an individual can decide when they want to travel once every 3 years, and the decision is up to them. So if they have a dying relative, they have to figure out when they want to travel. So much for compassionate conservatism.

Rules drastically limit the amount of money Cuban-Americans can bring back to their family members. Funds do not prop up the Castro regime, but they certainly do support families who at this moment are recovering from the devastation of Hurricane Ivan.

Other changes in our Cuba policy will be similarly ineffective, including preventing high school students from visiting the island, prohibiting university trips shorter than 10 weeks. And this will effect a democratic change in Cuba?

I am the daughter of immigrants, Italian immigrants. My father was born in Italy. We have relatives in Italy. He and my mom would go to the bank on a weekend, take some money out, whatever they could afford, to get it back to the family there. There was a tie between that town of Scafati, Italy, and New Haven, Connecticut, where people could come together and support their families. When there was a problem, my dad could visit or my mom could visit with him.

It does not make sense to punish families. Let us stand up for Cuban-American families. Members can be opposed to Castro, but Members cannot be opposed to the Cuban people, whether they are in Cuba or whether they are in the United States. I understand this experience. So many in this body understand that experience. Let us support this amendment of my colleague from Florida. Let us understand what family values are all about, and let us not pick and choose whose families we want to be united or reunited.

Mr. OLVER. Mr. Speaker, I move to strike the last word.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The Chair would advise the gentleman from Massachusetts (Mr. OLVER) that since the gentleman from Wisconsin (Mr. OBEY) has struck the last word during this amendment, that can only be by unanimous consent. The gentleman may ask unanimous consent to strike the requisite number of words.

Mr. OLVER. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

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

There was no objection.

Mr. OLVER. Mr. Chairman, early in this debate, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) who controls the time in opposition to this amendment asserted that the President of the United States gave this issue a tremendous amount of thought. Surely that assertion contains an oxymoron.

Mr. SMITH of New Jersey. Mr. Chairman, with all due respect to my friend and colleague, those kinds of words have no place in a reasonable and dignified debate. That is beyond the pale. I would hope the gentleman would retract them.

The CHAIRMAN pro tempore. The gentleman will suspend. The time is controlled by the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, the latest get-tough initiative to rid Cuba of Fidel Castro punishes ordinary Cubans on both sides of the Florida straits and will surely have no more effect on the longevity of the Castro regime than all other such measures over the last 45 years, over the lifetime of ten different Presidents, have had.

Specifically, the interim rule which went into effect on June 30, 2004, limits family visits to Cuba to one trip every 3 years for a maximum of 14 days under a specific license to visit only immediate family. No longer will emergency visits, even deathbed visits, be allowed, nor visits to aunts, uncles and cousins who are outside the definition of immediate family.

The old policy allowed one trip per year under a general license for an unstated number of days, included a broader definition of family and allowed emergency visits under a specific license. Further, the new rule has ordered cutting the amount that Cuban-Americans visiting Cuba can spend on a daily basis from $167 to $50, and $50 does not buy very much these days. And these sweeping changes were done without so much as one hearing in Congress.

The Davis amendment would prohibit funds in the bill from being used to implement, administer or enforce the rule containing these changes made in family travel. Regardless of Members' opinions on the travel ban, this policy is politics at its worse being played with families. We should adopt the amendment overwhelmingly and put a stop to this policy folly.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, with a great sense of responsibility, I say that political prisoners in Cuba have asked that their support for President Bush's policy be made known. I know that the wrath, the brutality of the tyrant falls upon with all severity heroes such as that,

but I think I have an obligation to say that Felix Navarro Rodriguez of Guantanamo asked that his support for this policy and its reduction, which has been admitted already by the regime to be substantial, of dollars to the coffers of the terrorists state be noted.

Mr. Chairman, the Cuban people have never stopped fighting for freedom during these 45 years, and Cuba will be free. And men and women like Felix Navarro Rodriguez and Oscar Elias Biscet and Jorge Luis Garcia Perez and Rafael Ibarra and Francisco Chaviano, those are the people who will be respected for generations to come because they, in those dungeons, stood up for the freedom of the Cuban people. They support these measures. We owe it to the Cuban people to sanction the regime and support President Bush's policy. Reject the Davis amendment, I ask my colleagues with all due respect.

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

I want to start by clarifying that there is no dispute whatsoever that this is not a debate about tourism. This is not a debate about trade or the embargo. This is a debate about the right of family members to visit each other without government interference.

There has been virtually no response to the merits of the issue as to how anybody might defend the indefensible; that is to restrict the ability of family members to see their own. I understand that. If I were opposing this, I would not have anything to say on the merits either. Members cannot defend the indefensible here.

The only opposition that has been raised is to call the amendment arrogant, and it is based on a point of view sincerely expressed by the opposition that a few Members of Congress which represent a significant portion of Cuban-Americans in this country ought to essentially have a monopoly on that issue. I respectfully disagree. I personally offer this amendment tonight. I feel compelled to speak. I feel a sense of obligation because I represent roughly 120,000 people who would proudly describe themselves as Hispanic in the Tampa Bay area, many of whom are Cuban, and I feel obliged to present the voice tonight of Simon Rosen and Rufino Blanco, Ignacio and Gloria Menendez and the U.S. Army medic, Carlos Lazo, who was denied the ability on his leave from Iraq to visit his teenage sons in Cuba. What a disgrace.

One of the few things that I think we can all agree on here tonight is that life is very cruel for people in Cuba. It is very cruel for families. One of the few sources of support and hope they have is their own flesh and blood, their own family, whether they be in Cuba or in the United States.

In Florida, we just went through a supreme test. We have been through three hurricanes. It brought out the worst of Mother Nature, and it brought out the best in Floridians. And the best in Floridians is neighbor helping neighbor and family helping family, a hand extended to offer hope and support.

Cuba has just been through two horrific hurricanes. How can we deny to Cuba the support and comfort, the peace of mind of their own flesh and blood which has sustained so many Floridians throughout the southeast who have been affected by this terrible hurricane? This amendment is a test of our humanity. It is a test of who we are. This amendment is a test of whether we truly believe, as I believe we do, as Democrats and Republicans, in the values of family and that the government's job is to support families and not to interfere.

Let us adopt the Davis amendment and reaffirm to the Cuban people and people who fled Cuba from this ruthless dictatorship that we are counting on them to support each other, much as we support each other in this country. I urge adoption of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. DAVIS).

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

Mr. OLVER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. DAVIS) will be postponed.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would alter the debate somewhat this evening recognizing a number of important issues have come to our attention during debate on the transportation appropriations bill.

Yesterday, Mr. Chairman, the ACI had the beginning of its meeting in Houston, some 1,500 airports. I realize that airports create jobs, and airports are a vital economic arm of our communities, but I also realize that airports typically are in our communities. Whether rural or urban, many times they are in communities that are fully residential.

I rise today to speak to a question that I think is important to bring attention to, and I would hope that, in the conference and the work of the ranking member and the chairman, we can look again at the restoration of airport mitigation dollars for noise abatement.

We know that exposure to excessive noise, that is 55 decibels, can lower children's learning and academic performance, increase blood pressure and incidence of cardiovascular disease, cause mental health disorders, stress and depression, and cause work performance issues. Each decibel increase in airport noise results in a 0.5 to 2.5 percent decrease in real estate value.

According to a 1998 Cornell University study, the constant roar of a jet aircraft can seriously affect the health and psychological well-being of children. These problems include higher blood pressure and boosted levels of stress hormones and have lifelong effects.

I hope we can move this body and the Committee on Appropriations and our authorizing committee to deal with increased mandatory damage mitigation funding, increased FAA oversight, mandatory noise and pollution monitoring, enforcement of land use and clean air assurances. Our communities deserve this. We must be able to live compatibly with those residential communities around airports for our airports to survive.

On April 17, 2003, the FAA proposed to modify the Houston class B air space. The FAA proposed this action due to a significant growth in aircraft operations over the past 10 years and thousands of complaints from residents. To address this growth, the city of Houston completed construction of a new runway, 8L/26R in October 2003. Since the runway expansion, residents near the airport have suffered increased noise and vibrations from airport operations and aircraft.

This is not only just for residents. We have, amongst those community activists that I imagine might be all over the Nation, Mark Goble who happens to be an airline pilot. Let me share with my colleagues, and I hope in the Committee of the Whole I will be able to put these into the RECORD.

We can see what happens outside of the homes of many of the residents.

□ 1815

Aircraft on a constant basis over churches.

I believe it is important in working with the gentleman from Texas (Mr. LAMPSON), the gentleman from Texas (Mr. GREEN), and the gentleman from Texas (Mr. BRADY) that we work with the Houston Airport, but this cannot be a local issue alone. We must have Federal resources to help us in communities across the Nation.

So I rise today to bring attention to this issue, hoping that my colleagues on the Transportation, Treasury and Independent Agencies Subcommittee of the Committee on Appropriations in conference will look to this issue again and be able to address the Federal funding, mandatory funding, to help our local communities mitigate this noise, help to mitigate and help to bring about noise abatement.

Each Member should understand the significant environmental impact that airports have on abutting communities. The concept of Not in My Backyard usually comes to mind when we speak of nuisances and their effect on communities. One 747 arriving and departing from JFK Airport in New York produces as much smog as a car driven over 5,600 miles and as much noxious nitrogen oxides as a car driven nearly

26,500 miles. While Federal regulations require automobiles to undergo stringent emissions testing and certification, aircraft do not receive the same level of scrutiny. We all want to live in a peaceful and safe location.

And I would simply say I understand the needs of airports and airlines. I said yesterday in my remarks to the ACI, airports, airlines connect us to the world and to the Nation. They are the engine of economic opportunity. But I also am concerned about the communities that grow up around them or are already there when they have to expand. We must find a way in this Government to assist our local governments in this effort of mitigation.

I want to thank the ranking member and the chairman for their consideration. Let me say that I do not know if we have unanimous consent to extend for a response, but I hope to ask both the gentleman from Oklahoma (Mr. ISTOOK) and the ranking member for their consideration of this important issue.

Exposure to excessive noise (that is, 55 decibels) can: (1) Lower children's learning and academic performance, (2) increase blood pressure and incidence of cardiovascular disease, (3) cause mental health disorders, stress, and depression, and (4) cause work performance issues. Each decibel increase in airport noise results in a 0.5 to 2.0 percent decrease in real estate value.

According to a 1998 Cornell University study, the constant roar of a jet aircraft can seriously affect the health and psychological well-being of children. These health problems include higher blood pressure and boosted levels of stress hormones and have lifelong effects.

On April 17, 2003, the Federal Aviation Administration (FAA) proposed to modify the Houston Class B airspace area. The FAA proposed this action due to a significant growth in aircraft operations over the past 10 years and thousands of complaints from residents. To address this growth, the City of Houston completed construction of a new Runway 8L/26R in October 2003. Since the runway expansion, residents near the airport have suffered increased noise and vibrations from aircraft and airport operations and the complaints have actually doubled! While the Airport and FAA have taken some steps toward mitigation, local residents continue to raise legitimate concerns and demand that more be done to solve the noise problem.

I joined my colleagues Mr. LAMPSON, GREEN, and BRADY in calling for Houston Airport Systems to make improvements to its noise abatement program for aircraft operations at Intercontinental Airport (IAH). This problem still exists, so I ask this Subcommittee to use this legislation, H.R. 5025 as a vehicle to bring peace and good health to densely populated communities like the one surrounding Intercontinental in Houston.

Each member should understand the significant environmental impact that airports have on abutting communities. The concept of "Not In My Back Yard" usually comes to mind when we speak of nuisances and their effect on communities. One 747 arriving and departing from JFK airport in New York City produces as much smog as a car driven over 5,600 miles and as much noxious nitrogen oxides as a car driven nearly 26,500 miles. While Federal regulations require automobiles to undergo stringent emissions testing and certification, aircraft do not receive the same level of scrutiny. We all want a peaceful and safe place to raise our children and to live.

I speak now to advocate for families like one of my constituents who is actually a pilot out of Intercontinental Airport (IAH). He indicated that aircraft would fly between 300–500 feet away from his home in the Woodcreek Subdivision of Houston, TX. Furthermore, as a pilot, he measured the height of some of his own flights as low as 540 feet above heavily populated areas—and this was typical of flight patterns out of the airport.

He, his wife, and his two children once counted over 150 flights directly over his home. The health impacts of such proximity to flying aircraft are tremendous and inhuman. Federal dollars are needed to standardize flight patterns and design runways in such a way that respects the health of abutting communities—regardless of whether the region has zoning laws on its books.

Legislation such as H.R. 5025 allocates funds for enhancements to be made for modes of transportation. These funds should not be allocated without the inclusion of funding for damage mitigation and future monitoring for damages to abutting communities. I suggest that language should be included in this legislation that restricts funding for airports unless adequate damage or nuisance mitigation plans and agreements have been executed. Furthermore, this legislation needs more oversight provisions in the area of the Federal Aviation Administration (FAA). The agency should not have the ability to publish and promulgate rules that serve to hurt communities. Appropriations legislation serves as effective tools for guiding government behavior.

As I have learned from community activist groups in Houston, we must work to guide the FAA to change the way it assigns its air space categories. Low intercepts altitudes should not be allowed in heavily populated areas or where landing paths cannot avoid residential areas. These low intercept altitudes decrease property values severely, destroy quality of life, promote illness and disease among inhabitants, and do not aid our efforts to keep our homeland secure in light of current elevated threat levels. Furthermore, we should include mandatory noise and pollution monitoring for areas that abut airports and lower the legal designation of "significant noise" from 65 DNL to 55 DNL.

Mr. Chairman, I ask that the conferees take this grave issue into consideration, and I support the legislation.

LEGISLATIVE OBJECTIVES

Federal:

Mandatory damage mitigation funding.

Reduce Class B Airspace over populated areas.

Increased FAA oversight.

Mandatory noise and pollution monitoring.

Enforcement of land use and clean air assurances.

State and Local:

Direct notice laws.

Mandatory noise abatement procedures for airport owners.

Mandatory land use management plans around airports.

[May 26, 2004, Coalition of Homeowner Alliances Requiring Government Equity]

CHARGE SHORT RANGE GOALS?

Short Range Goals:

Combat the noise of IAH.

Address the related pollution exposures.

Secure compensation for those experiencing extreme noise.

[May 26, 2004, Coalition of Homeowner Alliances Requiring Government Equity]

Mr. NEY. Mr. Chairman, I rise in strong support of the $15 million appropriation in the Transportation-Treasury bill dedicated to enabling the Election Assistance Commission, EAC, to carry out its responsibilities under the Help America Vote Act, HAVA. During its first year in existence, the EAC has done a commendable job in carrying out its responsibilities while operating on a shoestring budget. In order for the Commission to fully achieve the many tasks assigned to it by HAVA, however, it will need the $15 million appropriated in this bill during the upcoming fiscal year.

The funds being made available will ensure that the EAC has the resources necessary for conducting research on voting system security and other important election-related issues. It will also allow the EAC to hire the staff and invest in the infrastructure needed to fulfill its numerous HAVA obligations.

The American people demand and deserve a voting process in which they can have full confidence. That is why I am proud to have been a chief sponsor and author of HAVA, which holds the potential for fundamentally improving the health of our Nation's democracy. The EAC plays an important role in ensuring that the promise of HAVA becomes a reality.

I, therefore, urge my colleagues to support the $15 million appropriation to the EAC.

Mr. ISTOOK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FLAKE) having assumed the chair, Mr. THORNBERRY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 6 o'clock and 18 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1832

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEARCE) at 6 o'clock and 32 minutes p.m.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 770 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5025.

□ 1832

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5052) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. THORNBERRY (Chairman pro tempore) in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, a request for a recorded vote on Amendment No. 2 offered by the gentleman from Florida (Mr. DAVIS) had been postponed and the bill had been read through page 166, line 3.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment No. 11 offered by Mr. VAN HOLLEN of Maryland; amendment No. 5 offered by Mr. SANDERS of Vermont; amendment offered by Ms. NORTON of the District of Columbia; and amendment No. 2 offered by Mr. DAVIS of Florida.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 11 OFFERED BY MR. VAN HOLLEN

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 210, noes 187, not voting 36, as follows:

[Roll No. 457]

AYES—210

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

NOES—187

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

NOT VOTING—36

Baird
Bishop (GA)
Blumenauer
Bonner
Brown, Corrine
Cannon
Carson (OK)
Culberson
DeMint
Dunn
Frost
Goss
Greenwood
Gutierrez
Hensarling
Hinchey
Hoekstra
Honda
Isakson
Jenkins
John
King (NY)
Majette
Matsui
McInnis
Meek (FL)
Millender-McDonald
Miller (FL)
Mollohan
Rohrabacher
Sandlin
Schrock
Tancredo
Tauzin
Visclosky
Wicker

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1858

Mr. NEY, Mrs. MYRICK, and Messrs. BACHUS, HALL, and KINGSTON changed their vote from ''aye'' to ''no.''

Mr. WALSH changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT NO. 5 OFFERED BY MR. SANDERS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 237, noes 162, not voting 34, as follows:

[Roll No. 458]

AYES—237

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (NY)
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Coble
Conyers
Costello
Cramer
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Fossella
Frank (MA)
Frelinghuysen
Gephardt
Gerlach
Gilchrest
Gonzalez
Goode
Gordon
Green (TX)
Grijalva
Gutknecht
Harman
Hastings (FL)
Hefley
Herseth
Hill
Hinojosa
Hoeffel
Holden
Holt
Hooley (OR)
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Platts
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Woolsey
Wu
Wynn
Young (FL)

NOES—162

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burns
Burr
Buyer
Calvert
Cantor
Carter
Castle
Chabot
Chocola
Cole
Collins
Cooper
Cox
Crane
Crenshaw
Crowley
Cubin
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Ehlers
English
Everett
Feeney
Flake
Foley
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goodlatte
Granger
Graves
Green (WI)
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hobson
Hostettler
Houghton
Hulshof
Hunter
Issa
Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
McCrery
McKeon
Meeks (NY)
Mica
Miller, Gary
Moran (KS)
Murphy
Myrick
Nethercutt
Neugebauer
Norwood
Nunes
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weller
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—34

Baird
Bishop (GA)
Blumenauer
Bonner
Brown, Corrine
Cannon
Carson (OK)
Culberson
DeMint
Dunn
Frost
Goss
Greenwood
Gutierrez
Hensarling
Hinchey
Hoekstra
Honda
Isakson
Jenkins
John
King (NY)
Majette
Matsui
McInnis
Millender-McDonald
Miller (FL)
Mollohan
Sandlin
Schrock
Tancredo
Tauzin
Visclosky
Wicker

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY) (during the vote). Members are advised that two minutes remain in the vote.

□ 1905

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. NORTON

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 175, noes 224, not voting 34, as follows:

[Roll No. 459]

AYES—175

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Becerra
Bell
Berman
Berry
Bishop (NY)
Boswell
Boucher
Brady (PA)
Brown (OH)
Burr
Butterfield
Capps
Capuano
Cardin
Carson (IN)
Chandler
Clay
Clyburn
Cole
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gephardt
Goode
Gordon
Grijalva
Hastings (FL)
Herseth
Hinojosa
Hoeffel
Holden
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
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
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wolf
Woolsey
Wynn

NOES—224

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Granger
Graves
Green (TX)
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hobson
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Issa

Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pastor
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
Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wu
Young (AK)
Young (FL)

NOT VOTING—34

Baird
Berkley
Bishop (GA)
Blumenauer
Bonner
Brown, Corrine
Cannon
Carson (OK)
DeMint
Dunn
Frost
Goss
Greenwood
Gutierrez
Hensarling
Hinchey
Hoekstra
Honda
Isakson
Jenkins
John
King (NY)
Majette
Matsui
McInnis
Millender-McDonald
Miller (FL)
Mollohan
Sandlin
Schrock
Tancredo
Tauzin
Visclosky
Wicker

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1912

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. DAVIS OF FLORIDA

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. DAVIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 225, noes 174, not voting 34, as follows:

[Roll No. 460]

AYES—225

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Bartlett (MD)
Bass
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (NY)
Boehlert
Bono
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Gallegly
Gephardt
Gilchrest
Gonzalez
Gordon
Graves
Green (TX)
Grijalva
Harman
Herger
Herseth
Hill
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rehberg
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Toomey
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—174

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Boozman
Boyd
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
English
Everett
Feeney
Ferguson
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Granger
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hobson
Hulshof
Hunter
Hyde
Issa
Istook
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McIntyre
McKeon
Mica
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Ose
Oxley
Pearce
Pence
Petri
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—34

Baird
Bishop (GA)
Blumenauer
Bonner
Brown, Corrine
Cannon
Carson (OK)
Davis, Tom
DeMint
Dunn
Frost
Goss
Greenwood
Gutierrez
Hensarling
Hinchey
Hoekstra
Isakson
Jenkins
John
King (NY)
Majette
Matsui
McInnis
Millender-McDonald
Miller (FL)
Mollohan
Sandlin
Schrock
Strickland
Tancredo
Tauzin
Visclosky
Wicker

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1921

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. ISTOOK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BURGESS) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. MOORE. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion

to instruct on H.R. 1308, the Tax Relief, Simplification, and Equity Act of 2003.

The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 1308 be instructed to agree, to the maximum extent possible within the scope of conference, to a conference report that:

Number 1, extends the tax relief provisions which expire at the end of 2004; and

Number 2, does not increase the budget deficit.

CONSIDERATION OF MEMBER AS FIRST SPONSOR OF H.R. 2119

Mr. BUTTERFIELD. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 2119, a bill originally introduced by Representative BALLANCE of North Carolina, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

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

There was no objection.

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 tomorrow.

COMMEMORATING THE OPENING OF THE NATIONAL MUSEUM OF THE AMERICAN INDIAN

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 41) commemorating the opening of the National Museum of the American Indian.

The Clerk read as follows:

S.J. RES. 41

Whereas the National Museum of the American Indian Act (20 U.S.C. 808 et seq.) established within the Smithsonian Institution the National Museum of the American Indian and authorized the construction of a facility to house the National Museum of the American Indian on the National Mall in the District of Columbia;

Whereas the National Museum of the American Indian officially opens on September 21, 2004; and

Whereas the National Museum of the American Indian will be the only national museum devoted exclusively to the history and art of cultures indigenous to the Americas, and will give all Americans the opportunity to learn of the cultural legacy, historic grandeur, and contemporary culture of Native Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL MUSEUM OF THE AMERICAN INDIAN.

Congress—

(1) recognizes the important and unique contribution of Native Americans to the cultural legacy of the United States, both in the past and currently;

(2) honors the cultural achievements of all Native Americans;

(3) celebrates the official opening of the National Museum of the American Indian; and

(4) requests the President to issue a proclamation encouraging all Americans to take advantage of the resources of the National Museum of the American Indian to learn about the history and culture of Native Americans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

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

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

Senate Joint Resolution 41 commemorates the opening of the National Museum of the American Indian.

Today brings to a conclusion a concept that started over 20 years ago, to create a national museum in our Nation's capital which is dedicated exclusively to Native American art, history, and culture.

Today will also mark the beginning of a lasting tribute to those individuals who were our country's earliest inhabitants.

The Smithsonian Institution's National Museum of the American Indian sits adjacent to the National Air and Space Museum on over 4 acres of land, just southwest of the U.S. Capitol.

The building's appearance is unlike any other in Washington, D.C., and it has symbolic references to Native American culture. The building's limestone exterior gives it the appearance of natural rock formations that have been carved by wind and water.

Three-quarters of the site is reconstructed natural habitats that are indigenous to this southeastern region, and the building itself will display about 8,000 objects from its permanent collection. The displays will include not only historical artifacts, but will also portray ongoing vital contributions Native Americans bring to this Nation's art and culture.

The building has some special features which include an entrance facing east toward the rising sun, a prism window and a 120-foot high atrium called the Potomac, which was designed in consultation with many Native Americans.

Native Americans indeed have had profound influences on our Nation's culture from the very birth of our country through today and will continue into the future.

At a time when our military receives so much focus, it is important to remember that some of our military's great heroes, such as the code talkers, were Native Americans who helped preserve our country's ideals and beliefs.

It is also important to note that Native Americans make up less than 1 percent of the total U.S. population, but represent half the languages and cultures in the Nation.

The term ''Native American'' includes over 500 different groups and reflects great diversity of geographic location, language, socioeconomic conditions, and retention of traditional spiritual and cultural practices. However, many teaching materials present a generalized image of Native American people with little or no regard for differences that exist from tribe to tribe. I believe this museum provides a strong presentation of these differences and will be very educational to the viewer and to the Nation.

It is remarkable that Native Americans have retained many of their longstanding traditions, even though numerous outside influences create pressures for change.

Thanks to the efforts of Senator INOUYE and our former House colleague, Senator BEN NIGHTHORSE CAMPBELL, legislation was signed by former President George Herbert Walker Bush on November 28, 1989; and today this museum has become a reality.

I hope all my colleagues and all who visit our Nation's capital will take the opportunity to visit this wonderful museum, and I urge my colleagues to support S.J. Res. 41.

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

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. LARSON of Connecticut. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Michigan. Indeed, I am pleased to support Senate Joint Resolution 41, commemorating the successful 15-year effort to create the National Museum of the American Indian and requesting the President to issue a proclamation for this occasion.

What a day it has been already, having the celebration kicked off this morning. So many Native Americans from my great State of Connecticut are down here for this very special commemoration.

I would also echo the remarks and sentiments of the gentleman from Michigan. What a great tribute. This is the 18th such museum that the Smithsonian has put up; and under their tutelage, we know that it is going to continue to be as spectacular as the 17 others that come under their control and auspices.

I am equally proud as well that so many tribes in the great State of Connecticut have contributed not only to our great economy and employment there but they themselves have been leaders. The Mashantucket Pequots of Mashantucket have put together their own museum and are going to collaborate here with the national museum.

They are both extraordinary sites and worth everyone visiting, as well as have the Mohegans in Connecticut who are also great economic contributors and employers in the State of Connecticut, who have also put together an educational program and archaeological field trips that teach both the culture and the storytelling and the lore of all that are so important.

So, Mr. Speaker, I am proud and encourage everyone to support this resolution today.

I am pleased to support S.J. Res. 41, commemorating the successful 15-year effort to create the National Museum of the American Indian (NMAI) on the Mall, and requesting the President to issue a proclamation for the occasion.

The legislation was originally introduced by Senators CAMPBELL and INOUYE, the chairman and ranking member of the Committee on Indian Affairs, and passed the Senate on July 22. Many of Connecticut's tribal nations are here this week for the commemoration.

The Museum encompasses the culture and history of indigenous peoples throughout the Western Hemisphere, who total more than 35 million.

The Museum, which is part of the Smithsonian Institution, opens today at 4.25 acre site southwest of the U.S. Capitol grounds. It is the only national museum devoted exclusively to the life, languages, literature, history and arts of cultures indigenous to the Americas.

Earlier today there are a ceremonial procession of Native Americans from the Smithsonian to the Capitol, followed by the Museum dedication ceremony on the Mall and the opening of the Museum to the public. A six-day festival and celebration on the Mall also begins today.

Besides the site on the Mall, the Museum also includes the George Gustave Heye Center, a museum in New York; and the Cultural Resources Center, a research and collections facility in Suitland, Maryland.

The National Museum of the American Indian is the 18th museum under the control of the Smithsonian. It was formally created by Congress in 1989 after the Heye Foundation in New York City agreed to transfer its own unique collection to the Smithsonian. Construction on the Mall began in 1999.

The structure has a unique architectural design using Kasota limestone which gives the appearance of having been weathered by the elements. It is a majestic setting which enhances the Mall, and the Museum's location along Independence Avenue near the Capitol ensures that it will become one of Washington's premier attractions for visitors. American Indians have played a key role in the Museum's design and fund-raising, as well as the exhibitions and programs.

The Smithsonian Institution has developed a special expertise in conceiving and managing museums which move beyond traditional concepts of exhibitions that remain static for decades, and instead allow living and evolving history to be displayed.

This is especially appropriate since Native American communities in the United States and Canada, and throughout the Hemisphere, remain vital forces in the cultural identifies of the many new nations with which they have been joined.

The Native American communities in the United States remain distinct, highly visible entities culturally, and often politically and economically, in the States where they are located. In this country alone there are more than 500 distinct Native cultural communities recognized by the Federal government, and States recognize still more.

There are more than two million indigenous peoples residing in the United States.

The Mashantucket Pequot Tribe, in my home State of Connecticut, in addition to being a major employer and economic force in the State due to its well-known casinos, was the first Tribe to make a large donation to the National Museum of the American Indian. Its $10-million donation was, at the time, the largest-ever single contribution to the Smithsonian. Both the Mohegan Tribe of Connecticut and the Oneida Tribe of New York later made similar donations.

The National Museum of the American Indian has also been the beneficiary of numerous other sizable donations from tribal communities and tribally related organizations. Tribes and tribal organizations have donated nearly one quarter of the approximately $199 million total cost of the Museum building, a testament to the continuing cultural and economic vitality of Indian tribes and their interest in disseminating knowledge to the broader American public.

The Mashantucket Pequots also own and operate the Mashantucket Pequot Museum and Research Center in Mashantucket. This 308,000 sq. ft. facility houses the largest collection of Native American artifacts in the world. Four full acres of permanent exhibits at the Center depict 18,000 years of Native and natural history in thoroughly researched detail. The Mashantucket Pequot Tribe, along with the Mashantucket Pequot Museum and Research Center will continue to work together in a cooperative agreement with the National Museum of the American Indian.

The Mohegans have also created many educational resources to bring their contributions to a wider audience. Their Archaeological Field School provides an opportunity to learn about Native American history firsthand. Cultural and community programs bring Mohegan culture to life through presentations of tribal artifacts.

It is an honor for me to know personnally so many tribal leaders, including from the Mohegans, Lifetime Chief and former Chairman Ralph Sturges, Chairman Mark F. Brown, Vice Chairman Peter J. Schultz and Ambassador Jayne G. Fawcett; and from the Mashantuckets, Chairman Michael Thomas, Vice Chairman Richard "Skip" Hayward, Executive Director of Public Affairs Pedro Johnson, and Councilmember Kenny Reels.

Mr. Speaker, the successful completion of the National Museum of the American Indian bodes well for public interest in the National Museum of African American History and Culture, which was created by Congress last year and is in the preliminary stages of development, site selection and fund-raising.

I insert in the CONGRESSIONAL RECORD at this point a chronology of the development of the National Museum of the American Indian prepared by the Smithsonian Institution.

NATIONAL MUSEUM OF THE AMERICAN INDIAN CHRONOLOGY

1980—Discussions begin between the Smithsonian Institution and the Museum of the American Indian, Heye Foundation in New York City. The Heye collection of 800,000 objects, representing tribes from the entire Western Hemisphere, was one of the largest Native American collections in the world. The talks were initiated by the museum's trustees, and discussions centered on an affiliation with the Smithsonian while still maintaining an independent museum in New York. Although not conclusive in themselves, these early talks lead the way to future negotiations.

April 1987—Smithsonian Secretary Robert McC. Adams accompanied Senator Daniel Inouye (D-Hawaii) to New York to talk with officials of the Museum of the American Indian, Heye Foundation.

May 4, 1987—The board of trustees of the Museum of the American Indian unanimously adopted a resolution providing for an affiliation between its museum and the Smithsonian, and for the relocation of the museum collections to a new building on the National Mall in Washington.

May 11, 1987—The Smithsonian Board of Regents approved a motion encouraging the Secretary to "continue discussions with representatives of the Museum of the American Indian, Heye Foundation, about the prospect of a formal institutional relationship between the museum and the Smithsonian."

Following discussion with the Smithsonian and the Heye Foundation's board of trustees, Senator Inouye introduced a bill (S. 1722) on September 25, 1987, to establish a National Museum of the American Indian within the Smithsonian Institution.

The Smithsonian Institution continues its negotiations with the board of trustees of the Museum of the American Indian, Heye Foundation. The Smithsonian Board of Regents approved an "agreement in principle" on January 30, 1989 to transfer the Museum of the American Indian collection to the Smithsonian.

March 16, 1989—Julie Johnson Kidd, chairman of the Heye Foundation, signed the agreement. The Smithsonian Board of Regents gave its final approval to the agreement on May 8, 1989, and it was endorsed the same day by Secretary Adams.

Senator Inouye introduced S. 978 to establish the National Museum of the American Indian on May 11, 1989, and Senator Ben Nighthorse Campbell (R-Colorado), at that time a U.S. representative from Colorado, introduced companion legislation, H.R. 2668 on June 15, 1989.

September 12, 1989—Secretary Adams joined Senators Inouye and Campbell for a press conference announcing the Smithsonian's revised policy on repatriation of American Indian human remains in the National Museum of Natural History collections. The legislation establishing the new museum, to be named the National Museum of the American Indian, would incorporate the repatriation policy and appropriate funds for an inventory of human remains in the Smithsonian's collections.

November 28, 1989—President George Bush signs legislation establishing the National Museum of the American Indian as part of the Smithsonian Institution.

May 21, 1990—Secretary Adams announced the appointment of W. Richard West (Southern Cheyenne), as founding director of the new museum, effective June 1, 1990.

April 1991—The Smithsonian selected Venturi, Scott Brown and Associates Inc. of

Philadelphia to assist the National Museum of the American Indian in developing general architectural program requirements and criteria for the design of the new museum in Washington, D.C., and for a Cultural Resources Center in Suitland, MD, about six miles from Washington where the museum's collections would be housed.

June 1992—The Smithsonian selected Polshek and Partners of New York City, Tober + Davis of Reston, VA, and the Native American Design Collaborative to provide architectural and engineering services for the Cultural Resources Center.

A preview exhibition, ''Pathways of Tradition,'' a selection of more than 100 objects representing American Indian cultures and creativity, was on view at the Smithsonian's George Gustav Heye Center of the National Museum of the American Indian in New York City from November 15, 1992–January 24, 1993.

February 1993—The Smithsonian selected the architectural firm of GBQC of Philadelphia in association with Douglas Cardinal Architect Ltd. of Ottawa, Canada, to create the design concept for the National Museum of the American Indian on the National Mall in Washington.

October 30, 1994—The museum's Geroge Gustav Heye Center officially opened in the Alexander Hamilton U.S. Custom House at One Bowling Green in New York City.

January 1998—The Smithsonian terminated its relationship with GBQC and Douglas Cardinal (Blackfoot) and the Institution assumed responsibility for the design and construction of the museum on the National Mall. Assisting the Smithsonian were Polshek/Smith Group and Johnpaul Jones (Cherokee/Choctaw).

September 28, 1999—The groundbreaking and blessing ceremony takes place on the National Mall in Washington, DC, at the site of the National Museum of the American Indian's Mall Museum. The new museum will occupy the Mall's last remaining site. Three planned inaugural exhibitions will feature historic and contemporary aspects of Native life, and will highlight artifacts from the museum's priceless collection.

June 26, 2001—The Smithsonian Institution awarded a contract to ''CLARK/TMR, A Joint Venture,'' to build the National Museum of the American Indian. CLARK/TMR is composed of the Clark Construction Company of Bethesda, MD, and Table Mountain Rancheria Enterprises Inc., a construction company that is a subsidiary of the Table Mountain Rancheria of Friant, CA.

September 14–15, 2002—A national Pow Wow was sponsored by the museum on the National Mall adjacent to the museum construction site. Approximately 25,000 people attended to watch nearly 500 Native Americans dance over the two-day event.

November 20, 2002—A ''topping out'' (a circular section of glass was installed on the roof of the building) ceremony and blessing was held to mark the completion of the major structural elements of the new building.

January 15, 2004—The first phase of occupancy of the new museum by staff begins.

Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey (Mr. PALLONE) may control the remainder of my time.

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

There was no objection.

Mr. EHLERS. Mr. Speaker, I reserve the balance of my time to close. I have no further speakers other than myself.

Mr. PALLONE. Mr. Speaker, I yield 7 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank the gentleman from Michigan and my good friend from New Jersey for the management of this proposed legislation.

Mr. Speaker, I rise in support of Senate Joint Resolution 41, as offered by the good Senator from the State of Colorado, Mr. CAMPBELL; and I would like to take this occasion to commend Senator BEN NIGHTHORSE CAMPBELL and Senator DANIEL INOUYE on the historic opening of the National Museum of the American Indian.

The museum's opening and the other celebratory events of this week represent a culmination of over 15 years of dedicated work by Senator BEN CAMPBELL and Senator DANIEL INOUYE to establish a national museum that acknowledges and honors the history, the achievement, and the arts and the culture of Native Americans.

□ 1930

This museum also symbolizes the courage and determination of Native Americans to persevere in the face of over 500 years of hardship and adversity. The National Museum of the American Indian is a true national treasure, a living legacy to the vitality and creativity of the first Americans of our Nation, a treasure that would not exist today without the vision and the efforts of Senator BEN ''NIGHTHORSE'' CAMPBELL and Senator DANIEL INOUYE.

Senator CAMPBELL has worked tirelessly on behalf of Native Americans throughout his distinguished career. He introduced important legislation for native communities on issues as divergent as economic development, job training, trust reform and health care. Senator CAMPBELL has also introduced resolutions honoring the contributions of Native American veterans to the United States and designating November 2003 as National American Indian Heritage Month. Senator CAMPBELL has been a leading voice in establishing Native American policies and addressing the numerous challenges facing the Native American people, and his voice will be sorely missed when he retires at the end of this congressional session.

Senator INOUYE has a tremendous reputation among the American Indian community. He deserves high praise for his countless contributions to the health and the well-being of our Nation's native people. Senator INOUYE has been actively involved in the Senate Committee on Indian Affairs since 1978, playing a key role in establishing the committee from a select committee to a standing committee in order to better address long-neglected issues affecting our Native American community.

Senator INOUYE has introduced legislation recognizing tribal sovereign authority, supporting native health care, and in conjunction with Senator CAMPBELL, authorizing the construction of the National Museum of the Native American Indian.

Mr. Speaker, I also commend the Native American Caucus here in our own Chamber, led by my colleagues, the gentleman from Michigan (Mr. KILDEE) and the gentleman from Arizona (Mr. HAYWORTH) for their outstanding leadership on issues of concern to the Native American community. For 16 years I have proudly supported the Native American Caucus as it advanced the interests of Native Americans in Congress, in the ongoing mission to improve the relationship between the United States Government and the Native American tribes to one of dignity and mutual respect.

Mr. Speaker, when I think of the American Indian museum, I think of the many trials and tribulations and suffering of the Native Americans. I am reminded of their generosity and humanity to teach the first pilgrims how to farm and to save the first Europeans from starvation. I am reminded of the forced removal of the Cherokees on the infamous ''Trail of Many Tears,'' and the moving surrender speech of Chief Joseph, who said, ''My heart is sick and sad. From where the sun now stands, I will fight no more, forever.''

Mr. Speaker, when I think of the American Indian Museum, I am reminded of the great speech by Chief Seattle, a member of the Squamish-Dowamish tribe in the State of Washington, and I will submit the text of Chief Seattle's speech for the RECORD. Chief Seattle's speech was a moving and most profound and keen observation on the relations between Native Americans and our country; profound, in that his insights were prophetic and accurate. I want to share with my colleagues an excerpt of Chief Seattle's speech, and I quote.

''Every part of this country is sacred to my people. Every hillside, every valley, every plain and grove has been hallowed by some fond memory or some sad experience of my tribe. Even the rocks, which seem to lie dumb as they swelter in the sun along the silent shore in solemn grandeur thrill with memories of past events connected with the fate of my people. The very dust under your feet responds more lovingly to our footsteps than to yours because it is the ashes of our ancestors, and our bare feet are conscious of the sympathetic touch, for the soil is rich with the life of our kindred.''

Mr. Speaker, as my good friend and colleague, the gentleman from California (Mr. BACA) alluded to earlier, the unmet social, political, educational and health care needs of some 4.1 million Native Americans is still an embarrassment, at least in this Member's opinion, and is not a record of which our national government can be proud. Yes, we are giving assistance, but never enough to do the job. I, for one, am puzzled by our Nation's inability to provide the necessary resources to assist our Native American community

with the very serious problems affecting them, especially health care and education.

Today, Mr. Speaker, the opening of the National Museum of the American Indian is a celebration of the Native American contributions to our national identity as well as a testament to the drive and determination of our congressional leaders who fought to make this museum a reality. Again I applaud the efforts of Senator BEN ''NIGHTHORSE'' CAMPBELL and Senator DANIEL INOUYE for their leadership and initiative, and I am hopeful that Congress will now act to give our Native American community a voice in government, hopefully for generations to come.

Mr. Speaker, I urge my colleagues to support Senate Joint Resolution 41.

Mr. Speaker, the speech of Chief Seattle, referred to above, follows:

CHIEF SEATTLE'S SPEECH

As Translated by Dr. Henry Smith—Seattle, Washington Territory, During Treaty Negotiations—1854

Yonder sky that has wept tears of compassion upon our fathers for centuries untold, and which to us looks eternal, may change. Today is fair, tomorrow it may be overcast with clouds.

My words are like the stars that never set. What Seattle says the Great Chief at Washington can rely upon with as much certainty as our paleface brothers can rely upon the return of the seasons.

The son of the White Chief says his father sends us greetings of friendship and good will. This is kind, for we know he has little need of our friendship in return because his people are many. They are like the grass that covers the vast prairies, while my people are few and resemble the scattering trees of a storm-swept plain.

The Great, and I presume, also good, White Chief sends us word that he wants to buy our lands but is willing to allow us to reserve enough to live on comfortably. This indeed appears generous, for the Red Man no longer has rights that he need respect, and the offer may be wise, also, for we are no longer in need of a great country.

There was a time when our people covered the whole land as the waves of a windruffled sea covers its shell-paved floor. But that time has long since passed away with the greatness of tribes now almost forgotten. I will not mourn over our untimely decay, nor reproach my paleface brothers for hastening it, for we too, may have been somewhat to blame.

When our young men grow angry at some real or imaginary wrong, and disfigure their faces with black paint, their hearts, also, are disfigured and turn black, and then their cruelty is relentless and knows no bounds, and our old men are not able to restrain them.

But let us hope that hostilities between the Red Man and his paleface brothers may never return. We would have everything to lose and nothing to gain.

True it is, that revenge, with our young braves is considered gain, even at the cost of their own lives. But old men who stay at home in times of war and mothers who have sons to lose, know better.

Our great father, Washington, for I presume he is now our father as well as yours, since George has moved his boundaries to the North—our great and good father, I say, sends us word by his son, who, no doubt, is a great chief among his people, that if we do as he desires he will protect us.

His brave armies will be to us a bristling wall of strength, and his great ships of war will fill our harbors so that our ancient enemies far to the northward—the Simsiams and Hydas—will no longer frighten our women and old men. Then he will be our father and we will be his children.

But can that ever be? Your God is not our God! Your God loves your people and hates mine! He folds His strong arms lovingly around the white man and leads him as a father leads his infant son—but He has forsaken his red children. He makes your people wax strong every day and soon they will fill all the land; while my people are ebbing away like a fast receding tide that will never flow again. The white man's God cannot love His red children or He would protect them. They seem to be orphans who can look nowhere for help.

How, then, can we become brothers? How can your Father become our father and bring us prosperity and awaken in us dreams of returning greatness?

Your God seems to us to be partial. He came to the white man. We never saw Him, never heard His voice. He gave the white man laws, but had no word for His red children whose teeming millions once filled this vast continent as the stars fill the firmament.

No. We are two distinct races, and must ever remain so. There is little in common between us.

The ashes of our ancestors are sacred and their final resting place is hallowed ground, while you wander away from the tombs of your fathers seemingly without regrets.

Your religion was written on tablets of stone by the iron finger of an angry God, lest you might forget it. The Red Man could never remember nor comprehend it.

Our religion is the traditions of our ancestors—the dreams of our old men, given to them by the Great Spirit, and the visions of our Sachems, and is written in the hearts of our people.

Your dead cease to love you and the homes of their nativity as soon as they pass the portals of the tomb. They wander far away beyond the stars, are soon forgotten and never return.

Our dead never forget the beautiful world that gave them being. They still love its winding rivers, its great mountains and its sequestered vales, and they ever yearn in tenderest affection over the lonely-hearted living, and often return to visit and comfort them.

Day and night cannot dwell together. The Red Man has ever fled the approach of the white man, as the changing mist on the mountain side flee before the blazing morning sun.

However, your proposition seems a just one, and I think that my folks will accept it and will retire to the reservation you offer them, and we will dwell apart and in peace, for the words of the Great White Chief seem to be the voice of Nature speaking to my people out of the thick darkness that is fast gathering around them like a dense fog floating inward from a midnight sea.

It matters little where we pass the remainder of our days. They are not many. The Indian's night promises to be dark. No bright star hovers above his horizon. Sad-voiced winds moan in the distance. Some great Nemesis of our race is on the Red Man's trail, and wherever he goes he will still hear the sure approaching footsteps of the fell destroyer and prepare to meet his doom, as does the wounded doe that hears the approaching footsteps of the hunter.

A few more moons, a few more winters, and not one of all the mighty hosts that once filled this broad land or that now roam in fragmentary bands through these vast solitudes or lived in happy homes, protected by the Great Spirit, win remain to weep over the graves of a people once as powerful and as hopeful as your own!

But why should I repine? Why should I murmur at the fate of my people? Tribes are made up of individuals and are no better than they. Men come and go like the waves of a sea. A tear, a tamanamus, a dirge and they are gone from our longing eye forever. Even the white man, whose God walked and talked with him as friend to friend, is not exempt from the common destiny. We may be brothers after all. We shall see.

We will ponder your proposition, and when we have decided we will tell you. but should we accept it, I, here and now, make this the first condition, that we not be denied the privilege, without molestation, of visiting at will the graves of our ancestors and friends.

Every part of this country is sacred to my people. Every hillside, every valley, every plain and grove has been hallowed by some fond memory or some sad experience of my tribe. Even the rocks, which seem to lie dumb as they swelter in the sun along the silent shore in solemn grandeur thrill with memories of pass events connected with the fate of my people, the very dust under your feet responds more lovingly to our footsteps than to yours, because it is the ashes of our ancestors, and our bare feet are conscious of the sympathetic touch, for the soil is rich with the life of our kindred.

The sable braves, and fond mothers, and glad-hearted maidens, and the little children who lived and rejoiced here and whose very names are now forgotten, still love these solitudes and their deep fastnesses as eventide grows shadowy with the presence of dusky spirits.

And when the last Red Man shall have perished from the earth and his memory among white men shall have become a myth, these shores will swarm with the invisible dead of my tribe and when your children's children shall think themselves alone in the field, the store, the shop, upon the highway, or in the silence of the woods, they will not be alone. In all the earth there is no place dedicated to solitude.

At night, when the streets of your cities and villages shall be silent and you think them deserted, they will throng with the returning hosts that once filled and still live this beautiful land.

The white man will never be alone. Let him be just and deal kindly with my people, for the dead are not powerless.

Mr. EHLERS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, may I inquire about the amount of time I have remaining?

The SPEAKER pro tempore (Mr. MCCOTTER). The gentleman from New Jersey has 12 minutes remaining.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume, and I do not intend to use all the time, but I do want to speak out about the National Museum of the American Indian.

First of all, let me say that 15 years after Congress passed legislation calling for the establishment of a National Museum of the American Indian, we finally arrive today at the day when American Indians have a place to call their own in the Nation's Capital. I had the opportunity today to witness most of the procession that took place beginning at 9 a.m. and then the opening

ceremony at 12 noon, and then the opportunity this afternoon to go and visit the museum itself. So I want to talk a little bit about my firsthand experiences today and why I think it is so significant that this museum has finally opened.

When I was talking to Native Americans today, some of whom I had met before, some of whom I had not, they all seemed to say the same thing, which is, finally, finally, the day had come when they were going to be recognized in this museum. I asked some of them what they meant by that, and they pretty much said the same thing, which was that for a long time in these United States, Native American culture was not paid attention to.

Many people, I would say, particularly on the East Coast, are not even aware of the fact that Native American communities continue to exist. It is almost as if they are something that happened and occurred a long time ago, maybe 100 years ago, and now there is very little knowledge on the part of many Americans about Native Americans or their communities. So the museum seeks to change all that.

When I went through the museum today, there was, of course, reference to the genocide that occurred, there was, of course, reference to, I remember one particular place where there is a wall that talks about how so many Native Americans were wiped out through diseases when Europeans arrived. But, generally speaking, it was not so much a museum about the past, it was much more a museum about communities that exist today, the peoples that exist today, the cultures that exist today, and the uniqueness of them and how there is so much variety between the various tribes and Indian nations, not only in the United States, but in all of the Americas.

So the museum has become an affirmation of the fact that Native Americans and their communities not only continue to exist, but are growing and are vibrant and are an important part of American culture. I think that is a lesson that is certainly important for nonNative Americans. In the museum today, most of the people seemed to be American Indians, but there were certainly a lot of people who were not, and the museum serves as a way of explaining to them how the Native American culture continues to exist and survive and strive and move forward.

I have to also say that looking at the museum, the artwork was just unbelievable, not only in terms of traditional culture, such as baskets, moccasins, clothing, and blankets, but also in terms of modern art, like abstract art and abstract paintings. It truly is a museum that encompasses the entire spectrum of the Native American culture. So I just want to say that when I went down there today and witnessed the museum, I just felt that this was sort of the culmination of the artistic achievement of the Native American culture in the United States.

The other thing that was so significant was the opening ceremony today. I think they estimated there were over 10,000 native peoples that participated in the opening ceremony. They were arranged alphabetically by tribe. And when you saw them march, you could see the pride in their faces, you could see the children that were learning from the experience, you could see the elders that were so proud to be there, and the various cultures in just watching that procession with the various tribes.

I do not know how many tribes were represented. I am sure there had to be hundreds, not only from the United States, but also throughout the Americas. I saw Incas from Peru, I saw people from the extreme southern part of South America, and I saw Arctic peoples. It was just truly amazing.

So I just want to close today, although I do see we have another speaker that I will yield some time to, but I want to close today by saying on my behalf, and also on behalf of the Native American Caucus, of which I am one of the vice chairs, we want to welcome the thousands of Native Americans that came to Washington to celebrate the opening of the National Museum of the American Indian, and certainly ask my colleagues here in the House to join in the celebration this week and take time to reflect now upon the rich culture of Native Americans.

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

Mr. EHLERS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I appreciate the opportunity to talk on this resolution because I think it is a long time in coming. Our treatment of the first people in this country has been abysmal. We are largely ignorant of what their culture was or that there was a culture, and this is now an opportunity to redress what I think has been a serious error that has been made by the United States.

What is amazing about this is that it is not over. At the time of the last 8 years under President Clinton, a number of tribes tried to get their recognition. The Dowamish and Chinook tribes in the State of Washington went through the entire process in the Department of the Interior. They were given their status as recognized tribes in this process. The President signed the order creating this relationship with the Chinooks and the Dowamish, and when the new administration came in, one of the very first things they did was reach back into the desk drawer and wipe out the Dowamish tribe. They do not exist any more, to this administration.

Now, I come from a city called Seattle, that is a corruption of the name of the Chief of the Dowamish tribe, Sealth. Chief Sealth was a Dowamish. He lived in this country when everybody arrived. He helped those people who came into Pugent Sound all by themselves. And, in fact, he gave his name to the city. He made a speech once where he said, ''When I met the great white father, I didn't know the land was his. I thought that God gave us, the great spirit gave us the land to live in and to share and to leave it in better condition than when we found it.'' That kind of wisdom is in that museum, and you will see it.

However, the fact is there are still wrongs that need to be righted. This Congress needs to advance a bill, which we put in a couple of years ago and no one ever wants to even have a hearing on. We want to be out here glorify the opening of a museum. And it is a good thing the museum was started before this administration got in place, or it never would have happened. I believe that there are these kind of grievances that people need to go and find out about.

We took their land. We created treaties with people who did not really understand how skillful we were with words, but they took us at our words and they have tried to live with us. But the fact is that we still continue to leave the Dowamish without their recognition and Chief Sealth is a man without a tribe.

□ 1945

That is wrong. We should fix that, too.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wanted to join my colleagues out of respect for the final reckoning and recognition of those who were first on this land. So many times as we speak on the floor of the House we are engaged in the tumultuous challenges of diversity and opportunity, and we raise the claims of African-Americans, Hispanics, Asians and many others who in this 20th and 21st century have faced challenges.

I want to acknowledge Native Americans as individuals who have experienced challenges and obstacles throughout the centuries. In the backdrop of those obstacles, however, has been an outstanding and wonderfully enriched culture and heritage. I have had the opportunity of visiting the Pueblos in New Mexico and working with various Members of this body on issues dealing with our Native American community.

I salute them for their strength, their love of country and what they have added to the richness of America. We would not be America had it not been for this vital part of our history. What better tribute than this magnificent museum which will eventually be part of fixing the history of America. We have not yet done that. There are many pieces of the puzzle that we have left out.

Just recently, in Houston, we have finally come to acknowledge the importance of having an African-American

history museum in that city. Each time, we are continuing to put the pieces together. I am so grateful to the leaders of this Congress and the authors of the legislation who were able to move this Congress to establish this great museum. Let me say, come one, come all, come to the Nation's capital to understand how America is made much more whole and how we can love, cherish and respect the history of Native Americans.

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

Mr. Speaker, it is my pleasure to wrap up this debate. I thank my colleagues for their fine speeches and good comments that have been made. However, I must express my concern that the gentleman from Washington State tarnished this joyous event by raising partisan issues, and I certainly dispute the gentleman's statement that the current President of the United States would have stopped the construction of this museum if he had been able to. That is certainly a wrong assumption, and I am sorry that statement was made.

I want to speak on behalf of the full Congress and say we are very pleased to join the Smithsonian and the Native American community in this country by celebrating the completion of this museum. It will be a tremendous asset to this country in understanding the first human inhabitants of this continent, and I hope everyone who proceeds through the museum will regard with great reverence and respect the history of the American Indian and learn a great deal about the founders of this country and who established the first governments. I am very pleased to be able to participate in this event.

Mr. CARSON of Oklahoma. Mr. Speaker, this week, thousands of indigenous people from across the Western Hemisphere have come to Washington, DC. It is arguably the largest gathering of native people in U.S. history. By planes, cars, metro, and on foot, native people have come to celebrate the opening of the National Museum of the American Indian. The museum is a stunning and long overdue tribute to indigenous people across this land.

If is entirely fitting and appropriate that the National Museum of the American Indian join the United States' other national treasures, and take its place among the family of Smithsonian museums on the Mall. For, the history and culture of our nation is inseparable from the history and culture of Indian people.

Through centuries of great hardship, Indian people have struggled to maintain their social and cultural identity. The museum opening marks a revolution in this struggle, for it is a reclaiming of native identity. It is the culmination of thousands of hours of work by Indian people to tell their story. It links the past, present, and future of Indian people in a way that visitors can experience and understand the native perspective. The design and construction of the museum, itself, reveals an animate, live entity. And inside visitors find the living cultures of Indian people in language, history, dance, arts, cultural values, and spirituality.

As a Representative of Oklahoma, the State historically known as Indian Country, and as a member of the Cherokee Nation, I am deeply honored to join the native community in witnessing and welcoming this historical event, for the opening of the National Museum of the American Indian celebrates what was once despised, and honors what our Nation for too long tried to eradicate.

It is my hope, the location and majesty of the museum will today—and forever—remind lawmakers on Capitol Hill of the United States legal and moral responsibilities to Indian nations. For we must never forget to honor and recognize all that Indian tribes contribute and have sacrificed.

Mr. GRIJALVA. Mr. Speaker, I rise today on behalf of all the tribal people of my district and of Arizona to commemorate the opening of the American Indian Museum today in Washington, DC. This is an historic moment when at long last the indigenous peoples of this continent have a place to call their own on our National Mall and in our national consciousness.

The museum is not a place that will display relics of the past, but a living monument to the multitudes of cultures, arts, and languages that exist in the Americas. This museum will be a ''living legacy'' to those who have come before, and a gift to those who will be born in the future.

This morning I had the honor of seeing the procession of Native American people on the National Mall. Tens of thousands of people from every corner of this continent filled the Mall. They have come to make a ceremonial and symbolic journey, representing the millions of native people who live and thrive in the Americas.

But, while we honor this monument to our native peoples today we must not forget the ongoing struggle these communities face to retain their dignity in face of poverty, unemployment, lack of access to adequate healthcare, among other issues.

For example, the infant mortality rate is 150 percent greater for Indians than that of White infants. Indians have the highest prevalence of Type-2 diabetes in the world, and are 2.6 times more likely to be diagnosed with diabetes. Indians have a life expectancy 5 years less than the rest of the U.S. population.

The United States has a longstanding trust responsibility to provide health care services to American Indian and Alaska Natives. As a society, we can and we must take action to address the disparity and distress many of these communities face.

So on this occasion, I ask my fellow Members of Congress to join me in honoring the opening of the American Indian Museum, and I also ask you to join me in seeking to address some of the difficulties facing our native population in order to truly honor the first Americans.

Mr. EMANUEL. Mr. Speaker, I proudly rise to recognize the American Indian Center of Chicago, the longest-running urban Indian organization in the country and the leader of the National Urban Indian Family Coalition. I would like to congratulate the American Indian Center on its family oriented activities and publication of the new book ''Chicago's 50 Years of Powwows.'' I would also like to congratulate them on the special honor of being selected by the Smithsonian Institute as the only organization representing contemporary urban American Indians to be featured in the opening of the new Smithsonian's National Museum of the American Indian. This museum celebrating the past and present of American Indians, and their rich history, opened today.

The American Indian Center of Chicago is showcased in the new Smithsonian's National Museum of the American Indian exhibit Our Lives: Contemporary Life and Identities. Our Lives presents the American Indian culture from a first voice perspective and tells stories of modern American Indian communities, examining the personal and collective identities of American Indian peoples in the 21st century.

The American Indian Center of Chicago was organized in 1953 by the Chicago American Indian community, in response to the Indian Relocation Act. That bill brought an influx of American Indians to Chicago, which soon became home to individuals from more than 50 tribes, including Oneida, Ojibwa, Menominee, Sac and Fox, Potawatomi, Lakota, Navajo, Blackfoot, Papago, and many others.

Throughout its history, the American Indian Center has been the principal cultural resource for American Indians in Chicago, promoting cultural awareness and cultural education within and outside the American Indian community. Over the years the center has hosted powwows, potlucks, bingo, birthdays, special celebrations, wakes and commemorative dinners, and many other special events.

Today, the American Indian Center of Chicago is a family-focused urban center and educational organization. It is also the cultural institution where the richness of American Indian traditions and culture are celebrated. The center serves as a model for other American Indian urban organizations in the country.

Mr. Speaker, on this historic day marking the opening of the new Smithsonian's National Museum of the American Indian on the National Mall, I wish to congratulate the American Indian Center of Chicago on its leadership and work with the American Indian community, and high honor of being selected by Smithsonian as part of its grand opening exhibits. On this remarkable day, I am proud to join the American Indian people of my district, as well as those of American Indian descent throughout the country, in celebrating this historic event.

Mr. REYES. Mr. Speaker, I rise today in strong support of S.J. Res. 41, commemorating the opening of the Smithsonian's National Museum of the American Indian.

For the first time in our Nation's history, the American public is being provided with a venue in which they can explore and develop a deeper understanding of this rich culture, its history, and the issues that affect these communities. Our Native American citizens have long been awaiting this day.

My district is fortunate to have one of the three Native American reservations in Texas. The Tiguas of Ysleta del Sur founded one of the oldest communities in the Southwest over 300 years ago. They have faced many hardships, but they continue to thrive and persevere as a united community. It is a great honor to have the Tiguas share their rich culture and history with the El Paso community, and I am glad to see that all Native American communities will now be able to do the same with the rest of the Nation in this beautiful new museum.

Mr. Speaker, I encourage all Americans to visit the National Museum of the American Indian when in Washington, DC, and I urge my colleagues to show their support for this very worthy resolution.

Mr. RAHALL. Mr. Speaker, I rise today to congratulate our first Americans on this, the long awaited opening day of the National Museum of the American Indian. If, indeed, the last shall be first, this is a fine example as this museum dedicated to our first Americans is located on the last spot open on the National Mall.

This a joyous day. At this very moment, thousands of native Americans who traveled from all the corners of our country, Canada, and South America are participating in a procession on the Mall leading to the museum itself. They are dressed in unique traditional attire, stopping along the way to celebrate with dance, song, and drums.

I am honored to say that as a member of the Interior and Insular Affairs Committee, I worked with then Chairman Mo Udall on the legislation to build a museum devoted solely to the culture, art, and history of our Native Americans. Although Mo is no longer with us, I am certain that he is smiling down upon us today.

I encourage everyone to visit this magnificent National Museum of the American Indian and use its resources to learn about the rich history and legacy of Native Americans, as well as contemporary Indian life. I promise your lives will be enriched by the experience.

Mr. MATHESON. Mr. Speaker, I rise in celebration of today's opening of the National Museum of the American Indian—a historic event that is long overdue. My congressional district contains lands of the Navajo Nation, the Southern Utah Paiutes, and the Northern Ute Indian Tribe—people who understand all too well the atrocities that Native Americans have experienced at the hand of our Federal Government.

The opening of this museum is a bold step toward the United States becoming a nation that understands the history of its people and celebrates the uniqueness of native cultures in its society. My hope is that the museum will help foster and maintain this understanding for "as long as the rivers shall run and the grass shall grow."

The designing of the National Museum of the American Indian was indicative of the cooperative and inclusive process that the Federal Government should always use when working with Native American tribes. I am proud of the collaborative efforts of all of the people who worked to make this museum a success, and I welcome the many Utahns who join me in celebrating this joyous occasion.

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

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

The SPEAKER pro tempore (Mr. McCOTTER). The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 41.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EHLERS. 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 S.J. Res. 41.

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

There was no objection.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Mr. REYNOLDS (during debate on Senate Joint Resolution 41), from the Committee on Rules, submitted a privileged report (Rept. No. 108–692) on the resolution (H. Res. 780) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2028, PLEDGE PROTECTION ACT OF 2004

Mr. REYNOLDS (during debate on Senate Joint Resolution 41), from the Committee on Rules, submitted a privileged report (Rept. No. 108–693) on the resolution (H. Res. 781) providing for consideration of the bill (H.R. 2028) to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance, which was referred to the House Calendar and ordered to be printed.

UNSCRUPULOUS TACTICS ON MILITARY BASES

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise to commend the gentleman from Ohio (Mr. OXLEY) of the Committee on Financial Services for his leadership in addressing the unscrupulous tactics of life insurance salesmen at our military bases.

During a recent Committee on Financial Services hearing, we learned that greedy insurance companies are selling enlisted men as young as 19 years of age expensive life insurance policies which actually pay out less than $30,000. These young men and women are forced to attend "financial courses" held by these salesmen who are usually former military men, men that these young men and women look up to.

Young GIs, who are being taught to trust their commanding officers, are deceptively told they are enrolling in savings accounts and are given papers that they are not permitted enough time to look over. They are ordered to sign here without question.

Protecting those who protect us certainly is a bipartisan priority, and I look forward to working with the gentleman from Ohio (Mr. OXLEY) and the other members of this committee on this very important issue.

HONORING TOM JOYNER

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this evening to salute our friend Tom Joyner of the Tom Joyner Morning Show for his national campaign of Take a Loved One to the Doctor.

Today, in my congressional district, I had the pleasure of visiting two of our large multi-service centers that are in our communities that hosted health fairs in order for the community to come to medical professionals.

Mr. Speaker, 44 million people in America are uninsured. Our children are losing the valuable CHIPS program in Texas and many other States. This administration is cutting the dollars for children's health insurance programs, and that is why I applaud Tom Joyner for sending out a message all over the Nation for those who are uninsured to come and be tested this day.

I put the phrase, Take a Loved One to the Doctor, but Love Yourself and Go to the Doctor. Mr. Speaker, it is time to focus on the needs of health care of all Americans. We thank Tom Joyner for his understanding and leadership, reaching out with his media to ensure and enhance the life and opportunities of good health for all Americans.

Mr. Speaker, I thank Tom Joyner and the Tom Joyner Morning Show and the staff for their good efforts.

THREE TRILLION IS A BIG NUMBER

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

Mr. McDERMOTT. Mr. Speaker, 3 trillion is a very, very big number. Astronomers think there may be a tenth planet 3 trillion miles from the earth. Astronomers are using the biggest telescopes on earth to peer into the darkness of space. Something out there is causing a wobble in passing comets 3 trillion miles away.

But here on earth, the President's plan to spend $3 trillion over the next 10 years is causing a wobble in the U.S. economy and a black hole in the budget deficit.

Mr. Speaker, Members do not need binoculars to see it or astronomers to explain it. It is not a tenth planet; it is

the Republican economics by a Congress controlled by Republicans and the White House. At the rate this economy is going, the phrase ''to infinity and beyond'' will stand for where the deficit is going; but it is only going to go until the second of November.

PRESIDENT BUSH VISITS OHIO AGAIN

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

Mr. BROWN of Ohio. Mr. Speaker, President Bush was again in Ohio in the last few days, a key battleground State, again trying to justify a failed economic policy, a policy where we have lost one out of six manufacturing jobs in our State, a policy where we have lost 150 jobs every single day of the Bush administration, yet the President's answer continues to be the same old tired bromides, tax cuts for the wealthiest Americans. Taxpayers who make $1 million a year, they get a $123,000 tax cut, hoping it trickles down to create new jobs. That has not worked.

The other President Bush answer to bad economic times is more trade agreements that ship jobs overseas. In fact, this body is coming back in a lame duck session in November, probably to try to pass a Central American Free Trade Agreement to expand the failed policies of the North American Free Trade Agreement.

Mr. Speaker, we need a new economic direction in my State of Ohio where we have lost more than 200,000 jobs. We need a new economic direction in this country.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DEGRADATION OF THE DEMOCRATIC PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I am here to protest what has become a significant degradation of the democratic process in this House. We have a situation in which the House leadership has turned the legislative process into a propaganda arm. With increasing and depressing frequency, we are given resolutions to vote on in a form which does not allow for amendments, and these resolutions contain a mix of the good, the bad and the ugly.

What we have is a pattern of taking sentiments to which all Members of the House or nearly all Members subscribe, sentiments which are quite proper, and then adding into these sentiments are far more controversial sentiments, sentiments that many of us disagree with.

It is an abuse of the process of democracy to bring forward on this floor resolutions which combine those things with which Members agree with things which are controversial in a form which does not allow Members to even begin to separate them.

There are, for good reasons, parliamentary rules and ways through which Members can express partial agreement. We can amend. We can divide the question. But when bills are brought here under suspension of the rules, as they often are, the legislative process is turned into a political propaganda machine. What happens is Members feel coerced into voting in very large numbers for particular sentiments which could not in many cases get a majority on their own and certainly could not get majorities of the size that they get.

□ 2000

And then having gotten that, people will say, see, everybody agrees with that. Most recently this happened on September 9 when we voted on the resolution brought out of the Committee on International Relations dealing with the terrible events of September 11, 2001; and I will insert this in the RECORD, appropriately marked. It has resolve clauses that we all agree with, but it also has a series of ''whereas'' clauses which include a number of things which are extremely controversial, in my view, untrue, and unworthy of being put through in this coercive fashion.

Paragraphs 4 and 5, which I have noted on my copy of the resolution, treat the war in Iraq as part of the global war on terrorism. It has been made increasingly clear, most recently by our colleague who is now waiting confirmation as head of the CIA, that statements by administration officials tying Iraq to the September 11 situation were simply not true. Yet this resolution acts as if they were. This resolution implicitly reaffirms the increasingly discredited notion, believed, I think, by almost nobody except possibly the Vice President because he talks about it all the time, that said that there was a direct link between September 11 and Iraq.

And it is wrong to coerce Members to vote for statements that falsely assert this claim because otherwise they will be accused of not caring about the events of September 11.

Then on paragraphs 15 through 21, we have inappropriate celebratory language. If we read these paragraphs, we have solved the problems of immigration and terrorism. We are examining all the cargo. We have taken care of everything. We have ''whereas'' clauses here that look like part of the President's reelection campaign. He is entitled to a reelection campaign. He is not entitled to take things that belong in a reelection campaign statement and bundle them into an otherwise noncontroversial resolution to coerce people into voting for him.

This congratulates us, for example, that we have extended our borders overseas and to secure and screen cargo before it is placed on ships destined for United States ports of entry. It talks about the great success of the Terrorist Threat Integration Center. Frankly, if one read this resolution and believed it, they would not need the 9/11 Commission report. These paragraphs basically celebrate the accomplishments of what the 9/11 Commission points out need to be done.

We have congratulations to the Immigration Service, congratulations to the FBI, congratulations to the Coast Guard. There are very hard-working decent people trying hard to accomplish these things, but we have not done them yet. These things, if they had been brought forward on their own as statements, would have been rejected, I believe.

It is absolutely wrong to take these inaccurately self-congratulatory statements about the administration's performance and our own performance here in Congress and get votes for them because otherwise people would be accused of not wanting to express our horror of September 11 and our thanks to those who worked so hard against it.

So, Mr. Speaker, because I did not think that the war in Iraq was part of the war on terror, I do not think we deserve to claim ''mission accomplished'' with regard to the fight against terrorism, I voted against this resolution. And I hope we will stop this practice of giving a bait-and-switch approach to legislation.

H. RES. 757, IN THE HOUSE OF REPRESENTATIVES, U.S., SEPTEMBER 9, 2004.

Whereas on September 11, 2001, while Americans were attending to their daily routines, terrorists hijacked four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, and a third into the Pentagon outside Washington, D.C., and a fourth was prevented from also being used as a weapon against America by brave passengers who placed their country above their own lives;

Whereas three years later the country continues to, and shall forever, mourn the tragic loss of life at the hands of terrorist attackers;

Whereas by targeting symbols of American strength and success, these attacks clearly were intended to assail the principles, values, and freedoms of the United States and the American people, intimidate the Nation, and weaken the national resolve;

4

Whereas three years after September 11, 2001, the United States is fighting a Global War on Terrorism to protect America and her friends and allies;

5

Whereas since the United States was attacked, it has led an international military coalition in the destruction of two terrorist regimes in Afghanistan and Iraq while using diplomacy and sanctions in cooperation with Great Britain and the international community to lead a third terrorist regime in Libya away from its weapons of mass destruction;

Whereas the United States is reorganizing itself in order to more effectively wage the

Global War on Terrorism by transforming the Department of Defense, sharpening the Federal Bureau of Investigation's counterterrorism focus, strengthening the authority of the Director of Central Intelligence to coordinate national intelligence activities, and creating a Department of Homeland Security;

Whereas of the senior al-Qaida leaders, operational managers, and key facilitators that the United States Government has been tracking, nearly two-thirds of such individuals have been taken into custody or killed;

Whereas just as significant, with the help of its allies, the United States has disrupted individuals and organizations that facilitate terrorism—movers of money, people, messages, and supplies—who have acted as the glue binding the global al-Qaida network together;

Whereas Pakistan has taken into custody more than 500 members of al-Qaida and the Taliban regime, including Khalid Sheik Mohammed and Ramzi bin al Shibh, conspirators in the September 11, 2001, attacks, and Kahallad Ba'Attash, an individual involved in the planning of the attack on the USS COLE in 2000;

Whereas Jordan continues its strong counterterrorism efforts, arresting two individuals with links to al-Qaida who admitted responsibility for the October 2002 murder in Amman, Jordan, of Lawrence Foley, a United States Agency for International Development Foreign Service Officer;

Whereas in June 2002, Morocco took into custody al-Qaida operatives plotting to attack United States Navy ships and ships of other member nations of the North Atlantic Treaty Organization in the Strait of Gibraltar;

Whereas the United States and its allies in Southeast Asia have made significant advances against the regional terrorist organization Jemaah Islamiyah, which was responsible for the attack in Bali, Indonesia, in October 2003 that killed more than 200 people;

Whereas Singapore, Indonesia, the Philippines, Thailand, and other countries in Southeast Asia have taken into custody leaders and operatives of local al-Qaida-affiliated terrorist organizations and members of al-Qaida traveling through such countries;

Whereas the United Kingdom, France, Germany, Italy, Spain, and other countries have disrupted cells of the al-Qaida terrorist organization and are vigorously pursuing other leads relating to terrorist activity;

15

Whereas following the attacks of September 11, 2001, the United States Government initiated innovative programs, such as the Customs-Trade Partnership Against Terrorism program and the Container Security Initiative, to extend our borders overseas and to secure and screen cargo before it is placed on ships destined for United States ports of entry;

16

Whereas the Department of Homeland Security implemented the US–VISIT border security screening system in December 2003 at all air and sea ports of entry, requiring that nonimmigrant visa holders entering the United States be fingerprinted and screened through various criminal and terrorist databases before entry into the United States, and this system will be expanded to land ports of entry in accordance with congressional deadlines;

17

Whereas since September 11, 2001, the Coast Guard has conducted more than 124,000 port security patrols, 13,000 air patrols, boarded more than 92,000 vessels, interdicted over 14,000 individuals attempting to enter the United States illegally, and created and maintained more than 90 Maritime Security Zones;

18

Whereas following attacks of September 11, 2001, the Terrorist Threat Integration Center was established, which now fuses, for the first time in United States history, terrorist-related information, foreign and domestic, available to the United States Government for systematic analysis and dissemination to prevent or disrupt terrorist attacks on the United States;

19

Whereas following the attacks of September 11, 2001, the Terrorist Screening Center, a multi-agency partnership, was established to integrate the dozens of separate terrorist databases that existed before September 11th into a single terrorist watch list for use by Federal, State, and local law enforcement, intelligence, and border security personnel.

20

Whereas following the attacks of September 11, 2001, the United States Government has ensured the hardening of cockpit doors on airplanes and greatly expanded the use of armed Federal air marshals to prevent and deter future hijackings that could turn commercial planes into weapons of mass destruction;

21

Whereas having recognized the need to prevent terrorist organizations from using their resources, the Federal Bureau of Investigation has worked closely with the Department of the Treasury to target 62 terrorist organizations and freeze $125,000,000 in assets of such organizations worldwide used to fund terrorist activities;

Whereas to date United States Armed Forces and Coalition forces have killed or captured 43 of the 55 most wanted criminals of the Saddam Hussein regime in Iraq, including Saddam Hussein himself;

Whereas the al-Zarqawi terror network used Baghdad as a base of operations to coordinate the movement of people, money, and supplies; and

Whereas thousands of families have lost loved ones in the defense of freedom and liberty against the tyranny of terror: Now, therefore, be it

Resolved: That the House of Representatives—

(1) extends again its deepest sympathies to the thousands of innocent victims of the September 11, 2001, terrorist attacks, their families, friends, and loved ones;

(2) honors the heroic actions and the sacrifices of United States military and civilian personnel and their families who have sacrificed much, including their lives and health, in defense of their country in the Global War on Terrorism;

(3) honors the heroic actions of first responders, law enforcement personnel, State and local officials, volunteers, and others who aided the innocent victims and, in so doing, bravely risked their own lives and long-term health;

(4) expresses thanks and gratitude to the foreign leaders and citizens of all nations who have assisted and continue to stand in solidarity with the United States against terrorism in the aftermath of the September 11, 2001, terrorist attacks;

(5) discourages, in the strongest possible terms, any effort to confuse the Global War on Terrorism with a war on any people or any faith;

(6) reaffirms its commitment to the Global War on Terrorism and to providing the United States Armed Forces with the resources and support to wage it effectively and safely;

(7) vows that it will continue to take whatever actions necessary to identify, intercept, and disrupt terrorists and their activities; and

(8) reaffirms that the American people will never forget the sacrifices made on September 11, 2001, and will never bow to terrorist demands.

The SPEAKER pro tempore (Mr. MCCOTTER). Under a previous order of the House, the gentleman from Oklahoma (Mr. COLE) is recognized for 5 minutes.

(Mr. COLE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mrs. BLACKBURN. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

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

There was no objection.

TENNESSEE'S ECONOMY AND HEALTH SAVINGS ACCOUNTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, virtually every day JOHN KERRY and his campaign are telling America that our best days are not ahead, that our economy is not growing, and that President Bush has not waged a tough war on terrorism. Fortunately, most Americans, as we hear when we are out in our districts, as we see in the polls, most Americans are seeing through Candidate KERRY'S empty rhetoric.

For the past several months, our economy has shown strong growth. I have here with me tonight an article from the National Tennessean. It is headlined ''Nashville area added 11,308 in fiscal year 2003–2004.'' The article notes that these 11,308 jobs are five times last year's total. Mr. KERRY may not want people to know, but this is an indication of real economic growth and what is happening out there in the heartland.

No matter what JOHN KERRY or CBS might tell us, President Bush and this Congress are making the right decisions for our economy and for the war on terrorism.

Another subject that has been getting a great deal of attention from the left is health care, specifically the Health Savings Accounts that were created last year by this body. And for months KERRY and the Democrats have been calling choice, flexibility, and ownership in health care a bad idea. But they are absolutely wrong. The Health Savings Accounts are all about giving the consumer power over their health coverage, over health decisions, and over those precious health care dollars.

Republicans do not favor a one-size-fits-all universal health care system. We understand what a one-size-fits-all system does. We know that that would mean universally poor care that leaves consumers basically with no power and no rights in the management of their own health coverage and their own health decisions.

Outside the Beltway, people are excited about Health Savings Accounts, personal health accounts. This editorial from the National Business Journal is titled ''Health Savings Plans Can Help Business.'' This recognizes that small businesses will be able to offer health care to employees in a way that reduces paperwork and empowers the employee. As the editorial states: ''This is part of an ownership society,'' something that we are hearing the President talk about daily. An ownership society. What this means is more health care coverage, more options, more power for consumers in those personal health accounts, and we think that that is a very good idea.

In another article that I have, this time from the Memphis Business Journal, the other end of my district, it has said that the new health care items, this is what is ''getting the enthusiasm,'' is the health savings accounts. And why? Because they function like a health care IRA, giving consumers ownership over a tax-free account. What a great idea.

Mr. Speaker, regardless of what Candidate KERRY and the liberal left would tell us, it is clear that Americans are increasingly aware of what President Bush and the Congress have done to reinvigorate our economy, to expand health care options, and to win the war on terror. Faced with the horrific attacks on America, a trillion dollar hit to our economy, and a preexisting recession, the Bush administration and this Republican Congress have made significant strides in the right direction. And that is something we are looking forward to continuing in the year ahead.

SMART SECURITY AND IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, as thousands of our brave American soldiers continue to fight and die and receive serious wounds halfway around the world, I want to speak about two Iraqs that are presented to the American people.

There is the Iraq that President Bush and his administration want people to see, the one that is supposedly one small step away from becoming a peaceful democracy. And then there is the real Iraq, the quagmire halfway around the world that the rest of us know.

In President Bush's Iraq, the war was never a mistake, never a failure, and never something to question, much less regret. The same war, which as of today has caused the deaths of 1,027 American soldiers and seriously wounded at least seven times that many, not to mention the thousands of Iraqi civilians that have been killed, President Bush says he would have gone to war in Iraq even if had he known 2 years ago what he knows now.

That means he would have gone to war knowing that Iraq did not have a nuclear weapons program. He would have gone to war knowing that Saddam Hussein never harbored al Qaeda terrorists, and he would have gone to war knowing that thousands of our young soldiers would be killed. Somehow, and I do not know how, somehow President Bush fails to recognize the death, destruction, and deprivation that his war has caused.

The rest of us see a different Iraq than President Bush. In the real Iraq, America preemptively waged a war that was never a war of necessity and never a war to protect our Nation. Instead, President Bush and the Republican-controlled Congress led this country into a war that U.N. Secretary General Kofi Annan recently called ''illegal.''

In the real Iraq, hundreds of soldiers have died because they were not given the battle armor that would have stopped bullets from entering their bodies, even after Congress made funds available for that very specific purpose. This was a drastic mistake made by the Pentagon.

In the real Iraq, President Bush, as Commander in Chief, has failed to properly address the insurgency that is killing scores of troops and civilians every day. This is a failure that could have and should have been addressed during the planning stages of the war.

In the past week, four Republican Senators have bucked their party line and acknowledged the sweeping problems that exist in the real Iraq. Senator CHUCK HAGEL of Nebraska said, ''I don't think we're winning . . . we're in trouble. We're in deep trouble.''

Senator RICHARD LUGAR, chairman of the Senate Foreign Relations Committee, went further. When asked why only $1 billion of the $18 billion appropriated for Iraq's reconstruction has been spent, he said, ''Well, this is the incompetence of the administration.''

This did not have to be an unmitigated disaster. But Iraq is woefully unstable largely due to planning failures by the Bush administration: the failure to enlist most of our allies as partners in the war, the failure to anticipate the anger and intensity of the insurgency, and the failure to allocate the billions of dollars in reconstruction funds that could have helped secure that country.

Fortunately, we have opportunities to fix this awful mess. Earlier this week Senator JOHN KERRY offered a better, smarter solution to fixing the real problems in Iraq. JOHN KERRY's plan includes soliciting and enlisting support from our allies, properly training Iraq's security forces, and carrying out a viable reconstruction plan that truly involves the Iraqi people, instead of giving companies like Halliburton the benefit of America's investment, while leaving Iraqi companies without contracts and the Iraqi people without jobs.

We need to engage in smarter policies if we want to stop the bleeding in Iraq. That is why I have introduced H. Con. Res. 392, to create a smarter security resolution for the 21st century. SMART stands for Sensible, Multilateral American Response to Terrorism. With SMART security, we would not be in the mess that we are in today. SMART security treats war as an absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships, and it controls the spread of weapons of mass destruction with aggressive diplomacy, strong regional security arrangements, and vigorous inspection regimes.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXPRESSING OUTRAGE AT REPUBLICAN DOUBLE STANDARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, the Nation is talking about Dan Rather, CBS, and the false National Guard memos. Republicans are saying that he misled the Nation, that it is a scandal that threatens our body politic. Congressional Republicans are talking about an ethics investigation. And yesterday on a radio show, Bill Bennett said the Dan Rather incident went beyond bias. He said, ''This is corruption.''

Let me tell the Members something. Dan Rather is going to get a whopping, and he deserves it. CBS has a black eye, and they earned it. There is no excuse for what happened. However, all this outrage from the self-righteous right wing of this country has taken hypocrisy to a new low.

Let me ask my colleagues where was the moral outrage and where is the moral outrage when the President of the United States here in the State of the Union at this podium used falsified evidence to allege in his State of the Union that Iraq had attempted to purchase yellow cake uranium from Nigeria?

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Where is their moral outrage when Condoleezza Rice and DICK CHENEY repeatedly link Saddam Hussein and al Qaeda, all the while knowing that no evidence supports the claim?

Where is their moral outrage when our President said we would find tens

of thousands of pounds of chemical and biological weapons when we invaded Iraq, even though he knew there was no absolute proof?

Where is the their moral outrage when we are told that Iraq purchased aluminum tubes in order to refine uranium, even though weapons experts said otherwise?

Where is their moral outrage when Paul Wolfowitz told the Congress that Iraqi oil money would pay for reconstruction, all the while knowing that the burden would be placed on the American taxpayers?

And where is their moral outrage when we discovered that the chief architects of the Iraqi war, Vice President CHENEY, Deputy Secretary of Defense Paul Wolfowitz, Douglas Feith, Richard Perle and Donald Rumsfeld, paid Mr. Ahmed Chalabi $49 million in U.S. taxpayer money for faulty intelligence claiming that Iraq had mobile weapons labs and that we would be greeted as liberators? If this is how Iraqis greet liberators, they have a funny way of saying ''welcome.''

Mr. Speaker, the outrage of the self-righteous right over the falsified National Guard documents is nothing more than opportunistic partisan politics at its worst.

Did Dan Rather do wrong? Undoubtedly, and he is going to get what he deserves, as will CBS. Dan Rather deserves criticism and he should be held accountable.

But I fail to understand why Dan Rather's credibility has raised such a moral outrage, but the same critics cannot find that the President's credibility equals that of Dan Rather's. What civics class did they go to, where they learned that Dan Rather's credibility weighs more important to the fabric of this country than the President of the United States?

As far as I am concerned, both individuals have a piece of the public's trust; both individuals have to be accountable for what they say. Dan Rather said he was wrong and he will be held accountable. We have yet to hear that same explanation from the President of the United States.

I say this in all seriousness: I do not think the President of the United States takes it lightly. Dan Rather's poor judgment and false statements did not lead to where the country is today in Iraq and the cost we have paid both in lives and in our treasure. Time and again, this administration has used false statements and false documents to justify their actions, and America has paid dearly.

Mr. Speaker, my challenge to my friends on the right wing is, I will join you any time you want to condemn Dan Rather. If you want to have an hour debate here on the floor, I will be down there. But I offer you the invitation to come and join me any time you want to have an hour debate about the President's false statements and what he used to justify a war, knowing all the while that was not true.

Dan Rather will pay for this, as will CBS. But the President of the United States also has credibility, all of our credibility, and when it is misused, we all pay dearly for it.

So I ask the people on the right who usually talk about moral consistency to stop being so inconsistent in their moral relativism, where they see Dan Rather's credibility and his character as more important than that of the President of the United States. Understand that the President, our President, speaks for all of us, and his credibility is our credibility, and when we use it in front of the world and we are questioned from here forward because we no longer have told the truth and people do not believe us, we all pay a price that we are seeing every day in the news.

THE BUSH MEDICARE BILL'S DIRTY LAUNDRY

The SPEAKER pro tempore (Mr. MCCOTTER). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I want to follow on the heels of the comments of the gentleman from Illinois (Mr. EMANUEL) about the Bush administration not telling the truth about Iraq and how much the country has paid for that and discuss how the President of the United States did not tell the truth about the Medicare bill and how, unfortunately, because of that, senior citizens of this country will be inflicted with the largest Medicare premium increase, 17.4 percent, that seniors have ever seen in the 38 years of Medicare's history.

On this chart we can look at what is entitled ''Medicare Bill's Dirty Laundry.'' I want to talk for a moment how we got where we got, how this bill came to become law and led to that 17.4 percent premium increase that Medicare beneficiaries will be forced to pay.

First of all, the Medicare bill was written by the drug industry and the insurance industry, both industries having given the President of the United States tens of millions of dollars, and to the gentleman from Texas (Mr. DELAY) and Republican leadership, tens of millions of dollars for their political campaigns. So the legislation was written by the drug and insurance companies as a payback by the Republicans for the help that they had gotten from these industries.

Now, when the bill came to the floor of the House of Representatives, and everybody in this body remembers that night, the debate started at midnight, the votes started at 3 o'clock in the morning. The vote went for 2 hours 55 minutes as the Republican leadership attempted to bribe, as told the next day by one Republican Member, strong arm, twisted arms, waked up the President, got him on the phone with Members of Congress, campaign contributions flowed liberally to Republican Members of Congress, and that vote, after 2 hours 55 minutes, the longest vote in Congressional history, two Members changed their vote at 5:55 in the morning and that Medicare bill barely passed.

Then the administration used tens of millions of dollars, of taxpayers' dollars, to try to convince the public that this was a good bill. At the same time we found out that this bill that was to cost $400 million, we were told would actually cost about $530 billion, from $400 billion to $530 billion. The President knew it, the head Medicare knew it, and they simply did not tell the people and the Congress of the United States. That is why we ended up with a 17 percent increase.

Then this was capped off by the fact that the President of the United States did not release this information about the 17 percent increase until they could almost do it in the dead of night. They chose a Friday afternoon right before the Labor Day weekend to announce to the public that, yes, this increase was going to be 17 percent.

Now, before the Bush Medicare bill became law, the nonpartisan Medicare trustees said the premium increase for 2005 for Medicare beneficiaries would be $2. Instead, once the Bush Medicare bill became law, the premium increase jumped to $11.60. The premium increase after the Bush Medicare law was more than five times larger than the previous premium increase was estimated to be.

So where does that money go? Where do the billions of dollars that come out of seniors' pockets on the one hand go? It comes out of seniors' pockets. By and large, it goes into the insurance company HMO pockets.

Insurance company HMOs had a 50 percent increase in profits last year. That is before the Medicare bill became law. In fact, that 17 percent largest increase in Medicare history premium goes directly into a $23.5 billion slush fund for the insurance industry. The insurance industry, which enjoyed huge profit increases the year before, now is going to get a $23.5 billion bonus, thanks to the increase in premiums for seniors.

So, Mr. Speaker, it makes a perfect circle. The Medicare bill is written by the drug companies and insurance companies; the bill passes Congress in large part because of huge contributions from the drug and insurance companies to the Republican leadership and to President Bush and to Republican rank and file members; the bill then means huge subsidies for the insurance companies, $23.5 billion, and even bigger profits for the drug companies; and then, when all this is over, the premium goes up not $2, but $11, 17 percent, the largest premium increase in Medicare history.

Mr. Speaker, that is the kind of corruption that I hoped we would never see in this body, where campaign contributions result in a bill written for the drug and insurance industries

under the guise of improving Medicare, although seniors never really believed that. The bill passes in the dead of night, seniors' Medicare premiums go up 17 percent, the largest increase in history, and Republicans cash in with political contributions.

Mr. Speaker, that is shameful.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members that remarks in debate may not include personal criticisms of or accusations against the President.

Mr. BROWN of Ohio. Mr. Speaker, is pointing out that the President receives tens of millions of dollars from the drug and insurance companies, is that considered a criticism? Is that appropriate to say?

The SPEAKER pro tempore. Remarks in debate must avoid personally offensive language toward the President.

Mr. BROWN of Ohio. Mr. Speaker, I was only talking about his actions. It is nothing personal. I just thought that tens of millions of dollars in contributions which lead to legislation which means bigger profits for the insurance and drug companies was shameful. I did not cast aspersions on the President himself.

The SPEAKER pro tempore. The accusation that the President did not tell the truth prompted the Chair's admonition.

Mr. BROWN of Ohio. I guess, Mr. Speaker, that I do not know if the President told the truth, but people who report to the President that should have been informing the President certainly did not tell the truth, because they said the bill would cost $400 billion. It cost $534 billion, and that led to the biggest Medicare premium increase in history.

The SPEAKER pro tempore. The President's advisors are not protected by House rules and practices governing debate.

MEDICARE PART B PREMIUMS TO INCREASE 17 PERCENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise this evening to talk about the Bush administration's increase on our senior citizens of Part B of Medicare, which is the doctors' coverage, of an additional $139.20 per year. That means that seniors will begin paying an additional $11.60 a month, the total premium being $78.20 per month. So over the course of a year, the increase over the previous amount is 17 percent. This is on top of a 14 percent increase from last year.

This is going to eat up a substantial chunk of the cost of living allowance that seniors truly depend upon, and with heating prices in the winter increasing, gasoline prices increasing, food prices increasing, this is a huge, unprecedented increase in the Medicare Part B premium.

Mr. Speaker, normally this premium increase would be announced in October when the Social Security COLA increases lock in so that seniors could calculate their budget for the coming year. But the Bush administration actually announced this increase during a holiday weekend just about a month ago, hoping that no one would really take notice.

The question I have is how much of this increase is actually due to the fact that the Bush administration refuses to let the government of the United States negotiate the best prices for pharmaceuticals and prescription drugs with these big companies that contribute so much to campaigns here in Washington, and, because of that, our seniors are going to have to bear the cost of an additional 17 percent increase.

This is the largest increase in the history of the program. Under this administration, Medicare premiums have increased twice as much as during the Clinton presidency, which lasted 8 years. So in a short 3½ years, they have increased the amount twice compared to the prior 8 years. And the premium increase comes on the heels of a decision by the Secretary of Health and Human Services, Tommy Thompson, not to permit the government to negotiate the best price and not to permit our seniors to buy prescription drugs that come in here that are safe and approved by FDA from Canada and other places.

Mr. Speaker, I believe we should never compromise on safety, nor should we restrict the competition that could be instrumental in holding down rising prices for our Medicare beneficiaries. So I offered an amendment that was passed in this House on the agriculture bill that would permit the FDA to allow the reimportation of drugs from Canada and overseas at lower prices.

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When our bill was sent over to the Senate, the other body, they struck that provision out.

So I would hope that Senator KERRY would go back over to the Senate and hold a press conference and merely tell the Republicans over there to put my amendment back in, because it would do what the Republican prescription drug bill forbids doing, and that is allowing the same drugs that are sold here that exist in Canada and other places to be brought into this country so our seniors do not have to pay these exorbitant prices. And with these rising medicare premiums, it is really something to think about.

The Republicans not only do not permit the reimportation of drugs, they lock the hands of the Federal Government to negotiate the best price. And who ends up paying the burden of the increase? Our senior citizens, and they have just gotten the bill, and, as I said, over the next year, they are going to be paying an additional $139.20 on the doctor's portion, the Medicare Part B premium. That is simply wrong, when the wealthiest people in this country, those earning over $1 million, have gotten over $100,000 a year in additional tax cuts from the Bush administration and so many people in our country have absolutely no health insurance at all. And our seniors are having to choose in the wintertime between food and medicine and heating the places in which they live.

So I wanted to say a word about that this evening and also to place in the RECORD an article from the New York Times today about the tragic, tragic beheading of Eugene Armstrong from Hillsdale, Michigan. I want to draw to the attention of the American people the fact that there is an additional hostage being held, Mr. Jack Hensley of Marietta, Georgia. These men were contractors. They were not under the employ of our U.S. military, and I think that the jagged line between civilian and military inside of Iraq is something this administration has done.

There are over 25,000 contractors in Iraq right now, and when they get in trouble, nobody helps them. In fact, Mr. Hensley's brother said that over the last few days, few weeks, those that were guarding these gentlemen disappeared; they left. They were fearful of their own welfare, yet these Americans remain there.

In the case of Mr. Hensley, he was in touch with his wife, saying that he wanted financially to remain there because he is laid off. He was a worker from our country, laid off, and she had been urging him to come back home because the family had become increasingly concerned that their guards were leaving.

Now, what kind of a military operation is it where we have 25,000 contractors whose lives are at risk, yet they may be earning more money than our regular military? But the lines are blurred, and one really cannot tell who has responsibility. Here we have another situation of a patriotic American who has lost his life so tragically over in Iraq simply because this administration cannot get it right, and they cannot conduct a military operation where people's lives are protected in theater to the greatest extent possible.

We had the armored Humvees with no armor. We have Guard and Reserve forces strung out, without the kind of backup they need, tired, in the field. We are short two divisions in the U.S. military, and now we have civilians really performing functions that the regular military should do. These gentlemen were doing construction which is normally done by the Army Corps of Engineers, who have backup. In this case, we have Americans whose body guards end up leaving, and they are

cold in the field. They have nobody to help them. What kind of a system, what kind of a military operation is this administration conducting in the nation of Iraq?

I want to place these additional articles from the New York Times in the RECORD, along with a chart showing the increasing number of hostages being taken in Iraq over the last several months, and it is on the increase.

GRIEF AND AN EVENING VIGIL IN A MICHIGAN SMALL TOWN

(By Danny Hakim)

HILLSDALE, MI, Sept. 20.—Scores of townspeople gathered at an impromptu candlelight vigil in the early evening here after hearing that a Westerner identified as Eugene Armstrong had been executed in Iraq.

Mr. Armstrong grew up in this town of about 8,000 people in southern Michigan, and though he left more than a dozen years ago to travel the world, his brothers and cousins remain here.

''We're just devastated.'' said Cyndi Armstrong, a cousin by marriage who attended the vigil on behalf of the family. ''I don't know what else to say about how we feel.''

Mr. Armstrong, a 53-year-old construction worker known as Jack, lived with his wife in Thailand. Cyndi Armstrong said F.B.I. officials first notified members of the Armstrong family last week that he and two other Western workers had been kidnapped in Iraq. Among those notified, she said, was Mr. Armstrong's mother, who lives in Germany.

Few in the crowd here knew Mr. Armstrong well because he left Hillsdale long ago. His brothers chose not to attend the vigil.

''His brothers are broken up about it,'' said a cousin of Jack Armstrong, Pat Armstrong, who served as a marine in the Middle East during the first Persian Gulf war and who said he was not happy about how the latest Iraq war had deteriorated.

''I think we should steamroll them, either that or leave'' Pat Armstrong said. ''Eliminate the problem or leave instead of not trying to upset too many people.''

The vigil took place in the early evening while it was still light in front of the Hillsdale County Courthouse on a town square framed by light poles bearing hanging planters with purple flowers. The Pledge of Allegiance was recited, candles were wedged into plastic coffee cup lids and passed through the crowd, and a local pastor, Randy Branson, was asked to say a few words.

''We know the price of freedom is being paid all across the globe,'' Mr. Branson said. ''Today we pray for freedom and the two men who are still being held.''

Cyndi Armstrong said Jack Armstrong loved to travel and had spent time in Germany before moving to Thailand.

''He was a great guy and he loved his country,'' she said, twisting an American flag in her hands. ''He liked to travel; he liked to read books. I didn't know him personally very well, but he was a great guy, and he will be missed very much.''

Richard Buehrle, 46, a cook who knows one of Mr. Armstrong's brothers, said: ''I heard about it at 2:30 this afternoon. I was kind of shocked, but it didn't really surprise me. Once they're captured over there, it's touch and go.''

Mrs. Armstrong said that only two weeks ago her own daughter enlisted in the Army. She did not want to talk about her personal feelings on the war, Ms. Armstrong said, though she supported her daughter's decision. Still, she said, it was hard to comprehend what had happened to Mr. Armstrong.

''I don't understand,'' she said, ''Jack was there to help them, not to hurt them.''

Jack Hensley of Marietta, Ga., is the remaining American hostage from the three construction workers who were taken from their house in Baghdad. The third is a Briton.

Earlier Monday, Mr. Hensley's relatives spoke to reporters about his kidnapping.

His brother, Ty Hensley, told NBC News that he and his brother had been regular e-mail correspondents before the kidnapping. Ty Hensley said his brother had become increasingly concerned in the week and a half before he and his colleagues were abducted. Their guards were leaving one by one because of death threats, Jack Hensley had written, and he believed the three Westerners were being watched.

Ty Hensley said that his brother had gone to Iraq when he could not find construction work at home and that leaving early would have been a financial blow.

But he said Jack's wife, Patty, had tried to persuade him to come home anyway.

''I'm sure that he had signed a year contract,'' Ty Hensley said of his brother. ''It was important that he make it a year for him financially, but she began talking to him in very strong capacity to come back over the last week and a half. And she told him it does not matter financially, to come home.

''I talked to Jack every other day through e-mail,'' Mr. Hensley continued. ''And the type of work that he is doing, again, is to work with the Iraqi people in helping develop a water system for the Iraqi people. He's helped work on a school, rebuild a museum and also housing for the Iraqi people.''

HOSTAGES IN IRAQ

In addition to two Americans, Nicholas Berg and Eugene Armstrong, at least 27 people from 9 different countries are believed to have been killed in captivity this year, according to information from reporters for The New York Times and news agencies. At least 22 others are still being held hostage, but at least 81 have been released or rescued.

MEDICARE BY THE NUMBERS

The SPEAKER pro tempore (Mr. MCCOTTER). Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, the Medicare Modernization Act: good for the HMOs, great for the pharmaceutical companies, bad for seniors and bad for persons with disabilities.

Let us consider the numbers.

$54 million: That is the amount drug companies spent lobbying Congress and the administration between 1997 and 2002.

675: That is the number of paid drug company lobbyists, more than 1 for each of the 535 Members of the U.S. House and Senate.

$67.7 million: That is the amount of drug company political contributions since 1999, and Republicans received 71 percent of those.

$891,208: That is the amount of drug company campaign contributions President Bush has received since 1999.

Zero: That is the number of Democrats who were allowed into the conference committee when this bill was finally crafted, the bill that was supposed to provide relief to seniors but really has provided great relief to the drug companies. That means that the gentleman from Michigan (Mr. DINGELL) and the gentleman from New York (Mr. RANGEL), veterans of the House and experts on Medicare, were locked out of the committee.

Twenty-three percent: the percent of average Americans' out-of-pocket medical expenses spent on prescription drugs.

Seventy percent: the amount of discounts the Veterans' Administration obtains on cholesterol medications by using its bargaining clout with the pharmaceutical companies, something not allowed for Medicare beneficiaries.

Sixty-six cents: the amount the Veterans' Administration paid for a 30-day supply of Zocor, that is high cholesterol medicine, in 2002, compared to $3.77 at the retail pharmacy.

Thirty-six percent: the amount of U.S. medical research funded, by who? By you, the taxpayers, by the Federal Government, not by the pharmaceutical companies.

$139 billion: the amount of additional drug company profits to be reaped from the new Medicare law.

$46 billion: the amount of additional payments to Medicare HMOs expected from the new Medicare law.

$400 billion: That is how much the Republicans swore the Medicare bill would cost.

$540 billion: That is the amount the Medicare actuary, the numbers cruncher, knew it was really going to cost, but he was threatened with his job if he told the truth to Congress.

$576 billion: That is the recent estimate by the Office of Management and Budget of the cost of the Republican expensive and worthless Medicare plan.

$4,000: what a senior citizen with $5,000 in yearly drug costs would have to pay under the new Medicare benefit.

2.7 million: the number of seniors expected to lose existing retiree drug benefits under the new Medicare law.

Six million: the number of low-income seniors and persons with disabilities are expected to pay more for prescription drugs under the new Medicare law.

Seventeen percent: the average profit margin of the top-ten drug companies in 2002.

3.1 percent: the average profit margin of the rest of the Fortune 500 companies in 2002.

Seventeen percent: next year's increase in Medicare Part B premiums.

2.5 percent: That is the expected Social Security cost of living adjustment increase next year.

53.6 percent: That is the percent of the average 65-year-old's Social Security recipients benefits that would go to out-of-pocket Medicare expenses in 2026. In other words, more than half of their Social Security check would end up going to pay for Medicare expenses.

Now, at the time that this bill passed, I warned my colleagues on the other side of the aisle who thought it was so great and that the senior citizens would love it. I have to tell my

colleagues, another zero in my district. That is the number of senior citizens who think that the Medicare Modernization Act is a good deal for them.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

(Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to use the time of the gentleman from Ohio (Mr. STRICKLAND).

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

There was no objection.

ADMINISTRATION LAUNCHES NEW CAMPAIGN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, the administration has launched a new campaign to win the Iraq war. The offensive is not in Baghdad or Fallujah or Sadr City. It is in New York and right here in Washington, D.C. The administration has launched another public relations campaign. They did it in the run-up to the war, and they are doing it again in the run-up to the election.

The administration will have its Iraqi functionary here in a few days to speak to this Congress. The appearance by Mr. Allawi in the U.S. Congress is meant to give the American people the illusion that Mr. Allawi was elected, not appointed. It is meant to suggest stability amid a sea of escalating violence.

The American people will decide what they believe to be true. They have already had a preview, because England was the first stop on the PR campaign. This is what the American people are going to hear over and over and over again. In London, Mr. Allawi downplayed the growing violence in Iraq. Since the middle of June, in just the last 90 days, the chaos in Iraq has claimed more than 2,000 Iraqi lives and more Americans than in any other part of this war, yet the administration's hand-picked administrator says of the insurgency, ''It is not getting stronger. We are squeezing out the insurgency.''

Then, he changed that glowing assessment for a different British audience where Mr. Allawi said, ''Terrorists are coming and pouring in from various countries.''

Now, what is the real story? We will still be asking that question after Mr. Allawi leaves.

At a time when the American people need straight talk about what is happening in Iraq, we are going to get carefully planned photo opportunities.

The groundwork has already been laid. Just the other day, the President told the American people, ''I am pleased with the progress.'' Really, Mr. President?

Iraq today is more violent than ever. Insurgency is either being squeezed out or terrorists are pouring in. Check the morning paper tomorrow or the nightly news if you are not sure which of those statements is correct. Iraq is so out of control that religious clerics are being assassinated in broad daylight. Hostages are being kidnapped from guarded homes and beheaded. And U.S. soldiers are in greater danger than ever. Iraq is so out of control that a new offensive by the U.S. military is being planned for later this year, but not until after the election. Sounds a lot like Nixon's secret plan to end the war.

The administration is delaying action because it denies the magnitude of the crisis in Iraq. Instead, they want carefully-scripted political appearances and speeches to make the American people believe that your eyes and your ears deceive you. The coming public relations events are meant to do just that.

The President says he is pleased with the progress. Mr. Allawi says elections are coming. Mr. Allawi also admits that the so-called free elections in January may only be about half fair. When he speaks before the Congress, I hope Mr. Allawi will clarify which half of the Iraqi election will be fair and which will be rigged. The American people deserve straight talk, but we are getting double-talk. So is the rest of the world.

At the United Nations today, the President said he is ''enforcing the demands of the world.'' Less than a week ago, the U.N. Secretary General Kofi Annan told the world that the Iraq war was illegal.

At the U.N. today, there was every opportunity for the President to tell it like it is. Instead, he told it like the spin doctors want it, and the world heard the sound of a President in total denial.

Later this week, Mr. Allawi will say exactly what the administration wants him to say as their puppet here in the House. He is their guy. This is their war, and they need more money. They will say what they want us to hear, despite the deafening sounds of daily violence underneath their very words. They will say what they hope will silence the critics, because they cannot silence the gunfire. They will say whatever they think will win another term in office, because that is their first and only priority.

That is not the way to fight a war or win the peace, but it is the only way this administration knows, which is why Iraq's best chance for peace can only be realized by a regime change in the United States. It will happen on November 2.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 2045

RECORD DEFICITS ABOUND

The SPEAKER pro tempore (Mr. MCCOTTER). Under the Speaker's announced policy of January 7, 2003, the gentleman from South Carolina (Mr. SPRATT) is recognized for 60 minutes as the designee of the minority leader.

Mr. SPRATT. Mr. Speaker, in less than 10 days we will close the books on fiscal year 2004, and what a year it has been. A few days after that we will declare a deficit of $422 billion. You got it, $422 billion.

Now, there will be all sorts of spin to make that shortfall seem a lot less serious than it really is. But here are the hard facts. At $422 billion, this year's gift will set an all-time record, $47 billion more than last year, which itself last year was the worst deficit on record. And at $422 billion this deficit is bad enough; but if you back out the surplus in Social Security, as you should, 15 years ago we adopted a law and said Social Security shall not be included in the regular budget of the United States. It is, after all, a trust fund. The money is incumbent for the beneficiaries.

So if you back out those trust funds and the surplus they incur this year, the deficit in the regular budget of the United States is $574 billion for fiscal year 2004, $574 billion, more than a half trillion dollars in debt.

Now, the President keeps telling us that this economy is on the mend. Usually when the economy gets better, the bottom line of the budget gets better, but not now. This year's deficit, you see, is not going away. It is not even going down by much. Even if the economy improves, it will still be about where it is, 4 to $500 billion for the next 10 years. What we have got, what we are stuck with for the time being until we do something about it is what economists call a structural deficit. It is built into the texture of the budget itself.

On the House Committee on the Budget, our Democratic staff has taken the latest projection of the deficit and the economy given to us just a few days ago by the Congressional Budget Office, CBO, our neutral, nonpartisan budget shop. We have taken their forecast, and we have made what we regard as political readjustments to it. We

have actually decreased the war of Afghanistan and Iraq that they have included because we do not think and do not hope, certainly, it will continue at existing levels. We have assumed that the alternative minimum tax will be fixed, as politically it must be fixed over the next several years; and we have assumed that the President's tax cuts will be made permanent as he earnestly seeks. He will get his way.

When you do that, you see what happens on this bottom red line which starts in 2004 at $422 billion, that is this year's deficit, because from 422 to 360, yes, it gets a bit better, we hope, but then it bombs out in that range. And by the time you get to the end of this 10-year period in 2014, the deficit is $503 billion.

As I said, the deficit does not go away and it does not go down by much; and at the end of the 10-year period it is bigger than it is today and we have accumulated a mountain of debt. By our calculation, using CBO's forecast, the Federal Government will incur $6,816,000,000 in additional debt between now and 2014. And when that $6.8 trillion in new debt is added to our old debt, which is $7 trillion or thereabouts, the total debt of the United States will come to $14,890,000,000 in that year.

If we follow the fiscal course the President has laid down, keep implementing his policies, do not make any changes in this budget, we are adopting basically his budgetary assumption, that is where we will be: $15 trillion in debt by the year 2014. That is the legacy that we are leaving our children.

If this burden were not enough, we always have to remember that out there, looming on the horizon, beginning in the year 2008, it is a phenomenon called the baby boomers, 77 million of them are marching to their retirement as I speak tonight. They have already been born. They have already qualified for their retirement benefits, and in 2008 they will start drawing their Social Security. In 2011 they will start drawing their Medicare. In 20 years they will double the number of beneficiaries on Medicare and Social Security. And what should we do to prepare for this unprecedented demographic event, the doubling of the number of people on retirement?

We should be saving money now, no question about it; in this period of time we should be saving money. Instead, we are doing just the opposite. We are building up mountains of debt as this chart shows.

Mr. SCOTT of Virginia. Mr. Speaker, I would ask the gentleman to explain what this blue line on the top might be.

Mr. SPRATT. The blue line on the top is the path plotted by the Bush administration in 2001 when they brought us their first budget. They said, this is the path that we expect to follow. This was the basic baseline of the budget, before the Bush policies that were projected back in 2001. That is how good things looked. This is how bad things are now 3 short years later.

Mr. SCOTT of Virginia. I thank the gentleman.

Mr. SPRATT. Well, I said what we should be doing is saving, paying down our debt, not building up our debt.

Now, some may discover that, some might say, when did the United States Government ever pay down any debt? Well, in case you do not know it, in 1993, when President Clinton came to office, the deficit was right there, $290 billion, a record deficit under the last President Bush, $290 billion in 1992. That was the deficit situation President Clinton inherited.

We passed in this House, in the midspring of 1993, a deficit reduction act that the President sent to us. We passed that bill by one vote here in the House and by one vote in the Senate. As a consequence, every year after that for the next 8 years, the bottom line of the budget got better and better and better to the point where in the year 2000 we had a surplus of $236 billion. All of that happened on the watch and under the administration of the Clinton administration because of two major multi-year budgets that we adopted in those years, hard votes, probably cost the Democrats control of the House, but we did the right thing and there was a payoff, a budget and surplus by an unprecedented $236 billion in the year 2000.

As Yogi Berra likes to say, If you do not believe it, you can look it up. It is a matter of national record.

Well, what has happened since then? This is when President Bush came to office. He inherited a surplus. The budget there, midfiscal year 2001 was in surplus by $127 billion, but every year thereafter the bottom line of the budget has gotten worse and worse to the point where it is $422 billion in debt today.

Now, let me show you what those surpluses in the Clinton years meant, which was also unprecedented. In those 3 years from 1997 to the year 2000, that 3-year period of time, the debt of the United States held by the public outside the Government went from $3,772,000,000 to $3,409,000,000. We paid off in those 3 years $362 billion of debt. If you take what was paid off in the year 2001 when President Bush came to office and inherited the budget of the previous administration, it is over $400 billion in debt reduction.

By contrast, this administration told us when they came to office in 2001, their own economists at OMB, Office of Management and Budget and CBO both, they told us if you stay this budgetary course, you can pay off the debt held by the public; keep doing what the Clinton administration has been doing, you can pay off the debt held by the public by 2010, 2008 as early as that. But in the foreseeable future, if you stick to this budget course, to these fiscal policies, you can pay off the debts of the United States and lay the basis of the solvency of Social Security, the first big step you can take towards making Social Security and Medicare solvent for a long time to come.

We know the story. The Bush administration did not choose to stay that budgetary course. They chose their own budgetary course, which called for deep tax cuts, very significant tax cuts; and when the budget forecasts did not materialize as expected, those budget cuts, those budget tax cuts ate even more deeply into the deficit of the United States.

As a consequence, in the year 2002 instead of paying down more debt, we had to increase the national debt of the United States. We had to raise the statutory ceiling. There is a statutory limit on the debts that we can incur. We had to raise it by $450 billion in the year 2002. Next year, having raised it $450 billion, the very next year we had to raise the debt ceiling again by $984 billion. Let me tell you something, $984 billion is more than the entire debt of the United States in 1981 when President Reagan came to office. But we had to raise the debt ceiling by that amount in 2004 in order to accommodate the increases in debt.

When you add all of these together, you will see what I have cited earlier, the phenomenal increase in debt under this administration. If we stay the course we will be going to $14,890,000,000. But already with the two debt-ceiling increases passed of 450 plus 984, plus one that is pending right now, which is $650 billion, when those three debt-ceiling increases are passed, it will come to $2.1 trillion. That is the fiscal record of this administration. Compare it to the last 3 years of the Clinton administration which I have just shown you where we paid off $362 billion.

Mr. ALLEN. Mr. Speaker, I would like to make one point because I think it is worth going back to March of 2001 when the President was traveling the country pitching the first tax cut, the big tax cut; and he came to my hometown, he came to Portland, Maine, and he went to the Merrill Auditorium in city hall and he spoke to almost 2,000 people. And I remember sitting in the front row and listening to him speak. And I will never forget what he said, and this is about as close to word for word as you can get. He was selling his tax cut and he said, I know these are big numbers, but this is reality we are talking about. We hold spending to a 4 percent increase.

I would say, well, not exactly, because the Department of Defense had not submitted its budget yet.

He went on. We pay down $2 trillion worth of debt.

Well, only if the whole program works.

Then he said, We set aside a trillion dollars for contingencies. There was no trillion dollars contingency account. They made it up. They simply made it up. So all over the country the President went around saying we have set

aside a trillion dollars for contingencies; and then he said in Portland and around the country, and there is still money left over. But the hard cold truth was there was no contingency account; once the tax cut was passed, once it was signed into law in the big ceremony in the Rose Garden, you cannot find the words ''contingency account.''

The administration never said as the economy deteriorated and spending went up. They never said, boy, thank God we have that trillion dollar contingency account to fall back on.

So right from the beginning, this tax cut was oversold. It was oversold. They went out and said things to justify the tax cut when they did not have the evidence to support it. And I think it is worth remembering that, because it is not easy to dig a 14.8 hole for yourself when you are starting at $3.87 billion. In just a few short years they have managed to drive this country in a direction where our children and grandchildren will be paying a bill for decades to come. I would like to come back to that at a later time.

Mr. PRICE of North Carolina. Mr. Speaker, with an unprecedented fiscal meltdown in this country, going from $5.5 trillion in projected surplus over the next 10 years to over $3.5 billion in additional debt, fiscal turnaround of over $9 trillion, would we not like to think that, at least for that degree of damage to the Federal budget, that we have gotten the maximum economic stimulus, or that we have at least been able to fund our major priorities like education and research and health care, transportation? Yet I do not know any economist who will claim that we have had the best possible economic stimulus or the economic turnaround. This is as sluggish an economic recovery as anybody can remember.

Mr. SPRATT. Mr. Speaker, we are one million jobs short to the number of jobs we had on March 1, 2001, when the last recession started. It was over in November. And we are still a million jobs short of that despite the supposed economic stimulus which obviously did not stimulate the economy by nearly enough.

□ 2100

Mr. PRICE of North Carolina. Has the gentleman seen any economic analysis that would suggest that a massive tax cut, 43 percent of which went to the top 1 percent in earnings, was the most effective economic stimulus that could have been applied?

Mr. SPRATT. That is why we are not seeing the results in jobs.

Mr. PRICE of North Carolina. Mr. Speaker, the President seems to want to claim that, but I have seen analyses, and they are readily available, that show there are dozens of things that could be done in terms of middle class tax cuts, in terms of infrastructure improvements and transportation improvements, in terms of aid to the States that were so hard-pressed and still are hard-pressed. Extension of unemployment benefits to those who are still trying to turn their situation around, any one of those things would not only have been fairer in terms of the people affected, but it would have been a far more effective stimulus.

Then to turn to my second point, have we been able to adequately fund our major priorities in this country?

If you are going $450 billion into debt each year, additional debt, you would at least like to think you are getting some bang for the buck in terms of things we need to be investing in in this country. But yet at last report this House cannot even pass a highway bill, cannot even agree on investment in our infrastructure, which used to be a no-brainer around here, both Democrats and Republicans agreeing that nothing was better for the economy than having a healthy infrastructure and getting money out to the States to build highways and transit systems.

Mr. SPRATT. I thank the gentleman, and let me just wrap up and now turn to my other colleagues and yield to them, first by saying or asking, how does this administration respond to these dismal results? Nobody can put a pretty face on numbers like these, a deficit of $420 billion, a fiscal course that has led us to nearly $15 trillion in debt. Some legacy to leave to our children. In just 10 years, that is the course we are on according to CBO, even OMB. How do they respond to it?

Last July when the administration issued, as required by law, its so-called mid-session review of the budget they actually resolved this. When they issued that, they went through the numbers as they projected them, put the best face they possibly could on them, and came to the conclusion that these deficits were indeed unwelcome. That was the strongest word they could muster, that these deficits were unwelcome. Did they offer a plan? No. Did they hold out any prospect that this deficit would be reduced and that the country would be put back on a path of fiscal stability? Not on your life. There is no plan, no prospect of it, no shock, no shame and no solution.

We want to tell you more about the situation we find ourselves in, and now I yield to the gentleman from Virginia (Mr. SCOTT) for that purpose.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding to me.

One of the things that we have found in the debate on the budget is you really have to use charts because one side will say the deficit is bad; the other side, it is manageable. But when you look at the chart, going back to Johnson, Nixon, Ford and Carter, that is the yellow; the Reagan and Bush deficits, that is the red; the green, that is the Clinton administration; and this is on-budget surplus. That is after Social Security and Medicare, and then President Bush. You cannot create a chart like this by accident.

The gentleman from South Carolina pointed out that in 1993 we cast tough votes. Not a single Republican in the House or the Senate voted for the budget that turned this deficit around, started it up. Now, some like to point out that the Republicans had control of the House and the Senate during six of the 8 years of the Clinton administration and, therefore, deserve some credit for the elimination of the deficit and the generation of the surplus. Wrong.

In 1995, when the Republicans came in, they passed irresponsible budgets. President Clinton vetoed them. They threatened to close the Government down. He vetoed them again. They closed the Government down, rather than allow those deficits to return, and as a result of the Presidential vetoes, we maintained the progress towards a surplus. So you cannot take credit for those kinds of budgets that were vetoed. In fact, we know what would happen if the President had signed those budgets because, when President Bush came in, they passed the same kind of budget; and we see the total collapse of the budget, record deficits, as the gentleman from South Carolina has pointed out, as far as the eye can see.

Now, just to give you an idea of the deterioration of the budget, this is the 2004 budget, the budget we are in today. In January 2001, when this administration came in, we projected a $390 billion surplus, and then the tax cuts and the administration policy was adopted so they had to, in May, recalculate. A 274 surplus was projected for this year. After September 11, March, almost 6 months after September 11, they projected, well, maybe it will be a small little deficit. In March of 2003, a year later, they recalculated $330 billion in the hole. Last month, latest figures, $422 billion in the hole, a deterioration of over $800 billion.

Now, when you use big numbers we like to put them in perspective. You add up everybody's individual income tax. The revenue generated from the individual income tax across America totaled $800 billion. Deterioration in the budget for this year's budget since this administration came in, $800 billion deterioration. That is the number.

When you run up deficits, you run up interest on the national debt. As the gentleman from South Carolina pointed out, the interest on the national debt, because the debt was headed towards zero, interest on the national debt was headed towards zero, but this chart shows the interest on the national debt that we are going to have to pay. In 2009, the difference of what we thought we are going to have to pay and what we have to pay, over $300 billion, and let us put that number in perspective.

At $30,000 each, how many people can you hire with $300 billion? Answer: 10 million. Another question: How many people are drawing unemployment in America today? How many people are unemployed, drawing unemployment today in America? Answer: less than 9 million. You could hire everybody with a $30,000 job that is on unemployment

and have billions of dollars left over with the additional interest on the national debt.

We cannot fund No Child Left Behind for the lack of $9 billion. We cannot fully fund veterans health care the way it should be funded. There are a lot of things we cannot do because we do not have the money. $300 billion, interest on the national debt.

This has national security implications, too, because a lot of that debt is bought by foreign countries, and you cannot negotiate a trade deal with somebody who has got $100 billion of your paper, China, Japan, other countries. It has national security implications. If somebody wanted to start building nuclear weapons and they are buying all of our debt, what kind of negotiations could we have?

Interest on the national debt is run up because of the fiscal irresponsibility of this administration. We were told that we had to go into that kind of fiscal collapse to create jobs. We have heard this administration, and in fact, we had a member of the other party bragging about the success of this administration creating jobs just this afternoon. This chart shows what the actual numbers are, the percentage increase or decrease in jobs, going back to Herbert Hoover. Herbert Hoover lost jobs. Every other administration since then, before this administration, gained jobs. This administration lost jobs.

Now, this is the chart. So that there is no confusion, this is the private sector job growth since Herbert Hoover. Now we will notice before we come up with the excuses that this time frame includes not only World War II and the Korean War and the Vietnam War and the Cold War and the hostages in Iran, Persian Gulf War, Somalia, Grenada, it also includes Pearl Harbor. Everybody back to that period of time created jobs. This administration did not. So 9/11 could not have caused this chart, and neither could the so-called inherited recession.

First of all, let us get the facts straight. The recession started in March 2001, well after this administration had been sworn in, well after they had been elected and their policies were becoming part of the economy, which was reacting to their articulated policies; but whenever it occurred, this chart shows how many jobs you have 40 months after the beginning of a recession. Everybody is up to 3.8 percent, 1.9 percent. 1990 to 1993 is the worst before this administration. Everybody else 2, 3, 4, 7 percent more jobs, 40 months after a recession began until you get to this administration. So whenever this recession started, you cannot blame that recession for the collapse in the economy.

One of the things that we pointed out is that we ought to be saving money because the baby boomers will retire. The blue bars show that we are bringing in more money in Social Security. The Medicare chart shows the same pattern; but after 2017, you will be paying out more money in Social Security than we are bringing in, and you cross the 300 line, that is $300 billion. That is $2,000 for every man, woman and child in America.

Obviously, this is a very challenging chart to deal with until you look at this chart, which shows that if you add up all of the President's tax cuts and reduce them to present value so we know what we are talking about, that is more than the combined total deficit in Social Security plus the combined deficit in Medicare for as far as the eye can see, 75 years or more.

In other words, we had a choice. We could make Social Security and Medicare solvent, or we could cut taxes. We had a choice. It was about the same amount of money. We cut taxes. We created the deficit, and now we do not know how we are going to pay for Social Security and Medicare.

In fact, the GAO produced a chart that answers the question, if you do not change directions you might end up where you are headed. Where are we headed? This chart shows the line across is the revenue coming in at the President's policies. This shows right now we are borrowing money for some Government spending; but by 2040, we will have enough money for the blue, which is interest on the national debt, a little bit of money for Social Security. We will have to borrow the rest of the money for Social Security, no money for Medicare or Medicaid, and no money for the green which is Government spending like defense, transportation and everything else.

Obviously, this is not sustainable. We have to do something and make profound changes in our economy, in our funding, in balancing the budget; and it is not going to be done with rhetoric and constitutional amendments.

We are tomorrow marking up a constitutional amendment to so-called ''balance the budget,'' the balanced budget amendment. What they do not tell you is that the amendment does not require a balanced budget. It just prescribes the method for passing a budget that is not balanced. We had a hearing on that, and we asked the Republican witnesses whether or not it would be more likely or less likely that you would actually have a balanced budget if that legislation was adopted. They could not give a definitive answer to that question.

□ 2115

The fact of the matter is it would make it less likely that you would pass a good deficit reduction plan because you made it more difficult. So even if that legislation were to pass, and it will not because people know what a fraud it is, it will not, but even if it passed, you would still, at some time or another, have to cast the tough votes.

When we were fixing the deficit, eliminating the deficit, we had a rule called PAYGO, pay-go, pay as you go. If you want to increase spending, you have to increase taxes or cut spending to pay for it. If you want to cut taxes, you either have to cut spending or increase somebody else's taxes to pay for it. You could not have any initiative that had an adverse effect on the budget without paying for it.

Well, right after this administration came in, that policy evaporated and they passed tax cuts without paying for it. They passed other programs without paying for it. And all of the red ink, interest on the national debt in this chart, is a direct result of that policy.

Mr. ALLEN. Mr. Speaker, if the gentleman from Virginia will yield, I want to follow up on the gentleman's comments about the consequences of running these huge deficits, because we have the numbers now. We know where the Federal budget is headed, and it is not a pretty picture. But there are some very serious consequences. I wanted to mention several.

First of all, Social Security, when you look at the administration's budget over the next 10 years, they spend, on general government purposes, every single dollar of the social security's surplus. And the Social Security surplus for the next 10 years may be quite substantial. So, every single dollar. Then we have Alan Greenspan turning around and saying, oh, we have long-term problems with Social Security. We really should be reducing Social Security benefits. And there is the President of the United States saying, what we really need to do is to create individual accounts, which is another way of saying we need to reduce Social Security benefits. They both come to the same thing.

So the first impact is on Social Security, and it could be absolutely devastating. But the second impact goes to the question that I think the gentleman was raising about are these tax cuts effective. We have now had 4 years of an administration doing three rounds of tax cuts. If you judge an economy by jobs and wages and health care, then let us first look at jobs.

As the gentleman pointed out, we are down about a million private sector jobs over the 4 years. No job recovery. Worst record since Herbert Hoover. Clearly, jobs have not come back despite the three tax cuts.

Mr. SCOTT of Virginia. Mr. Speaker, if the gentleman will let me respond to the point on jobs, and the gentleman from North Carolina alluded to it, it is absolutely incredible that we could run all this red ink without creating jobs. At least when President Reagan was running up deficits he was creating jobs. It is difficult to cut taxes the way the administration has cut taxes, in those amounts, without creating some jobs. But the taxes they cut were the kinds of taxes that did not stimulate the economy. It only rewarded those in the very upper income, the ones least likely to actually spend it.

If you want to stimulate the economy, give the money to those who will

actually spend it. The gentleman from North Carolina mentioned extending unemployment benefits. People who had jobs, who lost a job and are continuing to look for a job but have not found one yet, their unemployment benefits have run out. If you give them some money, they will spend it right away. If you give a cut on dividends to someone who has substantial stock holdings already, if you cut tax and dividends in half and someone benefits $300, if you do the arithmetic they must have had, on average, $100,000 in stock. Three hundred dollars to them, if they wanted to buy something that cost $300 and they have a $100,000 stock portfolio, they would have already bought it.

If they wanted a television, they would already have bought the television. The $300 tax cut does not stimulate the economy, given there. But if you give it to a family with children, unemployed, low income, they are going to spend the money.

There are a lot of ways you can cut taxes and create many jobs, as President Reagan did, but if you cut the taxes that President Bush cut, which ruined the economy, ruined the budget and lost jobs, it is incredible how you can run up the deficits. And just the interest on the national deficit in 2009, in that year, if we did not have the kinds of increased interest on the national debt, we could hire 10 million people at $30,000 apiece, which would be more than anybody has created in 4 years. Ten million would be setting records. We could do that in 1 year with just the interest, each and every year, with the interest on the national debt that we are going to have to pay over and above what we expected to pay when this administration came in.

Mr. ALLEN. Mr. Speaker, if the gentleman will yield further, that is a very good point, and it goes to the second point I was going to make about wages.

The median wage in this country now has dipped down slightly in these last 4 years. And if we look at health care, a third component of whether or not we are in a healthy economy or not, there are 5 million more Americans who do not have health insurance today. We are at 45 million instead of the 40 million uninsured when George Bush took office.

So there has been deterioration across the board. And the worst is yet to come, because the Office of Management and Budget has a memorandum out there and that makes it very clear that in the 2006 budget, which is coming right down in front of us, there are going to be deep cuts in many government services, including cuts to education, veterans' health care, environmental protection, job training and child care.

The last thing that I personally wanted to say about this is that I have been thinking a lot about my father's generation. My parents are both gone now, but they went through the depression and the Second World War, and a lot of people did not come through the Second World War. The guiding principle of my parents and their whole generation, I believe, was to make sure their children and grandchildren had more opportunity than they did. They sacrificed a lot that might have been for their own immediate pleasure in order to be sure their kids had a good education and that we had opportunities that they had not had when they were growing up. That generation would never have done to us what the Bush administration and the congressional Republicans are doing to our children and grandchildren, sticking them with a debt that is so large that they will be paying exorbitant interest on the national debt for decades to come; and seeing cuts in education, cuts in job training, cuts to the Small Business Administration, the squeezing of economic opportunity out of this country because of fiscal policies that are essentially tax cuts today and a billion dollars for Iraq every week.

The guiding philosophy that was expressed by the majority leader, the gentleman from Texas (Mr. DELAY), when we were debating last year the March 2003 tax cut, he said ''Nothing is more important in a time of war than cutting taxes.'' In other words, stick it to our kids. Force them to pay for the Iraq war and force them to pay for tax cuts for the wealthiest 1 percent in America. It is an embarrassment. It is an absolute embarrassment, it is wrong and, as I said before, the greatest generation, the World War II generation, would never have done to us what George Bush and the congressional Republicans are doing to our children and grandchildren.

Mr. SCOTT of Virginia. And, Mr. Speaker, the most unseemly part of what is going on is, as the interest on the national debt gets bigger and bigger, and, as I earlier indicated, the individual income tax only generates about $800 billion, we are paying $200 billion, $300 billion, $350 billion more in interest on the national debt and growing right at the time when the Social Security Trust Fund is going to be running the big, bigger, and bigger deficits, we have to assume that this administration has no intention of paying Social Security after 2017.

Mr. PRICE of North Carolina. Mr. Speaker, if the gentleman from Virginia will yield, I am struck by what our colleague from Maine has been saying about the national debt and the burden it represents on future generations.

We have had a discussion tonight that may strike some people as pretty complicated, with a lot of charts and figures. And sometimes we are criticized for not being able to reduce our arguments to a bumper sticker. Well, I have a couple of bumper stickers to suggest that I think sum up just what the gentleman from Maine and the gentleman from Virginia have been saying.

People like having that bumper sticker on the car about having an honor student at so-and-so high school. How about this one? ''My honor student will be paying for the Bush national debt.'' Or how about another one. ''George W. Bush: We will be forever in his debt.''

That is what we are talking about here. We are talking about an administration that has managed to engineer a $9.5 trillion fiscal reversal. And I appreciate the gentleman pointing out so competently the dimensions of that and exactly what it does portend for future generations.

Mr. SCOTT of Virginia. I thank the gentleman.

And the interest on the national debt that has to be paid, people have a sense that when you started charging things on your credit card, the minimum payment does not hurt you too much, until you start running up to where that minimum payment starts hurting. We are paying interest on the national debt at levels that rival the defense budget.

The defense budget this year is what, around $400 billion?

Mr. SPRATT. Four hundred twenty billion.

Mr. SCOTT of Virginia. Four hundred twenty billion dollars. The 2009 interest on the national debt is $316 billion over and above what we expected it to be. These are numbers which mean that later on we will not be able to do the kinds of things that we want to do.

We had projected surpluses in the hundreds of billions of dollars, which meant that we would be able to afford health care for the uninsured, education, college education, and veterans' benefits, including health care. The kinds of things that are real priorities. This year's budget did not have enough money in it to maintain present services for our veterans in health care. The veterans' groups wrote letters criticizing what we were doing, and yet we did not have the money because we are running up additional interest on the national debt.

We have a lot of priorities we are not able to meet, and the interest on the national debt gets larger and larger and larger and starts hitting us at exactly the same time when the Social Security surplus evaporates.

Mr. SPRATT. Mr. Speaker, I would like now to yield to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I thank the gentleman for yielding to me, and I appreciate the opportunity to share some of my thoughts with my colleagues, because I thought when President Bush took office, he promised to maintain the projected budget surplus. He promised to pay off the national debt and help the middle class working Americans. Instead, what I have seen is his policies have led to record deficits, increased Federal debt, and have put a squeeze on the middle class. These failed policies burden all Americans and endanger the future of hard-working families in Nevada and throughout this Nation.

When President Bush took office in January of 2001, the Congressional Budget Office projected a 10-year, $5.6 trillion surplus. Because of the irresponsible and failed economic policies of the Bush administration and the congressional Republicans, we can now expect a 10-year $3.5 trillion budget deficit. This is a $9 trillion, dare I say it, dare I use the word, flip-flop.

This year's deficit alone is a record $422 billion, the largest deficit in this Nation's history. We have gone from one of the largest budget surpluses in our Nation's history to the worst deficit our Nation has ever seen. And it does not matter what these neoRepublican economists are now saying. The facts are deficits matter.

Federal deficits directly affect every American. Higher deficits mean increased interest rates, higher car payments and rising mortgage costs. If the deficits continue the way they are, mortgage rates could go back to where they were in the 1980s, through the roof, making the dream of American home ownership virtually impossible for working families in this country. If interest rates rise by just 1 percent, 1 percent, homeowners will pay an additional $1,200 in interest payments every year for a typical $150,000, 30-year, fixed-rate mortgage.

□ 2130

Mountings deficits have also increased the Federal debt. The Federal debt was $6.7 trillion at the end of 2003. By the way this administration is going, the debt is going to be over $14 trillion in another 10 years. The Bush administration's solution to this skyrocketing debt, just raise the national debt ceiling for the third year in a row.

So what does an increase in the Federal debt mean to the people we represent? This year, Americans will spend $159 billion, an average of $4,400 per family, to pay the interest on the debt. Our constituents, the good people of Nevada, South Carolina and Virginia, want to spend their money on something else other than paying off the national debt. How about paying down their credit cards? How about paying their own student loans or house payments?

And how far is this President willing to go? How much more will this President drain from American families. How long are we going to put up with his fiscal foolishness and irresponsibility?

The Bush administration and congressional Republicans have had plenty of opportunities to fix this financial mess. They have not. They have refused to require spending offsets for new tax cuts as well as for new spending. We call this PAYGO, and it is essential to restoring this country's fiscal health.

In the 1990s, PAYGO led to budget surpluses and the largest economic expansion in this Nation since World War II, and it is hard to imagine responsible leaders rejecting this proven and successful budget policy. PAYGO, what is it? It is simple, we do not spend what we do not have. You pay as you go. It makes sense to everybody else except President Bush and the Republican leadership in Congress.

This administration and this Republican Congress are failing American families by failing to address our growing deficits. The first of 77 million baby boomers will be collecting Social Security benefits in less than 4 years and Medicare in less than 7. We should be preparing now by saving more and getting our Nation's economic house in order. Are we doing it? No we are not. President Bush and the Republican Congress are closing the door on a house on fire. They are running up the biggest deficits in history, no planning, no savings, no economic strategy, just reckless, foolish borrowing and spending.

To make matters worse, the Bush administration and Republican leaders are pushing for new tax cuts for corporations and for people who do not need more tax cuts. New tax cuts are not the solution. In 2004, this past year, 46 percent of Nevada taxpayers, the people I represent, received a tax break of less than $100, and what did Nevadans get for this $100?

Since President Bush took office, health care costs for families have risen $793; college tuition and fees have increased over $1,200; and gas prices have gone up an average of 33 percent. The average Nevada family now spends $495 more this year on gas than they did when President Bush took office. A $100 tax break barely dents the skyrocketing cost of living.

It is time for President Bush and Republicans in Congress to address the enormous financial burdens these growing deficits are placing on us. It is time to stop turning a blind eye to the burdens their failed policies will place on our children. It is time the American people hold President Bush and the Republican Congress accountable. I do not know what we have to do to make the American public wake up and see what is going on because night after night, day after day, we stand here, and we tell the American public what is going on and what is going to happen, and until we realize the seriousness of these deficits and the foolishness of this administration's fiscal policy, I fear that we are going to be in a world of hurt when this is all over.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from South Carolina (Mr. SPRATT), the ranking member on the Committee on the Budget.

The people in the audience may wonder, what is the problem? Why are you getting so excited about this issue? Well, the problem is that, within another couple weeks, this fiscal year will have concluded, and according to the White House, the Congressional Budget Office and pretty much anyone who studies these numbers, we will have spent $422 billion more than we took in, a $422 billion deficit.

Now when President Bush took office, they estimated for this fiscal year we would have a $397 billion surplus. So, more than an $800 billion reversal has occurred just this year. The real impact is not going to be felt so much by the Members of Congress, those of us in our fifties and sixties, some of us; the real impact is on those who are in their twenties and thirties or just starting out raising a family, acquiring a home, looking forward to a bright future.

I do not think there has been any generation that has left a more challenging future for its children than our generation, the baby boom generation. It did not have to happen. But when Members consider a $422 billion deficit, that is 132,000 times more than the average young person is ever going to earn in their lifetime. It is an enormous figure.

Of course, all that contributes to a cumulative debt. It will be $6.7 trillion. And given the policies that the majority has put into place, recommended by the President, it will be a $13.3 trillion public debt by 2014, in 10 years.

Again, not our problem for those in the baby boom generation who will be retiring, doubling the number of people dependent on Social Security and Medicare; it will be primarily the problem of the next generation. But imagine what fiscal irresponsibility, to take all of the political credit for cutting taxes, for giving people everything they want and then passing the bill on to our children.

This election, in fact, I would suggest is really about that next generation. Even though they may not be the ones primarily voting, they are going to be the ones most adversely affected.

We had a hearing just last week. The gentleman from South Carolina (Mr. SPRATT) convened it. We brought in some young people that very well represented their age group, and we shared with them some numbers, that, in fact, the average college graduate now has a debt of $19,000. That is a student loan debt of $19,000. People in their twenties face an unemployment rate of 9 percent and a third lack health insurance. So, obviously, there is going to need to be more investment in education and making higher education more affordable, more investment in health care, making health insurance more affordable for the working class.

Clearly, there is a need to keep interest rates down, and yet what is going to happen, according to the Congressional Budget Office, if we make permanent all of these tax cuts, if we keep spending on defense primarily, but if we keep spending at the rate that this administration and the House and the Senate of the same political party obviously have been spending, and those are reasonable assumptions, that within a little more than a decade, there are only going to be three programs in the Federal Government; there will be

Social Security, Medicare and defense, and interest on the public debt.

That interest we estimate, by 2014, is going to be $350 billion, more than a thousand dollars per person, and if the President's policies are all implemented as he wants, it will be over $400 billion per year for nothing, to pay off the interest on the debt that the next generation's parents incurred. And they are going to get nothing back.

Where are they going to find the money to educate their own children and make health insurance affordable? Where are they going to find the money to send their kids on to college? I do not know. I do not know where they find the money for public transportation, health research or any of the things that have made this country great, but those are the issues that this deficit is all about. That is why we are making such a big deal about it. It is so wrong, so irresponsible.

We will have spent a couple hundred billion dollars in Iraq. We will have spent money on homeland security, maybe $30 billion a year. But those are not the principal reasons we have the deficit. About 60 percent of this deficit, way over the majority of the deficit, is attributable to tax cuts, to a policy that has been irresponsible from the very beginning. There is nothing wrong with giving people child tax credits. There is nothing wrong with accelerating depreciation in plant and equipment and so on, but there is something wrong when the average 20-year-old gets about $300 from a tax cut, and that is about 1 percent of what millionaires will get out of this tax cut. That is wrong.

This tax cut did not go to those people who needed it the most; it went to those people who needed it the least. And it is so doubly wrong to be paying for it on the backs of the working class by borrowing from Social Security and Medicare trust funds, by sending the debt to our children's generation and then retiring on Social Security and Medicare, leaving them to pay for our Social Security and medical costs, leaving them to pay the interest on the debt we accumulated and leaving them with virtually no resources to invest in their own children's education, health care, transportation, law enforcement and the like. It is just unbelievable how irresponsible this economic policy has been.

We would never treat our own children like this, but somehow, as a country, despite all our rhetoric to the contrary, this body has left a debt on the backs of our children that we know they can never, ever recover from, and it did not have to happen. That is why we are on the floor today urging this administration, urging this House of Representatives to do the right thing, not to continue to make permanent tax cuts that cannot be paid for, that are not necessary to stimulating this economy; not to continue a policy that is based upon turning the debt over to the next generation. It is irresponsible, it is un-American, and it is wrong.

Mr. SPRATT. Mr. Speaker, I thank the gentleman from Virginia (Mr. MORAN) for his eloquent remarks. That is the reason we took advantage of this Special Order, to call attention to this problem. It should be a problem of national concern, a call to action.

Here we are 9 days before the end of the fiscal year, and we do not even have a budget for next year, much less a multi-year budget like those we adopted in 1990, 1993 and 1997 and finally brought the deficit to heel. We do not have any of the implements in place to deal with this monumental problem, even though we proved in the 1990s that those implements, like the PAYGO rule, the discretionary spending ceiling and sequestration were useful tools and could actually turn the budget around from a deficit of $290 billion in 1992 to a surplus of $236 billion in 1998. That actually happened, and it can happen again if there is leadership coupled with the right process and procedures in this House, and we do not have them at all.

We do not even have enough consensus under the Republican leadership of this House and Senate to develop a budget for next year, much less a budget for the next 5 years. We will never do it. If there is anything learned from the 1990s, we will never do it ad hoc. Indeed, the biggest enemy I have often said of deficit reduction is something we call disaggregation, breaking the process up into so many pieces that nobody ever gets a full picture of what is happening even though it is a monumental process.

So here I stand, 9 days before the end of the fiscal year. We thought it was an appropriate time to call attention to the record of this year, the record debt, and to the fact there is no prospect for dealing with this in 2005 at all.

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from South Carolina (Mr. SPRATT) for clarifying the context in which this Special Order was made. I know that the gentleman supported President Bush, the 41st President's policy of PAYGO. If we are going to cut taxes, we have to show how we are going to pay for it.

□ 2145

We have got to balance the budget. President Bush the 41st set us on to that path of fiscal responsibility. President Clinton, in the 1993 Balanced Budget Act, made it work. He put tight spending limits. He made sure that if we cut taxes, then we are going to offset it so that we can continue to keep that balanced budget. And, boy, it worked. For 8 years it worked. And I know how strongly our ranking member on the Committee on the Budget supported that policy.

But now I know that the ranking member has supported just as strongly trying to sustain that policy; and yet for some reason, the other side, apparently, the majority of this Congress, feels that that policy, even as successful as it was, should not be continued.

Mr. SPRATT. Mr. Speaker, reclaiming my time, to wrap it up, looking back, we started off talking about the deficit and accumulation of debt. Here is what we have accomplished, this Congress and this administration, in 3 years:

The first year, instead of paying down the debt as the Clinton administration had done for 3 years in a row, they raised the debt ceiling by $450 billion. That was good for just 1 year. The next year, 2003, they raised the debt ceiling again by $984 billion, the biggest increase ever; and it has lasted for 15 months. Waiting in the wings right now is another debt ceiling increase of $690 billion; and what it is waiting on is a bill to which it can be attached, a vehicle that can carry it to passage with as few fingerprints on it as possible because nobody wants to be responsible for passing that kind of debt ceiling increase.

So the Treasury is reduced to engaging in a lot of gimmicks with Federal retirement funds, for example, in order that we can tie things over until finally that debt-ceiling increase can be passed. In 3 years we will have raised the debt ceiling by $2.1 trillion. Compare that to the previous 8 years, and it is a phenomenal and depressing reversal.

I thank the gentleman for his participation and his eloquent comments.

OUR TROOPS IN IRAQ

The SPEAKER pro tempore (Mr. MCCOTTER). Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. HUNTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. HUNTER. Mr. Speaker, I rise to talk about the rotation of troops in Iraq that has occurred over the last year or so and the rotation that is being scheduled for the next year.

There has been a statement by the Kerry campaign, by Senator KERRY, to the effect that there is a secret plan to call up a lot more troops and to do some wild thing after the election. That is not the case, Mr. Speaker. And, in fact, we held a hearing in July in which the Department of Defense walked through their plan for the next phase or the next rotation of troops into Iraq. And let me for the record just go over what has taken place.

The first half of this chart showing Iraq shows the present configuration of major ground forces in Iraq; and what we had before this, of course, was the 101st Airborne up north in the northern area. We had the 4th Infantry Division in the Tikrit area. That is over here. We had the 1st Armored Division in the heart of Baghdad, and we had out to the western area, all the way to the Syrian border, the 82nd Airborne Division. That rotation took place in which those forces were replaced by the forces that are there right now.

And as a result of that, we have got a striker brigade up north that took

the place of the 101st Airborne. We have got the 1st Marine Division, in fact, the 1st Marine Expeditionary Force consisting mainly of the 1st Marine Division and supporting elements in this western area of operation. That is this big AO that goes all the way to the Syrian border. Elements of the 1st Armored Division remain in Iraq, did not move out, while some of them did move back to Germany. And to supplement that force, the 1st Cavalry Division moved into the Baghdad area. And, of course, we have the 1st Infantry Division that took over for the 4th Infantry Division in the Tikrit area.

That is the present state of forces. And the complement of Reserve forces that mainly supports these active major units is roughly 40 percent of the total force of the 138,000-or-so Americans who serve in Iraq right now.

We will have what we call OIF–3. That is the next phase of deployments to Iraq, and that was briefed by the Department of Defense. It was not a secret, for Senator KERRY's edification. In fact, they came in and had a hearing with the Committee on Armed Services, with our committee, and laid out their blueprint; and we had nationally televised hearings on this rotation. And this rotation reflected this: that we will be going in the western area of operation, that is this area that goes west of Baghdad to the Syrian border. The 1st Marine Expeditionary Force will be replaced by another Marine Expeditionary Force. To the north we will have another striker brigade. That is the Mosul area. The 1st Infantry Division will be replaced in the Tikrit area up north of Baghdad by the 42nd Infantry Division. The 3rd Infantry Division will move into the Baghdad area, and portions of the 10th Mountain Division will move into the Baghdad area also, displacing the 1st Cav, which is presently in the Baghdad area, and the 1st Armored Division.

After Senator KERRY made those remarks, I contacted the Chairman of the Joint Chiefs, General Myers, and he sent a letter, which I am going to place in the RECORD, Mr. Speaker, saying this: ''With regard to the recent comments concerning our Reserve and National Guard alert notification process, I can assure you there has never been any guidance to defer notification until after the Presidential election.''

The clear message in Senator KERRY's remarks was that somehow there was a secret plan to have a big rotation of troops that would be announced shortly after the election. Well, every 180 days there is an announcement of the next rotation of troops, and the reason we do that is so that the troops will have notification and will be able to tell their loved ones and get their affairs in order so that they can, in fact, embark on that particular rotation.

So in the spring, the Department of Defense came and told us about this next rotation that is called OIF–3 that will take place starting this fall and moving through the spring. Then in November or December, they will come in, and they will give notification just like they did in April and May about the next rotation of forces that will displace OIF–3 and rotate into Iraq on a regularly scheduled basis.

The Reserve component of this 135,000 to 138,000 troops that is presently in Iraq will continue to be between 35 and 40 percent of the total force. So it will remain constant. There is not going to be any huge spike in the proportion or number of troops from the Reserves that make this particular force mix.

Let me read the last statement by General Myers when he talked about this. This is the Chairman of the Joint Chiefs of Staff, after having said ''I can assure you there has never been any guidance,'' never been any guidance, ''to defer notification until after the Presidential election''; so every 6 months they make an announcement, and they lay down a blueprint like the blueprint that is front of us here. He says, ''Alert notification is an established and consistent process based on meeting the needs of the combatant commander while ensuring, to the maximum extent possible, earliest notification of those units affected. As in the past, our goal is to alert as early as possible and mobilize in order to conduct necessary training before deployment.

''Our target for Reserve combat units is 6 months prior to their deployment given the time required to achieve proficiency at the company, battalion, and brigade levels of competence. Our target for our Reserve logistics units is less, currently at 4 months prior to deployment, since their tasks are typically smaller and less complex than their combat counterparts.

''The notification date is a balance between early notification and ensuring units are notified in as complete a package as possible and not so early that changes in the operational situation may alter the combatant commander's needs and ultimately the composition of the deploying force. In the case of the current rotation, we announced our plan in the spring of 2004, testified before your committee in July, 2004, and deployed the first unit in the fall of 2004. For the next rotation, we will announce our plan in November, 2004, with the first unit deploying in May, 2005.''

He goes on: ''As of September 15, 2004, 800 individual ready Reserve members have been activated. The intent is to fill 5,600 slots by December, 2004, with the potential to go higher if required. The skill sets that are in the highest demand are transportation, logisticians, mechanics, military police, and engineers.'' And that figure is consistent with what DOD told us several months ago, referring to the 5,600 people.

So, Mr. Speaker, this is a blueprint of the deployment that has taken place and a blueprint of the deployment that is to come; and every 6 months, without regard to politics, without regard to elections, and simply with regard to the men and women who wear the uniform of the United States and their families, the Department of Defense will continue to give advance notice on about a 180-day basis. So, Mr. Speaker, I wanted to lay that out.

A letter from the Chairman of the Joint Chiefs of Staff follows:

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC, September 20, 2004.

Hon. DUNCAN HUNTER,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: With regard to the recent comments concerning our Reserve and National Guard alert notification process, I can assure you there has never been any guidance to defer notification until after the Presidential election.

Alert notification is an established and consistent process based on meeting the needs of the Combatant Commander while ensuring, to the maximum extent possible, earliest notification of those units affected. As in the past, our goal is to alert as early as possible and mobilize in order to conduct necessary training before deployment. Our target for reserve combat units is six months prior to their deployment, given the time required to achieve proficiency at the company, battalion and brigade levels of competence. Our target for our reserve logistics units is less, currently at four months prior to deployment, since their tasks are typically smaller and less complex than their combat counterparts. The notification date is a balance between early notification and ensuring units are notified in as complete a package as possible, and not so early that changes in the operational situation may alter the Combatant Commander's needs and ultimately the composition of the deploying force. In the case of the current rotation, we announced our plan in the spring of 2004, testified before your committee in July 2004, and deployed the first unit in the fall of 2004. For the next rotation, we will announce our plan in November 2004, with the first unit deploying in May 2005.

As of September 25, 2004, 800 Individual Ready Reserve members have been activated. The intent is to fill 5,600 slots by December 2004, with a potential to go higher, if required. The skill sets that are in the highest demand are transportation, logisticians, mechanics, military police and engineers.

To reiterate, and consistent with our notification process, we will notify the next package of combat troops in support of OPERATION IRAQI FREEDOM and OPERATION ENDURING FREEDOM in late November 2004 to meet a May 2005 deployment date or the lead unit of the rotation.

Sincerely,

RICHARD B. MYERS,
Chairman.

I yield to the gentleman from Georgia (Mr. GINGREY) and allow him to make a few remarks on the subject of Iraq.

Mr. GINGREY. Mr. Speaker, I thank the gentleman from California, my chairman of the House Committee on Armed Services, for yielding to me.

Mr. Speaker, in recent days many of my colleagues from the other side of the aisle have come to the floor of the House to criticize the President's policies on Afghanistan and Iraq. The rhetoric of the minority side of the aisle is

paltry at best, and tonight I would like to try to set the record straight.

The two chief arguments of the Democratic Party that I believe are based on faulty logic are these: first, America has lost its focus on the war on terrorism in Afghanistan; and, second, President Bush has failed to build a true international coalition to fight this war.

Let us point to the administration's Afghan focus. First and foremost, we in the Congress must make the distinction between less cable news coverage and less administrative attention to the situation in Afghanistan. Despite what many would have us believe, the success stories coming out of Afghanistan are not only remarkable, but they far outnumber the negative ones. Negative stories make the news, but the positive ones are there as well. And native Afghans are returning to their homeland in droves now that the country has been liberated from the oppression of the Taliban. Just this year 200,000 Afghans have returned home from Pakistan, bringing the total number to 2.2 million from Pakistan since 2002. Also, recently the 1 millionth Afghan refugee returned home from Iran. Many of these refugees are highly educated teachers, health care providers, and community leaders that were thrown out of the country by the Taliban.

I do not believe that this extraordinary number of Afghan citizens would pick up and return home if they believed that Afghanistan was not a safer place. To the contrary, they are returning home because their country has been liberated from an oppressive regime and they are once again free. The Afghan economy continues to power ahead; and previously unheard-of opportunities are opening up, particularly, Mr. Speaker, for Afghan women.

Let us talk about democratic development. Perhaps the most notable development in Afghanistan is the progress of democracy. The country's first post-war presidential election is scheduled for October of this year. Voter registration efforts have exceeded, far exceeded, expectations. Several months ago, officials predicted up to 5 million registered voters, but according to the Joint Election Commission, more than 9 million people, out of 10 million eligible voters, have registered to vote, and 41.6 percent of them are women.

□ 2200

Furthermore, despite serious efforts to disrupt it, voter registration continues at a pace of up to 125,000 people per day. Afghan citizens are optimistic and excited by democracy, I think their country is headed in the right direction, and I commend our President for his efforts in this regard.

President Bush's efforts to build a true international coalition, let us just talk about that for a little while. Few positive and accurate statements have been made regarding the 32-nation United States-British led coalition in Iraq or the 35-country security force in Afghanistan. Unfortunately, this has reinforced the falsehood that America is isolated and hated on the world stage.

Well, to the contrary, in fighting the War on Terror, the United States has assembled one of the greatest international coalitions this world has ever seen. The coalition in Iraq includes 21 nations from Europe and nine from Asia and Australia. Twelve of the 25 members of the European Union are represented. Sixteen of the 26 NATO member States are represented as well.

Let us recall that the decision to go to war in Iraq was undertaken only after years, years, of negotiations with the UN Security Council and no less than 17 failed resolutions.

There is broad political support internationally for United States aims and objectives in Iraq, as confirmed by the unanimously-passed UN Security Council Resolution 1546 which endorses the return of full sovereignty to Iraq and its interim government; sets out the role of the United Nations; and outlines the relationship between the new Iraqi government and the multinational force in the country after the end of the occupation by the CPA, the Coalition Provisional Authority, on May 28.

Furthermore, the United States has spearheaded a huge international effort to reconstruct Iraq and to negotiate forgiveness of the country's massive debts.

I am concerned that a failure to properly account for the reality of international coalition efforts strengthens all of this anti-American sentiment abroad and diminishes the sacrifices and the contributions that our allies are making in the war on terror.

Mr. Speaker, with the aid of the international coalition, millions of people have been liberated, 170 newspapers are now being published, new modern power plants are being built, 64,000 secondary school teachers have been trained and some 5,000 school principals and administrators. More than 8.7 million textbooks have been printed and distributed throughout Iraq. Coalition forces have rehabilitated almost 2,500 schools, 22 universities and 43 technical institutes and colleges are open today. All 240 hospitals and more than 1,200 health clinics are open for business.

Healthcare spending in Iraq has actually increased 30 times over its pre-war levels and children, listen to this, are receiving crucial vaccinations for the first time ever. Over 5 million children have been immunized for measles, mumps and rubella.

Mr. Speaker, this is just a handful of the good that this coalition has brought to the people of Iraq. It is a coalition that was forged and preserved by our President, and I believe that it is fundamentally wrong to diminish the achievements of this coalition.

Furthermore, I hope that the rhetoric of the minority party would not dishearten brave citizens of the 32 other nations that are giving of their talent, their time, and, yes, their treasure to do what they think is right in defending the freedom and interests of the people of Iraq and Afghanistan.

I yield back to the chairman of the Committee on Armed Services, and I thank him for giving me a little time to talk about all the good that is going on in Iraq and Afghanistan. We need to continue to bring that to the attention of our colleagues and the American people.

Mr. HUNTER. Mr. Speaker, reclaiming my time, I would like to just follow my colleague's comments for a second and then yield to the fine gentleman from Utah (Mr. BISHOP), also a member of the committee.

I am reminded that the gentleman has a military base in his area that is close to his hometown, Fort Benning, Georgia, the home of the United States Infantry.

Just thinking about Fort Benning, I am reminded of the great troops who are produced by Fort Benning over the many, many years, of people who fought in very difficult wars and who acquitted themselves in such an admirable fashion.

I am reminded of the attempts in recent years, especially in Vietnam, by members of the media and some Members of Congress, including Senator KERRY, to demean those people.

I remember Senator KERRY's statements when he came back in April of 1971 and appeared before a Senate committee and stated that America ''had murdered 200,000 Vietnamese.'' He said at one point that 60 to 80 percent of our GI's were stoned 24 hours a day. He made outrageous statements.

It was that type of stereotyping and characterization that led to a mindset among some in this country that Vietnam veterans, that the GIs, the great products of the Infantry School at Fort Benning and many other GIs, were somehow misfits.

I can remember when we had a mass murder that happened at a McDonald's restaurant in San Diego during the '70's and one of the anchor persons asking, was it a Vietnam veteran that did it, as if ''Vietnam veteran'' and ''misfit'' went hand-in-hand.

That image was, to some degree, perpetrated by Senator KERRY and those like him who came back telling these outrageous lies about the people who carried the flag for the United States. He did not just speak against the war, which was fine; he demeaned his fellow troops.

I am reminded of another movie that was made about those great infantrymen who came from Fort Benning, and that is the movie that chronicled Hal Moore, who was a major who took on a huge number of North Vietnamese forces in the battle for LZ X-Ray early the war when he commanded the First Cavalry unit, the unit of the same First Cav in Iraq today.

This movie for the first time, in which Mel Gibson starred and I think

did a great job, characterized the true spirit of the American fighting man. It was the first movie that had been done for 20 years that was not shot through the eyes of a drug-crazed hippie in Hollywood, but was in fact directed and produced through the eyes of an infantryman, in this case Hal Moore.

I thought one of the most moving parts of that movie was not only the fact that here was an Infantry leader that prayed with his troops, which Hal Moore did, but it also reflected the greatness of these military wives who were waiting back at Fort Benning as the battle for LZ X-Ray took place and casualty counts were coming in.

They dreaded that knock on the door by a Western Union telegram man saying that your husband was KIA in this battle for LZ X-Ray, which was an intense battle with a lot of casualties on the U.S. side and enormous casualties on the side of the North Vietnamese.

The wife of Hal Moore, having the telegram man come to her door and she thought this is it, Hal has been shot, he came in and said he was actually looking for another address up the street and she realized her good friend was going to get the bad news in a few minutes. She said, ''Wait a minute, I will deliver that telegram,'' and Hal Moore's wife then went door-to-door delivering these telegrams and consoling the women whose husbands had been lost.

That movie, for the first time in 20 years, overcame the image, the wrongful image, that people like Senator KERRY had produced, that was largely consumed by the American public. When he appeared before that Senate committee and said that American GIs were cutting off limbs and raping and robbing, I think he used the term in a manner like Genghis Khan, he said Genghis Kahn instead of Genghis Khan, that put together an image, a false image, that was not shaken for almost 20 years in this country.

So I just want to thank the gentleman for representing that great piece of America that is truly the home of the Infantry.

Mr. GINGREY. If the gentleman will yield further, I thank the chairman.

Mr. Speaker, what the chairman was just saying is just so true. It came home to me in a big and tragic way in this past week. I am a graduate of the Georgia Institute of Technology in Atlanta. The president of the student body just a couple of years ago at Georgia Tech, my alma mater, a young first lieutenant, Tyler Brown, was killed leading his troops in a firefight in Iraq.

He was an outstanding young man. Everybody said that one day Tyler would surely become President. I do not know about that, but I know that his mom and dad and his older brother Brent are suffering deeply now, as much as a person could possibly suffer, over the tragic loss of their son and brother.

As the chairman says, Mr. Speaker, you cannot support the troops out of one side of your mouth and criticize them out of the other. This is the one thing that this family, this Brown family, has to hold on to for the rest of their lives, to know that Tyler, their son, who had such great potential, who gave his life for this country, killed in action, was not killed in vain.

I really appreciate the chairman, Mr. Speaker, bringing that out tonight, because you cannot be for the troops and against them. You cannot have it both ways.

I just felt like I needed to make that statement. I appreciate the chairman giving me the additional time to do that.

Mr. HUNTER. Mr. Speaker, I appreciate the gentleman and I appreciate the fact that he represents that great home of the Infantry.

I would like to yield at this time to the gentleman from Utah (Mr. BISHOP), also a very articulate member of the Committee on Armed Services.

Mr. BISHOP of Utah. I agree, Mr. Chairman, with that concept that we have a great many men and women who are serving nobly and have in the history of this great country.

Mr. Speaker, in the words of that great philosopher, Dan Quisenberry of the Kansas City Royals, he once said, ''I have seen the future. It is just like the past, only longer.''

Well, Mr. Speaker, I am just an old history teacher who believes that if we do not view our past, we fail to clearly view our future, and that history illustrates there are several principles which have made this a great country.

I would like to talk about two of those principles in relationship to Iraq that I think are characteristics that have built this great country. One is patience in the face of adversity, and the second is a feeling of charity that Americans have always displayed to other people.

Sometimes I think we live in a society that venerates speed. Everything has to be done quickly. Our dialogue, our actions, sometimes illustrate that impatience that we have.

I would like at times to go back to the days of Williams Jennings Bryan when he would go along the Chautauqua circuit, and he could speak for 2 or 2½ hours to an audience, totally mesmerizing them.

I realize that some of the speeches that are given on this floor feel as if they are going 2 or 2½ hours and we are not always that hot in the mesmerizing category, but, nonetheless, it does have a precedent.

In Berlin in 1948, when the Soviet Union decided it was going to push us out of that city, we made a commitment that lasted over 15 months that every day, every 3 minutes, another plane landed to defend that particular city. It was our commitment, our patience and persistence in the face of adversity.

Even in the 1960s, if you were a politician, the average sound bite, the average response someone had on the media, was about 45 seconds, which does not sound like much, but it is a long time if you think of what you can explain in 45 seconds.

Today, in contrast, we live in a world where kids watching children's programs will find that the visual will change every 10 seconds so they do not lose interest; that we have a sit-com mentality that thinks that all problems in the world have to be solved in 22 minutes plus commercials; and we are frustrated when we do not quickly have results. Instead of 45 seconds for a response, today in the media if you cannot give a response in 8 seconds or less, which is the average, it just does not happen.

All this contributes to a rush of judgment where we consider the situations we are in today unique, and we fail to learn what I think is important lessons from the past, and it is critical, in light of what is happening in Iraq.

We have people that believe since we are trying to reform a country and create a democracy in an area that has no tradition of that, that is a task that is too daunting, and if we cannot transform that society overnight, then it is a task that is too frustrating. And an enemy that is comprised mostly of non-Iraqis are there to try and test our patience in the face of adversity.

Now, what I would like to say is if you look at history, this situation is not unique or unusual. After World War II, we went into Japan, a country that had absolutely no tradition of democracy, and yet by 1952 we had created or helped to create and establish a stable democracy that is one of the major forces of the world today. But we fail to remember that that took 7 years of effort to reach that point.

In Germany, at the same time, we created a new constitution that is still in use, the ''Basic Law,'' the Federal Republic, which is a strong republic, but we fail to remember that took us 4 years to reach that particular point.

In the Philippines after the Spanish-American War, it was 6 years of bloody violence before peace was brought and you could even start the reconstruction of that island nation.

□ 2215

In Iraq, which we have been in about the same time as the Berlin airlift used to break the Soviet determination to destroy that beautiful city, we have established a constitution, a new government, planned for elections, have a police force and an armed forces that are increasing every day. That is a phenomenal success in a short period of time. I guess we are doing things quickly today, but it is very positive. And that success will only come if we still maintain that value we have always had of patience in the face of adversity.

History says it is possible. History says that this country is best suited to be successful, and I believe that we can, in part because of the quality of our people.

If I could just very quickly talk about that other characteristic, which is the charity that we have always had to other people, by mentioning two people who have characteristics in common. One is they have great hearts; the other is they happen to be Utahans. If I could mention the name of Jared Kimber from Tremonton, a chief warrant officer, who emulated a former Utahan, a neighbor of his, Gail Halverson, known as the candy bomber in that Berlin airlift area of time.

But Jared, who flies a Black Hawk for the 82nd medical company, flying over the area, noticed that there were kids who just simply had nothing with which they could play. One day he noticed a bunch of kids trying to play soccer with a ball that deflated. So that day, he went to the PX. He bought candy. He bought soccer balls. He bought Frisbees, and as he was flying over, he distributed that from his helicopter. Every day he did that.

So, by June, he was getting packages from home weighing 60 pounds of stuff. A lady donated all of her stuffed bears for the kids of Iraq. The 9-year-olds in his community organized, and they got 300 balls of very different kinds so that the kids in Iraq could play with them, and those became Jared's kids for whom he sacrificed out of the goodness and the charity of his heart.

Another Utahan by the name of Paul Holton, a chief warrant officer in the Utah National Guard, a man that was mentioned by the President in his February National Prayer Breakfast is known now as Chief Wiggles over there, taking on something called Operation Shoe Fly where soldiers got shoes for needy families in Afghanistan. He recognized a problem in Iraq and gave it a new name called Operation Give in which clothing, dental supplies, toys and books are used for needy people.

In talking to students in Utah, Mr. Holton said, ''War is challenging, sometimes a kill-or-be-killed kind of thing, and you are in a strange place, and it is dangerous. But what is missing? Well, it is the people.'' Holton said he was sick of hearing about all the bad stuff when there are so many good things that are also happening in Iraq.

He said the media makes it look like all Iraqis are hostile and want U.S. troops out. He realized it was important not only to help them establish freedom in their country but to reach out to them and address them on a personal level. He showed students pictures of friendly Iraqi children who benefited from this project as well as the families who welcomed the soldiers with open arms.

They are just like us in many ways, but they have lots of needs. Project Give or Operation Give helps let them know that we are not your enemy, we are here to help you and to give you freedom.

With that, he established a warehouse in Baghdad in an effort to try and help those who are from the poorest schools in the poorest segment. In the spring of last year, he went to the high schools in Utah and said, as you are cleaning out your lockers, instead of throwing away all of your notebooks and supplies and pencils and crayons and everything, put them in a box. He gathered them together to make part of his trip to take them back to the poorest schools who, even though they have schools, do not have the supplies they need.

This is Operation Give, and this is the quality of people that we have working and leading and fighting and leading in Iraq.

Mr. Speaker, I do not know if it is against the rules if I mention that people can find out about Operation Give if they look up operationgive.org or www.chiefwiggles.com, because I certainly would not want to break the rules in letting people know about operationgive.org or chiefwiggles.com, so I hope if I say that, it is in the rules.

But I also recognize that we have within Iraq a situation that is going to be fraught with challenges, but we can meet those challenges because of the quality of people that we have and the history of success we have if we only keep our charity and our patience in the face of adversity.

As Patrick Henry once said, ''I have but one lamp by which my feet are guided, and that lamp is experience. I know of no way of judging the future but by the past.'' We have a great past to guide us.

Mr. Chairman, I appreciate the opportunity of being here and sharing this time.

Mr. HUNTER. Mr. Speaker, I thank the gentleman very much. I am reminded, when the gentleman talks about the goodness of American GIs, that our country is good, and those GIs are good because they come from families where giving and helping other people is part of their character and part of their values.

I myself have a chief of staff who, with another member of the staff, have formed a group called Rescue Task Force, and even shortly after we had taken Iraq, this chief of staff Wendall Cutting, who himself had cancer for a long period of time, moved into Iraq with the help of other international organizations and built medical facilities for the people of Iraq. And when we were operating in Kosovo, and Albania was an area in which we had many refugee camps, Mr. Cutting and another staff member, Gary Becks, were the first people into those refugee camps with 40,000 of what they call ''love boxes'' from the people of the United States. And those were little shoe boxes that would hold scissors, combs, some medical things. It would help people, maybe a pair of socks, things that people who had to leave their house immediately, as a lot of the people who were forced out of Kosovo had to do, would need.

And along with those boxes containing immediate convenience items, they brought in ultimately millions of dollars worth of medical equipment and food to those refugee camps. And the first camp they went into, they mentioned that every child in the camp was ill because they did not have a good water supply.

I am reminded that, when I talked about helping them to raise money for this organization, my chief of staff Wendall Cutting, who himself has cancer, said, that will be great, because we have about $1 million worth of supplies ready to go in to the people who suffered from the hurricanes in the southeast. And even as we talk, they are moving to take those supplies to those very needy people.

So, Mr. Speaker, Americans are good, and the American people are good. And they have infused and embedded those values and that virtue in their sons and daughters who right now are serving in Iraq. And that is a message that I think is not lost on the world.

Mr. Speaker, a lot of the noise that we hear in the world is something that is manufactured. It is not genuine. A lot of the criticism of the United States is not genuine. I am reminded of the time that my mother and father were in the Philippines, visiting the Philippines. And they were near the embassy in Manila, and there was a long line of people waiting to get visas at that embassy, as there are every day I might add. And they had at the same time an anti-American demonstration in the town square there next to the embassy in Manila. And the demonstrators had big, well-made signs that said: ''America out of the Philippines''; ''Uncle Sam, go home''; ''America, get lost.'' And interestingly, the organizers of the demonstration against America were going over to the visa line where Filipinos were waiting to get visas to come into the United States, and they were hiring people out of the visa line to come hold these demonstration placards that said, ''We hate America.'' So it is very clear that many of the anti-American demonstrations around the world are not genuine.

The people in almost every country know the goodness of Americans. It is interesting, a friend of mine remarked today that with all of the talk about what we can do to make the Muslim world understand the goodness of America, I was reminded that the last several wars that we have fought have been on behalf of Muslim nations. That is, we freed Kuwait from the occupation of Saddam Hussein, and we saved Saudi Arabia, because Saddam Hussein's tanks were in third gear at the moment that we stopped his armored divisions dead still with the insertion of American combat troops. And we saved people in Bosnia who were being brutalized. And we have helped Muslim people around the world.

The message of America is that goodness prevails, and our people are good. Our GIs are great ambassadors of that goodwill, and all of the projects that the gentleman from Georgia and the gentleman from Utah talked about

that are being undertaken in Iraq are real projects. They really help people. Those inoculations really do save babies, and it is something that we can be very proud of.

I would like to yield to the gentleman from Michigan, Mr. MCCOTTER.

Mr. MCCOTTER. Mr. Speaker, I thank the distinguished chairman of the Committee on Armed Services for recognizing a lowly member of the Committee on International Relations.

Mr. HUNTER. Mr. Speaker, I would just tell the gentleman that he is a very articulate member of the Committee on International Relations. We would not think of not recognizing him.

Mr. MCCOTTER. Mr. Speaker, hopefully, we do a better job of talking so my colleagues have to do less cleaning up of our messes.

I just wanted to take a moment to talk about the President's speech in front of the United Nations, especially in relation to the horrific events that we have seen in Iraq. I think it is very important that we see that we have two messages, deeply distinct, that are being aimed at the hearts of the world and our fellow Americans. On the one hand, we have the President of the United States standing in front of the United Nations General Assembly and reaffirming this Nation's commitment to democracy, to liberty and to hope throughout the world. On the other hand, we have terrorists who, despite whatever political rationale they put forward, are nothing short of murderers who offer a perpetuation of evil and horror for their fellow human beings.

It would seem to me today that nothing could more show the stakes in Iraq, because, despite the panaceas that are proffered by many politicians, Iraq has two futures. Iraq will be a democracy, or Iraq will belong to Zarqawi. No amount of international support that is promised will materialize. It is up to the Iraqi people and America's coalition partners to ensure that Iraq remains free from any tyrant, especially the tyrants of terror that are currently exerting their will in some pockets of the country.

I bring this up because it is important for us here at home to realize that the gravest threat to the United States of America in the battle for Iraq is our resolve, as the President has rightly said. For, as it has been noted often, the war on terror is fought as much on a map as it is on your mind as a civilian. The images that we see, the actions that are put forward are designed to terrorize us. And they are designed to terrorize us so that we can no longer think clearly or rationally about the situation in Iraq. It is designed so that a handful of evil people can try to obscure the fact that tens of millions of Iraqi people are living daily lives and are trying to build a country and a better future for themselves.

Mr. Speaker, a terrorist attack by one suicide bomber that blows up 47 people standing in line to join in the defense of their country and the promotion of their future, the story there is not the terrorists, the suicide, the foreign terrorists destroying innocent life; it is over 47 people in Iraq were killed to stand in line to defend their freedom, to fight for a better future for themselves and their children. And they will keep standing in line, and they will keep coming. That is the story. It is the resiliency of the Iraqi people, not the evil of the terrorists who wish to subjugate them once again and turn Iraq back into a haven for terrorists.

It is the terror that will preclude us from seeing that stark reality, the reality that we need to see, the reality that the gentleman from Georgia talked about, the historical examples that have been put forward by the gentleman from Utah, the rational thought that is required of us as policymakers and as people of this Nation to understand not only the stakes but the situation.

As we go forward and as the world looks and has a chance to reflect upon the message of the terrorists or the message of our President at the U.N., I think it is also necessary at this time for me to point out that, at the United Nations, many of those people in that General Assembly would not be sitting in those seats if their countries were free and democratic. So to all of those nations, be they free or democratic in the United Nations, regarding Iraq, I would just like them to ponder one thing. History may commend them for a reluctance to wage a war, but history will condemn them for their refusal to win the peace. And right now, those are the stakes.

I appreciate the opportunity to talk on this issue.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for his very eloquent remarks.

Mr. Speaker, before I wrap up here, I would like to go over the rotation of U.S. forces in Iraq because, once again, the presidential candidate Senator KERRY has alleged that there is some secret plan to bring up a lot more people after the November elections, and I have a letter from the chairman of the Joint Chiefs, General Myers, that says that there is no secret plan.

□ 2230

He states that there has been no deferences of any notices of the rotations in Iraq as a function of pressure from anybody. Once more, let me go over the units that have moved in on the last rotation and the units that will move in on the next rotation.

We had the First Airborne Division or the 101st Airborne Division in Northern Iraq, that has been replaced now by the First Striker Brigade up in the Mosul area. We had the Fourth Infantry Division in eastern Iraq centered in the Tikrit area. And that Fourth Infantry Division has been replaced by the First Infantry Division.

We had the 82nd Airborne in the western area of operations that goes all the way to the Syrian border. That has been replaced by the First Marine Expeditionary Force, made up primarily of the First Marine Division.

We had the First Armored Division in Baghdad. Part of its elements have been replaced by the First Cavalry Division. And we are going to be going to a new rotation that was briefed to us in July with plenty of time, plenty of advance notice and plenty of publicity to the world. I do not know if Senator KERRY saw it, but it certainly was not secret. It was on national television, and that rotation is manifested in the second chart.

That shows the Striker Brigade that is in northern Iraq presently being replaced by another Striker brigade. It shows the First Infantry Division in the eastern sector being replaced by the 42nd Infantry Division. It shows the First Cav and the First Armored Division being replaced by the Third Infantry Division, and the Tenth Mountain Brigade, and it shows the First Armored Division moving out and the First Cavalry Division moving out.

So that is the rotation with respect to Reserves. The ratio of Reserves to active forces will remain in the 35 to 40 percent range, and there are 5,600 members of the individual ready reserve. That number has already been laid out by the Pentagon and those people are in particular specialties, 800 of them have been called up. More will be called up as time goes on. And in November or December there will be another blue print because there is a blueprint laid down every 180 days, and it will maintain approximately the same number of people, 135,000 to 140,000 personnel in Iraq. And it will maintain approximately the same Reserve to active duty proportion.

So that is the game plan that has been laid out in front of the entire Nation by DOD. There has not been any attempt to hide it, to delay it, to wait for the election before they laid it out. And in another 4 or 5 months they will lay out the next 180-day plan, and 180 days from then they will lay out the next plan.

That is the means of notifying the country so that units and individual families and personnel in the armed services can have plenty of notice.

CONGRESSIONAL BLACK CAUCUS AND THE PENDING ELECTION

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for half the time to midnight, or 43 minutes.

MS. JACKSON-LEE of Texas. Mr. Speaker, I stand this evening to continue the Congressional Black Caucus Special Orders and discussion with our colleagues on the pending election that will be held this year on November 2, 2004; to speak to my colleagues about

the absolute imperative need to educate America and to be able to be diligent on what we fear to be episodes of attempts to suppress voting all over the Nation.

As I listened to my colleagues who preceded me on the floor of the House, I believe it is important to share some thoughts about the dilemma we find ourselves in. It may even be the engine behind the selection on November 2, 2004.

All of us have recognized the bravery and the valiant efforts, sacrifices that have been made by our friends and neighbors who find themselves in Afghanistan and Iraq. In my community alone, it is not only the enlisted personnel but it is likewise the Texas National Guard, the Reservists and many, many civilians.

We came to where we are today on different pathways. Some of us voted to authorize the authority to go to war, and many of us, such as myself, were adamant that this was the wrong direction to take. In the course of this debate, none of us, however, have taken to the task of criticizing or not recognizing the valor of our troops. And tonight I continue that position, to respect them and thank them, and to apologize to those families and to offer them sympathy, for those families whose brave men and women have already lost their lives.

One thing about this Nation is that we are eager to rise to the occasion to defend this Nation's honor. We were eager to defend America after the horrific tragedy of 9/11. And as I began, I started out by speaking to the question of voter suppression and the rights of voters, and I wanted to mention the tragedies in Iraq, as I have mentioned the tragedy on 9/11, because I think it all comes to the point of the American people finally making the decision of the direction they want this Nation to go.

In the last 48 hours or a week ago some 80-plus people were killed in Baghdad. There is no doubt that in the last weekend it was one of the bloodiest weekends that we have experienced. We know that three hostages were held. We know that Americans were held. We know that families in America today are mourning the loss of their loved ones who were beheaded in the last 48 hours.

We also knows that this administration, the Secretary of Defense, and those responsible for the policy of this war, or the lack of policy, have not offered one solution, one suggestion of how we can return from Iraq with honor. There is suggestion, of course, that there will be an election in Iraq in January and one pending in Afghanistan. We took away the resources from Afghanistan and the support for President Karzai to be distracted by a war directed and called for by this administration which today we find out was on a truly false basis. That is why this election is one of extreme importance. As many have said, it may be the most historic election, the most important election of our lifetime.

So I think it begs the question that we can come on the floor and pay tribute to those brave young men and women, but we have to tell the truth. There is a complete disaster in Iraq. There is complete pillage and murder and brutality and violence and explosions and loss of life and continued loss of life of those who we have sent to be on the front lines and who have been willing to take the oath to stand up and defend America.

Whose obligation is it? It is those of us who were elected. The President of the United States has to stand before the American people with a solution that will allow our men and women to return with honor. They have to in fact recognize that there must be action. In the President's remarks to the United Nations I did not hear a response to Senator KERRY's very provocative and important and instructive and meaningful statement on yesterday morning about solutions, calling together all of the allies that were in New York to help assist them or help to have assistance in working with Iraq, provide better training for Iraqi security forces, provide benefits to the Iraqi people, allow more Iraqi people to in fact engage in the rebuilding of Iraq, and as well ensure that democratic elections can be held next year. Actions, a statement of actions.

I bring this to the attention of my colleagues because the Congressional Black Caucus has been consistent in asking for some orderly response to a war that was called on the basis of weapons of mass destruction, called on the basis of imminent threat to the United States, called on the basis of a connection to al Qaeda, none of which are true. We simply asked for the truth. And so we continue with that message and we build on it because as we move towards the elections, we are likewise concerned with the people of the United States, and it is our commitment to ensure because this election is so important and it will be the telling story of how we move forward in Iraq, Afghanistan, North Korea, Indonesia, and the war on terror. We cannot afford for one single vote to be lost.

As I mentioned, the speech that was given by Senator KERRY, I perused some of the newspapers today because when we speak about voter suppression, many times it is thought that we speak about one group versus another. Yes, the Voter Rights Act of 1965 covered Southern States and protects the rights of African Americans and Hispanics in protecting them from being denied the right to vote. I might say that even with those laws, we had a tumultuous time in 2004. But I thought I would just show to my colleagues why I am standing here today, standing against voter suppression for any American.

As I read the Wall Street Journal, I am looking at both Alina and Paul Shipman, and the article talks about the anatomy of a hospital bill. There are people spending $29,000 because they do not have any insurance. That is what is going on in America, and that is why this election is so very important.

Or maybe we want to read the Los Angeles Times and look at a picture that shows somewhat of traffic congestion that is all over America because we need more transportation dollars and resources to improve our mobility. We need dollars to fix our bridges, to support our rail and our bus and our airplanes and our airports and our neighborhoods where there is extreme noise from our airports. We need dollars invested in America.

Then I show this last picture of Marita Michael, who testified in Washington, D.C. against the effort by this Congress to repeal the assault weapons ban in D.C. after she lost her young beloved son of 15 years old by gunshot.

This is why this election is so very important, and this is why we cannot afford to be denied the right to vote. And as I remind those, let me say that this is not a frivolous discussion, because even today we are finding out that we are going to have a tough time in this election, even in the backdrop of the legislation passed in 2002, the Help America Vote Act of 2002, which I will discuss later as I see my colleague has joined me, even as we have that legislation or the legislation of Senator DODD in 2001 that would have created the Equal Protection of Voting Rights Act of 2001, primarily because we are still facing the challenges of an election that can be tampered with.

Let me cite two or three points as I yield to the distinguished gentlewoman from California (Ms. WATSON), but I think it is important to set the groundwork. The reason why we are on the floor of the House is because there are families paying $30,000 for hospitalization because they have no health insurance.

There are people trying to get to work and trying to develop jobs, and they are immobilized by traffic conditions that do not allow the free ingress and egress because we are stalemated in this Congress because so many dollars are going overseas to fight the war in Iraq. And there is no solution it appears, no pronouncement from this administration, no relief to these families who are longing, no relief to these individuals who are serving us, no understanding whether they will be able to come home or not.

Mr. Speaker, I was in the airport over the weekend, and I saw a number of our men and women who had come home for some time frame; and I stopped to thank them for their service and asked them how long they would be home. Some I hoped were coming home for good, but do you know what they said to me, Mr. Speaker? We have got 15 days and then we go back.

□ 2245

These are men and women who cannot be told when we are going to have

a resolution in Iraq, when we are going to transfer, if you will, the security aspects of Iraq to the people who should be securing their own country.

No one is suggesting that we cut and run, but we are suggesting that there be a statement, a pronouncement that there is a solution and that this administration knows the direction in which it goes.

So, again, this is an important election and just to remind you why it is important, why the Voting Rights Act is important and this election law is important, because even in the last election in Florida, there was the use of armed, plainclothes officers from the Florida Department of Law Enforcement to question elderly black voters in their homes and senior citizens' homes, the easiest persons to intimidate. The incidents were part of a State investigation of voting irregularities in the city's March 2003 mayoral election. Let me share with you one other aspect.

This year in Florida the State ordered the implementation of the potential felon purge list to remove voters from the rolls. That in itself was chilling, in a disturbing echo of the infamous 2000 purge which was found to be patently incorrect and egregiously wrong, suggesting that people who came to the polls in 2000 were felons when they were not.

In 2000, thousands of eligible voters, particularly African Americans, were removed from the rolls. After an outcry of the people in Florida and those around the country, the State abandoned the plan, after the news media investigations revealed that the 2004 list also included thousands of people who were eligible to vote and heavily targeted African Americans, while virtually ignoring many other voters.

Then lastly, Mr. Speaker, this is in a southern State protected by the Voting Rights Act of 1965 and 1968. In 2002 in Louisiana, flyers were distributed in African American communities telling voters they could go to the polls on Tuesday, December 10. Mr. Speaker, they also added that if they could not go, they could go this Tuesday, December 10, excuse me, 3 days after a Senate run-off election was held. Let me go over that again. They sent flyers out to tell the African American voters that they could vote Tuesday, December 10, which was actually 3 days past the election date that they should have showed up at. This is the kind of underhanded, almost insulting, but really threatening to the Constitution, actions that have gone on before by those who would want to turn away voters who disagree with them.

So that is why we stand here today, and I am delighted to yield to the distinguished gentlewoman from California (Ms. WATSON) who has been a strong voice on the issues of voter suppression and a member of the Congressional Black Caucus.

Ms. WATSON. Mr. Speaker, I would like to thank my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE) for yielding to me and for the Caucus for organizing this important discussion on voter intimidation and suppression in the United States.

In a Nation where children are taught at the earliest age that every citizen has the right to vote, it would be comforting to know that the last vestiges of voter intimidation, oppression and suppression have been swept away by the passage and the enforcement of the Voting Rights Act of 1965. The facts, however, are discomforting.

In every national election since reconstruction, in every election since the Voting Rights Act was passed in 1965, voters, and particularly African Americans and other minorities, have faced calculated and determined efforts at intimidation and suppression, both above and below the Mason Dixon line, from California to Maine to Texas to Montana.

Overt, and often violent, voter participation in the era of Jim Crow now has been replaced by more subtle, but often just as intimidating, tactics. Gone are the days of poll taxes and literacy tests. Today, intimidation, threats, innuendo and deception are often more used to discourage voter turnout.

The list of strategies used by those who wish to suppress or intimidate voters is indeed varied and includes the following: challenges and threats against individual voters at the polls by armed private guards, off duty law enforcement officers, local creditors, fake poll monitors and poll workers and managers; signs posted at polling places warning of penalties for voter fraud and non-citizen voting or illegally urging support for a candidate; poll workers assisting voters in filling out their ballots and instructing them on how to vote; criminal tampering with voter registration rolls and records; flyer and radio advertisements containing false information; roadblocks placed near polling places; and internal memos from party officials in which the goals of suppressing voter turnout are outlined.

Mr. Speaker, the overwhelming evidence of widespread voter intimidation and suppression in our Nation and the fact that the presidential election of 2004 promises to be as close as the 2000 election, when every vote did count but was not counted, prompted me to draft a resolution condemning all efforts to suppress and intimidate voters in the United States and affirming that the right to vote is a fundamental right of all eligible United States citizens.

The resolution also urges States to replace decades-old election machinery with less error-prone equipment before the November 2004 national elections. It calls upon all States to institute a moratorium on the erection of roadblocks or identity checkpoints designed to racially profile or intimidate voters on election day.

Mr. Speaker, I saw this happening when I was the ambassador to Micronesia, thousands of miles away and watching on CNN. I was horrified that my country would see on election day these kinds of racially-profiled activities that were intended to stop the person of color from voting. I was horrified and ashamed.

My resolution calls upon the Attorney General to vigorously monitor and investigate all credible allegations of voter intimidation and suppression and to expeditiously prosecute all offenders to the full extent of the law.

Mr. Speaker, all of us here today are very aware of the voter irregularities that took place in Florida during the 2000 election. We are very aware that every vote does count and that in 2000 perhaps as little as 600 votes separated the two presidential candidates.

We are also aware that many of the votes in Florida were disqualified due to antiquated voting machines used predominantly in minority neighborhoods. While just 11 percent of Florida's voters are African American, more than half of the spoiled ballots, that is, more than 90,000 of the votes tossed out, were cast by African Americans.

We are also aware of other unsettling events, one of which was conducted by the Florida Department of Law Enforcement in Orlando this summer. In that investigation, elderly African American voters were visited at their homes by law enforcement officers, curious about their voting behavior. Florida officials deny any attempt to intimidate voters. However, the Justice Department recently disclosed that it had initiated a civil rights investigation into what had occurred in Orlando.

The recent event in Florida follows on the heels of two other well-publicized events in Florida when in 2001 State officials attempted to purge its list of alleged felons, predominantly African Americans, and in 2004, when the State again attempted to purge its voter list.

Mr. Speaker, I, along with my colleagues from the Congressional Black Caucus, come to the floor of this House this evening to declare that never again will such acts of voter intimidation and suppression be used. It is high time for both parties to sign a mutual pledge to renounce any and all efforts to suppress the vote in this upcoming election.

The world will be watching our Nation on the eve of November 2. As we go into other Nations and the United Nations talking about liberty and democracy, we cannot be hypocritical. Not only will the Western world be watching, but the non-Western, and particularly the Arab, world will be following the election. If we intend to bring liberty to Iraq and any other country, we must model that behavior here at home.

So I want to show the world how democracy should be practiced, not how it should not, and as a person whose roots are on the continent of Africa, no

longer will we be suppressed or intimidated because our skins are black.

I am an American. I have been an American ambassador. I have a right to vote, and no one should stop me or mine from exercising that right.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman, and I am very honored, as any Member of the Congressional Black Caucus and Member of this body, to join the gentlewoman on this very important legislation to eliminate voter suppression.

The gentlewoman's chronicling the indictments of our various election systems is very important to educate our colleagues because many times it is thought that with the passage of legislation, and as you well know, we worked very hard to craft the Help America Vote Act of 2002.

Mr. Speaker, since this legislation, we are chronicling this list of indictments against the various election systems throughout the country. The Voting Rights Act of 1965 will be 40-years-old in about 6- to 8-months, and look at us. We are standing here talking about voter suppression. This is shameful.

Mr. Speaker, I want to thank my colleague and I want to make sure that we are mentioning my colleagues in the Congressional Black Caucus and our chairperson, the gentleman from Maryland (Mr. CUMMINGS) because, Mr. Speaker, we are committed to coming to this floor as often as it is needed to be able to educate our colleagues and to encourage you to join with us in supporting this resolution.

This resolution should be bipartisan and unanimous. Not one of us should be interested in suppressing the votes of someone like Ms. Michael who wanted to express herself in Washington, D.C., about the assault weapons ban.

□ 2300

She needs to be able to vote. No one should want to suppress the votes of thousands upon thousands of Americans who are stuck in traffic because we have not been able to focus on the investment in transportation in America. And certainly none of us should want to be able to stifle the votes of the 44 million uninsured, who like this family, the Shipman family, are paying enormous hospital bills, maybe even more than this, $30,000.

The votes are important, but it makes me very sad when I can cite instances that occur today that go back to 1880 and 1910. For example, Florida adopted literacy tests, property qualifications, grandfather clauses which permitted an individual to vote only if his grandfather had thereby excluded the descendants of slaves.

Mr. Speaker, I want to engage with the gentlewoman from California as I put this forward. We are thinking that we have moved beyond this. In fact, let me say that one of the good news stories coming out of this is that we are going to be prepared. People for the American way, the Voters Institute, the NAACP, the National Urban League, and many other groups are coming together to say loudly to America that we will not tolerate the denial of a vote and a vote not being counted.

Mr. Speaker, we expect to have some 10,000 or more lawyers, and we are recruiting them now. And if it is within the ethical posture, I hope those who are listening to my voice and who desire to be part of democracy and the privilege of voting and the rights of people voting would be in contact with these organizations and the Congressional Black Caucus regarding their desires, as legal scholars, to participate in protecting the rights of Americans so that votes will not be denied.

We have the right for provisional voting, Mr. Speaker. Let me tell you what is happening. We are intimidating people from using provisional voting. Just this weekend we came from Ohio, my good friend, the gentlewoman from Ohio (Mrs. JONES), a great leader in that State, invited some of us in to survey the procedures and to look at the opportunities and the structures for voting in Ohio. Lo and behold, we had one of their State officials suggesting restrictions on provisional voting. We will join with the gentlewoman from Ohio in working to ensure that that does not happen. That is not what provisional voting says. It says that if you come to a voting booth and you believe you have the right to vote, you can sign an affidavit, you can provisionally vote, and your vote should be counted. This is intimidation, Mr. Speaker, nothing more, nothing less.

Then we find out, as we visited our men and women in Iraq and Afghanistan, and I hear my colleagues saluting them, and I join them in doing so, but we know the trouble we had with our military voting in 2000. Well, I am surprised and concerned that we do not have a clear understanding how overseas ballots from our military personnel will get to their respective hometowns to be counted.

Now, I understand, and we are looking into this, that these ballots are to be received by the Pentagon. What an intimidating aspect to a specialist P4, a person who is simply an enlisted person, doing their best, having to know that some officer may have the opportunity to look at their vote. Where is the right of privacy?

So to all those family members who have loved ones in the military, you need to be tuned in and ask the questions of your elected persons: How will my loved one, my son, my husband, my daughter, my wife, my family member's vote be counted and will it be secure?

Additionally, Florida's current lifetime ban on voting by convicted felons, which disenfranchised nearly a third of all black males during the 2000 elections, dates back to the reactionary measures implemented in the late 19th century. We still have laws today that deny those who have done their time, paid their dues, who are denied the right to vote. We need a national legislative initiative, as we have ongoing in this Congress, to restore the rights of individuals who have paid their dues for the crime they have committed, and who are committed to being contributing citizens of this Nation. How dare we deny them their right to vote, and I hope we are able to pass this legislation as soon as possible.

What about local election officials who use the secret ballot law to take advantage of high illiteracy among blacks? Under the guise of protecting the integrity of the ballot, the State of Florida barred anyone from providing assistance to a voter, even if they could not read. Frankly, I think that we are clearly a Nation that has a long way to go.

I would like to thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), who I joined, along with a number of others, I know the gentlewoman from California (Ms. WATSON) did as well, with her international experience. We will have international observers, Mr. Speaker, and that is no shame to the United States. If we are a democracy that we are proud of, then we need international observers to affirm the fact that we have lived up to our own obligations, duties and values. We should not be denying those individuals who are uninsured, people stuck in traffic, who cannot get from a job that probably does not pay that much because we have no public transportation, a mother who is crying over her deceased son concerned about the assault weapons ban. They need to vote November 2nd, 2004, in the various early vote methods that areas may have.

We have a catastrophe here, and I encourage those who are concerned about this Constitution to consider voting one of your most precious rights. We expect that this century and this election, to be the first presidential election fully into the 21st century after the turn of this century, this election should set the standard that we are prepared for anyone who seeks public office. It should not matter whether we agree with their position, whether they are black or white or Hispanic, whether they are south Asian or Native American, whatever their diversity, we should not undermine voters because of who they are and because of who they desire to vote for.

Mr. Speaker, the election in 2000 was won actually in the popular vote by another person. This election cannot have that dichotomy. This is a solemn challenge for this House and for the other body. This is a solemn challenge for those of us who take an oath of office and rise every morning to pledge allegiance to our flag. This is an enormous burden that we now have.

Frankly, Mr. Speaker, I am frightened, because of what the gentlewoman from California (Ms. WATSON) said, a former ambassador, when she was not a Member of Congress in that 2000 election and the experience that she had. I

spent 30 days in Florida after that election. I spoke to Floridians, senior citizens who were frustrated by the fact that they did not get a chance to vote as they desired. There were county officials distorting the ballot that then distorted the results of the election. I had disabled persons coming to me after that election crying out that we should never have it happen again where a disabled person cannot vote in dignity with the privacy that is necessary.

So it is important that we come on the floor almost every night, because I do not believe this law, the Help America Vote Act, has really been implemented. Ask how many jurisdictions have the technology necessary to allow disabled persons to vote privately, Mr. Speaker. I want every disabled person to be aware that they can go to their county seat right now, whoever is in charge of elections, and demand they be able to vote privately and have the kind of procedures in place to do so. It is their constitutional right.

So, Mr. Speaker, I believe that the work we have to do is yet undone; disabled persons, senior citizens and, yes, students. Students like the ones at Texas Prairie View A&M, who the district attorney told because they were students, they could not vote in the jurisdiction where they went to school. We are finding this happening all over America. The Constitution and the United States Supreme Court confirms that they can vote. The 1979 case that governed Prairie View A&M is applicable to students all over the country. Students can vote in the place of their school residency as long as they vote no place else. Let our voices be heard to all election officials who would even attempt to deny college students eligible to vote such as they did at Florida A&M, denying them the right to vote.

We believe elections should be guided by four fundamental principles: The voting process, particularly the voting systems in the administration of elections must be uniform and nondiscriminatory.

Voters must be able to independently and privately cast and verify their ballot. That is number two. That is the one we mentioned with respect to the disabled and senior citizens. No one who has a challenge of any kind should be intimidated and insulted and disgraced at the voting booth.

□ 2310

Number three, any voting system must comply with national certification standards.

And four, voter confidence and reliability in the electoral process must be maintained.

I yield to the gentlewoman from California (Ms. WATSON) for a question. She has crafted this resolution dealing with voter suppression. She comes from California. Many times we believe that these issues are only relegated to the southern States. I would like the gentlewoman to share some of the language out of the resolution and the final resolve that says we are against voter suppression and intimidation because I hope, as we conclude our remarks tonight on the floor of the House, that we will be moving this legislation as quickly as possible because we cannot have in the 21st century the long shadow of Jim Crow. We cannot have the taking away of votes and the undercounting of votes.

Ms. WATSON. Mr. Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE), and I appreciate the gentlewoman's passionate expression of the right to vote. That undergirds the reason why I introduced a resolution.

I read in the paper last week that there was a gentleman in one of the States up north who said we must suppress the black vote because, as you know, blacks vote Democrat, and so we must find ways to suppress their getting to the polls. I was appalled and shocked that we are dealing with something that was outlawed, we thought, by the Voting Rights Act of 1965. But we always have to be awakened to the facts and realities in which we live, that racism is not dead in this country; it just takes a different position, a different posture.

So despite the gains that we have made in securing our right to vote, new roadblocks have been successfully erected, including diluting the African-American vote by switching to an at-large election, preventing African-Americans from becoming candidates or obtaining office, voter fraud, the discriminatory selection of election officials, denying African-Americans access to precinct meetings and the harassment and outright exclusion of African-Americans from polling places.

And we know that, prior to the last election, there were notices sent out that said if the weather is bad, you do not have to vote on November, let us just use the 2nd, but you can vote on December 10. These are things that are occurring in today's atmosphere.

Mr. Speaker, I have put together a series of whereases in this resolution. What they do is document progress that has been made. I would like to read just one of them: Whereas voters in the United States, particularly African-Americans and other minorities, have faced calculated and determined efforts at voter intimidation and suppression in every national election since the reconstruction era.

An example of that was a few weeks ago in Florida where names were purged, but only names of African-Americans, and the person who was in charge, the secretary of state, said that the information gotten from the database on the census did not indicate whether Hispanics should be purged because they were considered to be white. If you have a Gonzalez and a Solis and a Menendez, that might make one question whether you have some Hispanics on this list. It is these kinds of calculated efforts that we want to do away with, and when I get back to my district, I am going to contact my county bar association and ask if they will join in our efforts to be sure we have attorneys throughout this country who will be ready in a flash to go to court when we see these violations of the Voting Rights Act.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am delighted for the gentlewoman to make that point. Let me quickly close by first of all thanking the gentlewoman and making mention of our chairperson, the gentleman from Maryland (Mr. CUMMINGS), and say that all of us are going to engage our county bar associations, the bars of the respective communities who believe in the justice of voting, to work with us.

Mr. Speaker, let me say, the reason why, even with Native Americans in the South Dakota 2004 primary, they were prevented from voting and were challenged because they did not have photo IDs which were not required in that State. The State of Arizona is now looking to do that.

We see there is reason for us to raise up the Constitution on the idea of voting, the Voting Rights Act and the very privilege of voting. We are in trouble, and the fact we are in trouble, there is a crisis and a need for us to surround the Nation with the idea that we will not tolerate one single act of voter suppression.

I ask my colleagues to support enthusiastically the Watson resolution against voter suppression. I ask those who are listening to engage their county government. And finally, I ask that we look at all of the electronic voting machines because we will engage in lawsuits if necessary to have a paper trail to protect the votes that will be going into those electronic voting machines.

Today we spoke on voter suppression. We will continue to do so because it is the right of the American people. This election must be free, and we must stand for freedom, justice and equality.

Despite significant gains our Nation has made to secure the voting rights of all Americans, credible reports of voter intimidation and suppression demonstrate that this most fundamental democratic right remains a dream deferred for some Americans.

I have joined my colleague from California, Ms. WATSON in introducing a resolution condemning all efforts to suppress and intimidate voters in the United States.

This resolution reaffirms that voting is a fundamental right of all eligible United States citizens; urges States to replace decades-old election machinery with less error-prone equipment before the November 2004 national elections; calls upon States to institute a moratorium on the erection of roadblocks or identity checkpoints designed to racially profile or intimidate voters on election day; and calls upon the Attorney General to vigorously monitor and investigate all credible allegations of voter intimidation and suppression and to expeditiously prosecute all offenders to the fullest extent of the law.

As we all learned during the last national election, each individual vote counts. By most accounts, the upcoming presidential election

will again underscore the importance that votes are counted accurately and that every qualified voter is allowed to exercise his or her constitutional right.

PEOPLE FOR THE AMERICAN WAY—PROTECTING THE INTEGRITY AND ACCESSIBILITY OF VOTING IN 2004 AND BEYOND

A STATEMENT OF PRINCIPLES ON VOTING SYSTEMS AND VOTER VERIFICATION

As the 2004 election approaches, there is significant concern among Americans that our voting system has not been sufficiently protected from a repeat of widespread disenfranchisement. New technologies require election officials to grapple with a complex set of interests, including accessibility for people with disabilities and sufficient security and accountability to prevent elections from being affected by equipment malfunction or tampering.

The enormous logistical difficulties facing state and local election officials in implementing the Help America Vote Act are compounded by limited resources and a lack of guidance from the federal government.

Preventing disaster on Election Day will require a public commitment from election officials at all levels of government—especially chief state election officials—as well as the resources to put in place equipment and procedures that will advance and protect the voting rights of all Americans.

Maintaining the integrity of our electoral process is critical to America's democratic institutions. Providing people with disabilities with the opportunity to vote in an independent and private matter is essential to comply with the moral and legal imperative of equality.

We are confident that there is a clear way forward that will allow states to achieve both goals to the maximum extent feasible for this year's elections, while encouraging additional advances in technology to fully serve the needs of all voters and election officials in future elections.

We believe action by election officials should be guided by four fundamental principles:

1. The voting process, particularly the voting systems and the administration of elections, must be uniform and nondiscriminatory;
2. Voters must be able to independently and privately cast and verify their ballot;
3. Any voting system must comply with national certification standards; and
4. Voter confidence and reliability in the electoral process must be maintained.

Less than ten weeks before the national elections, potential problems with voter registration lists, new and unproven technologies, insufficient resources for poll worker training, and inadequate voter education are increasingly being scrutinized for their potential to rob voters of their right to cast a vote that is counted. These, however, are not the only threats to the integrity of the elections, as a report released by People For the American Way Foundation and the NAACP makes clear.

The Long Shadow of Jim Crow: Voter Intimidation and Suppression in America documents that the vestiges of voter intimidation, oppression and suppression were not swept away by the Voting Rights Act or by subsequent efforts to enforce it. In fact, deliberate efforts to deceive or intimidate voters into staying away from the polls continue to emerge in nearly every major election cycle.

NAACP Board Chairman Julian Bond has been quoted as saying that "Minority voters bear the brunt of every form of disenfranchisement, including pernicious efforts to keep them away from the polls."

"This report is a reminder that while we are keeping an eye on state officials and new voting machines, we cannot relax our vigilance against these kinds of direct assaults on voters' rights."

Poll taxes, literacy texts and physical violence of the Jim Crow era have been replaced by more subtle and creative tactics.

This summer, Michigan state Rep. John Pappageorge (R–Troy) was quoted in the Detroit Free press as saying, "If we do not suppress the Detroit vote, we're going to have a tough time in this election." African Americans comprise 83% of Detroit's population.

In Kentucky in July 2004, Black Republican officials joined to ask their State GOP party chairman to renounce plans to place "vote challengers" in African-American precincts during the coming elections.

Most recently, controversy has erupted over the use in the Orlando area of armed, plainclothes officers from the Florida Department of Law Enforcement (FDLE) to question elderly black voters in their homes as part of a state investigation of voting irregularities in the city's March 2003 mayoral election. Critics have charged that the tactics used by the FDLE have intimidated black voters, which could suppress their turnout in this year's elections. Six members of Congress recently called on Attorney General John Ashcroft to investigate potential civil rights violations in the matter.

This year in Florida, the state ordered the implementation of a "potential felon" purge list to remove voters from the rolls, in a disturbing echo of the infamous 2000 purge, which removed thousands of eligible voters, primarily African-Americans, from the rolls. The state abandoned the plan after news media investigations revealed that the 2004 list also included thousands of people who were eligible to vote, and heavily targeted African-Americans while virtually ignoring Hispanic voters.

In South Dakota's June 2004 primary, Native American voters were prevented from voting after they were challenged to provide photo IDs, which they were not required to present under state or federal law.

Earlier this year in Texas, a local district attorney claimed that students at a majority black college were not eligible to vote in the county where the school is located. It happened in Waller County—the same county where 26 years earlier, a federal court order was required to prevent discrimination against the students.

Last year, voters in African American areas of Philadelphia were systematically challenged by men carrying clipboards and driving sedans with magnetic signs designed to look like law enforcement insignia.

The Long Shadow of Jim Crow also reviews the historical roots of recent voter intimidation and suppression efforts in the days following emancipation, through Reconstruction and the "Second Reconstruction," the years immediately following the passage of the Voting Rights Act.

The 1965 Voting Rights Act was among the crowning achievements of the civil rights era, and a defining moment for social justice and equality. Yet as The Long Shadow of Jim Crow documents, attempts to erode and undermine those victories have never disappeared. Voter intimidation is not a relic of the past, but a strategy used with disturbing frequency in recent years. Sustaining the promise of the civil rights era, and maintaining the dream of equal voting rights for every citizen requires constant vigilance, courageous leadership, and an active, committed and well-informed citizenry.

This year, with widespread predictions of a historically close national election and an unprecedented wave of new voter registration, unscrupulous political operatives may seek any advantage, including suppression and intimidation efforts. As in the past, minority voters and low-income populations will be the most likely targets of dirty tricks at the polls.

"Forewarned is forearmed," said Bond. "We are reminding voters, election officials, and the media about the kinds of dirty tricks that can be expected. We must be prepared to confront and defeat them."

Mr. Speaker, I ask my colleagues on this side of the aisle to take heed to the warning of Mr. Bond, for four more years is a very long time and could mean the difference between a safe America and continued war and costly occupation; money for our children's education and failure to utilize affirmative action to bring about equality in education; respect for the U.S. Constitution and continually closing doors to federal courthouses. Four years could mean a very long time if we do not work for change in the administration of our government.

BIG TROUBLE LIES AHEAD

The SPEAKER pro tempore (Mr. McCOTTER). Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. SMITH) is recognized for half the time until midnight or approximately 43 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I think it was in The Music Man where the seller of that musical equipment says, "We have big trouble right here in River City." We have big troubles here in Washington, D.C., and in America, for a couple of reasons.

The competition from other countries as they try to copy our techniques of production means that the competition is greater than it has ever been. Our future generations are going to be much more challenged than we have been. Actually, the baby boomers are a generation that is going to start retiring in the next 4 or 5 years; 73 million baby boomers will start retiring, probably the richest retirees that this country has ever had, probably the richest retirees this country will ever have.

We have some challenges in Washington as politicians tend to solve more and more problems, saying, somehow it must be Washington's responsibility rather than the individual's responsibility to solve some of these problems. What we have done is ended up, for example, with a tax system where now, today, 50 percent of the adults in the United States only pay about 1 percent of the income tax. So, of course, there is a lot of that 50 percent who are suggesting that maybe government should solve more of their problems because they do not have a stake in it.

The flat tax or the consumption tax, the sales tax are some suggestions that say, everybody has to have a stake in

the way this country operates and the services that Federal Government provides.

This first chart shows some of the problems of over-promising. What the economists with the green eye shades call unfunded liabilities means the amount of today's dollars that would have to be put in a savings account drawing interest that equals inflation and the time, value of money to come up with the dollars necessary to pay for these programs, over the next 75 years in this case.

□ 2320

If we add up Medicare, part A Medicare; part B Medicare; part D, the drug program; and Social Security, it comes to $73.5 trillion, according to Dr. Saving, who is the trustee for both Social Security and Medicare, $73 trillion that would have to be put in a savings account today to earn the revenues in addition to the money coming in from the FICA tax, the payroll tax, to accommodate today's promises. A huge challenge for this government to try to develop the kind of discipline of stopping the overpromising and, for that matter, stopping the overspending. If we add the unfunded liabilities to the debt, the $7 trillion debt that we have today, added to the $73 trillion in unfunded liabilities, it means that it is almost insolvable without dramatic cuts in benefits or drastic increases in taxes.

If we do not make some changes, what we see happening in other countries can very well happen in the United States. And that means, Mr. Speaker, take a guess, and I ask my audience to take a guess of what the payroll tax is in France to accommodate their senior population. It is over 50 percent. The payroll tax in Germany to accommodate their senior population has just gone over 40 percent. Of course, that makes them much less competitive. And I am just suggesting, Mr. Speaker, let us not let that happen in the United States by continuing the tendency, the political tendency, because the more we overpromise, traditionally the likelier we are to get a few more votes and get elected to Congress, and if the people that elect us to Congress want somebody there who is going to spend more, promise more, borrow more, tax more, then that is the kind of government we are going to end up having.

Let me just briefly go through this chart of unfunded liabilities. Medicare part A, which is mostly to hospitals, is estimated to have an unfunded liability of $21.8 trillion. Medicare part B that doctors charge, mostly doctors, is $23.2 trillion. Medicare part D, the new prescription drug bill that we passed recently, adds another $16.6 trillion unfunded liability to the cost of Medicare. Social Security is just at 11.9, $12 trillion unfunded liability for Social Security. That is more than a quarter of a million dollars of unfunded liabilities for every man, woman, and child in America.

How do we shout long enough, hard enough, aggressive enough to get the Congress to pay attention? I think probably the secret is that Americans have to start paying attention to what is happening in their United States Congress, what is happening in their State legislatures, what is happening with their counties as governments at all levels are called on to solve more and more of the problems of individuals.

Let us take a look at the fact that we are going to have a strong economy. I mean, regardless of what we do and the solutions to Medicare and Social Security and stopping the overspending and trying to balance the budget, and, by the way, hopefully in the next several weeks we are going to take up the Balanced Budget Amendment that will add a little more pressure to us to stop our overspending, regardless of what we do, if we do not have a strong economy in America, we are not going to make it. We are going to start going downhill relative to other countries.

The interest on the debt is now over $300 billion a year, and the interest rate is continuing to climb. In fact, we are still at a very low interest rate; but it is still using up 14 percent of the total Federal budget, and that is growing rapidly for two reasons: interest rates are going up and our propensity to overspend because people do not like taxes, borrowing is sort of putting off the tax increase for a later time, and usually what we are talking about is a later generation.

So we continue to overpromise, overspend, and overborrow. And what that means is a tremendous obligation to future generations, not only coming up with the promises, overpromises, and the unfunded liabilities, but coming up with the additional amount of the budget that is sucked up paying the interest on their debt.

I would suggest that if we are going to have a strong economy, we have got to change our tax system. Our tax system in the United States puts our businesses at a competitive disadvantage. It discourages savings and investment, and that is why I have introduced H.R. 3060, which is a flat tax that ends up taxing at the rate of 17 percent. After the deduction, it taxes at 17 percent across the board. So, number one, everybody has a stake. Number two, it puts our businesses in a more competitive position with other countries in terms of the selling of our product.

Let me talk about our current Tax Code: 7,000 Tax Code changes have been made just since 1986, 74 percent increase in the tax rules since 1986, and they are growing every day. Taxpayers spend 6.1 billion hours, 6.1 billion hours, preparing their tax returns, 8 billion pages of returns every year, and it is becoming more complicated. So people, individuals, taxpayers, do not totally understand how the tax system works. I have heard young people say, Well, I am looking forward to tax day because government sends me a check. But the fact is they have been taking money away from them on every paycheck, and so the government owes them much more money than they are getting back.

Government estimates of tax compliance costs reach $183 billion every year. Compliance costs approach 20 percent of the total income tax revenue. Extremely complicated, difficult, takes a lot of time. Businesses adjust their business decisions to lower their income tax often more than the commonsense, logical, market-based decisions they would otherwise make, which makes them more inefficient in terms of being competitive.

I thought it would be fun to just review the total pages of Federal tax rules. As lobbyists and special interest groups come in to lobby Members of the House and Members of the Senate and lobby the White House, they are interested in having special provisions in our complicated tax system that are going to benefit their particular clients. And what this has resulted in is more and more complications, more and more rules, and more and more pages of tax returns that if one is going to understand the system, they have to hire an accountant that is going to spend full time almost on the tax policy.

In 1913, we had very few rules and very few taxes. In 1945, we approached 10,000 pages. By 1984, we approached 30,000 pages. Now we have about 50,000 pages of Federal tax rules that go into detail explaining the laws that this Congress has passed often to benefit some particular interest group.

Just briefly on the flat tax, the flat tax bill I have introduced starts at 19 percent for the first year and then drops to 14 percent the second year and thereon. It is a 17 percent flat rate after the deduction. The deduction is $36,600 for a family of four. So they do not pay any tax on the first $36,600 if they are a family of four; 25,000 if they are a couple. It ends the double taxation on savings, ends the double taxation on dividends and capital gains. That means there is going to be a greater incentive to invest and to save. And that is what makes our economy and our productivity grow: the savings investment is the seed corn of the research and development that develops the kind of research and technology that result in better products produced more efficiently.

□ 2330

That is what is going to keep us competitive.

Just as a footnote, I would urge every parent to encourage their kids to make a special effort in science and math. Science and math achievement in the United States is one of the lowest in the world, and probably as technology becomes more an integral part of how we develop more efficient ways to produce products and actually the development of those products, students that have a good background in science

and math are going to be the ones that are going to find it most easy to get a good-paying job.

I think I am down to the fact that it allows individuals to file their returns on a simple postcard form. I printed up that postcard form of what I see as the kind of tax form that is going to make taxpaying very simple and very easy. It increases confidence that everyone pays their fair share.

The flat tax is pro-growth. It is pro-freedom. I think most people in America are sick and tired of the rhetoric that says, well, we are going to make some adjustments here and there. They would like to get rid of the IRS. They would like to have the kind of tax system that encourages them to work and to produce and to save and invest.

Look, when we started this country, that is how our forefathers wrote the Constitution. They said in effect those that work hard, that study, that use that knowledge, that save and invest and try, end up better off than those that do not.

Of course, what we have done in the last 30 or 40 years is we have tended to divide the wealth and take away from those that are successful and give it to those that are less successful. In so doing, we have taken away some of the incentive that has made this country great, and that is the rewards for achievement and the rewards for trying and saving and hard work.

This is the flat tax postcard form. You put down your wages and your salary and your pensions. The personal allowance is $25,580 for married filing jointly, $12,790 for a single, $16,330 for a single head of household. Number of dependents on the next line. Line 4 is the personal allowance. Multiply $5,510 by each dependent.

What you have left after you subtract those deductions from wages, salary and pension is what you pay your 17 percent tax on. If you paid ahead of time, you subtract the taxes that you have already paid and figure out what government now owes you or what you owe the government.

We are having a lot of debate. Everybody agrees that we should change our complicated Tax Code because of its preferences that have been built in over the years to special interest lobbyists, because of its complication, and because it discourages effort and it discourages learning and it discourages savings.

Should we have a flat tax or sales tax? On the flat tax or sales tax, let me suggest that they both have the same type of tax base and they accomplish the same kind of results as far as encouraging business expansion, good jobs, a fair way to tax.

However, the tax base of a true national sales tax and a flat tax in the fashion of Dick Armey's or Steve Forbes' proposal will be the same. The tax base of a true national sales tax and a flat tax are going to be the same. In both cases, the tax is on consumption and not on investment, which is a superior tax for economic growth that is going to benefit our competitive position with other countries and certainly benefit the general public.

The question then really is on which tax is going to be administratively most feasible, and the flat tax is the winner hands down. At least 20 years ago, two economists, Hall and Rabushka, laid out the case for the flat tax in detail. The second edition of their book on the flat tax in the mid-1990s is called The Flat Tax. In the book they make it clear why the tax base of a national sales tax and the flat tax are the same.

What I am trying to point out, Mr. Speaker, is both the flat tax and the sales tax have the same tax base. They both accomplish the same goals. So now we are trying to decide which one is more possible to replace this complicated Tax Code that we have now. Let me give you a little intuition on why both of these taxes are essentially both the same.

The tax base of a flat tax is income, but people only do two things with income. They either spend it or they save it. Since there is no tax on savings, this means the flat tax is on consumption. But this is the same as a sales tax.

Let me try to be a little more technical. I started trying to work out an alternative to Michigan's sales tax as a flat tax when I was chairman of the senate finance committee back in Michigan. Under the national sales tax, business is taxed on its sales minus what it purchases from other firms minus what it pays on investment and capital. That is on the sales tax.

On the flat tax, individuals pay taxes only on their wage income and not on the income from savings, such as interest or dividends. Business actually pays the taxes on savings, interest and dividend, because they are not allowed to deduct it. Businesses pays taxes on its sales minus what it buys from other firms minus investment in capital minus wages.

Now, between the business income tax and the individual income tax, what is taxed then is sales minus what business buys from other firms minus what it pays on investment and capital. So the two tax bases are the same.

Now, when it comes to administration, the flat tax is much simpler. The individual and business both fill out a short form and it is clear what is going to be taxed.

Under the sales tax, lots of things will be difficult to determine. First, there is going to be political pressure, as there is in every State that has a sales tax, not to have that sales tax on such things as food and prescription drugs, not to tax medical services or dental costs. As was the case in Michigan and in most every other state that has a sales tax, we have done this. As this happens and you reduce what is going to be taxed on food, prescription drugs, health benefits, services, what that means is the tax rate for the sales tax is going to go up.

For example, to raise the revenue that is equivalent to our 17 percent flat tax is going to require a sales tax that is much higher. In initial calculations it could be as high as a 28 percent sales tax. If it is a 28 percent sales tax, this is certainly going to lead to all sorts of incentives to hide sales, which will be easier to do than to hide income, and this will lead to an even higher sales tax. You can call them free riders or whatever you want.

But I would suggest in the sales tax effort to get rid of the IRS, in its place what we are going to do is have a new Federal police force examining what is produced so we can determine how much production is being avoided on paying the sales tax. Where you tend to say that individuals consuming are paying the sales tax, what we have done in Michigan and most other states that charge a sales tax, to simplify it, we say well, you can add the tax if you want to, but who is responsible for the sales tax are the businesses that are selling the product.

Let me just briefly show the difference in what an individual taxpayer ends up with that earns money and decides to save the money.

First, under the current system, for example, let us say after you have your income, after you spend what you are going to spend, you are fortunate enough and diligent enough that you save $10,000, and then you end up paying 28 percent tax on the $7,200, now on $7,200, so what you have left, out of what you have saved and minus your tax, what you have left is $7,200. Let us say the interest rate, or your returns on investment are maybe around 6 percent; that means I think that that money would double in about 10 years. So after 10 years, that $7,200 that you have left after taxes doubles to $14,000. And then what do we do under the current system? We tax you on the interest rate you earned. So if you tax on the interest on the $7,200, as the money doubles, you end up having $12,384.

With the flat tax that encourages savings because we do not tax savings, after expenses, you end up with $10,000, you pay the 17 percent, and that leaves you $8,300. In 10 years, it doubles to $16,600, but we do not have any tax on that increased earnings of the dividends or interest, so that leaves you with a net of $16,600. So the point that I am trying to make is you are much better off and it encourages savings and investment, which is key to the kind of discoveries that we can have for businesses to be more competitive in a world market.

I think a problem with the sales tax is determining what is a final retail sale. In trying to change our sales tax in Michigan to take in some services, the overwhelming problem is what is the final retail sale that you charge a sales tax on? For example, say I am an accountant and I do your books, I am going to charge you a sales tax on it as the final user. But what if I am the same accountant, but I am doing the

books for a local retail store, and that retail store is going to take the increased cost that they pay for that bookkeeper and add it to the price of their product; the sales tax is going on the price of their product, so you do not charge sales tax when you are an accountant doing work for a firm or a retailer that can pass that tax on in a product that is going to be taxed on the sales tax. It is complicated. It is complicated, figuring out what you are going to tax sales tax on.

Because of the fact that the advocates of the fair tax and the sales tax suggest that we want to change the 16th Amendment to the Constitution, a political complication of talking this chamber into having a two-thirds vote that is going to change the Constitution, and then after that, you have to have three-quarters of the States agree to ratify what has been suggested as a constitutional change.

Pretend for a moment that you are back in that State legislature, and here is the Federal Government saying, look, we want to change the system to get rid of the income tax and have a sales tax. We would sort of like you as the State to collect that money for us, for the Federal Government because, look, you are going to have a sales tax anyway in your State because you cannot copy the Federal income tax any more because we are going to have a sales tax, but we would also like you to collect the sales tax for the Federal Government, State legislatures and governor. We also are suggesting that you have this sales tax that we are going to pass into law and that it be on services and drugs, that it be on medical supplies. It is going to be a tough getting three-quarters of those States to ratify the Constitution with that kind of threat that they are going to have to be the instigators of that sales tax in their State.

I think what is likely is that all of the problems of a sales tax, how it is going to be administered, what do you calculate as the final sale that is going to be taxed for the sales tax, and the complicated effort of convincing States that they have to be a part of this effort to now expand their sales tax and maybe even start collecting it for the Federal Government.

A third problem has to do with purchases, for example, over the Internet. You might make purchases from another country over the Internet, and that is more and more available. How are these going to be taxed? What is likely is that they will not be and, thus, U.S. retailers will be at a disadvantage compared to foreign retailers. I think these are just a few of the problems in implementing a national retail sales tax.

The fact that no State has successfully managed to put in place a true retail sales tax that captures all final goods and services should tell us that it will be very difficult to do at the national level also.

Okay, back again, reviewing. Implementation, the flat tax is just going to be a bill passed by a majority and signed by the President. The sales tax, it is the bill, plus the constitutional amendment. The burden on States on the flat tax: none. On a sales tax, the States must collect the Federal taxes, often new ones on services; and for those States that do not have a sales tax, implementing that kind of a tax structure in those States.

The burden on the taxpayer. We have seen the simple form for a flat tax. On the sales tax, there is no form for individuals, but it is going to end up with much more business monitoring to know how much is being produced to determine what is being avoided in the sales tax, and the risk of tax evasion. The risk of tax evasion with a flat tax is the same as the current tax system. But with a sales tax, the high tax on goods increases the incentives for invasion. It increases the incentives to trade with your neighbor instead of paying a very high sales tax that I have estimated will go to 28 percent, maybe even higher.

In conclusion, let me just suggest that getting back to our predicament of over-spending, over-promising, the challenges that we face with medicare and Social Security, the challenges we face with paying our veterans' benefits, the challenges we face coming up with retirement benefits for Federal employees, means that we need to make the kind of changes in government that is going to help make sure that this country stays on the cutting edge of competition in the new challenging world market. And one of the tools that we can use to do this is getting rid of the IRS, getting rid of the complicated Tax Code that has preferences based on the strength of PACs and lobbyists that have influenced this and the other chamber and the White House over the last 50 years, and come up with a tax system that is going to be better for individuals, it is going to be better for the long-term competition that future generations are going to face.

CORRECTION TO THE CONGRESSIONAL RECORD OF WEDNESDAY, SEPTEMBER 15, 2004, AT PAGE H7232

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 361. To designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission.

H.R. 3908. To provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio.

H.R. 5008. To provide an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through September 30, 2004, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1576. An act to revise the boundary of Harpers Ferry National Historical Park, and for other purposes.

CORRECTION TO THE CONGRESSIONAL RECORD OF WEDNESDAY, SEPTEMBER 15, 2004, AT PAGE H7234

H. Res. 776. A resolution of inquiry requesting the President and directing the Secretary of Health and Human Services provide certain documents to the House of Representatives relating to estimates and analyses of the cost of the Medicare prescription drug legislation; referred jointly to the Committees on Energy and Commerce, and Ways and Means, in each case for consideration of such provisions as fall within the jurisdiction of the committees concerned.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FROST (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. BAIRD (at the request of Ms. PELOSI) for today and September 22 on account of attending the funeral of a close friend.

Mr. BISHOP of Georgia (at the request of Ms. PELOSI) for today and the balance of the week on account of a death in the family.

Ms. MILLENDER-MCDONALD (at the request of Ms. PELOSI) for today on account of business in the district.

Mr. TAUZIN (at the request of Mr. DELAY) for today and the balance of the week on account of medical reasons.

Mr. WICKER (at the request of Mr. DELAY) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FRANK of Massachusetts) to revise and extend their remarks and include extraneous material:)

Mr. FRANK of Massachusetts, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

(The following Members (at the request of Mrs. BLACKBURN) to revise and

extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, September 22 and 23.

Mr. COLE, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and September 22, 23, and 24.

Mrs. BLACKBURN, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, September 22.

Mr. BURGESS, for 5 minutes, September 22.

Mr. PAUL, for 5 minutes, September 23 and 24.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 138. Concurrent resolution commending John W. Kluge for his dedication and commitment to the United States on the occasion of his 90th birthday; referred to the Committee on Government Reform.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 16, 2004 he presented to the President of the United States, for his approval, the following bills.

H.R. 361. To designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission.

H.R. 3908. To provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio.

H.R. 5008. To provide an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through September 30, 2004, and for other purposes.

ADJOURNMENT

Mr. SMITH of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, September 22, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9619. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bitertanol, Chlorpropham, Cloprop, Combustion Product Gas, Cyanazine, et al.; Tolerance Actions [OPP-2004-0088; FRL-7358-6] received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9620. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Robert B. Flowers, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

9621. A letter from the Deputy Chief of Naval Operations (Manpower and Personnel), Department of Defense, transmitting notification of a decision to implement performance by the Most Efficient Organization (MEO) for Design Engineering at the Puget Sound Naval Shipyard, Detachment Boston (initiative number NC20010767); to the Committee on Armed Services.

9622. A letter from the Deputy Chief of Naval Operations (Manpower and Personnel), Department of Defense, transmitting notification of a decision to implement performance by the Most Efficient Organization (MEO) for Retail Supply Southwest in San Diego, CA (initiative number NC20000611); to the Committee on Armed Services.

9623. A letter from the Deputy Chief of Naval Operations (Manpower and Personnel), Department of Defense, transmitting notification of a decision to implement performance by the Most Efficient Organization (MEO) for Research, Development, Test, & Evaluation Support Services in Philadelphia, PA (initiative number NC20020775); to the Committee on Armed Services.

9624. A letter from the Director of Defense Research and Engineering, Department of Defense, transmitting a report on the utilization of the Laboratory Revitalization Demonstration Program (LRDP), pursuant to Public Law 105–261, section 2871(d); to the Committee on Armed Services.

9625. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to India pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9626. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9627. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Ambient Air Quality Standards for Particular Matter [OAR-2003-0229; FRL-7794-1] (RIN: 2060-AM02) received July 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9628. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Operating Permits Program; State of Iowa [R07-OAR-2004-IA-0002; FRL-7793-8] received July 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9629. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Operating Permits Program; State of Nevada, Clark County Department of Air Quality Management [NV117a-OPP; FRL-7795-7] received July 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9630. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Operating Permits Program; State of Kansas [R07-OAR-2004-KS-0001; FRL-7793-6] received July 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9631. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans New Jersey Emission Statement Program [Region II Docket No.NJ 67-274 FRL-7788-6] received July 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9632. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Approval of Revisions to the Title V Operating Permit Program in the State of New Mexico, Albuquerque/Bernalillo County, New Mexico, and the State of Arkansas [NM-47-1-7606a; FRL-7810-2] received September 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9633. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Commonwealth of Virginia; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerator Units [VA139-5073a; FRL-7810-7] received September 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9634. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Adequacy of Minnesota Municipal Solid Waste Landfill Program [FRL-7810-9] received September 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9635. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Transportation Conformity Rule Amendments for the New 8-hour Ozone and PM2.5 National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes; Correction to the Preamble [FRL-7789-6] (RIN: 2060-AL73) received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9636. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA 298-0459a; FRL-7784-3] received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9637. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA287-0458; FRL-7781-9] received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9638. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Monterey Bay Unified and Santa Barbara County Air Pollution Control Districts [CA 289-0451a; FRL-7783-9] received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9639. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Asbestos [OAR-2002-0082; FRL-7789-5] received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9640. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Maryland: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-7791-3] received July 20, 2004,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9641. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Maintenance Plan Revisions; Ohio [R05-OAR-2004-OH-0001; FRL-7784-2] received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9642. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Maryland; Virginia; Technical Amendment [DC-2025, MD-3064, VA-5052; DC052-7007, MD143-3102, VA129-5065; FRL-7790-5] received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9643. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Hazelwood SO2 Nonattainment and the Monongahela River Valley Unclassified Areas to Attainment and Approval of the Maintenance Plan [PA209-4302; FRL-7781-3] received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9644. A letter from the Acting Chief, WCB/TAPD, Federal Communications Commission, transmitting the Commission's final rule — Schools and Libraries Universal Service Support Mechanism [CC Docket No. 02-6] received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9645. A communication from the President of the United States, transmitting notification to terminate the national emergency with respect to Libya declared in Executive Order 12543 of January 7, 1986, and revokes that Executive Order, Executive Order 12544 of January 8, 1986, Executive Order 12801 of April 15, 1992, and Executive Order 12538 of November 15, 1985, pursuant to 50 U.S.C. 1622(a); (H. Doc. No. 108–216); to the Committee on International Relations and ordered to be printed.

9646. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 09-04 which informs of intent to sign a Memorandum of Understanding (MOU) between the United States, Germany, and Italy for the Medium Extended Air Defense System (MEADS), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9647. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United States (Transmittal No. DDTC 052-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9648. 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 and the export of defense articles or defense services to Germany (Transmittal No. DDTC 072-04), pursuant to 22 U.S.C. 2776(c–d); to the Committee on International Relations.

9649. 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 and the export of defense articles or defense services to Japan (Transmittal No. DDTC 065-04), pursuant to 22 U.S.C. 2776(c–d); to the Committee on International Relations.

9650. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency blocking property of persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on International Relations.

9651. A letter from the Secretary, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, reports prepared by the Department of State for the April 16-June 17, 2004 period and the June 18-August 16, 2004 period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on International Relations.

9652. A letter from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9653. A letter from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9654. A letter from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9655. A letter from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9656. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of October 1, 2003 to March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9657. A letter from the Secretary, Department of the Interior, transmitting the biennial report on the quality of water in the Colorado River Basin (Progress Report No. 21, January 2003), pursuant to 43 U.S.C. 1596; to the Committee on Resources.

9658. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the designation as ''foreign terrorist organizations '' pursuant to Section 219 of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on the Judiciary.

9659. A letter from the Secretary, Department of the Treasury, transmitting Notification of determination that, by reason of the public debt limit, the Secretary is unable to comply with the requirements of section 8348(c) of title 5, United States Code, pursuant to 5 U.S.C. 8348(l)(2) and 5 U.S.C. 8438(h)(2); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2028. A bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance; with amendments (Rept. 108–691). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 780. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–692). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 781. Resolution providing for consideration of the bill (H.R. 2028) to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance (Rept. 108–693). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CASE:

H.R. 5106. A bill to amend the Federal Crop Insurance Act to expand the Agricultural Management Assistance Program to include the State of Hawaii; to the Committee on Agriculture.

By Mr. SENSENBRENNER (for himself, Mr. CONYERS, Mr. CHABOT, Mr. COBLE, Mr. DELAHUNT, Ms. PRYCE of Ohio, Mr. GREEN of Wisconsin, Mr. SCOTT of Virginia, Mr. JENKINS, Mr. SCHIFF, Mr. WEINER, Ms. HART, Mr. BACHUS, Ms. BALDWIN, Mr. KELLER, and Mr. NADLER):

H.R. 5107. A bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes; to the Committee on the Judiciary.

By Mr. MANZULLO:

H.R. 5108. A bill to reauthorize certain programs of the Small Business Administration, and for other purposes; to the Committee on Small Business.

By Mr. CROWLEY (for himself, Mr. SERRANO, Mr. SHERMAN, Mr. HOEFFEL, Mr. WEINER, Mrs. MCCARTHY of New York, Mr. SMITH of Washington, Mr. BERMAN, Mr. HOLT, Mrs. MALONEY, Mrs. LOWEY, Mr. STARK, Mr. ISRAEL, Mr. MORAN of Virginia, Mr. GREEN of Texas, Mr. DELAHUNT, and Mr. SCHIFF):

H.R. 5109. A bill to establish the Airport Noise Curfew Commission; to the Committee on Transportation and Infrastructure.

By Ms. HERSETH:

H.R. 5110. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, a credit for individuals who

care for those with long-term care needs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER (for himself, Mr. REYES, and Mr. ISSA):

H.R. 5111. A bill to enforce restrictions on employment in the United States of unauthorized aliens through the use of improved social security cards and an Employment Eligibility Database, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H.R. 5112. A bill to provide for a certificate recognizing employees of defense companies for contributions to the national defense during the Cold War; to the Committee on Armed Services.

By Mr. KILDEE (for himself, Mr. VAN HOLLEN, and Mr. GEORGE MILLER of California):

H.R. 5113. A bill to prevent abuse of the special allowance subsidies under the Federal Family Education Loan Program; to the Committee on Education and the Workforce.

By Mr. KING of Iowa:

H.R. 5114. A bill to amend the Internal Revenue Code of 1986 to make improvements to assist young farmers and ranchers; to the Committee on Ways and Means.

By Mr. MICA (for himself and Mr. BILIRAKIS):

H.R. 5115. A bill to award posthumously a Congressional gold medal to Constantino Brumidi; to the Committee on Financial Services.

By Mr. PALLONE:

H.R. 5116. A bill to amend title II of the Social Security Act to waive the 24-month waiting period for Medicare coverage of individuals disabled with distant stage cancer; to the Committee on Ways and Means.

By Mr. SCHIFF (for himself, Mr. GOODLATTE, Mr. BECERRA, and Mr. FOLEY):

H.R. 5117. A bill to establish in the Office of the United States Trade Representative an Assistant United States Trade Representative for Intellectual Property Rights; to the Committee on Ways and Means.

By Mr. SESSIONS:

H.R. 5118. A bill to combat terrorism, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYNOLDS:

H. Con. Res. 494. Concurrent resolution supporting the goals and purposes of National Farm Safety and Health Week and applauding the men and women who provide a stable supply of food and fiber for the United States and the world; to the Committee on Agriculture.

By Mr. HILL (for himself, Ms. CARSON of Indiana, and Mr. PENCE):

H. Res. 779. A resolution celebrating the life of Joseph Irwin Miller of Columbus, Indiana; to the Committee on Government Reform.

By Mr. BLUMENAUER (for himself, Mr. SHAYS, Mr. GEORGE MILLER of California, Mr. GREENWOOD, Mr. ALLEN, and Mr. UDALL of Colorado):

H. Res. 782. A resolution affirming the commitments made by the United States at the World Summit on Sustainable Development in Johannesburg, South Africa, to improve worldwide access to safe drinking water and basic sanitation services; to the Committee on International Relations.

By Mr. HOUGHTON:

H. Res. 783. A resolution recognizing Jerry J. Jasinowski on the occasion of his retirement from the presidency of the National Association of Manufacturers; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 571: Mrs. MCCARTHY of New York and Mr. PENCE.
H.R. 603: Mr. FRANK of Massachusetts.
H.R. 623: Ms. BORDALLO.
H.R. 713: Mr. CARSON of Oklahoma and Mr. MCCRERY.
H.R. 756: Mr. SULLIVAN.
H.R. 785: Ms. BORDALLO.
H.R. 792: Mr. MANZULLO and Mr. SABO.
H.R. 870: Mr. LATHAM.
H.R. 883: Ms. BORDALLO.
H.R. 970: Ms. HARRIS and Mr. SCHROCK.
H.R. 980: Mr. OLVER.
H.R. 997: Mr. RYUN of Kansas.
H.R. 1057: Ms. DELAURO.
H.R. 1212: Mr. KLECZKA.
H.R. 1294: Mr. PASTOR, Mr. FATTAH, and Mrs. MCCARTHY of New York.
H.R. 1323: Mr. GORDON.
H.R. 1345: Mr. BISHOP of Georgia and Mr. DAVIS of Alabama.
H.R. 1428: Mr. BISHOP of Georgia.
H.R. 1657: Mr. LANTOS.
H.R. 1734: Mr. OLVER, Mr. KUCINICH, and Mr. ORTIZ.
H.R. 1859: Mr. CARSON of Oklahoma and Mr. RANGEL.
H.R. 1873: Mr. PORTER and Ms. MILLENDER-MCDONALD.
H.R. 1919: Mr. MCCOTTER.
H.R. 1939: Mr. OLVER.
H.R. 1958: Mr. RUSH, Mr. GUTIERREZ, Mr. LAMPSON, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. LEWIS of Georgia, and Mr. PALLONE.
H.R. 2094: Mrs. MCCARTHY of New York.
H.R. 2101: Mr. HOEFFEL.
H.R. 2387: Mrs. WILSON of New Mexico, Ms. DELAURO, and Mr. MARKEY.
H.R. 2505: Mr. BRADLEY of New Hampshire.
H.R. 2680: Mr. THOMPSON of California, Mr. RYAN of Ohio, Mr. STENHOLM, Mr. CROWLEY, Mr. TOM DAVIS of Virginia, Mr. UDALL of New Mexico, Mr. GORDON, Mrs. DAVIS of California, Ms. BERKLEY, Mr. ROTHMAN, Mr. TURNER of Texas, Mr. ENGEL, and Mr. ENGLISH.
H.R. 2735: Ms. SOLIS.
H.R. 2787: Ms. DELAURO.
H.R. 2959: Mr. WYNN, Mr. EMANUEL, and Mr. PAYNE.
H.R. 3085: Ms. MCCARTHY of Missouri, Mr. SCHIFF, and Mr. EMANUEL.
H.R. 3142: Ms. LEE.
H.R. 3242: Mr. KENNEDY of Rhode Island and Ms. DELAURO.
H.R. 3543: Mr. DEMINT, Mr. PITTS, and Mr. BROWN of South Carolina.
H.R. 3634: Mr. MEEKS of New York, Mr. SERRANO, Mr. TOWNS, Mrs. MALONEY, and Mr. FRANK of Massachusetts.
H.R. 3729: Mr. KILDEE, Ms. KILPATRICK, Mr. BRADY of Pennsylvania, Mr. WILSON of South Carolina, Mr. REYES, Mr. MARKEY, Mrs. CHRISTENSEN, Mr. CLAY, and Mr. BELL.
H.R. 3859: Mr. BELL, Mr. LANGEVIN, Mrs. MCCARTHY of New York, Mr. UDALL of New Mexico, Ms. MAJETTE, Mrs. VELAZQUEZ, Mr. TOWNS, Mr. OLVER, Mr. GUTIERREZ, Mr. BERMAN, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3880: Mrs. CAPPS.
H.R. 3921: Mr. BLUMENAUER.
H.R. 3951: Mr. SPRATT.
H.R. 4026: Mr. GERLACH.
H.R. 4032: Mr. WAXMAN.
H.R. 4057: Mr. KENNEDY of Minnesota.
H.R. 4076: Mr. KUCINICH.
H.R. 4169: Ms. BALDWIN.
H.R. 4214: Mrs. NORTHUP.
H.R. 4256: Mr. STRICKLAND.
H.R. 4264: Mr. CONYERS.
H.R. 4283: Mr. HYDE.
H.R. 4284: Mr. SIMPSON.
H.R. 4306: Mr. GORDON.
H.R. 4341: Mr. PALLONE.
H.R. 4343: Mr. MCKEON.
H.R. 4367: Mr. ROSS.
H.R. 4395: Mr. BAIRD and Mr. SANDLIN.
H.R. 4399: Mr. SERRANO and Mr. PALLONE.
H.R. 4420: Mr. WELDON of Florida, Mr. GOODLATTE, Mr. PETERSON of Minnesota, Mr. JENKINS, Mr. CANNON, Mr. DAVIS of Tennessee, Mr. RAHALL, Mr. MCCOTTER, and Mr. DOOLITTLE.
H.R. 4502: Mr. LINCOLN DIAZ-BALART of Florida and Mr. HYDE.
H.R. 4575: Mr. FILNER and Mr. MICHAUD.
H.R. 4595: Mr. FRANK of Massachusetts.
H.R. 4605: Mr. BLUMENAUER.
H.R. 4610: Mr. GREENWOOD.
H.R. 4616: Mr. MCDERMOTT, Mr. RYAN of Ohio, Mr. GUTIERREZ, Mr. HOLDEN, Mr. FILNER, Mr. KUCINICH, and Mr. STARK.
H.R. 4656: Mr. GORDON.
H.R. 4674: Mr. GRIJALVA.
H.R. 4676: Mr. SCOTT of Virginia and Ms. MAJETTE.
H.R. 4682: Ms. VELAZQUEZ, Mr. CLAY, Mr. BOEHLERT, and Mr. OWENS.
H.R. 4706: Mr. HINCHEY, Mr. FALEOMAVAEGA, Mr. NADLER, and Mr. WAXMAN.
H.R. 4712: Mr. GARRETT of New Jersey and Mr. NEUGEBAUER.
H.R. 4715: Mr. WILSON of South Carolina.
H.R. 4717: Mr. NEUGEBAUER.
H.R. 4740: Mr. CARDIN.
H.R. 4782: Mr. SULLIVAN and Mr. LUCAS of Oklahoma.
H.R. 4783: Mr. ROSS.
H.R. 4793: Ms. CARSON of Indiana, Mr. CONYERS, Mr. JACKSON of Illinois, Mrs. CHRISTENSEN, Ms. DELAURO, Mr. SCOTT of Georgia, Mr. GEORGE MILLER of California, Mr. OLVER, and Mr. BLUMENAUER.
H.R. 4838: Mr. BEAUPREZ and Mr. UDALL of Colorado.
H.R. 4849: Mr. CAMP.
H.R. 4900: Mr. CASE and Ms. ROS-LEHTINEN.
H.R. 4927: Mr. PRICE of North Carolina.
H.R. 4928: Mr. FALEOMAVAEGA.
H.R. 4936: Ms. PELOSI and Ms. DELAURO.
H.R. 4976: Mr. ALLEN.
H.R. 4979: Ms. MILLENDER-MCDONALD.
H.R. 4982: Mr. ANDREWS.
H.R. 5040: Mr. ANDREWS, Mr. MARKEY, Mr. FROST, and Mr. MORAN of Virginia.
H.R. 5046: Ms. NORTON.
H.R. 5061: Mr. HONDA, Mr. BURTON of Indiana, Mr. CARDOZA, Mr. SMITH of New Jersey, Mr. ENGLISH, Ms. LEE, Mr. CAPUANO, Mr. MARKEY, Ms. CARSON of Indiana, Mr. RANGEL, Mr. PALLONE, and Mr. GORDON.
H.R. 5068: Mr. SMITH of Texas, Mr. TURNER of Texas, Ms. JACKSON-LEE of Texas, and Mr. KENNEDY of Rhode Island.
H.R. 5069: Mr. TURNER of Texas, Mr. SMITH of Texas, Mr. SANDLIN, Ms. JACKSON-LEE of Texas, and Mr. ETHERIDGE.
H.R. 5094: Mr. PUTNAM, Mr. FEENEY, Mr. BURR, and Mr. SERRANO.
H.J. Res. 22: Mr. BASS, Mrs. CUBIN, and Mr. SANDLIN.
H.J. Res. 102: Mr. BERMAN and Mr. BURTON of Indiana.
H. Con. Res. 369: Mr. FARR.

H. Con. Res. 375: Mr. CAMP and Mr. BISHOP of Georgia.

H. Con. Res. 416: Mr. BRADLEY of New Hampshire.

H. Con. Res. 425: Mrs. NORTHUP and Mr. WAXMAN.

H. Res. 556: Mr. SCHIFF and Mr. BLUMENAUER.

H. Res. 586: Mr. PAUL.

H. Res. 641: Mr. QUINN.

H. Res. 745: Ms. KILPATRICK and Mr. FILNER.

H. Res. 746: Mr. GREEN of Texas, Mr. MORAN of Virginia, Mr. WU, and Ms. LEE.

H. Res. 755: Mr. KENNEDY of Rhode Island and Mr. WEXLER.

H. Res. 761: Mr. UDALL of Colorado, Ms. PRYCE of Ohio, Mr. SPRATT, and Ms. LORETTA SANCHEZ of California.

H. Res. 744: Mr. MCGOVERN, Mr. CARDIN, Mr. HINCHEY, Mr. VISCLOSKY, Mr. MEEKS of New York, Mr. GORDON, Mr. GREENWOOD, Ms. MCCARTHY of Missouri, Mr. CONYERS, Mr. MCDERMOTT, Mr. LAMPSON, and Ms. DELAURO.

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PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, TUESDAY, SEPTEMBER 21, 2004 No. 114

Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable MICHAEL B. ENZI, a Senator from the State of Wyoming.

The PRESIDING OFFICER. Today's prayer will be offered by Dr. Alan Keiran, Chief of Staff, Office of the Senate Chaplain.

PRAYER

The guest chaplain offered the following prayer:

Let us pray.

O God our rock and our fortress, thank You for guarding our lives. Without the unfolding of Your loving providence, we would miss life's music. You set our feet on solid ground and deliver us from our enemies. You have kept us from sorrow and sighing, for we trust You in life's storms.

Today, empower our lawmakers to be instruments of Your will. Remind them that their times are in Your hands as You shield them in Your steadfast love. Give them serenity to accept what they cannot change and courage to change what they can.

Bless the people who labor with them to keep our Nation strong. Sustain them in their work and give them Your wisdom. And bless our Nation. Strengthen her walls with righteousness and surround her with Your peace. Protect our military with Your powerful hand.

We pray this in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MICHAEL B. ENZI led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 21, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MICHAEL B. ENZI, a Senator from the State of Wyoming, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ENZI thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning there will be a period for the transaction of morning business for 3 hours. The first hour will be equally divided between the majority and minority. The second 60 minutes will be under the control of the Democratic side of the aisle, and the majority will use the final 60 minutes.

Following this morning business period, the Senate will recess until 2:15 p.m. for the weekly policy luncheons.

This afternoon, the Senate will consider the legislative branch appropriations bill. The order provides for 1 hour of debate and a vote on passage of that legislation. Senators should, therefore, anticipate a rollcall vote later today.

This week the Senate can also expect to consider the Goss nomination, once that nomination is available for full Senate consideration. We would like to do that as soon as it becomes available. It should be available shortly. So hopefully we can address that nomination tomorrow.

As mentioned yesterday, the Senate may also consider legislation which extends some of the expiring family tax provisions.

Finally, we will continue to work on agreements for some of the remaining appropriations measures. The Senate will consider those bills under short time limitations, if agreements can be reached.

GRAND OPENING OF THE NATIONAL MUSEUM OF THE AMERICAN INDIAN

Mr. FRIST. Mr. President, I want to comment very briefly on something I mentioned in the last week, and that is the grand opening of the National Museum of the American Indian. The grand opening officially is occurring today, actually in a couple of hours. This marks a milestone in American and American Indian history.

Established by an act of Congress in 1989, the museum, which we can all see from the front of the Capitol, is a tribute to the extraordinary achievements and the contributions made by American Indian culture. I had the opportunity 2 nights ago to tour that museum. It is truly remarkable, unique, and unlike any other museum in the Smithsonian group in that the stories are told by participants of the culture.

There are great collections, as so many of the institutions have. It is a cultural experience that comes alive as one goes through this museum, starting on the fourth floor, and continuing to the third, second, and first floor. It is truly remarkable.

It is right here on the National Mall, as everyone in this body knows. It is a prominent symbol of the progress we have made in recognizing and, in many ways, reconciling our shared history.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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The celebration began informally yesterday but will continue over the course of the week. There are going to be about 600,000 people participating in the celebration from around the world.

As one looks out from the front of the Capitol steps, they see the platforms for singers, dancers, and storytellers, representing nearly 40 American Indian communities, performing over the course of the week.

The museum is fascinating, and I wanted to bring that to everybody's attention. Again, I know the Democratic leader and myself will be participating in the opening of those ceremonies today.

INTELLIGENCE REFORM

Mr. FRIST. Another quick update on our progress along reform in terms of our intelligence operations, both within the Senate and outside the Senate with regard to the executive branch. The markup in the Governmental Affairs Committee has begun, with the leadership of Senator COLLINS and Senator LIEBERMAN. Senator DASCHLE and I had directed that committee in late July to appropriately respond with legislation to the 9/11 Commission recommendations. The committee's legislation, as has been presented and is being marked up, does just that. I assume that process will go on over the course of the next several days. There will be amendments and modifications on issues such as the national intelligence director and how much authority will be given the national counterterrorism center. The bill tracks very closely with the plans and decisions that have been put forward by the 9/11 Commission, although we have learned a lot since even that Commission report has been written, and also with plans put forth by the White House. All of that is being considered by that committee.

Next week we will be bringing this to the Senate floor for a full debate. It has been a very thoughtful process. The 9/11 Commission report came out in late July. We in this body have gone nonstop through late July, August, and now September, building on the foundation of really 2 or 3 years of work where we have looked at reform and appropriate organizational reorganization.

As the Democratic leader and I mentioned, October 8 is when we will be leaving, and it would be our objective, with the will of the Senate, to be able to complete the legislation before that time.

The other arm that Senator DASCHLE and I addressed by establishing a vehicle through which it could be addressed is the whole issue of what we do inside this body in terms of organizational reorganization to oversee the intelligence operations by the executive branch and the 15 intelligence agencies. That task force has met several times, both at the staff level and at the Member level. I know they have more meetings planned for this week.

The goal would be for them to come up with specific recommendations for leadership to improve our oversight functions.

So a lot is going on. As we set out, the real focus of this month or this period of time since the recess and until October 8 is the safety and security of the American people. We are working in a bipartisan way to do just that.

One last thing, the Senate Intelligence Committee will favorably report out PORTER GOSS shortly and the entire Senate will be able to confirm him this week. As I mentioned in my opening remarks, it is important to do so. It only makes sense that we have the post of Director of Central Intelligence be filled at this important time. PORTER GOSS is a highly capable man and leader, with a strong background and a lot of experience in intelligence matters. He will be able to lead the intelligence community through this period of reform.

There is a lot going on today in Washington and on the Senate floor, with the appropriations process, with intelligence organization and reorganization. We have now a little over 2 weeks to complete a very full agenda but one that the American people deserve and on which we will deliver.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

INTELLIGENCE REFORM

Mr. DASCHLE. Mr. President, I will comment on the progress that the majority leader referenced with regard to both the Governmental Affairs Committee work as well as the task force. This is one of those, unfortunately, all too rare occurrences where there is real bipartisan partnership and participation. Both Senator COLLINS and Senator LIEBERMAN deserve great credit for bringing the committee to a point where they can begin the markup this morning. It is our expectation that we will address that important legislation next week. In fact, we have made a decision that on Thursday we will have a special caucus just to talk about the legislation. I hope we can work through that bill and complete it, as the majority leader has proposed.

Also, Senator REID and Senator MCCONNELL have done an outstanding job in narrowing the focus, as we look at ways with which to improve oversight. That, too, is on track. It would be my hope that we would complete our work on congressional reorganization as well before the end of this session. Given the progress they have made, I am optimistic about our prospects for doing exactly that.

ORDER OF PROCEDURE

Before I get into my leader time, I ask unanimous consent that during the first hour of time allocated to the Democratic caucus that Senator KENNEDY be given the first 20 minutes, Senator HARKIN be given 10 minutes, and then Senator LINCOLN 15 minutes, Senator CONRAD 20 minutes, and Senator DAYTON 10 minutes in the second hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

OPENING OF THE SMITHSONIAN INSTITUTION'S NATIONAL MUSEUM OF THE AMERICAN INDIAN

Mr. DASCHLE. Mr. President, this is a happy and historic day for all Americans, and especially for the First Americans. Right now, about a dozen blocks from this Capitol, an estimated 15- to 20,000 Native Americans representing tribes from South Dakota to South America are beginning a grand procession down Pennsylvania Avenue. The procession is the largest gathering ever of American Indians in our Nation's Capital. As someone from South Dakota, proud homeland of the Great Sioux Nation, I can tell you, it is an incredibly beautiful sight.

The procession marks the beginning of a week-long festival in Washington celebrating the opening of the spectacular new National Museum of the American Indian. The new museum—part of the Smithsonian Institution—is America's only national museum dedicated to Native Americans. And it is the largest museum in the world dedicated to telling the story of indigenous people in their own authentic voices. Every detail reflects the views of Native people, from the text of the exhibits to the menu in the museum restaurant. The building itself was designed by the famed Native architect, Douglas Cardinal. Its curved exterior walls, made of rough-hewn limestone, suggest the ancient cliff dwellings of the American Southwest.

Inside those walls are 8,000 extraordinary artifacts representing more than 10,000 years of history from more than 1,000 indigenous communities fromas far north as Alaska and as far south as Chile. The museum includes three permanent exhibits. ''Our Universes'' features the spiritual beliefs of native communities, including the Oglala Sioux Tribe. ''Our Peoples'' looks at historical events through native eyes. ''Our Lives'' focuses on native people today. There is also space for changing exhibits of artwork by contemporary Native artists, and large spaces for Native American ceremonies and performances. In this museum, Native people and communities are not anthropological oddities or historical footnotes. They are not stereotypes. They are vibrant, living cultures.

I want to commend the museum's director, Dr. Richard West, a member of the Southern Cheyenne nation, and all of museum's dedicated staff and volunteers, who have worked so hard to make the dream a reality, including assistant curator Emil Her Many

Horses, a native of Pine Ridge, who was raised on Rosebud.

I also want to thank our colleague, Senator BEN NIGHTHORSE CAMPBELL, a long-time champion of the museum. I especially want to thank my dear friend, Senator DAN INOUYE, co-chairman, with Senator CAMPBELL, of the Senate Committee on Indian Affairs, and the original sponsor in 1987 of the bill creating the National Museum of the American Indian. No Senator has ever worked longer or harder to get our government to honor its trust and treaty obligations to Native American tribes, to Native Hawaiians and Alaska Natives than DANNY INOUYE, and I am proud to be able to work with him to keep those sacred commitments.

As many as 6 million visitors are expected to visit the National Museum of the American Indian every year. They will come away with a deeper understanding of America's rich Native cultures. It will lead, it is hoped, to a healing and reconciliation between Native Americans and those of us whose families came here from other nations.

It is moving to see this living monument to the First Americans take its rightful place on our National Mall, along side our Nation's other great monuments. At the same time, we know that there are priceless cultural and historical artifacts all across Indian Country that also must be preserved.

I would like to tell you about one such treasure: an extraordinary collection of letters known as ''The Dakota Letters.'' They were written 140 years ago by members of the Dakota Nation, the original inhabitants of what is now Minnesota. Four years ago, copies of 150 of the Dakota Letters found their way to the home of some of the descendants of the original letter writers: the Sisseton Wahpeton reservation in eastern South Dakota. What makes these letters rare—and possibly unique—is that they provide first-person, written accounts of a tragic and little-known chapter in our Nation's history—as seen through Native eyes.

That chapter has been called many things. The first accounts, written by white historians in the 1880s and 1890s, referred to it as ''the Great Sioux Massacre.'' Later, it was called ''the Sioux Uprising.'' Today, it is known as ''the U.S.-Dakota Conflict—some say the U.S. -Dakota War—of 1862. It was the opening of the Great Plains Indian Wars, three decades of armed resistance by Plains Indians against white settlers and government soldiers.

The roots of the Dakota Conflict stretch back to 1851, when the Dakota were coerced into signing treaties giving 90 percent of their land, including their hunting grounds, to the U.S. government. The government promised the Dakota annual payments of gold and goods for the land, as well as help building schools and farms. The promises were never kept.

A decade later, in August of 1862, the Dakota were starving. The annuity payments were late and the government agent refused to sell on credit food that was being stored in warehouses for sale to the Dakota. When Dakotas complained, he stunned them by telling them to ''eat grass.'' Four days later, a hunting party of hungry Dakota youth killed five white settlers in a dispute over some stolen eggs. It was the spark that ignited the war.

Reluctantly, some of the Dakota chiefs chose to go to war rather than surrender the young men for hanging. Some hoped that the Army might be so distracted by the Civil War that the Dakota could drive them from the Plains. That was a tragic miscalculation.

The fighting lasted 38 days, raging across the Minnesota River Valley, south to Iowa and west to the Dakotas. Most Dakota people opposed the war and did not fight. Many risked their lives to save white settlers. When the war ended, nearly 100 American soldiers, approximately 359 settlers and an estimated 29 Dakota soldiers were dead.

Most of the Dakota warriors who led the fighting escaped north. Nearly 400 men who remained were captured and taken to a prison in Mankato, MN, where they were tried by a military commission. As many as 40 trials were conducted in a single day—a single day. The prisoners were all denied counsel. Many spoke no English and most likely did not understand the charges against them.

Of the 393 men tried, 323 were convicted, and 303 were sentenced to die. President Lincoln commuted all but 38 of the death sentences. The 38 condemned men were hanged in the Mankato prison the morning after Christmas of 1862 in what remains the largest public execution in our Nation's history. Among the 38 were men who almost certainly had not taken part in the fighting and two men whose names were not even on the list of the condemned.

For the rest of the Dakota people, the worst was still to come. After losing the war, they lost their nation. In March of 1863, the Dakota prisoners at Mankato were sent to Camp McClellan in Davenport, IA. More than 1,600 other Dakota people who had nothing to do with the war were also taken captive after the war and held at Fort Snelling, MN. In April of 1863, they were forcibly removed to Crow Creek, SD. That same month, Congress cancelled all treaties with the Dakota and used the money that had been promised to the Dakota to pay claims by settlers. Hundreds of Dakota family members died at Fort Snelling. Hundreds more died on the way to Crow Creek, and many more died on the Crow Creek reservation. Eventually, some of the families moved from Crow Creek to Sisseton Wahpeton. It is there, 140 years later, that the letters of the Dakota prisoners have been translated into modern English by their descendants.

Like the exhibits in the new museum, the Dakota Letters speak in the authentic voices of the First Americans. The writers speak of their love and concern for their families. They also speak of their uncertainty and their fears. One of the most extraordinary of the letters was written 3 days after the assassination of President Lincoln, whom the Dakota call respectfully ''Grandfather.'' The letter was written by a man named Moses Many Lightning Face to a missionary the Dakota prisoners trusted and referred to as a relative. The writer expresses fear about what might happen to the Dakota prisoners now that the man who had spared their life once was dead. These are his words:

> Well, my relative, I wish to write you a letter. We have heard the news. They say that Grandfather was killed. But someone of authority should tell us if this is not true. Thus, I write to you this letter. Also, I have heard some rumors. Grandfather has compassion for us and, so far, we are still alive. But they told us he was killed, and we are saddened. Those of us here think if this is so, we are heartbroken. Perhaps the attitude of the cavalry soldiers may change toward us. Tell me what your thoughts are; I want to know; that's why I write to you. Then I wish to hear exactly how they killed Grandfather. . . . This is all I am going to say. I shake all your hands. Moses Many Lightning Face. This is me.

What makes the Dakota Letters so rare is that, like most Native American languages, Dakota in the mid-1800s was not a written language. Missionaries developed a written form of the language to teach the Bible to the Dakota. The missionaries who visited the Dakota prisoners taught it to them.

In Sisseton Wahpeton, the letters were translated by five tribal elders, working with Dakota language and history experts from Sisseton Wahpeton College. It was a complicated process more like code-breaking than simple translation. The words are first translated from Dakota, then into literal English, then into modern English. The translation of the letter to President Lincoln shows this process. I ask consent that it be printed in the RECORD immediately following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DASCHLE. Mr. President, like the exhibits in the new museum, the Dakota Letters illustrate in a powerful way that we do not have separate histories, but we see the same history through different eyes. This gift of being able to see our history from others' perspectives can only help heal our Nation and make us stronger.

I believe strongly that the Federal Government, which had such a direct hand, for so long, in efforts to destroy Native cultures, has a responsibility to help preserve these cultures not just on the National Mall in Washington, but in tribal communities throughout America. And we are making a start.

Next month, the first applications will go out for a new grant programs

for tribal museums. Under the Native American/Native Hawaiian Museum Services Program, tribes can receive grants of up to $20,000 a year. The museum program, and a similar program to support tribal libraries, are both administered by the Institute of Museum and Library Sciences.

The Tribal Historic Preservation Program in the National Park Service gives tribes control of decisions about cultural preservation on tribal lands by establishing tribal historic preservation offices, just like State historic preservation offices.

The Native American Graves Protection and Repatriation Act, passed in 1990, lays out a process to identify Native American sacred and funerary objects and return them to their people.

In Sisseton Wahpeton, tribal elders and educators hope to use technology to record translation sessions of the Dakota Letters and use the recordings to teach the Dakota language. They also want to use distance learning to teach Dakota history and culture lessons based on the letters. They can't do that now because they have run out of money for the Dakota Letters project. An amendment Senator INOUYE is sponsoring to the Native American Languages Act might help the tribe finish the Dakota Letters project. It would provide additional resources for immersion schools and other intensive efforts to save Native American languages—which we are now losing at the alarming rate of one each month.

All of these efforts, and more, need and deserve the support of Congress.

Newspaper accounts of the executions of the Dakota prisoners at Mankato note that the men met their deaths with courage and dignity, chanting a Dakota death song. One reporter recorded that their final words were a simple plea for recognition: ''I am here.''

Those same words echo from every ancient corner of this Nation. Long before Europeans and others arrived, Native Americans were here. And they are still here today, greatly enriching our national identity and culture. On this happy and historic day, as we celebrate the opening of America's spectacular new National Museum of the American Indian, let us also celebrate the Native American history and culture that exists all across America. And let us vow to work together to preserve that history and culture everywhere it exists.

EXHIBIT 1

1. mitakuye ito wowapi cicage kta wacin nakaha wotanin naonhonpi
2. Well, my relative, I want to give you this paper now we have heard news
3. Well, my relative I wish to write you a letter, we have heard news.

1. tonkansidon ktepi keyapi
2. They said they killed Grandfather.
3. They have said that Grandfather (Abraham Lincoln) was killed.

1. tuka hecen tuwe taku tanyan onkokiyakapi kta iyecece sni
2. But then someone should tell us if this is not true.
3. But someone of authority should tell us if this is not true.

1. hecen mitakuye wowapi cicu
2. Thus, my relative, I give you this paper
3. Thus, I write to you this letter.

1. eya taku wanjikj nawahon
2. To say, I have heard several rumors
3. Also I have heard some rumors

1. tonkansidan he onsiondapi qa dehanyan nionyakonpi
2. Grandfather had compassion for us, and so far we are still alive
3. Grandfather has compassion for us, and so far we are still alive.

1. tuka hecen nakaha ktepi keyapi heon cante onsicapi
2. but then now they killed him they said therefore our hearts are sad.
3. but they told us he was killed, and we are saddened.

1. tona onkiyukcanpi hecinhan ehna cante onsicapi
2. Some we think if this is so, we are heartbroken.
3. Those of us here think if this is so, we are heartbroken.

1. hehan hecan isantanka kin hecen tokan kante onkiyuzapi kta naceca
2. Then this Big Knives the thus how heart hold us will maybe
3. Perhaps the attitude of the calvary soldiers may change toward us.

1. idukcan hecinhan omayakidaka wacin qa heon wowapi cicage ye do
2. what you think, if you tell me, I want, therefore paper I make for you.
3. Tell me what your thoughts are, I want to know, that's why I write to you.

1. hehan tonkansidan token ktepi hecinhan he tanyan nawahon kta wacin
2. then Grandfather how they killed him if this is good I hear will I want.
3. Then I wish to hear exactly how they killed Grandfather.

1. hehan eya anpetu waken eca token owakihi waokun wicawakiye
2. Then to say day holy when how I am able to preach to them
3. Then, also on Sundays when I am able I do the preach to them.

1. henana epe kte owasin nape ciyuzapi
2. That's all, I say will all hand they shake,
3. This is all I'm going to say, I shake all your hands.

Mowis Itewakanhdiota—he miye
Moses Many Lightning Face—This is me.

Translation key:
1. original Dakota
2. Dakota to English
3. English translation

Mr. DASCHLE. Mr. President, I ask unanimous consent that my leader comments not be taken from the first hour of the Democratic allocation of time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARPER. Mr. President, will the minority leader yield?

Mr. DASCHLE. I am happy to yield to the Senator from Delaware.

ASBESTOS EXPOSURE

Mr. CARPER. I thank the Senator.

The minority leader has spoken about the injustice done to the Dakota over a century ago, and we are endeavoring this year in this Congress to address another injustice; that is, the injustice where people are sick and dying from asbestos exposure and are not getting the money they and their families need. People who are not sick are drawing off money that should be going to those who desperately need it. We have companies going bankrupt, with people being displaced and losing their jobs. It is a bad situation, a terrible situation. We can fix it.

I thank my leader for his extraordinary courage in pushing forward a proposal to further narrow our differences with our Republican colleagues. If you think about all of the areas of progress, we have agreed there should be a trust fund, we have agreed there should be a trust fund, and on how it should be administered; we have agreed on how much money should go into the trust fund; we have agreed the money should be fully allocated to meet the claims out there; we have agreed on medical criteria; we have agreed on 10 different levels of impairment. We have basically agreed on the claims. While there are several areas in which we still have some differences to agree on, we have made extraordinary progress.

I commend Senator DASCHLE for his leadership in getting us close to this point. I have urged Senator FRIST, who has left the floor, to invite Senator DASCHLE to sit down and resolve the remaining differences between the two leaders.

This can be done, and it should be done this year, and we should not leave here without completing this job.

Mr. DASCHLE. Mr. President, if I may respond to the distinguished Senator, I compliment him on his insistence and extraordinary determination. One of the reasons we have made progress is because of his great persistence and his ability to bring together the consensus that is so necessary if we are going to achieve final success. As he has noted, we have come a long way. It has been my pleasure to work with him as we have traveled the road together to reach this point where we find, as he has noted, just a few differences. It is my hope we can still work it out prior to the end of this session of Congress. I thank him for his kind words and for his leadership.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

NATIVE AMERICAN MUSEUM

Mr. KENNEDY. Mr. President, I congratulate the leader for his statement about the opening of the Native American Museum today, and also for his

recitation of the historic and incredible times in terms of the history of the United States and the Dakota tribes. It was enormously interesting.

As we all know, this issue in terms of Native American land and rights is something that is incredibly close to the heart of my friend, the Senator from South Dakota. I thank him for this statement this morning, particularly on this day of celebration for so many Native Americans. It was an extraordinary statement and comment about our history. All of us would be better citizens if we took to heart the history of our country and its history in regard to Native Americans. I thank him for his comments.

Mr. President, I ask unanimous consent to be reminded when I have only 1 minute left out of the time left to me.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR KERRY'S IRAQ PLAN

Mr. KENNEDY. Mr. President, yesterday, Senator KERRY laid out his plan for Iraq and for enlisting international support to ease the burden on our troops, restoring stability to Iraq, and bringing our troops home in honor. It is a clear warning that conditions are worsening in Iraq and changes are urgently needed. His speeches have been praised for his thoughtfulness and realistic vision for advancing America's interests in that troubled region.

I ask unanimous consent to have Senator KERRY's speech printed in the RECORD.

There being no objection, the materials was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 20, 2004]

KERRY LAYS OUT IRAQ PLAN

Following is the text of Democratic presidential candidate John Kerry's speech delivered in New York.

(Joined in progress) KERRY: I am really honored to be here at New York University, at NYU Wagner, one of the great urban universities in America. Not just in New York, but in the world. You've set a high standard, you always set a high standard for global dialogue, as Ellen (ph) mentioned a moment ago. And I intend to live up to that tradition here today. This election is about choices. The most important choices a president makes are about protecting America, at home and around the world. A president's first obligation is to make America safer, stronger and truer to our ideals.

Only a few blocks from here, three years ago, the events of September 11th remind every American of that obligation. That day brought to our shores the defining struggle of our times: the struggle between freedom and radical fundamentalism. And it made clear that our most important task is to fight and to win the war on terrorism.

With us today is a remarkable group of women who lost loved ones on September 11th, and whose support I am honored to have. Not only did they suffer unbearable loss, but they helped us as a nation to learn the lessons of that terrible time by insisting on the creation of the 9/11 Commission.

I ask them to stand, and I thank them on behalf of our country, and I pledge to them, and to you, that I will implement the 9/11 recommendations. Thank you.

In fighting the war on terrorism my principles are straightforward. The terrorists are beyond reason. We must destroy them. As president I will do whatever it takes, as long as it takes, to defeat our enemies.

But billions of people around the world, yearning for a better life, are open to America's ideals. We must reach them.

To win, America must be strong and America must be smart.

The greatest threat that we face is the possibility of Al Qaida or other terrorists getting their hands on nuclear weapons. To prevent that from happening we have to call on the totality of America's strength: strong alliances to help us stop the world's most lethal weapons from falling into the most dangerous hands; a powerful military, transformed to meet the threats of terrorism and the spread of weapons of mass destruction; and all of America's power—our diplomacy, our intelligence system, our economic power, our appeal to the values, the values of Americans, and to connect them to the values of other people around the world—each of which is critical to making America more secure and to preventing a new generation of terrorists from emerging.

We owe it to the American people to have a real debate about the choices President Bush has made, and the choices I would make and have made, to fight and win the war on terror.

That means that we must have a great and honest debate on Iraq.

The president claims it is the centerpiece of his war on terror. In fact, Iraq was a profound diversion from that war and the battle against our greatest enemy.

Iraq was a profound diversion from that war and from our greatest enemy, Osama bin Laden and the terrorists.

Invading Iraq has created a crisis of historic proportions and if we do not change course, there is the prospect of a war with no end in sight.

This month, we passed a cruel milestone: more than 1,000 Americans lost in Iraq. Their sacrifice reminds us that Iraq remains overwhelmingly an American burden. Nearly 90 percent of the troops and nearly 90 percent of the casualties are American.

Despite the president's claims, this is not a grand coalition.

Our troops have served with extraordinary bravery and skill and resolve. Their service humbles all of us. I visited with some of them in the hospitals and I am stunned by their commitment, by their sense of duty, their patriotism. When I speak to them, when I look into the eyes of their families, I know this: We owe them the truth about what we have asked them to do and what is still to be done.

Would you all join me? My wife Teresa has made it through the traffic, and I'm delighted that she is here. Thank you.

In June, the president declared, The Iraqi people have their country back. And just last week he told us, This country is headed toward democracy; freedom is on the march. But the administration's own official intelligence estimate, given to the president last July, tells a very different story.

According to press reports, the intelligence estimate totally contradicts what the president is saying to the American people and so do the facts on the ground.

Security is deteriorating for us and for the Iraqis. Forty-two Americans died in Iraq in June, the month before the handover. But 54 died in July, 66 in August and already 54 halfway through September. And more than 1,100 Americans were wounded in August; more than in any other month since the invasion.

We are fighting a growing insurgency in an ever-widening war zone. In March, insurgents attacked our forces 700 times. In August, they attacked 2,700 times; a 400 percent increase.

Fallujah, Ramadi, Samarra and parts of Iraq are now no-go zones, breeding grounds for terrorists, who are free to plot and to launch attacks against our soldiers.

The radical Shia cleric Muqtada al-Sadr, who is accused of complicity in the murder of Americans, holds more sway in suburbs of Baghdad than the prime minister.

Violence against Iraqis, from bombings to kidnappings to intimidation, is on the rise.

Basic living conditions are also deteriorating.

Yes, there has been some progress. Thanks to the extraordinary efforts of our soldiers and civilians in Iraq, schools, shops and hospitals have been opened in certain places. In parts of Iraq, normalcy actually prevails.

But most Iraqis have lost faith in our ability to be able to deliver meaningful improvements to their lives. So they're sitting on the fence, instead of siding with us against the insurgents.

That is the truth, the truth that the commander in chief owes to our troops and to the American people.

Now, I will say to you, it is never easy to discuss what has gone wrong while our troops are in constant danger. But it is essential if you want to correct the course and do what's right for those troops, instead of repeating the same old mistakes over and over again.

I know this dilemma firsthand. I saw firsthand what happens when pride or arrogance take over from rational decision-making. And after serving in a war, I returned home to offer my own personal views of dissent. I did so because I believed strongly that we owed it to those risking their lives to speak truth to power. And we still do.

Saddam Hussein was a brutal dictator who deserves his own special place in Hell. But that was not—that was not, in and of itself, a reason to go to war.

The satisfaction that we take in his downfall does not hide this fact: We have traded a dictator for a chaos that has left America less secure.

Now, the president has said that he miscalculated in Iraq, and that it was a catastrophic success.

The first and most fundamental mistake was the president's failure to tell the truth to the American people.

He failed to tell the truth about the rationale for going to war, and he failed to tell the truth about the burden this war would impose on our soldiers and our citizens.

By one count, the president offered 23 different rationales for this war. If his purpose was to confuse and mislead the American people, he succeeded.

His two main rationales, weapons of mass destruction and the Al Qaida-September 11th connection, have both been proved false by the president's own weapons inspectors and by the 9/11 Commission.

And just last week, Secretary of State Powell acknowledged those facts. Only Vice President Cheney still insists that the Earth is flat.

The president also failed to level with the American people about what it would take to prevail in Iraq. He didn't tell us that well over 100,000 troops would be needed for years, not months. He didn't tell us that he wouldn't take the time to assemble a genuine, broad, strong coalition of allies. He didn't tell us that the cost would exceed $200 billion. He didn't tell us that even after paying such a heavy price, success was far from assured.

And America will pay an even heavier price for the president's lack of candor.

At home, the American people are less likely to trust this administration if it needs to summon their support to meet real and pressing threats to our security.

In the dark days of the Cuban missile crisis, President Kennedy sent former Secretary of State Dean Acheson to Europe to build support. Acheson explained the situation to French President de Gaulle. Then he offered to show him highly classified satellite photos as proof. De Gaulle waved him away, saying, The word of the president of the United States is good enough for me.

How many world leaders have that same trust in America's president today? This president's failure to tell the truth to us and to the world before the war has been exceeded by fundamental errors of judgment during and after the war.

The president now admits to miscalculations in Iraq. Miscalculations: This is one of the greatest underestimates in recent American history.

His miscalculations were not the equivalent of accounting errors. They were colossal failures of judgment, and judgment is what we look for in a president.

And this is all the more stunning, because we're not talking about 20/20 hindsight, we're not talking about Monday morning quarterbacking. Before the war, before he chose to go to war, bipartisan congressional hearings, major outside studies and even some in his own administration, predicted virtually every problem that we face in Iraq today.

The result is a long litany of misjudgments with terrible and real consequences.

The administration told us we would be greeted as liberators; they were wrong. They told us not to worry about the looting or the sorry state of Iraq's infrastructure; they were wrong. They told us we had enough troops to provide security and stability, defeat the insurgents, guard the borders and secure the arms depots; they were tragically wrong.

They told us we could rely on exiles like Ahmed Chalabi to build political legitimacy; they were wrong. They told us we would quickly restore an Iraqi civil service to run the country, and a police force and an army to secure it; they were wrong.

In Iraq, this administration has consistently overpromised and underperformed. And this policy has been plagued by a lack of planning, by an absence of candor, arrogance and outright incompetence.

And the president has held no one accountable, including himself.

In fact, the only officials—the only officials who've lost their jobs over Iraq were the ones who told the truth.

Economic adviser Larry Lindsey said it would cost as much as $200 billion. Pretty good calculation. He was fired.

After the successful entry into Baghdad, George Bush was offered help from the U.N., and he rejected it, stiff-armed them, decided to go it alone. He even prohibited nations from participating in reconstruction efforts because they weren't part of the original coalition, pushing reluctant countries even further away. And as we continue to fight this war almost alone, it is hard to estimate how costly that arrogant decision really was.

Can anyone seriously say this president has handled Iraq in a way that makes America stronger in the war on terrorism?

AUDIENCE: No!

KERRY: By any measure, by any measure, the answer is no.

Nuclear dangers have mounted across the globe. The international terrorist club has expanded. Radicalism in the Middle East is on the rise. We have divided our friends and united our enemies. And our standing in the world is at an all-time low.

Think about it for a minute. Consider where we were and where we are.

After the events of September 11th, we had an opportunity to bring our country and the world together in a legitimate struggle against terrorists. On September 12th, headlines and newspapers abroad declared that, We are all Americans now.

But through his policy in Iraq, the president squandered that moment and, rather than isolating the terrorists, left America isolated from the world.

We now know that Iraq had no weapons of mass destruction, and posed no imminent threat to our security.

The president's policy in Iraq took our attention and our resources away from other more serious threats to America, threats like North Korea, which actually has weapons of mass destruction, including a nuclear arsenal, and is building more right now under this president's watch; the emerging nuclear danger of Iran; the tons and kilotons of unsecured chemical and nuclear weapons in Russia; and the increasing instability in Afghanistan.

Today, warlords again control much of that country, the Taliban is regrouping, opium production is at an all-time high and the Al Qaida leadership still plots and plans, not only there, but in 60 other nations.

Instead of using U.S. forces, we relied on warlords, who one week earlier had been fighting on the other side, to go up in the mountains to capture Osama bin Laden when he was cornered. He slipped away.

We then diverted our focus and our forces from the hunt for those who were responsible for September 11th in order to invade Iraq.

We know now that Iraq played no part. We knew then on September 11th. And it had no operational ties to Al Qaida.

The president's policy in Iraq precipitated the very problem that he said he was trying to prevent.

Secretary of State Powell admits that Iraq was not a magnet for international terrorists before their war; now it is, and they are operating against our troops.

Iraq is becoming a sanctuary for a new generation of terrorists who could someday hit the United States of America.

And we know that while Iraq was a source of friction, it was not previously a source of serious disagreement with our allies in Europe and countries in the Muslim world.

The president's policy in Iraq divided our oldest alliance and sent our standing in the Muslim world into freefall.

Three years after 9/11, even in many moderate Muslim countries, like Jordan, Morocco and Turkey, Osama bin Laden is more popular than the United States of America.

Two years ago, Congress was right to give the president the authority to use force to hold Saddam Hussein accountable. This president, any president, would have needed that threat of force to act effectively. This president misused that authority.

The power entrusted to the president purposefully gave him a strong hand to play in the international community. The idea was simple: We would get the weapons inspectors back in to verify whether or not Iraq had weapons of mass destruction and we would convince the world to speak with one voice to Saddam, disarm or be disarmed.

A month before the war, President Bush told the nation, If we have to act, we will take every precaution that is possible. We will plan carefully. We will act with the full power of the United States military. We will act with allies at our side and we will prevail.

Instead, the president rushed to war, without letting the weapons inspectors finish their work. He went purposefully, by choice, without a broad and deep coalition of allies. He acted by choice, without making sure that our troops even had enough body armor. And he plunged ahead by choice, without understanding or preparing for the consequences of postwar. None of which I would have done.

Yet today, President Bush tells us that he would do everything all over again the same way.

How can he possibly be serious? Is he really saying to America that if we know there was no imminent threat, no weapons of mass destruction, no ties to Al Qaida, the United States should have invaded Iraq?

My answer: resoundingly, no, because a commander in chief's first responsibility is to make a wise and responsible decision to keep America safe.

Now the president is looking for a reason, a new reason to hang his hat on—it's the capability to acquire weapons.

Well, ladies and gentlemen, my fellow Americans, that was not the reason given to the nation, that was not the reason the Congress voted on. That is not a reason today; it is an excuse.

Thirty-five to 40 countries have greater capability to build a nuclear bomb than Iraq did in 2003. Is President Bush saying we should invade all of them?

I would have personally concentrated our power and resources on defeating global terrorism and capturing Osama bin Laden.

I would have tightened the noose and continued to pressure and isolate Saddam Hussein—who was weak and getting weaker—so that he would pose no threat to the region or to America.

The president's insistence that he would do the same thing all over again in Iraq is a clear warning for the future. And it makes the choice in this election clear: more of the same with President Bush or a new, smarter direction with John Kerry that makes our troops and America safer. That's the choice.

It is time, at long last, to ask the questions and insist on the answers from the commander in chief about his serious misjudgments and what they tell us about his administration and the president himself.

In Iraq, we have a mess on our hands. But we cannot just throw up our hands, we cannot afford to see Iraq become a permanent source of terror that will endanger America's security for years to come.

All across this country, people ask me and others, what we should do now every stop of the way. From the first time I spoke about this in the Senate, I have set out a specific set of recommendations from day one, from the first debate until this moment. I have set out specific steps of how we should not and how we should proceed.

But over and over, when this administration has been presented with a reasonable alternative, they have rejected it and gone their own way. This is stubborn incompetence.

Five months ago in Fulton, Missouri, I said that the president was close to his last chance to get it right. Every day this president makes it more difficult to deal with Iraq, harder than it was five months ago, harder than it was a year ago, a year and a half ago.

It's time to recognize what is and what is not happening in Iraq today and we must act with urgency.

Just this weekend, a leading Republican, Chuck Hagel, said that, we're in deep trouble in Iraq. It doesn't add up to a pretty picture, he said, and we're going to have to look at a recalibration of our policy.

Republican leaders like Dick Lugar and John McCain have offered similar assessments.

We need to turn the page and make a fresh start in Iraq.

First, the president has to get the promised international support so our men and women in uniform don't have to go it alone.

Last spring, after too many months of delay, after reluctance to take the advice of so many of us, the president finally went back to the U.N., and it passed Resolution 1546. It was the right thing to do, but it was late.

That resolution calls on U.N. members to help in Iraq by providing troops, trainers for Iraq's security forces and a special brigade to protect the U.N. mission, and more financial assistance and real debt relief.

But guess what? Three months later, not a single country has answered that call, and the president acts as if it doesn't matter.

And of the 13 billion that was previously pledged to Iraq by other countries, only $1.2 billion has been delivered.

The president should convene a summit meeting of the world's major powers and of Iraq's neighbors, this week, in New York, where many leaders will attend the U.N. General Assembly, and he should insist that they make good on the U.N. resolution. He should offer potential troop contributors specific but critical roles in training Iraqi security personnel and in securing Iraqi borders. He should give other countries a stake in Iraq's future by encouraging them to help develop Iraq's oil resources and by letting them bid on contracts instead of locking them out of the reconstruction process.

Now, is this more difficult today? You bet it is. It's more difficult today because the president hasn't been doing it from the beginning. And I and others have repeatedly recommended this from the very beginning.

Delay has only made it harder. After insulting allies and shredding alliances, this president may not have the trust and the confidence to bring others to our side in Iraq.

But I'll tell you, we cannot hope to succeed unless we rebuild and lead strong alliances so that other nations share the burden with us. That is the only way to be successful in the end.

Second, the president must get serious about training Iraqi security forces.

Last February, Secretary Rumsfeld claimed that—claimed that more than 210,000 Iraqis were in uniform. This is the public statement to America.

Well, guess what, America? Neither number bears any relationship to the truth.

For example, just 5,000 Iraqi soldiers have been fully trained by the administration's own minimal standards. And of the 35,000 police now in uniform, not one—not one has completed a 24–week field training program.

Is it any wonder that Iraqi security forces can't stop the insurgency or provide basic law and order?

The president should urgently expand the security forces' training program inside and outside of Iraq. He should strengthen the vetting of recruits, double the classroom training time, require the follow-on field training. He should recruit thousands of qualified trainers from our allies, especially those who have no troops in Iraq. He should press our NATO allies to open training centers in their countries.

And he should stop misleading the American people with phony, inflated numbers and start behaving like we really are at war.

Third, the president must carry out a reconstruction plan that finally brings tangible benefits to the Iraqi people, all of which, may I say, should have been in the plan and immediately launched with such a ferocity that there was no doubt about America's commitment or capacity in the very first moments afterwards. But they didn't plan.

He ignored his own State Department's plan, he discarded it.

Last week, the administration admitted that its plan was a failure when it asked Congress for permission to radically revise the spending priorities in Iraq. It took them 17 months for them to understand that security is a priority, 17 months to figure out that boosting oil production is critical, 17 months to conclude that an Iraqi with a job is less likely to shoot at our soldiers.

One year ago, this administration asked for and received $18 billion to help the Iraqis and relieve the conditions that contribute to the insurgency. Today, less than $1 billion of those funds have actually been spent. I said at the time that we have to rethink our policies and set standards of accountability, and now we're paying the price for not doing that.

He should use more Iraqi contractors and workers instead of big corporations like Halliburton.

In fact, he should stop paying companies under fraud investigation or corruption investigation. And he should fire the civilians in the Pentagon who are responsible for mismanaging the reconstruction effort.

Fourth, the president must take immediate, urgent, essential steps to guarantee that the promised election can be held next year. Credible elections are key to producing an Iraqi government that enjoys the support of the Iraqi people and an assembly that could write a constitution and yields a viable power-sharing agreement.

Because Iraqis have no experience in holding free and fair elections, the president agreed six months ago that the U.N. must play a central role, yet today, just four months before Iraqis are supposed to go to the polls, the U.N. Secretary General and administration officials say elections are in grave doubt, because the security situation is so bad, and because not a single country has yet offered troops to protect the U.N. elections mission.

The president needs to tell the truth. The president needs to deal with reality, and he should recruit troops from our friends and allies for a U.N. protection force.

Now, this is not going to be easy. I understand that.

Again, I repeat, every month that's gone by, every offer of help spurned, every alternative not taken for these past months has made this more difficult and those were this president's choices. But even countries that refused to put boots on the ground in Iraq ought to still be prepared to help the United Nations hold an election.

We should also intensify the training of Iraqis to manage and guard the polling places that need to be opened. Otherwise, U.S. forces will end up bearing that burden alone.

If the president would move in this direction, if he would bring in more help from other countries to provide resources and to train the Iraqis to provide their own security and to develop a reconstruction plan that brings real benefits to the Iraqi people, and take the steps necessary to hold elections next year, if all of that happened, we could begin to withdraw U.S. forces starting next summer and realistically aim to bring our troops home within the next four years.

That can achieved.

This is what has to be done. This is what I would do if I were president today. But we can't afford to wait until January and I can't tell you what I will find in Iraq on January 20th.

President Bush owes it to the American people to tell the truth and put Iraq on the right track. Even more, he owes it to our troops and their families whose sacrifice is a testament to the best of America.

The principles that should guide American policy in Iraq now and in the future are clear. We must make Iraq the world's responsibility, because the world has a stake in the outcome and others should have always been bearing the burden.

That's the right way to get the job done. It always was the right way to get the job done to minimize the risk to American troops and the cost to American taxpayers. And it is the right way to get our troops home.

On May 1st of last year, President Bush stood in front of a now-infamous banner that read Mission accomplished. He declared to the American people that, In the battle of Iraq, the United States and our allies have prevailed.

In fact, the worst part of the war was just beginning, with the greatest number of American casualties still to come.

The president misled, miscalculated and mismanaged every aspect of this undertaking and he has made the achievement of our objective—a stable Iraq, secure within its borders, with a representative government—far harder to achieve than it ever should have been.

In Iraq, this administration's record is filled with bad predictions, inaccurate cost estimates, deceptive statements and errors of judgment, presidential judgment, of historic proportions.

At every critical juncture in Iraq and in the war on terrorism, the president has made the wrong choice.

I have a plan to make America stronger.

The president often says that in a post–9/11 world we can't hesitate to act. I agree. But we should not act just for the sake of acting.

George Bush has no strategy for Iraq. I do and I have all along.

George Bush has not told the truth to the American people about why we went to war and how the war is going. I have and I will continue to do so.

I believe the invasion of Iraq has made us less secure and weaker in the war on terrorism. I have a plan to fight a smarter, more effective war on terror that actually makes America safer.

Today, because of George Bush's policy in Iraq, the world is a more dangerous place for America and Americans; just ask anyone who travels.

If you share my conviction that we cannot go on as we are, that we can make America stronger and safer than it is, then November 2nd is your chance to speak and to be heard.

It is not a question of staying the course, but of changing the course.

I am convinced that with the right leadership, we can create a fresh start, move more effectively to accomplish our goals.

Our troops have served with extraordinary courage and commitment. For their sake, for America's sake, we have to get this right. We have to do everything in our power to complete the mission and make America stronger at home and respected again in the world.

Thank you, God bless you and God bless the United States of America.

Thank you.

WIDENING OF THE INCOME GAP

Mr. KENNEDY. Mr. President, I draw to the attention of the Senate an issue which many of us have been concerned about for some period of time. Now it has reached the front page of some of the leading newspapers of this country, and it is something that is of central concern to families all over this Nation. I refer to the excellent opening yesterday of a series by the Washington Post, yesterday's called ''As Income Gap Widens, Uncertainty Spreads.'' This is an enormously interesting column.

I ask unanimous consent that excerpts from this column be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Figuring out what the future holds for workers is key to understanding a historic shift in the U.S. workforce, a shift that has been changing the rules for a crucial part of the middle class.

This transformation is no longer just about factory workers, whose ranks have declined by 5 million in the past 25 years as manufacturing moved to countries with cheaper labor. All kinds of jobs that pay in the middle range—are vanishing, including computer-code crunchers, produce managers, call-center operators, travel agents and office clerks.

The jobs have had one thing in common: For people with a high school diploma and perhaps a bit of college, they can be a ticket to a modest home, health insurance, decent retirement and maybe some savings for the kids' tuition. Such jobs were a big reason America's middle class flourished in the second half of the 20th century.

Now what those jobs share is vulnerability. The people who fill them have become replaceable by machines, workers overseas or temporary employees at home who lack benefits. And when they are replaced, many don't know where to turn.

Robert Boyer retrained in computers after the plant closed. But tech companies told him they wanted five years' experience, not a certificate from a six-month course. So he works for $11.50 an hour at Home Depot, using the wisdom of four decades as plant electrician to help customers pick light bulbs for their remodeled kitchens.

Boyer turns angry at any suggestion that the jobs picture is not that bad. ''When these guys get on the boob tube and say there's jobs out there, you just gotta go out there and get them, it makes me want to go out there and grab them by the throat and say, 'Where? Where are the jobs at?''

Mr. KENNEDY. Mr. President, I highlight what this story is really about. I think we will find—I certainly do in my home State of Massachusetts and my travels around the country—that this is a reality check. This story is a reality check of what is happening in cities, towns, urban areas, and rural areas across the country.

It says:

As Income Gap Widens, Uncertainty Spreads.

I quote the Washington Post:

The vanishing middle class.

Now what middle class jobs share is vulnerability . . . The people who fill them have been replaceable by machines, workers overseas or temporary employees at home who lack benefits, and when they are replaced they don't know where to turn.

The article continues:

All kinds of jobs that pay in the middle range are vanishing, including computer code crunchers, produce managers, call center operators, travel agents and office clerks.

And the list goes on, and the article goes on and on about what is happening to middle-income workers in the United States of America at this time.

I find that this article is a restatement about what many of us believe has been happening for some time and trying to make it a point to try to do something about it. But we have been rebuffed and the ideas have been rejected in the Senate, and certainly by the administration.

When we are talking about dealing with some of the issues, which I will comment on, we find an administration that says no to an increase in the minimum wage, no to extending unemployment compensation, no in terms of overtime, all which would have a great impact on the middle class.

Now, what do we hear on the other side? First of all, we heard from the President of the United States in New York yesterday: ''The economy is strong and is getting stronger.'' This is from a speech the President made in New York yesterday, even though New York has lost 240,000 jobs since the President took office.

Also yesterday, in New Hampshire, the President said: ''The economy of ours is growing.'' New Hampshire's unemployment rate is 32 percent higher than when the President took office. The New Hampshire economy has lost more than 7,000 jobs. But according to the President: ''The economy of ours is growing.'' And according to the President yesterday: ''The economy is strong and is getting stronger.''

And then we see, of course, what the President said at the time of the Republican Convention: ''We have seen a shaken economy rise to its feet.'' Well, how can it be this way? How can the President of the United States be saying ''the economy is strong and is getting stronger'' and then we have these reports here?

Well, let's look at the facts. Let's look at what has been happening over the period of the recent years. If we look at the recovery the President talks about, as shown on this chart, the current recovery is depicted by this red line right here in terms of job growth. If you are looking at the recoveries before 1991, you see the job growth that went up, as shown here. And if you look from 1991 to 1993, this is the job growth here. It is basically the Clinton job growth.

We see the difference between the Clinton job growth and the Bush job growth. Make no mistake about it, Presidential leadership makes a difference. Look at the record. During President Clinton's administration, 22 million jobs were added. During President Kennedy's administration, we had one of the longest periods of economic growth and price stability that we had in that century up until the time of President Clinton. So Presidential leadership does matter.

We have the President saying: Everything is fine. We are growing stronger and stronger. It is not the Democrats who are saying we have a real crisis in the middle class. Here we have one of our national newspapers that is saying exactly what many of us have been saying for some period of time.

Now, what are the facts? We can see the economic record. We have lost 1.7 million private-sector jobs from January of 2001 to August 2004—1.7 million jobs lost, not gained but lost, here in the United States. We have gone from 111,600,000 to 109,800,000 jobs.

Let's look at what is happening across the country. Here is a chart that shows, under President Bush, unemployment is higher in 45 of the 50 States. The States that are marked in red on this chart are States with higher unemployment than when Bush took office. The States with the same unemployment as when the President took office are marked in yellow. The States marked in green have lower unemployment than when the President took office, which are Louisiana, Nevada, Hawaii, and Delaware—four States. For all of the other States, you see the loss of over 1 million jobs. We have higher unemployment not only in some regions of the country but generally throughout the country.

What is happening in terms of the new jobs? As shown on this chart, most new jobs in the Bush economy pay low wages. This is not something we are saying over on this side, the Democratic side. This is the chief economist for Morgan Stanley, who says 81 percent of the growth in jobs is in the low-wage industries: janitors, salespeople, movers, repairmen, and drivers. It is interesting, those jobs do not have the benefits. Those jobs do not have the health insurance. Those jobs do not have any kind of sick leave. Those jobs do not have any kind of protection in terms of pensions or anything else. And it is 81 percent of the growth in jobs, according to Morgan Stanley. Jobs in the high-wage industries—construction jobs, white-collar jobs—are the remaining 19 percent. So we have seen that whatever jobs have been created have largely been at the lower level.

This chart is from the Economic Policy Institute. It shows the disparity in pay between growing and shrinking industries—$51,270 for the expanding industries, $30,368 for the contracting industries—41 percent less. So this is saying essentially what the previous chart showed; and that is, the jobs that are being created even now are still not paying well.

Let's see what is happening to the families across the country. These are median household incomes. This is what is happening in working families over the period from 2000 to 2003. The real purchasing power has gone down some $1,500.

So we say, all right, this is the dilemma. You are sure it is a slow economy, but what in the world should we expect? We all have to share this burden, and it is too bad that workers have to share it. What is so bad about that? Well, I will show you what is bad about that, and that is, we have seen that productivity is growing 15 times faster than wages—workers are working longer, they are working harder, and they are producing more, but they are not seeing the benefit in terms of wages. They are not seeing it. This is the largest disparity in terms of productivity versus wages in the recent

history of this country. So the workers are working longer. They are working harder. They are producing more. But do you think that would reflect itself in increased wages?

And let me show you this chart here. In the Bush economy, we find that corporations are getting a bigger and bigger share of the pie. Here is the share of corporate profits having increased by 65 percent over workers' wages. This gap here is the largest gap we have had in the postwar period: larger corporate profits, workers with increased productivity, working longer and harder and yet they are still not able to make ends meet. These charts are going back to what the Washington Post pointed out here: ''As Income Gap Widens, Uncertainty Spreads.'' That is what is happening in the economy.

And we can see the difference between this and other recoveries. The average in the last eight recoveries is corporate profits going up 14 percent and the workers' wages going up 8.6 percent. But here in the Bush recovery you have corporate profits going up 39 percent and wages—adjusted for inflation—going down by half of 1 percent. There it is.

We ask: Is this President doing anything about it? What is he doing? Opposing an increase in the minimum wage, saying no more overtime for middle-income families, and no, you are not going to get the unemployment compensation you paid into, that you are entitled to as a matter of right.

This is an extraordinary chart, where you get, on average, CEOs making $8.1 million versus the average worker's $26,000. This is startling. It is the average, not the median. It is the average because so many of the CEOs make so much more. The point is, the disparity between the CEOs and the workers is 300 times.

Now, it is against that background that we have many being laid off and new jobs not paying well, that we have the administration putting a lid on any of the efforts we can provide in the Senate in terms of unemployment compensation and protecting overtime. And what has been happening out there? What has been happening in the meantime? We know the wages these workers are receiving, if they have been laid off and they get a new job, are not keeping up with the cost of things.

Here it is over the period of the last 4 years: Health insurance has increased 59 percent. If the middle income is interested in their children being able to go to schools and colleges, tuition has gone up 28 percent. Interestingly, there is no increase in Pell grants, absolutely none, although in January of 2000, when the President was running for office, he said he would ask for an increase in the Pell grants. We never received that. And in the appropriations this year they will see no increase whatsoever. Housing costs are up 27 percent. Gas is up 22 percent. Milk is up 13 percent.

In my part of the country, in Cape Cod last week, for a gallon of gas it cost $4.05. I know it is about $3.23 a gallon in other parts of the country.

You are asking a person to work for a minimum wage of $5.15 and to buy a gallon of milk at $4.05. The administration says they are opposed to any real increase. These are hard-working men and women, more than 7 million of them, many women with children. It is an issue which affects many of those hard-working men and women of dignity.

If you look at what has happened in terms of health care costs, the consumer price index has gone up 1.6, 2.4, 1.8, 5.9, and total health care costs cumulatively, 59 percent. One might ask, what in the world can we do about it? One of the things we might be able to do about it in terms of drug costs is reimportation. We could do something about that. We have a bipartisan bill. Yet we can't get it on the floor. We can't get an up-or-down vote. Those of us who would support it would go for an hour evenly divided. Let's get accountability. Let's do something about the cost.

When you ask, so you are complaining about the increase in cost, what is your idea? One of the ideas is the reimportation of drugs. But no, we can't do that. We have dealt with all the issues of safety. I yield to no one in this body in terms of the safety of health care. We are unable to permit the Medicare to negotiate lower drug prices for seniors. We could do something about that. But no, we are denied the opportunity. As a result, we have exploding costs that are going out of control in terms of health care generally and in terms of prescription drugs—all impacting middle-class families. More and more of them are losing their health care coverage, their security. They haven't got wage security. They don't have job security. They don't have education security. They don't have health security. This chart illustrates that, every single year, more than a million, from 2000 to 2003. The economy is strong? The economy is getting stronger? Everything is OK? Hello.

It isn't just those on this side of the aisle who say that this is what is happening; we have seen this in newspapers all across the country. All you have to do is visit any town in America. We know what the results are: We have 13 million children hungry or on the verge of hunger here in the United States. And the economy is getting stronger? Eight million Americans are unemployed, and nearly 3 million have lost unemployment benefits since Republicans ended the program. Seven million low wage workers wait 7 years for a minimum wage increase. That used to be a bipartisan effort, to have an increase in the minimum wage. President Bush 1 signed an increase. President Nixon signed an increase. It was bipartisan for years. But no, we can't even get a vote on it.

When we offer an amendment on one of the bills, what do our Republican friends do? They pull the bill. State Department reauthorization, pull the bill; add it onto the reform of welfare, pull the bill down; class action, pull the bill. We don't want to even vote on it. Imagine that. Imagine not even wanting to vote on it.

Six million have lost overtime protection under the new Bush rule. Let me give a quick review of who is impacted. These are the individuals who would be impacted: police, nurses. They are our homeland defenders, the first responders. They are the ones whose overtime is threatened.

In the last several days, my colleague and friend Senator KERRY has offered a real alternative to the current economic challenges we are facing, that middle-income Americans are facing every single day in terms of lost wages, lost jobs, lost health insurance, lost opportunities for education. It talks about creating good-paying jobs, strengthening the middle class, and restoring America's competitive edge and cutting the deficit.

I ask unanimous consent that an excerpt of this plan be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE KERRY-EDWARDS ECONOMIC PLAN

Under George Bush, America has lost 1.6 million private-sector jobs. The typical family has seen its income fall by more than $1,500. Real business investment and exports are both down under George Bush, the first time we have a decline during a Presidential term in over 70 years. And all George Bush has had to offer are excuses and bad plans that put job creation and the middle class last while favoring special interests.

John Kerry and John Edwards believe that America can do better. They have an economic plan that will unleash the productive powers of America's workers and companies, creating millions of good-paying jobs and strengthening the middle class. Their economic plan is built around four basic principles:

(1) Create Good-paying Jobs in America

End tax breaks for companies creating jobs overseas and cut taxes for 99 percent of taxpaying corporations.

A New Jobs Tax Credit to encourage hiring by manufacturers, other businesses affected by outsourcing and small businesses in 2005 and 2006.

Level the playing field by enforcing out trade agreements and trade laws.

(2) Strengthen Middle-class Families by Cutting Taxes and Lowering Health and Energy Costs

Cut taxes for 98 percent of families, including new tax breaks for education, child care, and health care.

Cut health premiums by up to $1,000 for families.

Provide $25 billion in a State and Local Tuition and Tax Relief Fund.

(3) Restore America's Competitive Edge

Make America energy independent of Middle East oil.

Invest more in research and development, including lifting the ban on stem cell research and making broadband universal.

Double the Manufacturing Extension Partnership (MEP).

Provide a tax cut on up to $4,000 of college tuition and investment in training.

(4) Cut the Deficit and Restore Economic Confidence

Cut the deficit in half in four years by restraining spending growth, paying for all proposals, and eliminating corporate welfare.

Mr. KENNEDY. I thank the Chair.

The ACTING PRESIDENT pro tempore. The 10 minutes we are currently in are reserved for the Senator from Iowa.

The Senator from Iowa.

INSTABILITY IN IRAQ

Mr. HARKIN. Mr. President, the chaos in Iraq gets worse with every week that goes by. Many key cities are now under the control of the insurgents. Virtually every day we see car bombings, kidnappings, assassinations, beheadings. American soldiers and Iraqi civilians are being attacked and killed at an alarming and escalating rate. But if we listen to the President, what we hear is sugar-coated happy talk.

The President says:

We're making progress. We're making progress.

He says we have a strong government in Iraq headed by Mr. Allawi. He says that because of the U.S. invasion of Iraq, democracy is spreading ''like a sunrise.''

Well, the President may have been a cheerleader in college, but we need more than cheerleading now.

Let's be clear: President Bush misled us into this war, and he is misleading us today about where we stand in Iraq. His misguided, mismanaged war has become a quagmire with ever-rising body counts and no end in sight.

Over the weekend, a host of Republican Senators stepped forward to urge the President to face the facts and at long last to be open and honest with the American people. On Sunday, Senator HAGEL of Nebraska said:

The fact is, we're in trouble. We're in deep trouble in Iraq.

Senator RICHARD LUGAR, distinguished chairman of the Foreign Relations Committee, criticized what he called ''incompetence in the administration'' that has resulted in a failed Iraq reconstruction effort.

Senator JOHN MCCAIN said:

We're not winning.

Senator LINDSEY GRAHAM said that we need to be ''more honest about how difficult it will be'' in Iraq.

Ironically, the President's father, George Herbert Walker Bush, warned against the folly of invading and occupying Iraq. On February 28, 1999, speaking to a group of Desert Storm veterans at Fort Myer, VA, the former President told them:

Had we gone into Baghdad—we could have done it, you guys could have done it, could you have been there in 48 hours—and then what?

Then the first President Bush continued:

Whose life would be on my hands as commander-in-chief because I unilaterally went beyond international law, went beyond the stated mission, and said we're going to show our macho? We're going into Baghdad. We're going to be an occupying power—America in an Arab land—with no allies at our side. It would have been disastrous.

That was former President Bush in 1999.

Of course, we heard the same prophetic warnings from Brent Scowcroft, James Baker, and other foreign policy experts. But this President Bush and his partner DICK CHENEY thought they knew better. So now the disaster that Bush 41 warned against has become a reality under Bush 43. It is painfully clear that President George W. Bush's wrong choices—in particular, the botched hunt for Osama bin Laden, the invasion of Iraq based on false justifications, the Abu Ghraib torture scandal, the alienation of our friends and the world—have been profoundly destructive to America's national interest. They have damaged our traditional alliances. They have undermined our moral authority, and they have all but destroyed our credibility.

Worst of all, the actions of this administration have had the perverse effect of encouraging, inciting, multiplying the terrorist threat. Exhibit A is Osama bin Laden himself. It has been more than 3 years since the President pledged to ''smoke him out'' of his cave. But Mr. Bush did not smoke out Osama bin Laden. Instead, the Bush administration got massively distracted by its obsession with Saddam Hussein. These days, the days responsible for the murder of some 3,000 Americans on 9/11 is ''Osama bin forgotten.''

In a press conference Secretary Rumsfeld had on September 10 of this year, he mixed up Saddam Hussein and Osama bin Laden twice. Here is a quote from our Secretary of Defense:

Saddam Hussein, if he is alive, is spending a whale of a lot of time trying to not get caught and we have not seen him on video since 2001.

Well, Saddam Hussein, as John Stewart pointed out on ''The Daily Show'' last night, is in prison. But he said that twice about Saddam Hussein. You see, in their minds—in Rumsfeld's mind, Osama bin Laden and Saddam Hussein are the same person. He cannot quite distinguish them.

The problem is Osama bin Laden has not forgotten us. He and his followers remain as dangerous today as on September 11, 2001. In July, the administration issued a dire warning that bin Laden and his chief lieutenants were directing an al-Qaida effort to launch a catastrophic attack in the U.S. before the election.

There is broader evidence that the U.S. invasion of Iraq has incited, encouraged, and stepped up the recruitment of terrorists around the world. In April, the State Department issued its annual report on terrorism, claiming a big drop in terrorist incidents—and success in the war on terrorism. But, in June, the State Department acknowledged this report was grossly incorrect. The State Department acknowledged that, in fact, twice as many people died in terrorist attacks in 2003, and terrorism around the world has increased significantly.

The objective statistical record is clear: As a consequence of choices made by George W. Bush, America is weaker, America is less secure, Americans traveling abroad are less secure, America is more vulnerable. And the professionals—the men and women on the front lines—know this is true.

Earlier this year, the Army War College published a report that concluded, in so many words, that the administration has bungled the war on terrorism. The report called the war in Iraq ''unnecessary.'' It said Iraq ''was a war-of-choice distraction from the war of necessity against al-Qaida.'' As a result of this detour, says the report, the U.S. Army is ''near the breaking point.''

Who can disagree with these findings? With our military tied down in Iraq indefinitely, unable to respond to real threats, America is weaker, not stronger. We are less secure, not more secure. We are more vulnerable, not less vulnerable.

I was struck, several weeks ago, by a statement from one of our colleagues, Congressman Doug Bereuter of Nebraska. Mr. Bereuter is vice chairman of the House Intelligence Committee and a senior Republican member of the House International Relations Committee. Congressman Bereuter was a strong supporter of the House resolution authorizing the President to go to war. But in a letter to constituents, he now says the invasion of Iraq was unjustified and ''it was a mistake to launch that military action.'' He said, ''We are immersed in a dangerous, costly mess, and there is no easy and quick way to end our responsibilities in Iraq without creating bigger future problems in the region and, in general, in the Muslim world.''

Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. HARKIN. Mr. President, I will close by saying America is more vulnerable, not less; and we need straight answers from this administration.

The ACTING PRESIDENT pro tempore. The majority controls the next 30 minutes. Who yields time?

The Senator from Colorado is recognized.

PRESIDENT BUSH'S ACCOMPLISHMENTS

Mr. ALLARD. Mr. President, I request 14 minutes and I ask the Chair to notify me when I have reached the 12-minute mark.

Lately, we have heard a lot of politically motivated doom-and-gloom speeches, and we have heard a number of them this morning. I want to talk about a couple of issues discussed on the floor. I want to comment on our economy and I want to comment about our foreign policy.

I think the economy is doing well. We would like to see it do better in some cases, but I think it is very positive news and we should not forget about that. The economy, at the first part of this month, posted job gains for each of the last 12 months, creating nearly 1.7 million jobs since August of 2003. These are the facts. The national unemployment rate fell to 5.4 percent in August, down .9 percentage from a peak of 6.3 point in June of 2003, and its lowest rate since October 2001. At 5.4 percent, the unemployment rate is below the average of the 1970s, 1980s, and the 1990s. In August, 144,000 new jobs were added. Nearly 1.7 million new jobs were added since August 2003. The unemployment rate over the last year was down in all regions and in 49 of the 50 States. The manufacturing sector, which was the hardest hit by the economic downturn, has added 107,000 jobs since January.

View that in the perspective of what we were facing when this President was first elected to office. We have turned this economy around. This President has taken strong action that made a difference in moving our economy forward. Now is not the time to turn back. The labor market has improved considerably since shortly after the President's jobs and growth bill took effect last May. America's standard of living is on the rise. Real aftertax incomes are up by nearly 10 percent since December of 2000. Consumer confidence continues to be substantially higher than last year.

In the second quarter of 2004, the national home ownership rate was at an all-time high of 69.2 percent. Minority home ownership set a new record of 51 percent in the second quarter and is up 2.1 percentage points from a year ago. I am proud to say that I was a Senator who sponsored that legislation to encourage home ownership among minorities. Core inflation remains low, and mortgage rates remain near historic lows, making home buying easier and more affordable.

We still have a challenge ahead of us and this President is not backing away from it. I don't think we Republicans in the Senate are backing away. We continue to push to make tax relief permanent. The temporary tax relief contributed to the figures I just read off. We need to do more. I think one of the most important things we can do to continue to see the economy grow is to make tax relief permanent. We obviously need to provide training for worker skills and control health costs, and we need to reduce regulations. We have not talked enough about the burden of Government and the downward pressure it has on the economy. We need to reduce regulations. As a small businessman I had to live with regulations. I understand how high taxes and a high rate of regulation can impact your ability to do business and create new jobs. Frivolous lawsuits are a problem and this Congress needs to address it. We need to adopt a national energy policy and open more jobs overseas.

The President has acted decisively to bring us back from recession to recovery. I don't think I need to go over those issues. The basic part of it was that he has cut taxes. By cutting taxes, he stimulated the economy, which increased revenue to Colorado, and we are going to have increased revenue to the Federal Government.

Let me talk a little bit about foreign policy. A year ago last February, President Bush made the courageous decision to overthrow Saddam Hussein's brutal dictatorship and bring democracy to Iraq. He did so because Saddam Hussein had refused, over the last 12 years, to fully cooperate with U.N. weapons inspectors. He did so because Saddam Hussein had brutalized his people for over 25 years. He did so because it was the right thing to do and because it had to be done.

Some of our friends in the United Nations did not approve of his decision. They thought he should have waited; that perhaps Saddam would give in and eventually cooperate, despite his long history of lies and deception.

A few friends, such as U.S. Secretary General Kofi Annan, believed the United States should have sought another Security Council resolution. It appears Mr. Annan continues to believe this, given his remarks last week in which he described the liberation of Iraq as ''illegal'' and that violated the charter of the United Nations.

Even with the benefit of hindsight, it does not make any more sense now than it did then for the United States to have sought a second resolution. Resolution 1441 was the 17th—17th—Security Council resolution demanding that Saddam Hussein verifiably disarm, respect his neighbors, and otherwise comply with the cease-fire from the first Gulf War. It was clear that he violated Resolution 1441 and that he continued to try to shoot down U.S. warplanes in the United Nations-sanctioned northern fly zone and that he was making little or no effort to comply with the terms of the 1991 cease-fire. How many more security resolutions do we need before it becomes legal?

As the Wall Street Journal has eloquently pointed out, if liberating Iraq was wrong, then Mr. Annan must also believe a number of other operations are illegal. Does the Secretary believe NATO's intervention in Kosovo, where hundreds of thousands of Yugoslavian Albanians were saved from the genocidal attacks of Milosevic's cronies, was illegal? Does he believe France's recent intervention in the Ivory Coast was illegal?

It is my hope that when the President speaks today to the United Nations, he reminds the United Nations that the United States has the inherent right of self-defense guaranteed by that body's own charter. It is my hope that with unequivocal certainty, the President reminds the United Nations that his first obligation as President of the United States under our Constitution is to protect our Nation from all threats, foreign and domestic.

It is my hope that the President reminds the world's greatest debating body that if the United States had not acted, Saddam Hussein would still be defying the United Nations, would still be seeking to develop weapons of mass destruction, and would still be brutally murdering and torturing his own people.

From my perspective, the United Nations should be grateful for the decisive leadership and courage President Bush demonstrated by liberating Iraq. It seems to me that the United Nations should be grateful that it now has a real opportunity to help bring democracy and freedom to 50 million people in Iraq and Afghanistan.

I believe the President made the right decision. He took a stand and did not back down. He held up the value of the Security Council resolutions at a time when most were content to see these resolutions ignored.

The President emphasized the value of the lives of the innocent Iraqis who were repeatedly tortured and routinely murdered when most chose to look the other way. He sought to protect our country and safeguard international peace when most refused to act.

The President today will ask our friends in the United Nations to help us in Iraq. That body has a unique opportunity to do something extraordinary. They have a limited opportunity to help a nation that has experienced nothing but dictatorship and brutality transition to a freedom-inspired country centered on the rule of law and the democratic process.

This coming January, Iraq will hold its first ever national elections. I recognize the practical difficulties of such an effort. We are constantly reminded by the media that Iraqi insurgents continue to launch suicide attacks and kill innocent hostages in new and grotesque ways.

It is certainly possible that things will get worse in Iraq before they get better. That does not mean we give up. It does not mean that the majority of Iraqis do not desire freedom.

This Thursday, the Iraqi Prime Minister will address a joint meeting of Congress. This speech is more than a reminder that Iraq has a functioning government. It is a statement to Iraqi insurgents that the business of promoting freedom will go on. It is a statement to the world that the Iraqi Government is the representative of the Iraqi people.

I look forward to Prime Minister Allawi's speech. I believe he will bring us new insight into the problems facing Iraq and encourage the American people in the ongoing struggle.

The United States is making a difference. Iraq is rebuilding. Insurgents are being fought with steadfastness and courage. And Iraq remains on the path toward freedom. We ask for nothing more.

I thank the Chair. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

THE ECONOMY

Mr. COLEMAN. Mr. President, my colleague from Colorado talked about the economy. Although I want to talk about Iraq, I want to follow up the comments made by the very distinguished Senator from Massachusetts who talked about all the negative things that are happening to this economy.

I find it so stunning that folks can continue to be so negative. America has come such a long way from the attacks of 9/11 that took a trillion dollars out of this economy, and the corporate fraud generated from Enron and WorldCom, and from the recession President Bush inherited from the last administration. We cut taxes and we grew jobs, over 1.7 million in the last year.

We are not where we have to be. The President has said on many occasions that as long as one person is out of work, we have work to do, and we do that work and do it here, passing legislation such as class action reform, medical malpractice reform, the JOBS bill and the Energy bill, many of the legislation being filibustered, being blocked by my friends on the other side of the aisle.

One point that comes up again and again is that in spite of the steady stream of job numbers, now there is an argument made they are not quality jobs. I note that the facts belie that assertion. Three-quarters of the new jobs created, for instance, in May were in the industry categories that pay an hourly rate in excess of the overall average hourly rate in the private sector.

Inflation-adjusted hourly earnings increased 2.37 percent during the first 3½ years of the Bush administration, compared with only a 0.13-percent increase during the same period of time in the first Clinton administration. Per capita aftertax disposable income adjusted for inflation has increased 7.1 percent since President Bush took office, well above the 5.2-percent increase during the same period of the first Clinton administration.

I could go on and on. The fact is, this economy is moving forward. The fact is, housing home ownership is at an all-time high. The fact is, the tax cuts have made a difference, and yesterday there are still those who would like to somehow have the American public believe that all news is bad news.

I think the biggest challenge this economy faces is from the naysayers who keep saying again and again how bleak things are and you then undermine confidence and that, Mr. President, hurts the economy.

''60 MINUTES'' DOCUMENTS

One other note. My friend, the Senator from Iowa, was on the floor, and I note that he and a number of others had some very harsh words about the President based on something that was in a ''60 Minutes'' report which we now know was not true. Dan Rather came on last night and noted that he no longer has confidence in the documents that would allow us to continue vouching for them. These are documents related to the service of the President in the National Guard. He noted that ''we did use the documents.'' He said, ''We made a mistake in judgment, and for that I am sorry.''

I hope my colleagues, who had such harsh words for the President based on those documents, will come forward and express the same sentiment that Mr. Rather expressed.

IRAQ

My colleagues also somehow would have us believe the world would be better today, would be a safer place if Saddam Hussein were still in power. I find that stunning. I find that striking.

My colleague from Colorado expressed a hope that I share: That the President go before the U.N. today and reiterate the inherent right of the United States of self-defense.

My colleague from Colorado challenged some of the statements of Secretary General Kofi Annan about the U.S. effort in Iraq. He noted and I note that the Secretary's comments were both factually wrong and ill advised. The fact is, Saddam Hussein violated 16 U.N. Security Council resolutions. Saddam Hussein is the one whose actions were illegal, reiterated again and again by the United Nations. The fact is, the United States took our case to the United Nations on more than one occasion, and the final example on November 8, 2002, the U.N. Security Council unanimously adopted Security Council Resolution 1441.

This resolution declared that Iraq was in material breach of its obligations to cooperate with inspectors who were looking into Saddam's efforts to develop chemical, biological, and nuclear weapons.

The resolution warned of serious consequences if Iraq ignored its last chance to comply, but Saddam did not comply. I repeat, Saddam Hussein is the one whose actions were illegal. The fact is, Saddam Hussein's list of other offenses is a long one and does not compare favorably with documents such as the U.N. charter and the Universal Declaration of Human Rights. This is a man who twice invaded his neighbors, used weapons of mass destruction against his own people and the people of Iran, who killed tens of thousands of political opponents, tortured thousands of political opponents and ordinary citizens. These were the illegal actions, and we should be glad they are all over once and for all.

The fact is, the U.N. did not have credibility with Saddam Hussein's regime. It never succeeded in enforcing its own resolutions or gaining unfettered access for weapons inspectors. Worse yet, it allowed a well-meaning humanitarian program to devolve into a money-making operation for Saddam and his cronies throughout the world. The U.N. Oil for Food Program became a personal bank account for Saddam Hussein in which, by a GAO report estimate, he got at least $10 billion—that is with a ''B''—for his own personal use.

Right now, the Permanent Subcommittee on Investigations, which I chair, is looking into that $10 billion theft, that $10 billion fraud, that $10 billion corruption, and checking to see where that money went, has it been used to fuel an insurgency, has it been used to impact the policies of some nation states that did not allow the Security Council to vigorously oversee and enforce that program the way it should have been done.

No, there is nothing wrong or illegal about liberating 25 million people from tyranny, and there is certainly nothing illegal about fighting for their freedom and liberty today.

Regardless of the U.N. Secretary General's comments, America will remain a supporter of the U.N. and many multilateral organizations. It is in our interest. More often than not, we can accomplish greatness when we work together. The U.N. can offer great promise or cooperation in peacekeeping and humanitarian work and shining a light in dark places, efforts that are often more effective when many are united rather than when countries go it alone. But we are not going it alone in Iraq. We have over 30 nations that are sacrificing with us. The failure of the United Nations to enforce its resolutions against Saddam, the failure of the United Nations to act vigorously to genocide that is going on in Darfur and the far region of Sudan, the failure of the United Nations to do nothing more than talk when brutality and oppression shows its ugly face around the world undermines confidence in the United Nations. That puts the United Nations in a position where many are comparing it now to the League of Nations, a place where people just talked but never acted. Sometimes real leadership means having the courage to do what is necessary and not just what is popular.

In his State of the Union Address, the President said there is a difference between leading a coalition of many nations and submitting to the objections of a few. America will never seek a permission slip to defend the security of our country. While the United States and its allies have carried the burden of freedom's work, we cannot ignore the fact that soldiers and might cannot do the job alone. I understand that diplomacy is crucial to world order. It should not descend into finger-pointing and gainsaying, especially at a time when so much is at stake and we ought to be joining together, not pointing fingers. It is the terrorists in Iraq who want to deprive the citizens of that country their basic human rights.

What Saddam Hussein could not take from them the terrorists are hoping to

steal. What Saddam Hussein did not do to terrorize the people of that country, what he did not finish, the terrorists will do and are doing. They are continuing that. Saddam killed, murdered, and tortured as many Iraqis he could who did not agree with him, and probably a few who did, and the terrorists hope to finish off the Iraqis he did not get to.

In spite of that, in spite of the insipid rhetoric of those who wish to be President who feel a gust of wind gives them the moral authority to change their stand on a war time and time again, America must hold its ground because on that ground stands the promise of a free and liberated Iraq.

Iraq is preparing to hold its first truly democratic election. Prime Minister Allawi, who will have a chance to address us in the coming days, is working to get control throughout the country. He is trying to counter a clear effort by terrorists to turn Iraq back into a nation of fear.

The Prime Minister is also trying to get out from under Iraq's heavy foreign debt and create an environment for jobs and for hope. Coalition members, together with Iraqi forces, are working daily to create a better future for the people of Iraq, and at the same time protect the safety of our soldiers and civilians serving in that country.

The world is a better place without Saddam in power. That is a reality. If one cannot grasp that concept, then they cannot grasp any concept. If anyone in this body, or anyone of this body, believes Saddam Hussein, dictator of Iraq, murderer of women and children, tormentor of his neighbors, plotter of destruction, mercenary of the world, is better for the world in office than out of office, they should heed the words of the junior Senator from Massachusetts, Mr. KERRY, who had this to say during the Democratic primaries:

> Those who doubted whether Iraq or the world would be better off without Saddam Hussein, and those who believe we are not safer with his capture, don't have the judgment to be the President or the credibility to be elected president.

The Senator from Massachusetts was right then. In spite of his changing positions, those words last year still ring true today.

Today, there are those who embolden terrorists in Iraq. They have pointed their fingers at us and said: You are to blame for the terrorism insurgency in Iraq.

The day after 9/11, there were those across the world who pointed their fingers at us and said: You are to blame for the destruction of your homeland.

These statements are absurd. Somebody tell me how the hundreds of horrified boys, girls, babies, mothers, and fathers in that Russian school were responsible for the terrorists who tormented and killed them. Somebody tell me how the Nepalese contractors, 12 of them, who were slaughtered as though they were nothing more than cattle were responsible for their deaths. Somebody tell me how the American citizens who had their heads sawed off on a videotape while sick, evil men listened to their screams of horror were somehow responsible for their death.

There are those who say things are not going as well as they could be in Iraq. We know they are right, but let the first person come forward who will say that it will be going better in Iraq if we let Mohamed al Sadr or Abu Musab al-Zarqawi be in charge.

Now is not the time for those with the courage of the meek to come to the rescue of the strong. Now is the time for strong, determined leadership to work with our allies, those who agreed with our efforts, and those who did not, to bring this world together.

Our President, the leader who has liberated 50 million human beings and has stood resolute when even the strongest among us would look for a way out, goes to the U.N. today. He goes there not as an adversary of that august body but as an ally of the civilized world. He goes to stand with the world, those who have suffered from the terrorists, those who have fought them, and those who fear them.

He goes to the U.N. not preaching the gospel of global despair but of the obligation of a mighty nation to not only fight those with guns with guns, but to bring peace to so many others who simply hope and pray that their children will live to see a better day.

He will stand with those who stood with us in the liberation of Iraq, and with those who stood against us, because this President knows that as important as it is to sometimes lead even when others are not prepared to follow, it is important to walk together when many will agree to do so.

It is important for us to mind the words of China's U.N. Ambassador, who opposed the war, who said:

> I think all of us have views on the Iraqi war. I think definitely the views are different among council members. What is important now is to help achieve peace and stability in that country.

There will be better days in Iraq, and there will be worse days. There will be better days in the war on terror and, God willing, there will be far fewer worse days. But whatever the future brings, we must stand with this President and with this nation and its soldiers and diplomats, and we must on bended knee pray that our efforts bear the fruit of a more prosperous and more peaceful world.

Let me finish with this. Yesterday, I missed my first major vote as a Member of this body. At home, before I left Minnesota for Washington, I attended the wake of the son of one of the folks who works in my office, one of my staff, Bart Cedergren. His son David died in Iraq.

While the cause of death remains unclear, let there be no doubt that he died in the cause of freedom and liberty for the people of Iraq and the people of America.

As I stood there contemplating the loss of the life of this young man and the loss of his life from those who loved him, as I stood there trying to comfort a father who did more to comfort me and those around him, I was once again reminded of the fact that freedom is never free.

Petty Officer 3rd class David A. Cedergren, 25, who was assigned to the Second Marine Division Marine Forces Atlantic, did not join the military to fight war or kill people. He joined it to bring peace and comfort to those afflicted and tormented. David was a medic. He was trained to be a licensed nurse, his heart was filled with compassion. Yesterday, as I watched those whom he loved and those who loved him and his Navy comrades who stood there side by side, all grieved in his passing, I saw in their grief great pride in this young man. He liked this Nation. He did not join this war on terror to fight a war of killer people. He didn't ask for this war to be fought. We joined it and we lead it to bring peace and comfort to the afflicted and the tormented. May God bless America and David Cedergren and that we prevail.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COLEMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COLEMAN. Mr. President, I yield back the remainder of the Republican time in this morning session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the next 60 minutes of morning business for debate only is under the control of the Democratic leader or his designee and the final 60 minutes under the control of the majority leader or his designee.

The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair.

Mr. President, how much time have I been allotted under the agreement?

The ACTING PRESIDENT pro tempore. Twenty minutes.

Mr. CONRAD. I ask for an additional 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I saw this morning in the Hill newspaper an attack by the Speaker in which he said, in response to a reporter's question, that ''al-Qaida would operate better if KERRY were elected President.''

Two weeks ago today, the Vice President said, ''It is absolutely essential that eight weeks from today on November 2 we make the right choice because if we make the wrong choice

then the danger is that we will get hit again and we will be hit in a way that will be devastating from the standpoint of the United States.''

Mr. President, this is dangerous talk. It is dangerous talk for either side to suggest we will be attacked if the other is elected. I remind my Republican friends that when we were attacked on September 11, we on the Democratic side did not say it was because Republicans were in control. That would have been wrong. We did not do that. Instead, we stood shoulder to shoulder, we stood united, we all agreed on an attack on Afghanistan, and we all supported an all-out attack on al-Qaida because it was al-Qaida that attacked the United States.

The President of the United States, when he was running for office, said he would be a uniter and not a divider. But now this President and this administration are dividing us in the most fundamental way. I believe that is a dangerous tact. It is a mistake.

Only the President of the United States can stop this kind of talk. I urge him to do so, to rein in the Vice President, to rein in the Speaker, because when this election is over, we need to stand united.

The debate we need to have is how best to defend our Nation from terrorist attack. It is important for us to recall what happened on September 11. When we saw these images of the attack on the World Trade Center, when we saw the smoke rising from the Pentagon, we were under attack. But it is important for us to remember who attacked us. It was not Iraq. The attackers were al-Qaida led by Osama bin Laden, not Iraq led by Saddam Hussein. As evil as Saddam Hussein was and is, he was not part of the September 11 attack. Here is the man who should be the target, the primary target of the United States. This is Osama bin Laden, the leader of al-Qaida. Al-Qaida are the ones who attacked the United States. Al-Qaida are the ones we have a responsibility to bring to account.

President Bush said in convening his Cabinet at Camp David just a few days after the 9/11 attacks, ''There is no question about it, this act will not stand. We will find those who did it. We will smoke them out of their holes. We will get them running and we will bring them to justice.'' That is what President Bush said just days after the 9/11 attack. It is now 1106 days after that attack—1106 days after the attack on the country, and we have still not gotten Osama bin Laden. We still have not kept the primary focus on al-Qaida. Instead, the President diverted our attention and launched an attack on Iraq.

This is from the March 29 edition of USA Today. It says this:

> In 2002 troops from the 5th Special Forces group who specialized in the Middle East were pulled out of the hunt for Osama bin Laden in Afghanistan to prepare for their next assignment: Iraq. Their replacements were troops with expertise in Spanish cultures.

Mr. President, let's get this straight. It was not Iraq that attacked us. It was al-Qaida. Al-Qaida is led by Osama bin Laden, not Saddam Hussein. And yet this administration shifted the focus from going after Osama bin Laden and al-Qaida and instead shifted special forces to the hunt for Saddam Hussein. He replaced those special forces in Afghanistan with units that were experts in Spanish culture.

The article goes on to say:

> The CIA meanwhile was stretched badly in its capacity to collect, translate and analyze information coming from Afghanistan. When the White House raised a new priority, it took specialists away from Afghanistan to ensure Iraq was covered.

The former Secretary of Navy in the Reagan administration says this was one of the biggest blunders, strategic blunders in modern memory. We attacked the wrong target. That is his conclusion. That is the Secretary of Navy in the Reagan administration saying we attacked the wrong target. We have to have a debate in this country about how best to defend America. The first thing we have to get straight is who attacked us and who is preparing to attack us again. It was al-Qaida, not Iraq.

There were no Iraqis on board the planes that attacked on September 11—not one. There is no evidence that Iraq was behind the attack on September 11. It was al-Qaida led by Osama bin Laden.

This administration has diverted its attention from finishing business with Osama bin Laden and al-Qaida and diverted our resources, diverted our attention to Iraq and Saddam Hussein. I believe that was a mistake.

I voted against authorizing this administration to launch this attack because, as I said on the night of our vote, I did not believe it was in the national security interest of the United States to attack Iraq and open up a second front before we finished with the first. The first had to be with the people who attacked us; that was al-Qaida led by Osama bin Laden, not Iraq led by Saddam Hussein.

This is an article that appeared in the Philadelphia Inquirer last year. It says:

> Some senior officials concede that the Iraq war also diverted resources from two problems that could prove to be even more pressing than Iraq was: Rooting out the remnants of Osama bin Laden's al-Qaida terrorism network and confronting Iran. A senior intelligence official who spoke on condition of anonymity said that the CIA reassigned to Iraq more than half of the operatives tracking al-Qaida in Afghanistan and Pakistan. As a result, U.S. forces were not able to pursue bin Laden and other al-Qaida leaders as aggressively.

I believe this is a strategic mistake of significant proportion. Again, our primary target has to be al-Qaida led by Osama bin Laden. Instead, the President shifted resources from the hunt for Osama bin Laden and al-Qaida to a hunt for Saddam Hussein in Iraq.

Again, as bad and as evil as Saddam Hussein was and is, he should not have been the primary target of the American military. Instead, we should have focused, I believe, like a laser on the people who attacked us and who are planning to attack us again; that is, al-Qaida led by Osama bin Laden.

This article concludes saying:

> Al-Qaida's continuing threat has shown that the Department of Homeland Security raised its terrorism alert level Tuesday after bombings in Saudi Arabia and Morocco.

It is not just these articles. It is not just intelligence officials. We look to the Bush administration's own Web site, the State Department Web site. This is very interesting. Thirty days after the September 11 attack, the State Department had this on their Web site:

> Countries where al-Qaida has operated—
> This is 30 days after the attack on the United States. This is on the State Department's Web site. Here are the countries they list where al-Qaida was active. They list Albania, Algeria, Bahrain, Belgium, Bosnia, India, and Iran. There is no Iraq. There is no Iraq. There is no Iraq. This is a report signed by the President. This is after the attack. There is no mention of Iraq being a locale for al-Qaida.

But it is not just the State Department. The President himself tried to correct the record last year after the Vice President was asserting and I think fundamentally confusing people suggesting that Iraq and al-Qaida were involved in the September 11 attacks.

The President seeking to correct ''reports no evidence of Hussein tie to 9/11.''

In the article, it says:

> President Bush said today that he had seen no evidence that Saddam Hussein was involved in the September 11 terrorist attacks, as the White House tried to correct an assertion that Vice President Cheney left extremely murky on Sunday. Mr. Cheney on Meet the Press was asked about polls that showed a majority of Americans believe that Mr. Hussein had been involved in the attack.

This is what Mr. CHENEY said: ''I think it is not surprising that people make that connection.''

Asked whether the connection existed, Mr. CHENEY said: ''We don't know. He described Mr. Hussein's reported connections to al-Qaida, connections that American intelligence analysts say were not very deep. Mr. Bush, asked by a reporter today about that statement, said: ''No. We have had no evidence that Saddam Hussein was involved in September 11, a far more definitive statement than the Vice President's.''

That doesn't end the evidence. The evidence is powerful with respect to the question of who is behind September 11. It was al-Qaida led by Osama bin Laden, not Iraq led by Saddam Hussein. The 9/11 bipartisan commission said this:

> The intelligence reports describe friendly contact and indicate some common themes on both sides, ''hatred of the United States.'' But to date we have seen no evidence that these or the earlier contacts ever developed into a collaborative operational relationship,

nor have we seen evidence indicating that Iraq cooperated with al-Qaida in developing or carrying out attacks against the United States.

That is the report of the 9/11 Commission.

It doesn't end there. The Secretary of State was just recently on ''Meet the Press.'' This was in the early days of this month. He said he ''had seen nothing that makes a direct connection between Saddam Hussein and that awful regime and what happened on 9/11.''

We have all kinds of evidence that al-Qaida was not linked to Iraq in the September 11 attacks or that Iraq was not a link to al-Qaida in the September 11 attacks. The evidence is overwhelming that al-Qaida, led by Osama bin Laden, led those attacks.

I believe deeply that our strategy must be to focus like a laser on those who attacked us. We ought not to allow ourselves to get diverted into this attack on Iraq. We have 10 times America's resources in Iraq as we have in Afghanistan.

We are 1106 days after the attacks on this country and the President has failed to do what he said he would do in holding al-Qaida and Osama bin Laden to account. Osama bin Laden is still at large. His top adviser, al-Zawahiri, is at large. This murderous ally of theirs beheaded an American yesterday, and we have diverted resources from the hunt from those monsters to go after Saddam Hussein in Iraq when the evidence is overwhelming that Iraq was not involved in the September 11 attack.

What doesn't add up here? What doesn't make sense? The Secretary of the Navy in the Reagan administration says we attacked the wrong target. I believe that is correct. We should have kept our focus on Osama bin Laden and al-Qaida and not have been diverted to Saddam Hussein and Iraq.

Let me say to my colleagues that there is additional evidence as well. Our own Intelligence Committee has made findings. For example, Conclusion 96 of the Senate Intelligence Committee says:

> The Central Intelligence Agency's assessment that to date there was no evidence proving Iraqi complicity or assistance in an al-Qaida attack was reasonable and objective.

That is our Intelligence Committee led by Republicans on a bipartisan basis concluding there wasn't complicity by al-Qaida and Iraq, that there was not Iraqi complicity or assistance in an al-Qaida attack. Our Intelligence Committee concluded that was reasonable and objective.

Similarly, conclusion 93 says:

> The Central Intelligence Agency reasonably assessed that there were likely several instances of contacts between Iraq and al-Qaida throughout the 1990s, but that these contacts did not add up to an established, formal relationship.

If we are going to be effective in this war on terror, we have to get the facts right. The facts are, al-Qaida attacked America, not Iraq. The facts are, we are 1106 days after that attack, and Osama bin Laden and his chief lieutenants are still out there threatening America and Americans. This President diverted our attention and our resources from running down al-Qaida and Osama bin Laden to an attack on Iraq and Saddam Hussein. That was a mistake, and the sooner we admit to it and the sooner we get about the business of tracking down those who attacked us, the better off our country will be and the safer we will be. That is my strong, deep belief. Whoever wins this election, I believe we have to reorient the resources of America into going after those who attacked us. It was al-Qaida, not Iraq. It was al-Qaida, led by Osama bin Laden, not Iraq, led by Saddam Hussein. That is what our 9/11 Commission tells us. That is what the Secretary of State is saying. That is what the intelligence agencies are telling us. Yet this administration—this administration—made a series of decisions, profound decisions, decisions of enormous consequence, and diverted resources and attention from going after Osama bin Laden and al-Qaida to going after Saddam Hussein and Iraq.

I know many people believe, despite all the evidence to the contrary, that somehow Iraq was deeply involved in the September 11 attack. There is just no evidence to support that. My own conclusion was, and is, this was the wrong war at the wrong time. And the overriding obligation of those of us who are in a position to affect U.S. decisionmaking—the overriding obligation and responsibility that we have—is to defend this country and to do so effectively.

We know al-Qaida is plotting, right now, to again attack our country. We ought to focus like a laser on stopping them. We ought to focus like a laser on holding al-Qaida and Osama bin Laden to account. We should never have shifted our resources from the hunt for Osama bin Laden and al-Qaida leaders to the hunt for Saddam Hussein in Iraq. It was a mistake, and we have to be big enough to say it was a mistake and move on and remember who it was that attacked us and use the awesome resources of this country to go after those who are plotting to attack us again.

We have to get these facts right. We have to reduce the confusion out here, when a majority of the American people thinks Iraq was behind the attacks of September 11 and we know full well that is not the case.

The President and Vice President of the United States have a heavy responsibility. They are the leaders of this country. They are the leaders of the free world. They have an obligation, a solemn obligation, to make certain that the United States focuses on those who attacked us—not to confuse the issue, not to distract us from those who are responsible for the loss of nearly 3,000 American lives.

Mr. President, it is hard to talk about these things when you are just weeks before an election and not have a political component to the debate and the discussion. But we, I believe, as a nation, need to have a full and vigorous debate on how we best defend this Nation. My strong belief is that we need to keep the focus on the people who attacked America on September 11, and it was al-Qaida, led by Osama bin Laden, not Iraq, led by Saddam Hussein. The evidence is overwhelming.

We need to refocus the efforts of the awesome American military on hunting down Osama bin Laden, on hunting down his chief allies and holding them to account. That is the best way to send a signal of American resolve and determination and American unwillingness to accept the vicious attack on our country.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

There are time allocations that have been assigned for the remaining 27 minutes.

Ms. STABENOW. I ask unanimous consent for 15 minutes if there is time available. If not, I would appreciate it if the Chair could indicate who has been designated the time.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota has 10 minutes, and the Senator from Arkansas has 15 minutes of the time. There is 26 minutes remaining, but of those, 25 has been allocated.

Ms. STABENOW. It is my understanding, through staff, that Senator LINCOLN will not be coming to the floor at this time. So if there is no objection, I ask unanimous consent to use the time of the Senator from Arkansas. And if she comes to the floor, I will certainly yield to her.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEDICARE PREMIUM INCREASE

Ms. STABENOW. Mr. President, I rise to speak on the announcement of a dramatic increase in the Medicare Part B premium for seniors and the concern the people of Michigan have about trying to pay a 17.5-percent premium increase for next year. Just a day after President Bush touted his efforts to help our seniors and the disabled cope with increased medical expenses, his administration announced the largest premium increase in Medicare's history, dating back to 1965.

Unfortunately, nothing has been done about record increases in the cost of health care over the last 4 years. Now we see the largest premium increase, a 17.5-percent increase. We have

seen it consistently going up since 2001. It is time to say enough is enough.

Seniors are only going to see about a 3-percent increase in their Social Security cost of living. Yet the Part B premium comes directly out of that track. So instead of getting at least a 3-percent increase to help pay for food and the mortgage and utility bills, prescription drugs and so on, they will actually see a reduction of 14.5 percent in what they receive through Social Security.

This is absolutely unacceptable. Unfortunately, instead of helping, Congress and this administration have pushed through a Medicare plan about which CMS Administrator McClellan has acknowledged that about a sixth of this year's premium increase results from the billions that Medicare is paying private health plans to encourage them to offer private health insurance. So what we see are conscious decisions that we made that have caused this increase to be as high as it is. I believe they were the wrong decisions, the wrong choices.

It doesn't make sense and it is not fair that the millions of seniors who enjoy and want to stay in traditional Medicare—about 89 percent of seniors right now have chosen traditional Medicare over Medicare+Choice or being in an HMO—have to subsidize the big private health insurance companies and HMOs and the 11 percent of the seniors and disabled who have the ability or have the choice, even, to be in an HMO.

Moreover, we have heard time and time again that the private plans are less efficient than traditional Medicare. I have shown charts on the floor as we have debated the Medicare prescription drug bill. We have seen the Congressional Budget Office analysis. In fact, we heard it again last week when the Medicare Payment Advisory Commission reported that CMS pays Medicare private health plans an average of 107 percent of what it costs to care for the same beneficiaries under traditional fee-for-service programs.

At a time when we are looking at great concerns about the long-term solvency of Medicare, looking at these huge increases that have occurred for seniors related to the premiums for Medicare, we are hearing from the Medicare Payment Advisory Commission that CMS is paying private plans an average of 107 percent of what it costs to care for beneficiaries under traditional Medicare.

This makes absolutely no sense, no matter how you look at it. According to the report, Medicare payments to private plans cost 16 percent to 23 percent more than traditional plans. So, basically, we can be spending up to 23 percent more on the approach of privatizing Medicare. That is what it is; this is a strategy to privatize Medicare, which the majority of seniors have not asked for, they have not chosen, and they don't want; and the icing on the cake is it costs up to 23 percent more.

I ask, if HMOs are so much better and more efficient, why do they need the extra dollars? I am certainly not opposed to HMOs. I have participated in the past, as my mother has, when she was on Medicare and when Medicare HMO was available in our community. She got dropped, unfortunately, when they chose to leave. Certainly, this is not a discussion about whether HMOs provide an important service or quality service.

My concern is, within the context of Medicare, why, if they are so much better and more efficient, are we providing them more money? The debate on privatization was that somehow Medicare is going broke, the trust fund is going to run out of money; therefore, we have to privatize Medicare. And exactly the opposite result has occurred as we have begun to privatize Medicare. Premiums for seniors are going up faster than at any other time in our history. We hear from independent reports that it costs anywhere from 16 percent to 23 percent more to privatize Medicare than to keep it the way it is. With higher administrative costs, in fact, private plans are more costly than regular Medicare. So we are told they need subsidies because it costs more to administer them.

Again, the whole point is to be more efficient, stretch the dollars farther, lower costs, so we can provide better prescription drug coverage for seniors and other kinds of preventive care they need, and that Medicare remains solvent and healthy for the future. Older Americans are staggering under the relentless increases in the cost of their health care and prescription drugs. We have all heard the stories. More older Americans will face harsh choices in meeting basic needs of health, food, housing, and paying utility bills. Meeting those challenges will be even more difficult as percentage increases in Medicare premiums greatly outpace the increases for Social Security. The increase will be especially painful because Social Security payments again are expected to rise less than 3 percent. I say ''expected'' because we don't know how much or how little Social Security payments will be yet.

Yet, this year, this administration decided to release the Medicare numbers the Friday right before Labor Day, right before the weekend when the news was focused on a hurricane. That is some holiday for millions of seniors who have labored their whole lives. We learned the OMB moved up the release of this huge increase by 6 weeks. In fact, we hear today in an article that the internal administration memo reveals that the unprecedented 17-percent increase in Medicare premiums seniors will pay in 2005 was scheduled for release October 22. It was scheduled for release on October 22, along with Social Security COLA payments.

Obviously, somebody looked at this and said: This is the largest increase in the history of the program. We want to make sure it is done as quietly as possible. So they chose the Friday before the Labor Day weekend, late in the afternoon, in the middle of a hurricane, to release the numbers.

OMB received the premium notice from HHS on September 1 and cleared it for release only 2 days later. As I said, for the last at least 10 years, they have done it in October along with Social Security.

We are not going to only talk about premium increases here today. We have the ability to do something about it. I am proud to be doing something about this, saying enough is enough; the portion of this that comes from privatizing Medicare needs to be removed and we need to put these premiums back in line with Social Security.

We know health care costs are going up for everyone—every family and every business. In a larger sense, we need to be addressing that as well, which we can do with the cost of prescription drugs. We can bring it to the floor and pass an effort to open the border and lower the costs in half by allowing pharmacists to do business safely with pharmacists in Canada and other places. There are other strategies. There are things we can do to address the broader issue of health care and we need to be doing them.

But while this is happening, we should not be saying to our seniors, saying to someone on Medicare, that instead of addressing these issues, we are going to require you to pay an extra-large increase because of a policy made here to privatize Medicare that, in the face of all evidence, shows the administrative costs are higher and the costs of providing the kinds of care are higher. We now have one more report saying that. In the face of all objective evidence, the Congress and the President have moved forward to want to privatize Medicare, anyway, saying it will lower prices, when in fact it has resulted in the largest premium increase for seniors and the disabled in the history of the Medicare Program.

I believe this is wrong. So I have introduced S. 2780, Keeping the Promise of Medicare Act, with 11 of my colleagues. My bill would cap the Part B premium at the same level as the cost-of-living adjustment so that seniors do not see real cuts in their Social Security benefits. In other words, we would at least keep seniors whole, moving in the right direction while we deal with these other issues, in terms of rising health care costs that need to be and must be addressed.

We need a sense of urgency about this issue. Health care is not optional. This is one of the most urgent issues a family addresses. It is the most urgent cost right now that businesses across the country are facing. Yet we do not see that sense of urgency, even though I know colleagues on both sides of the aisle have concerns, have knowledge about this, and want to see something happen. We can do better than that. We can do better for our seniors through

Medicare. We can do better for businesses that are desperately asking us for help. We can do better for our families, for every worker being asked to pay more for health care, or losing their job because the company cannot keep their health care plan and their jobs. There is more we can do, much more. I urge my colleagues to join with me in one step, S. 2780, Keeping the Promise of Medicare Act. We can, at minimum, start by saying to our seniors we are going to make sure you are not burdened with the costs of paying for these policies to privatize. We will keep you whole by capping this increase at the same level as the cost of living for Social Security. I hope we will vote on this bill before we leave and have the same sense of urgency about it that those paying their bills have every day.

I yield the floor.

Mr. DAYTON. Mr. President, I commend my colleague from Michigan. I am a proud cosponsor of her legislation. She has been a true champion for seniors and affordable prescription drugs, and she continues that leadership today.

IRAQ

Mr. DAYTON. Mr. President, yesterday Senator JOHN KERRY told the American people the truth about Iraq, the truth about the past, the truth about the present, and the truth about the future. President Bush, Vice President CHENEY, and other administration apologists complain he did not show enough optimism. Senator KERRY decided that honesty was more important than false optimism.

President Bush and Vice President CHENEY have not been honest about Iraq from the beginning. They have not been honest about Iraq with this Senate, not with the House, nor with the American people. JOHN KERRY gave us yesterday what we need: honesty about Iraq.

He was not alone in the last few days. I salute my Republican colleagues—five of them—for their honesty about the situation in Iraq. It cannot be easy to tell the American people the truth and to stand up to an administration of their own party which is not telling the truth. They are remarkable American patriots who recognize, as Senator ROBERT C. BYRD, the great senior Senator from West Virginia, has reminded us, that we serve with Presidents of the United States, not under them.

We are elected separately to serve independently and to exercise our own best judgments about what is best for our respective States and for our United States.

Listen to what five of our Republican Senators have said recently. One said that President Bush's rosy pronouncements about the situation in Iraq ''are not as straight as we would want them to be.''

Another stated:

> A crisp, sharp analysis of our policies is required.

A third, upon noting that of the $18.5 billion Congress appropriated for Iraq's reconstruction a year ago, only $1 billion has been expended, called this ''the incompetence in the administration.''

A fourth Republican Senator stated the other day that he may not vote for President Bush in November, to which another Republican Senator replied:

> What I like about him is that he can be a Republican Senator and, at the same time, he is unsure about our Republican President. He is a breath of fresh air in politics.

As he is. And we need also a breath of fresh air in the White House, along with fresh words of truth which we received yesterday from Senator KERRY.

The response of the Bush White House to these honest assessments by Senator KERRY and by our Republican Senate colleagues has been to attack them and blame everyone else. President Truman said when he was President, ''The buck stops here.'' With this President, it is ''the blame starts here''—blame those who opposed this war from the beginning, as I did; blame those who question his bungling of the running of Iraq after our courageous Armed Forces won the country in 3 weeks and still die daily because Iraqis will not take responsibility for their own country. And now he blames his political opponent for telling the American people the truth about Iraq, the truth that he has consistently withheld.

I am not clear exactly about what we are supposed to be optimistic. Certainly not the report of the President's own National Intelligence Council which, according to an Associated Press story last week, ''presented President Bush this summer with three pessimistic scenarios regarding the security situation in Iraq, including the possibility of a civil war there before the end of 2005.

Mr. President, I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DAYTON. Mr. President, how are we to view the continuing violence in Iraq, the murders of American soldiers as they stand guard in a country that its own citizens are unwilling or unable to guard for themselves, or the American citizens hired to work there who are being kidnapped and beheaded? Tell the 138,000 American soldiers who are courageously serving their country, risking and some losing their lives, and wondering when are they coming home. I say to those who tell patriotic dissenters that they are not supporting our troops—the printable part is, if you want to support our troops, bring them home alive soon, not in 10 or 20 years, as Senator MCCAIN has recently predicted.

Make Iraqis protect and defend their own country. That is what people do in a democracy. That is what people do in any form of stable national government: They impose law and order in their own cities. They provide public safety on their own highways. They defend their own national borders.

Over a year ago, in August of 2003, the Bush administration claimed that 95 percent of Iraq was peacefully occupied and operating normally. Now we see daily reports that violence is spreading and becoming more murderous. The Iraqi Prime Minister claims that ''foreign terrorists are still pouring in,'' a common cry to rally Americans behind the fallacy that their sons and daughters must die in Najev and Baghdad so we will not die in New York and Boston. He says more troops are needed to win. Following the party line, he says: We need more participation from other countries.

We needed more participation from other countries 2 years ago when Congress was stampeded as part of the 2002 midterm election strategy to vote a blank check for warmaking based on completely false information from the Bush administration, including the President and the Vice President themselves.

We needed more participation from other countries when the United States and Great Britain bilaterally invaded Iraq in 2003. Or when the operation of that country failed to begin 3 weeks later. We need it now. Now that President Bush has made a mess of the situation in Iraq, are there any international volunteers?

How about participation from the people of Iraq against the supposedly ''5,000 to 10,000'' insurgents, 95 percent of whom we are told are Iraqis who do not like the presence of the United States there. On paper, we were told over almost a year ago by the Secretary of Defense that there were 206,000 Iraqi militia and army military personnel who were being trained or had been trained—206,000 we were told. Last week, the Secretary of Defense admits that only half of that number have actually been trained.

We are told that less than $1 billion of the $5 billion that Congress appropriated 1 year ago for security training has been expended. And that is why the Republican chairman of the Senate Foreign Relations Committee said over the weekend that this is the incompetence of this administration. The buck stops there.

Mr. President, I ask unanimous consent that I may have 2 minutes to complete my remarks.

The ACTING PRESIDENT pro tempore. Democratic time remains—3 minutes 43 seconds.

Mr. DAYTON. I ask that I may have 2 minutes of that time to complete my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DAYTON. Mr. President, the buck stops in the White House. The blame starts there and it ends there. Senator JOHN KERRY is not responsible

for this war. Congress is culpable to some extent, but is not responsible for it. President Bush is responsible. Now that things are going badly and getting worse—and I say that not because it is pessimism, I say that because it is the truth. JOHN KERRY told the American people the truth. President Bush should start doing the same.

I thank the Chair. I yield the floor.

EXHIBIT 1

[From AOL News]

INTELLIGENCE REPORT OFFERED BLEAK VIEW OF IRAQ

(By Katherine Pfleger Shrader)

WASHINGTON (Sept. 16).—The National Intelligence Council presented President Bush this summer with three pessimistic scenarios regarding the security situation in Iraq, including the possibility of a civil war there before the end of 2005.

In a highly classified National Intelligence Estimate, the council looked at the political, economic and security situation in the wartorn country and determined that—at best—a tenuous stability was possible, a U.S. official said late Wednesday, speaking on the condition of anonymity. The document lays out a second scenario in which increased extremism and fragmentation in Iraqi society impede efforts to build a central government and adversely affect efforts to democratize the country.

In a third, worst-case scenario, the intelligence council contemplated ''trend lines that would point to a civil war,'' the official said. The potential conflict could be among the country's three main populations—the Sunnis, Shiites and Kurds.

It ''would be fair'' to call the document ''pessimistic,'' the official added. But ''the contents shouldn't come as a particular surprise to anyone who is following developments in Iraq. It encapsulates trends that are clearly apparent.''

The ACTING PRESIDENT pro tempore. There is 2½ minutes still under the control of the Democrats.

Mr. DAYTON. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DAYTON. I yield back the remainder of our time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania.

CHARITABLE GIVING ACT

Mr. SANTORUM. Mr. President, I thank the Senator from Minnesota for yielding back his time.

Shortly, I will be making a unanimous consent request to move certain legislation to conference, the Charitable Giving Act that passed the House, or the CARE Act that passed in the Senate. These two bills, very similar in nature, were passed earlier in this session, actually last year—both were passed last year—to try to help those organizations that are out on the front lines meeting the needs of our society. These are nonprofit organizations across America. The President refers to them as ''arms of compassion,'' those who meet human service needs, those who meet educational needs, our not-for-profit sector, which are a vitally important part of what makes America tick and what makes our country the great envy of the world in the sense that we have such strong communities, we have such strong voluntarism, we have such strong commitment to our neighbor.

These community organizations have seen, particularly in light of the decline in the stock market in the early part of this decade, with some of the problems we have had with our economy early in the decade, the amount of charitable giving decline. So as a result, to respond to these pressing needs, and actually to make the Tax Code, I would say, more equitable, we put forward a bipartisan bill offered by Senator JOE LIEBERMAN and me that passed 95 to 5. Support for this bill is pretty overwhelming. In the House, it passed 408 to 13, and in the Senate it passed 95 to 5. So there is strong support to try to help these charitable organizations meet the needs of those in our society.

Unfortunately, we have run into a roadblock. The roadblock is there are differences between the House and Senate bills. We would like to sit down and work out those differences in conference and move to a final solution to help these nonprofit organizations. We have been blocked repeatedly on the Senate floor from appointing conferees on a bill that is virtually noncontroversial, that has almost passed unanimously in both Houses, different versions, but we have not been able to do so.

On eight occasions I have come to the Senate floor and asked for consent to do what we do as a normal course of record, which is to sit down with the House in a conference and come up with a bill to be voted up or down by both the House and Senate. We have had objections to it. In fact, we have had eight objections by the Democratic leadership; 7 times Senator REID objected, and the most recent one Senator DASCHLE objected. I am going to offer another one today.

We are approaching the end of the session. We are approaching a point where all the work that has been done on this legislation is going to come to an end. There are 1,600 groups supporting this legislation. There are 1,600 national nonprofit organizations that have come forward and said: We want this to be passed.

Not only that, Senator DASCHLE himself said in an op-ed—which I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rapid City Journal, Feb. 15, 2002]

COMPROMISE GOOD FOR SD., AMERICA

(By Senator Tom Daschle)

WASHINGTON—Sept. 11 filled all of us with an overwhelming sense of grief. But like other human tragedies, Sept. 11 also taught us something important about ourselves. It reawakened in Americans a sense of generosity and civic duty. There was a heartfelt outpouring of altruism across the country as Americans united to provide assistance to the victims of Sept. 11.

It is important to continue building on this generous spirit by creating living memorials to the victims of September 11—not just in New York and Washington, but in Sioux Falls and Rapid City, in Newell, Faith, Elk Point and every community across South Dakota and America. We can do this by embracing President Bush's call to build on the important partnership between the federal government and community-based and faith-based organizations.

President Bush has been working with Democrats and Republicans in Congress to promote charitable giving and encourage community and faith-based groups. On Feb. 8, the president and a bipartisan group of Senators unveiled the Charity Aid, Recovery and Empowerment Act—or CARE Act—that will harness the goodwill of Americans and turn this goodwill into good works.

I strongly support this faith-based initiative, and commend President Bush and Sen. Joseph Lieberman for their joint leadership on an issue that is so close to their hearts and so important to our nation.

Community and faith-based organizations do not seek to replace government. There will always be a need for programs like Social Security, Medicare or Head Start. What this proposal seeks to do is strengthen the partnership whereby charities and government can work side-by-side to meet some of the great unmet needs of our nation.

South Dakotans know the good works charities perform. They have seen success stories. Sioux Falls Promise works with community and religious leaders and educators to meet the needs of children and young people. In Rapid City, Catholic Social Services provides adoption services and family counseling, while in Sioux Falls Lutheran Social Services runs one of the best immigrant assistance programs in the country. In other communities in our state and across the country, religious-based charities tutor and mentor children, give shelter to battered women and children, help young people find jobs, and feed the hungry by running soup kitchens and food pantries.

The bipartisan faith-based initiative announced by President Bush will help meet unmet needs in our communities by providing tax incentives to businesses and individuals to give money to charities, by simplifying the process by which charities can qualify for tax exempt status, and by providing technical assistance for community and faith-based groups.

In the wake of Sept. 11, it will provide a framework and incentives for Americans to take up arms against enemies here at home, including poverty, illiteracy, hunger and homelessness.

The CARE Act isn't a Republican or a Democratic plan. It is a bipartisan proposal that strikes the right balance between harnessing the best forces of faith in our public life without infringing on the First Amendment. It reflects a broad concept of public service and builds on programs sponsored by presidents from John F. Kennedy to President Bush's own father. Most importantly, it is representative of what we can accomplish in Washington when we put partisanship and politics aside and focus on what matters. I

look forward to working with President Bush to get this proposal signed into law.

Mr. SANTORUM. He said himself to the Rapid City Journal in an op-ed in South Dakota, talking about how good legislation this was:

The CARE Act isn't a Republican or Democratic plan. It is a bipartisan proposal that strikes the right balance between harnessing the best forces of faith in our public life without infringing on the First Amendment . . . I look forward to working with President Bush to get this proposal signed into law.

It is nice that the Democratic leader said that he is looking forward to it being signed into law, but he has done everything to stop it from actually becoming law by standing up and objecting to this legislation going to the conference committee so we can work out differences.

Many of those differences are going to be tough to work out. I will admit, some of the funding issues for social service block grant funds, some of the issues with respect to how much tax relief we are going to give to those who contribute to nonprofits, are going to be difficult issues to deal with, and there are going to be compromises that are going to be needed. There are going to be some things that Republicans are not going to be happy with in this compromise. There are going to be some things that Democrats are not going to be happy with in the compromise. But we need a vehicle to be able to sit down and work out these differences because people are not going to be able to get the benefits of this legislation, and they are profound benefits, unless we act.

Just to go through very quickly what the benefits are, there is a provision to encourage food donations. This is a very important part of meeting the needs of the hungry in America. Yes, we have Federal dollars that go for that purpose, but as my colleagues know, the vast majority of the food that is distributed through food pantries, soup kitchens, or missions comes from private donations. That is where the vast majority of the food comes from.

Yes, we do provide some Federal assistance to America's Second Harvest, to other organizations, but the vast majority comes from donations. There is an area of the law that candidly does not encourage, because of the Tax Code, some purveyors of food to give their surplus food for the hungry in America. So we changed that provision of the law. We believe—not we—America's Second Harvest believes that 878 million meals will be provided, as a result of this provision, for hungry Americans over the next 10 years. This is not a small amount. This is not a minor, trivial matter.

For those who care about hunger in America, and as someone who was a sponsor of the bill in the Senate that passed, the Good Samaritan Food Donation Act, I care a lot about America's Second Harvest and others who have the food necessary to be able to meet the needs of the hungry in America.

Individual development accounts—Senator LIEBERMAN, Senator FEINSTEIN, myself, and others have been working on this for years to try to help low-income Americans have the opportunity to accumulate wealth, to have savings and investment, to help them to get a college education, to get a GED, or to have the opportunity to own a home or to start a business, 300,000 matched savings accounts, matched with Government and private dollars to help low-income individuals save, to build wealth.

We have heard the President talk about an ownership society. This is a very important part of that ownership society in this bill. There is $2 billion of educational resources through what is called an IRA charitable rollover. People have IRAs, and some people who have IRAs candidly have a lot of money, and they do not need that money for retirement. If they want to give it to a charity, they are heavily penalized if they do. This will allow them to roll over their IRA. The biggest beneficiaries of this approximately $3 billion that we believe will be contributed will be educational institutions. Colleges, universities, private schools, maybe charter schools, and other educational institutions will benefit from this provision, and that is why all of the public universities and private universities in the country are for this provision and believe it can be a great help to educating our children and keeping the cost of education down.

Eighty-six million lower and middle-income Americans will benefit from the nonitemized deduction. What does that mean? Two-thirds of Americans do not itemize, period. They fill out the short form, the 1040EZ. We have a certified public accountant in the Chair, and he can explain this better than I can, but I will do my best.

Right now, if someone is one of these two-thirds of Americans who contribute to their church, the Red Cross, the Salvation Army, they cannot deduct the contribution that they made; whereas, if one itemizes, they can. So what we are trying to do is to provide some encouragement for people who do not have complex tax forms to give money to these organizations. That is what this nonitemized deduction for charitable giving is about. Eighty-six million lower- and middle-income Americans will do that, and it will be billions of dollars in increased donations as a result of it.

As JOE LIEBERMAN said—we had a press conference recently—what is left in this bill is all good. There is nothing bad. There is nothing controversial or that would be disagreed upon. There is disagreement on how to pay for this. There is disagreement on how much of this we want to do. There is disagreement as to how much we are going to have in direct Government assistance to nonprofit organizations, social service block grant funds. All of that is a controversy, but all of it is an argument on how much good we want to do, or how the focus should be.

The idea that we cannot get a discussion on how we can help those in need in our society, how we can help those organizations that want to help those in need, and get that into a form in which we can resolve these differences and come to a solution, to me, is very discouraging.

I have met with Senator DASCHLE from South Dakota. I have asked him to allow us to go to conference, and the Senator from South Dakota basically said: You have to agree before we go to conference to everything I want in this bill. If you don't agree with everything I want in this bill, then you can't go to conference.

What is the point of conference? If we have to do exactly what the Senator from South Dakota wants, to write this bill exactly how he wants it or we can't get a bill, that is hardly the kind of bipartisan cooperation that we have seen in getting this bill to the point it is right now. This is not the way legislating works. It is not my way or the highway from the minority. It is not my way or the highway to the American people, who would like to see some help for those in need in our society. You either do it the way I want to as the Democratic leader of the minority in the Senate, not the way the President would like to do it, nor the way the House would like to do it, nor how the Senate majority would like to do it, but how the Senator from South Dakota would like to do it himself. That, to me, is not bipartisanship. That is not reaching across the aisle to make things happen in a positive direction for an area in the country that is in need.

I am willing to compromise. I have said to the Senator—in fact, I said to the Senator from South Dakota that I am willing to make reductions in areas of this bill that I care most about, and I am willing to give in areas that I care probably less about. I am willing to make that compromise, but it is not all or nothing. It can't be all or nothing. That is what we are being told. To me, that is an insult to the very people we are attempting to help and certainly not in keeping with the comments of the Senator from South Dakota that he made in Rapid City. I understand how he would say those things in South Dakota. But here in Washington, DC, it is a very different story. It is not a story that says to those who are not-for-profit organizations that want to help, that need these resources and are in need, to not come and apply because we are going to deal with you exactly how this bill is going to be written.

This bill has been written in more of a bipartisan fashion than any bill I have ever been involved with in the Senate or in the House where I served. This is all good, the Senator from Connecticut said.

I am hopeful we will have an opportunity to place this good legislation in a situation where we can forge a compromise that will give us not everything I want, not everything the Senator from Connecticut wants, not everything the Representative in the House who is leading the effort on the House side wants, not what others want, but that we can arrive at a compromise in a bipartisan way to allow this bill to provide remedies for the needs of our society by getting this bill passed and signed into law.

UNANIMOUS-CONSENT REQUEST—H.R. 7

I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 7, the charitable giving bill, and the Senate proceed to its immediate consideration.

I further ask unanimous consent that all after the enacting clause be stricken, that the substitute amendment, which is the text of S. 476, the Senate-passed version of the charitable giving bill, be agreed to; that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table; further, that the Senate insist on its amendment and request a conference with the House; that the Chair be authorized to appoint conferees with a ratio of 3 to 2; and that any statements to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Objection.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. SANTORUM. Mr. President, if I can conclude and then I would be happy to let the Senator speak, I will submit for the RECORD a letter from Senator LIEBERMAN and I to the conferees on the FSC/ETI bill. We believe this is an important enough measure that we should pass it this year. If we are not able to go to conference and work out differences, Senator LIEBERMAN and I may ask the conferees on this tax bill to please consider the Charitable Giving Act as part of the FSC/ETI conference. I hope if this is not the vehicle, we can get it to conference another way.

I ask unanimous consent that this 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, July 22, 2004.

DEAR CONFEREES: We are writing on behalf of the charitable community, large and small, across this country seeking to aid families and better their neighborhoods and communities by helping those in need. As you know, both the Senate and the House of Representatives have passed legislation in this Congress with overwhelming bipartisan support that provides significant additional incentives for charitable giving around the country and additional resources for efforts to help those in need including innovative Individual Development Accounts (IDAs), increased Social Services Block Grant (SSBG) funding, and the Compassion Capital Fund. The Charity Aid, Recovery, and Empowerment Act (CARE) passed the Senate on April 9, 2003, by a vote of 95–5. The House of Representatives passed companion legislation, the Charitable Giving Act, on September 17, 2003, by a vote of 408–13.

Since both the Senate and the House have strongly supported charitable incentives, and since both the Senate and House FSC-ETI (JOBS) bills include charitable reforms which limit existing practices, inclusion of a package of charitable incentives in the FSC-ETI conference is appropriate and within the scope of the conference for this Congress. Furthermore, we believe that any revenue raised through constructive reforms impacting charities should be dedicated to expanding charitable giving incentives in order to help those in need.

We strongly urge the conferees to work with the many sponsors and supporters of the CARE Act in the Senate and the Charitable Giving Act in the House to include the significant provisions shared by both bills and full and fair consideration of those that differ—for the benefit of all Americans. The time has come to expand the tools of generosity and increase resources for those in need in a bipartisan fashion.

Thank you for your consideration of this request. We look forward to working with you in this important effort.

Sincerely,

RICK SANTORUM,
JOSEPH LIEBERMAN,
U.S. Senators.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I just came to the floor after having presented an award to Senator GORDON SMITH. The Suicide Prevention National Organization gave him an award, which is the No. 1 award that this organization can present. GORDON SMITH'S son took his own life at age 22. We passed in the Senate in recent days—in fact, on Garrett Smith's birthday—the Garrett Smith Suicide Prevention Act.

The reason I mention that is that matter was passed and is going to become law. The President will sign it any day.

As a result of what I suggest to my friend from Pennsylvania happened in this instance, we are not objecting to the passage of this bill. We have never objected to the passage of this bill. We are simply saying that it be handled in the way the Garrett Smith legislation passed, and let the House take whatever action on it and we bring it back. If we like what they have done, we will take it; if not, we will amend it and send it back to them.

We have had numerous bills enacted into law without using a conference to negotiate differences between the House and the Senate. I say numerous; I don't say several. I say numerous. I have not counted these, but I assume there are about 100 pieces of legislation.

The PRESIDING OFFICER (Mr. SANTORUM). The time is under the control of the Senator from Wyoming.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to speak in response to the Senator from Pennsylvania for up to 10 minutes. I will be happy if the Senator wants me to speak afterwards, whatever he wants me to do. I know we have a recess to take place at 12:30. I want to give fairness, and I should have the opportunity to respond.

Mr. ENZI. Mr. President, the Senator from Nevada may wish to speak after I speak. I will be covering some of the same ground. I will be making a unanimous consent request.

Mr. REID. Would the Senator allow me to respond to him and Senator SANTORUM's unanimous consent request following his statement?

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object, if there is to be an agreement soon, I would like to be a part of that agreement. I would like to offer a unanimous consent request to set a date for a vote on the reimportation of prescription drugs. If we reach an agreement, I would like to be a part of that so I can offer a unanimous consent request that the Senate be able to consider that issue.

Mr. ENZI. I am going to object to giving some leeway to the Senator from Nevada to give some kind of response because we are going to be asking unanimous consent. But I have listened for the last 2½ hours to comments from the other side that I have not been able to respond to. To give unlimited additional time to the other side to again make comments that we obviously would like to comment on, too, isn't reasonable at this point in time. We are already into the time of the policy meetings, so we are extending beyond that time. We are having to take that time in order to use our allotted time.

The PRESIDING OFFICER. Objection is heard.

The Senator from Wyoming.

UNANIMOUS CONSENT REQUEST—H.R. 1261

Mr. ENZI. Mr. President, I have heard a lot of talk by my colleagues on the other side of the aisle about jobs and workers. But I have to tell you that their actions don't match their words. It is a little disingenuous to come talk about jobs and then block a job training bill.

I point out one very important program we have that helps American workers improve their skills and get a new or better job so they can make a better life for themselves and their families. It is the nation's job training program created under the Workforce Investment Act. This job training legislation would help over 900,000 unemployed workers each year get back to work.

We keep talking about jobs and work, but we haven't been able to get this important bill into conference.

If the other party really wanted to provide working families with the help they need, they would be a lot less talkative, and they would be a lot more active when it comes to moving this bill on job training to conference and enacting it into law.

This obstruction by my colleagues on the other side of the aisle hurts our workers, it hurts our businesses, and it hurts our ability to compete in the global marketplace.

Let us look at the facts. The economy has shown 12 straight months of job gains. Last month, payroll employment increased by 144,000 jobs. Nearly 1.7 million new jobs have been created over the past year. The unemployment rate fell to 5.4 percent.

Mr. REID. Mr. President, I ask for regular order.

Mr. ENZI. I believe under regular order that for our time we have up to 60 minutes, that there was no set time for adjourning for the policy committees.

The PRESIDING OFFICER. I say to the Democratic whip that the time is now controlled by the Republicans. We are under a unanimous consent agreement that time was divided between the two sides. There is 41 minutes 19 seconds on the Republican side.

Mr. REID. I apologize to the Chair. I thought we were going out for our recess. So how much time is left for the Republicans?

The PRESIDING OFFICER. There is now 41 minutes 8 seconds on the majority side. There is no time left on the minority side.

Mr. REID. Mr. President, I apologize for interrupting my friend.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, we have laid the groundwork for the economic recovery we are experiencing today. President Bush's economic policies continue to create new jobs and move the economy forward. This all adds up to good news for the American people; not good news if you do not have a job. But this is a job-training program I am talking about so you can get a job, or if you have a job and want a better job, you can get skills improvement. We have weathered the storm and we are poised to enter a new period of prosperity.

However, I have to caution you about some serious roadblocks that stand in the way of prosperity for our workers and businesses alike. The first roadblock is a gap between the skills our workforce has and the skills our employers need. The second roadblock is the Democrats' obstruction of the job-training legislation that will help close this skills gap.

First I will talk about the skills gap so you can understand just how damaging the Democrats' obstruction is to our workers and our economy.

It may surprise you to learn that many good jobs in this country will remain unfilled because employers cannot find workers with the skills they need. This skills gap is not about politics; it is about education and training; it is about demographics; it is about America's competitiveness in the global marketplace.

This chart shows the expected labor force and labor force demand from 2002 to 2031. You can see the line with the boxes on it which shows the labor that is going to be needed. You can see the other less-increasing line that shows the labor that will be available. You can see the gap we will have between the number needed and the number available. We will not have enough workers to fill our jobs and we will not have enough workers with the right skills for those jobs. And we do not right now.

According to a 2003 survey by the Center for Workforce Preparation, an affiliate of the U.S. Chamber of Commerce, half of the employers reported difficulty in finding qualified workers. The problem is greatest for small employers. Small business—our greatest source of economic growth—cannot create jobs if they do not have skilled workers to fill them.

The gap between the demand for high-skilled workers and the supply will only widen in the future. Looking ahead 2 years, only 30 percent of the employers surveyed by the Center for Workforce Preparation believe the skills of their workers will keep pace. As policymakers, we too must look ahead to the growing skills gap that demands our attention and our action now.

Another chart shows the projected skilled- and unskilled-worker gap in 2010 and 2020. In 2010, the skilled-worker gap will be 5.3 million; by 2020, it will be 14 million. The unskilled-worker gap will move from 1.7 million in 2010 to 7 million in 2020. That is 7 million total by 2010, and 21 million total by 2020.

This skills gap blocks the way to better jobs and better lives for American workers and their families. This skills gap also threatens the ability of American businesses to compete in a more complex, global economy. In the book called ''The Jobs Revolution,'' by Steve Gunderson, Robert Jones, and Kathryn Scanland, they describe the impact of this skills gap:

> Every unfilled job translates to products and services we cannot deliver to the global market and, therefore, dollars we cannot return to the U.S. economy. Almost certainly, jobs unfilled in the U.S. will go elsewhere and not return.

Now, we can change this outcome. We can keep jobs and prosperity in America. But we must act now to close the skills gap by improving our education and our job training system.

When Federal Reserve Chairman Alan Greenspan testified before the Senate Banking Committee, he said:

> [W]hat will ultimately determine the standard of living in this country is the skill of the people.

Why is effective workforce training so important? Because in an increasingly knowledge-based economy, people—their talent and their ideas—make the difference. People are a company's most important resource. The skills and ingenuity of the American workforce will drive our economy in the 21st century and beyond. If we want to keep high-paying jobs in America, our challenge is to equip our workers with skills the global economy demands.

We used to manufacture buggy whips. We do not make them anymore, or hardly any of them. The workers who made buggy whips had to learn new skills. The new economy creates new jobs and those new jobs demand new skills.

We cannot turn back the clock. To quote again from ''The Jobs Revolution'':

> We'll never return to the days before satellites hovered over the globe and the Internet wove us together. We need to go forward, guided by a plan that reflects a new set of American priorities. The plan will marry education and employment. In the old, pre-revolutionary model, we went to school for a dozen or more years and then we went to work. After this revolution we'll need to keep learning to keep working. Education and re-education will be the dominant strategy by which we land and hold our jobs.

Unfortunately, the current workforce development system is not up to the task. It is not effectively equipping our workers with the relevant skills. Without any action, technology and other advances will outpace the ability of American workers and businesses to update skills needed to compete.

We must improve the Nation's job-training system under the Workforce Investment Act to better prepare American workers for the good jobs of today and tomorrow. Only a systematic reform of our Nation's job-training system will enable American workers and businesses to compete and succeed in the global economy.

There is good news. We have a bill that does this. It is a bipartisan bill that reauthorizes and improves the Nation's job-training system. It will help retrain workers to fill the jobs needed in this country now and in the future. It will link workforce development with economic development, recognizing that job training and job creation go hand in hand. It will partner the public workforce system with private sector employers—including small businesses—and with training providers to better prepare workers for high-wage, high-growth jobs.

The good news is that we have bipartisan legislation that does all of this—legislation that passed out of the Health, Education, Labor, and Pensions Committee unanimously, legislation that passed on the floor of this Senate last November unanimously. That does not happen with controversial bills. Where is the bill now?

Here is the bad news. Here is the roadblock. The Democrats will not let us send this important job-training bill to conference. They are stopping progress by refusing to appoint a conference committee, which is a committee made up of both Republicans and Democrats who would meet with Republicans and Democrats from the House to work out the differences between the House and the Senate versions of the bill—a very common procedure in past years, obviously not in this year.

This is an important jobs bill, a bill that will help American workers and

businesses, and it is being held hostage to election year politics. If we really care about keeping good jobs in this country, we need to send that job-training legislation to conference and then to the President to become law.

I owe my constituents more. I think we all do. We owe the American people an open legislative process, a process they expect and deserve from us. This is not just an academic question of Senate rules and procedures. A bill that would help put Americans back to work or find better jobs now lies in legislative limbo. Whether a company decides to open a plant in Cheyenne or China depends upon a qualified local workforce. A skilled workforce can make the difference between success and failure in the new, global economy. It will make the difference for our workers, for our companies, and for our future.

There is an American dream. It is to have a family, a nice home, and a good job to support that home and family.

Prior to my coming to the Senate, my wife and I owned some shoe stores. As a small-business owner, I saw firsthand the impact of job training in achieving that dream. We had an employee, a Vietnam veteran, who went to work through a workforce training course and ended up managing and then buying two stores from us. He is an example of what you can do with effective job training if you teach workers to dream at the same time.

We have to give workers and businesses the tools to turn those dreams into reality. Job training under the Workforce Investment Act can turn the dream into reality for millions of American workers. By blocking legislation that improves job training, my colleagues on the other side of the aisle are blocking the way to new and better jobs for American workers. They are blocking the pathway to prosperity for American families and American companies.

The job training bill known as the Workforce Investment Act is a central part of a combination of Federal education and training programs that provides lifelong learning for the workforce of today and tomorrow. In this technology-driven global economy, everyone is a student who must adapt to changing workforce needs by continuing to pursue their education. In turn, Congress must ensure that education and job training are connected to the needs of business, including small business, now and in the future.

I urge my colleagues on the other side of the aisle to allow the appointment of conferees to the job training legislation known as the Workforce Investment Act. The cost of this obstruction is the loss of important legislative efforts that will benefit the American people as it harms the integrity of the legislative process itself. I hope our bipartisan efforts on this bill can continue. I hope regular order is restored to the appointment of conferees so we can craft the final version of legislation. If we wanted to keep good jobs in this country, the Democrats would agree to send this important bill to conference.

And a conference isn't the last opportunity to obstruct or to filibuster. After the conference, if the Democrats don't like the results they participated in—and that is a key part to this, in conference both sides participate, as I mentioned before—then they can filibuster. This is embarrassing because we passed it unanimously last November. We asked for more job training last November. It is almost November again. And in fact, if a conference committee were appointed, there isn't time for that, it would be a bipartisan effort. It would be continuing work on the job force because there isn't anything a conference committee now could do that could affect this election. They have already held out long enough to affect this election and to restrict jobs in the economy.

I am pushing for a conference committee that could meet, that could resolve the small differences there are between the House and Senate bills. We have already talked about what those are and what the changes would probably be. I resolved about six of the issues that were brought up before, and we are down to some very minor ones. They need to be fixed by a conference committee.

There is no reason a conference committee should not have been appointed last year—not this year, but last year. This should have been worked out and people should already be in training for these jobs—900,000 of them a year.

I ask unanimous consent that the Senate now proceed to the House message to accompany H.R. 1261, the job training bill, also known as the workforce investment legislation, which is at the desk; provided that the Senate insist upon its amendment, agree to the request for conference on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate with a ratio of 5 to 4.

Mr. REID. Reserving the right to object, this bill has already passed. We are waiting for the House to get together on an amendment to send back to us. As I indicated, we have passed numerous bills by using this procedure. My dear friend, the Senator from Wyoming, for whom I have the greatest respect, is crying these big crocodile tears. We have passed numerous bills by doing the very same thing, sending a bill over to the House. This can be done without a conference.

I repeat for the third time, I have the greatest respect for the integrity of the Senator from Wyoming. I am sure if we shook hands on a deal he would go to whatever bounds necessary to fulfill that agreement. But I have to say that on the most important bill, the highway bill, another Senator and I shook hands, a Republican with me, indicating that if this bill is going to go to conference, if there was something in it he didn't like, then I wouldn't sign my name to the conference and vice versa. That was done in a personal meeting between myself and the other Senator. Then it was put in writing by the two leaders confirming the agreement we had reached.

Suddenly, we are told all bets are off. That deal is no good. So the conference is going on with none us of attending. There are meetings going on, but we are not part of the conference.

This is what has happened around here. That is the embarrassment. The conference process I have been involved in for 22 years has been turned on its head. Conferences are called in name only. You don't know what conference is being held, where it is being held, because you are not told. And not only that, what happens to many of these bills is other items are inserted that have nothing to do with the issue about which the conference is taking place.

I know the sincerity of the Senator from Wyoming. We know the importance of this legislation. We want it to pass also. But it has passed. We want it to be signed into law. The best way to accomplish that is to do what we have done on so many different bills that have been enacted into law without using the conference to negotiate the differences between the House and the Senate; that is, to work it out between the two bodies. We have done it many times. We can do it on this.

I object.

The PRESIDING OFFICER (Mr. TALENT). Objection is heard.

The Senator from Wyoming.

Mr. ENZI. I am deeply disappointed. I am not surprised that the other side objects to sending this important jobs training bill to conference. I am a little disappointed in the comments I just heard which try to give some credibility to my not being trusted. I don't remember any handshake I have made on any bill that hasn't turned out to be that way. I was not a part of that transaction.

I am on the Health, Education, Labor, and Pensions Committee.

Mr. REID. Will my friend yield for a comment?

Mr. ENZI. Yes.

Mr. REID. I want the record to be spread: I accomplished directly the opposite of what I wanted. I would never, ever question at any time the veracity, the honesty, the handshake of the Senator from Wyoming. Out of courtesy, because the other Senator was not on the floor, I did not want to mention his name. But it had no reference to you. We had a situation where Senator DASCHLE and I agreed to a conference on a handshake and, in my opinion, the handshake meant nothing.

It had no bearing whatsoever on the Senator from Wyoming. I want the Senator from Wyoming to know—everybody in Wyoming—I have never known a more ethical person in Government than the Senator from Wyoming.

Mr. ENZI. I thank the Senator from Nevada for his comments. I assure people that the Health, Education, Labor,

and Pensions Committee is one of the more controversial committees of the Senate. If I didn't have some credibility of following through on the things I have talked about in the process, that would not have gotten out of committee unanimously, had that not had the same kind of confidence on what I would do if a conference committee were appointed. And we talked about what kind of differences there are. The House had already passed their bill. If they didn't have some confidence in me that what I had said would happen would happen, it would not have gotten through the Senate floor unanimously. That doesn't happen often with Health, Education, Labor, and Pension bills.

This has been a very important bill for the workforce of America, and we had great agreement and cooperative work on it, recognizing what would probably be done in conference committee. Now, we could probably send this over four or five times to the House—which there is not time to do—and resolve some of the differences in each of those. Had I known this was going to happen, I would have started that process much earlier so we would have had time to send an important bill like this back and forth.

The way this has always been done with the Health, Education, Labor, and Pensions Committee bill—that is the committee I have been on ever since I got here—is that we held conferences. Yes, some of them had a lot of animosity, but we worked them out and got bills finished. When you have difficult issues, the best thing is for people to sit down with each other. I have always invited the other side to any conference committee I have been on, and we have listened to both sides. What we have usually come up with, instead of one side or the other, was a third way. That is what ought to be done on this bill.

We ought to be reaching an agreement so we can get 900,000 people a year trained to fill the skills gap we were talking about before. We are not just going to have a lack of jobs, we are going to have more jobs than we can fill—provided we have people trained to fill them. If we don't train the people, those jobs are going overseas and we will never see them again. It has been critical for this year, the year that is just about over. We cannot afford to do this again next year and wait a year or 2 years to reach an agreement to get people trained for jobs. That is what is happening.

If we have to go until the first of the year, all these bills start all over again. Everybody's ideas come back in again, we redraft and start again, and we get to conference—maybe. But there is no assurance of that. We are at the point where we can have a conference committee. If we have a conference committee, then there can be agreement or disagreement. If there is disagreement, there is an opportunity to filibuster at that point. Senators who cannot filibuster a bill through the rest of the session, as short as it is going to be now, probably ought to be worried about their senatorial capability.

Our workers and our companies deserve more than election year political obstruction. They deserve the tools needed to keep American workers and businesses the best in the world. They deserve to see us act in a bipartisan manner and send this bill to conference.

I yield the floor.

The PRESIDING OFFICER. Does the Senator yield the remaining time on the Republican side?

Mr. ENZI. Yes.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is now closed.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:53 p.m., recessed until 2:15 p.m, and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOMENICI. Mr. President, I ask unanimous consent that we proceed as in morning business for the following two items: That Senator DORGAN be permitted to proceed after the Senator from New Mexico for 5 minutes to speak as in morning business, and the Senator from New Mexico be recognized for 7 minutes to speak as in morning business, and that those are the only two speakers to be permitted as in morning business at this point, and that is for debate only.

Mr. DORGAN. Mr. President, I also seek the same 7 minutes.

Mr. DOMENICI. With the same conditions.

Mr. DORGAN. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. So we have 7 minutes each, speeches only as in morning business, and that is all we have agreed to at this point.

The PRESIDING OFFICER. The Senator is correct.

The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 2818 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, beyond the statement of my friend from New Mexico and Senator DORGAN, is there any other time that has been allocated?

The PRESIDING OFFICER. No, there is not.

Mr. REID. I ask unanimous consent that I be allowed to speak for 3 minutes to respond to my friend from New Mexico. Also, Senator NELSON is in the Chamber, and if there is a Republican who wants to speak—we are as in morning business, are we not?

Mr. DOMENICI. We are, but I cannot do that because we carved this out without our leadership. The Senator on his side is indicating he did not want us to do that, but he agreed to our two. We will soon agree with him, but at this point I cannot. Senator DORGAN is entitled to speak next, and I will inquire about Senator REID's and Senator NELSON's requests very shortly.

The PRESIDING OFFICER. The Senator from North Dakota.

UGLINESS OF AMERICAN POLITICS

Mr. DORGAN. Mr. President, first, I am proud to be in the Senate. I have always been proud to be a part of our political system. It is a remarkable privilege to participate in this system of ours. I have run for Statewide election 11 times, since I was in my midtwenties. I must say there are times when I see and hear things in American politics that fill me with disgust.

Two years ago, we had a colleague, Max Cleland, who sat in that desk near the door. Max Cleland was charged in his campaign with lack of commitment to our country's national security. They ran an ad against Max Cleland that had an image of Osama bin Laden and Saddam Hussein. This is a man who left three limbs on the battlefield. He sat in this Chamber missing two legs and an arm. Back home on television, he was accused of not standing up for this country's national security. It stretches my threshold of forgiveness to excuse those who do that to someone like Max Cleland, who went to Vietnam, came back, and wrote a book entitled ''Strong at the Broken Places.'' He ran for the Senate to become a U.S. Senator, only to be attacked that he was not somehow standing up for the national security interests of this country. Shame on them.

This Sunday, I saw that ugliness again raise its head. It is the worst of American politics, in my judgment. This is a newspaper called the Rapid City Journal. I have it because this comes from a neighboring State of

mine. On Sunday, Republican challenger John Thune accused Democratic Senator TOM DASCHLE of encouraging America's enemies and damaging U.S. troop morale with a headline, ''Emboldening the Enemy?''

For those who engage in this kind of politics, attacking the Democratic leader in the Senate as emboldening the enemy, encouraging America's enemies, and damaging U.S. troop morale, the Rapid City Journal says, all I can say is, shame, shame. Is there decency left in American politics? There was not in the attack on Max Cleland, a man who nearly died on the battlefield, and there is not in this unforgivable attack on the Democratic leader in the Senate.

Does anyone really believe that which occurs here, that the actions of the Democratic leader embolden the enemy, encourage America's enemies, and damage U.S. troop morale? It is so disgusting to see the tactic of questioning someone's commitment to their country, questioning someone's patriotism, or when someone says a critical word, suggesting somehow that they are giving aid and comfort to America's enemies. That is not what ought to be the best in this democracy. It is the worst in American politics. The shrill, ugly, corrosive, relentless attacks in this political system ought to stop. There is so much to be done. Obviously, I support my colleague, Senator DASCHLE.

There is reason to have an aggressive debate in our State to the south about a range of issues. But there is no reason, no excuse for the challenger in that race to be suggesting the Democratic leader here in the Senate, my colleague and friend Senator DASCHLE, somehow is encouraging America's enemies and damaging U.S. troop morale. That is not below the belt, that is below the radar screen of American politics. My hope is that the American people, my hope would have been that the citizens of Georgia, and my hope certainly is that the citizens of the United States see it for what it is. It is an outrage, and this country should not stand for it. This country is about, in my judgment, aggressive, open debate. There is an old saying: When everyone is thinking the same thing, no one is thinking very much.

But we have people around today who believe if you raise any questions at all, you are somehow unpatriotic. What a load of nonsense.

I came into American politics and into this political system proud of politics and the way we make decisions. John F. Kennedy used to say that every mother kind of hopes her child might grow up to become President as long as they are not active in politics.

He was kidding, of course. Politics is an honorable venture in this country. It is the way we have made decisions for over 200 years. There is nowhere else like this place on this globe. We spin around the Sun with 6 billion of us and somehow through divine providence we landed right here right now. What a wonderful event for us. It is our job to be caretakers of a political system, a democracy that is the most successful in the world. There is plenty of reason for us to have aggressive debates. Aggressive debate is wonderful. It is invigorating and refreshing to our democracy. But this is not aggressive debate. This is the worst of American politics. I hope it stops.

Mr. JOHNSON. Mr. President, may I direct a question to my colleague?

Mr. DORGAN. I would be happy to respond or yield the floor.

Mr. JOHNSON. I want to express my agreement with the observations expressed by my friend and colleague from North Dakota about the tenor of some of the recent attacks directed toward my colleague from South Dakota, Senator DASCHLE. This is beyond anything we have witnessed in America politics in more than a generation, and perhaps ever, to have an attack in a political campaign essentially accusing a leader of the Senate of conduct bordering on treason.

I think Senator DASCHLE put it well, that based on good values in the way we tend to see things, the observations of this gentleman ought to lead to a trip to the woodshed for the despicable nature of the observations. I believe it would be hard to find anyone in the Senate—I am sure my colleague from North Dakota would agree with me, Senator DASCHLE being the only veteran in that particular race, someone who served in the Vietnam era—would Senator DORGAN agree with me that there is virtually no one in the Senate of either party who has been more committed to living up to our obligations to our veterans, to the safety, equipment, and resources of our men and women in uniform? I ask this question of my colleague from North Dakota, as the father of a young man, my oldest son who served in combat in both Afghanistan and most recently in Iraq, a member of the 101st Airborne, my son, who is a very big supporter, a very vocal supporter of Senator DASCHLE and the importance for the sake of our military and our national security of our State of reelecting him to this important position. But can you think of anyone who has done more, who has provided more leadership, has been more vocal in support of our troops and our military and our Nation's defense than Senator DASCHLE?

Mr. DORGAN. Senator DASCHLE is an Air Force veteran. He is a patriot. He is someone who has a strong record on national defense and national security issues. He doesn't need me to come to the floor to defend him. I come to the floor only because I am disgusted at this sort of nonsense. This represents the worst of American politics. If you want to have a debate about energy, taxes, foreign policy, name it, have that debate. But don't accuse your opponent of somehow not standing up for the interests of this country. Don't accuse your opponent of giving aid and comfort to the enemy. That is beneath, in my judgment, thoughtful politics. That is the kind of thoughtless and low blow in politics that is uncalled for. The only reason I came to the floor is I am disgusted by this.

I am part of this political system and I have always in my campaign tried to wage a positive campaign. When challenged, I am aggressive, no question about that. But I hope no one is accusing me of the low road because I never take the low road. I believe this is about a positive future of jobs and hope and opportunity for the American people. There is so much to talk about and so much to do. In my judgment, it betrays rather than serves the public interest in this country to be somehow questioning the patriotism or questioning the commitment of a Member of this body, especially the leader of our caucus, questioning the commitment of the leader to the ideals and goals of this country and saying instead that somehow what the leader of our caucus has done is to give aid and comfort to the enemy or to embolden the enemy, as the headline states. That is not what we should expect from our political system or the candidates who are in that political system.

Mr. NELSON of Florida. Mr. President, will the Senator yield for a question?

Mr. DORGAN. I would be happy to yield.

Mr. NELSON of Florida. I thank the Senator for yielding.

The Senator has accurately described a political season where meanness is the order of the day. He has pointed out this element in the race in South Dakota. I have seen it in my State of Florida recently, interestingly, in the Republican primary, meanness where the truth doesn't matter, where you can be opponents, but you don't have to be enemies, and it is there nevertheless. It is time for the people of this country to say that is enough. We are killing our own democratic institutions with the smut and dirt and untruths, and it is time to stop.

Mr. REID. Will the Senator yield?

I know the Senator from North Dakota has the floor. I would like to ask a question of the Senator from Florida. To make the Senator's point clear, however, I ask, is it not true that the Senate race to which the Senator is referring was a race between two Republicans, one backed by the President and the other running on his own, former Congressman McCollum? And the viciousness—I have read editorials from the State of Florida which dealt with Martinez's campaign against this good man, Congressman McCollum, and the same applies to South Dakota. The same crew that is trying to demean Senator DASCHLE demeaned Congressman McCollum. Is that a fair statement?

Mr. NELSON of Florida. I say to the Senator that sadly Mr. McCollum, former Congressman, who ended up second in the Republican primary, a fellow I have known since high school and

who has some very high principles, because he announced that he was in favor of the hate crimes bill, was labeled, as reported in the St. Petersburg Times, as ''the new darling of the homosexual extremists'' as a means of trying to cut him down in a Republican primary.

This has absolutely gotten out of control and I am afraid we are going to see more of the same as we come into the general election. It is exasperating. It is not the American way. We have seen this time after time. My goodness, what do we have to expect in the Presidential race in the next 6 weeks?

That is my response to the Senator.

Mr. REID. Mr. President, will the Chair state what the matter before the Senate is at this stage?

The PRESIDING OFFICER. The Senate is in morning business for debate only.

Mr. REID. And the time is not divided between now and 3 o'clock?

The PRESIDING OFFICER. The time of the Senator from North Dakota has expired.

Mr. REID. Following that expiration of time, how is the time allocated?

The PRESIDING OFFICER. There is no order in place.

The Senator from Nevada.

VOTING IN AMERICA

Mr. REID. Mr. President, I want to comment briefly on the statement of my dear friend from New Mexico about voting and all that he thinks is wrong with our system. I would be happy to look at his legislation. But it seems to me around here what we should be dealing with is giving people the opportunity to vote more easily rather than making it more difficult.

I think it speaks volumes that when you look at the States that have same-day registration, the turnout is much bigger. We have one State where there is no registration, and the vote there, of course, is even higher. In those instances where you have same-day registration and you have no registration, with all the modern computerization, all the ways of checking, there has not been a single case of fraud reported, to my knowledge. So I think what we should try to do is make it easier for people to vote, not harder. I heard my friend, if I understood his statement, say that there are some people out registering lots and lots of people. Well, good. Good. We need more people like that.

I am very disappointed in the State of Nevada. I have tried for years to get the system changed. But, in Nevada, we cut off registration a month before the primary election, and then we cut it off a month before the general election. Just when people are interested in voting, we cut them off. And the county clerk says: Oh, it's so hard for us to get all the records in order. That is silliness. With all the modern technology we have, it is easy.

The reason it is hard is people like to know who they have who voted for them last time or voted against them. They do not want to make a big impression on getting new people into the system. It is easier to deal with what you have, and it is wrong.

We started off after the Civil War with rules to keep people from voting. We need to get out of that mindset.

We need to make it easier for people to vote, and one way to do that is to have either same-day registration or even no registration. There are plenty of ways of checking to see if people are trying to vote fraudulently.

In the State of Oregon, people vote by mail. They do not have polling places in Oregon, and it works out just fine. The State of Washington also does a lot of their balloting by mail. It works out fine. Those two States decided they wanted to do what they could to increase voter participation, not cut back on it. We need to do more of that rather than all these laws that are going to throw people in jail if they register wrong people. I think there are so many different ways of checking to make sure you have an honest election that you do not need to have all these punitive measures that are proposed.

APOLOGY TO THE PEOPLE OF SOUTH DAKOTA

Mr. REID. Mr. President, I know my friend from Florida wants to speak. I certainly want to give him that ability. But I just want to say this: The Senator from North Dakota is absolutely right. Senator DASCHLE is a veteran who has served in the U.S. military. He is a person who has dedicated much of his legislative life to helping people who have served in the military.

There are a lot of people who can take responsibility for dealing with Agent Orange, but Senator DASCHLE, who is a Vietnam-era veteran, knows about Agent Orange, and he has worked tirelessly to get things done in that regard.

I have worked with him on concurrent receipts. He has been a big advocate of concurrent receipts. He is a person who has almost single-handedly taken care of TRICARE, to make sure that National Guardsmen and reservists are treated more fairly with medical care.

To think that in any way this good man has somehow emboldened the enemy—and that is in the way of a fundraising letter—is not very good. I know the man running against Senator DASCHLE. I like him. I am just terribly disappointed that he would allow people to use him the way they have. That Senator DASCHLE has emboldened the enemy is unfair. It is outrageous. And I think that Congressman John Thune should apologize to the people of South Dakota for suggesting that TOM DASCHLE has emboldened the enemy. I assume he is referring to these nameless, faceless, evil people who are committing this war on terror, who are executing this war on terror.

Senator DASCHLE has somehow emboldened the enemy, these nameless, faceless people who are killing innocent women and children, and others? I think not. And I say John Thune, whom I have the highest respect for, should return the dignity to his person and disavow this statement.

The PRESIDING OFFICER. The Senator from Florida.

Mr. REID. Mr. President, will the Senator withhold?

Mr. NELSON of Florida. Mr. President, I will yield to the Senator from Nevada.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there be a period for morning business for the purpose of statements only until 3:45 p.m.—that is the next hour—with the time equally divided between the two leaders or their designees?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I also say, Mr. President, if there is some concern because we used the last 15 minutes, if the Republicans want to come and get a little extra time because of that, we would be happy to take care of that.

The PRESIDING OFFICER. The Senator from Florida.

THREE MAJOR HURRICANES IN FLORIDA

Mr. NELSON of Florida. Mr. President, my family has been in Florida for 175 years, and I do not remember in all of the history books where major hurricanes have happened back to back. It has happened with lesser hurricanes, but I think the record book was shattered when three large, major hurricanes in a row have battered our State over the course of a 6-week period: first Charley, then Frances, and now Ivan.

As I flew in a National Guard helicopter last Friday with the Governor over the Barrier Islands, I saw there were no sand dunes anymore in the Barrier Islands of Pensacola Beach. The sugary white sand of the beaches and those sand dunes had been washed across the entire Barrier Island from the Gulf of Mexico to Pensacola Bay. And from the air, it appeared as if the entire Barrier Island was washed in white. There were structures standing, but the structures were usually the newer ones built according to the new building codes. And as we are hearing in the reports out of Alabama, those structures were even uprooted on their foundations and have to be destroyed. If it was an old structure, that old structure is history.

For not only the howling winds of 138 miles an hour, but the tidal surge of the water that came with the hurricane winds—water that then washed up into the very large Pensacola Bay, even taking out major sections of the Interstate 10 bridge—we did some quick mathematical calculations and figured that a wall of water at least 40 feet

high would have had to hit that bridge, positioned some 12 miles from the gulf up Pensacola Bay. It would take 40 feet of water to have enough pressure to raise the sections of Interstate 10's bridge off of the pilings and deposit them in the bottom of Pensacola Bay. And in many other sections of the bridge, the same effort moved it 3 and 4 feet on top of the pilings.

Even at the end of Pensacola Bay, some 20 to 25 miles from the Gulf of Mexico, the wave of water was so fast and so furious that as to the four-lane highway, US 90, that rings the shore of Pensacola Bay on that far northern end, two lanes of those four lanes were washed out at the bridgeheads and thus, is complicating the rescue efforts, the rebuilding efforts because of traffic not being able to get to Pensacola, with only two-way traffic open on one of those lanes that had been spared.

We are finding out once again, because we keep coming with emergency appropriations for Federal disaster relief, that hurricanes can be quite costly, as we have known over the years. It was my freshman year in the Congress in 1979 that I voted for my first disaster relief, which was in response to the eruption of Mount St. Helens in the State of Washington covering so much of that State with soot and ash. But that is in part what a Federal Government is for—to respond in times of emergency and disaster.

So, too, we have seen the President request $2 billion for the first hurricane and disaster relief—that won't take care of all of the relief for Charley—and another $3.1 billion was requested for Charley and Frances. That certainly won't take care of those two storms because there is another billion dollars of agricultural relief that is going to be needed that the President did not request. But we haven't even gotten to the third hurricane, Hurricane Ivan. As we speak, those calculations are being made. This Congress is going to have to respond.

Last week I had a colloquy with the chairman of the Appropriations Committee, the distinguished Senator from Alaska. He assured me and gave me his commitment that he would proceed on the agricultural relief with regard to Hurricane Frances and Hurricane Charley in the conference on the Homeland Security Appropriations bill. Huge parts of the $65 billion-a-year agricultural industry in Florida have been destroyed—citrus, both orange and grapefruit; the nursery industry, including the fern industry, of which Florida is one of the major growers of ferns; vegetables; fruits; cattle; dairy cows that dried up because they could not be milked since there was no electricity to operate the automatic milking machines. You can go on down the list of all the agricultural commodities that were hit as well as the equipment those farmers owned.

But now with Ivan in the panhandle, we are going to have additional agricultural losses, particularly from cotton and peanuts. I dare say that will be shared with the State of Alabama, perhaps with Georgia, as Ivan raced across the southern United States after it had made landfall at the Florida-Alabama border.

It is interesting that in our State, having been put in hurricane mode for 6 weeks, people began to recover from one blow and then here comes another blow. In fact, the people in the center part of the State on the first two storms were hit twice where the two storms passed and happened to cross—Charley from southwest to northeast, Frances from southeast to northwest. And they crossed their paths in the center of the State.

Then along comes Ivan. At one point we even thought the State of Florida might be spared. It looked as if it was going to be bearing down on, Lord forbid, New Orleans, which is lower than sea level, or Mississippi where so many of the establishments there, including the gaming industry, are on floating boats. You can imagine the wreckage that would have caused.

But it shifted to the east, bearing down on the Florida-Alabama line, with the winds coming off in a counterclockwise rotation off of the Gulf of Mexico, in its most fierce fury, on to the shores of that southern Alabama coastline and northwestern Florida coastline.

That is a part of our State that has a great deal of the national assets of our U.S. military. Ninety percent of the buildings at the Pensacola Naval Air Station had severe damage. At Whiting Field, where Navy pilots and Marine pilots and Coast Guard pilots and Air Force pilots, both fixed wing and helicopter, are trained, all of the hangars sustained major roof damage with the roofs being ripped off of those large structures. So, as we have responded after the other two hurricanes with special appropriations to fix up those military facilities so they can get back in the business of training our young men and women so they can defend this country, so, too, we are now going to have to address those particular needs even as far east on that Florida panhandle as Eglin Air Force Base which had its major tower completely taken out of commission.

The Senate will hear me, over and over, advocating and trying to articulate the needs for a State that is in crisis, a State that has been hit not once but three times by the hard and savage blows of Mother Nature.

Floridians are a hardy lot. Floridians have endured hurricanes before. Floridians will do it this time. In the meantime, let's have the Government do one of the things that it does best—respond to the needs of its people when the needs of the people are so desperate.

I suggest the absence of a quorum and ask unanimous consent that time charged under the quorum call be divided equally.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. 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. MCCAIN. Mr. President, I ask unanimous consent to address the Senate for not more than 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona is recognized.

THE SITUATION IN RUSSIA: BACK IN THE USSR

Mr. MCCAIN. Mr. President, I have spoken often about Vladimir Putin's ''creeping coup'' against the forces of democracy and market capitalism in Russia. It is with regret that I note today that the coup is no longer creeping—it is running full steam ahead. President Putin is crassly using the horrific Beslan attack to consolidate autocratic rule. The people of Russia, no safer because of the Kremlin's power grab, will ultimately pay the price. Their freedom and the future of Russia as a democratic state are at stake.

The terrorist attack on a school in Beslan illustrated once again the ugly face of extremism that will stop at nothing—not even the deliberate killing of schoolchildren—in pursuit of its political aims. Like millions of others around the world, this terrible event moved my heart, and I offer my sympathy to the families who have suffered so grievously throughout the ordeal. As with all deaths in terrorist attacks, nothing anyone does can bring back the lost. It is the duty of political leaders to remember the fallen by taking steps to ensure that such attacks do not again occur.

And yet Mr. Putin chose the immediate aftermath of this attack not to address the root causes of Chechen terrorism, nor to take meaningful steps that would enhance the safety and security of the Russian people. Instead, he used the attack as an excuse—an excuse to consolidate power and further remove the Russian people from democracy.

President Putin has announced that, because Russia faces terrorist threats, significant changes within the government are required. In the broadest sense, he is right. In the midst of the Beslan hostage standoff, government officials repeatedly lied about what was happening inside the school. The military was unable to rescue people and could not coordinate a response. Furthermore, recent accounts indicate that during the near-simultaneous bombing of two Russian passenger aircraft, the suicide bombers bribed their way through checkpoints and onto the planes. These problems stem from the

Kremlin's lack of transparency, the government's lack of accountability, and from widespread corruption and ineptitude. And so a reasonable observer might guess that the Kremlin seeks governmental change that addresses these problems. But a reasonable observer would be wrong.

Instead, Mr. Putin has proposed changes that would concentrate his personal power and nearly extinguish the embers of democracy in his country. His allies have told journalists that the president planned for months to centralize political authority, and merely took advantage of the Beslan seizure to unveil the decision. And, as the Washington Post has pointed out, he has not removed security officials who have failed to prevent repeated terrorist strikes over several years.

The total effect of President Putin's new proposals would be to move Russia a long way down the road to autocratic rule. He would eliminate the popular election of Russia's 89 regional governors, and instead appoint them himself. He would eliminate independent members of parliament, so that Russians could vote only for political parties rather than specific candidates, Political parties—such as like the powerful one headed by Mr. Putin—would determine the slates. In last December's elections, district races accounted for every independent and liberal now serving in the Duma. Under Mr. Putin's plan, these races would be abolished. I speak of all of these ideas as ''proposals'' because the electoral changes require parliamentary approval. But that should not be difficult—Mr. Putin's party controls more than two-thirds of the seats.

As shocking as these recent moves are, they are simply the latest and most egregious in a long string of antidemocratic actions. In his time in power, Mr. Putin has tried to eliminate independent media by imposing restrictive laws. These have led to the takeover or arbitrary closing of all independent national television channels. The international media watchdog group Reporters Without Borders ranked 166 countries in its annual World Press Freedom report. Russia came in 148th. Last year, five reporters were killed under suspicious circumstances, and many reporters were harassed, imprisoned, or physically beaten.

But the media is not the only sector to fear the wrath of an increasingly authoritarian Kremlin. Mr. Putin has asserted control over Russia's energy industry and used government power—including imprisonment—against executives who oppose him. The world has watched with concern over his single-handed attempt to put Russia's largest privately held oil company out of business. And, having lost their rights to free speech and press and to engage freely in an open market, the people of Russia are now on their way to losing the right to vote.

The Kremlin's imposition of old-style central control will not make the people of Russia safer, it will merely curtail their freedoms. But terrorism in Russia does not result from too much freedom. If anything, it stems in part from the Kremlin's reluctance to address the legitimate aspirations of the Chechen people for autonomy or independence. Moving in the opposite direction, increasing central control and decreasing the say of citizens in how their nation is governed, will do nothing but aggravate the problems for which Mr. Putin proposes solutions.

Sadly, many Russians have responded to the Kremlin's new proposals not with outrage but with fearful plaudits. Regional leaders—many of whom may lose their jobs when they are replace by Kremlin appointees—have nevertheless praised Mr. Putin's power grab. The Tass news agency ran a headline last week entitled ''Regional leaders hail Putin's latest moves as a panacea for all Russia's ills.'' This kind of response is eerily familiar, a reminder of the ridiculous propaganda fed to the Russian people and the world by the Soviet police state. I though that the Russian people have moved beyond this sordid past, throwing off the shackles of oppression and ushering in a new day of freedom. I will bet that the people of Russia though the same. But obviously Mr. Putin and the Kremlin have other ideas.

As the world's beacon of freedom and democracy, the United States must make clear our fierce opposition to the path that Russia's leadership is currently on. As much as we value Russia's cooperation in other areas of our bilateral relationship, they will have little meaning if Moscow reverts to it old ways. Mr. Putin, the world is watching your next move.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. 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.

NO PLAN FOR IRAQ

Mr. BYRD. Mr. President, earlier today at the United Nations the President of the United States painted a pretty picture of the occupation of Iraq. But the President's picture was far from reality. The reality is the situation facing our soldiers, the very limited Iraqi security forces, and, importantly, the Iraqi people.

The reality is that today Iraq is in flames. A horrifying wave of violence has struck yet again, targeting the Iraqi police, Government leaders, innocent civilians, and our very own troops. The death toll in Iraq continues to mount. As of today, more than 1,030 American troops have died in this war, a war that should not have been fought, a war which was wrong in the beginning, wrong today.

More than 700 Iraqi police have perished in the short time since the force has existed. The numbers of civilians killed in President Bush's preemptive war is unknown. They may never be known. But it numbers in the thousands—the widows and the orphans who have been left alone, the tears that have been shed.

Who is responsible for this bloodshed in Iraq? Is it a small group of religious radicals, or the secret agents of Osama bin Laden, or terrorists who might otherwise sneak out onto the streets of New York City? No, no, and no. An ever growing pile of press reports indicates that the insurgency is larger and more broad than the White House will admit.

On Wednesday, September 15, the Wall Street Journal reported that ''Iraq's once highly fragmented insurgent groups are increasingly cooperating to attack U.S. and Iraqi government targets, and steadily gaining control of more areas of the country.''

That was the Wall Street Journal of Wednesday, September 15.

Meanwhile, the Commander in Chief, President Bush, seems to be in the dark about the worsening situation in Iraq. Faced with the spread of violence in Iraq, the President continues to speak of Iraq as a country of free people. But what liberty, what liberty, is there to be enjoyed when the police are being killed by the scores, the chances of a peaceful election have been thrown out the window, and many Iraqis are too afraid to send their children to school?

One must begin to question whether the President is getting the bad news about what is happening on the streets of Baghdad and Fallujah or if he is simply ignoring it. Surely the Commander in Chief has a responsibility, has the obligation, to change his strategy when it has been proven a failure. Instead, the White House blindly insists that the problems of Iraq will sort themselves out if we simply maintain a resolve to stay the course. Did the American people really want to stay the course that has resulted in the deaths and the injuries of thousands of our troops?

Now the President wants to spend another $3.4 billion in reconstruction funds to again try to bolster the same Iraqi security forces that have been outgunned and inadequately trained to take on the insurgents in Iraq. This is even more evidence, is it not, even more evidence that the administration had no plan, that the administration has no plan for postwar Iraq, other than to throw more money at the problem and hope for the best.

As the cost of the war continues to spin out of control, we must remember that last fall the Bush administration promised that its request for the biggest foreign aid package in half a century would bring security and stability to Iraq. The White House got enough Members of Congress to vote for $18.4 billion to buy that pig in a poke, and the President got unprecedented flexibility to spend that reconstruction

money almost as he sees fit. Has that reconstruction money helped to get our troops out of harm's way? Has it helped to bring our men and our women home? No. In fact, our troops are under a greater number of daily attacks now than they were when the President asked for his massive foreign aid program.

As the President wants to spend more and more money in Iraq, our troops are getting sucked ever deeper into the bloody quicksand of the Middle East. Most astonishing yet, the White House has not held anyone in the administration accountable for the mess that has become Iraq. It is business as usual in the White House bubble.

The Pentagon botched plans for postwar Iraq as if there ever were any, and the shame of Abu Ghraib has further turned world opinion against the United States. But instead of holding someone at the Department of Defense accountable for those mistakes, the Vice President said that we have the ''best Secretary of Defense the United States has ever had.''

The CIA failed to detect Osama bin Laden's plot to attack New York City and Washington, DC, and then it produced faulty intelligence that the White House used to take our Nation to war against Iraq.

The White House misled the American people. It is a war we should never have fought. It was wrong from the beginning; it is wrong today.

Instead of holding someone at the CIA accountable for those mistakes, the President praised the former CIA Director as ''a strong leader on the war on terrorism.''

The U.S.-run occupation government in Iraq mistakenly disbanded the Iraqi Army, bungled the management of $18.4 billion in reconstruction funds, and turned a blind eye to the rising flames of anti-Americanism in Iraq.

Instead of demanding accountability for mistakes made by the Coalition Provisional Authority, rumors abound that its former head, Ambassador Paul Bremer, could be up for a promotion to Secretary of State.

How about that? He didn't have time, he said, to come back before the Appropriations Committee of the Senate—I was there and asked him. No. He said he didn't have time. I will not have time when the time comes to vote for him as Secretary of State if such nomination is ever presented to this body.

For all the mistakes that have been made in President Bush's unprovoked war on Iraq under the doctrine of preemption, which is unconstitutional on its face, and therefore it is fundamentally flawed, not a single administration official has been held accountable for the mess that Iraq has become. Not a single administration official has been called to step aside for the mistakes they have made. In fact, the only senior administration official the White House has seen fit to fire is the former Secretary of the Treasury, who dared to question the fiscal responsibility of more massive tax cuts. If this President cannot hold his advisers accountable for their mistakes, then the people should hold this President accountable for his poor judgment.

The situation in Iraq has been elevated beyond a crisis. The White House plan for holding Iraqi elections in January 2005 is shaky and becoming more so with each new attack on our troops. Instead of demonstrating the leadership to bring more countries in to assist in rebuilding Iraq, the President pays lipservice to international help.

The President has only proposed to sink more taxpayer money into the same failed policies that brought us to this point. We are falling deeper and deeper and deeper and deeper into debt. The President has failed to act to counter the surge in violence that is costing the lives of our men and women in uniform.

How long can this bumbling by the White House go on? How long must our troops be tied down in Iraq? How long will we struggle without a plan to end the spreading violence? How long will it take for our country to turn away from this dead-end policy created by the dead-brained thinking in this White House?

How long, Mr. President? How long?

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CAMPBELL. 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.

NATIONAL MUSEUM OF THE AMERICAN INDIAN

Mr. CAMPBELL. Mr. President, before I present the Legislative Branch appropriations bill, let me take a moment of personal privilege to thank my colleagues for allowing me last night's unanimous consent agreement to appear on the floor of the Senate in traditional clothing of a Cheyenne chief.

This is a very special day in the lives of all Native Americans, and a very special day in my life, too. I would hope my fellow Senators would have time to visit our Nation's newest Smithsonian jewel—the National Museum of the American Indian.

I have just come from speaking at the opening and ask unanimous consent that my remarks at that opening be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL MUSEUM OF THE AMERICAN INDIAN
SENATOR BEN NIGHTHORSE CAMPBELL SEPTEMBER 21, 2004

Senator Dan Inouye, my friend and colleague, to whom we owe so much, often says that Washington is a city of monuments and yet, there is not one monument to the Native people of this land. This magnificent structure is that monument and in it we will tell our story.

Indeed it is a monument to the Mimbres, the Anasazi, the Toltecs and Hopewell, the Chacoans, the Mayans and hundreds of other cultures now long gone, who lived in communities called Tikal, Tenochtitlan, Cahokia and a multitude of other enlightened communities while European cities were in their infancy.

They were communities inhabited by farmers and doctors, teachers and craftsmen, housewives and soldiers, priests and astronomers, who with all their collective wisdom could not have known that earth mother would someday be called real estate. They knew not alcohol or drug abuse, Tuberculosis or Cholera, Smallpox or Aids or even the common cold. How much we can learn from them.

It is a monument to the millions of Native people who died of sickness, slavery, starvation and war until they were reduced from an estimated 50 million people in North and Central America to just over 200,000 souls in the United States by 1900. Only 400 years after the old world collided with their world, the Native people of this land became America's first endangered species.

In spite of this sad truth, this beautiful structure is also a monument to the 190 thousand American Indian Veterans who served with honor and courage in our armed forces, defending a nation that was founded on religious freedom, yet practicing their own was often against the law. They faithfully carried out the orders of the Commander in Chief, even though before 1924, they could not legally vote for him because they were not considered citizens.

It is a monument to our elders, who as children, were taken from their loved ones and placed in boarding schools that often had the adage: ''kill the Indian to save the child.''

All too often they were beaten for speaking their Native language or praying to their Creator. All too many chose suicide as their only alternative, but those who endured though shorn of their hair and stripped of their dignity were never shorn of their spiritualism or stripped of their pride. They are our mothers and fathers.

It is a monument to a people who were here before the birth of a boy king in Egypt called Tutankhamen and before the Greek poet Homer wrote the Iliad and before Caesar watched Roman chariots race in the Circus Maximus and before Christ walked the hills near the Sea of Galilee.

It is a monument to their gifts to humanity. Native Americans are much more than a sum of gifts. They are more than squash and tomatoes, corn and beans and potatoes, pumpkins and peanuts, and all the medicines derived from plants that began as Indian lore and are now used to save lives around the world.

Their supreme gift to the world, in my view, even surpasses the treasures you will see in this beautiful building. It was a unique system of self-governance never before tried in the monarchies of Europe or Asia. It is called Democracy. It was a system copied from the Council Fires of the Iroquois Confederacy by Benjamin Franklin and penned for a new fledgling United States of America. It is still used by this Nation and is copied, in part, by almost every emerging Democracy in the world.

This system was best described by President Abraham Lincoln as a government of the people, by the people and for the people.

And last, we open this monument to all the dreamers who helped make today come true.

As I leave public office in a few short months, I am reminded of a stanza from the

Navaho chant of The Beauty Way. The Navaho people sing:

In the House of Long Life,
There I wander,
In the House of Happiness,
There I Wander,
Beauty is before me and behind me,
Beauty is above me and below me,
Beauty is all around me,
With it I wander,
In old age traveling,
With it I wander,
On the beautiful trail Am I,
With it I wander

Thanks to the efforts of all those assembled today and so many more, we celebrate the opening of this house of happiness, this house of long life and walk the trail of beauty.

To all our Native American friends here today I say: the sacred hoop has been restored. The circle is complete. And the Hopi prophecy of the reemergence of the Native People has come true.

It is now my great honor to introduce the man who, in my view, is singularly the most responsible for this magnificent structure.

He is my friend, my colleague, and my mentor.

Among Native Americans—whether they be from Hawaii, the lower 48 or Alaska he is without peer.

His quiet demeanour and gentle way, his leadership and perseverance, his record as a military hero, and his years of service as a United States Senator are well known to all.

Among our Native People he is known as a warrior chief among warriors.

Please help me welcome this great American—Senator Dan Inouye of Hawaii.

FAREWELL TO MY SENATE COLLEAGUES

Mr. CAMPBELL. In addition, Mr. President, since I am retiring at the end of this term, after 22 years in public office, let me say in all honesty that, regardless of party, I have never in my life met a more dedicated, caring group of men and women, who are not only my colleagues but also my friends. We may have our disagreements, but in each our own way, we know in our hearts that we are trying our best to do the right thing for our Nation. And I think we probably all agree that the more we adhere to the teachings of the Good Book, as we have been admonished many times, the less we would need a law book.

The people of Colorado have honored me for allowing me to represent them in our Nation's Capital—not long by some standards, of course. But I have to tell you, on each sunlit morning as I drive to work, or each moonlit night, particularly in the wintertime after a fresh snow, and I view the dome of this great building as the first or last thing I do in my workday, I am just thrilled that I was here for a while and it was a part of my life.

And now I have to tell you how much I admire and respect my colleagues. Their friendship and guidance is more than I can ever repay. Each is very special to me, and I certainly will not forget them. Surely, when newly elected freshmen are sworn in 100 years from now, and they come on this floor and open the desks and read the bottoms of drawers and the names of all the Senators who have historically been sworn in before them, they will see the names of Senator ROBERT BYRD, Senator TED STEVENS, Senator DAN INOUYE, Senator TED KENNEDY, and Senator DOMENICI of New Mexico, and they will already know when they read those names they are reading the names of Members who have served in this body for most of their adult lives and both molded the history of this Nation and set a standard of commitment to excellence for all to follow.

Mr. President, I would be remiss if I did not thank the unsung heroes of this body, and those are the hard-working staff people without whose dedication many of us simply would not get much done. I salute them because they are not only our employees, but they are our partners in finding solutions in a world that becomes more complicated with each passing decade.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2005

Mr. CAMPBELL. Mr. President, having bid my colleagues farewell and good fortune, I now will turn to the appropriations bill. I ask unanimous consent that the Senate now proceed to the consideration of S. 2666, the Legislative Branch appropriations bill, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2666) making appropriations for the legislative branch for the fiscal year ending September 30, 2005, and for other purposes.

AMENDMENT NOS. 3664, 3665, 3666, AND 3667

The PRESIDING OFFICER. Under the previous order, the four managers' amendments at the desk are agreed to, and no other amendments are in order.

The amendments were agreed to, as follows:

AMENDMENT NO. 3664

(Purpose: To modify the approval requirement relating to the promulgation of certain regulations by the Capitol Police Board)

On page 21, strike lines 13 and 14 and insert ''approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.''.

AMENDMENT NO. 3665

(Purpose: To provide that certain claims of Senators and Senate officers and employees are received and approved by the Committee on Rules and Administration)

On page 22, lines 23 and 24, strike ''With respect to claims within the jurisdiction of the Senate'' and insert ''With respect to any claim of a Senator or an employee whose pay is disbursed by the Secretary of the Senate''.

AMENDMENT NO. 3666

(Purpose: To provide for the expansion of participating eligible foreign states under the Open World Leadership program)

On page 42, between lines 14 and 15, insert the following:

ADMINISTRATIVE PROVISION

SEC. 1501. EXPANSION OF OPEN WORLD LEADERSHIP COUNTRIES.

Section 313(j) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(j)) is amended—

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

(2) in paragraph (2), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(3) any other country that is designated by the Board, except that the Board shall notify the Committees on Appropriations of the Senate and the House of Representatives of the designation at least 90 days before the designation is to take effect.''.

AMENDMENT NO. 3667

(Purpose: To provide funding for, and extend the termination date of, the Commission on the Abraham Lincoln Study Abroad Fellowship Program, and for other purposes)

On page 26, line 18, strike ''$74,558,000'' and insert ''$74,063,000''.

On page 48, between lines 10 and 11, insert the following:

SEC. 211. COMMISSION ON THE ABRAHAM LINCOLN STUDY ABROAD FELLOWSHIP PROGRAM.

(a) APPROPRIATION.—There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, $495,000, for the Commission on the Abraham Lincoln Study Abroad Fellowship Program established under section 104 of division H of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 435).

(b) EXTENSION OF REPORT AND TERMINATION DATES.—Section 104 of division H of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 435) is amended—

(1) in subsection (f), by striking ''December 1, 2004'' and inserting ''December 1, 2005''; and

(2) in subsection (g), by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

The PRESIDING OFFICER. There will now be 1 hour of debate equally divided.

The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I am pleased to present to the Senate the fiscal year 2005 Legislative Branch appropriations bill. I am grateful for the support of my chairman, Senator STEVENS, and the ranking member of the full committee, Senator BYRD. Thanks, also, to the ranking member of this subcommittee, Senator DICK DURBIN, who has been very supportive of the process in crafting the bill and has been a longtime friend since our House days together in the other body.

Their support of this bill has helped us put together legislation that I am very proud of, that provides adequate funding for the Senate and its critical support agencies, such as the Capitol Police and the Library of Congress.

This is my last year as chairman of the subcommittee, and I am pleased this bill is moving forward.

Mr. President, this bill totals $2.46 billion in budget authority, just $8 million—less than one-half of 1 percent—

over the current year budget. Together with the House items that are included in the House-passed legislative branch bill, H.R. 4755, the bill will meet its allocation of $3.575 billion in budget authority.

Reductions totaling $332 million have been made to legislative branch agencies in order to meet the allocation. While this is a very tight allocation, all legislative branch agencies would be able to maintain current or near current staffing levels and cost-of-living adjustments, and uncontrollable price-level increases would be accommodated.

The major change from last year's bill is the reduction in funding for some major construction projects, such as the Capitol Visitor Center and the Capitol Powerplant.

For the Senate, funding would total $725 million, $12.6 million over the current budget, which is about 2 percent. Reductions to the request level have been made to reflect more accurate estimates of spending, as well as funding certain fiscal year 2005 request items through reprogramming of fiscal year 2004 reprogrammings.

Funding for the Capitol Police would total $227 million, $7 million above the current budget. In addition to these funds, the committee directed a reprogramming of prior year funds for a total of $240 million for the Capitol Police in fiscal year 2005. This budget would enable the Capitol Police to maintain the current level of sworn staffing and hire 50 additional civilian staff for critical administrative functions.

The additional use of Capitol Police overtime since August has been a significant drain on their resources and may require us to find additional funds for the Capitol Police when we meet with the House with conference.

For the Architect of the Capitol, $308 million is recommended, a reduction of $32 million below the current budget and $171 million below the request. The recommendation reflects the need to eliminate lower-priority projects or items which can be deferred. It also enables the Architect to focus efforts on the completion of the Capitol Visitor Center.

The bill does accommodate the $39 million Library of Congress' storage module project at Ft. Meade, which is desperately needed to meet burgeoning storage needs and is a top priority for the Librarian.

For the Capitol Visitor Center, $7.6 million is included for start-up/transition to operations costs.

Moving to the Library of Congress, the bill includes a total of $544 million, $21 million above the current level and $17 million below the request. Current staffing levels are provided for, as well as increases for the Veterans History Project, the Culpeper Audio-Visual Conservation Center, which will begin to come on line in 2005, and security equipment and IT system maintenance.

For the Government Printing Office, the subcommittee recommendation is $120.7 million, $30 million below the request. The reduction is attributable primarily to eliminating the $25 million request for GPO's ''transformation efforts.'' While we support GPO's efforts to restructure itself into a 21st century government information office, GPO has yet to submit a comprehensive plan for these funds.

The recommendation for the Government Accountability Office totals $470 million, $12 million above the current level but $10.5 million below the requested level.

Finally, the Open World Leadership Program would be funded at the current level of $13.5 million.

Before I yield the floor to my colleague from Illinois, Senator DURBIN, who I have enjoyed the company of for so many years in both the House and the Senate, let me tell you in his presence, he has been an absolute delight to work with. I look forward to coming back as a private citizen many years in the future to renew our friendship.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I begin by not only thanking Senator CAMPBELL for his leadership on the Appropriations Subcommittee on the Legislative Branch over the last 2 years but by congratulating him on today's events commemorating the opening of the National Museum of the American Indian. This is an opening that was long overdue. I know he has played a personal role, with Senator INOUYE and many others, in the realization of this dream.

It is my understanding—and he has probably made reference to it—that there is the largest gathering of Native Americans and Indians in the history of Washington, DC, taking place on the Mall at this moment. Many of them were on the planes as we came to Washington. You could tell they were brimming with pride over the recognition they have received, a recognition which is long overdue.

Senator CAMPBELL has been a great leader in so many respects for his State of Colorado and for the Nation. But he has really played an important role in the conversation and dialog of the Senate. He has been a steady and reliable voice speaking for Native Americans. He comes today to the floor of the Senate in tribal dress; I am sure proud of his heritage. When I got up this morning, I thought I would pick a tie that might be noticed. My guess is, in comparison to the chairman of the subcommittee, they won't even know I was here today.

I will say this: We are proud that he has made such a great contribution. I know this museum means so much to him personally.

He is going to be greatly missed as he enters his retirement. I wish him the best of luck. I only hope he will take an occasional break from visiting with his grandchildren and ride his Harley Davidson back to Washington to visit with us from time to time. He will certainly be a welcome guest when he does.

The fiscal year 2005 Legislative Branch appropriations bill which we are considering today is comprehensive, thorough, and fair, especially in light of the tight funding constraints we are operating under. Our allocation does not allow us to begin a variety of construction projects throughout the complex, but all safety-related projects are fully funded, as they should be.

I thank Chairman CAMPBELL for including me as a partner in each step of the process. The highlights of the bill have already been alluded to by the chairman. There is no point in revisiting them. I thank him especially for two or three. One particular project, the Library of Congress Adventures of the American Mind, means a great deal to my State of Illinois and many other States and to many teachers. What we are doing is opening up the vast resources of the Library of Congress to be used as teaching tools across America in classrooms far and wide, in small towns as well as big cities. Without exception, every teacher I have spoken to is literally amazed at what is there in terms of primary documents easily accessible to teach children about the greatness of this country and to educate them to be better informed and more competitive in the 21st century.

Before I wrap up today, I thank Carrie Apostolou of the majority staff as well as Terry Sauvain, Drew Willison, and Nancy Olkewicz of the minority staff, and Pat Souders from my personal staff for all their hard work on this bill.

I yield the floor.

OPEN WORLD LEADERSHIP CENTER

Mr. STEVENS. Mr. President, the Open World Program has grown from a pilot program in 1999 to a robust program, not only in Russia but in countries in both the former Soviet Union and the Baltics. I am grateful to Dr. James Billington's continued leadership of Open World, as well as to my Senate colleagues who serve with me on the board of the center and who take the time to meet with Open World delegations in the United States.

Open World has brought over 8,000 participants to 1,254 communities in all 50 States. I am pleased that my home State of Alaska has welcomed many delegations and strengthened ties between Alaskans and Russian in the Far East. I want to note that the GAO reviewed Open World from top to bottom this year and noted both the broad participation it has achieved in Russia. The GAO team traveled to Russia and interviewed a number of participants to determine its impact. GAO reported that ''Most delegates viewed their program experience very favorably and . . . have taken concrete steps to adapt what they learned from their U.S. visits to the Russian environment.''

Last year we asked Open World to expand its operations to new counties, including strategic allies for the U.S. defense interests, such as Uzbekistan. I

would like to ask my colleagues, Senator CAMPBELL and Senator DURBIN, if they would like to comment on Open World's expansion.

Mr. CAMPBELL. As co-chairman of the Helsinki Commission, I have had a long-standing interest in the progress of the countries of the former Soviet Union toward democracy and rule of law. Open World's staff worked very closely with the Helsinki Commission staff to bring Belarusian leaders from the parliament and judiciary to the United States last February. It would be helpful for the Open World staff to continue to work closely with the Helsinki Commission staff given their unique expertise in the countries of the former Soviet Union. The delegates had very useful programs both in Washington, DC and in Florida, meeting with our congressional colleagues, State Department officials, Federal judges and prosecutors. As a group the delegation left with a new-found focus on building relations with the United States and a genuine understanding of both transparency in our government and separation of powers. Open World demonstrated that it successful model could be applied outside Russia. I am also grateful for the genuine involvement of American communities and families in building the ties that are at the heart of the Open World Program. I would like to see Open World continue its important work in Russia but enable us to utilize this flexible and cost-effective program as a valuable tool for American diplomacy.

Mr. DURBIN. I would like to join my colleagues, Senator STEVENS and Senator CAMBELL, in recognizing the important contribution that Open World has made on many fronts. Open World is unique in its place within the legislative branch. When I supported the expansion to the Baltics, on the eve of new nations such as Lithuania joining NATO and the European Union, I hoped that the program would strengthen ties between countries such as Lithuania and Ukraine that enjoy enormous diaspora populations in America and remain the focus of efforts by U.S. citizens to build democratic institutions in these countries. Open World has brought three groups from Lithuania—mayors, representatives of the media, NGO leaders—each of whom has traveled to 10 States including Illinois. I know firsthand from the United States Ambassador to Lithuania, Steve Mull, invaluable it has been to have the opportunity to nominate young Lithuanian leaders for Open World and to see them return home with concrete ideas to develop Lithuania's local governmental structures, particularly in its rural areas. I thank Senator STEVENS and Senator CAMPBELL for their leadership in expanding Open World. I have been pleased to support it and commend it to my colleagues as an invaluable partner to those of us in the Congress interested in foreign policy issues across the board.

Mr. STEVENS. I thank my colleagues for their interest and support. In addition to the groundbreaking work that you have described in Belarus and the Baltics, I would like to point out that the Russian Federation has many areas with predominantly Muslim populations—Chechnya, Tatarstan, Baskortostan, Ingushetia—areas where Stalin deported more than a million people from the North Caucasus to Siberia and Central Asia. I suggested to my fellow board members on Open World that we focus, in particular, on these regions for 2004. We also launched a pilot in Uzbekistan at the same time. In a matter of months, Open World had found U.S. hosts and selected young leaders from these key regions; 500 leaders traveled from the Russian Muslim republics and 100 from Uzbekistan. The strength of Open world and its future lies with its ability to take a simple, cost-effective model rooted in our American communities, values, and hospitality and adapt to new countries of the greatest strategic interest to the United States.

In 2003 Congress authorized expansion of Open World to 14 new countries. a number of these—Armenia, Georgia, Belarus, Moldova, Kazakhstan—warrant their own program. I hope that we can work with our House colleagues to maintain sufficient funding for Open World to continue its success, while not diminishing terribly the important work it must continue to do in Russia—as important now as when I first helped establish the program in 1999.

With my colleagues support, I would like to ask Dr. Billington and the staff of Open World to explore the possibility of expansion of the program to Afghanistan and Pakistan. These countries are crucial to U.S. interests. Recognizing that these nations lay outside the present scope of Open World, I am offering legislative language that would allow the Board of Trustees and staff to explore the feasibility of expanding the program and reporting back to the Senate and House appropriations Committees within 90 days. Dr. Billington is the Librarian of Congress, in addition to his role as chairman of the Open World board. The Library's expertise in CRS and through its overseas offices will be of great assistance to Open World in responding to this request.

I want to thank Dr. Billington for his continued leadership. I also thank my colleagues, Senator CAMPBELL and Senator DURBIN, for their interest in Open world and appreciation for the important work it has accomplished.

Mr. NICKLES. Mr. President, the pending Legislative Branch appropriations bill for fiscal year 2005, S. 2666, as reported by the Senate Committee on Appropriations provides $3.688 billion in budget authority and $3.808 billion in outlays in fiscal year 2005. Of these totals, $113 million is for mandatory programs in fiscal year 2005.

The bill provides total discretionary budget authority in fiscal year 2005 of $3.575 billion. This amount is $403 million below the President's request, it matches the 302(b) allocations adopted by the Senate Appropriations Committee, and is $50 million more than fiscal year 2004-enacted levels excluding fiscal year 2004 supplemental appropriations.

I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate, and I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2666, 2005 LEGISLATIVE BRANCH APPROPRIATIONS—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal Year 2005, $ millions]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	3,575	113	3,688
Outlays	3,696	112	3,808
Senate Committee allocation:			
Budget authority	3,575	113	3,688
Outlays	3,696	112	3,808
2004 Enacted:			
Budget authority	3,525	108	3,633
Outlays	3,520	107	3,627
President's request:			
Budget authority	3,978	113	4,091
Outlays	3,887	112	3,999
House-passed bill:			
Budget authority	3,537	113	3,650
Outlays	3,690	112	3,802
SENATE-REPORTED BILL COMPARED TO			
Senate 302(b) allocation:			
Budget authority	0	0	0
Outlays	0	0	0
2004 Enacted:			
Budget authority	50	5	55
Outlays	176	5	181
President's request:			
Budget authority	−403	0	−403
Outlays	−191	0	−191
House-passed bill:			
Budget authority	38	0	38
Outlays	6	0	6

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. CAMPBELL. Mr. President, I thank my friend from Illinois.

It is my understanding that the managers' amendments were accepted on a voice vote.

The PRESIDING OFFICER. The Senator is correct.

Mr. CAMPBELL. It will probably be a little later in the day when we ask for a vote.

In lieu of that, 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding the majority leader is going to come shortly and ask unanimous consent that we have a vote at 4:30 p.m. Members should be alerted that if they are doing something now, they have to come back and vote at 4:30.

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. GREGG. 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. GREGG. Mr. President, I ask unanimous consent that the vote on passage of H.R. 4755, the legislative branch appropriations bill, occur at 4:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. The bill is returned to the Senate calendar. Under the previous order, the Appropriations Committee is discharged from further consideration of H.R. 4755, the House-passed legislative branch appropriations bill, and the Senate will proceed to its immediate consideration.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4755) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes.

The PRESIDING OFFICER. The text of the bill relating solely to the House shall remain. All other text is stricken and the text of the Senate bill, as amended, is inserted in lieu thereof.

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

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

The bill was read the third time.

The PRESIDING OFFICER. Under the previous order, the question is, Shall the bill, H.R. 4755, as amended, pass?

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—94

Alexander	Dole	Lugar
Allard	Domenici	McCain
Allen	Dorgan	McConnell
Baucus	Durbin	Mikulski
Bayh	Enzi	Miller
Bennett	Feingold	Murkowski
Biden	Feinstein	Murray
Bingaman	Fitzgerald	Nelson (FL)
Bond	Frist	Nelson (NE)
Boxer	Graham (FL)	Nickles
Breaux	Graham (SC)	Pryor
Brownback	Grassley	Reed
Bunning	Gregg	Reid
Burns	Hagel	Roberts
Byrd	Harkin	Rockefeller
Campbell	Hatch	Santorum
Cantwell	Hollings	Sarbanes
Carper	Hutchison	Schumer
Chafee	Inhofe	Sessions
Chambliss	Inouye	Shelby
Clinton	Jeffords	Smith
Cochran	Johnson	Snowe
Coleman	Kennedy	Specter
Collins	Kohl	Stabenow
Cornyn	Kyl	Stevens
Corzine	Landrieu	Talent
Craig	Lautenberg	Thomas
Crapo	Leahy	Voinovich
Daschle	Levin	Warner
Dayton	Lieberman	Wyden
DeWine	Lincoln	
Dodd	Lott	

NAYS—2

Conrad	Ensign

NOT VOTING—4

Akaka	Kerry
Edwards	Sununu

The bill (H.R. 4755), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. HARKIN. Mr. President, 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 Senator from Kansas is recognized.

MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, a number of people wish to speak, Republicans and Democrats. I wonder if we can have a little order around here. I know Senator DURBIN wants to speak for up to half an hour, and Senator HARKIN wishes to speak. On our side, I wonder if we can get people queued in, and if Republicans want to come after we speak, that is fine.

How long does the Senator from Iowa need?

Mr. HARKIN. I need 5 minutes.

Mr. REID. On our side, I ask unanimous consent that Senator HARKIN be recognized for 5 minutes, that Senator DURBIN be recognized for 30 minutes, and that the majority may have someone between Senators HARKIN and DURBIN, and we will balance out the time thereafter.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

NOMINATION OF BISHOP GREGORY PALMER

Mr. HARKIN. Mr. President, I strongly support the nomination of Bishop Gregory Palmer to the Board of Directors of the United States Institute of Peace. It has now been over a year since Bishop Palmer was officially nominated on September 16, 2003. On that date, the Senate officially transmitted our paperwork to the White House.

The reason I recommended this distinguished spiritual leader for this important position at the U.S. Institute of Peace is that I strongly believe that Bishop Palmer would work to promote a just peace in the world. I don't think that there is anyone in this Chamber who would disagree that we need more advocates for peace in this time of international crisis.

I know Bishop Palmer well. He is a native of Philadelphia, PA. He graduated from The George Washington University and received a master's in divinity from Duke University. His father is a minister in Philadelphia.

Bishop Palmer came to Des Moines, IA, on September 1, 2000, and he has had a profound influence in our State ever since.

Bishop Palmer has had a distinguished career of service. He has taught at the pastor's school in Burundi, and serves on the Senegalese Task Force of the Global Ministries. He also served as President of the Interdenominational Ministerial Alliance.

In March of this year, Bishop Palmer received the 10th Annual Bishop Maurice J. Dingman Peace Award. This award recognized Bishop Palmer's commitment to peace and social justice. The award was presented by the Iowa Catholic Peace Ministry.

One of the ways Bishop Palmer has turned Scripture into deeds is by starting the Matthew 25 Ministry throughout Iowa. This ministry heeds the call of Matthew 25:31–46 to feed the hungry, clothe the naked, and care for the sick. Bishop Palmer has provided services to our Iowa communities most in need—from English classes for immigrants to soup kitchens for the hungry. These laudable acts, in my view, are the works of a man truly committed to fostering peace and social justice.

I could go on and on at great length about Bishop Palmer's good works, but I know that my floor time is limited. It is, however, very clear that Bishop Palmer would make an outstanding addition to the board of directors of the

U.S. Institute of Peace; therefore, I was deeply disappointed and surprised that Bishop Palmer's nomination to the U.S. Institute of Peace has been stalled at the White House for over a year now, and his name was not included in the nominations to be considered by the Committee on Health, Education, Labor, and Pensions.

I am hopeful that the White House will reconsider and send his nomination to the HELP Committee before Wednesday, tomorrow, when we are due to act upon other nominations. We have one nomination that has come down to be renominated to the U.S. Institute of Peace. I am certain this person will have no problem being renominated. But I was very surprised, as I said, and disappointed that Bishop Palmer's name, which has been at the White House for 1 year now—1 year his nomination has been sitting there, and I know of no opposition to Bishop Palmer. As I said, he is head of the Methodist Church for the entire State of Iowa. He is known nationally and internationally. I cannot think of a more qualified person to be on the board of the U.S. Institute of Peace.

I am quite upset with this, and I hope that the White House will reconsider this nomination. It would not take but just about half an hour to transmit his name here, and I wish they would do that before we meet tomorrow so we can report his name out and get Bishop Palmer on the board of directors as soon as possible.

Mr. President, I yield the floor.

Mr. REID. 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. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELECTION CONTEST

Mr. DURBIN. Mr. President, in the world of politics, every election seems to test the bottom when it comes to mudslinging. I am afraid this year's election contest is no exception, and it is plummeting hitherto uncharted depths.

Some of the things that have been said on both sides I am sure on reflection are going to be the source of some embarrassment, and some of the actions taken by both campaigns will be regretted in the future. But there is one particular element in this debate in the Presidential campaign that I find particularly bothersome. It relates to statements that have been made by Vice President CHENEY, by the Speaker of the House, DENNIS HASTERT, and by Members of the Senate, and others, relative to the patriotism of candidates for office and relative to questions as to whether the American people, by casting their vote one way or the other on November 2, are somehow inviting terrorism to strike America.

Vice President CHENEY, at a political rally in Des Moines, IA, Tuesday, September 7, said:

> It's absolutely essential that 8 weeks from today, on November 2, we make the right choice, because if we make the wrong choice, then the danger is that we'll get hit again and we'll be hit in a way that will be devastating from the standpoint of the United States. And we'll fall back into the pre-9/11 mindset, if you will, that in fact these terrorist attacks are just criminal acts and that we're not really at war.

This quote by the Vice President received a lot of attention. The clear suggestion by the Vice President is that if the American people should not vote for President Bush, they are inviting a terrorist attack. That is an outrageous statement. I think it is one that, frankly, Vice President CHENEY on reflection might not have made. Would it be appropriate to argue that since the terrorists attacked the United States while he was serving as Vice President, they saw weakness in the Bush-Cheney administration? I would not make that preposterous charge. I do not believe anyone can. And yet here we have the Vice President suggesting that if you do not vote to reelect President Bush, you are inviting a terrorist attack on the United States.

Just last Saturday in DeKalb, IL, the Speaker of the House, DENNIS HASTERT, was quoted as saying:

> I don't have data or intelligence to tell me one thing or another, (but) I would think they would be more apt to go (for) somebody who would file a lawsuit with the World Court or something rather than respond with troops.

Speaker HASTERT said that of JOHN KERRY.

Asked by reporters whether he believed al-Qaida could operate better with KERRY in the White House, HASTERT replied:

> That's my opinion, yes.

I think this is a new low in American politics. For us to suggest that either major political party would field a candidate who would in any way knowingly or unknowingly compromise the security and safety of the United States I believe is a charge that must be backed up with solid evidence if it is ever going to be leveled. In this case, Speaker HASTERT said, ''I don't have data or intelligence to tell me one thing or another. . . .''

The reason I believe this is important is that when we reach the point in a campaign when the Vice President suggests that a vote for JOHN KERRY invites a terrorist attack on our country, and the Speaker of the House, after acknowledging he has no information to support his statement, joins Mr. CHENEY with the chorus of ''vote for Bush or die,'' not to be outdone—and let me make it clear, I put ''vote for Bush or die'' in quotes. That is my statement. I am not attributing that to either of those individuals. So we have a situation where this has become a standard charge in the campaign at the highest levels.

There was a time in American politics when people were circumspect about even raising the issue of the fact that the former Governor of Illinois, Adlai Stevenson, had been divorced. In the 1950s, it was not really considered to be appropriate to raise that in the national debate, although there were certainly a lot of rumors and murmuring in the background.

Now we see the debate on the Presidential level reaching what I think are new depths, where at the highest levels questions are being raised as to whether JOHN KERRY would, in fact, defend the United States against a terrorist attack. I think that is a troubling development.

These are not the only statements that have been made. This morning on the Fox News Channel one of my colleagues, whom I work with on a regular basis, Senator HATCH of Utah, raised the same issue. Others have as well.

We saw in the debate last Saturday where John Thune, a former Congressman of South Dakota, was debating Senator TOM DASCHLE, the Democratic minority leader. In the course of their debate, he argued that the fact TOM DASCHLE had been critical of the Bush administration's policies in Iraq ''emboldened the enemy.'' John Thune said that TOM DASCHLE'S words emboldened the enemy.

What we have reached is the point where any criticism of our foreign policy leads to the charge that we are not being patriotic, leads to the charge that we would not stand up to defend America, and leads to the charge that in some respects the terrorists would be emboldened by those comments and our troops would be demoralized.

So what does that tell us? If Members of the Senate on either side of the aisle stand up and are critical of our policy in Iraq, are they to be targeted then as somehow selling out America, somehow guilty of traitorous comments? That is what we can draw from these comments made by Republican leaders as well as Republican candidates.

Yet Senator HARKIN made a statement earlier in the day which noted the obvious. Even Republican Senators are being critical today of our policy in Iraq. This last Sunday, Senator CHUCK HAGEL, a Republican of Nebraska, said, in reference to Iraq: The fact is, we are in trouble. We are in deep trouble in Iraq.

Do we embolden the enemy by being critical of our policy in Iraq? I do not think so. I think it is part of the normal political discourse which one expects in a democracy.

Similarly, Senator RICHARD LUGAR, the distinguished chairman of the Foreign Relations Committee, a friend of mine and colleague from the State of Indiana, criticized what he called the incompetence in the administration that has resulted in the failed Iraq reconstruction effort.

Does he embolden the enemy, demoralize the troops, by pointing out these shortcomings in American foreign policy? He is a Republican Senator. I have

not heard Vice President CHENEY or any others criticize Senators such as LUGAR or HAGEL for making these comments.

Senator John McCain said recently: We are not winning. Senator LINDSEY GRAHAM said that we need to be ''more honest about how difficult it will be'' in Iraq.

The list goes on, and the list tells me that Senators of good conscience on both sides of the aisle feel an obligation to disagree with the President on foreign policy when they have an honest disagreement and to suggest that changes in foreign policy or changes in military policy are important for the security of America.

I do not know if Vice President CHENEY or the Speaker of the House would criticize the fact I have been openly critical of some of the military decisions that have been made since the invasion of Iraq. When a man comes into my office and tells me his son is a military policeman in Iraq and because he cannot be issued body armor he and his wife were raising money at home to buy the body armor and send it to their son, I came to the floor to criticize that. Of the billions of dollars we have sent in preparation for this war, one would think it obvious that body armor would be one of the first things issued to our soldiers. In this case, it was not.

I was critical of the administration, critical of our policies, critical of foreign policy and military policy. Would Vice President CHENEY argue that I am giving comfort to the enemy by suggesting that? I certainly hope not.

When we found that our Humvees were sitting targets for homemade bombs and rocket-propelled grenades, that we had been remiss in failing to equip our Humvees in Iraq with armor plating on the sides to protect our soldiers, many of us came to the floor and made that point, wrote letters to the administration, forced a change in policy, which resulted in more and more of these Humvees being reconstructed, refit with armor to protect the troops.

Does the fact we were critical of the administration raise some question as to whether we are demoralizing the troops? Exactly the opposite occurred. When the Humvees arrived with the armor, our troops' morale went up. They had a chance to survive the attack. They did not have it before.

So Members of Congress—from Senator KERRY, through Republican and Democratic Senators alike—have a moral obligation to raise those issues where they disagree with this administration on foreign policy or military policy, whether they are on the Republican side of the aisle or the Democratic side of the aisle. This debate which we have seen disintegrate and descend to the levels that I have referred to needs to come to an end.

This is not the first time those in the highest levels of political office in Washington have questioned the patriotism of others in political office, have questioned whether they have the national security of America paramount in their mind. The same thing occurred in the 1950s. A Republican Senator from Wisconsin named Joe McCarthy went about throwing charges at people right and left that they were not loyal to America; that they were, in fact, communist. He destroyed a lot of people. He destroyed a lot of careers in the process.

There came a time in the course of the Army hearings with Senator McCarthy where finally one voice spoke out. That voice turned to Senator McCarthy and said: Have you no shame?

The same question needs to be asked of those who are throwing around so loosely these charges that either JOHN KERRY, JOHN EDWARDS, or TOM DASCHLE do not have the best interests of the United States at heart in everything that they do.

I disagree many times with my colleagues on the floor when it comes to foreign policy, military policy, and many other issues. Yet I have never and will never ever question their patriotism. I believe that is beyond the pale of ordinary political discourse. It has now become common conversation in this Presidential campaign.

On November 2, the voters will have the opportunity to ask the candidates who use these low tactics, Have you no shame?

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

GUIDING PRINCIPLES FOR INTELLIGENCE REFORM

Mr. STEVENS. Mr. President, today our Appropriations Committee held a hearing and listened to distinguished individuals as to their views on the recommendations for intelligence reform. At that time, we were provided a statement which is entitled ''Guiding Principles for Intelligence Reform'' dated September 21, 2004. It is signed by the following persons: former Senator David Boren, former Senator Bill Bradley, former Secretary of Defense Frank Carlucci, former Secretary of Defense William Cohen, former CIA Director Robert Gates, former Deputy Secretary of Defense John Hamre, former Senator and Presidential candidate Gary Hart, former Secretary of State Henry Kissinger, former Senator Sam Nunn, former Senator Warren Rudman, and former Secretary of State George Shultz.

I do call it to the attention of all Senators in connection with this current review of the 9/11 Commission recommendations on intelligence reform.

I ask unanimous consent that the ''Guiding Principles for Intelligence Reform'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GUIDING PRINCIPLES FOR INTELLIGENCE REFORM

America's security depends on strengthening our intelligence collection and analysis. Debate is under way on intelligence reform, and harnessing the energy of an election season is a healthy way to assure the issue receives the attention it deserves. Racing to implement reforms on an election timetable is precisely the wrong thing to do. Intelligence reform is too complex and too important to undertake at a campaign's breakneck speed. Based on our experience in both the executive and legislative branches of the U.S. government and on both sides of the political aisle, these are the basic principles we believe should guide any reform effort:

IDENTIFY THE PROBLEMS

Rushing in with solutions before we understand all the problems is a recipe for failure. Only after a full appreciation of the Intelligence Community's problems—and its strengths—can sensible decisions be made about reform, including whether to restructure. Moreover, reform will have to be comprehensive to succeed. Addressing this or that shortcoming—however grave—in isolation will fail to produce the improvement in intelligence capabilities our nation's security demands.

STRENGTHEN THE INTELLIGENCE COMMUNITY'S LEADER

The individual responsible for leading the Intelligence Community must be empowered with authority commensurate with his or her responsibility. Specifically and crucially, future leaders must have the ability to align personnel and resources with national intelligence priorities. Whether we maintain the Intelligence Community's current structure or create a new one, we must ensure that the Intelligence Community's leader has the tools to do his or her job.

SEPARATE INTELLIGENCE FROM POLICY

A fundamental principle for Intelligence Community reform must be that the intelligence community remains independent from policymakers. Nothing could be more important to a healthy national security structure. When intelligence and policy are too closely tied, the demands of policymakers can distort intelligence and intelligence analysts can hijack the policy development process. It is crucial to ensuring this separation that the Intelligence Community leader have no policy role. Otherwise, an Intelligence Community leader's voice could overwhelm those of Cabinet secretaries and the National Security Advisor and deprive the President of the benefit of robust, informed policy debate. A single individual with the last word on intelligence and a say in policy as well could be a dangerously powerful actor in the national security arena-using intelligence to advocate for particular policy positions, budget requests, or weapons systems that others lacked the knowledge to challenge.

For this reason, the leader of the Intelligence Community should not work inside the White House; he or she should be at arm's length from the policy process, not at the President's right hand. Nor should the leader become an instrument of diplomacy or policy formulation; his or her role should be to support others in these functions. Similarly, Intelligence Community reform must not rob Cabinet secretaries of their own ability to assess intelligence by centralizing the bulk of assessment resources; the secretaries must be able to turn to their own analysts for independent perspective and be able to task the Intelligence Community leader for input to the policymaking process. Finally, to protect against an unhealthy mixing of functions, we believe the person who is chosen to lead the Intelligence Community should be broadly acceptable to both parties and chosen for his or her substantive or management expertise.

IMPROVE THE QUALITY OF ANALYSIS

Intellectual conformity and failure of analytical imagination have been the major culprits in most intelligence breakdowns, from our failure to predict accurately India and Pakistan's nuclear tests, to our misjudgment of Saddam Hussein's weapons of mass destruction programs. Improving the quality of the analysis on which policy makers rely must therefore be a top reform priority. The best analysis emerges from a competitive environment where different perspectives are welcomed and alternative hypotheses are encouraged. Intelligence reform must institutionalize these traits in the analytical process. To preserve their independence, analysts must be insulated from policy and political pressure. Finally, we must not only concern ourselves with the appropriate structure of intelligence analysis, we must also address the critical shortage of human expertise in critical fields. Funding for programs to address this deficiency is dangerously low and the trust funds for the National Security Education Program will be fully depleted within the next two years unless Congress acts.

ENSURE MORE EFFECTIVE INFORMATION-SHARING

Intelligence Community players have overwhelming cultural and bureaucratic incentives not to share their information with each other or with those outside the community. These include a natural impulse to hoard information to protect turf, and a deeply ingrained passion for secrecy. Domestic agencies and foreign agencies, in particular, traditionally have resisted sharing information with each other. Yet our nation has learned with painful clarity that failure to share, coordinate, and connect available intelligence can have devastating consequences. The next time an FBI special agent suspects an Arizona flight trainee is an al Qaeda terrorist, the Intelligence Community needs to know. Reform must fundamentally alter agency incentives and culture to require sharing. This must include addressing the excessive emphasis on secrecy and classification that inhibits constructive, timely information flows, while continuing to respect the need to protect genuine sources and methods.

PROTECT CIVIL LIBERTIES

Collection of intelligence is inherently intrusive; spying on fellow citizens carries with it great potential for abuse. Even as we merge the domestic and foreign intelligence we collect, we should not merge responsibility for collecting it. Intelligence reform might well create a single strategic coordinator of domestic and overseas collection on cross border threats like terrorism, but exclusive responsibility for authorizing and overseeing the act of domestic intelligence collection should remain with the Attorney General. This is the only way to protect the rights of the American people upon whose support a strong intelligence community depends.

PRESERVE SITUATIONAL AWARENESS FOR TACTICAL MILITARY OPERATIONS

As we have seen from the skies over Bosnia to the sands and cities of Afghanistan and Iraq, tactical intelligence and situational awareness are indispensable to our military's unparalleled operational success. Any successful intelligence reform must respect the military's need to maintain a robust, organic tactical intelligence capability and to have rapid access to national intelligence assets and information.

ASSURE CLARITY OF AUTHORITY FOR CLANDESTINE OPERATIONS

The war on terrorism has blurred agency roles for some critical national security activities. The Department of Defense now performs more clandestine and intelligence operations than in the past; meanwhile, the CIA's Directorate of Operations engages more in traditional military functions, such as the successful campaign in Afghanistan. Authority for these newer roles is murky, and there are sometimes disparities in the type or level of approval needed for an operation, depending on who performs it. The new challenges we face mandate a wide range of tools and creative approaches to intelligence. But establishing absolute clarity of chain of command, oversight, and accountability for clandestine operations is essential.

REFORM CONGRESSIONAL OVERSIGHT TOO

Intelligence reform will not succeed unless Congressional oversight of the Intelligence Community becomes more effective as well. Rather than relying on review of agency submissions and after-the-fact investigation of failures or abuses, Congress should reach out periodically to test and assure the Community's health. Whether meaningful legislative oversight demands a major overhaul of committee structure or merely a change of philosophy, Congressional reform is as vital as changes affecting the Executive Branch.

Elections are a perfect time for debate, but a terrible time for decision-making. When it comes to intelligence reform, Americans should not settle for adjustments that are driven by the calendar instead of common sense; they deserve a thoughtful, comprehensive approach to these critical issues. If, as seems likely, Congress considers it essential to act now on certain structural reforms, we believe it has an obligation to return to this issue early next year in the 109th Congress to address these issues more comprehensively. We hope the principles we've suggested will help shape serious discussion of reform.

The PRESIDING OFFICER. The Senator from Idaho.

CAUTION IN POST-9/11 COMMISSION ERA

Mr. CRAIG. Mr. President, I was at that hearing this morning when Henry Kissinger made his presentation, and I was extremely pleased that it was a bipartisan and balanced presentation. Instead of fingers being pointed or accusations being made about what we ought or ought not do in a post-9/11 Commission era, what Henry Kissinger said was, caution. In a political year that is ripe with political innuendo, be careful what you create because you might not like it after the fact, that recreating the intelligence community of this country and of this government is tremendously important, but it needs to be done well so we don't get the wrong results.

I think all of us recognize the dysfunctional character of our intelligence community and the results that it yielded, and why there was a 9/11, and why a 9/11 Commission was developed, and why we are working now in the Governmental Affairs Committee to try to craft and change the character of that intelligence community.

It was a very positive hearing this morning. I was pleased by the bipartisan approach, which will disallow any candidate out there from opportunistically pointing a finger and saying you are or you are not doing something in the right manner. It was well presented this morning.

MEASURE READ THE FIRST TIME—S. 2823

Mr. CRAIG. Mr. President, I understand that S. 2823 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2823) to provide for adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H–2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

Mr. CRAIG. Mr. President, I ask for its second reading, and in order to place the bill on the calendar under provisions of rule XIV, I object to further proceedings on this matter.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

Mr. CRAIG. Mr. President, I thank you for that process.

What I have just done will result in placing the Agricultural Job Opportunity, Benefits, and Security Act—the AgJOBS bill, or S. 2823—on the calendar for future consideration by this Senate. There is a great deal of work that has not been done by the Senate this year. The issue of immigration reform, especially that affecting well over 1.5 million undocumented agricultural workers of our Nation, is, in my opinion, a critical issue.

In a post-9/11 era, what we have said about our country, and what our citizens are saying, is pretty straightforward. They are saying control the borders, identify those who are within, and arrest those who are undocumented or illegal or who might perpetrate harm to this Nation.

I agree with those very fundamental principles that retain the character and the integrity of our country. But what we are also finding in a post-9/11 era is that our negligence as a country, our responsibility as legislators in failing to produce a workable immigration policy, has resulted in between 8 million and 12 million undocumented foreign nationals in our country. Many of them—frankly, most of them—are hard-working human beings who have contributed a great deal to our country and to our country's economy.

In the area of the agricultural economy, that is especially true. In the agriculture of Idaho and most of our States in the Nation, undocumented workers play a very significant role in the normal processing and functioning of agriculture itself, the production of the food and fiber that make it to the shelves of the supermarkets and the tables of the families across our country. We now attempt policy that tightens our borders, but we also need to recognize our immigration problems will not be solved by simply wanting to penalize. Instead, we need to manage; controlling and shaping a better system;

understanding the importance of that workforce to the Nation on the one side, and on the other side, recognizing the sheer humanitarian character and responsibility we have as Senators and as those who form public policy.

Last year, on the United States-Mexican border, over 300 people died trying to make it across the border to identify with a job in this country. Many of them died of heat or lack of water in the deserts of Arizona and New Mexico near Mexico. That is a tragedy in its own right and a crisis in the making. But it is a tragedy that is a result of bad law that doesn't function well, and a law that will not function well until we adjust it and change it. That is why in working with all the interested groups over the last 5 years, TED KENNEDY, CHRIS CANNON and HOWARD BERMAN in the House, and I have produced the legislation that is at the desk. It has been vetted well. It has the support of a tremendous community of interest, from growers and employers on one side to agricultural workers on the other side. It has the support of a historic, bipartisan, and diverse national coalition. It is a bill that should be considered by this Congress. It is a bill that will pass the Senate because we now have over 60 cosponsors. It is a bill whose time has come, but is it is a bill that possibly will not find time this year simply because of the shortness left in this session and the work that is necessary to be done?

I have worked with the leader and will continue to work with the leader to see if we can't find that window of opportunity to vote our expression on this most important issue, this year, sooner rather than later.

I have chosen this rule XIV process to make the legislation current at the desk to start the process to see if we might find that window of time in which to debate and vote on what I think is one of America's most important issues: immigration reform, controlling our borders, identifying undocumented people in this country, doing background checks, and the vetting of their character which is necessary to determine whether they are here and constructive, or whether they are here with a destructive thought in mind, a destructive thought against U.S. citizens, as we found on 9/11 a few years ago. Bringing the undocumented out of the shadows not only helps these workers who add to the economy and pay taxes, but it also would help our homeland security.

Many of us are determined to deal with this issue now. If we don't deal with this now, there is no question in my mind that I and others will make it a No. 1 issues in the next session of Congress. This is an issue that legislators cannot turn their backs on. It is an issue that cries out for resolution.

I believe S. 2823 is a proper solution to a major segment of that very large problem in this country.

I thank you and I yield the floor.

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. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

INTELLIGENCE SYSTEM

Mr. LAUTENBERG. Mr. President, I found today to be a rather startling day by virtue of the news we have heard about what is happening with our troops in Iraq, what is happening to those who are in battle, those we are asking to carry on the battle for, let me call it, the liberation of Iraq, the opportunity to turn that society into a democratic society. This was brought to me by virtue of a couple of things that happened.

First, I participated with colleagues in the Governmental Affairs Committee markup of intelligence reform. It is a task that I and so many others on the committee, and throughout this body, take very seriously. We are upset about what happened on 9/11. We just commemorated the third anniversary of that horrific day. I went to a community in New Jersey, Middletown, NJ, and spoke to a group that included survivor families of 9/11. Thirty-seven of their residents lost their lives on that terrible day.

I walked around the memorial walk they established and saw pictures placed on granite stones of those who perished, with messages of love and longing for fathers who died, for brothers, for sisters, and for mothers who were killed that day, murdered. It digs further into the searing memory of that fateful day.

It reminds all of us about what our responsibilities are to try and get this country back on an even keel and to stop mourning the loss of young people because though we struggled hard to turn out our bill on intelligence reform this day, we did not complete it. But there is a fair degree of optimism that we will come to at least an initial description of what the intelligence-gathering mechanism might be.

Then this afternoon I heard President Bush say something that I found almost incomprehensible, extremely disturbing about our Nation's intelligence-gathering system. A few hours after the President spoke at the United Nations about why we went it alone in Iraq, President Bush was asked by a reporter about a CIA report that he received last month on the deteriorating situation—as a matter of fact, I believe it was in July—the deteriorating situation in Iraq which could even lead to a full-blown civil war.

The President dismissed the CIA report and said it was ''just guessing.'' Just guessing. Imagine, we are over 1,000 deaths, thousands of injuries, many of them very serious—if one wants to see how serious, go down to Walter Reed Hospital and interview some of those who survived these attacks and see how they feel about what is taking place.

We are just guessing? The CIA is just guessing? If the President thinks our Nation's intelligence system is just guessing, then we are in trouble. The President's comments are a frightening sign that he is not living in reality and that he continues to ignore the truth about what is happening on the ground in Iraq.

I am going to quote what the President said this day, September 21:

> The CIA laid out a—several scenarios that said, life could be lousy, life could be OK, life could be better, and they were just guessing as to what the conditions might be like.

Talk about casual dismissal of the trauma that family after family across this country faces. Over 33 former residents of New Jersey paid with their lives, all young. When I talk to those families or go to a funeral, there is such distress and grief.

I talked briefly before about these granite markers in a memorial built in Middletown, NJ. All of these granite memorials had legends or quotes from the family like ''Daddy, I miss you''—quotes that were so tender. One said, ''If love could have kept you alive, we would be having a good time right now.'' They are the saddest things.

The reality is that these are not gravestones. These are granite markers done very gracefully throughout a walkway in this park with, again, a marble plate on top, an inscription from a family member, and a picture of the individual. Several men were pictured in tuxedoes. I think the idea was to say that life was so full and so happy for these families.

When we look now at where we are, we see the President suggesting that maybe the CIA is just guessing as to what conditions might be like. President Bush ignored some intelligence reports he did not like before he went to war. Now when intelligence contradicts him, he dismisses the content of the report as mere guessing.

When the Central Intelligence Agency sends the President a report that lays out three scenarios for Iraq with the most rosy, the status quo, an average of 87 attacks a day against our troops, 1,035 dead to date, the President dismisses it as guesses? What an insult to the people in our country and to those families. I would like the President to stand in front of some of those survivors and say: Your son died. It is terrible. We made mistakes. The CIA was just guessing about what might be.

Look at where we are. Look at what is taking place. Today's Washington Post has a story about the comments of a general who defends the pace of the Iraqi training. Army LTG Walter Sharp, speaking to reporters at the Pentagon, also disputed the accuracy of some of the Democratic Presidential nominee's new criticism of the pace of training for Iraqi police.

I had the opportunity to visit in March with several other Senators—Senator LEVIN of Michigan; Senator ROCKEFELLER of West Virginia; Senator REED, who trained very thoroughly in the military at West Point; and Senator BINGAMAN—and the situation looked grim at that time. It was said that we are going to turn over governing to an interim council of Iraqis, and then we are going to have a vote in January of next year that would determine the more or less permanent structure at least for the next term of leadership in the country. Here we have these boldfaced statements that say he believes that based on what we will be able to do, there will be local control for the majority of the country by the end of December. Control is not just a matter of having Iraqi security forces in place, but also an assessment of the ability of local political leaders to govern and to oversee economic reconstruction efforts.

When I was in Iraq with four of my colleagues and we went to a police academy where they were training those who would soon be police officers, if memory serves me correctly, the pace was that they would train about 80 in 6 weeks. Since they needed over 50,000 more, I did a quick calculation and came up with the conclusion that it would be many years before they filled the full complement of those necessary. Then we find out that a lot of these people are entirely unqualified to take these tests: no driver's license, no capacity to read or write, no understanding of what the assignment is, a lot of washouts. Then they say by January the Iraqis are going to be able to take over? It is not fair. It is not fair to say these things because everybody knows it is not the truth by any stretch of the imagination.

The President has to stop ignoring the crisis our troops face in Iraq. He has to begin to speak in the real world, with real words, where things are not always good, where serious problems need to be addressed.

I find it so offensive that someone who served his country, received three Purple Hearts, a Silver Star, and a Bronze Star—now, I wore a uniform and I know what those medals mean. They mean a lot. I did not earn any, but I tried to do the job I knew best. I served in World War II. I was 18 when I enlisted. I know those medals are only given when the qualifications are attested to by medical officers who look at a wound and say, yes, this wound deserved the recognition of a Purple Heart, three of them. And now we want to talk about, well, how deep was the wound, was there any blood. When someone loses their hearing in battle, maybe there is no blood, but there is no hearing. It is still a wound, and a very serious one.

After going to a funeral of a young man from New Jersey at Arlington Cemetery, I went to Walter Reed afterward to meet with some of those who had survived battle. There was one young man there who was sightless. He was there with his wife, and he said to me: Senator, I will not be able to see my 28 month old daughter again, but I just want to hold her. He said: I am going to try my best to get along in life. It was painful to witness, but imagine how painful it is to be the victim.

It is hypocritical when we compare the service of JOHN KERRY, though he was critical after the war, but he had the decency and the courage and the honor to serve his country when he was called on to do it. He did not question why, he did not question live or die, he said: I will do my duty to the best of my ability. The President's record does not indicate the same interest in serving. As a matter of fact, I saw a reproduction of an application for service in the military that said: I do not choose to serve in combat. He checked it off. That is all right. Everybody has a right to make those choices. But then to blacken someone else's character who did it and try to humiliate that individual so that he looks like he is unpatriotic, that he wants Saddam Hussein in there? It is atrocious. It is not honest. It is scandalous, and that is what is happening.

I offer a plea. Let President Bush and Vice President CHENEY talk about what they want to do for the country, talk about when we can see an end. They talk about JOHN KERRY not having a plan for getting us out of Iraq. Has anybody heard President Bush's plan for getting out of Iraq? No one. Smoke and mirrors, the ugliest type. One need only turn on the television, pick up the newspaper, listen to the radio and know things are falling apart in Iraq. We have heard it confirmed by distinguished colleagues from that side of the aisle, people who fought bravely, were in battle, know what it is like to see comrades die or escape with their lives, wounded in the process. They don't think things are going well. Look at the statement of Senator HAGEL of a couple of days ago, or Senator MCCAIN's statement. We see they see a gloomy picture ahead.

Today saw the second day of beheading of two Americans, savagery the likes of which we should never witness—cutting off a man's head.

I know one thing. This vulgar language has to stop. Shame on the President of the United States for belittling the record of someone who served so well and who did what he had to do, as his country requested it. If he had objections, he had objections, but it was after he served. It was after he was wounded three times and after he got the Silver Star for valor and after he got the Bronze Star for valor. It was afterward, but he served. First he did the thing he had to do. That brings a different level of experience than someone who only talks about how soft he is on defense. Patriotism? To suggest he is not a patriot? To suggest he would rather see Saddam Hussein in place? It is outrageous and the American public should not believe it.

I call on veterans, who belong to whatever association, who served in whatever war, whether it was those who are still alive from World War I, World War II, Vietnam, Korea: Veterans, stand up and object. Don't let them say that about our comrade in arms. Don't let them question whether the wound was deep enough. You want to offend 270,000 people who got Purple Hearts in Vietnam? Should we go back and remeasure the depth of those wounds, see how much blood was let because they were hit by enemy fire?

It is not fair. I hope veterans across this country will disavow that kind of talk, that kind of suggestion, that kind of innuendo about someone who fought and disagreed with the policy—who first fought and then disagreed—in this sinister game being played by those who would challenge the heroism in the award of those medals which were certified by John Lehman, Secretary of the Navy, and another by the senior admiral in charge of the fleet in Vietnam. To challenge whether those medals were properly awarded is an outrage.

I think it is time to face up, tell the truth, discuss the issues and stop the name calling. Especially stop the accusation that someone who lost three limbs—as in the case of Max Cleland, who was defeated in his reelection attempt because it was said that he was soft on defense—wasn't patriotic enough. Maybe they were suggesting it is too bad he didn't lose the fourth limb. These are outrageous statements.

No, we cannot conduct ourselves like this. The American people see the hypocrisy. What it says is, if you can dismiss the truth and replace it with lies, replace it with distortion, replace it with insult, that is a way to build character for our young people. I defy that kind of performance, that kind of suggestion. It should not happen.

I am disturbed by the fact that two Americans had their heads cut off, punishment for something we don't understand. They were trying to bring democracy to a country that right now is not prepared for democracy. But we insist that that is what they want. Their country is being destroyed by insurgents. Their lives are being destroyed. However many we have lost, the Iraqis have lost far more.

The insurgents are intimidating those who would serve in the military and the Iraqi force. They are removing the incentive for those who want to be in law enforcement. They are totally intimidating those forces who would stand up and fight. Yet we continue to paint the rosy picture, like the President did a year ago May when he said "bring them on." They brought them on, all right. They brought them on as we never wanted to see them.

We have to stop this character assassination and these attacks. I hope we can muster the courage to do it in this place.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

HONORING OUR ARMED FORCES

STAFF SERGEANT RICHARD P. RAMEY

Mr. DEWINE. Mr. President, I rise today to pay tribute to Army SSG Richard Ramey, from Perry Township, in Stark County, OH. He died on February 8, 2004, when his convoy was attacked in Mahmudiyah, Iraq—a village 20 miles south of Baghdad.

Richard lived life well. He made good choices. He never took the easy path. He never shied away from a challenge.

That is what drew him to the military. He pursued a career as a soldier knowing the possible dangers. Richard took on one of the most risky jobs in the Army. He took on the responsibility of explosive ordnance disposal. This meant, simply, that if someone found a bomb on the side of the road, or in a building, or anywhere, Richard's task was to disarm it.

Many of us would wonder why he volunteered for such a dangerous position. But Richard would have a simple answer. He did it to protect and ensure the safety of his comrades and the Iraqi people. He did it because he was never afraid to do what needed to be done.

Richard was born on November 6, 1976, to loving parents, Jerry and Julie Ramey. Jerry can still remember looking at Richard when he was in the hospital baby room. He could not help but laugh at Richard's curly brown hair with its frosted tips.

As a boy, Richard was known for hanging around the Perry Township fire station where Jerry was a volunteer fire investigator. Richard loved the excitement of the fire station and being there spending time with his dad.

At Perry High School in Massillon, OH, Richard made a lasting impression on all who met him. English teacher and assistant football coach Bob Kilpatrick remembered Richard as:

> A good guy—a solid citizen. He came to class with his work done, came to practice ready to practice, and came to the game ready to play.

Richard was a great football player with an even greater work ethic. As an offensive guard and tackle, he was known for his hard hitting and determination to play despite an injury to his shoulder. Richard's coaches remember that even at practices in the summer heat, he would always be smiling.

Speaking of smiling, Richard was known for his sense of humor. One time, he described eggs as ''liquid chickens'' to his teacher—a proclaimed vegetarian. The teacher swore off eggs shortly thereafter.

Richard loved the outdoors. He loved to camp, hike, explore caves, and climb. He especially loved to fish. Richard's friends fondly recall how he always caught bigger fish than they did no matter what kind of bait they used or what kind of fishing pole they had.

Richard had the same passion for the military that he did for the outdoors. Even as a youngster, Richard's parents knew he would join the military. On Halloween, he would dress up as Rambo or G.I. Joe. Friends remember that at sleepovers, Richard would make them watch his favorite movie, ''Red Dawn''—a film about foreign armies taking over the United States.

In third grade, Richard's teacher asked the students to write a sentence about what they wanted to do when they grew up. Richard responded, ''I will go to war and fight if I have to''—a motto he carried with him throughout his all too short life.

After high school, Richard joined the Army and entered the service on his mother's birthday. He carried on the military tradition of his family. His dad served 4 years in the Navy, and grandfather Bernard Richard, Sr. fought in World War II, notably at the Battle of the Bulge.

While Richard's mother knew that her son would follow his beliefs and do what he felt he needed to do, all she asked was that he call her every week—and he did. She said that ''Richard loved to do his job. No matter where it would take him. He really felt deeply that he wanted to protect people who couldn't protect themselves.'' She understood that it took a special person to do what Richard did.

Richard's comrades loved him. They trusted him with their lives. And they had fun together. SSG Max Voelz, a member of Richard's unit, remembers the stories Richard would tell and the pranks he loved to play on people. In one instance, Richard filled an officer's room with balloons from the floor to the ceiling.

Richard served at the White House, in Kosovo, and in Egypt before his unit was transferred to Iraq. While in Iraq, he witnessed several tragic events. In December, Richard watched helplessly as one of his comrades and closest friends was killed while trying to defuse a bomb. Clearly shaken and understandably ''numb,'' Richard called home for support from his parents. Shortly thereafter, Richard found himself in close proximity to another exploding bomb. Shrapnel hit his face and ruptured his eardrum. Through it all, Richard's unit became very close. They were family, both at home and in Iraq.

Despite these difficult times, Richard did not lose sight of his ultimate goal—to help those who could not help themselves. And that is why he was determined to continue his career in the military. While overseas, he enlisted for 6 more years and was looking forward to his next assignment in Alaska. His mom and dad were planning on driving him there.

Richard Ramey always will be remembered for his bravery and dedication to helping make the world a safer place. In the words of his father, Richard lived 80 years in 27—and in those 27, he made a difference.

In Massillon, OH, this past February, hundreds of soldiers, firefighters, police, Boy Scouts, sailors, and family and friends paid their final respects to this American hero. Outside the church and along the funeral possession, many more braved the cold to show their support to the Ramey family by waving flags and holding signs. At Perry High School, a memorial plaque and photograph hangs in the hall as tribute to the school's brave alumnus.

Richard will forever live on in the hearts and minds of all those who had the privilege of knowing him, including his parents Jerry and Julie, sister Sarah, and brother-in-law, Nicholas. The Reverend Thomas Dyer, who spoke at Richard's funeral service, said it best:

> [Richard] goes on in our memory with the powerful lesson to each one of us—to make of ourselves the best we can—to make a difference in our home and community.

Indeed, Richard made the best of himself and, in doing so, made a very real, very lasting difference in this world.

STAFF SERGEANT LESTER ''BUDDY'' KINNEY, II

Mr. President, I rise today to pay tribute to a young Ohioan who lost his life in the service of our country—a young Ohioan who dedicated himself to preserving the safety of his family, his friends, the Iraqi people, and his fellow Americans.

Army SSG Lester Kinney II was known to his family and friends by a nickname that exemplified his outlook on life, as well as the way he treated all who had the privilege of knowing him—and that nickname was ''Buddy.''

Buddy was born on February 28, 1976, and grew up in Muskingum County, OH. His mother, Barbara, fondly remembers his love for animals, classic cars, Johnny Cash, and blue-grass music. As a young boy, Buddy loved to play pranks on people, especially on Halloween, greatly increasing the popularity of his family's Zanesville home on the holiday.

Buddy attended John Glenn High School, where he played baseball and basketball. Described as ''everybody's kid,'' Buddy was the kind of guy you wanted on your team. He was always a team player. And he was always in a good mood and could get along with anyone—and everyone. People liked Buddy Lester. As his former high school principal, Gary Lucas, said:

> Everybody would be glad to have him as their son. He's the kind of kid you'd be glad to take home to meet your parents.

After graduating from high school in 1994, Buddy enlisted in the Army. His mother recalled that Buddy had always liked the ''Be All You Can Be'' commercials and was determined to join the Army from the time he was just 8 years old.

Buddy Kinney served in Afghanistan for most of 2003, where he earned a number of awards and decorations for his service and leadership. These include the Bronze Star, Expert Infantry Badge, Combat Infantry Badge, Army Service Ribbon, Army Commendation Medal, Good Conduct Medal, Parachutist Badge, Jumpmaster, and Air Assault Badge.

As a section leader in Afghanistan, Buddy was proud that after more than 150 movements in that dangerous country, none of the soldiers under his direction were ever injured.

Clearly, Buddy was one of this country's finest soldiers. However, he was more than just a great soldier—he was a family man and a model big brother.

Kurtis Bennett loved his big brother. He looked up to him. He respected him. He wanted to be like him. When Kurtis' father passed away, Buddy became the male figure in his life. Kurtis quickly learned that he could count on his brother Buddy for anything.

Kurtis fondly remembers how supportive Buddy was of his decisions. When Kurtis graduated from high school, he told his big brother that he was thinking of taking a year off before going to college. Buddy thought that was a good idea. However, the military recruiters came calling and Kurtis decided to sign up. Buddy was proud of his younger brother and helped him decide on joining the Army because of the opportunities it would provide. Buddy was only a phone call away when Kurtis went through basic training. When the two were serving overseas, Kurtis would make sure to call his brother whenever he could.

Buddy Kinney had big plans for his life. He married the love of his life, Marisa, on November 24, 2001. Though their married life together was short, it was rich and meaningful. He loved Marisa dearly.

Buddy's military career also brought him great fulfillment and meaning. He made 58 jumps as paratrooper, only 2 jumps away from earning a gold star above his parachute wings. He was known for making the best of his opportunities. While stationed in Alaska, Buddy learned to ski, and while in Hawaii he learned to surf. Buddy was proud of his service and believed in what he was doing.

After his service in Iraq, Buddy was hoping to become a warrant officer and a helicopter pilot. But, tragically, Lester ''Buddy'' Kinney's dreams were cut short. This country lost one of its finest on January 27, 2004, when a roadside bomb exploded while Buddy was conducting a dismounted patrol near Iskandariyah, Iraq. He had been assigned as the section leader to Bravo Company, 2nd Battalion, 505th Parachute Infantry Regiment, based out of Fort Bragg, NC.

I had the privilege of meeting Buddy's family and some of his friends at a service held in his honor. Each remembers Buddy's smiling face and positive attitude. I was particularly moved by a letter that his comrades from their service in Afghanistan wrote. It read in part:

> We could not ask for a better friend or leader. From the dusty mountains of Afghanistan to the hot, flat desert of Iraq, we will always have a seat open for you.

We will always have a place for Buddy in our hearts. He will be cherished forever in the memories of his beloved wife Marisa, mother Barbara, stepfather Jack, brother Kurtis, sister Jodi, grandmother Nita, and many aunts, uncles, cousins, comrades, and friends.

Lester ''Buddy'' Kinney is an American hero, and may we always remember the sacrifice he made for us and for our country.

Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. TALENT). The Senator from Ohio yields the floor.

Who seeks recognition?

The Senator from Nevada is recognized.

(The remarks of Mr. REID pertaining to the introduction of S. 2822 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROADBLOCK TO PROGRESS

Mr. MCCONNELL. Mr. President, it is after Labor Day so the campaign rhetoric is in full bloom. One thing we have already heard and continue to hear is this charge of a ''do-nothing'' Congress. And in yet another great paradox unique to this town, we find those who complain that the Senate is not driving ahead and are themselves the roadblock to progress.

For a year and a half we have seen a stall ballgame for the ages, an effort to run out the clock on this session practically before it began. We have seen unprecedented obstruction by a determined minority. Sadly, tactics not employed since the founding of the Republic have become commonplace in this body. We have seen tactics employed not only against highly controversial items but against noncontroversial, broadly supported items, too.

The CARE Act, which provides numerous tax improvements to assist and empower those who run, contribute, and benefit from our charitable organizations passed the Senate 95 to 5. No Democratic Senator voted no. Yet our colleagues on the other side of the aisle refuse to let this bill go to conference and, therefore, it lies near death.

Fortunately, I understand that the IDEA bill, which reforms and enhances the funding of education for disabled children—which passed the Senate 95 to 3—may well be going to conference tonight. If so, that is excellent movement in the right direction.

The Workforce Investment Act, which authorizes the worker training programs for young people, dislocated adults, veterans, Native Americans, seasonal workers, and migrant workers, passed the Senate last year by unanimous consent. No one objected. Yet this bill also has not been able to go forward. Think about it. Bills virtually with no voiced opposition are being stopped by a silent and shadowy force, and the American people are being denied better jobs, better education, and a more compassionate society all because of a pattern of obstruction.

I think the practitioners of this obstruction owe an explanation to the American people as to why they are blocking these widely supported bills that they previously voted for on the Senate floor.

Fortunately, the majority leader's extraordinary effort and patience has enabled much to be done in spite of the obstruction. We have passed tax cuts to get the economy going again, and it sure is going again. We have passed a Medicare prescription drug benefit that is giving seniors an immediate helping hand with a full comprehensive benefit to start in about 15 months. We have passed a Do-Not-Call Registry and the Healthy Forest Act, the partial-birth abortion bill, and the NATO enlargement treaty. But that was last year. What about this year?

We passed into law a pension relief and stabilization plan for private sector businesses, workers, and their retirees. We passed into law a BioShield Act to improve countermeasures from biological, chemical, and other terrorist attacks. We passed into law the Unborn Victims of Violence Act and also a Defense appropriations bill, as well as a supplemental for operations in Iraq.

So much has been accomplished, but much more can and should be done. I call on our colleagues to allow us to move forward on the Workforce Investment Act and CARE right now so we can have an America with workers trained for the modern workplace, a better educational environment for our children, and a more compassionate safety net for our citizens.

I yield the floor.

Mr. REID. Mr. President, I want to make a brief statement. I have already spoken today on the issue Senator MCCONNELL has presented to the body. It was done earlier today by the distinguished junior Senator from Pennsylvania on the CARE Act, a bill that the minority wants to become law. But as I said to the Senator from Pennsylvania through the Chair, there are other ways of doing this than to conference. I have a list of a series of bills that have passed in this body, have been negotiated between the House and the Senate, and that did not go to conference. I don't know the exact number, but scores of bills passed. The same thing could be done with the CARE Act. The same could be done with the Workforce Investment Act.

I say to my distinguished counterpart, the senior Senator from Kentucky, that the risk for Republicans is

that their strategy may just be too obvious. The majority has become so unyielding at times that it seems more devoted to tagging Democrats with the obstructionist label than getting legislation passed. Bills have been abandoned rather than let Democrats have the votes on amendments they demand, such as a minimum wage increase or rules protecting workers' rights to overtime. The complaints about Democrats ignore the fact that internal Republican differences also cause delays.

I have on a pair of Allen Edmonds shoes today. They are shoes that are made in the United States. President Bush wears these shoes. So does Senator KERRY. They are one of the few shoe manufacturers left in America. The reason I mention that is that the chief executive of the company, John Stollenwerk, is upset because, as a result of our doing nothing on the FSC bill, he is now paying 19-percent penalties. And to this day, even though we agreed to go to conference, the House has not appointed conferees.

I say to my friend with all sincerity, we need not find fault. Let's find a way to work together. Let's impose our goodwill upon the Speaker of the House and have him appoint conferees to the FSC bill so that we can still have shoes made in America.

I ask unanimous consent that the list of bills to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BILLS ENACTED INTO LAW WITHOUT USING A CONFERENCE TO NEGOTIATE DIFFERENCES IN LANGUAGE BETWEEN THE HOUSE AND SENATE

108TH CONGRESS (AS OF MAY 6, 2004—24 BILLS)

H.R. 1584, Clean Diamond Trade Act; H.R. 1298, AIDS Assistance; H.R. 733, McLoughlin House National Historic Site Act; H.R. 13, Museum and Library Services Act; H.R. 3146, TANF Extension; H.R. 659, Hospital Mortgage Insurance Act; H.R. 1516, National Cemetery Expansion Act; H.R. 3365, Military Family Tax Relief Act; S. 313, Animal Drug User Fee Act; S. 1768, National Flood Insurance Program Reauthorization Act; H.R. 1828, Syria Accountability and Lebanese Sovereignty Restoration Act; S. 459, Hometown Heroes Survivors Benefits Act.

H.R. 2297, Veterans Benefits Act; S. 877, CAN–SPAM Act; H.R. 100, Servicemembers Civil Relief Act; H.R. 1006, Captive Wildlife Safety Act; H.R. 1012, Carter G. Woodson Home National Historic Site Act; S. 686, Poison Control Center Enhancement and Awareness Act Amendments; S. 1680, Defense Production Act Reauthorization; H.R. 2264, Congo Basin Forest Partnership Act; H.R. 743, Social Security Protection Act; S. 1881, Medical Devices Technical Corrections Act; H.R. 254, Border Environment Cooperation Commission and a North American Development Bank; H.R. 2584, International Fisheries Reauthorization Act.

107TH CONGRESS (51 BILLS)

H.R. 428, Taiwan—World Health Organization; H.R. 1696, World War II Memorial; H.R. 801, Veterans' Opportunities Act (insurance coverage); H.R. 2133, 50th Anniversary Commemoration—Brown v. Board of Education; H.R. 2510, Defense Production Act Extension; H.R. 768, Need-Based Educational Aid Act; H.R. 10, Railroad Retirement and Survivor's Improvement Act; H.R. 2540, Veterans Benefits Act; H.R. 2716, Homeless Veterans Assistance Act; S. 494, Zimbabwe Democracy and Economic Recovery Act; S. 1196, Small Business Investment Company Amendments Act; H.R. 1291, Veterans Education and Benefits Expansion Act.

H.R. 2199, D.C. Police Coordination Amendment Act; H.R. 2657, D.C. Family Court Act; H.R. 2336, Redact Financial Disclosure—Judicial Employees and Officers; H.R. 2884, Victims of Terrorism Relief Act; H.R. 700, Asian Elephant Conservation Reauthorization Act; H.R. 3090, Temporary Extended Unemployment Compensation Act; H.R. 2998, Radio Free Afghanistan Act; H.R. 1892, Family Sponsor Immigration Act; H.R. 1499, D.C. College Access Improvement Act; H.R. 3525, Enhanced Border Security and Visa Entry Reform Act; H.R. 169, Notification and Federal Employee Antidiscrimination and Retaliation Act; H.R. 4560, Auction Reform Act.

H.R. 3275, Suppression of the Financing of Terrorism Convention Implementation; H.R. 327, Small Business Paperwork Relief Act; H.R. 3487, Nurse Reinvestment Act; H.R. 1209, Child Status Protection Act (immigration); H.R. 4687, National Construction Safety Team Act; H.R. 2121, Russian Democracy Act; H.R. 4085, Veterans' Compensation Cost-of-Living Adjustment Act; S. 1533, Health Care Safety Net Amendments; H.R. 3801, Education Sciences Reform Act; H.R. 3253, Department of Veterans Affairs Emergency Preparedness Act; H.R. 4015, Jobs for Veterans Act; S. 1210, Native American Housing Assistance and Self-Determination Reauthorization Act.

S. 2690, Pledge of Allegiance; H.R. 5005, Homeland Security Act; H.R. 2546, Real Interstate Driver Equity Act; H.R. 3389, National Sea Grant College Program Act Amendments; H.R. 4878, Improper Payments Reduction Act; H.R. 1070, Great Lakes and Lake Champlain Act; H.R. 3394, Cyber Security Research and Development Act; H.R. 2621, Product Packaging Protection Act; H.R. 3908, North American Wetlands Conservation Reauthorization Act; H.R. 3833, Dot Kids Implementation and Efficiency Act; H.R. 5469, Small Webcaster Settlement Act; H.R. 2237, Veterans Benefits; S. 2017, Native American Settlements and Indian Financing Act Amendments; H.R. 3609, Pipeline Safety Improvement Act; H.R. 4664, National Science Foundation Authorization Act.

Mr. MCCONNELL. Mr. President, let me say briefly to my good friend from Nevada, I remain hopeful, as I know he does, that we will indeed be able to pass the FSC bill before we leave this year. I am optimistic that will be the case.

NATIONAL MUSEUM OF THE AMERICAN INDIAN

Ms. CANTWELL. Mr. President, I rise today to celebrate the opening of the National Museum of the American Indian, the first national museum dedicated to the preservation, study, and exhibition of the life, languages, literature, history, and arts of the first residents of the Americas. This museum works in collaboration with the native peoples of the western hemisphere to protect and foster their cultures by reaffirming traditions and beliefs, encouraging contemporary artistic expression, and empowering the Indian voice. And since it was designed primarily by Native Americans, it is truly a first-hand look at both the history and future of indigenous American culture.

Fittingly, it is not a traditional museum, but rather a unique, living space, located in close proximity to nature. The building's design reflects the solar calendar and equinoxes, with an eastern orientation and entrance. Historical native stories are shared through the representation and interpretation of Indian cultures as living phenomena throughout the hemisphere. The NMAI is rich with imagery, connections to the earth, and historical meaning.

Washington state can be particularly proud of its tribes, which are well-represented. For example, an exhibit about original Native Treaties includes the 1855 Treaty of Neah Bay, which allowed the Makah Tribe to take whales from ''accustomed grounds and stations.'' An exhibit about the contemporary lives of American Indians contains items from our very own Yakama Nation including a carton of Chief Yakama apples, a jar of Broken Spears pickled asparagus and a poster for the Yakama Nation Beauty Pageant.

Native Americans from other parts of the country who now call Washington State home also played important roles in designing this stunning new space. Johnpaul Jones, an architect of Choctaw and Cherokee heritage who lives in Seattle, was one of four project designers, and helped design and shape this museum to make it a dynamic place for all Americans to explore the contributions of American Indians to our culture.

Preston Singletary, a Tlingit artist who also lives in Seattle, contributed a piece to the exhibit ''Our Universe,'' which focuses on American Indian cosmology and the spiritual relationship between the tribes and nature. His piece, a sand-carved glass, depicts the northwestern coastal legend of the ''Raven Steals the Sun.''

Today, as we welcome this wonderful new museum, let us also remember that as a nation, we must do more to fulfill the promises our country made to our native peoples. As a Senator who represents 29 tribes and a member of the Indian Affairs Committee, I will continue to work to see our nation meet these obligations, and to celebrate the contributions of Native Americans to our great Nation.

Mr. FEINGOLD. Mr. President, today our Nation marks the grand opening of the Smithsonian Museum of the American Indian. This new museum, the first museum opening on the National Mall since 1987, is truly spectacular, with awe-inspiring architecture, striking landscaping, and remarkable holdings that richly reflect the range of Native American culture and traditions. By opening this museum, we have finally recognized the contribution of Native people to our Nation. This recognition is long overdue.

The museum is not simply about the history of the American Indian, it is also a forward-looking museum, which

recognizes the vitality of tribal life throughout the world. This vitality is clearly evident in my State of Wisconsin, which is home to eleven federally recognized tribal governments: the Brad River Band of Lake Superior Chippewa Indians, the Forest County Potawatomi Indian Community, the Ho-Chunk Nation of Wisconsin, the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin, the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin, the Menominee Indian Tribe of Wisconsin, the Oneida Tribe of Indians of Wisconsin, the Red Cliff Band of Lake Superior Chippewa Indians, the Sokaogan Chippewa (Mole Lake) Community of Wisconsin, the St. Croix Chippewa Indians of Wisconsin, and the Stockbridge Munsee Community of Wisconsin.

I am proud to represent the members of Wisconsin's tribes, many of whom are gathering here to support and participate in this important occasion. The influence of the Native Americans who have lived in Wisconsin for so many years is evident in the names of our cities and towns, lakes and rivers, and counties and parks. Wisconsin's native peoples' traditions are part of who we are and these vibrant communities make vast contributions to Wisconsin's culture.

Congress authorized the Smithsonian's National Museum of the American Indian on November 28, 1989 with passage of the National Museum of the American Indian Act. I congratulate my colleagues, the senior Senator from Colorado, Mr. CAMPBELL, who championed the creation of this museum as a member of the other body, and the senior Senator from Hawaii, Mr. INOUYE, for their vision in writing the legislation that made this museum a reality.

The Museum opens today with a celebration that is expected to draw as many as 20,000 Native Americans to Washington. Many are calling the grand opening today the largest tribal gathering in history.

I commend the Congress and the Nation for finally recognizing our Native people and their past, present, and future contributions to America's culture, history, and tradition.

PEACE IN SUDAN

Mr. LUGAR. Mr. President, today I submit an amendment in the form of a substitute to S. 2781. I want to thank the majority leader for his support of our efforts to authorize assistance for the Darfur crisis and a final peace in Sudan. I also want to take this opportunity to express my appreciation to Senator BIDEN for his cooperation in introducing the bill, as well as in refining its language.

Our Committee recently held a historic hearing on Sudan. In that hearing Secretary Powell declared Sudan and the Janjaweed responsible for genocide. This important event reinforced congressional concern for African affairs and pursuing peace in Sudan.

Senator BIDEN and I have improved S. 2781 in the pending amendment by clarifying several elements. These improvements include an update to language that directly reflects the comments of Secretary Powell in his declaration of genocide in the Sudan. Further, the amendment clarifies that neither of the regions administered by the Government of Sudan nor the SPLM will be authorized to receive assistance unless the President certifies that they are complying with specific requirements.

Finally, upon receipt of the testimony and reports from Secretary Powell and the State Department, as well as the recent eyewitness account of the USAID Administrator Natsios, we want to redouble our commitment to support the African Union Mission in Sudan. The value of the reports from the small African Union Observer Force now in Darfur is evident and the international community must recognize its own responsibility in enabling the African Union to continue in this assertive and positive role. In my view the bill states that the United States should provide, to the extent practicable, all assistance necessary to ensure the African Union Mission in Sudan is capable of carrying out its mandate.

I urge my colleagues to support this important legislative initiative.

REMARKS TO THE COUNCIL ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, last week, at the invitation of the Council on Foreign Relations and the family of the late Paul Warnke, I gave the second annual Paul Warnke Lecture on International Security here in Washington. I spoke to the council about the ongoing efforts here in the Congress to address the issue of the reform of the intelligence community as recommended by the 9/11 Commission and others.

I told the council that to my mind, at least as important as the structural reforms of our intelligence community, and arguably even more so, is the need to protect the independence, objectivity and integrity of intelligence analyses. Too many times in our past, including most recently in the Iraq war, intelligence has been manipulated and politicized to support a specific policy.

I am willing to support the creation of a more powerful National Intelligence Director with greater authority over intelligence budgets and personnel, but only if this increased power is used to help ensure the accuracy, independence, objectivity and integrity of intelligence analyses, and not used to promote policy. I don't want a National Intelligence Director to be a more powerful ''yes man'' for the administration in power.

Mr. President, I ask unanimous consent that the full text of my speech to the Council on Foreign Relations on September 13, 2004, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR CARL LEVIN AT THE PAUL WARNKE LECTURE ON INTERNATIONAL SECURITY AT THE COUNCIL ON FOREIGN RELATIONS

Thank you, Alton [Frye, Presidential Senior Fellow Emeritus at the Council on Foreign Relations]. Your connection with the Council since 1972 makes you a more enduring figure in Washington than just about anybody besides Senator BYRD.

It is a pleasure to be back at the Council, and an honor to be giving the second annual Paul Warnke Lecture on International Security. Paul was a great public servant and a tireless advocate for a wise and balanced approach to international security. I know there are some members of the Warnke family here, and I want to start by acknowledging their presence and thanking them for joining in the invitation to me.

Tonight I want to share some thoughts with you on the reform of our Intelligence Community, which is topic number one in the Senate right now. My remarks are subtitled ''No more slam-dunks please, where nuance is needed.''

With the end of the Cold War the greatest threats we face are from terrorists. We are less likely to be attacked by nations and armies with tanks and missiles, and more likely to be attacked by terrorists with bombs in trucks or strapped to their bodies.

Since terrorists are not deterred by the threat of their own destruction, and because terrorist networks are so diffuse, accurate intelligence is absolutely essential to preventing terrorist attacks.

The release of the 9/11 Commission's Report fueled a debate about how our intelligence community should be reformed to better respond to the terrorist threat. This is a debate we need to have. But in taking on structural reform involving stove-pipes and budget authority, we should not lose sight of the fundamental problem that was dramatically demonstrated not by the pre–9/11 intelligence failures but by the pre-Iraq War intelligence failures.

The intelligence failures before 9/11 related to intelligence agencies not using information they had and not sharing that information with others. The Report of the 9/11 Commission retold the story of people in the CIA and FBI, for instance, who failed to do their jobs in sharing information. And that Report noted the failure to hold anyone accountable. But there is no evidence in the more than 500–page 9/11 Commission Report that those failures were caused by inadequate budget power in the Director of Central Intelligence or his lack of authority to hire and fire intelligence personnel in other agencies than the CIA.

The failures to use and share intelligence have begun to be corrected with the formation of the Terrorist Threat Integration Center (TTIC). Coordination and sharing might be further enhanced by creation of a National Intelligence Director.

The massive intelligence failures before the Iraq War were of a totally different kind. To a significant degree, they were the result of the CIA shaping and manipulating intelligence to support Administration policy. The CIA's errors were all in one direction, invariably making the Iraqi threat clearer and sharper and more imminent, thereby promoting the Administration's determination to remove Saddam Hussein from power. Nuances were dropped; a slam-dunk was the assessment.

The CIA was saying to the Administration and to the American people what it thought the Administration wanted to hear.

The problem of intelligence being manipulated and politicized is not new. Forty years ago, Secretary of Defense McNamara claimed classified communications intercepts supported passage of the Gulf of Tonkin Resolution, which was used by President Johnson as the legislative foundation for expanding the war in Vietnam.

Those intercepts proved later to be very dubious. Regardless, the presidential decision had been made, and so intelligence was used to support that decision.

Intelligence was heavily manipulated by CIA Director William Casey during the Iran-Contra period. The Iran Contra Report cited evidence that Director Casey ''misrepresented or selectively used available intelligence to support the policy he was promoting.''

The Iran Contra Report urged strongly that ''The gathering, analysis, and reporting of intelligence should be done in such a way that there can be no question that the conclusions are driven by the actual facts, rather than by what a policy advocate hopes these facts will be.''

Former Secretary of State George Shultz, in his memoir Turmoil and Triumph, recalled Director Casey's actions and concluded that ''The CIA should have nothing to do with policy. You have to keep objectivity in analyses.''

History repeated itself with the pre-war Iraq intelligence. Before the war, top administration officials asserted that Saddam Hussein definitely had weapons of mass destruction and had close links to the al Qaeda terrorists who had attacked us on 9/11.

The President said in March of 2002 that ''[Saddam Hussein] possesses the world's most dangerous weapons.''

The Vice President in August of 2002 said ''. . . we know that Saddam has resumed his efforts to acquire nuclear weapons. Many of us are convinced that Saddam will acquire nuclear weapons fairly soon.''

National Security Advisor Rice said on September 8, 2002 that ''We do know that there have been shipments going . . . into Iraq, for instance, of aluminum tubes that really are only suited . . . for nuclear weapons programs, centrifuge programs.''

A few weeks later, Secretary of Defense Rumsfeld said that ''Very likely all they need to complete a weapon is fissile materials—and they are, at this moment, seeking that material—both from foreign sources and the capability to produce it indigenously.''

On September 19th, 2002, Secretary Rumsfeld said that Saddam Hussein ''has, at this moment, stockpiles of chemical and biological weapons, and is pursuing nuclear weapons.''

Regarding al Qaeda links to Saddam Hussein, President Bush made the unqualified link between al-Qaeda and Saddam Hussein on September 25th, 2002, when he said ''you can't distinguish between al-Qaeda and Saddam when you talk about the war on terror.''

Following those kind of strong public statements of senior administration leaders, qualifications and cautious words in previous Intelligence Community reports were dropped, and intelligence was shaped more and more to reflect and support the certainty of the administration's policy statements.

For instance, on February 11, 2003, DCI Tenet publicly stated, as though it were fact, that Iraq ''has provided training in poisons and gases to two al-Qaida associates.'' However, in his then-classified testimony on September 17, 2002, which reflected the underlying intelligence analysis, Director Tenet acknowledged that the information on training was ''from sources of varying reliability.'' The underlying intelligence also acknowledged that the information was ''at times contradictory.'' As the Senate Intelligence Committee report makes clear, DCI Tenet's public testimony could lead people to believe incorrectly ''that the CIA believed the training had definitely occurred.''

That Senate Intelligence Committee 500–page unanimous report set out dozens of instances like that where the CIA or its leaders made statements about Iraq's WMD which were significantly more certain than the underlying classified intelligence reporting or than their previous classified statements.

The first overall conclusion of that Senate Intelligence Committee report is that ''Most of the major key judgments in the Intelligence Community's October 2002 National Intelligence Estimate (NIE), Iraq's Continuing Programs for Weapons of Mass Destruction, either overstated or were not supported by, the underlying intelligence reporting.''

The CIA's efforts to support Administration policy instead of doing what they are supposed to do—which is to inform Administration policy makers—wasn't limited to WMD issues. DCI Tenet also helped support the Administration's contention that Saddam Hussein and al Qaeda were closely linked, or as President Bush had said on September 28, 2002, ''each passing day could be the one on which the Iraqi regime gives anthrax or VX nerve gas or someday a nuclear weapon to a terrorist group.'' This took a special contortion on DCI Tenet's part because the CIA's then-classified analysis was that there were no significant links between Saddam Hussein and al Qaeda.

Here is some background on that: on October 7, 2002, at our request, the CIA in a letter to the Senate Intelligence Committee declassified its assessment and indicated Iraq was unlikely to provide WMD to terrorists, and that providing WMD to terrorists would be an ''extreme step'' for Saddam Hussein, likely to be taken by him only in response to an attack against him by us. However, DCI Tenet told the New York Times that there was ''no inconsistency'' between the views in that CIA letter and the President's views on the subject. His statement was clearly incorrect, but it supported the Administration by trying to blur the inconsistency. The Senate voted on the authorization to use force a few days later on October 11.

And the CIA went along with the Administration's repeated references to a reported meeting in Prague between an Iraqi intelligence officer and the lead hijacker in April of 2001. At a hearing in February of this year, I asked Director Tenet about that alleged meeting. He told me that the CIA had ''not gathered enough evidence to conclude that it happened,'' and that ''I don't know that it took place. I can't say that it did.'' What he neglected to say, again bending over backwards to protect Administration policy, was that the CIA did not believe the meeting had happened. He finally acknowledged that publicly a few weeks ago when the CIA said that there was an ''absence of any credible information that the April 2001 meeting occurred.''

Again, in all of these cases, and many others, where public statements of the CIA varied from the underlying classified intelligence before the war, the Iraqi threat became clearer and more dire and the presence of WMD more certain. In public statements and reports, the CIA leadership had effectively become a political arm of the White House. There is no other explanation which has any ring of truth.

That is not the only rational inference. It also has some explicit evidentiary support. You remember the scene in Bob Woodward's book, Plan of Attack, after the Intelligence Community's case regarding Iraqi WMD was presented to the President in the Oval Office on December 21st, 2002:

''Bush turned to Tenet. 'I've been told all this intelligence about having WMD and this is the best we've got?'

''From the end of one of the couches in the Oval Office, Tenet rose up, threw his arms in the air. 'It's a slam-dunk case!' the director of central intelligence said.

''Bush pressed. 'George, how confident are you?'

''Tenet, a basketball fan who attended as many home games of his alma mater Georgetown University as possible, leaned forward and threw his arms up again. 'Don't worry, it's slam-dunk!''

George Shultz's admonition about the fundamental need to separate intelligence from policy as the only way to obtain objective and independent intelligence, had been dramatically proven again. Other experts have reminded us of this point.

Former DCI Judge William Webster told the Senate Governmental Affairs Committee a few weeks ago that:

''With respect to relations with the president, while the leader of the intelligence community must be the principal advisor on intelligence to the president, he must work hard—very hard—to avoid either the reality or the perception that intelligence is being framed—read ''spun''—to support a foreign policy of the administration.''

Former chief weapons inspector David Kay put it this way before the Senate Intelligence Committee:

''Intelligence must serve the nation and speak truth to power even if in some cases elected leaders chose, as is their right, to disagree with the intelligence with which they are presented. This means that intelligence should not be part of the political apparatus or process.''

How does all of this affect the pending consideration of intelligence reform? I have the good fortune (I guess) to be the only Senator to serve on all three Senate Committees which are considering intelligence reform legislation issues. We have held about 10 hearings since the 9/11 Commission report was presented, and are expected to have legislation prepared for the Senate by October. Most of the focus so far has been on fixing the pre–9/11 type failures; that is, the failures of information sharing and coordination.

To my mind, at least as important as the structural reforms, and arguably even more so, is the need to protect the independence, objectivity and integrity of intelligence analyses.

I am willing to support the creation of a more powerful National Intelligence Director, with greater authority over intelligence budgets and personnel, but only if this increased power is used to help ensure the accuracy, independence, objectivity and integrity of intelligence analyses, and not used to promote policy. I don't want a National Intelligence Director to be a more powerful ''yes man'' for the Administration in power.

One way to promote more objective and independent intelligence is to put Congress on a roughly equal basis with the executive branch as a primary consumer of intelligence. The National Intelligence Director and the entire Intelligence Community must understand that their analyses are just as much for Congress as for the President. It also means that senior intelligence leaders should be subject to Senate confirmation. And it surely means that the National Intelligence Director should not be established in the Cabinet or in the Executive Office of the President.

And giving both the Chairman and Vice Chairman of the House and Senate Intelligence Committees the power to obtain documents and initiate investigations—much

like the current Permanent Subcommittee on Investigations of the Governmental Affairs Committee—would also strengthen congressional oversight.

The bottom line is that terrorism is currently our number one threat, and intelligence is our most essential tool to deal with that threat. Before we create a stronger National Intelligence Director, in a position which has too often produced intelligence shaped to promote policy, we must take steps to ensure that a strengthened National Intelligence Director—and indeed our entire Intelligence Community—is free to provide objective, independent intelligence analyses. Our future security depends on it.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

In September 2004, Michael Hughes, a 58-year old man, was arrested after he verbally assaulted a man he believed was gay, then slashed him repeatedly with a small knife. Upon checking his rap sheet, police discovered that Hughes was wanted in Baltimore for the 1974 Christmas Eve killing of another man.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

WEST VIRGINIA'S 2004 ANGELS IN ADOPTION

Mr. ROCKEFELLER. Mr. President, today I wish to recognize a very special family from my home state of West Virginia. I am delighted that Pam and Morgan Lacefield of Moundsville, WV, will be recognized later this month as ''Angels in Adoption,'' a special award created by the Congressional Adoption Caucus.

I would like to take a moment to tell you more about Pam, Morgan, and the entire Lacefield family. Pam and Morgan Lacefield are the proud parents of nine wonderful children. This large, loving bunch is typical of many: they are involved in a host of sports and activities. They do homework. They enjoy family meals together. There is one quality, however, that makes the Lakefield family special: Pam and Morgan have adopted every one of their nine children. It is not surprising that such a loving couple would also run a shelter for homeless animals with no where else to turn.

In 1991, Pam and Morgan were managing a successful group of restaurants that they owned while also raising two children, whom they had previously adopted. They soon became aware of four siblings who were in need of a loving permanent home and who did not want to face separation. Pam and Morgan adopted them, too, bringing to six the total number of children in their home under the age of five. Later, they adopted another ''sibling group'' of three children, and they have been on the go ever since!

True leaders in their community, Pam and Morgan have been involved in a number of charitable organizations within West Virginia, and were named West Virginia Parent Teachers' Association's Partners in Education for 1999–2000. And, eleven years after adopting their first sibling group, Pam and Morgan opened a ''no-kill'' animal shelter, which they named Webark Estates. Their examples of selflessness and commitment have not been lost on the youngest members of their family—each of their children now helps at the shelter in some capacity, and it has become a labor of love for all of the Lacefields. It is a lucky child who can claim over 20 dogs and 80 cats as his pets, and it is a luckier child still who can claim Pam and Morgan Lacefield as parents. As you can see, they are clearly ''angels.''

The Angels in Adoption Award recognizes individuals like the Lacefields who open their hearts and homes to children in foster care. On September 23, the Lacefields and other Angels will come to Washington in order to be recognized for their good works. The Lacefield family and the other Angel in Adoption nominees from around the country can help inspire everyone to continue efforts to ensure that every child has a safe, healthy, and permanent home and that, for some children, this is only possible through adoption.

I have worked for many years in bipartisan coalitions to promote adoption and improved services for abused and neglected children. While these issues rarely command headlines, they change the lives of children and families across our country. People like the Lacefields and programs like Angels in Adoption remind us of the importance of our adoption and child welfare programs. In 1997, Congress passed the Adoption and Safe Families Act to ensure that a child's health and safety are paramount, and to express the belief that every child deserves a permanent home. Since then, adoptions from foster care have nearly doubled. While this is wonderful news, more than 100,000 children remain in foster care. As the Lacefields and other adoptive parents would tell us, we clearly have more work to do.

Mr. President, I am delighted to have had this opportunity to tell you more about the Lacefield family. I have long believed that the people of West Virginia are its greatest resource; individuals such as the Lacefields prove this point again and again.

SUPPORTING CHILDREN IN CRISIS

Mr. GRASSLEY. Mr. President, I rise today to give praise to a great nonprofit organization, Santa's Children Christmas Village, run by Orien Hodges in Walnut, IA. This organization has been supporting children in crisis for years both by raising money for other nonprofit organizations dedicated to children in crisis and by organizing Santa visits to bring joy to children, helping them escape briefly from the reality of serious illness. Santa's Children Christmas Village has been able to visit over 7,500 children in Iowa as well as neighboring states since the program started in 1998.

Santa's Children Christmas Village is currently expanding its efforts to help underprivileged children by working with a fellow organization, Kids In Distressed Situations, Inc. KIDS's main goal is to prevent the cycle of poverty that is started in childhood from continuing into adulthood. KIDS has been successful in its efforts because of the help it receives from leading retailers, manufacturers, licensors and other charity organizations such as Santa's Children Christmas Village. I am proud of the efforts of my fellow Iowans and the organizations that they are working with in order to better the lives of children in America.

ENDORSEMENT OF THE PUBLIC SAFETY OFFICERS' DEFENSE ACT

Mr. KYL. Mr. President, I ask unanimous consent that the following letter be printed in the RECORD. The letter expresses the strong support of the Fraternal Order of Police for S. 2760, the Public Safety Officers' Defense Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GRAND LODGE,
FRATERNAL ORDER OF POLICE,
Washington, DC, September 17, 2004.

Hon. JON KYL,
U.S. Senate,
Washington, DC.

DEAR SENATOR KYL: I am writing on behalf of the membership of the Fraternal Order of Police to advise you of our strong support for S. 2760, the ''Public Safety Officers' Defense Act,'' which will restore balance to the criminal justice system by ensuring a reasonable and timely Federal review of State convictions for the murder of a law enforcement officer.

This issue is of particular importance to the F.O.P. because we have, tragically, firsthand knowledge of how such delays affect the families of slain officers. One case in particular always comes to mind—the slaying of Philadelphia Police Officer Daniel Faulkner on 9 December 1981. He was murdered in coldblood by Wesley Cook, who is better known by his alias, Mumia Abu-Jamal. This killer was convicted of murder and sentenced to death by a jury in July 1982. After exhausting nearly all State appeals, and having had two appeals to the U.S. Supreme Court rejected, Faulkner's murderer filed a petition for habeas corpus in October 1999. Just days after marking the twentieth anniversary of Danny Faulkner's death, Judge William Yohn of the United States District Court for

the Eastern District of Pennsylvania issued a ruling upholding the conviction, but threw out the death sentence on a technicality. The case was appealed to the U.S. Third Circuit Court of Appeals on 28 December 2001. While the case remains on the docket, Danny's killer is alive and on death row. As his widow Maureen will tell you, this is not justice.

Your legislation would require that, following State court and U.S. Supreme Court certiorari reviews are completed, district courts review cases within fifteen months and circuit courts rule within 120 days. This means that, absent the granting of a full review of the case by the U.S. Supreme Court, that Federal review of cop-killers' appeals would be completed, in most cases, within a two year period.

The bill also incorporates an existing provision of the Federal habeas statute that is used to determine whether a defendant may file a successive petition or seek a new evidentiary hearing in Federal court. Thus, once a convicted cop-killer's case arrives in the Federal courts, they would only be able either to offer new evidence of innocence or to give a good reason why he failed to present such evidence earlier, thus barring defendants from simply relitigating evidence that already was presented or should have been presented at trial.

Assaults on law enforcement officers, including those which result in the death of the officer, are on the rise, and so is the length of time a convicted cop-killer will remain on death row while his appeals are processed. The murder of a law enforcement officer is a heinous crime—every State that has the death penalty allows juries to impose on those convicted of killing an officer. And yet, if the death penalty is not imposed in a reasonable amount of time, after all the requirements of due process are met and guilt is certain, then it does not have any meaning, either as a deterrent or a punishment. Your legislation correctly addresses this problem for what most recognize to be one of the most serious crimes—killing a cop.

On behalf of the more than 318,000 members of the Fraternal Order of Police, I applaud you for your leadership on this issue and look forward to working with you and your staff to see it signed into law. If I can be of any further assistance, please do not hesitate to contact me or Executive Director Jim Pasco at my Washington Office.

Sincerely,

CHUCK CANTERBURY,
National President.

THE AIR FORCE ACADEMY DRUM AND BUGLE CORPS

Mr. ALLARD. Mr. President, I rise today to recognize the commendable record of the Air Force Academy Drum and Bugle Corps. The Air Force Academy Drum and Bugle Corps was established in 1959, as a unit of the Air Force Academy Band. The Corps was made up of enlisted musicians and included six drummers, nine buglers, a drum major and a noncommissioned officer in charge. The mission of the Corps was to act as a relief group for the Air Force Academy Band. Activities of the band included playing for the cadet morning and evening chow formations and to practice marching. This addition to the Air Force Academy Band helped to complete musical requirements for the cadet wing military formations.

Within 2 years of its formation the Air Force Academy Drum and Bugle Corps was increased to 38 members, and its mission was extended nationwide to include concerts, field exhibitions, music festivals, and various military ceremonies. The Corps entertained audiences from coast to coast with a blend of precision drill and musical pageantry. In 1972, the Enlisted Corps was disbanded and students from the Air Force Academy formed the Cadet Drum and Bugle Corps, which continues the tradition of providing musical support of cadet wing activities, as well as participation in community activities nationwide.

I take this opportunity to thank the distinguished members of the Air Force Drum and Bugle Corps for their dedication and commitment to the Academy and to our country.

ADDITIONAL STATEMENTS

VA AND UF JOIN FORCES TO HELP STROKE VICTIMS

• Mr. GRAHAM of Florida. Mr. President, the Department of Veterans' Affairs, VA, has a long and distinguished history of collaboration with various universities across the country. No such partnership has yielded more successful results than that between the Malcom Randall VA Medical Center, VAMC, in Gainesville, FL, and the University of Florida, UF. In keeping with their long history together, these two notable institutions announced on July 6, 2004, that they will be working together to help stroke victims.

The Translational Research in Rehabilitation Initiative, as it has been named, is a $2.7 million effort to improve the lives of those who have suffered from strokes and other brain injuries. Its goal is to drastically shorten the time between scientific discovery and the development of therapies used for the treatment of these patients. Currently, an average of 17 years go by before discoveries in clinical trials are routinely incorporated into medical treatment.

Previous thinking was that the mature nervous system could not be repaired after injury. Since 1990, however, scientists have known this is not true. As such, the joint initiative will utilize the advanced skills of UF scientists and physicians to translate discoveries from animal research into quicker ways of reconstructing the damaged human nervous system. With VA's assistance, UF also will recruit three new faculty members, whose goal will be to accelerate brain-injury research to find combinations of drugs and rehabilitation therapies that will help stroke victims.

The project is an extension of research that began 1999 with Leslie Gonzalez-Rothi, Ph.D., a neurology professor associated with UF's Evelyn F. and William L. McKnight Brain Institute and program director of the Brain Rehabilitation Research Center at the Gainesville VAMC. That year, Dr. Gonzalez-Rothi obtained the first rehabilitation research and development grant from VA to start the Brain Rehabilitation Research Center. At the center, UF scientists study combinations of drugs and rehabilitation techniques in people who have suffered strokes, focusing their efforts on rehabilitating patients and teaching them to relearn lost abilities. This new mission will explore the ways doctors can actually help heal the injury and is part of the July renewal of a 5-year, $4.25 million rehabilitation research and development grant to the center. In addition to the grant, the Gainesville VAMC will provide nearly 4,000 square feet of laboratory space in its medical center to support the effort.

This new partnership between VA and UF is a shining example of what VA can and will accomplish through its impressive research capabilities, especially with the help of its university affiliates. The strides that result from the Translational Research in Rehabilitation Initiative will significantly improve patient care for the entire Nation, making a difference in the lives of veterans, as well as the general public. I am very proud that this project is being conducted in my home State of Florida.•

IN HONOR OF MASTERFOODS USA CHICAGO PLANT 75TH BIRTHDAY

• Mr. DURBIN. Mr. President, today I offer congratulations to Masterfoods USA on the 75th birthday of their candy plant in Chicago, IL. Masterfoods is the U.S. division of Mars, Incorporated.

Chicago is America's candy capital. Since 1929, the hard-working folks at the Masterfoods plant in Chicago have been making our world sweeter.

The plant is the birthplace of the world's best-selling candy bar—the Snickers bar as well as home to other favorites, including the Milky Way and 3 Musketeers bars. Today, the Masterfoods USA Chicago plant produces 20 percent of all Masterfoods USA candy bars about 30 million bars a day.

Much like Chicago, the Masterfoods plant has been in a constant state of renewal and investment, and is as contemporary today as it was when it opened in 1929. Built on a site that was previously a golf course, the plant is unlike other factories, with a picturesque, high-windowed Spanish-style structure featuring a rich red tile roof and tinted walls.

When it opened in 1929, the plant employed about 200 workers. Today, the plant employs about 500 associates, 10 percent of whom have a relative who formerly worked there. There are even three people working at the plant today who are third-generation plant associates.

Beyond creating and retaining jobs, Masterfoods USA is committed to community involvement. Each year at Halloween, more than 500 costumed children from the surrounding neighborhood converge on the plant to trick-or-treat. The company also donates equipment to Chicago Shriners Hospital for Children and provides 25 district police stations with candy for community outreach. In all, the Masterfoods USA Chicago plant assists more than 100 community programs each year. This is a company that has not just been an employer, it has also been a good neighbor.

Today I wish to honor the 75th birthday of the Masterfoods USA Chicago Plant. Their success is a point of pride for Chicago and the State of Illinois. May their future be as sweet as their past.●

BEALE AIR FORCE BASE: AIR FORCE EXCELLENCE

● Mrs. BOXER. Mr. President, I rise today to recognize Beale Air Force Base as the United States Air Force winner of the 2004 Commander in Chief's Installation Excellence Award. This award recognizes the outstanding efforts of the people who operate and maintain Department of Defense installations and who best utilize their resources to support the mission. In recognition of this prestigious accomplishment, Team Beale has been awarded $1 million for quality of life improvements.

The Commander in Chief's Installation Excellence Award recognizes the best United States Military installations worldwide, demonstrating innovative programs that help sustain excellent base operations. Each base was evaluated in the following categories: improving work environment or physical plant; improving quality of life; enhancing productivity of the work force; increasing customer satisfaction or improving customer service; encouraging bottom-to-top communication and team problem solving; promoting unit cohesiveness and recognizing outstanding individual efforts; and, promoting environmental safety, compliance, remediation, and stewardship.

In fiscal year 2003, Team Beale established itself as the benchmark for the United States Air Force. Teamwork was Beale's cornerstone among the core units, associate units, and the civilian community as they embraced the Installation Commander's motto, ''One Team, One Fight.'' Beale Air Force Base put intelligence, surveillance, and reconnaissance on the offensive with an unprecedented 3,450 sorties, 1,175 combat missions, and 13,300 combat hours during Operations Enduring and Iraqi Freedom. Team Beale led coalition forces in battle space preparation and time-critical targeting by producing more than 89,000 imagery products and 25,000 special intelligence products for two combatant commanders.

In addition to Beale's history-making, record-breaking contributions to the United States' combat efforts, it also worked to improve in other areas. Beale Air Force Base took a lead role in its $180 million housing privatization efforts for 1,344 homes in conjunction with $114 million in base-wide improvements and $56 million in RQ–4A Global Hawk bed down initiatives. In recognition of their outstanding performance, individual and team awards included: United States Air Force Air Force Outstanding Unit Award; United States Air Force Maintenance Effectiveness Award; United States Air Force Twelve Outstanding Airmen of the Year Award; United States Air Force Explosives Safety Plaque; 33 Air Combat Command award; United States Strategic Command's Omaha Trophy; and, Eight Numbered Air Force awards.

The men and women of Beale Air Force Base have set the Air Force standard for installation excellence. By embracing the Air Force core values of ''Integrity First, Service Before Self, and Excellence in All We Do,'' Team Beale used creative innovations to establish themselves as the best of the best. It is with great pleasure that I congratulate Beale Air Force Base on the receipt of the prestigious Commander in Chief's Installation Excellence Award.●

ALBERT M. DESHUR'S 90TH BIRTHDAY

● Mr. KOHL. Mr. President, I rise today to honor Albert M. Deshur on his 90th birthday. I commemorate Mr. Deshur as a prominent leader, businessman, and philanthropist, who has long served the community of Milwaukee.

Mr. Deshur, as a lifelong community leader and self-made man, has set the standard for integrity, pride, conscientiousness, reliability, honesty and character, while at the same time always maintaining a sense of balance through his earnestness and sense of responsibility to provide for the community around him.

In honor of Mr. Deshur's 90th birthday, I acknowledge his many contributions to the City of Milwaukee. In 1948, Mr. Deshur founded the Deshur Homes company in Milwaukee, WI, where he currently serves as chairman of the board. Through his hard work and dedication, he has been responsible for master planning and developing over 2,000 acres of land, building more than 7,000 single-family homes, and developing many multi-family and commercial projects. Twelve years later, Mr. Deshur founded the Hampton State Bank, located in Milwaukee, where he served as president and chief executive officer providing thousands of customers a bank they could trust. His commitment to the city has provided the people of Milwaukee great opportunities that would not have been possible without his vision.

Mr. Deshur has also been an active philanthropist for children's causes, including the Albert and Ann Deshur Rainbow Day Camp at the Jewish Community Center of Milwaukee. He is a prominent member of the Jewish community of Milwaukee, founding member and major benefactor of Temple Shalom and a generous and consistent supporter of the Milwaukee Jewish Federation for many years.

I thank Mr. Deshur for his many contributions to the city of Milwaukee and I join his many friends and family in celebration as we honor Mr. Deshur on his 90th birthday. He is the very best Milwaukee and Wisconsin has to offer, and I wish him good health and continued happiness.●

CORDELL BANK NATIONAL MARINE SANCTUARY: IN HONOR OF ITS 15TH ANNIVERSARY

● Mrs. BOXER. Mr. President, I wish to recognize and share with my colleagues an important milestone for Cordell Bank National Marine Sanctuary. The sanctuary will observe its 15th anniversary on October 2.

Cordell Bank National Marine Sanctuary was established in 1989 when a House joint resolution was signed by the President. I was pleased to be an original cosponsor of the resolution which was sponsored by Congressman Doug Bosco.

The sanctuary encompasses 530 square miles of marine waters, off the coast of Point Reyes National Seashore, about 45 miles north of San Francisco. The boundary includes a unique granite bank, the Cordell Bank, and is located along the continental shelf.

The sanctuary encompasses exceptional and diverse marine life, both above and below the surface, providing a home for resident marine species and a destination feeding ground for many migratory marine mammals, fish and seabirds.

Twenty-six marine mammal species live in the waters of Cordell Bank National Marine Sanctuary as do over 250 fish species. It is among the most important feeding grounds in the world for the endangered Humpback and Blue whales. It also serves as a crucial foraging area for resident, migratory and seabound birds. In fact, Cordell Bank National Marine Sanctuary is otherwise known as the ''Albatross capital of the Northern Hemisphere.''

In the 15 years since the sanctuary was established, threats to the Cordell Bank and other points along our coast have grown. California's population has continued to increase near the coast, and oil and gas exploration proposals continue to threaten our marine ecosystems.

Because of these threats, I believe preserving and celebrating our protected areas off the California coast is particularly important. Since the Cordell Bank National Marine Sanctuary was established, the sanctuary's

resources have grown with it, providing better protection for the sanctuary's future. Staff has increased from one to five and a half full time employees. The staff now has an office, a seabound vessel, monitoring programs, an advisory council and a new management plan to serve the sanctuary and its mission into the future.

I applaud everyone who has worked to protect the marine ecosystems of the Cordell Bank National Marine Sanctuary, and I wish the sanctuary staff and volunteers many years of ongoing success in protecting the California coastal environment. Please join me in celebrating the 15th Anniversary of Cordell Bank National Marine Sanctuary.●

DOROTHY HUGHES: IN MEMORIAM

● Mrs. BOXER. Mr. President, I honor and share with my colleagues today the memory of a very special woman, Dorothy Hughes of Marin County, who died July 25, 2004. She was 80 years old.

Dorothy Hughes was born on her parents' sheep ranch in Woodland, CA in 1923. As a young girl, she attended the Hamlin School in San Francisco and in 1943 she graduated from Stanford University. She went on to earn her master's degree in European history at California State University at Sacramento.

Dorothy Hughes was a lifelong champion of humanitarian causes. Envisioning a ''world that works for all of us,'' she campaigned tirelessly for peace and social justice. Dorothy also deeply felt the need to ensure decent health and social services for her community, and her unwavering dedication left a legacy of community-based health organizations in Marin County. In addition to founding the Campaign for a Healthier Community for Children, Marin Suicide Prevention Center and Marin Family Action, she also served as executive director of the Marin Association of Mental Health for more than two decades. Throughout her life, Dorothy remained committed to her convictions, often in the face of powerful opposition.

Dorothy Hughes was recognized numerous times for her invaluable contributions to the community. The Human Rights Commission's Martin Luther King, Jr. Humanitarian Award, and induction into the Marin Women's Hall of Fame are among the many honors she received.

A dynamic figure in Marin County, Dorothy touched countless lives during the 35 years she resided there. She was a deeply-loved member of the community whose courage and conviction inspired others, and she will be greatly missed. We take comfort in the knowledge that future generations will benefit from Dorothy's dedication, vision and leadership.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT DECLARING THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS TO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—PM 95

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To The Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2004, to the Federal Register for publication. The most recent notice continuing this emergency was published in the Federal Register on September 22, 2003 (68 FR 55189).

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, in Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 21, 2004.*

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2823. A bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H–2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–9338. A communication from the Chairman, Farm Credit System Insurance Corporation, transmitting, pursuant to law, the Corporation's annual report for calendar year 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9339. A communication from the Assistant General Counsel for Legislative and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program for Consumer Products: Central Air Conditioners and Heat Pumps Energy Conservation Standards'' (RIN1904–AB46) received on September 14, 2004; to the Committee on Energy and Natural Resources.

EC–9340. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Emergency Rule: Endangered and Threatened Wildlife and Plants; Establishment of an Additional Manatee Protection Area in Lee County, Florida'' (RIN1018–AT65) received on August 11, 2004; to the Committee on Environment and Public Works.

EC–9341. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Topeka Shiner'' received on August 11, 2004; to the Committee on Environment and Public Works.

EC–9342. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Astragalus Magdalene var. peirsonii (Peirson's milk-vetch)'' received on August 11, 2004; to the Committee on Environment and Public Works.

EC–9343. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, Agency-issued documents related to its regulatory programs; to the Committee on Environment and Public Works.

EC–9344. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department for Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Medicare Part B Monthly Actuarial Rates. Premium Ratio, and Annual Deductible Beginning January 1, 2005'' (RIN0938–AN18) received on September 9, 2004; to the Committee on Finance.

EC–9345. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant

to law, the report of a rule entitled ''Approval and Promulgation of Operating Permits Program; State of Kansas'' (FRL#7793–6) received on August 6, 2004; to the Committee on Environment and Public Works.

EC–9346. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Operating Permits Program; State of Nevada, Clark County Department of Air Quality Management'' (FRL#7795–7) received on August 6, 2004; to the Committee on Environment and Public Works.

EC–9347. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Operating Permits Program; State of Iowa'' (FRL#7793–8) received on August 6, 2004; to the Committee on Environment and Public Works.

EC–9348. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Ambient Air Quality Standards for Particulate Matter'' (FRL#7794–1) received on August 6, 2004; to the Committee on Environment and Public Works.

EC–9349. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Schedule of Fees for Consular Services; Exemption from the Nonimmigrant Visa Application Processing Fee for Family Members of Individuals Killed or Critically Injured While Serving in the United States'' (RIN1400–AB95) received on September 14, 2004; to the Committee on Foreign Relations.

EC–9350. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–9351. A communication from the Deputy Associate Administrator, Office of Acquisition Policy, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2001–24'' (FAC2001–24) received on August 6, 2004; to the Committee on Governmental Affairs.

EC–9352. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Implementation of a Performance-Based Incentive System; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOND, from the Committee on Appropriations, without amendment:

S. 2825. An original bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2005, and for other purposes (Rept. No. 108-353).

By Mr. DEWINE, from the Committee on Appropriations, without amendment:

S. 2826. An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes (Rept. No. 108-354).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with amendments:

S. 1530. A bill to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River (Rept. No. 108-355).

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2742. A bill to extend certain authority of the Supreme Court Police, modify the venue of prosecutions relating to the Supreme Court building and grounds, and authorize the acceptance of gifts to the United States Supreme Court.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. ROBERTS for the Selected Committee on Intelligence.

*Porter J. Goss, of Florida, to be Director of Central Intelligence.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself, Mr. BUNNING, Mr. BAYH, and Mr. FITZGERALD):

S. 2817. A bill to provide for the redesign of the reverse of the Lincoln 1-cent coin in 2009 in commemoration of the 200th anniversary of the birth of President Abraham Lincoln; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOMENICI:

S. 2818. A bill to amend the Help America Vote Act of 2002 to ensure the same requirements that apply to voters who register by mail also apply to voters who do not register in person with an officer or employee of a State or local government entity, and to provide for increased penalties for fraudulent registration in cases involving 10 or more violations; to the Committee on Rules and Administration.

By Mr. SPECTER:

S. 2819. A bill to provide education to students in grades 8, 9, and 10 about the importance of higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN:

S. 2820. A bill to ensure the availability of certain spectrum for public safety entities by amending the Communications Act of 1934 to establish January 1, 2009, as the date by which the transition to digital television shall be completed, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself and Mr. BOND):

S. 2821. A bill to reauthorize certain programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. REID (for himself, Mr. BOND, and Mr. JEFFORDS):

S. 2822. A bill 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; to the Committee on Environment and Public Works.

By Mr. CRAIG (for himself and Mr. KENNEDY):

S. 2823. A bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes; read the first time.

By Mr. SCHUMER:

S. 2824. A bill to exclude from income certain wages of spouses of members of the Armed Forces serving in combat zones; to the Committee on Finance.

By Mr. BOND:

S. 2825. An original bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2005, and for other purposes; from the Committee on Appropriations ; placed on the calendar.

By Mr. DEWINE:

S. 2826. An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes; from the Committee on Appropriations; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself and Mr. LEAHY):

S. Res. 430. A resolution designating November 2004 as ''National Runaway Prevention Month''; to the Committee on the Judiciary.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. FEINGOLD, Mrs. DOLE, Ms. MIKULSKI, Mr. BROWNBACK, Mr. LEAHY, Mr. LUGAR, and Mr. CORZINE):

S. Res. 431. A resolution expressing the sense of the Senate that the United Nations Security Council should immediately consider and take appropriate actions to respond to the growing threats posed by conditions in Burma under the illegitimate rule of the State Peace and Development Council; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 91

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 91, a bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts.

S. 491

At the request of Mr. REID, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 491, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 1379

At the request of Mr. JOHNSON, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from North Carolina (Mr. EDWARDS) were

added as cosponsors of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1397

At the request of Mr. GREGG, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1397, a bill to prohibit certain abortion-related discrimination in governmental activities.

S. 1428

At the request of Mr. MCCONNELL, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 1428, a bill to prohibit civil liability actions from being brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for damages or injunctive relief for claims of injury resulting from a person's weight gain, obesity, or any health condition related to weight gain or obesity.

S. 1925

At the request of Mr. KENNEDY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1925, a bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

S. 2018

At the request of Mr. BUNNING, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2018, a bill to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail to include additional sites associated with the preparation or return phase of the expedition, and for other purposes.

S. 2158

At the request of Ms. COLLINS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2158, a bill to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

S. 2253

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2253, a bill to permit young adults to perform projects to prevent fire and suppress fires, and provide disaster relief, on public land through a Healthy Forest Youth Conservation Corps.

S. 2279

At the request of Mr. HOLLINGS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2279, a bill to amend title 46, United States Code, with respect to maritime transportation security, and for other purposes.

S. 2336

At the request of Mr. REID, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2336, a bill to expand access to preventive health care services and education programs that help reduce unintended pregnancy, reduce infection with sexually transmitted disease, and reduce the number of abortions.

S. 2425

At the request of Mr. BYRD, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2425, a bill to amend the Tariff Act of 1930 to allow for improved administration of new shipper administrative reviews.

S. 2466

At the request of Mr. BROWNBACK, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 2466, a bill to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child.

S. 2468

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2468, a bill to reform the postal laws of the United States.

S. 2489

At the request of Mr. INOUYE, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2489, a bill to establish a program within the National Oceanic and Atmospheric Administration to integrate Federal coastal and ocean mapping activities.

S. 2553

At the request of Mr. DODD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2553, a bill to amend title XVIII of the Social Security Act to provide for coverage of screening ultrasound for abdominal aortic aneurysms under part B of the medicare program.

S. 2568

At the request of Mr. BIDEN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2568, a bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

S. 2671

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2671, a bill to extend temporary State fiscal relief, and for other purposes.

S. 2686

At the request of Mr. ENZI, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2686, a bill to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act.

S. 2740

At the request of Mr. DASCHLE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2740, a bill to improve dental services in underserved areas by amending the Public Health Service Act, and for other purposes.

S. 2744

At the request of Mr. SUNUNU, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Louisiana (Mr. BREAUX), the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Ms. COLLINS), the Senator from Hawaii (Mr. INOUYE), the Senator from Indiana (Mr. LUGAR), the Senator from Illinois (Mr. FITZGERALD) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2744, a bill to authorize the minting and issuance of a Presidential $1 coin series.

S. 2781

At the request of Mr. LUGAR, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2781, a bill to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes.

S. 2795

At the request of Mr. ENZI, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2795, a bill to provide for higher education affordability, access, and opportunity.

S. 2813

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2813, a bill to designate the facility of the United States Postal Service located at 19504 Linden Boulevard in St. Albans, New York, as the ''Archie Spigner Post Office Building''.

S. CON. RES. 8

At the request of Ms. COLLINS, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. Con. Res. 8, a concurrent resolution designating the second week in May each year as ''National Visiting Nurse Association Week''.

S. CON. RES. 136

At the request of Mr. CONRAD, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. Con. Res. 136, a concurrent resolution honoring and memorializing the passengers and crew of United Airlines Flight 93.

S. RES. 365

At the request of Mr. BROWNBACK, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. Res. 365, a resolution expressing the sense of the Senate regarding the detention of Tibetan political prisoners

by the Government of the People's Republic of China.

S. RES. 420

At the request of Mr. PRYOR, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from New Jersey (Mr. CORZINE), the Senator from New York (Mrs. CLINTON), the Senator from Minnesota (Mr. DAYTON) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. Res. 420, a resolution recommending expenditures for an appropriate visitors center at Little Rock Central High School National Historic Site to commemorate the desegregation of Little Rock Central High School.

S. RES. 424

At the request of Mr. CRAIG, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Maryland (Ms. MIKULSKI), the Senator from Mississippi (Mr. COCHRAN), the Senator from Oregon (Mr. SMITH), the Senator from Washington (Mrs. MURRAY), the Senator from Indiana (Mr. BAYH) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. Res. 424, a resolution designating October 2004 as ''Protecting Older Americans From Fraud Month''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. BUNNING, Mr. BAYH, and Mr. FITZGERALD):

S. 2817. A bill to provide for the redesign of the reverse of the Lincoln 1-cent coin in 2009 in commemoration of the 200th anniversary of the birth of President Abraham Lincoln; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, today I am introducing a bill to honor Abraham Lincoln in 2009, the bicentennial of his birth, by issuing a series of 1-cent coins with designs on the reverse that are emblematic of the 4 major periods of his life, in Kentucky, Indiana, Illinois, and Washington, D.C. The bill would also provide for a longer-term redesign of the reverse of 1-cent coins so that after 2009 they will bear an image emblematic of Lincoln's preservation of the United States as a single and united country.

Abraham Lincoln was one of our greatest leaders, demonstrating enormous courage and strength of character during the Civil War, perhaps the greatest crisis in our Nation's history. Lincoln was born in Kentucky, grew to adulthood in Indiana, achieved fame in Illinois, and led the Nation in Washington, D.C. He rose to the Presidency through a combination of honesty, integrity, intelligence, and commitment to the United States.

Adhering to the belief that all men are created equal, Lincoln led the effort to free all slaves in the United States. Despite the great passions aroused by the Civil War, Lincoln had a generous heart and acted with malice toward none and with charity for all. Lincoln made the ultimate sacrifice for the country he loved, dying from an assassin's bullet on April 15, 1865. All Americans could benefit from studying the life of Abraham Lincoln.

The ''Lincoln cent'' was introduced in 1909 on the 100th anniversary of Lincoln's birth, making the front design by sculptor Victor David Brenner the most enduring image on the nation's coinage. President Theodore Roosevelt was so impressed by Brenner's talent that he was chosen to design the likeness of Lincoln for the coin, adapting a design from a plaque Brenner had prepared earlier. In the nearly 100 years of production of the ''Lincoln cent,'' there have been only two designs on the reverse: the original, featuring two wheat-heads, and the current representation of the Lincoln Memorial in Washington, D.C.

On the occasion of the bicentennial of Lincoln's birth and the 100th anniversary of the production of the Lincoln cent, we should recognize his great achievement in ensuring that the United States remained on Nation, united and inseparable.

By Mr. DOMENICI:

S. 2818. A bill to amend the Help America Vote Act of 2002 to ensure the same requirements that apply to voters who register by mail also apply to voters who do not register in person with an officer or employee of a State or local government entity, and to provide for increased penalties for fraudulent registration in cases involving 10 or more violations; to the Committee on Rules and Administration.

Mr. DOMENICI. Mr. President, the 2004 election is quickly approaching, and all Americans must be assured that when they cast their ballots, they will do so with the knowledge that the United States has done everything possible to ensure the election will be fair. Therefore, I rise today to introduce a commonsense election reform bill that will amend the law to add additional simple steps that will help ensure the integrity of the voting process and increase criminal penalties for those who knowingly and willfully commit fraud in voter registration.

There is a recent court decision in New Mexico that has taken the plain reading of a very clearly written statute and has turned it on its head. The statute says:

(4) a statement informing the applicant, that: (a) if the form is not submitted in person by the applicant and the applicant is registering for the first time in New Mexico, the applicant must submit with the form a copy of a current and valid photo identification, utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the applicant—

I stress again, ''in person.''

(b) if the applicant does not submit the required identification, he will be required to do so when he votes in person or absentee.

I submit the statute could not be clearer. However, in a bizarre contortion of logic, the New Mexico Secretary of State has determined that a third party can register 10, 100 or 1,000 voters. As long as that third party shows up in person at the county clerk's office, the actual voter does not have to show identification. Have we ever heard of anything more ridiculous?

I believe the root cause of this problem is the recent proliferation of 527s that have begun to pop up throughout the country, largely uncontrolled and unregulated. These 527s have taken unlimited financial contributions from individual and other private sources to conduct voter mobilization drives and other activities. I am not against registering as many as we can, but this and the ruling seem to me to leave many voters to be unfairly treated because their vote may be wiped out by those who have not followed the State statute.

While no one will argue against a laudable goal, as I indicated, of increasing voter registration and voter turnout, the unintended consequence of these activities I have described can be immense. The paid volunteers of these 527s are largely untrained, not familiar with communities in which they are working, nor are they familiar with the realities of election laws. In many cases, the volunteers are being paid by the number of people they are able to register. This has resulted in certain voters being registered two or more times at multiple addresses under multiple names.

My hometown paper, the Albuquerque Journal, has published stories about minors receiving voter registration cards in the mail as well as stories about paid volunteers telling convicted felons they have unlimited ability to register and vote. County clerks have also said they have been inundated with thousands of incomplete or illegible forms.

While no one can be sure of the exact effect of these 527s and what their effect will be on voter fraud in registration and in casting votes, the bill I am introducing today will amend the Help America Vote Act, called HAVA, by extending the identification requirements to individuals who have not themselves registered in person with their county clerk. In addition, it will enhance the penalties for individuals who knowingly and fraudulently register 10 or more people to vote.

I know many people will believe my intentions in introducing this legislation are partisan. Skeptics will say my motive is political. But voter fraud is not about partisanship or politics; it is about fairness. Voter fraud is not a political act; it is a criminal act.

Voting is the most important duty and responsibility of our citizens. Other reform issues have received a lot of attention, but I believe it is imperative to focus our attention on the fundamental issue of casting votes honestly and fairly. The Help America Vote Act, which we passed in 2002, and

the hundreds of new State laws that implement it fail to provide adequate uniform systems that verify voter identity, as I have indicated, or by court interpretation wipe out the protections that might be contemplated by clear and unambiguous statutes.

Requiring a voter to provide identification prior to voting is not an unreasonable imposition, given the responsibility and possibilities that are attendant to not doing that are truly monumental. Simple and straightforward reforms, such as the one I am proposing, will make it easier to vote but harder to cheat. Showing the American public that we are serious about elections and those who might seek to do it improperly will go a long way toward restoring confidence in the registration and balloting process.

I have already indicated that I sent the bill to the desk for appropriate referral.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2818

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The right to vote is a fundamental and incontrovertible right under the Constitution.

(2) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the right to vote is a fundamental right under the Constitution.

(3) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the United States is a democratic government ''of the people, by the people, and for the people'' in which every vote counts.

(4) There is a need for Congress to encourage and enable every eligible American to vote by eliminating procedural obstacles to voting.

(5) There is a need to counter discrimination in voting by removing barriers to the exercise of the constitutionally protected right to vote.

(6) There is a need to ensure that voter registration processes fairly incorporate every eligible American seeking to exercise the right to vote.

(7) Participation in the electoral process is a fundamental civic responsibility in which all eligible Americans should be encouraged to actively participate.

(8) There is a need to ensure that every eligible American seeking to exercise the right to vote has access to the electoral process through a uniform system of voter registration that includes each voter's personal registration with an appropriate State or local government election entity.

(9) Congress has authority under section 4 of Article I of the Constitution of the United States, section 5 of the Fourteenth Amendment to the Constitution of the United States, and section 2 of the Fifteenth Amendment to the Constitution of the United States to enact legislation to address the equal protection violations that may be caused by unfair voting systems.

(10) Congress has an obligation to ensure that the States and localities improve election administration and to ensure the integrity of full participation of all Americans in the democratic election process.

SEC. 2. REQUIREMENTS FOR VOTERS WHO DO NOT REGISTER IN PERSON WITH AN OFFICER OR EMPLOYEE OF A STATE OR LOCAL GOVERNMENT ENTITY.

(a) IN GENERAL.—

(1) APPLICATION OF REQUIREMENTS TO VOTERS NOT REGISTERING IN PERSON.—Section 303(b)(1)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(1)(A)) is amended to read as follows:

''(A) the individual—

''(i) registered to vote in a jurisdiction by mail; or

''(ii) did not register to vote in a jurisdiction in person with an officer or employee of a State or local government entity; and''.

(2) MEANING OF IN PERSON.—Paragraph (1) of section 303(b) of such Act is amended by inserting at the end the following:

''For purposes of subparagraph (A)(ii), an individual shall not be considered to have registered in person if the registration is made by a person other than the person whose name appears on the voter registration form.''.

(b) CONFORMING AMENDMENT.—The heading for subsection (b) of section 303 of such Act is amended by inserting ''AND WHO DO NOT REGISTER IN PERSON'' after ''MAIL''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 303 of the Help America Vote Act of 2002.

SEC. 3. INCREASED PENALTIES RELATING TO FRAUDULENT VOTER REGISTRATION IN CASES INVOLVING 10 OR MORE VIOLATIONS.

(a) FALSE INFORMATION IN REGISTERING OR VOTING.—Subsection (c) of section 11 of the Voting Rights Act of 1965 (42 U.S.C. 1973i(c)) is amended by inserting at the end the following: ''In the case of any person who is found to have been in violation of this section with respect to 10 or more voter registrations, this section shall be applied by substituting '$20,000' for '$10,000' and by substituting 'ten years' for 'five years' with respect to each such violation.''.

(b) PENALTY UNDER NATIONAL VOTER REGISTRATION ACT OF 1993.—Section 12 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-10) is amended by inserting at the end the following: ''In the case of any person who is found to have been in violation of paragraph (2)(A) with respect to 10 or more registration applications, such person shall be fined not less $500,000 ($1,000,000 in the case of an organization) or shall be imprisoned not more than 10 years, or both, and any such fine shall be paid into the general fund of the Treasury as provided in the preceding sentence.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to violations occurring after the date of the enactment of this Act.

By Mr. SPECTER:

S. 2819. A bill to provide education to students in grades 8, 9, and 10 about the importance of higher education; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Higher Education Preparation Program Act of 2004, which is legislation designed to expand higher educational opportunities for American students. There is no doubt as to the benefit of receiving a post-secondary education. The level of education that individuals accumulate has an important influence on their experience in the labor market. According to 2002 U.S. Census Bureau statistics on educational attainment and earnings, the mean earnings of men with a bachelor's degree is $63,354, while the mean earnings of men with a high school degree is $32,363. This is a difference of more than $30,000 or 97 percent.

In recent years, there have been clear signs that more Americans are pursuing higher education opportunities. In June 2002, USA Today reported that 63 percent of high school graduates go to college immediately after graduation, the highest percentage in U.S. history. Yet not all of the news on college graduation rates has been good. Only 18 percent of African Americans and 11 percent of Hispanic high school graduates earn a bachelor's degree by their late twenties, compared to 33 percent of whites according to the National Center for Education Statistics (NCES) in 2001. Further, in 2000, NCES reported that 22 percent of low-income, college qualified high school graduates do not pursue post-secondary education, compared to 4 percent of high-income graduates.

As I travel through Pennsylvania, I still hear from too many middle school and high school students that they do not have the preparation necessary to enroll in higher education institutions. On a recent trip to the Commonwealth, I joined Andrew McKelvey—the founder of the McKelvey Foundation—to announce federal funding for entrepreneurial scholarships to rural, low-income Pennsylvania high school graduates. During that trip, I talked to Mr. McKelvey regarding the need to not only ensure access to funding for students to pursue higher education, but the need to both inform students about the importance of higher education, as well as prepare students for the application process.

The bill I am introducing today, the Higher Education Preparation Program Act of 2004, will help to educate middle school and high school students in grades 8, 9, and 10, about higher education opportunities. This bill will create a program which will both provide students with information on higher education opportunities and prepare students for the process of applying to institutions of higher education by providing access to higher education preparation instruction. The availability of information on higher education opportunities makes an enormous difference to students contemplating continuing their education at the undergraduate level.

My legislation will provide a grant to a nonprofit organization to develop a core curriculum to be taught in the classroom to equip middle and high school students with the appropriate skills and knowledge to pursue post-secondary education. Given the importance of higher education, it makes sense to prepare students for the undergraduate process as part of their

class instruction to ensure that all students have access to the necessary information to attain their goals. To this end, middle schools and high schools participating in the program would dedicate one hour each week of their classroom activity to higher education preparation of students utilizing the core curriculum.

Additionally, I seek to create a network of intensive academic support for students by encouraging public-private partnerships to emphasize the importance of higher education. Partnerships with private entities create a unique opportunity for middle schools and high schools to supplement and enhance the core curriculum by offering appropriate enrichments, including guest speakers, videos and web-based services. For example, through these partnerships, middle school and high school students will gain first-hand knowledge of the skills that businesses are seeking by having the opportunity to speak with business leaders, as well as perhaps tour local facilities. This will underscore the significance and importance of higher education for students as they embark on their future career paths.

To implement this initiative, my bill would authorize $10 million annually for fiscal years 2005 through 2010, for a nonprofit organization to develop a core curriculum which has as its cornerstone higher education preparation, as well as to establish this higher education preparation demonstration project. Under this project, five State educational agencies would be awarded federal funding to offer higher education preparation programs using the core curriculum in middle and high schools with historically low rates of student application and admission to post-secondary institutions.

It is my hope that this Act will ensure that students who wish to enroll in a higher education institution will have access to the tools and resources necessary to help them plan for undergraduate study. We must take this step to encourage students to pursue their educational goals especially those who might not otherwise have this opportunity. I urge my colleagues to join me in cosponsoring this Act, and urge its swift adoption.

By Mr. McCAIN:

S. 2820. A bill to ensure the availability of certain spectrum for public safety entities by amending the Communications Act of 1934 to establish January 1, 2009, as the date by which the transition to digital television shall be completed, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. McCAIN. Mr. President, I rise today to introduce a bill to support the Nation's finest: our police, fire fighters and other emergency response personnel. The ''Spectrum Availability for Emergency-response and Law-enforcement to Improve Vital Emergency Services Act,'' otherwise known as ''The SAVE LIVES Act.'' This bill is drafted in response to the 9–11 Commission's Final Report, which recommended the ''expedited and increased assignment of radio spectrum for public safety purposes.''

To meet this recommendation, the SAVE LIVES Act would set a date certain for the allocation of spectrum to public safety agencies, specifically the 24 MHz of spectrum in the 700 MHz band that Congress promised public safety agencies in 1997. This is a promise Congress has yet to deliver to our Nation's first responders. Now is the time for Congressional action before another national emergency or crisis takes place. Access to this specific spectrum is essential to our Nation's safety and welfare as emergency communications sent over these frequencies are able to penetrate walls and travel great distances, and can assist multiple jurisdictions in deploying interoperable communications systems.

In addition to setting a date certain, this bill would provide funds for public safety agencies to purchase emergency communications equipment, require the Federal Communications Commission (FCC) and the Department of Homeland Security (DHS) to study whether additional spectrum is necessary to support emergency communications systems, authorize a DHS program promoting interoperable emergency communications systems, provide funds to ensure no consumers' television set goes ''dark'' due to public safety's use of this television spectrum, mandate labeling of all analog television sets to better prepare consumers for the digital transition, support a consumer education program on digital television and required the FCC to complete its outstanding digital television proceedings.

The 9–11 Commission's Final Report found, ''The inability to communicate was a critical element at the World Trade Center, Pentagon and Somerset County, Pennsylvania, crash sites, where multiple agencies and multiple jurisdictions responded. The occurrence of this problem at three very different sites is strong evidence that compatible and adequate communications among public safety organizations at the local, state, and federal levels remains an important problem.'' This bill would improve public safety interoperability and capability as quickly as possible.

However, the 24 MHz of spectrum promised to public safety organizations is currently being used by the television broadcasters, and will not be available until the broadcasters complete the transition to digital television. At a recent Senate Commerce Committee hearing, Federal Communications Commission (FCC) Chairman Michael K. Powell stated that absent intervening legislation broadcasters may not be able to vacate this spectrum for ''decades'' or ''multiples of decades.''

Therefore, this bill would set a firm deadline for the completion of the digital television transition: December 31, 2008. This date ensures that this spectrum would be available for use by police, fire fighters and other first responders no later than January 1, 2009. Is this soon enough? No, I wish it could be sooner. But after hearing testimony from Chairman Powell, public safety organizations and broadcasters at a recent Senate Commerce Committee hearing, I decided that a December 31, 2008 date presents the most reasonable deadline providing numerous benefits to consumers and public safety organizations, including: 1. Adequate time for public safety agencies to begin building their interoperable communications networks to operate in the 700 MHz band; 2. Sufficient time for the government to auction some of the remaining spectrum in the 700 MHz band to raise funds for the purchase and installation of new interoperable public safety communications equipment; 3. The certainty that manufacturers need to warrant the development and build-out of interoperable public safety communications equipment for use in the 700 MHz band; 4. Preparation time for consumers and the government to get ready for the completion of the digital transition, including time to purchase more digital television sets and time for the government to implement a subsidy program to ensure no television sets go ''dark'' on January 1, 2009; 5. A seamless transition period where all television stations migrate at once to digital broadcasting; and, 6. Sufficient time for the FCC to complete its outstanding proceedings regarding the digital television transition.

In addition to setting a firm date for public safety's use of the spectrum, the bill would require the FCC, in consultation with DHS, to conduct a study to assess public safety organizations' future communications needs, including the need for additional spectrum, the need for a nationwide interoperable broadband mobile communications network, the ability of public safety organizations to use broadband and narrowband applications, and whether other first responders such as hospital and health care workers should be included in a nation-wide interoperable communications system. If our Nation's first responders need more spectrum to perform their work safely, then Congress should ensure that more spectrum is available at the same time the public safety organizations begin preparing to use the promised 24 MHz. This allows for efficiency and ensures that public safety organizations will not be subjected to multiple implementations of new communications equipment.

This bill would also ask the FCC to study the advisability of reallocating some of the spectrum in the 700 MHz band for unlicensed wireless broadband uses. Unlicensed wireless broadband has many prospective benefits to our

Nation and allows the potential for pervasive connectivity nationwide. The bill would require the FCC to report back to the Senate and House Commerce Committees within one year of the bill's enactment on both studies' findings; however, nothing in the bill would preclude the FCC from taking action with respect to spectrum for unlicensed uses before completion of its report.

The SAVE LIVES Act would authorize one of the President's top E-Government initiatives: DHS' Wireless Public SAFEty Interoperability COMMunications Program, commonly referred to as SAFECOM. This program serves as the umbrella program within the Federal Government to coordinate the efforts of local, tribal, state and Federal public safety agencies to promote effective, efficient and interoperable wireless communications. SAFECOM has been moved between the Department of Justice and the Department of Treasury and now resides at DHS. By authorizing SAFECOM within its rightful place, DHS, it ensures the program will remain available to assist our Nation's first responders and localities.

SAFECOM has served as a consultant to many states and localities assisting with the development of their interoperable emergency communications systems. However, most importantly, SAFECOM has completed the development of critical standards for public safety communications equipment mandating interoperability, which is now included as a condition on all monies provided to localities by the Federal Government for public safety communications equipment. This should provide for greater national interoperability and decreased costs for localities. Recognizing the need for a centralized office to handle all aspects of emergency communications planning, the Administration created SAFECOM and this bill would authorize it.

Additionally, this bill would appropriate auction revenues from the sale of returned analog broadcast spectrum to create a subsidy to limit the disruption of broadcast services to the public, especially for those who rely exclusively on over-the-air broadcast television. The total cost of this subsidy program is not to exceed $1 billion. This may sound like a great deal on money, especially to a fiscal conservative like myself; however, it is only a small portion of the revenues it is believed the auction of this spectrum will generate. And most importantly, it is a small cost to ensure that all Americans have access to over-the-air television. Local television broadcasting is truly an important part of our homeland security and often an important communications vehicle in the event of a national, regional or local emergency.

The New America Foundation testified before the Commerce Committee in June 2004 that the auction of the analog television spectrum can be expected to yield between $30-to-$40 billion in revenue to the Treasury. Last week in testimony before the Senate Commerce Committee, FCC Chairman Powell stated that he has heard estimates as high as $70 billion. Based on these projections, the $1 billion to fund a consumer subsidy program would be less than three percent of the total expected auction revenues from the analog television spectrum.

One billion may even be more than enough to assist the 17.4 million over-the-air consumers because this figure assumes that digital-to-analog converter boxes will retail for approximately $75 per box in 2008. Last week, Motorola testified that they would introduce a digital-to-analog converter box for $67 per unit in the near term. Motorola calculated that such a price per unit would cap the cost of providing converters at less than $840 million nationwide to all over-the-air consumers. This week Zenith Electronics announced that the company intends to retail digital-to-analog converter boxes at $50 to $70 per unit within four years.

The bill would also establish the parameters for the subsidy program, requiring the program to be developed by the Department of Commerce in conjunction with the Office of Management and Budget and established no later than January 1, 2008. The bill would require the program to give priority to funding equipment or services to low income viewers, to offer these viewers technology neutral options and to be conducted at the lowest feasible administrative cost.

The bill would also authorize any remaining funds from the subsidy program, along with other auction monies, to be used to establish a grant program to provide public safety organizations with emergency communications equipment so these groups can begin using the 24 MHz of spectrum by January 2009. The specific amount would be determined by the Director of the Office of Management and Budget and be based on a National Baseline Interoperability study currently being conducted by SAFECOM. This study is currently being performed to determine the precise amount that is already being provided by the Federal government to local and regional public safety organizations for the purchase of new communications equipment and for the funding of emergency communications training.

There are numerous grant programs throughout the Federal government, however no agency has ever studied how much money from how many grants is being provided to localities. After this study is completed, as required by this legislation by December 31, 2005, the Federal government will best know how much money is necessary to ensure that public safety organizations have the equipment necessary to immediately begin using the 700 MHz spectrum in January 2009.

At the September 8, 2004 Senate Commerce Committee hearing, a representative of public safety organizations testified, ''There also needs to be expanded funding for equipment, and more extensive planning and cooperation among public safety personnel at all levels of government. This includes local governments who must interoperate with their neighbors and with overlapping jurisdictions, regional authorities covering large metropolitan areas and sometimes crossing state borders, states through their State Interoperability Executive Committees (SIECs), and the Federal Government.'' This bill would respond to such requests from public safety organizations and localities. Just providing spectrum to public safety is not enough. Without funds to purchase new equipment, this spectrum may sit fallow after being vacated by the broadcasters. This would be an unfair result to broadcasters, public safety organizations and American citizens.

In pursuit of educating consumers about the digital television transition, the bill would require, after September 30, 2005, the labeling of all analog television sets to communicate to buyers that the purchase of additional equipment may be necessary after December 31, 2008. The bill would also require retailers to post the same information at the store.

Also in an effort to educate consumers about the digital television transition, the bill would require, within one year of enactment, that the Department of Commerce report back to the Senate and House Commerce Committees any recommendations on an effective program to educate consumers about the digital television transition; the need, if any, for Federal funding, and the duration of such a program. Lastly, the bill would require the FCC to issue a decision on some remaining DTV proceedings, including a proceeding on whether cable or satellite companies should be required to carry broadcasters' multi-cast channels and whether broadcasters should have additional public interest requirements as part of the DTV transition.

Specifically, the 9–11 Commission's Final Report gave Congress clear directives: accelerate the availability of spectrum for public safety and provide more spectrum for public safety. Public safety organizations have stated that neither of these goals can be met without increasing funding for public safety. This legislation charts a course to achieve all three of these objectives without stranding over-the-air television consumers.

As you may be aware, Senator LIEBERMAN and I introduced S. 2774 earlier this month implementing the 9–11 Commission's final recommendations, including the recommendation that Congress should support H.R. 1425, ''The Homeland Emergency Response Operations Act,'' commonly known as ''The HERO Act.'' The HERO Act would set an earlier date of December 31, 2006 for the return of this spectrum. Senator LIEBERMAN and I included this language in our bill S. 2774.

After introducing S. 2774, I heard criticisms from some consumers and broadcasters that the HERO Act was flawed as it did not ensure continued over-the-air broadcast television service. Public safety organizations also remained skeptical that they would have the funds necessary to purchase equipment to operate on the newly acquired spectrum. Therefore, last week, as Chairman of the Commerce Committee, I held a Committee hearing to examine the benefits and shortcomings of the HERO Act, and whether there are other policy proposals that could achieve the same result, providing spectrum and equipment expediously to public safety organizations, without potentially forcing some television broadcast stations to go ''dark.''

I heard testimony that in order to meet the HERO Act's December 31, 2006 deadline, at least 40 broadcast stations, and possibly more, broadcasting on this spectrum would be required to vacate. In many of these markets, there is no available spectrum for station relocation, meaning this legislation may force some stations, including many Spanish language stations, to cease over-the-air broadcasting possibly harming consumers. As the CEO of PAXTV, a broadcaster who broadcasts on 17 of these 40 affected stations, aptly stated, ''Our money was invested on the basis that we would be treated equally with all television stations during the transition. The [HERO Act] discriminates against us.''

I heard testimony from public safety representatives that the 24 MHz was not enough, that more spectrum and more funds were needed to ensure adequate interoperable emergency communications systems are in place to ensure the safety of first responders and the public. Chief Devine of the Missouri State Highway Patrol stated, ''Inadequate spectrum leads to congested channels and interference among licensees, potentially blocking life-saving radio communications and generating confusion during critical incidents. Additional spectrum capacity would alleviate that congestion and allow for much faster 'ramping up' of communications capability when major emergencies occur.''

In an effort to expediously retrieve the spectrum for the Nation's first responders, to preserve over-the-air television accessibility to consumers and to ensure the adequate funding of both, I urge the enactment of The SAVE LIVES Act.

By Ms. SNOWE (for herself and Mr. BOND):

S. 2821. A bill to reauthorize certain programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to introduce the ''Small Business Reauthorization and Manufacturing Assistance Act of 2004,'' that reauthorizes programs administered by the Small Business Administration under the Small Business Act and the Small Business Investment Act of 1958, and contains significant improvements to SBA programs.

I am confident that the bill before us will accelerate our efforts to work with the other body to resolve outstanding issues that are blocking passage of a larger Small Business Administration reauthorization bill. It is my hope Congress can send a final bill to help small businesses to the President for signature before the close of the 108th Congress.

The bill before us contains many provisions that are substantively similar to the Small Business Administration 50th Anniversary Reauthorization Act of 2003, S. 1375, which was passed by the Senate on September 26, 2003.

The fundamental purpose of the SBA is to ''aid, counsel, assist, and protect the interests of small-business concerns.'' The methods for carrying out the mandates set forth by Congress include a wide array of financial, procurement, management, and technical assistance programs tailored to encourage small business growth and expansion. As the economy continues to recover and grow, it is essential that Congress send a message that affirms long-term stability in the programs the SBA provides to the small business community.

In the 50-year period since the establishment of the SBA, there have been many revisions and additions to the methods and organizational structure used by the SBA to respond to the evolving needs of the small business. This bill I introduce today builds on those changes.

Since 1953, nearly 20 million small business owners have received direct or indirect help from one of the SBA's lending or technical assistance programs, making the agency one of the government's most cost-effective instruments for economic development.

SBA's current loan portfolio of more than 200,000 loans worth more than $45 billion makes it the largest single supporter of small businesses in the country. In this year alone, lenders have made 83,912 loans to small businesses in the SBA's two major loan programs, with a total value of $16.5 billion.

Moreover, the SBA's Small Business Investment Company program's current portfolio of more than 16,900 financings with an initial investment amount of $17.2 billion makes it the largest single equity-type backer of U.S. businesses in the Nation. Since 1958 the venture capital program has put more than $42.3 billion into the hands of small business owners, and this year it has produced investments of more than $2.6 billion in small businesses.

The SBA estimates that thus far in the current fiscal year its loan and venture capital programs have provided small businesses with $19.7 billion in various forms of financing, and have allowed small businesses to create or retain 716,144 jobs.

In my home State of Maine, almost 2,500 SBA loans have been made since 1999, for a total of over $288 million, to small businesses that might not have qualified for loans through lending channels not supported by the SBA.

Each year, there are 3 to 4 million new business start-ups and one in 25 adult Americans are taking steps to start a business. These small business owners now want to make plans for the future, including decisions that will create approximately two-thirds of all net new jobs and help sustain local communities, according to a recent survey by the National Federation of Independent Business.

Over the last five years the SBA's programs and services have helped create and retain over 6.2 million jobs. According to the SBA, the $65.5 billion awarded to small businesses in Federal prime and subcontracts in FY 2003 will create or retain close to 500,000 jobs.

The SBA also estimates that reauthorizing the agency will result in the creation or retention of an estimated 3.3 million jobs over the next 5 years. During that same period, the SBA and its programs are predicted to support over 1 million jobs through prime contracts and subcontracts.

In September 2003, the Senate unanimously passed a bill that I had introduced to reauthorize for 3 years the SBA and its programs, the Small Business Administration 50th Anniversary Reauthorization Act of 2003. However, the other body has been stalled for almost a year in its consideration of legislation to reauthorize the SBA.

In a highly competitive and dynamic economy, too much is at stake for small firms, and the economy as a whole, to let this legislation languish. With passage of a new multi-year reauthorization bill, we will ensure that the SBA is well-positioned to help small businesses. Clearly, this is not the time to delay legislation that directly benefits the backbone of our economy, and our hope for the future—the small firms that are most responsible for putting people to work.

With the close of the 108th Congress rapidly approaching, the time to act is now!

I urge my colleagues to support this bill for the benefit of small businesses, our economy, and our Nation.

By Mr. REID (for himself, Mr. BOND, and Mr. JEFFORDS):

S. 2822. A bill 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; to the Committee on Environment and Public Works.

Mr. REID. Mr. President, just this week—and this is only Tuesday—the American Association of State Highway and Transportation Officials, known as AASHTO, which is comprised of the transportation leaders from the 50 States—the State of Missouri has a

director of the department of transportation, the State of Ohio has a director of the department of transportation, the State of Nevada does; their titles may vary a little bit, but that is their job; that is who this AASHTO is composed of, among others—they have called this week upon Congress to immediately pass a ''well funded, six year reauthorization'' of the Nation's transportation program. I agree with them. But as you know, this program expired a year ago and the States have been operating under a series of short-term extensions. This has disrupted their construction programs, delayed safety improvements, and interrupted funding to transit operators.

The fact is, we are not going to have a 6-year reauthorization bill this year for a lot of reasons, not the least of which is that we passed, as the Presiding Officer knows, a bill that was advocated for and supported by the senior Senator from the State of Missouri, a bill that passed this House by a huge margin, a bill that created funding at a level of $318 billion over the period of time of the bill. That bill did not increase the Federal deficit a skinny dime, not anything. It was a good bill, and we were stunned to learn that the President wanted a bill at a much lower level, some $250-odd billion. Why? I have spoken to some of his closest friends around here, and they have not got a reason for that.

We have now some in this body who are bowing to pressure from the White House and are trying to write a bill at $284 billion, which is $28 billion more than what the President said he would agree to. Both of these are well below the spending limits called for by the U.S. Department of Transportation as to what they need, what their analysis is, and that which is sought by the entire transportation industry.

Not only do we have a resolution from AASHTO, the transportation directors, but we also have a letter from the United States Conference of Mayors which is quite clear and basically says the same thing. We also have a resolution from the Association of Metropolitan Planning Organizations.

In the absence of a well-funded, multiyear reauthorization bill, the Nation's State transportation officials have called for at least a 6-month extension of the current program.

I ask unanimous consent that the resolution dated September 20, 2004, from the American Association of State Highway and Transportation Officials be printed in the RECORD, along with the documents I spoke of from the United States Conference of Mayors and the Association of Metropolitan Planning Organizations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

POLICY RESOLUTION PR–06–04

Whereas, rescission of previously apportioned contract authority has become commonplace in recent appropriations bills, and

Whereas, the Transportation Equity Act for the 21st Century, authorizing funding for federal-aid highway, transit and highway transit safety programs, expired on September 30, 2003;

Whereas, the AASHTO Board of Directors passed a resolution on May 16, 2004 calling for prompt enactment of a well-funded, six-year reauthorization bill;

Whereas, the Congress has not yet passed a well funded, six-year reauthorization bill;

Whereas, further extensions are intolerable and have the following negative impacts on the Nation's transportation system: Disruption to the construction program, adverse effects on transportation decision making, safety improvements delayed, funding disruptions to grant recipients;

Whereas, prompt enactment of such a bill before the adjournment of the 108th Congress remains the top priority of state departments of transportation: Now, therefore, be it

Resolved, if Congress determines that an extension is absolutely necessary, then it should be for six months to avoid a series of disruptive and harmful shorter term extensions; and be it further

Resolved, That such extension should provide for funding at levels higher than FY 2004; and be it further

Resolved, That immediate reauthorization of the highway and transit program at maximum funding levels is urgently needed and preferable to any extension; and be it further

Resolved, That a six-month extension of the federal-aid highway and transit programs should, to the maximum extent possible, apportion highway funds to the States through the existing core highway programs.

THE UNITED STATES
CONFERENCE OF MAYORS,
Washington, DC, September 21, 2004.

Hon. DON YOUNG,
Chair, Transportation and Infrastructure Committee, Rayburn House Office Building, House of Representatives, Washington, DC.

Hon. JAMES OBERSTAR,
Ranking Member, Transportation and Infrastructure Committee, Rayburn House Office Building, House of Representatives, Washington, DC.

Hon. JAMES M. INHOFE,
Chair, Environment and Public Works Committee, Dirksen Senate Office Building, U.S. Senate, Washington, DC.

Hon. JAMES M. JEFFORDS,
Ranking Member, Environment and Public Works Committee, Dirksen Senate Office Building, U.S. Senate, Washington, DC.

DEAR CONFEREES: In August, The United States Conference of Mayors met in Chicago, Illinois for a special leadership meeting to release its updated 4-point policy agenda for keeping America Strong: Mayors '04 Metro Agenda for America's Cities.

A major cornerstone of that agenda is transportation investment of no less than $318 billion over six years for the reauthorization of the nation's surface transportation law (TEA–21) to build a 21st Century Transportation system with modern transit, bridges, large-scale transportation infrastructure projects, and metro highway systems with new technologies that link major metro areas, cut the time people spend in traffic, create more jobs, and move goods and services more productively.

Should Congress determine an extension is necessary to meet an investment of $318 billion over six-years, the nation's mayors urge the adoption of a simple extension of no less than six months avoiding disruption to the transportation program occurring under short-term extensions.

Maintaining the Conference's support for a $318 billion transportation bill requires continued balanced transportation investment in our metropolitan areas including:

PUBLIC TRANSPORTATION INVESTMENT

Recognizing that public transportation reduces congestion, the nation's mayors urge no less than $56.5 billion for public transportation to stimulate a dramatic expansion of high-capacity public transit systems, including light rail, heavy rail, commuter rail, and bus service.

Funding for the transit program from the general fund and the Mass Transit Account of the Highway Trust Fund should be guaranteed and we support maintaining current federal-local matching shares for the transit program as authorized under ISTEA and TEA–21.

Oppose efforts to increase funding for the highway program by reducing funding for the transit program by maintaining the 20% transit–80% highway share.

Support the historical funding allocation of 40% for rail modernization, 40% for the new starts program and 20% for the bus and bus facilities program as included in H.R. 3550.

Recognizing that cities throughout the United States are embracing less expensive, fixed guideway transit projects like streetcars, trolleys and bus rapid transit, we support the establishment of a new Small Starts Program with modified Federal rules to expedite these projects.

METROPOLITAN INFRASTRUCTURE INVESTMENT

Acknowledging that 32 percent of our major roads are in poor condition and 29 percent of the nation's bridges are structurally deficient or functionally obsolete, we urge you to fund the core highway programs at no less than the $261.5 billion identified in the Senate bill.

Recognizing that it is difficult for localities and states to dedicate adequate resources to build, rebuild, or repair large-scale infrastructure projects addressing freight and goods movement, safety, and aging and congested transportation infrastructure, we urge no less than $6.6 billion for ''Projects of National and Regional Significance.''

ENVIRONMENTAL INVESTMENT

The Congestion Mitigation and Air Quality Program (CMAQ) should be funded at the Senate's $13.4 billion level in response to the growing number of non-attainment areas designated under the 8-hour ozone and fine particulate matter standards.

Oppose efforts designed to divert CMAQ funds to other purposes, undermining commitments to metropolitan areas to fund the clean air mandate. Recognizing that metropolitan areas are struggling with the contamination of drinking water and the clean-up of streams, rivers, lakes and ponds from stormwater discharge, including oil, grease, lead and mercury, the nation's mayors support the establishment of a Highway Stormwater Discharge Mitigation Program as designed in S. 1072.

SAFETY AND INCREASED PUBLIC INVESTMENT

Recognizing that safe routes for bicycles, walking and other non-motorized transportation choices are still inadequate in many metropolitan areas, the nation's mayors support the Safe Routes to School program as designed and funded H.R. 3550 and also support maximum funding for Transportation Enhancements.

We urge you to support the metropolitan planning fund provision in the Senate bill that would increase the take down for metropolitan areas from 1 percent to 1.5 percent. We believe this adjustment will enhance clean air efforts, increase public involvement and will improve congestion relief efforts.

OPPOSE TRANSPORTATION TECHNOLOGY INNOVATION AND DEMONSTRATION PROGRAM PROVISION THAT PREEMPTS LOCAL AND STATE RIGHTS-OF-WAY AUTHORITY

We urge you to oppose the Transportation Technology Innovation and Demonstration Program provision in S. 1072 (Section 2105 (a)(5)) and H.R. 3550 (Section 5205 (g)(4)) that preempts a local or state government from enforcing its rights-of-way management rules on companies seeking to provide Intelligent Vehicle Highway Systems.

We urge you to respect the unimpeded right of local government as owners/trustees of the rights-of-way to manage their rights-of-way and to receive compensation, including collection of all costs, including recovery of reasonable rent, for the rights-of-way by companies seeking access to the rights-of-way to provide Intelligent Vehicle Highway Systems.

Transportation is a top priority for America's mayors. Transportation is an economic stimulus. It creates jobs and helps ensure that metropolitan economies thrive and in turn the nation's economy.

The United States Conference of Mayors would be pleased to supply additional information to further your assessment of these issues before the conference committee. With strong backing from mayors across the nation on these issues, we stand ready to work with you on the reauthorization of TEA–21.

Sincerely,

TOM COCHRAN,
Executive Director.

RESOLUTION OF THE ASSOCIATION OF METROPOLITAN PLANNING ORGANIZATIONS TRANSPORTATION REAUTHORIZATION

Whereas, The Transportation Efficiency Act for the 21st Century, authorizing federal funding for highway and transit programs, expired on September 30, 2003; and

Whereas, the Congress has not yet passed a well-funded six-year reauthorization bill; and

Whereas, the last extension funds transportation projects through September 24, 2004, nearly the end of the federal fiscal year; and

Whereas, Metropolitan Planning Organizations (MPOs) develop their long range plans and Transportation Improvement Programs based on the expectation that predictable funding will be distributed for core programs, as has consistently been done in the first four TEA–21 extensions; and

Whereas, ongoing extensions impede quality planning; and

Whereas, after the 2000 census, 46 new MPOs were created without additional funds distributed to MPOs: Now, let it be

Resolved That the Association of Metropolitan Planning Organizations (AMPO) urges Congress to promptly pass either a multi-year fully funded bill or a one-year extension, bearing in mind the needs of MPOs; and be it further

Resolved That money in the extension should be distributed by formula to core programs and earmarks should be deferred until reauthorization legislation; and be it further

Resolved, That core program funding should be spent for its intended purpose and not flexed into other areas, particularly CMAQ and STP suballocated to TMAs; and be it further

Resolved That Congress and the Administration take corrective action in order to ensure that the calculation for the allocation of FHWA metropolitan planning (PL) funds and urban attributable suballocated funds includes the minimum guarantee amount for the FY 2005 apportionment, whether a multiyear bill or a one-year extension is passed.

Mr. REID. As this Congress draws to a close, there continue to be large obstacles standing in the way of a well-funded, multiyear reauthorization. For this reason, I have joined with my friend and colleague Senator BOND in a bipartisan effort and have introduced this day a clean 6-month extension of the highway, transit, and highway safety programs. It certainly is my hope this would provide State and local officials with the predictability they need to effectively manage our transportation system.

I remain committed to working in a bipartisan way to achieve a successful reauthorization of the Nation's surface transportation laws. I hope we can move forward on this 6-month extension. It is important we do that. It is important we do it as quickly as possible. There is even some disagreement as to when the bill runs out, when we close down the Department of Transportation, whether it is this Friday or next Friday. The fact is, we have to do it very soon.

I appreciate the attention of Members.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2822

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 VI''.

SEC. 2. ADVANCES.

(a) IN GENERAL.—The Secretary of Transportation (referred to in this Act as the ''Secretary'') shall apportion funds made available under section 1101(c) of the Transportation Equity Act for the 21st Century (117 Stat. 1111; 118 Stat. 876), to each State in the ratio that—

(1) the State's total fiscal year 2004 obligation authority for funds apportioned for the Federal-aid highway program; bears to

(2) all States' total fiscal year 2004 obligation authority for funds apportioned for the Federal-aid highway program.

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) PROGRAMS.—Of the funds to be apportioned to each State under subsection (a), the Secretary shall ensure that the State is apportioned an amount of the funds, determined under paragraph (2), for—

(A) the Interstate maintenance program;

(B) the National Highway System program;

(C) the bridge program;

(D) the surface transportation program;

(E) the congestion mitigation and air quality improvement program;

(F) the recreational trails program;

(G) the Appalachian development highway system program; and

(H) the minimum guarantee.

(2) IN GENERAL.—The amount that each State shall be apportioned under this subsection for each item referred to in paragraph (1) shall be determined by multiplying—

(A) the amount apportioned to the State under subsection (a); by

(B) the ratio that—

(i) the amount of funds apportioned for the item to the State for fiscal year 2004; bears to

(ii) the total of the amount of funds apportioned for the items to the State for fiscal year 2004.

(3) ADMINISTRATION OF FUNDS.—Funds authorized by section 1101(l) of the Transportation Equity Act for the 21st Century (as added by subsection (d)) shall be administered as if the funds had been apportioned, allocated, deducted, or set aside, as the case may be, under title 23, United States Code; except that the deductions and set-asides in the following sections of such title shall not apply to such funds: sections 104(a)(1)(A), 104(a)(1)(B), 104(b)(1)(A), 104(d)(1), 104(d)(2), 104(f)(1), 104(h)(1), 118(c)(1), 140(b), 140(c), and 144(g)(1).

(4) SPECIAL RULES FOR MINIMUM GUARANTEE.—In carrying out the minimum guarantee under section 105(c) of title 23, United States Code, with funds apportioned under this section for the minimum guarantee, the $2,800,000,000 set forth in paragraph (1) of such section 105(c) shall be treated as being $1,400,000,000 and the aggregate of amounts apportioned to the States under this section for the minimum guarantee shall be treated, for purposes of such section 105(c), as amounts made available under section 105 of such title.

(5) EXTENSION OF OFF-SYSTEM BRIDGE SET-ASIDE.—Section 144(g)(3) of title 23, United States Code, is amended in the first sentence by inserting after ''2004,'' the following: ''and in the period of October 1, 2004, through March 31, 2005,''.

(c) REPAYMENT FROM FUTURE APPORTIONMENTS.—

(1) IN GENERAL.—The Secretary shall reduce the amount that would be apportioned, but for this section, to a State for programs under chapter 1 of title 23, United States Code, for fiscal year 2005, under a multiyear law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act by the amount that is apportioned to each State under subsection (a) and section 5(c) for each such program.

(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds apportioned under subsection (a) for a program category for which funds are not authorized under a law described in paragraph (1) may be restored to the Federal-aid highway program.

(d) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101 of the Transportation Equity Act for the 21st Century (112 Stat. 111; 117 Stat. 1118) is amended by adding at the end the following:

''(l) ADVANCE AUTHORIZATION FOR FISCAL YEAR 2005.—

''(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 2(a) of the Surface Transportation Extension Act of 2004, Part VI $18,080,500,000 for the period of October 1, 2004, through March 31, 2005.

''(2) SPECIAL RULE.—Funds apportioned under section 2(a) of the Surface Transportation Extension Act of 2004, Part VI shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.

''(3) CONTRACT AUTHORITY.—Funds made available by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.''.

(e) LIMITATION ON OBLIGATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), for the period of October 1, 2004, through March 31, 2005, the Secretary shall allocate to each State for programs funded under this section and section 5(c) an amount of obligation authority made available under an Act making appropriations for the Department

of Transportation for fiscal year 2005 that is—

(A) equal to the greater of—

(i) the State's unobligated balance, as of October 1, 2004, of Federal-aid highway apportionments subject to any limitation on obligations, except that unobligated balances of contract authority from minimum guarantee and Appalachian development highway system apportionments for which obligation authority was made available until used shall not be included for purposes of calculating a State's unobligated balance of apportionments for this clause; or

(ii) 5/12 of the State's total fiscal year 2004 obligation authority for funds apportioned for the Federal-aid highway program; but

(B) not greater than 75 percent of the State's total fiscal year 2004 obligation authority for funds apportioned for the Federal-aid highway program.

(2) LIMITATION ON AMOUNT.—The total of all allocations under paragraph (1) and allocations, for programs funded under sections 4, 5 (other than subsection (c)), and 6(a) of this Act, of obligation authority made available under an Act making appropriations for the Department of Transportation for fiscal year 2005 shall not exceed $17,450,000,000, except that this limitation shall not apply to $319,500,000 in obligations for minimum guarantee for the period of October 1, 2004, through March 31, 2005.

(3) TIME PERIOD FOR OBLIGATIONS OF FUNDS.—No funds shall be obligated for any Federal-aid highway program project after March 31, 2005, until the date of enactment of a multiyear law reauthorizing the Federal-aid highway program that is enacted after the date of enactment of this Act.

(4) TREATMENT OF OBLIGATIONS.—Any obligation of an allocation of obligation authority made under this subsection shall be considered to be an obligation for Federal-aid highways and highway safety construction programs for fiscal year 2005 for the purposes of the matter under the heading ''(LIMITATION ON OBLIGATIONS)'' under the heading ''FEDERAL-AID HIGHWAYS'' in an Act making appropriations for the Department of Transportation for fiscal year 2005.

SEC. 3. TRANSFERS OF UNOBLIGATED APPORTIONMENTS.

(a) IN GENERAL.—In addition to any other authority of a State to transfer funds, for fiscal year 2005, a State may transfer any funds apportioned to the State for any program under section 104(b) (including amounts apportioned under section 104(b)(3) or set aside, made available, or suballocated under section 133(d)) or 144 of title 23, United States Code, before, on, or after the date of enactment of this Act, that are subject to any limitation on obligations, and that are not obligated, to any other of those programs.

(b) TREATMENT OF TRANSFERRED FUNDS.—Any funds transferred to another program under subsection (a) shall be subject to the provisions of the program to which the funds are transferred, except that funds transferred to a program under section 133 (other than subsections (d)(1) and (d)(2)) of title 23, United States Code, shall not be subject to section 133(d) of that title.

(c) RESTORATION OF APPORTIONMENTS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of a multiyear law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act, the Secretary shall restore any funds that a State transferred under subsection (a) for any project not eligible for the funds but for this section to the program category from which the funds were transferred.

(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds transferred under subsection (a) from a program category for which funds are not authorized may be restored to the Federal-aid highway program.

(3) LIMITATION ON STATUTORY CONSTRUCTION.—No provision of law, except a statute enacted after the date of enactment of this Act that expressly limits the application of this subsection, shall impair the authority of the Secretary to restore funds pursuant to this subsection.

(d) GUIDANCE.—The Secretary may issue guidance for use in carrying out this section.

SEC. 4. ADMINISTRATIVE EXPENSES.

(a) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for administrative expenses of the Federal-aid highway program $225,000,000 for fiscal year 2005.

(b) CONTRACT AUTHORITY.—Funds made available by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs, except that such funds shall remain available until expended.

SEC. 5. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA21.—

(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; 118 Stat. 877) is amended—

(i) by inserting before the period at the end the following: ''and $137,500,000 for the period of October 1, 2004, through March 31, 2005''; and

(ii) by adding at the end the following: ''The minimum amount made available for such period that the Secretary, in cooperation with the Secretary of the Interior, shall reserve for Indian reservation road bridges under section 202(d)(4) of title 23, United States Code, shall be $6,500,000 instead of $13,000,000.''.

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 118 Stat. 878) is amended by inserting before the period at the end the following: ''and $123,000,000 for the period of October 1, 2004, through March 31, 2005''.

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 118 Stat. 878) is amended by inserting before the period at the end the following: ''and $82,500,000 for the period of October 1, 2004, through March 31, 2005''.

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 118 Stat. 878) is amended by inserting before the period at the end the following: ''and $10,000,000 for the period of October 1, 2004, through March 31, 2005''.

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 118 Stat. 878) is amended by inserting before the period at the end the following: ''and $70,000,000 for the period of October 1, 2004, through March 31, 2005''.

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

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 112; 118 Stat. 878) is amended by inserting before the period at the end the following: ''and $19,000,000 for the period of October 1, 2004, through March 31, 2005''.

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—To carry out section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005; 118 Stat. 878), of funds made available by the amendment made by subparagraph (A)—

(i) $5,000,000 shall be available for section 1064(d)(2) of such Act;

(ii) $2,500,000 shall be available for section 1064(d)(3) of such Act; and

(iii) $2,500,000 shall be available for section 1064(d)(4) of such Act.

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 878) is amended by striking ''fiscal years 2003 and 2004'' and inserting ''fiscal year 2003, and $13,750,000 for the period of October 1, 2004, through March 31, 2005''.

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 118 Stat. 878) is amended—

(A) by striking ''and''; and

(B) by inserting before the period at the end the following: '', and $5,500,000 for the period of October 1, 2004, through March 31, 2005''.

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 118 Stat. 878) is amended by inserting before the period at the end the following: ''and $2,500,000 for the period of October 1, 2004, through March 31, 2005''.

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—

(A) IN GENERAL.—Section 1101(a)(15) of such Act (112 Stat. 113; 118 Stat. 878) is amended by inserting before the period at the end the following: ''and $55,000,000 for the period of October 1, 2004, through March 31, 2005''.

(B) CONFORMING AMENDMENT.—Section 1214(r)(1) of such Act (112 Stat. 209; 117 Stat. 1114) is amended by striking ''2004'' and inserting ''2005''.

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 118 Stat. 879) is amended by inserting before the period at the end the following: ''and $250,000 for the period of October 1, 2004, through March 31, 2005''.

(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; 118 Stat. 879) is amended by inserting before the period at the end the following: ''and $12,500,000 for the period of October 1, 2004, through March 31, 2005''.

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

(A) in subsection (a)(1)—

(i) by striking ''and'' at the end of subparagraph (E);

(ii) by striking the period at the end of subparagraph (F) and inserting ''; and''; and

(iii) by adding at the end the following:

''(G) $70,000,000 for the period of October 1, 2004, through March 31, 2005.'';

(B) in subsection (a)(2)—

(i) by striking ''2003 and'' and inserting ''2003,''; and

(ii) by inserting after ''2004'' the following: ''and $1,000,000 for the period of October 1, 2004, through March 31, 2005''; and

(C) in subsection (c)—

(i) by striking ''2004'' and inserting ''2005''; and

(ii) by striking the period at the end of the table and inserting the following:

''2005 ..... $1,300,000,000.''.

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 118 Stat. 879) is amended—

(A) by striking ''2003, and'' and inserting ''2003,''; and

(B) by inserting after ''2004'' the following: '', and $52,500,000 for the period of October 1, 2004, through March 31, 2005''.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 118 Stat. 879) is amended—

(A) by striking ''2003, and'' and inserting ''2003,''; and

(B) by inserting after ''2004'' the following: '', and $27,500,000 for the period of October 1, 2004, through March 31, 2005''.

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 118 Stat. 879) is amended—

(A) by striking ''2003, and'' and inserting ''2003,''; and

(B) by inserting after ''2004'' the following: '', and $10,500,000 for the period of October 1, 2004, through March 31, 2005''.

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 118 Stat. 879) is amended by inserting before the period at the end the following: '', and $15,500,000 for the period of October 1, 2004, through March 31, 2005''.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 118 Stat. 879) is amended—

(A) by striking ''2003, and'' and inserting ''2003,''; and

(B) by inserting after ''2004'' the following: '', and $57,500,000 for the period of October 1, 2004, through March 31, 2005''.

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 118 Stat. 879) is amended—

(A) by striking ''2003, and'' and inserting ''2003,''; and

(B) by inserting after ''2004'' the following: '', and $62,000,000 for the period of October 1, 2004, through March 31, 2005''.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 118 Stat. 880) is amended—

(A) by striking ''2003, and'' and inserting ''2003,''; and

(B) by inserting after ''2004'' the following: '', and $13,500,000 for the period of October 1, 2004, through March 31, 2005''.

(c) METROPOLITAN PLANNING.—

(1) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 134 of title 23, United States Code, $120,000,000 for the period of October 1, 2004, through March 31, 2005.

(2) DISTRIBUTION OF FUNDS.—The Secretary shall distribute funds made available by this subsection to the States in accordance with section 104(f)(2) of title 23, United States Code.

(3) CONTRACT AUTHORITY.—Funds made available by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (117 Stat. 1116; 118 Stat. 880) is amended by inserting after ''2004'' the following: ''and $18,200,000 for the period of October 1, 2004, through March 31, 2005''.

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (117 Stat. 1116; 118 Stat. 880) is amended by inserting after ''2004'' the following: ''and $9,400,000 for the period of October 1, 2004, through March 31, 2005''.

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (117 Stat. 1117; 118 Stat. 880) is amended by inserting after ''2004'' the following: ''and $250,000 for the period of October 1, 2004, through March 31, 2005''.

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (117 Stat. 1117; 118 Stat. 880) is amended by inserting after ''2004'' the following: ''and $50,000,000 for the period of October 1, 2004, through March 31, 2005''.

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (117 Stat. 1117; 118 Stat. 880) is amended by inserting after ''2004'' the following: ''and $50,000,000 for the period of October 1, 2004, through March 31, 2005''.

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (117 Stat. 1117; 118 Stat. 880) is amended by inserting after ''2004'' the following: ''and $375,000 for the period of October 1, 2004, through March 31, 2005''.

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (117 Stat. 1118; 118 Stat. 880) is amended—

(1) by inserting before ''; except'' the following: ''and $2,625,000 for the period of October 1, 2004, through March 31, 2005''; and

(2) by inserting before ''for eligible'' the following: ''and not less than $125,000 instead of $250,000 shall be available for the period of October 1, 2004, through March 31, 2005''.

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (117 Stat. 1118; 118 Stat. 880) is amended—

(1) in paragraph (1) by inserting after ''2004'' the following: ''and $5,000,000 for the period of October 1, 2004, through March 31, 2005''; and

(2) in paragraph (2) by inserting after ''2004'' the following: ''and $5,000,000 for the period of October 1, 2004, through March 31, 2005''.

(l) ADMINISTRATION OF FUNDS.—Funds authorized by the amendments made by this section shall be administered as if the funds had been apportioned, allocated, deducted, or set aside, as the case may be, under title 23, United States Code, except that the deductions under sections 104(a)(1)(A) and 104(a)(1)(B) of such title shall not apply to funds made available by the amendment made by subsection (a)(1) of this section.

(m) REDUCTION OF ALLOCATED PROGRAMS.—The Secretary shall reduce the amount that would be made available, but for this section, for fiscal year 2005 for allocation under a program, that is continued both by a multiyear law reauthorizing such program enacted after the date of enactment of this Act and by this section, by the amount made available for such program by this section.

(n) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds allocated under this section for fiscal year 2005 for a program category for which funds are not authorized for fiscal year 2005 under a multiyear law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act may be restored to the Federal-aid highway program.

SEC. 6. 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) is amended by striking ''2004.'' and inserting ''2004, and $82,500,000 for the period October 1, 2004, through March 31, 2005.''.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 117 Stat. 1119) is amended by striking ''2004'' and inserting ''2004, and $36,000,000 for the period October 1, 2004, through March 31, 2005''.

(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2009(a)(3) of such Act (112 Stat. 337; 117 Stat. 1120) is amended by inserting ''and $10,000,000 for the period October 1, 2004, through March 31, 2005'' after ''fiscal year 2004''.

(d) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 117 Stat. 1120) is amended by ''and $20,000,000 for the period October 1, 2004, through March 31, 2005'' after ''fiscal year 2004''.

(e) NATIONAL DRIVER REGISTER.—Section 2009(a)(6) of such Act (112 Stat. 338; 117 Stat. 1120) is amended by inserting ''and $2,000,000 for the period October 1, 2004, through March 31, 2005'' after ''fiscal year 2004''.

SEC. 7. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2003 (117 Stat. 1120) is amended by inserting ''and $130,000,000 for the period October 1, 2004, through March 31, 2005'' after ''fiscal year 2004''.

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a) of title 49, United States Code, is amended by adding at the end the following:

''(8) Not more than $84,500,000 for for the period October 1, 2004, through March 31, 2005.''.

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

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a) of such title is amended by adding at the end the following:

''(6) $9,500,000 for the period October 1, 2004, through March 31, 2005.''.

(2) EMERGENCY CDL GRANTS.—Section 7(c) of the Surface Transportation Extension Act of 2003 (117 Stat. 1121) is amended by inserting ''and up to $500,000 for the period October 1, 2004, through March 31, 2005,'' after ''$1,000,000''.

(d) CRASH CAUSATION STUDY.—Section 7(d) of such Act is amended by inserting ''and up to $500,000 for the period October 1, 2004, through March 31, 2005,'' after ''fiscal year 2004.''.

SEC. 8. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

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

(1) in paragraph (1), in the matter preceding subparagraph (A), by adding at the end the following: ''and for the period of October 1, 2004 through March 31, 2005,'';

(2) in paragraph (2)(B), by inserting at the end the following:

''(iii) OCTOBER 1, 2004 THROUGH MARCH 31, 2005.—Of the amounts made available under paragraph (1)(B), $5,200,000 shall be available for the period of October 1, 2004, through March 31, 2005, for capital projects described in clause (i).'';

(3) in paragraph (3)(B), by striking ''2004'' and inserting ''2004 (and $1,500,000 shall be available for the period October 1, 2004, through March 31, 2005)''; and

(4) in paragraph (3)(C), by inserting after ''2004'' the following: ''(and $25,000,000 shall be available for the period October 1, 2004, through March 31, 2005)''.

(b) APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—The Secretary of Transportation shall determine the amount that each urbanized area is to be apportioned for fixed guideway modernization under section 5337 of title 49, United States Code, on a pro rata basis to reflect the partial fiscal year 2005 funding made available by subparagraphs (A)(vii) and (B)(vii) of section 5338(b)(2) of such title.

(c) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading, by inserting ''AND FOR THE PERIOD OF OCTOBER 1, 2004 THROUGH MARCH 31, 2005'' after ''2004'';

(2) in subparagraph (A)—

(A) in clause (v), by striking ''and'' at the end;

(B) in clause (vi), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(vii) $1,747,128,500 for the period of October 1, 2004, through March 31, 2005.'';

(1) in subparagraph (B)—

(A) in clause (v), by striking ''and'' at the end;

(B) in clause (vi), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(vii) $256,459,000 for the period of October 1, 2004, through March 31, 2005.''; and

(1) in subparagraph (C), by striking ''2003'' and inserting ''2004 (other than for the period of October 1, 2004 through March 31, 2005)''.

(d) ALLOCATION OF FORMULA GRANT FUNDS FOR THE PERIOD OF OCTOBER 1, 2004 THROUGH MARCH 31, 2005.—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, 2004 through March 31, 2005—

''(1) $2,424,975 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307 of such title;

''(2) $25,000,000 shall be available to carry out section 5308 of such title;

''(3) $47,344,500 shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310 of such title;

''(4) $125,660,195 shall be available to provide financial assistance for other than urbanized areas under section 5311 of such title; and

''(5) $1,799,682,829 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 paragraph heading by adding after ''2004'' the following: ''AND FOR THE PERIOD OF OCTOBER 1, 2004 THROUGH MARCH 31, 2005'';

(2) in subparagraph (A)—

(A) in clause (v), by striking ''and'' at the end;

(B) in clause (vi), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(vii) $1,488,427,500 for the period of October 1, 2004, through March 31, 2005.''; and

(2) in subparagraph (B)—

(A) in clause (v), by striking ''and'' at the end;

(B) in clause (vi), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(vii) $218,485,000 for the period of October 1, 2004, through March 31, 2005.''.

(f) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading by inserting after ''2004'' the following: ''AND FOR THE PERIOD OF OCTOBER 1, 2004 THROUGH MARCH 31, 2005'';

(2) in subparagraph (A)—

(A) in clause (v), by striking ''and'' at the end;

(B) in clause (vi), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(vii) $31,828,000 for the period of October 1, 2004, through March 31, 2005.'';

(1) in subparagraph (B)—

(A) in clause (v), by striking ''and'' at the end;

(B) in clause (vi), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(vii) $4,672,000 for the period of October 1, 2004, through March 31, 2005.''; and

(1) in subparagraph (C), by inserting ''or any portion of a fiscal year'' after ''fiscal year''.

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

(1) in the paragraph heading by inserting after ''2004'' the following: ''AND FOR THE PERIOD OF OCTOBER 1, 2004 THROUGH MARCH 31, 2005'';

(2) in subparagraph (A)—

(A) in clause (v), by striking ''and'' at the end;

(B) in clause (vi), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(vii) $23,980,000 for the period of October 1, 2004, through March 31, 2005.'';

(1) in subparagraph (B)—

(A) in clause (v), by striking ''and'' at the end;

(B) in clause (vi), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(vii) $3,520,000 for the period of October 1, 2004, through March 31, 2005.''; and

(1) in subparagraph (C), by inserting ''other than for the period from October 1, 2004 through March 31, 2005'' after ''fiscal year''.

(h) ALLOCATION OF RESEARCH FUNDS FOR THE PERIOD FROM OCTOBER 1, 2004 THROUGH MARCH 31, 2005.—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, 2004 through March 31, 2005—

(1) not less than $2,625,000 shall be available for providing rural transportation assistance under section 5311(b)(2) of such title;

(2) not less than $4,125,000 shall be available for carrying out transit cooperative research programs under section 5313(a) of such title;

(3) not less than $2,000,000 shall be available to carry out programs under the National Transit Institute under section 5315 of such title, including not more than $500,000 shall be available to carry out section 5315(a)(16) of such title; and

(4) the remainder 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 paragraph heading by adding after ''2004'' the following: ''AND FOR THE PERIOD OF OCTOBER 1, 2004 THROUGH MARCH 31, 2005'';

(2) in subparagraph (A), by inserting ''and $2,616,000 for the period from October 1, 2004 through March 31, 2005'' after ''2004'';

(3) in subparagraph (B), by inserting ''and $384,000 for the period from October 1, 2004 through March 31, 2005'' after ''2004''; and

(4) in subparagraph (C)—

(A) in clause (i), by inserting ''(other than for the period of October 1, 2004 through March 31, 2005)'' after ''fiscal year''; and

(B) in clause (iii), by inserting ''(other than for the period of October 1, 2004 through March 31, 2005)'' after ''fiscal year''.

(j) 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, 2004 through March 31, 2005—

(A) $1,000,000 shall be available for the center identified in section 5505(j)(4)(A) of such title; and

(B) $1,000,000 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 such period that remain after distribution under paragraph (1) shall be available for the purposes identified in section 3015(d) of the Federal Transit Act of 1998 (112 Stat. 857).

(3) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Federal Transit Act of 1998 (112 Stat. 857) is amended by inserting ''or in the period October 1, 2004 through March 31, 2005'' after ''2004''.

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

(1) in the paragraph heading by inserting after ''2004'' the following: ''AND FOR THE PERIOD OF OCTOBER 1, 2004 THROUGH MARCH 31, 2005'';

(2) in subparagraph (A)—

(A) in clause (v), by striking ''and'' at the end;

(B) in clause (vi), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(vii) $34,008,000 for the period of October 1, 2004, through March 31, 2005.'';

(2) in subparagraph (B)—

(A) in clause (v), by striking ''and'' at the end;

(B) in clause (vi), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(vii) $4,992,000 for the period of October 1, 2004, through March 31, 2005.''.

(l) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Federal Transit Act of 1998 (49 U.S.C. 5309 note) is amended—

(1) in paragraph (1)(A)—

(A) in clause (v), by striking ''and'' at the end;

(B) in clause (vi), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(vii) $54,500,000 for the period of October 1, 2004 through March 31, 2005.'';

(2) in paragraph (1)(B)—

(A) in clause (v), by striking ''and'' at the end;

(B) in clause (vi), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(vii) $8,000,000 for the period of October 1, 2004 through March 31, 2005.''; and

(3) in paragraph (2), by inserting before the period at the end the following: '', except that in the period of October 1, 2004 through March 31, 2005, not more than $5,000,000 shall be used for such projects''.

(m) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of the Federal Transit Act of 1998 (49 U.S.C. 5310 note) is amended—

(1) in paragraph (1), by adding at the end the following:

''(G) $2,625,000 for the period of October 1, 2004 through March 31, 2005.''; and

(2) in paragraph (2), by inserting ''(and $850,000 shall be available for the period of October 1, 2004, through March 31, 2005)'' after ''2004''.

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

(1) in the heading, by inserting ''AND FOR THE PERIOD OF OCTOBER 1, 2004, THROUGH MARCH 31, 2005'' after ''2004''; and

(2) in subparagraph (A), by inserting ''and for the period of October 1, 2004, through March 31, 2005'' after ''2004''.

(o) OBLIGATION CEILING.—Section 3040 of the Federal Transit Act of 1998 (112 Stat. 394; 118 Stat. 708) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(7) $3,879,000,000 for the period of October 1, 2004, through March 31, 2005.''.

(p) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of the Federal

Transit Act of 1998 (112 Stat. 361; 118 Stat. 885) is amended by inserting ''(or, in the case of the period of October 1, 2004, through March 31, 2005, $2,425,000) after ''$4,850,000''.

(q) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015(c)(2) of the Federal Transit Act of 1998 (49 U.S.C. 322 note; 118 Stat. 885) is amended—

(1) by inserting '', and $2,500,000 for the period of October 1, 2004, through March 31, 2005,'' after ''per fiscal year''.

(r) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.—Section 3030 of the Federal Transit Act of 1998 (112 Stat. 373; 118 Stat. 885) is amended by inserting ''and for the period of October 1, 2004, through March 31, 2005,'' after ''2004'' each place it appears.

(s) NEW JERSEY URBAN CORE PROJECT.—Section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 118 Stat. 885) is amended by inserting ''and for the period of October 1, 2004, through March 31, 2005, after ''2004'' each place it appears.

(t) TREATMENT OF FUNDS.—Section 8(t) of the Surface Transportation Extension Act of 2003 is amended—

(1) in paragraph (1), by striking ''and by section 7 of the Surface Transportation Extension Act of 2004, Part IV'' and inserting ''by section 7 of the Surface Transportation Extension Act of 2004, Part IV, and by section 8 of the Surface Transportation Extension Act of 2004, Part VI''; and

(2) in paragraph (2), by inserting ''for fiscal year 2004'' after ''section''.

(u) LOCAL SHARE.—Section 3011(a) of the Federal Transit Act of 1998 (49 U.S.C. 5307 note; 118 Stat. 886) is amended by inserting ''and for the period of October 1, 2004, through March 31, 2005'' after ''2004,''.

SEC. 9. 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 ''October 1, 2004'' and inserting ''April 1, 2005'',

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

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

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

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

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

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

(A) in the matter before subparagraph (A), by striking ''October 1, 2004'' and inserting ''April 1, 2005'',

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

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

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

''(J) the Surface Transportation Extension Act of 2004, Part VI,'', and

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

(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 V'' each place it appears and inserting ''Surface Transportation Extension Act of 2004, Part VI''.

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

(A) by striking ''October 1, 2004'' and inserting ''April 1, 2005'', and

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

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking ''October 1, 2004'' and inserting ''April 1, 2005''.

(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 March 31, 2005, 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.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 430—DESIGNATING NOVEMBER 2004 AS ''NATIONAL RUNAWAY PREVENTION MONTH''

Mr. HATCH (for himself and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 430

Whereas the prevalence of runaway and homeless youth in the United States is staggering, with studies suggesting that between 1,600,000 and 2,800,000 young people live on the streets of the United States each year;

Whereas running away from home is widespread, with 1 out of every 7 children in the United States running away before the age of 18;

Whereas youth that end up on the streets are often those who have been thrown out of their homes by their families, who have been physically, sexually, and emotionally abused at home, who have been discharged by State custodial systems without adequate transition plans, who have lost their parents through death or divorce, and who are too poor to secure their own basic needs;

Whereas effective programs supporting runaway youth and assisting young people in remaining at home with their families succeed because of partnerships created among families, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses;

Whereas preventing young people from running away and supporting youth in high-risk situations is a family, community, and national responsibility;

Whereas the future well-being of the Nation is dependent on the value placed on young people and the opportunities provided for youth to acquire the knowledge, skills, and abilities necessary to develop into safe, healthy, and productive adults;

Whereas the National Network for Youth and its members advocate on behalf of runaway and homeless youth and provide an array of community-based support services that address the critical needs of such youth;

Whereas the National Runaway Switchboard provides crisis intervention and referrals to reconnect runaway youth to their families and to link young people to local resources that provide positive alternatives to running away; and

Whereas the National Network for Youth and the National Runaway Switchboard are co-sponsoring National Runaway Prevention Month to increase public awareness of the life circumstances of youth in high-risk situations and the need for safe, healthy, and productive alternatives, resources, and supports for youth, families, and communities: Now, therefore, be it

Resolved, That the Senate designates November 2004 as ''National Runaway Prevention Month''.

SENATE RESOLUTION 431—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED NATIONS SECURITY COUNCIL SHOULD IMMEDIATELY CONSIDER AND TAKE APPROPRIATE ACTIONS TO RESPOND TO THE GROWING THREATS POSED BY CONDITIONS IN BURMA UNDER THE ILLEGITIMATE RULE OF THE STATE PEACE AND DEVELOPMENT COUNCIL

Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. FEINGOLD, Mrs. DOLE, Ms. MIKULSKI, Mr. BROWNBACK, Mr. LEAHY, Mr. LUGAR, and Mr. CORZINE) submitted the following resolution; which was referred to the Committee on Foreign Relations;

Whereas the National League for Democracy, headed by Daw Aung San Suu Kyi, is the legitimately elected political leadership in Burma;

Whereas the ruling State Peace and Development Council, headed by General Than Shwe, and its affiliated organizations continue, through a variety of means, to violate the human rights and dignity of the people of Burma through murder, torture, rape, forced relocation, the employment of child soldiers, the use of forced labor, and the exploitation of child laborers;

Whereas the State Peace and Development Council has detained over 1,300 prisoners of conscience, including National League for Democracy leaders and supporters of democracy;

Whereas, under the repressive rule of the State Peace and Development Council, the situation in Burma poses an immediate and growing threat to the Southeast Asia region, including through the unchecked spread of HIV/AIDS, the illicit production of, and trafficking in, narcotics, trafficking in persons, and alleged efforts to purchase weapons from North Korea, China, and Russia;

Whereas, at the 58th session of the United Nations General Assembly, a resolution was adopted by the General Assembly that expresses grave concern about the ongoing systematic violations of human rights inflicted upon the people of Burma and calls on the

State Peace and Development Council to release all political prisoners, respect the results of the national elections in 1990, and restore democracy to Burma; and

Whereas the National League for Democracy has called upon the United Nations Security Council to intervene on behalf of the people of Burma: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United Nations Security Council should immediately consider and take appropriate actions to respond to the growing threats posed to the Southeast Asia region by conditions in Burma under the illegitimate rule of the State Peace and Development Council, including the threats posed by widespread human rights violations, the unchecked spread of HIV/AIDS, the illicit production of, and trafficking in, narcotics, trafficking in persons, and alleged efforts by the State Peace and Development Council to purchase weapons from North Korea, China, and Russia.

Mr. MCCONNELL. Mr. President, today I submit, along with some fellow members of the unofficial, bipartisan Senate Burma Caucus, a resolution expressing the sense of the Senate that the United Nations Security Council should immediately consider and take appropriate actions to respond to the growing threats posed by the State Peace and Development Council (SPDC) in Burma to its immediate neighbors and the entire region.

What are these threats? The unchecked spread of HIV/AIDS that is further aggravated by the SPDC's use of rape as a weapon of war against the people of Burma, particularly ethnic women and girls; the illicit production and trafficking in narcotics, which destroys the lives of Asian youth and families; trafficking in persons and brutal crackdowns on ethnic minorities that create significant populations of internally displaced persons and refugees; alleged efforts to purchase weapons from North Korea, the People's Republic of China and Russia.

For the past decade, we have know that the SPDC poses a clear and present danger to the people of Burma, including democracy leader and Nobel Peace Prize recipient Daw Aung San Suu Kyi, and other senior members of the National League for Democracy (NLD). Resolutions, statements and reports by the U.S. State Department, the United Nations, the European Nation (E.U.), and human rights organizations have repeatedly documented and condemned brutal human rights violations committed with impunity by the SPDC.

Today, there is no question that Burma's myriad problems are no longer the internal affair of a handful of psychopathic generals in Rangoon.

Last May, the NLD called upon the U.N. Security Council to intervene.

Secretary-General Kofi Annan, the United Kingdom, and the Administration, who are scheduled to take over chairmanship of the Council in October and November, respectively should heed their call.

In Burma, time now favors the democrats. With the international community's continued vigilance, appropriate pressure can be placed on the SPDC before they assume chairmanship of the ASEAN in 2006 to secure a meaningful path toward reconciliation that includes the full and unfettered participation of the NLD. If the Security Council takes up the matter of Burma, significant strides will be made toward democracy and justice in that country.

It is an understatement to say that I am disappointed with the E.U.'s decision to allow ''low level'' participation by the SPDC in the upcoming ASEM meeting in Hanoi, Vietnam. Such action serves only to prolong the suffering of the Burmese people, including the hundreds currently languishing in prisons for peacefully championing the principles of freedom and justice, and the three NLD youths recently arrested for the ''heinous'' crime of gathering signatures on a petition calling for Suu Kyi's release from house arrest.

With France, Spain and Portugal reportedly clamoring to derail the toughening of sanctions against Burma, it is only fair to ask: When will they act to support the democrats of Burma?

It is time the world's democracies make 2006 the ''Year of Democracy'' in Burma.

I want to recognize Senators FEINSTEIN, MCCAIN, MIKULSKI, FEINGOLD, LEAHY, and DOLE for their support of the resolution, and freedom and justice in Burma.

I ask unanimous consent that an article by William Ashton that appeared in the Irrawaddy on the SPDC's efforts to procure weapons be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ARMS KEEP COMING—BUT WHO PAYS?

(By William Ashton)

Burma's ruling State Peace and Development Council, or SPDC, has been at pains over recent months to tell the international community that it is devoting a considerable effort to implementing a new ''road map'' to multi-party democracy and introducing measures for a more open economy. The military government has also claimed major advances in promoting education and public health, and in developing the country's civil infrastructure.

The Rangoon regime can certainly point to an increase in diplomatic activity, and show visitors to Burma many new roads, buildings and dams. However, the SPDC's statements continue to ignore the fact that, for the past 15 years, a large proportion of its central budget-probably between 35 and 45 per cent each year-has been allocated to the armed forces, or Tatmadaw. This does not include significant allocations to the defense sector from off-budget sources and unofficial payments that never appear in the national accounts. Also, while an increasing proportion of Burma's annual defense expenditure is now used to pay for recurring personnel and maintenance costs, a high percentage is still devoted to the acquisition of new arms and equipment from abroad.

CONTINUED MILITARY EXPANSION

When the armed forces took back direct political power in 1988, they launched an ambitious defense expansion and modernization program. Since then, the regime has consistently spent a greater proportion of central government outlays on defense than any other country in the Asia-Pacific region. The Burmese armed forces have doubled in size, making them the second largest in Southeast Asia and, by some calculations, the 15th largest in the world. New command and control structures have been put in place, and capabilities in key support areas like intelligence, communications and logistics have been substantially upgraded. The country's military infrastructure has also been improved. In addition, the Burma Army has acquired a wide range of tracked and wheeled armor, towed and self-propelled artillery, air defense weapons, transport, small arms and communications equipment. The air force has taken delivery of more than 150 helicopters, fighters, ground attack, transport and training aircraft. The Burma Navy too has expanded dramatically, with new corvettes, missile patrol boats, offshore patrol vessels and riverine craft.

Given its enormous expansion since 1988, the massive influx of arms and equipment since then, and the difficulties of keeping its current inventory fully operational, it might be expected that the Tatmadaw's acquisition programs would now be slowing down. Yet, over the past 18 months, there has been clear evidence that the Rangoon regime continues to give its highest priority to the development of Burma's military capabilities.

While some of the SPDC's more ambitious projects, such as the planned acquisition of strategic weapon systems, have reportedly been shelved for the time being, other major contracts have gone ahead. China remains Burma's principal source of military technology but, despite an arms embargo imposed by its traditional suppliers, the regime has managed to find a number of new vendors.

ARMS DELIVERIES

A survey of arms deals with Burma over the past 18 months has revealed the following:

CHINA

Rangoon is locked into a continuing close logistical relationship with Beijing, due to the need to maintain all the arms and military equipment purchased from China, at an estimated cost of billions of dollars, since 1988. However, the SPDC is interested in acquiring even more arms, and new weapons and consignments of materiel continue to be delivered. There have been reports of 200 heavy-duty trucks crossing the China-Burma border, and of shipments of unspecified ''air force weapons'', multiple rocket launchers and possibly artillery. There were also reports in March 2004 that the Burma Army was negotiating yet another arms deal with China, this time to buy obsolescent weapons being phased out by the People's Liberation Army. In addition, there have long been rumors that Burma has been negotiating with China for the purchase of combat helicopters, minesweepers, anti-ship missiles and sea mines.

NORTH KOREA

Rangoon's developing relationship with Pyongyang has gone well beyond the small arms ammunition purchased in 1990, and the sixteen 130mm artillery pieces acquired by the SPDC in 1998. For example, in 2003 a team of North Korean technicians was sent to Rangoon to install surface-to-surface missiles on some new Burma Navy vessels. In addition, discussions have taken place between Rangoon and Pyongyang over the purchase of a small submarine, and possibly even a number of SCUD short-range ballistic missiles. Late last year there were even suggestions that North Korea was assisting Burma with the construction of a nuclear reactor, raising the specter of the Rangoon regime one day acquiring a nuclear weapon.

INDIA

As part of a renewed effort to get closer to Burma, India has provided the Tatmadaw with a range of weapons, ammunition and equipment. In May 2003 the Indian Defense Ministry confirmed that it had sold the Tatmadaw eighty 75mm howitzers (or ''mountain guns''). Also, India has reportedly sold mortar and artillery ammunition to Rangoon, and advanced communications equipment. A Burmese military delegation visiting India in early 2004 said that the Tatmadaw welcomed further arms deals. The Indian Defense Minister has stated that New Delhi is keen to sell Burma naval vessels. A demonstration by Indian combat aircraft in Burma this year prompted speculation about future sales to the Burma Air Force.

UKRAINE

The Russian language press stated in late 2002 that the Ukraine had contracted to provide Burma with some 36D6 radar systems. In mid-2003 it was reported that the Ukraine had sold the Tatmadaw 50 T–72 main battle tanks. In February 2004, a Ukrainian-flagged ship made a secret delivery to Rangoon, probably of air defense weapons. Also, in May 2003, one of the Ukraine's leading arms exporters signed a contract with Burma worth US $500 million, to provide the Rangoon regime with components for 1,000 BTR–3U light armored personnel carriers. Over the next ten years these vehicles will be supplied in parts, and assembled in a new, purpose-built factory in Burma. More arms deals between Rangoon and Kiev are likely.

SERBIA

In December 2003, Serbian language sources claimed that Rangoon had contracted with Belgrade to buy a number of ''Nora'' self-propelled howitzers. The cost of these weapons, which are marketed by Jugoimport-SDPR, is unknown. In addition, in March 2004 about 30 Serbian engineers arrived in Burma to repair and upgrade the Burma Air Force's 12 Soko G–4 jets, which were purchased from the Republic of Yugoslavia in the 1990s. These aircraft have been grounded for several years, due largely to a lack of spare parts.

RUSSIA

In late 2002 the SPDC purchased eight MiG–29B–12 air superiority combat aircraft and two dual-seat MiG–29UB trainers from Russia, at a reported cost of about US $130 million. All these aircraft were delivered to Burma by the end of 2003. In addition, in July 2002 Rangoon signed a contract with the Russian Ministry of Atomic Energy (Minatom) for the construction of a nuclear reactor in Burma. While the project has encountered major problems, probably due to its cost, it may still go ahead. It is likely that the shipments of Russian military equipment detected in southern Burma in April 2003, which were thought to be components for the reactor, were in fact deliveries of a new communications system.

SLOVAKIA

According to a news report dated October 2003, the Unipex Company of Slovakia is currently being investigated for taking part in the illegal export to Burma of machines for the manufacture of ''artillery grenades'' (possibly rocket propelled grenades).

It is likely that other contracts have been signed but not yet been made public. The frequent visits to Rangoon of North Korean and Ukrainian cargo vessels over the past 18 months, and the measures taken to hide the nature of their cargoes, strongly suggests that other deliveries of arms and equipment have occurred. Several eastern European countries are keen to sell arms to Burma. Also, countries like Singapore, Pakistan and Israel maintain close links with Rangoon. All have weapon systems that are on the Tatmadaw's wish list. In the past, these factors have often led to substantial sales of weapons, military equipment and dual use goods to Burma, and related training contracts.

PAYING THE BILL

In considering the financial implications of these sales, several factors need to be borne in mind. Not only does the regime need to cover the initial purchase price of these arms, but it faces the continuing costs of keeping them serviceable, providing facilities to house them, buying spare parts to maintain them and training people to repair and use them. The latter often includes sending selected military personnel overseas for specialized training, and in a few cases supporting foreign experts resident in country. Some of these costs can be paid in local currency, but they still constitute a heavy drain on Burma's precious foreign exchange reserves. The regime is still able to earn hard currency through the export of gas, gems, timber, agricultural produce and other natural resources, but its economy is facing major problems. These have not been helped by the new sanctions imposed by the U.S. in June 2003, after a government mob violently attacked democratic opposition leader Aung San Suu Kyi.

In the past, some of these costs have been met through trade deals, under which Burma has paid for part of its contracts with primary goods like rice and teak. North Korea and Russia, for example, have accepted such commodities in part payment for arms and military equipment. Even the Russian nuclear reactor could be paid for in part through barter arrangements. Also, for strategic and other reasons, some arms suppliers have been very generous in their terms. For example, China has repeatedly offered the Rangoon regime special ''friendship prices'' for arms, and overlooked deadlines for the repayment of loans. The Ukrainian firm selling Burma APCs has probably provided vendor financing of some kind.

Even so, given the regime's current debts, its continuing need for foreign logistical support, and its latest acquisitions, the investment required now and in the future will be huge for a country like Burma. These costs must inevitably be carried at the expense of other sectors of the government that are desperate for scarce resources.

Mrs. FEINSTEIN. Mr. President, I rise today to express my support for a resolution submitted yesterday by Senator MCCONNELL and myself that urges the United Nations Security Council to respond to the growing threats posed to the Southeast Asia region by conditions in Burma under the rule of the State Peace and Development Council (SPDC).

I have been proud to work with Senator MCCONNELL to raise awareness about the situation in Burma and to put pressure on the SPDC to respect the wishes of the Burmese people, restore democracy, and release from house arrest the leader of the National League for Democracy and Nobel Peace Prize winner, Aung San Suu Kyi. Congress has acted decisively in support of these efforts by passing the Burmese Freedom and Democracy Act of 2003 to impose a complete ban on Burmese imports for one year and renewing that ban this past July.

There is still much work to be done. The threat posed by the military junta goes beyond Burma's borders and extends to the entire Southeast Asia region. The SPDC has committed numerous human rights abuses and detained over 1,300 political prisoners. It has allowed the spread of HIV/AIDS to go unchecked. It has engaged in the illicit production and trafficking of narcotics. It has engaged in the trafficking of human beings. It has attempted to purchase weapons from North Korea, China, and Russia.

The international community simply cannot afford to ignore these threats any longer. Inaction will only strengthen the regime in Rangoon and foster greater instability in the Southeast Asia region. This resolution simply encourages the United Nations Security Council to consider the situation in Burma carefully and take appropriate action.

While I am proud that the United States has acted in support of freedom and democracy in Burma, we need the help of our friends and allies to put pressure on the SPDC to change its behavior and respect the wishes of the Burmese people and the international community. I urge my colleagues to support the resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3664. Mr. CAMPBELL submitted an amendment intended to be proposed by him to the bill S. 2666, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes.

SA 3665. Mr. CAMPBELL proposed an amendment to the bill S. 2666, supra.

SA 3666. Mr. CAMPBELL (for Mr. STEVENS (for himself and Mr. DURBIN)) proposed an amendment to the bill S. 2666, supra.

SA 3667. Mr. CAMPBELL (for Mr. DURBIN) proposed an amendment to the bill S. 2666, supra.

SA 3668. Mr. LUGAR (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill S. 2781, to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes; which was referred to the Committee on Foreign Relations.

SA 3669. Mr. MCCONNELL (for Mr. HOLLINGS (for himself and Mr. MCCAIN)) proposed an amendment to the bill S. 2279, to amend title 46, United States Code, with respect to maritime transportation security, and for other purposes.

TEXT OF AMENDMENTS

SA 3664. Mr. CAMPBELL submitted an amendment intended to be proposed by him to the bill S. 2666, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 21, strike lines 13 and 14 and insert ''approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.''.

SA 3665. Mr. CAMPBELL proposed an amendment to the bill S. 2666, making

appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 22, lines 23 and 24, strike ''With respect to claims within the jurisdiction of the Senate'' and insert ''With respect to any claim of a Senator or an employee whose pay is disbursed by the Secretary of the Senate''.

SA 3666. Mr. CAMPBELL (for Mr. STEVENS (for himself and Mr. DURBIN) proposed an amendment to the bill S. 2666, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 42, between lines 14 and 15, insert the following:

ADMINISTRATIVE PROVISION

SEC. 1501. EXPANSION OF OPEN WORLD LEADERSHIP COUNTRIES.

Section 313(j) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(j)) is amended—

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

(2) in paragraph (2), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(3) any other country that is designated by the Board, except that the Board shall notify the Committees on Appropriations of the Senate and the House of Representatives of the designation at least 90 days before the designation is to take effect.''.

SA 3667. Mr. CAMPBELL (for Mr. DURBIN) proposed an amendment to the bill S. 2666, making appropriations for the Legislative branch for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 26, line 18, strike ''$74,558,000'' and insert ''$74,063,000''.

On page 48, between lines 10 and 11, insert the following:

SEC. 211. COMMISSION ON THE ABRAHAM LINCOLN STUDY ABROAD FELLOWSHIP PROGRAM.

(a) APPROPRIATION.—There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, $495,000, for the Commission on the Abraham Lincoln Study Abroad Fellowship Program established under section 104 of division H of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 435).

(b) EXTENSION OF REPORT AND TERMINATION DATES.—Section 104 of division H of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 435) is amended—

(1) in subsection (f), by striking ''December 1, 2004'' and inserting ''December 1, 2005''; and

(2) in subsection (g), by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

SA 3668. Mr. LUGAR (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill S. 2781, to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes; which was referred to the Committee on Foreign Relations; as follows:

Strike all after the enacting clause, and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Comprehensive Peace in Sudan Act of 2004''.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) JEM.—The term ''JEM'' means the Justice and Equality Movement.

(3) SLA.—The term ''SLA'' means the Sudanese Liberation Army.

(4) SPLM.—The term ''SPLM'' means the Sudan People's Liberation Movement.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) A comprehensive peace agreement for Sudan, as envisioned in the Sudan Peace Act (50 U.S.C. 1701 note), and in the Machakos Protocol of 2002, is in jeopardy.

(2) Since 1989, the Government of Sudan has repeatedly engaged in and sponsored orchestrated campaigns of attacking and dislocating targeted civilian populations, disrupting their ability to sustain themselves, and subsequently restricting assistance to those displaced in a coordinated policy of ethnic cleansing that is most recently evident in the Darfur region of Sudan.

(3) In response to 2 decades of civil conflict in Sudan, the United States has helped to establish an internationally supported peace process to promote a negotiated settlement to the war that has resulted in a framework peace agreement, the Nairobi Declaration on the Final Phase of Peace in the Sudan signed June 5, 2004.

(4) At the same time that the Government of Sudan was negotiating for a final countrywide peace, enumerated in the Nairobi Declaration on the Final Phase of Peace in the Sudan, it refused to engage in any meaningful discussion with regard to its ongoing campaign of ethnic cleansing in the region of Darfur.

(5) It was not until the international community expressed its outrage, through high level visits by Secretary of State Colin Powell and others, and through United Nations Security Council Resolution 1556 of July 30, 2004, that the Government of Sudan agreed to attend talks to bring peace to the Darfur region.

(6) The Government of the United States, in both the executive branch and Congress, have concluded that genocide has been committed and may still be occurring in Darfur, and that the Government of Sudan and the Janjaweed bear responsibility for the genocide.

(7) The United Nations High Commissioner for Human Rights has identified massive human rights violations in Darfur perpetrated by the Government of Sudan and the Janjaweed, which the Commissioner stated may constitute war crimes or crimes against humanity.

(8) Evidence collected by international observers in the Darfur region between February 2003 and September 2004 indicate a coordinated effort to target African Sudanese civilians in a scorched earth policy, from both air and ground, that has destroyed African Sudanese villages, killing and driving away its people, while Arab Sudanese villages have been left unscathed.

(9) As a result of this coordinated campaign, which Congress and the executive branch have declared to be genocide, reports indicate tens of thousands of African Sudanese civilians killed, the systematic rape of thousands of women and girls, the destruction of hundreds of Fur, Masalit, and Zaghawa villages and other ethnically African populations, including the poisoning of their wells and the plunder of crops and cattle upon which they sustain themselves.

(10) According to the United Nations High Commissioner for Refugees, 1,400,000 people have been displaced in the Darfur region of Sudan, of whom over 200,000 have been forced to flee to Chad as refugees.

(11) The Government of Sudan conducted aerial attack missions and deadly raids across the international border between Sudan and Chad in an illegal effort to pursue Sudanese civilians seeking refuge in Chad.

(12) In addition to the thousands of violent deaths directly caused by ongoing Sudanese military and government sponsored Janjaweed attacks in the Darfur region, the Government of Sudan has restricted humanitarian and human rights workers' access to the Darfur area, primarily through bureaucratic and administrative obstruction, in an attempt to inflict the most devastating harm on those displaced from their villages and homes without any means of sustenance or shelter.

(13) The Government of Sudan's continued support for the Janjaweed and their obstruction of the delivery of food, shelter, and medical care to the Darfur region is estimated by the World Health Organization to be resulting in up to 10,000 deaths per month and, should current conditions persist, is projected to escalate to thousands of deaths each day by December 2004.

(14) The Government of Chad served an important role in facilitating the Darfur humanitarian cease-fire (the N'Djamena Agreement dated April 8, 2004) for the Darfur region between the Government of Sudan and the 2 opposition rebel groups in Darfur (the JEM and the SLA) although both sides have violated it repeatedly.

(15) The people of Chad have responded courageously to the plight of over 200,000 Darfur refugees by providing assistance to them even though such assistance has adversely affected their own means of livelihood.

(16) The cooperation and inclusion of all Sudanese is essential to the establishment of peace and security throughout all of Sudan.

(17) The African Union has demonstrated renewed vigor in regional affairs through its willingness to respond to the crisis in Darfur, by convening talks between the parties and deploying several hundred monitors and security forces to the region, as well as by recognizing the need for a far larger force with a broader mandate.

(18) Despite the threat of international action expressed through United Nations Security Council Resolution 1556 of July 30, 2004, the Government of Sudan continues to obstruct and prevent efforts to reverse the catastrophic consequences that loom over Darfur.

SEC. 4. SENSE OF CONGRESS REGARDING THE CONFLICT IN DARFUR, SUDAN.

(a) SUDAN PEACE ACT.—It is the sense of Congress that the Sudan Peace Act (50 U.S.C. 1701 note) remains relevant and should be extended to include the Darfur region of Sudan.

(b) ACTIONS TO ADDRESS THE CONFLICT.—It is the sense of Congress that—

(1) a legitimate countrywide peace in Sudan will only be possible if the Agreed Principles of Part A of the Machakos Protocol of 2002, confirmed by the Nairobi Declaration on the Final Phase of Peace in the Sudan signed June 5, 2004, negotiated with the SPLM, apply to all of Sudan and to all of the people of Sudan, including the Darfur region;

(2) the parties to the N'Djamena Agreement (the Government of Sudan, the SLA, and the JEM) must meet their obligations under that Agreement to allow safe and immediate access of all humanitarian assistance throughout the Darfur region and must

expedite the conclusion of a political agreement to end the genocide and conflict in Darfur;

(3) the United States should continue to provide humanitarian assistance to the areas of Sudan to which the United States has access and, at the same time, develop a plan similar to that described in section 10 of the Sudan Peace Act to provide assistance to the areas of Sudan to which United States access has been obstructed or denied;

(4) the international community, including African, Arab, and Muslim nations, should immediately provide resources necessary to save the lives of hundreds of thousands of individuals at risk as a result of the Darfur crisis;

(5) the United States Ambassador-at-Large for War Crimes should travel to Chad and the Darfur region immediately to investigate war crimes and crimes against humanity to develop a more accurate understanding of the situation on the ground and to better inform the report required in section 11(b) of the Sudan Peace Act;

(6) the United States and the international community should—

(A) provide all necessary assistance to deploy and sustain an African Union Force of at least 4,200 personnel to the Darfur region; and

(B) work to increase the authorized level and expand the mandate of such forces commensurate with the gravity and scope of the problem in a region the size of France;

(7) the President, acting through the Secretary of State and the Permanent Representative of the United States to the United Nations, should ensure that Sudan fulfills its obligations under United Nations Security Council Resolutions 1556 (July 30, 2004) and 1564 (September 18, 2004)

(8) sanctions should be imposed on the assets and activities of those Sudanese Government officials and other individuals that are involved in carrying out the atrocities in the Darfur region;

(9) the Government of the United States should not normalize relations with Sudan, including through the lifting of any sanctions, until the Government of Sudan agrees to, and takes demonstrable steps to implement, peace agreements for all areas of Sudan, including Darfur; and

(10) Presidential Proclamation 6958 issued November 22, 1996, which suspends entry into the United States of members of the Government of Sudan, officials of that Government, and members of the Sudanese Armed Forces, should continue to remain in effect and be strictly enforced.

SEC. 5. AMENDMENTS TO THE SUDAN PEACE ACT.

(a) ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.—

(1) IN GENERAL.—The Sudan Peace Act (50 U.S.C. 1701 note) is amended by adding at the end the following new section:

"SEC. 12. ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.

''(a) AUTHORIZATION OF APPROPRIATIONS.—

''(1) HUMANITARIAN ASSISTANCE.—There is authorized to be appropriated to the President for assistance to address the humanitarian and human rights crisis in the Darfur region and its impact on eastern Chad, pursuant to the authority in section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292), $200,000,000 for fiscal year 2005, in addition to any other funds otherwise available for such purpose.

''(2) ADDITIONAL ASSISTANCE.—Subject to the requirements of this section, there is authorized to be appropriated to the President, for development and humanitarian assistance for Sudan upon the conclusion of a permanent, just, and equitable peace agreement between the Government of Sudan and the SPLM, $100,000,000 for fiscal year 2005, in addition to any other funds otherwise available for such purpose.

''(3) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) or (2) are authorized to remain available until expended, notwithstanding any other provision of law other than the provisions of this section.

''(b) REQUIREMENT FOR CERTIFICATION.—The assistance authorized under subsection (a)(2) may be provided—

''(1) to the regions administered by the Government of Sudan, in accordance with the peace agreement described in subsection (a)(2), only if the President submits the certification described in subsection (c); and

''(2) to the regions administered by the SPLM, in accordance with the peace agreement described in subsection (a)(2), only if the President submits the certification described in subsection (d).

''(c) CERTIFICATION WITH REGARD TO ACTIONS OF THE GOVERNMENT OF SUDAN.—The certification referred to in subsection (b)(1) is a certification submitted by the President to the appropriate congressional committees that—

''(1) the Government of Sudan is taking demonstrable steps to—

''(A) ensure that the armed forces of Sudan and any associated militias are not attacking civilians or obstructing human rights monitors or the provision of humanitarian assistance;

''(B) demobilize and disarm militias supported or created by the Government of Sudan;

''(C) allow full and unfettered access for the provision of humanitarian assistance to all regions of Sudan, including Darfur; and

''(D) cooperate fully with the African Union, the United Nations, and all other observer, monitoring, and protection missions mandated to operate in Sudan; and

''(2) the Government of Sudan is complying with the provisions of the peace agreement described in subsection (a)(2).

''(d) CERTIFICATION WITH REGARD TO SPLM'S COMPLIANCE WITH A PEACE AGREEMENT.—The certification referred to in subsection (b)(2) is a certification submitted by the President to the appropriate congressional committees that the SPLM is complying with the provisions of the peace agreement described in subsection (a)(2).

''(e) SUSPENSION OF ASSISTANCE.—If, on a date after the President submits a certification described in subsection (c) or (d), the President determines that either the Government of Sudan or the SPLM has ceased taking the actions described in the applicable subsection, the President shall immediately suspend the provision of any assistance made available as a result of such certification until the date on which the President certifies that such entity has resumed taking such actions.''.

(2) CONFORMING AMENDMENT.—Section 3 of the Sudan Peace Act (50 U.S.C. 1701 note) is amended by adding at the end the following new paragraph:

''(4) SPLM.—The term 'SPLM' means the Sudan People's Liberation Movement.''.

(b) REPORTING REQUIREMENT.—Section 8 of the Sudan Peace Act (50 U.S.C. 1701 note) is amended in the first sentence by striking ''Sudan.'' and inserting ''Sudan, including the conflict in the Darfur region.''.

SEC. 6. OTHER RESTRICTIONS.

(a) BLOCKING OF ASSETS.—On the date that is 120 days after the date of enactment of this Act, if the President has not submitted the certification described in subsection (c)(1) of section 12 of the Sudan Peace Act, as added by section 5, the President shall, consistent with the authorities granted in the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block the assets of appropriate senior officials of the Government of Sudan.

(b) CONTINUATION OF RESTRICTIONS.—Restrictions against the Government of Sudan that were imposed pursuant to title III and sections 508, 512, and 527 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004 (Division D of Public Law 108–199; 118 Stat. 143) or any other similar provision of law may not be lifted pursuant to such provisions of law unless the President also makes the certification described in subsection (c) of section 12 of the Sudan Peace Act, as added by section 5.

SEC. 7. REQUIREMENT FOR REPORT.

(a) REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report on the planned United States response to a comprehensive peace agreement for Sudan.

(b) CONTENT.—The report required by subsection (a) shall include—

(1) a description of the United States response to a modified peace process between the Government of Sudan and the SPLM that would account for the implementation of a peace in all regions of Sudan, in particular Darfur; and

(2) a contingency plan for extraordinary humanitarian assistance should the Government of Sudan continue to obstruct or delay the international humanitarian response to the crisis in Darfur.

(c) FORM OF REPORT.—The report required by subsection (a) may be submitted in classified form.

SEC. 8. TECHNICAL CORRECTION.

Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f–2) is amended by striking ''Organization of African Unity'' and inserting ''African Union''.

SA 3669. Mr. MCCONNELL (for Mr. HOLLINGS (for himself and Mr. MCCAIN)) proposed an amendment to the bill S. 2279, to amend title 46, United States Code, with respect to maritime transportation security, and for other purposes; as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Maritime Transportation Security Act of 2004''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Enforcement; pier and wharf security costs.
Sec. 3. Security at foreign ports.
Sec. 4. Federal and State commercial maritime transportation training.
Sec. 5. Transportation worker background investigation programs.
Sec. 6. Report on cruise ship security.
Sec. 7. Maritime transportation security plan grants.
Sec. 8. Report on design of maritime security grant programs.

SEC. 2. ENFORCEMENT; PIER AND WHARF SECURITY COSTS.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended—

(1) by redesignating the second section 70118 (relating to firearms, arrests, and seizure of property), as added by section 801(a) of the Coast Guard and Maritime Transportation Act of 2004, as section 70119;

(2) by redesignating the first section 70119 (relating to enforcement by State and local officers), as added by section 801(a) of the Coast Guard and Maritime Transportation Act of 2004, as section 70120)

(3) by redesignating the second section 70119 (relating to civil penalty), as redesignated by section 802(a)(1) of the Coast Guard and Maritime Transportation Act of 2004, as section 70123; and

(4) by inserting after section 70120 the following:

''§ 70121. Enforcement by injunction or withholding of clearance

''(a) INJUNCTION.—The United States district courts shall have jurisdiction to restrain violations of this chapter or of regulations issued hereunder, for cause shown.

''(b) WITHHOLDING OF CLEARANCE.—

''(1) If any owner, agent, master, officer, or person in charge of a vessel is liable for a penalty or fine under section 70119, or if reasonable cause exists to believe that the owner, agent, master, officer, or person in charge may be subject to a penalty under section 70119, the Secretary may, with respect to such vessel, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

''(2) Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.

''§ 70122. Security of piers and wharfs

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall require any uncleared, imported merchandise remaining on the wharf or pier onto which it was unladen for more than 7 calendar days, not including any time the imported merchandise was held in federal custody, to be removed from the wharf or pier and deposited in the public stores or a general order ware house, where it shall be inspected for determination of con tents, and thereafter a permit for its delivery may be granted.

''(b) PENALTY.—The Secretary may impose an administrative penalty of $5,000 on the consignee for each bill of lading for general order merchandise remaining on a wharf or pier in violation of subsection (a), except that no penalty shall be imposed if the violation was a result of force majeure.''.

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the items following the item relating to section 70116 and inserting the following:

''70117. In rem liability for civil penalties and certain costs
''70118. Withholding of clearance
''70119. Firearms, arrests, and seizure of property
''70120. Enforcement by State and local officers
''70121. Enforcement by injunction or withholding of clearance
''70122. Security of piers and wharfs
''70123. Civil penalty''.

(2) Section 70117(a) of title 46, United States Code, is amended by striking ''section 70120'' and inserting ''section 70123''.

(3) Section 70118(a) of such title is amended by striking ''under section 70120,'' and inserting ''under that section,''.

SEC. 3. SECURITY AT FOREIGN PORTS.

(a) IN GENERAL.—Section 70109 of title 46, United States Code, is amended—

(1) by striking ''The Secretary,'' in subsection (b) and inserting ''The Administrator of the Maritime Administration,''; and

(2) by adding at the end the following:

''(c) FOREIGN ASSISTANCE PROGRAMS.—The Administrator of the Maritime Administration, in coordination with the Secretary of State, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism measures in foreign countries. The Administrator and the Secretary shall establish a program to utilize those programs that are capable of implementing port security antiterrorism measures at ports in foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures.''.

(b) REPORT ON SECURITY AT PORTS IN THE CARIBBEAN BASIN.—Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives a report on the security of ports in the Caribbean Basin. The report shall include the following:

(1) An assessment of the effectiveness of the measures employed to improve security at ports in the Caribbean Basin and recommendations for any additional measures to improve such security.

(2) An estimate of the number of ports in the Caribbean Basin that will not be secured by July 2004, and an estimate of the financial impact in the United States of any action taken pursuant to section 70110 of title 46, United States Code, that affects trade between such ports and the United States.

(3) An assessment of the additional resources and program changes that are necessary to maximize security at ports in the Caribbean Basin.

SEC. 4. FEDERAL AND STATE COMMERCIAL MARITIME TRANSPORTATION TRAINING.

Section 109 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and (2) by inserting after subsection (b) the following:

''(c) FEDERAL AND STATE COMMERCIAL MARITIME TRANSPORTATION TRAINING.—The Secretary of Transportation shall establish a curriculum, to be incorporated into the curriculum developed under subsection (a)(1), to educate and instruct Federal and State officials on commercial maritime and intermodal transportation. The curriculum shall be designed to familiarize those officials with commercial maritime transportation in order to facilitate performance of their commercial maritime and intermodal transportation security responsibilities. In developing the standards for the curriculum, the Secretary shall consult with each agency in the Department of Homeland Security with maritime security responsibilities to determine areas of educational need. The Secretary shall also coordinate with the Federal Law Enforcement Training Center in the development of the curriculum and the provision of training opportunities for Federal and State law enforcement officials at appropriate law enforcement training facilities.''.

SEC. 5. TRANSPORTATION WORKER BACKGROUND INVESTIGATION PROGRAMS.

Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security, after consultation with the Secretary of Transportation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure—

(1) making recommendations (including legislative recommendations, if appropriate or necessary) for harmonizing, combining, or coordinating requirements, procedures, and programs for conducting background checks under section 70105 of title 46, United States Code, section 5103a(c) of title 49, United States Code, section 44936 of title 49, United States Code, and other provisions of Federal law or regulations requiring background checks for individuals engaged in transportation or transportation-related activities;

(2) setting forth a detailed timeline for implementation of such harmonization, combination, or coordination;

(3) setting forth a plan with a detailed timeline for the implementation of the Transportation Worker Identification Credential in seaports;

(4) making recommendations for a waiver and appeals process for issuing a transportation security card to an individual found otherwise ineligible for such a card under section 70105(c)(2) and (3) of title 46, United States Code, along with recommendations on the appropriate level of funding for such a process; and

(5) making recommendations for how information collected through the Transportation Worker Identification Credential program may be shared with port officials, terminal operators, and other officials responsible for maintaining access control while also protecting workers' privacy.

SEC. 6. REPORT ON CRUISE SHIP SECURITY.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the security of ships and facilities used in the cruise line industry.

(b) CONTENT.—The report required by subsection (a) shall include an assessment of security measures employed by the cruise line industry, including the following:

(1) An assessment of the security of cruise ships that originate at ports in foreign countries.

(2) An assessment of the security of ports utilized for cruise ship docking.

(3) The costs incurred by the cruise line industry to carry out the measures required by the Maritime Transportation Security Act of 2002 (Public Law 107–295; 116 Stat. 2064) and the amendments made by that Act.

(4) The costs of employing canine units and hand-held explosive detection wands at ports, including the costs of screening passengers and baggage with such methods.

(5) An assessment of security measures taken by the Secretary of Homeland Security to increase the security of the cruise line industry and the costs incurred to carry out such security measures.

(6) A description of the need for and the feasibility of deploying explosive detection systems and canine units at ports used by cruise ships and an assessment of the cost of such deployment.

(7) A summary of the fees paid by passengers of cruise ships that are used for inspections and the feasibility of creating a dedicated passenger vessel security fund from such fees.

(8) The recommendations of the Secretary, if any, for measures that should be carried out to improve security of cruise ships that originate at ports in foreign countries.

(9) The recommendations of the Secretary, if any, on the deployment of further measures to improve the security of cruise ships, including explosive detection systems, canine units, and the use of technology to improve baggage screening, and an assessment of the cost of implementing such measures.

SEC. 7. MARITIME TRANSPORTATION SECURITY PLAN GRANTS.

Section 70107(a) of title 46, United States Code, is amended to read as follows:

''(a) IN GENERAL.—The Under Secretary of Homeland Security for Border and Transportation Security shall establish a grant program for making a fair and equitable allocation of funds to implement Area Maritime

Transportation Security Plans and to help fund compliance with Federal security plans among port authorities, facility operators, and State and local agencies required to provide security services. Grants shall be made on the basis of threat-based risk assessments subject to review and comment by the appropriate Federal Maritime Security Coordinators and the Maritime Administration. The grant program shall take into account national security priorities, national economic, and strategic defense concerns and shall be coordinated with the Director of the Office of Domestic Preparedness to ensure that the grant process is consistent with other Department of Homeland Security grant programs.''.

SEC. 8. REPORT ON DESIGN OF MARITIME SECURITY GRANT PROGRAMS.

Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the design of maritime security grant programs that includes recommendations on—

(1) whether the grant programs should be discretionary or formula based and why;

(2) requirements for ensuring that Federal funds will not be substituted for grantee funds;

(3) targeting requirements to ensure that funding is directed in a manner that reflects a national, risk-based perspective on priority needs, the fiscal capacity of recipients to fund the improvements without grant funds, and an explicit analysis of the impact of minimum funding to small ports that could affect funding available for the most strategic or economically important ports; and

(4) matching requirements to ensure that Federal funds provide an incentive to grantees for the investment of their own funds in the improvements financed in part by Federal funds.

NOTICES OF HEARINGS/MEETINGS

JOINT ECONOMIC COMMITTEE

Mr. BENNETT. Mr. President, I announce that the Joint Economic Committee will conduct a hearing in Room 628 of the Dirksen Senate Office Building, Wednesday, September 22, 2004, from 10 a.m. to 12:30 p.m.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, September 21, 2004, at 9:30 a.m. on Oceans Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, September 21, 2004, at 2:30 p.m., on S. 1963—Wireless 411 Privacy Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 21, at 10 a.m. to consider the nominations of Karen Alderman Harbert, to be an Assistant Secretary of Energy for International Affairs and Domestic Policy and John Spitaleri Shaw, to be an Assistant Secretary of Energy for Environment, Safety and Health.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, September 21, 2004, at 10 a.m., to hear testimony on ''Indian Jails: A Clarion Call for Reform.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, September 21, 2004 at 10 a.m., and Wednesday, September 22, 2004 at 10 a.m. to hold a business meeting to consider pending Committee business (agenda attached).

AGENDA

Legislation

1. National Intelligence Reform Act of 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to continue its markup on Tuesday, September 21, 2004, at 10 a.m. in Dirksen Senate Office Building room 226. The tentative agenda is attached.

I. Nominations: Claude A. Allen to be U.S. Circuit Judge for the Fourth Circuit; David E. Nahmias to be United States Attorney for the Northern District of Georgia; Ricardo H. Hinojosa to be Chair of the United States Sentencing Commission; Michael O'Neill to be a Member of the United States Sentencing Commission; Ruben Castillo to be a Member of the United States Sentencing Commission; William Sanchez to be Special Counsel for Immigration-Related Unfair Employment Practice; Richard B. Roper III to be United States Attorney for the Northern District of Texas for the term of four years; and Lisa Wood to be United States Attorney for the Southern District of Georgia for the term of four years.

II. Legislation: S. 1634, L–1 Visa (Intercompany Transferee) Reform Act of 2003, Chambliss; S. 1700, Advancing Justice through DNA Technology Act of 2003, Hatch, Biden, Specter, Leahy, DeWine, Feinstein, Kennedy, Schumer, Durbin, Kohl, Edwards; S. 2396, Federal Courts Improvement Act of 2004, Hatch, Leahy, Chambliss, Durbin, Schumer; H.R. 1417, To amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges Act of 2003, Smith of Texas, Berman, Conyers; S. 2204, A bill to provide criminal penalties for false information and hoaxes relating to terrorism Act of 2004, Hatch, Schumer, Cornyn, Feinstein, DeWine; S. 1860, A bill to reauthorize the Office of Drug Control Policy Act of 2003, Hatch, Biden, Grassley; S. 2195, A bill to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors Act of 2004, Biden, Hatch, Grassley, Feinstein; S.J. Res. 23, A joint resolution proposing an amendment to the Constitution of the United States providing for the event that one-fourth of the members of either the House of Representatives or the Senate are killed or incapacitated Act of 2003, Cornyn, Chambliss; S. 2742, A bill to extend certain authority of the Supreme Court Police, modify the venue of prosecutions relating to the Supreme Court building and grounds, and authorize the acceptance of gifts to the United States Supreme Court Act of 2004, Hatch, Leahy; and S. 2373, A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names, Domenici, Graham, Kyl, Sessions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, September 21, 2004, for a joint hearing with the House of Representatives' Committee on Veterans' Affairs, to hear the legislative presentation of The American Legion. The hearing will take place in room 345 of the Cannon House Office Building at 10 a.m.

THE PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 21, 2004 at 10:00 a.m. to hold a closed business meeting.

THE PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 21, 2004 at 2:30 p.m. to hold a closed business meeting.

THE PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION AND BORDER SECURITY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration and Border Security be authorized to meet to conduct a hearing on ''Refugees: Seeking Solutions to a Global Concern'' on Tuesday, September 21, 2004, at 2:30 p.m. in SD226.

Agenda:

Panel I: Gene Dewey, Assistant Secretary, Bureau of Population, Refugees, and Migration, Department of State, Washington, D.C.; Eduardo Aguirre, Director, U.S. Citizenship and Immigration Services, Department of Homeland Security, Washington, D.C.

Panel II: Charles H. Kuck, Managing Partner, Immigration Group, Weathersby, Howard & Kuck, LLC, Atlanta, GA; Mark Franken, Chair, Refugee Counsel, USA, Washington, D.C.; Lavinia Limon, Executive Director, United States Committee for Refugees, Washington, D.C.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 21 at 2:30 pm.

The purpose of the hearing is to receive testimony on the following bills: S. 784 and H.R. 1630, to Revise the Boundary of Petrified Forest National Park in the State of Arizona, and for other purposes; S. 2656, to establish a National Commission on the Quincentennial of the Discovery of Florida by Ponce De Leon; S. 2499, to modify the boundary of the Harry S Truman National Historic Site in the State of Missouri, and for other purposes; S. 1311, to establish the Hudson-Fulton-Champlain 400th Commemoration Commission, and for other purposes; and H.R. 2055, to amend P.L. 89–366 to allow for an Adjustment in the Number of Free Roaming Horses Permitted in Cape Lookout National Seashore.

THE PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Stephen Kosack, a fellow in my office, be granted the privileges of the floor during the remainder of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Katie Callahan of my staff be granted the privileges of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARITIME TRANSPORTATION SECURITY ACT OF 2004

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 530, S. 2279.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2279) to amend title 46, United States Code, with respect to maritime transportation security, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 2279

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 ''Maritime Transportation Security Act of 2004''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

[Sec. 1. Short title; table of contents
[Sec. 2. In rem liability; enforcement; pier and wharf security costs.
[Sec. 3. Maritime information.
[Sec. 4. Intermodal cargo security plan.
[Sec. 5. Joint operations center for port security.
[Sec. 6. Maritime transportation security plan grants.
[Sec. 7. Assistance for foreign ports.
[Sec. 8. Federal and State commercial maritime transportation training.
[Sec. 9. Port security research and development.
[Sec. 10. Nuclear facilities in maritime areas.
[Sec. 11. Transportation worker background investigation programs.
[Sec. 12. Security service fee.
[Sec. 13. Port security capital fund.

[SEC. 2. IN REM LIABILITY; ENFORCEMENT; PIER AND WHARF SECURITY COSTS.

[(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended—

[(1) by redesignating section 70117 as 70120; and

[(2) by inserting after section 70116 the following:

[''§ 70117. In rem liability for civil penalties and certain costs

[''(a) IN GENERAL.—Any vessel subject to the provisions of this chapter, which is used in violation of this chapter or any regulations issued hereunder shall be liable in rem for any civil penalty assessed pursuant to section 70120 and may be proceeded against in the United States district court for any district in which such vessel may be found.

[''(b) REIMBURSABLE COSTS.—

[''(1) IN GENERAL.—Any vessel subject to the provisions of this chapter shall be liable in rem for the reimbursable costs incurred by any valid claimant related to implementation and enforcement of this chapter with respect to the vessel, including port authorities, facility or terminal operators, shipping agents, Federal, State, or local government agencies, and other persons to whom the management of the vessel at the port of supply is entrusted, and any fine or penalty relating to reporting requirements of the vessel or its cargo, crew, or passengers, and may be proceeded against in the United States district court for any district in which such vessel may be found.

[''(2) REIMBURSABLE COSTS DEFINED.—In this subsection the term 'reimbursable costs' means costs incurred by any service provider, including port authorities, facility or terminal operators, shipping agents, Federal, State, or local government agencies, or other person to whom the management of the vessel at the port of supply is entrusted, for—

[''(A) vessel crew on board, or in transit to or from, the vessel under lawful order, including accommodation, detention, transportation, and medical expenses; and

[''(B) required handling under lawful order of cargo or other items on board the vessel.

[''§ 70118. Enforcement by injunction or withholding of clearance

[''(a) INJUNCTION.—The United States district courts shall have jurisdiction to restrain violations of this chapter or of regulations issued hereunder, for cause shown.

[''(b) WITHHOLDING OF CLEARANCE.—

[''(1) If any owner, agent, master, officer, or person in charge of a vessel is liable for a penalty or fine under section 70120, or if reasonable cause exists to believe that the owner, agent, master, officer, or person in charge may be subject to a penalty under section 70120, the Secretary may, with respect to such vessel, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

[''(2) Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.

[''§ 70119. Security of piers and wharfs

[''(a) IN GENERAL.—Notwithstanding any provision of law, the Secretary shall require any uncleared, imported merchandise remaining on the wharf or pier onto which it was unladen for more than 5 calendar days to be removed from the wharf or pier and deposited in the public stores or a general order warehouse, where it shall be inspected for determination of contents, and thereafter a permit for its delivery may be granted.

[''(b) PENALTY.—The Secretary may impose an administrative penalty of $5,000 for each bill of lading for general order merchandise remaining on a wharf or pier in violation of subsection (a).''.

[(b) CONFORMING AMENDMENT FOR IN REM LIABILITY PROVISION IN CHAPTER 701.—Section 2 of the Act of June 15, 1917 (50 U.S.C. 192) is amended—

[(1) by striking ''Act,'' each place it appears and inserting ''title,''; and

[(2) by adding at the end the following:

[''(d) IN REM LIABILITY.—Any vessel subject to the provisions of this title, which is used in violation of this title, or any regulations issued hereunder, shall be liable in rem for any civil penalty assessed pursuant to subsection (c) and may be proceeded against in the United States district court for any district in which such vessel may be found.

[''(e) INJUNCTION.—The United States district courts shall have jurisdiction to restrain violations of this title or of regulations issued hereunder, for cause shown.

[''(f) WITHHOLDING OF CLEARANCE.—

[''(1) If any owner, agent, master, officer, or person in charge of a vessel is liable for a penalty or fine under subsection (c), or if reasonable cause exists to believe that the owner, agent, master, officer, or person in charge may be subject to a penalty or fine under subsection (c), the Secretary may, with respect to such vessel, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

[''(2) Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary of the Department in which the Coast Guard is operating.''.

[(c) EMPTY CONTAINERS.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall review United States ports and transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the practices and policies in place to secure shipment of empty containers. The Secretary shall include in the report recommendations with respect to whether additional regulations or legislation is necessary to ensure the safe and secure delivery of cargo and to prevent potential acts of terrorism involving such containers.

[(d) CLERICAL AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the last item and inserting the following:

[''70117. In rem liability for civil penalties and certain costs

[''70118. Enforcement by injunction or withholding of clearance

[''70119. Security of piers and wharfs

[''70120. Civil penalty''.

[SEC. 3. MARITIME INFORMATION.

[Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that provides a preliminary plan for the implementation of section 70113 of title 46, United States Code. The plan shall—

[(1) provide the identification of Federal agencies with maritime information relating to vessels, crew, passengers, cargo, and cargo shippers;

[(2) establish a timeline for coordinating the efforts of those Federal agencies in the collection of maritime information;

[(3) establish a timeline for the incorporation of information on vessel movements derived through the implementation of sections 70114 and 70115 of title 46, United States Code;

[(4) include recommendations on co-locating agency personnel in order to maximize expertise, minimize cost, and avoid redundancy;

[(5) include recommendations on how to leverage information on commercial maritime information collected by the Department of the Navy, and identify any legal impediments that would prevent or reduce the utilization of such information outside the Department of the Navy;

[(6) include recommendations on educating Federal officials on commercial maritime operations in order to facilitate the identification of security risks posed through commercial maritime transportation operations;

[(7) include recommendations on how private sector resources could be utilized to collect or analyze information, along with a preliminary assessment of the availability and expertise of private sector resources;

[(8) include recommendations on how to disseminate information collected and analyzed through Federal maritime security coordinator while considering the need for nondisclosure of sensitive security information and the maximizing of security through the utilization of State, local, and private security personnel; and

[(9) include recommendations on how the Department could help support a maritime information sharing and analysis center for the purpose of collecting information from public and private entities, along with recommendations on the appropriate levels of funding to help disseminate maritime security information to the private sector.

[SEC. 4. INTERMODAL CARGO SECURITY PLAN.

[(a) IN GENERAL.—In addition to the plan submitted under section 3, within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing the following:

[(1) SECURE SYSTEMS OF TRANSPORTATION (46 U.S.C. 70116).—A plan, along with timelines, for the implementation of section 70116 of title 46, United States Code. The plan shall—

[(A) provide an update on current efforts by the Department of Homeland Security could be incorporated into the certification process outlined in section 70116 to ensure the physical screening or inspection of imported cargo;

[(B) provide a preliminary assessment of resources necessary to evaluate and certify ''Secure Systems of Transportation'', and the resources necessary to validate that ''Secure Systems of Transportation'' are operating in compliance with the certification requirements; and

[(C) contain an analysis of the feasibility of establishing a user fee in order to be able to evaluate, certify, and validate ''Secure Systems of Transportation''.

[(2) RADIATION DETECTORS.—A report on progress in the installation of a system of radiation detection at all major United States seaports, along with a timeline and expected completion date for the system. In the report, the Secretary shall include a preliminary analysis of any issues related to the installation of the radiation detection equipment, as well as a cost estimate for completing installation of the system.

[(3) NON-INTRUSIVE INSPECTION AT FOREIGN PORTS.—A report—

[(A) on whether and to what extent foreign seaports have been willing to utilize screening equipment at their ports to screen cargo, including the number of cargo containers that have been screened at foreign seaports, and the ports where they were screened;

[(B) indicating which foreign ports may be willing to utilize their screening equipment for cargo exported for import into the United States, and a recommendation as to whether, and to what extent, United States cargo screening equipment will be required to be purchased and stationed at foreign seaports for inspection; and

[(C) indicating to what extent additional resources and program changes will be necessary to maximize scrutiny of cargo in foreign seaports.

[(4) COMPLIANCE WITH SECURITY STANDARD PROGRAMS.—A plan to establish, validate, and ensure compliance with security standards that would require ports, terminals, vessel operators, and shippers to adhere to security standards established by or consistent with the National Transportation System Security Plan. The plan shall indicate what resources will be utilized, and how they would be utilized, to ensure that companies operate in compliance with security standards.

[(b) EVALUATION OF CARGO INSPECTION TARGETING SYSTEM FOR INTERNATIONAL INTERMODAL CARGO CONTAINERS.—

[(1) IN GENERAL.—Within 6 months after the date of enactment of this Act, and annually thereafter, the Inspector General of the Department of Homeland Security shall evaluate the system used by the Department to target international intermodal containers for inspection and report the results of the evaluation to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. In conducting the evaluation, the Inspector General shall assess—

[(A) the effectiveness of the current tracking system to determine whether it is adequate to prevent international intermodal containers from being used for purposes of terrorism;

[(B) the sources of information used by the system to determine whether targeting information is collected from the best and most credible sources and evaluate data sources to determine information gaps and weaknesses;

[(C) the targeting system for reporting and analyzing inspection statistics, as well as testing effectiveness;

[(D) the competence and training of employees operating the system to determine whether they are sufficiently capable to detect potential terrorist threats; and

[(E) whether the system is an effective system to detect potential acts of terrorism and whether additional steps need to be taken in order to remedy deficiencies in targeting international intermodal containers for inspection.

[(2) INCREASE IN INSPECTIONS.—If the Inspector General determines in any of the reports required by paragraph (1) that the targeting system is insufficiently effective as a means of detecting potential acts of terrorism utilizing international intermodal containers, then within 12 months after that report, the Secretary of Homeland Security shall double the number of containers subjected to intrusive or non-intrusive inspection at United States ports or to be shipped to the United States at foreign seaports.

[(c) REPORT AND PLAN FORMATS.—The Secretary and the Inspector General may submit any plan or report required by this section in both classified and redacted formats if the Secretary determines that it is appropriate or necessary.

[SEC. 5. JOINT OPERATIONS CENTER FOR PORT SECURITY.

[The Commandant of the United States Coast Guard shall report to Congress, within 180 days after the date of enactment of this Act, on the potential benefits of establishing joint operational centers for port security at certain United States seaports. The report shall consider the 3 Joint Operational Centers that have been established at Norfolk, Charleston, San Diego, and elsewhere and compare and contrast their composition and operational characteristics. The report shall consider—

[(1) whether it would be beneficial to establish linkages to Federal maritime information systems established pursuant to section 70113 of title 46, United States Code;

[(2) whether the operational centers could be beneficially utilized to track vessel movements under sections 70114 and 70115 of title 46, United States Code;

[(3) whether the operational centers could be beneficial in the facilitation of intermodal cargo security programs such as the ''Secure Systems of Transportation Program'';

[(4) the extent to which such operational centers could be beneficial in the operation of maritime area security plans and maritime area contingency response plans and in coordinating the port security activities of Federal, State, and local officials; and

[(5) include recommendations for the number of centers and their possible location, as well as preliminary cost estimates for the operation of the centers.

[SEC. 6. MARITIME TRANSPORTATION SECURITY PLAN GRANTS.

[Section 70107(a) of title 46, United States Code, is amended to read as follows:

[''(a) IN GENERAL.—The Under Secretary of Homeland Security for Border and Transportation Security shall establish a grant program for making a fair and equitable allocation of funds to implement Area Maritime Transportation Security Plans and to help fund compliance with Federal security plans among port authorities, facility operators, and State and local agencies required to provide security services. Grants shall be made on the basis of the need to address vulnerabilities in security subject to review and comment by the appropriate Federal Maritime Security Coordinators and the Maritime Administration. The grant program shall take into account national economic and strategic defense concerns and shall be coordinated with the Director of the Office of Domestic Preparedness to ensure that the grant process is consistent with other Department of Homeland Security grant programs.''.

[SEC. 7. ASSISTANCE FOR FOREIGN PORTS.

[Section 70109 of title 46, United States Code, is amended—

[(1) by striking ''The Secretary'' in subsection (b) and inserting ''The Administrator of the Maritime Administration''; and

[(2) by adding at the end the following:

[''(c) FOREIGN ASSISTANCE PROGRAMS.—The Administrator of the Maritime Administration, in coordination with the Secretary of State, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism measures in foreign countries. The Administrator and the Secretary shall establish a program to utilize those programs that are capable of implementing port security antiterrorism measures at ports in foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures.''.

[SEC. 8. FEDERAL AND STATE COMMERCIAL MARITIME TRANSPORTATION TRAINING.

[Section 109 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note) is amended—

[(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

[(2) by inserting after subsection (b) the following:

[''(c) FEDERAL AND STATE COMMERCIAL MARITIME TRANSPORTATION TRAINING.—The Secretary of Transportation shall establish a curriculum, to be incorporated into the curriculum developed under subsection (a)(1), to educate and instruct Federal and State officials on commercial maritime and intermodal transportation. The curriculum shall be designed to familiarize those officials with commercial maritime transportation in order to facilitate performance of their commercial maritime and intermodal transportation security responsibilities. In developing the standards for the curriculum, the Secretary shall consult with each agency in the Department of Homeland Security with maritime security responsibilities to determine areas of educational need. The Secretary shall also coordinate with the Federal Law Enforcement Training Center in the development of the curriculum and the provision of training opportunities for Federal and State law enforcement officials at appropriate law enforcement training facilities.

[SEC. 9. RESEARCH AND DEVELOPMENT.

[(a) IN GENERAL.—Section 70107 of title 46, United States Code, is amended by striking subsection (i) and inserting the following:

[''(i) RESEARCH AND DEVELOPMENT.—

[''(1) IN GENERAL.—As part of the research and development program within the Science and Technology directorate, the Secretary of Homeland Security shall conduct investigations, fund pilot programs, award grants, and otherwise conduct research and development across the various portfolios focused on making United States ports safer and more secure. Research conducted under this subsection may include—

[''(A) methods or programs to increase the ability to target for inspection vessels, cargo, crewmembers, or passengers that will arrive or have arrived at any port or place in the United States;

[''(B) equipment to detect accurately explosives, chemical, or biological agents that could be used to commit terrorist acts against the United States;

[''(C) equipment to detect accurately nuclear or radiological materials, including scintillation-based detection equipment capable of signalling the presence of nuclear or radiological materials;

[''(D) improved tags and seal designed for use on shipping containers to track the transportation of the merchandise in such containers, including 'smart sensors' that are able to track a container throughout its entire supply chain, detect hazardous and radioactive materials within that container, and transmit that information to the appropriate law enforcement authorities;

[''(E) tools, including the use of satellite tracking systems, to increase the awareness of maritime areas and to identify potential terrorist threats that could have an impact on facilities, vessels, and infrastructure on or adjacent to navigable waterways, including underwater access;

[''(F) tools to mitigate the consequences of a terrorist act on, adjacent to, or under navigable waters of the United States, including sensor equipment, and other tools to help coordinate effective response to a terrorist action; and

[''(G) applications to apply existing technologies from other areas or industries to increase overall port security.

[''(2) IMPLEMENTATION OF TECHNOLOGY.—

[''(A) IN GENERAL.—In conjunction with ongoing efforts to improve security at United States ports, the Director of the Science and Technology Directorate, in consultation with other Department of Homeland Security agencies with responsibility for port security, may conduct pilot projects at United States ports to test the effectiveness and applicability of new port security projects, including—

[''(i) testing of new detection and screening technologies;

[''(ii) projects to protect United States ports and infrastructure on or adjacent to the navigable waters of the United States, including underwater access; and

[''(iii) tools for responding to a terrorist threat or incident at United States ports and infrastructure on or adjacent to the navigable waters of the United States, including underwater access.

[''(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security $35,000,000 for each of fiscal years 2005 through 2009 to carry out pilot projects under subparagraph (A).

[''(3) ADMINISTRATIVE PROVISIONS.—

[''(A) NO DUPLICATION OF EFFORT.—Before making any grant, the Secretary of Homeland Security shall coordinate with other Federal agencies to ensure the grant will not be used for research and development that is already being conducted with Federal funding.

[''(B) ACCOUNTING.—The Secretary of Homeland Security shall by regulation establish accounting, reporting, and review procedures to ensure that funds made available under paragraph (1) are used for the purpose for which they were made available, that all expenditures are properly accounted for, and that amounts not used for such purposes and amounts not expended are recovered.

[''(C) RECORDKEEPING.—Recipients of grants shall keep all records related to expenditures and obligations of funds provided under paragraph (1) and make them available upon request to the Inspector General of the Department of Homeland Security and the Secretary of Homeland Security for audit and examination.''.

[(b) ANNUAL REPORT.—Within 30 days after the beginning of each fiscal year from fiscal year 2005 through fiscal year 2009, the Director of the Science and Technology Directorate shall submit a report describing its research that can be applied to port security to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, and the House of Representatives Select Committee on Homeland Security. The report shall—

[(1) describe any port security-related research, including grants and pilot projects, that were conducted in the preceding fiscal year;

[(2) describe the amount of Department of Homeland Security resources dedicated to research that can be applied to port security;

[(3) describe the steps taken to coordinate with other agencies within the Department to ensure that research efforts are coordinated with port security efforts;

[(4) describe how the results of the Department's research, as well as port security related research of the Department of Defense, will be implemented in the field, including predicted timetables;

[(5) lay out the plans for research in the current fiscal year; and

[(6) include a description of the funding levels for the research in the preceding, current, and next fiscal years.

[SEC. 10. NUCLEAR FACILITIES IN MARITIME AREAS.

[(a) WATERWAYS.—Section 70103(b) is amended by adding at the end thereof the following:

[''(5) WATERWAYS LOCATED NEAR NUCLEAR FACILITIES.—

[''(A) IDENTIFICATION AND SECURITY EVALUATION.—The Secretary shall—

[''(i) identify all nuclear facilities on, adjacent to, or in close proximity to navigable waterways that might be damaged by a transportation security incident;

[''(ii) in coordination with the Secretary of Energy, evaluate the security plans of each such nuclear facility for its adequacy to protect the facility from damage or disruption from a transportation security incident originating in the navigable waterway, including threats posed by navigation, underwater access, and the introduction of harmful substances into water coolant systems.

[''(B) RECTIFICATION OF DEFICIENCIES.—The Secretary, in coordination with the Secretary of Energy, shall take such steps as may be necessary or appropriate to correct any deficiencies in security identified in the evaluations conducted under subparagraph (A).

[''(C) REPORT.—As soon as practicable after completion of the evaluation under subparagraph (A), the Secretary shall transmit a report, in both classified and redacted format, to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Select Committee on Homeland Security—

[''(i) describing the results of the identification and evaluation required by subparagraph (A);

[''(ii) describing the actions taken under subparagraph (B); and

[''(iii) evaluating the technology utilized in the protection of nuclear facilities (including any such technology under development).''.

[(b) VESSELS.—Section 70103(c)(3) of title 46, United States Code, is amended—

[(1) by striking ''and'' after the semicolon in subparagraph (F);

[(2) by striking ''facility.'' in subparagraph (G) and inserting ''facility; and''; and

[(3) by adding at the end the following:

[''(H) establish a requirement, coordinated with the Department of Energy, for criminal background checks of all United States and foreign seamen employed on vessels transporting nuclear materials in the navigable waters of the United States.''.

[SEC. 11. TRANSPORTATION WORKER BACKGROUND INVESTIGATION PROGRAMS.

[Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security, after consultation with the Secretary of Transportation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure—

[(1) making recommendations (including legislative recommendations, if appropriate or necessary) for harmonizing, combining, or coordinating requirements, procedures, and programs for conducting background checks under section 70105 of title 46, United States Code, section 5103a(c) of title 49, United States Code, section 44936 of title 49, United States Code, and other provisions of Federal law or regulations requiring background checks for individuals engaged in transportation or transportation-related activities; and

[(2) setting forth a detailed timeline for implementation of such harmonization, combination, or coordination.

[SEC. 12. SECURITY SERVICE FEE.

[(a) IN GENERAL.—Chapter 701 of title 46, United States Code, as amended by section 2, is further amended by adding at the end the following:

"§ 70121. Security service fee

[''(a) IN GENERAL.—

[''(1) SECURITY FEE.—Within 90 days after the date of enactment of the Maritime Transportation Security Act of 2004, the Secretary of Homeland Security shall assess and collect an international port security service fee on commercial maritime transportation entities that benefit from a secure system of international maritime transportation to pay for the costs of providing port security services. The amount of the fees assessed and collected under this paragraph and paragraph (2) shall, in the aggregate, be sufficient to provide the services and levels of funding described in section 70122(c).

[''(2) INTERNATIONAL TRANSSHIPMENT SECURITY FEE.—The Secretary shall also assess and collect an international maritime transshipment security user fee for providing security services for shipments of cargo and transportation of passengers entering the United States as part of an international transportation movement by water through Canadian or Mexican ports at the same rates as the fee imposed under paragraph (1). The fee authorized by this paragraph shall not be assessed or collected on transshipments from—

[(A) Canada after the date on which the Secretary determines that an agreement between the United States and Canada, or

[(B) Mexico after the date on which the Secretary determines that an agreement between the United States and Mexico,

has entered into force that will provide equivalent security regimes and international maritime security user fees of the United States and that country for transshipments between the countries.

[''(b) SCHEDULE OF FEES.—In imposing fees under subsection (a), the Secretary shall ensure that the fees are reasonably related to the costs of providing services rendered and the value of the benefit derived from the continuation of secure international maritime transportation.

[''(c) IMPOSITION OF FEE.—

[''(1) IN GENERAL.—Notwithstanding section 9701 of title 31 and the procedural requirements of section 553 of title 5, the Secretary shall impose the fees under subsection (a) through the publication of notice in the Federal Register and begin collection of the fee within 60 days of the date of enactment of the Maritime Transportation Security Act of 2004, or as soon as possible thereafter. No fee shall be assessed more than once, and no fee shall be assessed for international ferry voyages.

[''(2) MEANS OF COLLECTION.—The Secretary shall prescribe procedures to collect fees under this section. The Secretary may use a department, agency, or instrumentality of the United States Government or of a State or local government to collect the fee and may reimburse the department, agency, or instrumentality a reasonable amount for its services.

[''(3) SUBSEQUENT MODIFICATION OF FEE.—After imposing a fee under subsection (a), the Secretary may modify, from time to time through publication of notice in the Federal Register, the imposition or collection of such fee, or both. The Secretary shall evaluate the fee annually to determine whether it is necessary and appropriate to pay the cost of activities and services, and shall adjust the amount of the fee accordingly.

[''(4) LIMITATION ON COLLECTION.—No fee may be collected under this section except to the extent that the expenditure of the fee to pay the costs of activities and services for which the fee is imposed is provided for in advance in an appropriations Act.

[''(d) ADMINISTRATION OF FEES.—

[''(1) FEES PAYABLE TO SECRETARY.—All fees imposed and amounts collected under this section are payable to the Secretary.

[''(2) INFORMATION.—The Secretary may require the provision of such information as the Secretary decides is necessary to verify that fees have been collected and remitted at the proper times and in the proper amounts.

[''(e) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any fee collected under this section—

[''(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

[''(2) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

[''(3) shall remain available until expended.

[''(f) REFUNDS.—The Secretary may refund any fee paid by mistake or any amount paid in excess of that required.

[''(g) SUNSET.—The fees authorized by subsection (a) may not be assessed after September 31, 2009.''.

[(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, as amended by section 2, is amended by adding at the end the following:

[''70121. Security service fee.''.

[SEC. 13. PORT SECURITY CAPITAL FUND.

[(a) IN GENERAL.—Chapter 701 of title 46, United States Code, as amended by section 11, is further amended by adding at the end the following:

["§ 70122. Port security capital fund.

[''(a) IN GENERAL.—There is established within the Department of Homeland Security a fund to be known as the Port Security Capital Fund. There are appropriated to the Fund such sums as may be derived from the fees authorized by section 70121(a).

[''(b) PURPOSE.—Amounts in the Fund shall be available to the Secretary of Homeland Security—

[''(1) to provide financial assistance to port authorities, facility operators, and State and local agencies required to provide security services to defray capital investment in transportation security at port facilities in accordance with the provisions of this chapter;

[''(2) to provide financial assistance to those entities required to provide security services to help ensure compliance with Federal area maritime security plans; and

[''(3) to help defray the costs of Federal port security programs.

[''(c) ALLOCATION OF FUNDS.—

[''(1) FUNDS DERIVED FROM SECURITY FEES.—From amounts in the Fund attributable to fees collected under section 70121(a)(1) and (2)—

[''(A) no less than $400,000,000 (or such amount as may be appropriate to reflect any modification of the fees under section 70121(c)(3)) shall be made available each fiscal year for grants under section 70107 to help ensure compliance with facility security plans or to help implement Area Maritime Transportation Security Plans;

[''(B) funds shall be made available to the Coast Guard for the costs of implementing sections 70114 and 70115 fully by the end of fiscal year 2006;

[''(C) funds shall be made available to the Coast Guard for the costs of establishing command and control centers at United States ports to help coordinate port security law enforcement activities and implementing Area Maritime Security Plans, and may be transferred, as appropriate, to port authorities, facility operators, and State and local government agencies to help them defray costs associated with port security services;

[''(D) funds shall be made available to the Under Secretary of Homeland Security for Border and Transportation Security for the costs of implementing cargo security programs, including the costs of certifying secure systems of transportation under section 70116;

[''(E) funds shall be made available to the Under Secretary of Homeland Security for Border and Transportation Security for the costs of acquiring and operating nonintrusive screening equipment at United States ports; and

[''(F) funds shall be made available to the Transportation Security Administration for the costs of implementing of section 70113 and the collection of commercial maritime intelligence (including the collection of commercial maritime transportation information from the private sector), of which a portion shall be made available to the Coast Guard and the Customs Service only for the purpose of coordinating the system of collecting and analyzing information on vessels, crew, passengers, cargo, and intermodal shipments.

[''(2) TRANSSHIPMENT FEES.—Amounts in the Fund attributable to fees collected under section 70121(a)(3), shall be made available to the Secretary to defray the costs of providing international maritime transshipment security at the United States borders with Canada and Mexico.

[''(d) UTILIZATION REPORTS.—The Commandant of the Coast Guard and the Secretary of Homeland Security shall report annually to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on utilization of amounts received from the Fund.

[''(e) LETTERS OF INTENT.—The Secretary of Homeland Security, or his delegate, may execute letters of intent to commit funding to port sponsors from the Fund.''.

[(f) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, as amended by section 11, is amended by adding at the end the following:

[''70122. Port security capital fund.''.]

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Maritime Transportation Security Act of 2004''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents
Sec. 2. In rem liability; enforcement; pier and wharf security costs.
Sec. 3. Maritime information.
Sec. 4. Intermodal cargo security plan.
Sec. 5. Joint operations center for port security.
Sec. 6. Maritime transportation security plan grants.
Sec. 7. Assistance for foreign ports.
Sec. 8. Federal and State commercial maritime transportation training.
Sec. 9. Port security research and development.
Sec. 10. Nuclear facilities in maritime areas.
Sec. 11. Transportation worker background investigation programs.
Sec. 12. Report on cruise ship security.
Sec. 13. Report on design of maritime security grant programs.

SEC. 2. IN REM LIABILITY; ENFORCEMENT; PIER AND WHARF SECURITY COSTS.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended—

(1) by redesignating section 70117 as 70120; and

(2) by inserting after section 70116 the following:

''§ 70117. In rem liability for civil penalties and certain costs

''(a) IN GENERAL.—Any vessel subject to the provisions of this chapter, which is used in violation of this chapter or any regulations issued hereunder shall be liable in rem for any civil penalty assessed pursuant to section 70120 and may be proceeded against in the United States district court for any district in which such vessel may be found.

''(b) REIMBURSABLE COSTS.—

''(1) IN GENERAL.—Any vessel subject to the provisions of this chapter shall be liable in rem for the reimbursable costs incurred by any valid claimant related to implementation and enforcement of this chapter with respect to the vessel, including port authorities, facility or terminal operators, shipping agents, Federal, State, or local government agencies, and other persons to whom the management of the vessel at the port of supply is entrusted, and any fine or penalty relating to reporting requirements of the vessel or its cargo, crew, or passengers, and may be proceeded against in the United States district court for any district in which such vessel may be found.

''(2) REIMBURSABLE COSTS DEFINED.—In this subsection the term 'reimbursable costs' means costs incurred by any service provider, including port authorities, facility or terminal operators, shipping agents, Federal, State, or local government agencies, or other person to whom the management of the vessel at the port of supply is entrusted, for—

''(A) vessel crew on board, or in transit to or from, the vessel under lawful order, including accommodation, detention, transportation, and medical expenses; and

''(B) required handling under lawful order of cargo or other items on board the vessel.

''§ 70118. Enforcement by injunction or withholding of clearance

''(a) INJUNCTION.—The United States district courts shall have jurisdiction to restrain violations of this chapter or of regulations issued hereunder, for cause shown.

''(b) WITHHOLDING OF CLEARANCE.—

''(1) If any owner, agent, master, officer, or person in charge of a vessel is liable for a penalty or fine under section 70120, or if reasonable cause exists to believe that the owner, agent, master, officer, or person in charge may be subject to a penalty under section 70120, the Secretary may, with respect to such vessel, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

''(2) Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.

''§ 70119. Security of piers and wharfs

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall require any uncleared, imported merchandise remaining on the wharf or pier onto which it was unladen for more than 5 calendar days to be removed from the wharf or pier and deposited in the public stores or a general order warehouse, where it shall be inspected for determination of contents, and thereafter a permit for its delivery may be granted.

''(b) PENALTY.—The Secretary may impose an administrative penalty of $5,000 for each bill of lading for general order merchandise remaining on a wharf or pier in violation of subsection (a).''.

(b) CONFORMING AMENDMENT FOR IN REM LIABILITY PROVISION IN CHAPTER 701.—Section 2 of the Act of June 15, 1917 (50 U.S.C. 192) is amended—

(1) by striking ''Act,'' each place it appears in subsection (c) and inserting ''title,''; and

(2) by adding at the end the following:

''(d) IN REM LIABILITY.—Any vessel subject to the provisions of this title that is used in violation of this title, or any regulations issued hereunder, shall be liable in rem for any civil penalty assessed pursuant to subsection (c) and may be proceeded against in the United States district court for any district in which such vessel may be found.

''(e) INJUNCTION.—The United States district courts shall have jurisdiction to restrain violations of this title or of regulations issued hereunder, for cause shown.

''(f) WITHHOLDING OF CLEARANCE.—

''(1) If any owner, agent, master, officer, or person in charge of a vessel is liable for a penalty or fine under subsection (c), or if reasonable cause exists to believe that the owner, agent, master, officer, or person in charge may be subject to a penalty or fine under subsection (c), the Secretary may, with respect to such vessel, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

''(2) Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary of the Department in which the Coast Guard is operating.''.

(c) EMPTY CONTAINERS.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall review United States ports and transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the practices and policies in place to secure shipment of empty containers. The Secretary shall include in the report recommendations with respect to whether additional regulations or legislation is necessary to ensure the safe and secure delivery of cargo and to prevent potential acts of terrorism involving such containers.

(d) CLERICAL AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the last item and inserting the following:

''70117. In rem liability for civil penalties and certain costs
''70118. Enforcement by injunction or withholding of clearance
''70119. Security of piers and wharfs
''70120. Civil penalty''.

SEC. 3. MARITIME INFORMATION.

Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that provides a preliminary plan for the implementation of section 70113 of title 46, United States Code. The plan shall—

(1) identify Federal agencies with maritime information relating to vessels, crew, passengers, cargo, and cargo shippers, those agencies' maritime information collection and analysis activities, and the resources devoted to those activities;

(2) establish a lead agency within the Department of Homeland Security to coordinate the efforts of other Department agencies in the collection of maritime information and to identify and avoid unwanted redundancy in those efforts;

(3) establish a timeline for coordinating the efforts of those Federal agencies in the collection of maritime information;

(4) include recommendations on co-locating agency personnel in order to maximize expertise, minimize costs, and avoid redundancy in both the collection and analysis of maritime information;

(5) establish a timeline for the incorporation of information on vessel movements derived through the implementation of sections 70114 and 70115 of title 46, United States Code;

(6) include recommendations on how to leverage information on commercial maritime information collected by the Department of the Navy, and identify any legal impediments that would prevent or reduce the utilization of such information outside the Department of the Navy;

(7) include recommendations on educating Federal officials on commercial maritime operations in order to facilitate the identification of security risks posed through commercial maritime transportation operations;

(8) include recommendations on how private sector resources could be utilized to collect or analyze information, along with a preliminary assessment of the availability and expertise of private sector resources;

(9) include recommendations on how to disseminate information collected and analyzed through Federal maritime security coordinator while considering the need for nondisclosure of sensitive security information and the maximizing of security through the utilization of State, local, and private security personnel; and

(10) include recommendations on the need for and how the Department could help support a maritime information sharing and analysis center for the purpose of collecting and disseminating real-time or near real-time information to and from public and private entities, along with recommendations on the appropriate levels of funding to help disseminate maritime security information to the private sector.

SEC. 4. INTERMODAL CARGO SECURITY PLAN.

(a) IN GENERAL.—In addition to the plan submitted under section 3, within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing the following:

(1) SECURE SYSTEMS OF TRANSPORTATION.—A plan, along with timelines, for the implementation of section 70116 of title 46, United States Code. The plan shall—

(A) provide an update on current efforts by the Department of Homeland Security to ensure the physical screening or inspection of imported cargo;

(B) provide a preliminary assessment of resources necessary to evaluate and certify secure systems of transportation, and the resources necessary to validate that the secure systems of transportation are operating in compliance with the certification requirements;

(C) contain an analysis of the feasibility of establishing a user fee in order to be able to evaluate, certify, and validate secure systems of transportation;

(D) contain an analysis of the need and feasibility of establishing a system to inspect, monitor, and track intermodal shipping containers within the United States; and

(E) contain an analysis of the need and feasibility for developing international standards for secure systems of transportation, including recommendations, that includes an examination of working with appropriate international organizations to develop standards to enhance the physical security of shipping containers consistent with the provisions of section 70116 of title 46, United States Code.

(2) RADIATION DETECTORS.—A report on progress in the installation of a system of radiation detection at all major United States seaports, along with a timeline and expected completion date for the system. In the report, the Secretary shall include a preliminary analysis of any issues related to the installation or efficacy of the radiation detection equipment, as well as a cost estimate for completing installation of the system.

(3) NON-INTRUSIVE INSPECTION AT FOREIGN PORTS.—A report—

(A) on whether and to what extent foreign seaports have been willing to utilize screening equipment at their ports to screen cargo, including the number of cargo containers that have been screened at foreign seaports, and the ports where they were screened;

(B) indicating which foreign ports may be willing to utilize their screening equipment for cargo exported for import into the United States, and a recommendation as to whether, and to what extent, United States cargo screening equipment will be required to be purchased and stationed at foreign seaports for inspection; and

(C) indicating ways to increase the effectiveness of the targeting and screening activities of United States Customs Service inspectors who are stationed outside the United States and to what extent additional resources and program changes will be necessary to maximize scrutiny of cargo in foreign seaports that is destined for the United States.

(4) COMPLIANCE WITH SECURITY STANDARD PROGRAMS.—A plan to establish, validate, and ensure compliance with security standards that would require ports, terminals, vessel operators, and shippers to adhere to security standards established by or consistent with the National Transportation System Security Plan. The plan shall indicate what resources will be utilized, and how they would be utilized, to ensure that companies operate in compliance with security standards.

(b) INSPECTOR GENERAL IMPLEMENTATION REPORT.—One year after the date on which the plan described in subsection (a)(1) is submitted to the Committees, the Inspector General of the Department of Homeland Security shall transmit a report to those Committees evaluating the progress made by the Department in implementing the plan.

(c) EVALUATION OF CARGO INSPECTION TARGETING SYSTEM FOR INTERNATIONAL INTERMODAL CARGO CONTAINERS.—

(1) IN GENERAL.—Within 6 months after the date of enactment of this Act, and annually thereafter, the Inspector General of the Department of Homeland Security shall evaluate the system used by the Department to target international intermodal containers for inspection and report the results of the evaluation to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. In conducting the evaluation, the Inspector General shall assess—

(A) the effectiveness of the current tracking system to determine whether it is adequate to prevent international intermodal containers from being used for purposes of terrorism;

(B) the sources of information, and the quality of the information at the time of reporting, used by the system to determine whether targeting information is collected from the best and most credible sources and evaluate data sources to determine information gaps and weaknesses;

(C) the targeting system for reporting and analyzing inspection statistics, as well as testing effectiveness;

(D) the competence and training of employees operating the system to determine whether they are sufficiently capable to detect potential terrorist threats; and

(E) whether the system is an effective system to detect potential acts of terrorism and whether additional steps need to be taken in order to remedy deficiencies in targeting international intermodal containers for inspection.

(2) INCREASE IN INSPECTIONS.—If the Inspector General determines in any of the reports required by paragraph (1) that the targeting system is insufficiently effective as a means of detecting potential acts of terrorism utilizing international intermodal containers, then within 12 months after that report, the Secretary of Homeland Security shall double the number of containers subjected to intrusive or non-intrusive inspection at United States ports or to be shipped to the United States at foreign seaports.

(d) REPORT AND PLAN FORMATS.—The Secretary and the Inspector General may submit any plan or report required by this section in both classified and redacted formats if the Secretary determines that it is appropriate or necessary.

SEC. 5. JOINT OPERATIONS CENTER FOR PORT SECURITY.

The Commandant of the United States Coast Guard shall report to Congress, within 180 days after the date of enactment of this Act, on the potential benefits of establishing joint operational centers for port security at certain United States seaports. The report shall consider the 3 Joint Operational Centers that have been established at Norfolk, Charleston, San Diego, and elsewhere and compare and contrast their composition and operational characteristics. The report shall consider—

(1) whether it would be beneficial to establish linkages to Federal maritime information systems established pursuant to section 70113 of title 46, United States Code;

(2) whether the operational centers could be beneficially utilized to track vessel movements under sections 70114 and 70115 of title 46, United States Code;

(3) whether the operational centers could be beneficial in the facilitation of intermodal cargo security programs such as the secure systems of transportation program;

(4) the extent to which such operational centers could be beneficial in the operation of maritime area security plans and maritime area contingency response plans and in coordinating the port security activities of Federal, State, and local officials; and

(5) include recommendations for the number of centers and their possible location, as well as preliminary cost estimates for the operation of the centers.

SEC. 6. MARITIME TRANSPORTATION SECURITY PLAN GRANTS.

Section 70107(a) of title 46, United States Code, is amended to read as follows:

''(a) IN GENERAL.—The Under Secretary of Homeland Security for Border and Transportation Security shall establish a grant program for making a fair and equitable allocation of funds to implement Area Maritime Transportation Security Plans and to help fund compliance with Federal security plans among port authorities, facility operators, and State and local agencies required to provide security services. Grants shall be made on the basis of the need to address vulnerabilities in security subject to review and comment by the appropriate Federal Maritime Security Coordinators and the Maritime Administration. The grant program shall take into account national economic and strategic defense concerns and shall be coordinated with the Director of the Office of Domestic Preparedness to ensure that the grant process is consistent with other Department of Homeland Security grant programs.''.

SEC. 7. ASSISTANCE FOR FOREIGN PORTS.

(a) IN GENERAL.—Section 70109 of title 46, United States Code, is amended—

(1) by striking ''The Secretary,'' in subsection (b) and inserting ''The Administrator of the Maritime Administration,''; and

(2) by adding at the end the following:

''(c) FOREIGN ASSISTANCE PROGRAMS.—The Administrator of the Maritime Administration, in coordination with the Secretary of State, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism measures in foreign countries. The Administrator and the Secretary shall establish a program to utilize those programs that are capable of implementing port security antiterrorism measures at ports in foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures.''.

(b) REPORT ON SECURITY AT PORTS IN THE CARIBBEAN BASIN.—Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives a report on the security of ports in the Caribbean Basin. The report shall include the following:

(1) An assessment of the effectiveness of the measures employed to improve security at ports in the Caribbean Basin and recommendations for any additional measures to improve such security.

(2) An estimate of the number of ports in the Caribbean Basin that will not be secured by July 2004, and an estimate of the financial impact in the United States of any action taken pursuant to section 70110 of title 46, United States Code, that affects trade between such ports and the United States.

(3) An assessment of the additional resources and program changes that are necessary to maximize security at ports in the Caribbean Basin.

SEC. 8. FEDERAL AND STATE COMMERCIAL MARITIME TRANSPORTATION TRAINING.

Section 109 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

''(c) FEDERAL AND STATE COMMERCIAL MARITIME TRANSPORTATION TRAINING.—The Secretary of Transportation shall establish a curriculum, to be incorporated into the curriculum developed under subsection (a)(1), to educate and instruct Federal and State officials on commercial maritime and intermodal transportation. The curriculum shall be designed to familiarize those officials with commercial maritime transportation in order to facilitate performance of their commercial maritime and intermodal transportation security responsibilities. In developing the standards for the curriculum, the Secretary

shall consult with each agency in the Department of Homeland Security with maritime security responsibilities to determine areas of educational need. The Secretary shall also coordinate with the Federal Law Enforcement Training Center in the development of the curriculum and the provision of training opportunities for Federal and State law enforcement officials at appropriate law enforcement training facilities.''.

SEC. 9. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 70107 of title 46, United States Code, is amended by striking subsection (i) and inserting the following:

''(i) RESEARCH AND DEVELOPMENT.—

''(1) IN GENERAL.—As part of the research and development program within the Science and Technology directorate, the Secretary of Homeland Security shall conduct investigations, fund pilot programs, award grants, and otherwise conduct research and development across the various portfolios focused on making United States ports safer and more secure. Research conducted under this subsection may include—

''(A) methods or programs to increase the ability to target for inspection vessels, cargo, crewmembers, or passengers that will arrive or have arrived at any port or place in the United States;

''(B) equipment to detect accurately explosives, chemical, or biological agents that could be used to commit terrorist acts against the United States;

''(C) equipment to detect accurately nuclear or radiological materials, including scintillation-based detection equipment capable of signalling the presence of nuclear or radiological materials;

''(D) improved tags and seals designed for use on shipping containers to track the transportation of the merchandise in such containers, including 'smart sensors' that are able to track a container throughout its entire supply chain, detect hazardous and radioactive materials within that container, and transmit that information to the appropriate law enforcement authorities;

''(E) tools, including the use of satellite tracking systems, to increase the awareness of maritime areas and to identify potential terrorist threats that could have an impact on facilities, vessels, and infrastructure on or adjacent to navigable waterways, including underwater access;

''(F) tools to mitigate the consequences of a terrorist act on, adjacent to, or under navigable waters of the United States, including sensor equipment, and other tools to help coordinate effective response to a terrorist action;

''(G) applications to apply existing technologies from other areas or industries to increase overall port security; and

''(H) improved container design, including blast-resistant containers.

''(2) IMPLEMENTATION OF TECHNOLOGY.—

''(A) IN GENERAL.—In conjunction with ongoing efforts to improve security at United States ports, the Director of the Science and Technology Directorate, in consultation with other Department of Homeland Security agencies with responsibility for port security, may conduct pilot projects at United States ports to test the effectiveness and applicability of new port security projects, including—

''(i) testing of new detection and screening technologies;

''(ii) projects to protect United States ports and infrastructure on or adjacent to the navigable waters of the United States, including underwater access; and

''(iii) tools for responding to a terrorist threat or incident at United States ports and infrastructure on or adjacent to the navigable waters of the United States, including underwater access.

''(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security $35,000,000 for each of fiscal years 2005 through 2009 to carry out pilot projects under subparagraph (A).

''(3) ADMINISTRATIVE PROVISIONS.—

''(A) NO DUPLICATION OF EFFORT.—Before making any grant, the Secretary of Homeland Security shall coordinate with other Federal agencies to ensure the grant will not be used for research and development that is already being conducted with Federal funding.

''(B) ACCOUNTING.—The Secretary of Homeland Security shall by regulation establish accounting, reporting, and review procedures to ensure that funds made available under paragraph (1) are used for the purpose for which they were made available, that all expenditures are properly accounted for, and that amounts not used for such purposes and amounts not expended are recovered.

''(C) RECORDKEEPING.—Recipients of grants shall keep all records related to expenditures and obligations of funds provided under paragraph (1) and make them available upon request to the Inspector General of the Department of Homeland Security and the Secretary of Homeland Security for audit and examination.''.

(b) ANNUAL REPORT.—Within 30 days after the beginning of each fiscal year from fiscal year 2005 through fiscal year 2009, the Director of the Science and Technology Directorate shall submit a report describing its research that can be applied to port security to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, and the House of Representatives Select Committee on Homeland Security. The report shall—

(1) describe any port security-related research, including grants and pilot projects, that were conducted in the preceding fiscal year;

(2) describe the amount of Department of Homeland Security resources dedicated to research that can be applied to port security;

(3) describe the steps taken to coordinate with other agencies within the Department to ensure that research efforts are coordinated with port security efforts;

(4) describe how the results of the Department's research, as well as port security related research of the Department of Defense, will be implemented in the field, including predicted timetables;

(5) lay out the plans for research in the current fiscal year; and

(6) include a description of the funding levels for the research in the preceding, current, and next fiscal years.

SEC. 10. NUCLEAR FACILITIES IN MARITIME AREAS.

(a) WATERWAYS.—Section 70103(b) is amended by adding at the end thereof the following:

''(5) WATERWAYS LOCATED NEAR NUCLEAR FACILITIES.—

''(A) IDENTIFICATION AND SECURITY EVALUATION.—The Secretary shall—

''(i) identify all nuclear facilities on, adjacent to, or in close proximity to navigable waterways that might be damaged by a transportation security incident; and

''(ii) in coordination with the Secretary of Energy, evaluate the security plans of each such nuclear facility for its adequacy to protect the facility from damage or disruption from a transportation security incident originating in the navigable waterway, including threats posed by navigation, underwater access, and the introduction of harmful substances into water coolant systems.

''(B) RECTIFICATION OF DEFICIENCIES.—The Secretary, in coordination with the Secretary of Energy, shall take such steps as may be necessary or appropriate to correct any deficiencies in security identified in the evaluations conducted under subparagraph (A).

''(C) REPORT.—As soon as practicable after completion of the evaluation under subparagraph (A), the Secretary shall transmit a report, in both classified and redacted format, to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Select Committee on Homeland Security—

''(i) describing the results of the identification and evaluation required by subparagraph (A);

''(ii) describing the actions taken under subparagraph (B); and

''(iii) evaluating the technology utilized in the protection of nuclear facilities (including any such technology under development).''.

(b) VESSELS.—Section 70103(c)(3) of title 46, United States Code, is amended—

(1) by striking ''and'' after the semicolon in subparagraph (F);

(2) by striking ''facility.'' in subparagraph (G) and inserting ''facility; and''; and

(3) by adding at the end the following:

''(H) establish a requirement, coordinated with the Department of Energy, for criminal background checks of all United States and foreign seamen employed on vessels transporting nuclear materials in the navigable waters of the United States.''.

SEC. 11. TRANSPORTATION WORKER BACKGROUND INVESTIGATION PROGRAMS.

Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security, after consultation with the Secretary of Transportation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure—

(1) making recommendations (including legislative recommendations, if appropriate or necessary) for harmonizing, combining, or coordinating requirements, procedures, and programs for conducting background checks under section 70105 of title 46, United States Code, section 5103a(c) of title 49, United States Code, section 44936 of title 49, United States Code, and other provisions of Federal law or regulations requiring background checks for individuals engaged in transportation or transportation-related activities;

(2) setting forth a detailed timeline for implementation of such harmonization, combination, or coordination;

(3) setting forth a plan with a detailed timeline for the implementation of the Transportation Worker Identification Credential in seaports;

(4) making recommendations for a waiver and appeals process for issuing a transportation security card to an individual found otherwise ineligible for such a card under section 70105(c)(2) and (3) of title 46, United States Code, along with recommendations on the appropriate level of funding for such a process; and

(5) making recommendations for how information collected through the Transportation Worker Identification Credential program may be shared with port officials, terminal operators, and other officials responsible for maintaining access control while also protecting workers' privacy.

SEC. 12. REPORT ON CRUISE SHIP SECURITY.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the security of ships and facilities used in the cruise line industry.

(b) CONTENT.—The report required by subsection (a) shall include an assessment of security measures employed by the cruise line industry, including the following:

(1) An assessment of the security of cruise ships that originate at ports in foreign countries.

(2) An assessment of the security of ports utilized for cruise ship docking.

(3) The costs incurred by the cruise line industry to carry out the measures required by the

Maritime Transportation Security Act of 2002 (Public Law 107–295; 116 Stat. 2064) and the amendments made by that Act.

(4) The costs of employing canine units and hand-held explosive detection wands at ports, including the costs of screening passengers and baggage with such methods.

(5) An assessment of security measures taken by the Secretary of Homeland Security to increase the security of the cruise line industry and the costs incurred to carry out such security measures.

(6) A description of the need for and the feasibility of deploying explosive detection systems and canine units at ports used by cruise ships and an assessment of the cost of such deployment.

(7) A summary of the fees paid by passengers of cruise ships that are used for inspections and the feasibility of creating a dedicated passenger vessel security fund from such fees.

(8) The recommendations of the Secretary, if any, for measures that should be carried out to improve security of cruise ships that originate at ports in foreign countries.

(9) The recommendations of the Secretary, if any, on the deployment of further measures to improve the security of cruise ships, including explosive detection systems, canine units, and the use of technology to improve baggage screening, and an assessment of the cost of implementing such measures.

SEC. 13. REPORT ON DESIGN OF MARITIME SECURITY GRANT PROGRAMS.

Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the design of maritime security grant programs that includes recommendations on—

(1) whether the grant programs should be discretionary or formula based and why;

(2) requirements for ensuring that Federal funds will not be substituted for grantee funds;

(3) targeting requirements to ensure that funding is directed in a manner that reflects a national, risk-based perspective on priority needs, the fiscal capacity of recipients to fund the improvements without grant funds, and an explicit analysis of the impact of minimum funding to small ports that could affect funding available for the most strategic or economically important ports; and

(4) matching requirements to ensure that Federal funds provide an incentive to grantees for the investment of their own funds in the improvements financed in part by Federal funds.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Hollings amendment at the desk be agreed to, the Committee-reported substitute, as amended, 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 as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3669) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2279), as amended, was read the third time and passed, as follows:

S. 2279

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 ''Maritime Transportation Security Act of 2004''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents
Sec. 2. Enforcement; pier and wharf security costs.
Sec. 3. Security at foreign ports.
Sec. 4. Federal and State commercial maritime transportation training.
Sec. 5. Transportation worker background investigation programs.
Sec. 6. Report on cruise ship security.
Sec. 7. Maritime transportation security plan grants.
Sec. 8. Report on design of maritime security grant programs.

SEC. 2. ENFORCEMENT; PIER AND WHARF SECURITY COSTS.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended—

(1) by redesignating the second section 70118 (relating to firearms, arrests, and seizure of property), as added by section 801(a) of the Coast Guard and Maritime Transportation Act of 2004, as section 70119;

(2) by redesignating the first section 70119 (relating to enforcement by State and local officers), as added by section 801(a) of the Coast Guard and Maritime Transportation Act of 2004, as section 70120;

(3) by redesignating the second section 70119 (relating to civil penalty), as redesignated by section 802(a)(1) of the Coast Guard and Maritime Transportation Act of 2004, as section 70123; and

(4) by inserting after section 70120 the following:

''§ 70121. Enforcement by injunction or withholding of clearance

''(a) INJUNCTION.—The United States district courts shall have jurisdiction to restrain violations of this chapter or of regulations issued hereunder, for cause shown.

''(b) WITHHOLDING OF CLEARANCE.—

''(1) If any owner, agent, master, officer, or person in charge of a vessel is liable for a penalty or fine under section 70119, or if reasonable cause exists to believe that the owner, agent, master, officer, or person in charge may be subject to a penalty under section 70119, the Secretary may, with respect to such vessel, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

''(2) Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.

''§ 70122. Security of piers and wharfs

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall require any uncleared, imported merchandise remaining on the wharf or pier onto which it was unladen for more than 7 calendar days, not including any time the imported merchandise was held in federal custody, to be removed from the wharf or pier and deposited in the public stores or a general order warehouse, where it shall be inspected for determination of contents, and thereafter a permit for its delivery may be granted.

''(b) PENALTY.—The Secretary may impose an administrative penalty of $5,000 on the consignee for each bill of lading for general order merchandise remaining on a wharf or pier in violation of subsection (a), except that no penalty shall be imposed if the violation was a result of force majeure.''.

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the items following the item relating to section 70116 and inserting the following:

''70117. In rem liability for civil penalties and certain costs
''70118. Withholding of clearance
''70119. Firearms, arrests, and seizure of property
''70120. Enforcement by State and local officers
''70121. Enforcement by injunction or withholding of clearance
''70122. Security of piers and wharfs
''70123. Civil penalty''.

(2) Section 70117(a) of title 46, United States Code, is amended by striking ''section 70120'' and inserting ''section 70123''.

(3) Section 70118(a) of such title is amended by striking ''under section 70120,'' and inserting ''under that section,''.

SEC. 3. SECURITY AT FOREIGN PORTS.

(a) IN GENERAL.—Section 70109 of title 46, United States Code, is amended—

(1) by striking ''The Secretary,'' in subsection (b) and inserting ''The Administrator of the Maritime Administration,''; and

(2) by adding at the end the following:

''(c) FOREIGN ASSISTANCE PROGRAMS.—The Administrator of the Maritime Administration, in coordination with the Secretary of State, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism measures in foreign countries. The Administrator and the Secretary shall establish a program to utilize those programs that are capable of implementing port security antiterrorism measures at ports in foreign countries that the Secretary finds, under section 70108, to lack effective antiterrorism measures.''.

(b) REPORT ON SECURITY AT PORTS IN THE CARIBBEAN BASIN.—Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives a report on the security of ports in the Caribbean Basin. The report shall include the following:

(1) An assessment of the effectiveness of the measures employed to improve security at ports in the Caribbean Basin and recommendations for any additional measures to improve such security.

(2) An estimate of the number of ports in the Caribbean Basin that will not be secured by July 2004, and an estimate of the financial impact in the United States of any action taken pursuant to section 70110 of title 46, United States Code, that affects trade between such ports and the United States.

(3) An assessment of the additional resources and program changes that are necessary to maximize security at ports in the Caribbean Basin.

SEC. 4. FEDERAL AND STATE COMMERCIAL MARITIME TRANSPORTATION TRAINING.

Section 109 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

''(c) FEDERAL AND STATE COMMERCIAL MARITIME TRANSPORTATION TRAINING.—The Secretary of Transportation shall establish a curriculum, to be incorporated into the curriculum developed under subsection (a)(1), to educate and instruct Federal and State officials on commercial maritime and intermodal transportation. The curriculum shall be designed to familiarize those officials with commercial maritime transportation in

order to facilitate performance of their commercial maritime and intermodal transportation security responsibilities. In developing the standards for the curriculum, the Secretary shall consult with each agency in the Department of Homeland Security with maritime security responsibilities to determine areas of educational need. The Secretary shall also coordinate with the Federal Law Enforcement Training Center in the development of the curriculum and the provision of training opportunities for Federal and State law enforcement officials at appropriate law enforcement training facilities.''.

SEC. 5. TRANSPORTATION WORKER BACKGROUND INVESTIGATION PROGRAMS.

Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security, after consultation with the Secretary of Transportation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure—

(1) making recommendations (including legislative recommendations, if appropriate or necessary) for harmonizing, combining, or coordinating requirements, procedures, and programs for conducting background checks under section 70105 of title 46, United States Code, section 5103a(c) of title 49, United States Code, section 44936 of title 49, United States Code, and other provisions of Federal law or regulations requiring background checks for individuals engaged in transportation or transportation-related activities;

(2) setting forth a detailed timeline for implementation of such harmonization, combination, or coordination;

(3) setting forth a plan with a detailed timeline for the implementation of the Transportation Worker Identification Credential in seaports;

(4) making recommendations for a waiver and appeals process for issuing a transportation security card to an individual found otherwise ineligible for such a card under section 70105(c)(2) and (3) of title 46, United States Code, along with recommendations on the appropriate level of funding for such a process; and

(5) making recommendations for how information collected through the Transportation Worker Identification Credential program may be shared with port officials, terminal operators, and other officials responsible for maintaining access control while also protecting workers' privacy.

SEC. 6. REPORT ON CRUISE SHIP SECURITY.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the security of ships and facilities used in the cruise line industry.

(b) CONTENT.—The report required by subsection (a) shall include an assessment of security measures employed by the cruise line industry, including the following:

(1) An assessment of the security of cruise ships that originate at ports in foreign countries.

(2) An assessment of the security of ports utilized for cruise ship docking.

(3) The costs incurred by the cruise line industry to carry out the measures required by the Maritime Transportation Security Act of 2002 (Public Law 107–295; 116 Stat. 2064) and the amendments made by that Act.

(4) The costs of employing canine units and hand-held explosive detection wands at ports, including the costs of screening passengers and baggage with such methods.

(5) An assessment of security measures taken by the Secretary of Homeland Security to increase the security of the cruise line industry and the costs incurred to carry out such security measures.

(6) A description of the need for and the feasibility of deploying explosive detection systems and canine units at ports used by cruise ships and an assessment of the cost of such deployment.

(7) A summary of the fees paid by passengers of cruise ships that are used for inspections and the feasibility of creating a dedicated passenger vessel security fund from such fees.

(8) The recommendations of the Secretary, if any, for measures that should be carried out to improve security of cruise ships that originate at ports in foreign countries.

(9) The recommendations of the Secretary, if any, on the deployment of further measures to improve the security of cruise ships, including explosive detection systems, canine units, and the use of technology to improve baggage screening, and an assessment of the cost of implementing such measures.

SEC. 7. MARITIME TRANSPORTATION SECURITY PLAN GRANTS.

Section 70107(a) of title 46, United States Code, is amended to read as follows:

''(a) IN GENERAL.—The Under Secretary of Homeland Security for Border and Transportation Security shall establish a grant program for making a fair and equitable allocation of funds to implement Area Maritime Transportation Security Plans and to help fund compliance with Federal security plans among port authorities, facility operators, and State and local agencies required to provide security services. Grants shall be made on the basis of threat-based risk assessments subject to review and comment by the appropriate Federal Maritime Security Coordinators and the Maritime Administration. The grant program shall take into account national security priorities, national economic, and strategic defense concerns and shall be coordinated with the Director of the Office of Domestic Preparedness to ensure that the grant process is consistent with other Department of Homeland Security grant programs.''.

SEC. 8. REPORT ON DESIGN OF MARITIME SECURITY GRANT PROGRAMS.

Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the design of maritime security grant programs that includes recommendations on—

(1) whether the grant programs should be discretionary or formula based and why;

(2) requirements for ensuring that Federal funds will not be substituted for grantee funds;

(3) targeting requirements to ensure that funding is directed in a manner that reflects a national, risk-based perspective on priority needs, the fiscal capacity of recipients to fund the improvements without grant funds, and an explicit analysis of the impact of minimum funding to small ports that could affect funding available for the most strategic or economically important ports; and

(4) matching requirements to ensure that Federal funds provide an incentive to grantees for the investment of their own funds in the improvements financed in part by Federal funds.

UNANIMOUS CONSENT AGREEMENT—H.R. 1350

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate receives the House message to accompany H.R. 1350, the IDEA reauthorization bill, if the House amends the Senate amendment, the Senate disagree with the House amendment or insist upon its amendment, as is appropriate, and request a conference with the House on the disagreeing votes of the two Houses; provided, alternatively, that if the House requests a conference, the Senate agree to the request for a conference, and in either case the Chair be authorized to appoint conferees with a ratio of 11 to 10.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, this is the way we should proceed. This is excellent. I have confidence in Judd Gregg, the chairman of the committee. I don't agree with him lots of times, but he is a man who believes in the procedures we have established here many years ago. I am confident this will be a very successful conference.

Mr. MCCONNELL. Mr. President, I, too, am pleased that we have been able to finally get to conference on IDEA. We hope the conferees will be successful shortly.

Mr. KENNEDY. Mr. President, I am pleased that we are going to conference on the reauthorization of the Individuals with Disabilities Education Act. This is the landmark Federal law that sets national standards for special education, and defines the rights of children with disabilities in our public schools.

We have ahead of us the key challenge of modernizing this important law to meet today's demands and to ensure that the rights of children with special needs truly are protected. Disabled does not mean unable. We must do everything possible to ensure that children with disabilities have the same opportunities to learn as other children.

I want to thank our committee chairman, Senator GREGG, for his leadership in guiding through the Senate a strong bipartisan bill to meet that challenge. I look forward to working closely with him, Chairman JOHN BOEHNER, Congressman GEORGE MILLER, and our other colleagues on the committee to produce a final bill that parents can support and that will enjoy bipartisan support.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, as in executive session, I ask unanimous consent that on Wednesday, immediately following morning business, the Senate proceed to executive session to consider the following nomination on today's Executive Calendar:

PORTER GOSS to be Director of Central Intelligence.

I further ask unanimous consent that there be 6 hours of debate, equally divided between the chairman and vice chairman or their designees; provided further that upon the use or yielding

back of that time, the Senate proceed to a vote on the confirmation of the nomination; further, that following the vote, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, SEPTEMBER 22, 2004

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, September 22. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period for morning business for up to 90 minutes, with the first 45 minutes under the control of the majority leader or his designee and the final 45 minutes under the control of the Democratic leader or his designee; provided further that following morning business, the Senate proceed to Executive Calendar No. 815, the nomination of PORTER GOSS to be Director of the Central Intelligence Agency, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Mr. President, for the information of all Senators, tomorrow, following morning business, the Senate will begin consideration of the Goss nomination. Under the previous order, there will be up to 6 hours of debate prior to a vote on confirmation. It is my hope we will not require the entire allotment of debate time. Senators should expect a vote on the nomination sometime tomorrow afternoon, and that vote will be the first vote of tomorrow's session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:14 p.m., adjourned until Wednesday, September 22, 2004, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 21, 2004:

DEPARTMENT OF VETERANS AFFAIRS

WILLIAM A. MOORMAN, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF FIFTEEN YEARS, VICE KENNETH B. KRAMER, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. MARSHALL K. SABOL, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND AS PERMANENT PROFESSORS, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTIONS 9333 (B) AND 9336 (A):

To be colonel

KATHLEEN HARRINGTON, 0000
PAUL E. PIROG, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 1211:

To be lieutenant colonel

GEORGE J. KRAKIE, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 1552.

To be lieutenant colonel

DAVID A. LUJAN, 0000
MICHAEL C. SCHRAMM, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531.

To be lieutenant colonel

DOUGLAS A. HABERMAN, 0000
EDWARD H. LINCH III, 0000
KIRBY E. W. SIMMONS, 0000
KEVIN J. STEVENS, 0000
MATTHEW S. WARNER, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

MARTIN J. TOWEY, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JOHN R. PELOQUIN, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

RANDY O. CARTER, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DWAYNE BANKS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BILLY R. DAVIS, 0000
BROOK DEWALT, 0000
DOUGLAS GABOS, 0000
MARGUERITE A. GILLILAND, 0000
KIMBERLY S. MARKS, 0000
PHILIP R. ROSI II, 0000
JASON P. SALATA, 0000
WILLIAM H. SPEAKS, 0000

EXTENSIONS OF REMARKS

TRIBUTE TO JAMES A. GALLAGHER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. LANTOS. Mr. Speaker, it is with great honor that I rise today to pay tribute to James A. Gallagher, who is retiring after 28 years as the voice and face of the San Mateo County Transit District, which operates throughout my Congressional District. For almost three decades Mr. Gallagher has worked to improve our community, and he has left a lasting mark on the agency and the Bay Area as a whole. Both his colleagues and the citizens of San Mateo County will miss his leadership.

Born in Fresno, California, James Gallagher joined the United States Marine Corps were he served our country for two years. After his service in the Corps, James worked for several newspapers throughout the region, before becoming the sportswriter, copy-editor and city editor for the Redwood City Tribune in my district.

James left the newspaper industry to become the fifth employee hired at the San Mateo County Transit District in March 1976. Back then the transit district operated in a dozen cities in San Mateo County and served 7,500 riders per day. Today, SamTrans connects 100,000 people each day to all 20 communities in the county, as well as cities from San Francisco to Gilroy, California. SamTrans has become a major player in transportation in the Bay Area through its gifted employees, and due, in no small measure; to the perseverance of Mr. Gallagher. James rose up through the ranks at SamTrans, from the Public Information Officer to the Director of Administration and Marketing and finally the Deputy General Manager.

Mr. Speaker, when James went to Stanford University, he would have to race his teammates each week to make the traveling squad for the university track team. His friends like to say that even then he was racing to catch the bus. At SamTrans, James worked tirelessly to ensure that not one resident would have to run to catch the bus. He will be remembered as someone who, among other things, attempted to make the county accessible for those who were underprivileged, underserved and underrepresented. Mr. Speaker, James A. Gallagher's contribution to the growth of SamTrans cannot be measured or replicated. I urge my colleagues to join me in paying tribute to James A. Gallagher, and wishing him well on his well-deserved retirement.

PAYING TRIBUTE TO MATT HEMINGWAY

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. TANCREDO. Mr. Speaker, the 2004 Summer Olympic Games are returning to the birthplace, Athens, Greece. The Games are an opportunity for the world's athletes to showcase their talents, and have the possibility to earn the distinction of the World's best of their sport.

Matt Hemingway, a relative of Ernest Hemingway, has trained rigorously to earn a spot on the 2004 American Olympic team; to be classified as one of America's best high jumpers. Hemingway cleared 7 feet, 7.25 inches, winning the silver medal. The gold medal winner, Sweden's Stefan Holm, jumped 7–9.

At the 2004 Olympic trials, Matt placed second with a jump of 7–6.5, a foot more than his 6′ 7″ frame. In 2000, Hemingway reached his personal best height of 7–9.5, the best jump in the world that year; earning him the 2000 United States Indoor title.

Matt occupied a two year hiatus by acting as a whitewater river guide in Colorado. However, his passion for the sport and the thrill of competition called him back to competing. Matt now trains by playing basketball and running in the Colorado hills. Colorado's high altitude and temperate climate provides an excellent environment for Olympic caliber athletes to train and live.

Mr. Speaker, the accomplishments of the 2004 Olympic athletes are awe-inspiring. Matt and the other Olympians have made us all proud.

HONORING MARTHA VIRGINIA PENNINO

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor and remember Martha Virginia Pennino, a former vice chairman of the Fairfax County Board of Supervisors. Mrs. Pennino died September 17, 2004 at Inova Fairfax Hospital at the age of eighty-six.

Mrs. Pennino was born in 1918, in Roanoke, Virginia and was raised in Gloucherster, Massachusetts. She received a bachelor's degree from Emerson College in Boston.

Mrs. Pennino served three terms on the Vienna Town Council prior to being elected to the Fairfax County Board of Supervisors in November 1967, representing what was then the Centreville District. From 1968 to 1991 Mrs. Pennino was at the center of nearly every major decision made in Fairfax County. She was involved in such projects as the Dulles Toll Road, Reston Hospital Center, South Lakes High School, the Reston Community Center and the Reston Regional Library. Mrs. Pennino played an instrumental role in the planned community of Reston, which was taking shape when she took office. She became one of the longest-serving members of the Board of Supervisors spending 24 years on the board. Mrs. Pennino served as Vice Chairman for 17 years.

During her many years on the Fairfax County Board of Supervisors Mrs. Pennino was deeply committed to helping the poor and homeless. She pushed for the building of the Embry Rucker shelter for the homeless, supported building low-cost housing and buying and renovating the run-down Stonegate apartment complex. Prior to the construction of the shelter, she even provided cots in her supervisor's office and opened it at night to people with nowhere else to go.

Mrs. Pennino received many accolades for her work in Fairfax County. In 1985, she was awarded the Tom Bradley Regional Leadership award from the National Association of Regional Councils. The group cited her efforts in developing the first energy policy for a metropolitan area; the region's car-pool program and a fair-share housing program. In 1986, Washingtonian magazine named her ''Washingtonian of the Year.''

Mrs. Pennino was also involved with many community boards and foundations. She was a member of the advisory board of the Northern Virginia Youth Services Coalition, director of the Northern Virginia Community Foundation, a commissioner on the Northern Virginia Regional Commission and a member of the Board of Visitors of George Mason University. Additionally, Mrs. Pennino served as president of the Virginia Association of Counties of the Virginia Municipal League and was a member of the board of directors of the Metropolitan Washington Council of Governments for 17 years, holding posts of president and chairman.

Mr. Speaker, in closing, I would like to express my gratitude to Martha Virginia Pennino for her service to Fairfax County. I call upon my colleagues to join me in applauding Mrs. Pennino's past accomplishments and remembering her dedication to her community.

TRIBUTE TO CORPORAL CHARLES COMPTON

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Corporal Charles Compton, a World War II veteran who resides in the Fifth Congressional District of Florida.

On August 16, 2004, I had the pleasure of recognizing Corporal Compton for his heroism and bravery as a U.S. Marine who fought in the Second World War from May 1943 until November 1945.

After serving his country for just over a year fighting in the Pacific, Corporal Compton was injured in a blast in June of 1945. The force of the blast knocked him unconscious. He was evacuated to a hospital ship but returned to the front lines to continue fighting the enemy.

I presented Corporal Compton with the Purple Heart, the oldest military decoration in the world, more than 50 years overdue.

Though he earned this honor, he never received it from the Defense Department and I am honored to have the opportunity to present to him the Purple Heart for his selfless devotion to duty and service to the United States.

IN HONOR OF ANGELICA HARRISON

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Angelica ''Angel'' Harrison for her outstanding commitment to serving her community. She is being honored today, September 21, 2004, with the Mary T. Norton Memorial Award by the United Way of Hudson County at the Crowne Plaza Hotel in Secaucus, New Jersey.

Mrs. Harrison has shown remarkable passion for helping the homeless. She has helped countless people make the transition from poverty to self-sufficiency and has helped raise critical funding for those in need. For 33 years, she has worked at the Hudson County Division of Welfare, serving as a social worker, supervisor, administrative advisor, and deputy director. Since 1983, Mrs. Harrison has been the director of the agency.

Mrs. Harrison's dedication to public service is demonstrated by her participation in numerous agencies throughout the community. She is a member of the State Medicaid Planning Committee, the State Corrective Action Panel, and the Hudson County Child Care Committee. Mrs. Harrison has also shown great leadership, serving as a board member for the Human Services Advisory Council; chairperson for the Comprehensive Emergency Assistance System; two-time past president of the New Jersey County Welfare Directors' Association; and current president of the Hudson County Pension Committee.

Over the years, Mrs. Harrison has worked tirelessly to improve the lives of those in need. She opened a food pantry at the County Welfare Agency to help those ineligible to receive food stamps. In addition, she established the Supportive Assistance to Individuals and Families (SAIF) program, which aids clients in the transition from welfare to self-sufficiency. She successfully secured a $1.8 million grant for this program in Hudson County.

Mrs. Harrison was born and raised in Jersey City, New Jersey. She received her bachelor's degree in both education and psychology from Jersey City State College.

Today, I ask my colleagues to join me in honoring Angelica Harrison for her remarkable work in Hudson County and her outstanding contributions to the social welfare and outreach programs in her community.

IN HONOR OF THE DEDICATED SERVICE OF MARVIN C. SHARP TO THE DELAWARE FIREFIGHTER COMMUNITY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. CASTLE. Mr. Speaker, during my service as a Member of the House of Representatives, it has been my honor and privilege to rise and pay tribute to organizations and people who really make a difference in the Delaware community. Today, I rise to recognize Marvin C. Sharp, President of the Delaware Volunteer Firemen's Association (DVFA).

Marvin C. Sharp has been an extremely active and influential member of the fire prevention community for years. President Sharp is a Life Member of the Carlisle Fire Company of Milford where he served in several capacities as an emergency responder—including Ambulance Captain. He was ''Fireman of the Year'' in 1980 and ''Ambulance Attendant of the Year'' in 1986.

Marvin Sharp was formerly the President of Kent County Volunteer Firemen's Association. He served as President of the Kent County Ambulance Association and as President of the Delaware State Ambulance Association. As a result of his demonstrated leadership Marvin was subsequently nominated and elected as the Second Vice President of the Delaware Volunteer Firemen's Association in 2001. He was elected First Vice President in 2002, and President in 2003. This year he was elected Fourth Vice President of the Cumberland Valley Volunteer Firemen's Association. His various positions within the fire services community are a testament to his dedication to the public, as well as the faith that President Sharp's leadership resulted in an amendment to the by-laws of the DVFA which allowed the Wilmington Fire Department, our state's only fully career fire department, to join the Association as a full member. In an era where some volunteer and career fire departments are experiencing problems in working together, Delaware again stands tall by including every fire company in Delaware under the DVFA banner.

The Delaware Volunteer Firemen's Association has been served well by President Marvin C. Sharp. Along with my fellow Delawareans, I would like to commend Marvin, not only for his tireless efforts on behalf of the First State, but also for his tremendous contributions to the DVFA. Marvin is an exemplary model of commitment and excellence, and a valuable member of the Delaware community. I salute Marvin C. Sharp for his efforts to keep the Delaware Volunteer Firemen's Association a strong and vital part of Delaware.

HONORING THE COMMUNITY SERVICE OF CHRISTINE HUDDLESTON

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding community service of Christine Huddleston, who has taken care of the needs of the homeless for 50 years. In fact, she has been running a homeless shelter in my hometown of Murfreesboro, Tennessee, for nearly 18 of those years.

Room at the Inn is a clean, safe place for the homeless to get their lives back in order. While Christine compassionately nurtures those who stay at the shelter, she expects everyone to pull his or her own weight. Accordingly, residents are expected to get gainful employment and do their fair share of chores around the facility.

She has helped everyone from college professors to the working poor get back on their feet again. That's why many who stay at the shelter lovingly refer to her as ''Ma.'' Christine's unique understanding of human nature has allowed her to help people strengthen their self esteem and make a better life for themselves. But make no mistake about it, she is not a push over and knows when to practice tough love.

Christine's dedication to her work and the Room at the Inn has garnered her much support and admiration from the community. What started out as a small operation supported by only seven local churches has evolved into a community-wide effort aided by 70 churches, the business community and the city of Murfreesboro. I commend Christine for her hard work and tireless service to the homeless. She epitomizes what it means to be a Christian.

CONGRATULATING ST. MARY'S ANTIOCHIAN ORTHODOX CHURCH ON THE OCCASION OF ITS 100TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to St. Mary's Antiochian Orthodox Church in Wilkes-Barre, Pennsylvania, on the joyous occasion of its 100th anniversary.

This church has a rich history in Northeastern Pennsylvania. The first immigrants to the area from Syria and Lebanon traveled to our region in the 1890s. By 1904, there were about 35 families who grouped together to form the first parish of St. Mary. On March 13, 1904, Archimandrite Raphael Hawaweeney organized St. Mary's Syrian Orthodox Men's Group. In the Spring of 1904, a young man named John Michael Curry Saba was ordained as the first priest of St. Mary's.

The parish bought the land on which to build a church at 132 High Street for $300. From 1904 through 1908, the congregation gathered in a private home. In 1907, Father George Kattouf was ordained and became pastor of St. Mary's.

By 1907, the parish had grown to about 65 families. A Russian Orthodox contractor named Michael Hlipko offered to build the church for $8,500.

St. Mary's was the first Antiochian parish established in the United States. On November 3, 1908, the parish received its official charter of incorporation for Luzeme County and the state of Pennsylvania. The official name was St. Mary's Syrian Greek Orthodox Catholic Church of Wilkes-Barre and vicinity.

The first liturgy was held in 1908 and the Church was consecrated by Bishop Raphael during a visit in 1911 to celebrate the burning of the church's mortgage.

A rectory was built in 1912 and the old part of the Church cemetery in Hanover Township was also acquired. Father Joseph Elia Xanthopoulos became the pastor in 1912 when Father George moved to Allentown. Father Joseph was fluent in Arabic and Greek, and he chanted in Byzantine. He started a Syrian school for young people, who had begun to chant with him during the service.

The community began to split in 1914 because the Syrian Mission in America began to divide. During this time, services were held at the church on High Street for those following the Russian Patriarch, and at 107 Blackman Street, for those following the Antiochian Patriarch.

Several pastors served the Church through the years: Father Daniel George, Father Abdallah Khoury, Father Constantine Abou-Adal, Archbishop Aftimios Ofeish and Father George Mitchell, Father Anthony Sakey, Father Nicholas Hussan and Father Herbert Nahas.

In 1958, the parishioners decided they wanted to build a new Church, Hall and Rectory. They chose a site at the south end of Main Street and purchased it for $28,500 in 1964. This turned out to be a blessing in disguise, as the other three sites that had been considered were completely submerged in 16 feet of water by Hurricane Agnes in June 1972.

When Agnes hit Wilkes-Barre, 108 families from the parish were left homeless. The businesses of 35 parishioners were closed for months. Miraculously, the flood waters stopped just outside the parish hall doors, and the building became one of many shelters. The men and women of St. Mary's worked tirelessly to help the victims of the devastating flood.

In 1985, Father Edward Hughes became pastor of the Church, followed by Father Mark Sahady in 1994. Father Thomas Zain came to St. Mary's in 1994 and served as pastor until 1997. Father John Winfrey became pastor of the Church in 1997. The Very Reverend Father David Hester came to St. Mary's in 2000 and currently serves as pastor.

Mr. Speaker, it is my pleasure to represent a parish community with such a rich history. The parishioners at St. Mary's have preserved their heritage and kept meticulous records of their history to pass on to future generations, and I congratulate them on the joyful occasion of the Church's 100th anniversary.

HONORING COLONEL ROBERT N. AGEE FOR HIS 32 YEARS OF SERVICE TO THE MISSOURI AIR NATIONAL GUARD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Colonel Robert N. Agee, Vice Commander for 139th Airlift Wing at Rosecrans Air National Guard Base in St. Joseph, Missouri. Colonel Agee is retiring on October 1, 2004 after 32 years of service to the Missouri Air National Guard. Colonel Agee currently resides in St. Joseph with his wife Sheila, and together they have two daughters, Rachael and Jennifer, and a son R.J.

Colonel Agee was born on December 25, 1949 in St. Joseph. He joined the Missouri Air National Guard in 1970, and graduated from the first Air National Guard Officer Preparatory Academy in May of 1971. Following his graduation, he was commissioned as a Second Lieutenant. Colonel Agee attended pilot training at Williams AFB in Arizona, and earned his pilot wings on September 9, 1972. In 1976, Colonel Agee graduated from Missouri Western with a Bachelor of Science Degree in Business Administration Management. Additionally, he has completed Squadron Officer School, Air Command and Staff College, and the Air War College.

Colonel Agee has performed duties in training, safety, tactics, standardization/evaluation and was the director of operations for the flying squadron prior to his current assignment. He was activated in December 1990 for Operation Desert Shield/Storm and served as the director of operations for the 180th Airlift Squadron in theater until their release from active duty in June 1991. In addition to training aircraft, he has flown the C–97G, KC–97L, C–130A, and the C–130H.

Among his military decorations are the Bronze Star, Meritorious Service Medal, Air Force Commendation Medal with one oak leaf cluster, Air Force Outstanding United Award with the three oak leaf clusters and ''V'' device, Air Force Expeditionary Medal, Southwest Asia Service Medal, and Kuwait Liberation Medals from Saudi Arabia and Kuwait.

As the former Operations Group Commander he had responsibility for our units, the 180th Airlift Squadron, the 139th Operations Support Flight, the 139th Aerial Port Flight, and the 241st Air Traffic Control Squadron in addition to the Standardization/Evaluation section. These squadrons are the support and execution component of the C–130 airlift mission. The unit continuously supports real-world airlift commitments in the United States and overseas in addition to local air training.

Mr. Speaker, I proudly ask you to join me in commending the career of Colonel Robert N. Agree, who has exemplified the qualities of dedication and service throughout his tenure with the Missouri Air National Guard.

PAYING TRIBUTE TO MATT ZISKA

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to one of my constituents, Matt Ziska. Mr. Ziska recently received national recognition from the National Disaster Medical System (NDMS) for his hard work and dedication in his field. The Departments of Homeland Security, Health and Human Services, Defense, Veterans Affairs, and FEMA, all partnered with the NDMS, to grant this award.

Mr. Ziska has been employed as a hazardous materials technician at the Tri-County Health Department based in Aurora. His advice to the Disaster Medical Assistance Team has helped them enhance and improve protective measures designed to safeguard against the dangers of hazardous materials.

Mr. Ziska was selected from a field of 130 team members.

Mr. Speaker, I would like to join in paying tribute to Matt Ziska, and wish him the best in all his future endeavors.

HONORING THE 90TH ANNIVERSARY OF AGUDAS ACHIM CONGREGATION AND RECOGNIZING THE MILITARY VETERANS OF THE CONGREGATION

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to commemorate the 90th anniversary of the Agudas Achim Congregation, a conservative synagogue located in the city of Alexandria, Virginia.

In conjunction with this anniversary, honor is being paid to the military veterans of the congregation throughout the Veteran's Day weekend of November 12–14, 2004.

Jewish servicemen and servicewomen have served and continue to serve proudly in all branches of the United States as career and reserve servicemen and servicewomen. From Bunker Hill and the Battle of Springfield (NJ) to Omaha Beach and the Battle of the Bulge, from Pusan, South Korea to the Mekong Delta in Vietnam as well as Afghanistan and Iraq, Jewish servicemen have worn the uniform of the United States proudly—defending democracy and the freedoms we all cherish as Americans.

We remember those who fearlessly paid the ultimate price in defending the United States of America during times of war. We also recall those who have bravely fought and returned home as well as those who continue to fight for the freedoms and liberties that make this nation great—the same freedoms and liberties such as freedom of religion that brought hundreds of thousands of Jewish people to the United States escaping despotism and religious tyranny.

Mr. Speaker, in closing, I would like to congratulate Agudas Achim Congregation on their 90th anniversary. I call upon my colleagues to join me in honoring the congregation's military veterans.

TRIBUTE TO STAFF SERGEANT JOSEPH FALES

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Staff Sergeant Joseph Fales, a World War II veteran who gave his life fighting against tyranny so that we might live free.

In honor of Memorial Day, I had the pleasure of recognizing Staff Sergeant Fales for his heroism and bravery as a U.S. Soldier who fought in the Second World War until his death in October 1943.

Staff Sergeant Fales served in the Army Air Force and heroically performed the perilous job of a waist gunner aboard a B–17 Bomber.

His plane was shot down over the Adriatic Sea, and an American Hero was lost. Sergeant Fales was only twenty years old.

I had the honor of presenting his family with medals Joseph Fales earned during his service to our nation. They included the World War II Victory Medal, the Honorable Service Lapel Button, the European Middle Eastern Campaign Medal with one bronze star, the Good Conduct Medal, the Air Medal and the Purple Heart, the oldest military decoration in the world more than fifty years overdue.

I am humbled by the courage and sacrifice of Joseph Fales. I am thankful for the gift of freedom that he fought to protect. We must never forget Joseph Fales and those soldiers who paid the ultimate price on our behalf.

IN HONOR OF DR. HOWARD PARISH

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Dr. Howard Parish for his contributions to higher education and outstanding community service. He is being honored today, September 21, 2004, with the Louis T. Scialli Memorial Award by the Jersey City Education Association at the Crowne Plaza Hotel in Secaucus, New Jersey.

For 40 years, Dr. Parish shared his passion for science in the classroom before retiring in 2002. He spent 37 years at the New Jersey City University, where he was a professor and chair of the Department of Geosciences. He also served as the director of International Studies. Dr. Parish played an integral part in establishing the Office of Grant Development, and was able to secure numerous grants for New Jersey City University.

Throughout the past 15 years, Dr. Parish has displayed a strong commitment to his community by participating in both local and national non-profit organizations, where he frequently dedicates his time to fundraising.

Dr. Parish has demonstrated his leadership skills by holding advisory positions for nearly a dozen organizations. He spent 10 years on the Board of Directors for the National Education Association and was chair of the National Education Association's Higher Education Caucus. He continues to be involved as the legislative liaison for educators in District 32 and serves as a consultant for the New Jersey Education Association.

Dr. Parish received his bachelor's degree in physical science from Jersey City State College and his master's degree in geological science from Rutgers University. He also holds a doctorate in geosciences from Columbia University.

Today, I ask my colleagues to join me in honoring Dr. Howard Parish for his years of dedicated service, both in the classroom and the community.

IN HONOR OF THE DEDICATED SERVICE OF NANCY GREEN TO THE DELAWARE FIREFIGHTER COMMUNITY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. CASTLE. Mr. Speaker, during my service as a Member of the House of Representatives, it has been my honor and privilege to rise and pay tribute to organizations and people who really make a difference in the Delaware community. Today, I rise to recognize Nancy Green, President of the Ladies Auxiliary of the Delaware Volunteer Firemen's Association (LADVFA).

Nancy Green joined the Harrington Fire Company Ladies Auxiliary in 1964. She is a Life Member of the Harrington Ladies Auxiliary, and has served as Vice President and President. Nancy also served as President of the Ladies Auxiliary of the Kent County Firemen's Association.

Nancy's record of service to Delaware is exemplary. While a teacher in the public school system for 30 years, Nancy volunteered as a Delaware State Fire School instructor—teaching public fire safety education programs. Nancy is also a Library Commissioner at the Harrington Public Library, President of the Century Club, and the Newsletter Editor of her high school alumni association. With out a doubt, Nancy has proven her dedication to improving her community and our state.

The Ladies Auxiliaries are a very important element of the volunteer fire service. These organizations assist the firefighters by providing meals and beverages at the emergency scene. Auxiliaries also serve public dinners and conduct other fund-raising events to provide the fire companies with. Nancy's service included these important missions, and as President of the LADVFA all Delaware's Auxiliaries when she was elected as President.

The Ladies Auxiliary of the Delaware Volunteer Firemen's Association has been served well by President Nancy Green. She is an exemplary model of commitment and excellence and a valuable member of the Delaware community. I salute Nancy Green for her efforts to keep the Ladies Auxiliary of the Delaware Volunteer Firemen's Association a strong and vital part of Delaware.

HONORING LEE VICTORY'S LEGACY TO CHILDREN

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. GORDON. Mr. Speaker, I rise today to honor the memory of my friend, Lee Victory. It is only fitting that a year after his passing, his beloved hometown of Smyrna, TN, would name its recreation park after him.

I was there 20 years ago when the park first opened, largely due to Lee's efforts. Lee loved his family, and he loved Smyrna. He worked very hard to make the community a better place to live and was a leader in the development of its recreational parks.

Lee was involved with area youth long before Smyrna had a park. He was instrumental in starting Little League and Babe Ruth baseball and youth football leagues. I'm sure his five sons—Kenneth ''Coon,'' Billy, Eddie, E.A., and Carl David—had something to do with Lee's involvement in youth programs. Team sports, he probably knew, would help make his boys more responsible and keep them out of trouble, at least during practices and games.

Lee would later become the head of maintenance for the Smyrna Parks and Recreation Department. He also was well known for his annual fish fry, but his biggest legacy is to Smyrna's young people. This Saturday morning, in a fitting tribute to my friend just before the start of a ball game, Mayor Bob Spivey, ''Coon'' Victory and representatives from the soccer, girls' softball, Little League baseball and youth football teams will unveil a monument dedicating the Lee Victory Recreation Park.

This monument will be a reminder to all residents of Smyrna that Lee's contributions and efforts improved the quality of life for all, especially the children. I congratulate the town for honoring someone who gave so much of his time and energy ensuring that children had the opportunity to play sports and learn valuable skills.

CONGRATULATING THE CATHERINE MCAULEY CENTER ON ITS 20TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the Catherine McAuley Center in Dallas, PA, on the occasion of its 20 years of service to homeless mothers and children in Lackawanna and Luzerne Counties.

Since 1984, the center has provided emergency shelter, transitional and permanent housing, food, furniture, and support services to thousands of women and children in my district.

The Catherine McAuley Center is sponsored by the Sisters of Mercy and is named after their founder. Catherine McAuley devoted her life to serving others. Even on her deathbed, she is said to have told those around her to ''be sure to have a comfortable cup of tea for them when I am gone.''

Mr. Speaker, it is truly an honor to represent an organization whose mission is helping women in need. Please join me in congratulating the selfless staff, volunteers, and friends of the Catherine McAuley Center on 20 years of service to the women and children of Lackawanna and Luzerne Counties.

HONORING FRANK AND ROSSIE BUCHTEL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Frank and Rossie Buchtel of Princeton, MO. It's been 40 years since the

Buchtels retired from teaching, and they're still going strong. Frank turned 100 on July 2, and he and Rossie celebrated their 75th wedding anniversary on August 26. In light of these important milestones, the Rotary Club in Princeton is renaming its scholarship in honor of Frank. Additionally, Mercer County, MO, has designated September 28, 2004, as a day to honor both Frank and Rossie Buchtel.

Rossie's family had long been established in the area when Frank accepted a teaching and coaching position in Princeton in 1927. Rossie's parents were long-time Princeton residents, and her grandparents were pioneer citizens of Mercer County. Frank had an immediate impact on Princeton though, as he coached the Princeton football Tigers to an undefeated season in 1928. After that unbelievable season, Frank probably thought that life couldn't get much better, but he soon fell in love with Rossie; they were married in 1929. Shortly after their wedding, the Buchtels set out for Scottsbluff, NE, where Frank had accepted a coaching job at the junior college. Every summer, the Buchtels would venture to Evanston, IL, where Frank earned his master's degree at Northwestern University. In 1930, their daughter Barbara was born.

In 1936 Frank was appointed athletic director at Aurora College in Illinois. During the 5 years that Frank served as athletic director, Rossie completed her AB degree. Rossie's passion for library science, which she developed in Aurora, later led her to a graduate degree in the field at the University of Chicago.

In the fall of 1941, Frank, Rossie, and Barbara moved to Chicago Heights, IL. Frank served as coach and athletic director Bloom Township High School for the next 27 years, while Rossie was a librarian at a nearby school. Barbara graduated from Bloom and then DePauw University during these years. Barbara later married Elmer Duerst, and Frank and Rossie became proud grandparents of Dan and Debra, Barbara and Elmer's two children. In 1964, Frank and Rossie retired from their respective careers to settle in Princeton.

Mr. Speaker, I proudly ask you to join me in commending Frank and Rossie Buchtel, two remarkable citizens of Northwest Missouri who so exemplify the qualities of dedication and service. I am honored to call Frank and Rossie Buchtel constituents of Missouri's Sixth District.

PAYING TRIBUTE TO STAN SCHEER

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. TANCREDO. Mr. Speaker, I am very pleased to announce that this year's Kiwanis Club of Littleton Valor Award was given to Stan Scheer, the superintendent of Littleton Public Schools. He has done an excellent job in his position, working to meet the needs of the community.

Superintendent Scheer began working for Littleton Public Schools 6 years ago, and has been well received in the community for his dedication to improving the quality of education in Littleton.

The Kiwanis Club honors individuals with the Valor Award every 2 years. The proceeds from the Valor Award reception go to provide assistance to nonprofit organizations chosen by the recipient. This year, Superintendent Scheer has asked that the proceeds be donated to the Littleton Public Schools Foundation and the Kids in Need of Dentistry.

I would like to join the Kiwanis Club in applauding Mr. Scheer's continued success and dedication as the superintendent for Littleton Public Schools, and wish him the best of luck in all his future endeavors.

HONORING ADA KATHERYN LEWIS ON HER 80TH BIRTHDAY

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. TOM DAVIS of Virginia. Mr. Speaker I rise today to honor Ada Katheryn Lewis on her 80th birthday as well as her many years of dedication to the surrounding community.

Ms. Lewis was born September 27, 2004, in Wayne County, NC to Charles and Annie Coor. She then graduated from Atlantic Christian College, cum laude in 1945 and began teaching. Throughout her teaching career, she taught in Johnston, Franklin, Wilson, and Pitt Counties.

In 1962, Ms. Lewis received her MA in Educational Administration with honors from East Carolina University. In 1978, she was appointed assistant superintendent of Pitt County Public Schools, becoming the first-ever woman to hold such a position at that level in North Carolina.

In 1982, Ms. Lewis retired from the Public School System and became the first director of the Rural Education Institute at East Carolina University, ECU. She held this position until 1986 when she retired and became a consultant for the Institute. She holds the title of Professor Emeritus and was appointed ''Visiting Lecturer'' to the ECU School of Education as well as being named ''Distinguished Educator.''

Ms. Lewis has been recognized by virtually every appropriate institution for nearly 50 years of dedication to the education of those that were influenced by her teachings.

Mr. Speaker, in closing, I would like to extend my heartfelt thanks to Ms. Lewis for her years of service to the youth of America and her dedication to the human mind. Her contributions and efforts are much appreciated and will always be remembered. Her service is an exemplary example of an ideal citizen.

TRIBUTE TO GEORGE BLAZVICK

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, rise today to honor George Blazvick, a Vietnam veteran who now resides in Dunnellon, Florida, within my Fifth Congressional District.

On August 19, 2004, I had the pleasure of recognizing Mr. Blazvick for his heroism and bravery as a United States soldier who served his country from September 1966 to September 1968.

After completing 10 months of service, Mr. Blazvick was injured in an unfortunate blast when an M–79 grenade exploded in close proximity to his position. He was wounded in his leg and evacuated to a military hospital in Japan. He served the remainder of his tour in Fort Benning, Georgia.

I presented Mr. Blazvick with the Purple Heart, the oldest military decoration in the world, more than 30 years overdue.

Though he earned this honor, he never received it from the Defense Department and I am honored to have had the opportunity to present to him the Purple Heart for his selfless devotion to duty and service to the United States.

IN HONOR OF DR. PATRICIA LORRAINE BURKE MCGEEHAN

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Dr. Patricia Lorraine Burke McGeehan for her outstanding leadership and distinguished accomplishments in education. She is being honored today, September 21, 2004, with the Mary T. Norton Memorial Award by the United Way of Hudson County at the Crowne Plaza Hotel in Secaucus, New Jersey.

Dr. McGeehan began her work as an educator at the Lincoln Community School. In the years that followed, she was principal of the Mary J. Donohoe School, Robinson School, and Midtown Community School. She has been the superintendent for Bayonne Schools since 2000.

Under her leadership, the Bayonne School District has received numerous awards for excellence. Dr. McGeehan has also been instrumental in forming partnerships that have generated grant money for school programs.

She has demonstrated her commitment to education by actively participating in more than a dozen community organizations and holding advisory positions on many of the boards, such as vice-president of both the St. Barnabus Burn Foundation and the Simpson Baber Foundation for the Autistic.

For her efforts, she has been honored by both civic and community organizations. Dr. McGeehan has been presented with more than ten awards for her leadership and achievements, including NAACP's President's Award, the Jersey Journal Woman of the Achievement Award, and the Christopher Columbus Community Service Award, to name a few.

Dr. McGeehan earned a bachelor's degree in economics from the College of St. Elizabeth and received her New Jersey Supervisor/Principal's Certificate, New Jersey Administrator's Certificate and master's in elementary education from Seton Hall University. She also holds a doctorate in education/administration from Seton Hall. Dr. McGeehan is a resident of Bayonne.

Today, I ask my colleagues to join me in honoring Dr. Patricia Lorraine Burke McGeehan for her exemplary efforts towards improving the Bayonne City School District in New Jersey and her lifelong commitment to education and helping others.

HONORING RALPH THEODORE BROWN, SR. ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to congratulate Detective Ralph Theodore Brown, Sr. as he retires after twenty-seven years of dedicated service to the Police Department of the City of West Haven, Connecticut. Through his professional career and volunteer service, Teddy has shown a unique commitment to his community.

Returning to West Haven in 1962 from four years of service as a Special Services Airman in the United States Air Force, Teddy settled with this wife, Carroll to raise their three sons. Joining the West Haven Police Department as a patrol officer in 1977, Teddy quickly moved through the ranks and was named Detective just three years later. During his career with the Department, Teddy has worked in the Youth Division and served with the Statewide Narcotics Task Force as an undercover agent. Too often, we overlook the incredible work of our local law enforcement officers. These are the men and women who dedicate themselves to protecting our families and neighborhoods. Teddy's own career has been recognized with a myriad of commendations and awards including the Medal of Merit. The West Haven community has certainly been fortunate to have such a dedicated individual working diligently on their behalf.

In addition to his professional contributions, Teddy has long been an avid volunteer in his community. From coaching ''Biddy Basketball'' to serving as a Commissioner for the West Haven Parks & Recreation Department, he has been a friend and mentor to hundreds of our young people. Teddy, who has served as a Deacon for over fifteen years, has also been an active member of the Dixwell Congregational United Church of Christ for over three decades. In addition to these activities, Teddy is also a founding Member of the West Haven Black Coalition, member of the West Haven Race Relations Committee, and a member of the NAACP—three organizations which have worked to build on the diversity of West Haven and create a stronger community.

Through all of his good work, Teddy has touched the lives of many. His dedicated service and unparalleled commitment to enriching his community has left an indelible mark which will serve as an inspiration to others. For his many contributions—both professional and volunteer—to our community, I am proud to stand today and join his wife, Carroll; sons, Teddy, Jr., Erik, and Shawn; grandchildren, Shane and Camryn; as well as the many family, friends and colleagues who have gathered to congratulate and extend my sincere thanks and appreciation to Ralph Theodore Brown, Sr. as he celebrates his retirement. My very best wishes for many more years of health and happiness.

HONORING THE SYRACUSE ALL-STAR BABE RUTH BASEBALL TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. WALSH. Mr. Speaker, I rise in honor of the Syracuse All-Star Babe Ruth baseball team. On August 21, the team won the Babe Ruth baseball 16-year-old World Series in Loudoun County, Virginia, for the second consecutive season.

As Middle Atlantic Regional Champions, the Syracuse All-Stars competed against the best Babe Ruth players from around the country in the World Series tournament. Their victory is a testament to their hard work, determination, and competitive spirit throughout the entire season. It is also a continuation of the Central New York tradition for producing some of the best young baseball talent in the country, and the teams own winning tradition.

I congratulate the members of the Syracuse All-Star Team, their coaches, their parents, families and friends. They have earned the pride and admiration of all of Central New York not only through their victories but also through their demonstration of hard work, good sportsmanship, and fair play. The team's continuing success and their impressive back-to-back Babe Ruth World Series championships deserve the recognition of this House and the nation at large. I am proud that such a talented group of young athletes come from my Congressional District, and again I offer them my sincerest congratulations.

RECOGNIZING JACOB STAVES FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jacob Staves, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and by earning the most prestigious award of Eagle Scout. Jake currently attends Liberty High School and Chandler Baptist Church, and will receive his Eagle Scout Award on September 12, 2004.

Jake has been very active with his troop by participating in many Scout activities, earning numerous merit badges, and serving in a variety of leadership positions. He has held such positions as Assistant Patrol Leader, Patrol Leader, Senior Patrol Leader, as well as Troop Guide. He has earned the World Conservation Award and is BSA Lifeguard Certified. In addition to these accomplishments, Jake is a member of both honor camping programs, Order of the Arrow and the Tribe of Mic-O-Say. For his Eagle Scout project, Jake once again displayed his dedication to service by leading a group of Boy Scouts to build and install a sign for Chandler Cemetery.

Mr. Speaker, I proudly ask you to join me in commending Jacob Staves for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

REPLIES TO TOBACCO INDUSTRY MAILINGS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. WAXMAN. Mr. Speaker, the tobacco industry distributes millions of coupons, surveys, and offers in the mail to its prospective customers. Sometimes, these customers or their loved ones write back. For years, these letters have been buried in secret industry files. As a result of tobacco litigation, they are now available to read on the internet.

Here are a few examples:

One New Jersey wife wrote, ''Please do not send anything about smoking. My husband . . . does not smoke any more. He has emphysema as a direct result of smoking. He is terminally ill. He will not get better and will eventually die from a lack of oxygen. . . . [he] is only 57 years old.''

An Arizona husband wrote, ''My wife of 28 years has been diagnosed with terminal lung cancer, caused by use of your product. . . . She is unable to go to the mailbox, much less read your self-serving propaganda.''

A son or daughter in New York wrote, ''This is to let you know that you can never get to know my father any better—he died from emphysema because of smoking most of his life. My mother, who passed away four months prior to my Dad, and never smoked, had the lungs of a smoker because of living with him all her life. Don't ever send literature like this to me again. . . . You have my permission to use this in your advertising program.''

A mother in Texas wrote, ''I will be delighted to tell you about my daughter. . . . She lost her life to lung cancer at the age of 40. Caused from smoking. . . . Hope you think again before you send out such a letter. You don't know how you hurt someone who has lost a loved one. A grieving mother.''

I urge all my colleagues to read these letters. You can find many of them on a new web site run by nurses called www.nightingalesnurses.org, and you can also search for more at http://legacy.library.ucsf.edu/index.html.

TRIBUTE TO ST. JOHN AME CHURCH

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. PAYNE. Mr. Speaker, I rise today to recognize the members of St. John African Methodist Episcopal Church in Jersey City, New Jersey. On Sunday, September 26, 2004, they will be celebrating 60 years of community ministry with a re-dedication ceremony.

St. John AME Church was founded in May 1944 and its members have served the people of Jersey City through their outreach to children, families, and seniors; their involvement in neighborhood initiatives; and their dedication to meeting the needs of the community in which they live.

They worked with the Communipaw Avenue Block Association and the Jersey City Landmarks Conservancy to restore the historical Rev. Dr. F. Webb Park, and they are a member of the Communipaw Avenue Block Association and Garden Club. They have developed a Spiritual and Social Plan dealing with fair housing, financial problems, and other neighborhood matters. The have been active in the Morris Canal Redevelopment Area Development Coalition Plans and have planted trees in local parks.

St. John AME Church has developed a Voter Education and Registration Project and Database, and is building a Community and Cultural Center for Senior Citizens and Youth. They have an Uplifting the Brotherhood of Men Ministry for fathers and their children, a cell phone ministry for battered women, an Outreach Golden Senior Citizen ministry, and are a member of the Today I Must Excel (TIME) program for Inner City families and youth.

They have a DSL computer lab for children and have developed an Adult and Youth Job Training Center. Every year they hold a Health Fair addressing minority health matters, an October Harvest Feast for Community Youth and their families, and a Profound Black Leaders Lecture Series.

Under the leadership of Rev. Charles W. McNeill, Jr., these outstanding citizens continue to fulfill the legacy of community service that St. John AME Church has exemplified for the last 60 years.

Mr. Speaker, I ask you to join me as I recognize these men and women who are dedicated to making our community a better place, and I encourage my colleagues to join me in sending our best wishes for many, many more years of service and ministry.

IN RECOGNITION OF BERNARD BARUCH HOUSES' 50TH ANNIVERSARY

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Ms. VELÁZQUEZ. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives to recognize the 50th anniversary of the Bernard Baruch Houses Tenant Association located in the Lower East Side of Manhattan.

As the largest New York City Housing Authority (NYCHA) development in Manhattan—Bernard Baruch Houses provides homes for over 2,000 residents in our city. They also offer amenities that serve nearly 200 senior citizens and disabled residents.

The Bernard Baruch Houses Tenant Association is a well-known presence in our community, and continues its work to strengthen ties with its residents on a daily basis. This association truly exemplifies neighborhood cooperation, enhancing the opportunity for each and every New Yorker to live in a safe, affordable home.

The Bernard Baruch Houses has been instrumental in providing families throughout New York City with reliable and responsible services. Their buildings have served our city's families, elderly and disabled for the past 50 years.

Therefore, Mr. Speaker, I rise today to honor Bernard Baruch Houses Tenant Association on their 50th anniversary, and join with my colleagues in the House of Representatives to recognize their service within the New York City community.

RECOGNIZING NATIONAL WEEK OF ACTION FOR IMMIGRANT RIGHTS

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Ms. SOLIS. Mr. Speaker, I rise to recognize the National Week of Action for Immigrant Rights. Scheduled for Monday, September 20, 2004, through Sunday, September, 26, 2004, hundreds of community activists will mark the National Week of Action by holding rallies, visiting Congressional offices, and hosting educational events throughout the United States to celebrate the one-year anniversary of the historic Immigrant Workers Freedom Ride and highlight the need for comprehensive immigration reform.

It has been nearly one year since hundreds of immigrant workers and their supporters traveled throughout the United States as part of the Immigrant Workers Freedom Ride. Modeled after the Freedom Rides of the 1960's, the 2003 Freedom Riders raised awareness about the unjust realities of our current immigration policies and urged fair treatment of immigrant workers. I was proud to introduce House Resolution 384, cosponsored by fifty of my colleagues, to honor the Freedom Riders for their courageous campaign and to encourage President Bush and Congress to enact policies that support the goals of the Freedom Ride.

This year's National Week of Action will highlight again the need to reform our broken immigration system. Advocates will urge passage of H.R. 4262, the Safe, Orderly Legal Visas and Enforcement (SOLVE) Act, H.R. 3142, the Agricultural Job Opportunity, Benefits and Security (AGJOBS) Act, and other legislation which would fix our immigration system while honoring our tradition as a nation of immigrants and strengthening our national security.

The National Week of Action includes a fast by students and supporters to highlight the need for passage of S. 1545, the Development, Relief, and Education for Alien Minors (DREAM) Act, and H.R. 1684, the Student Adjustment Act. I am a proud original cosponsor of H.R. 1684, bipartisan legislation to open the doors of higher education to immigrant students who work hard and deserve the opportunity to attend college and pursue the American dream.

Throughout our nation's history, we have welcomed immigrants to this country. We should continue to honor this tradition and recognize the enormous economic and cultural contributions that immigrants have made to our nation.

I commend the New American Opportunity Campaign (NAOC) for spearheading the National Week of Action and honor the commitment of its supporters to ensure equal rights for all people. I encourage my colleagues and the American public to use the National Week of Action to learn more about our immigrant community and the need for reform of our immigration system.

IN HONOR OF MRS. KAREN COOPER'S 40 YEARS OF SERVICE TO OUR SOLDIERS AND OUR NATION

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. KINGSTON. Mr. Speaker, Mrs. Karen A. Cooper consistently displayed outstanding service to this Nation as she served the United States Army for over forty years. Her distinguished public service began in 1964. Mrs. Cooper will end her dedicated service to the United States in 2004 as the Administrative Assistant for the Office of the Deputy Assistant Secretary of the Army (Installations and Housing). Her insight and grasp of administrative procedures and knowledge of her job enabled her to insure the successful completion of all tasks with the United States Army Secretariat. Through Mrs. Cooper's diligence and exceptionally high degree of professionalism and technical abilities, she made a marked improvement in Army installations for soldiers, Army families, and civilian employees.

40TH ANNIVERSARY OF THE WILDERNESS ACT

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Ms. LEE. Mr. Speaker, earlier this month we celebrated the 40th Anniversary of an historic piece of legislation, the Wilderness Act, which was signed into law by President Lyndon B. Johnson on September 3, 1964. Since the Act's inception, over 105 million acres of our collective natural heritage has been protected under the wilderness designation.

This week, as we take time to recognize the accomplishments of the Wilderness Act, we must also recognize the work that has yet to be done. Throughout the nation, there are many more wilderness areas that have yet to fall under the full protection of the Wilderness Act—places like the Arctic Coastal Plain, Utah's Redrocks wilderness, and the Northern California Coastal wilderness.

We must continue our efforts to safeguard these existing natural habitats from human exploitation and development in order to protect threatened and endangered species and to ensure the long-term health and vitality of the entire ecosystem.

And I believe that as a global community, we must quickly recognize the dramatic impact that human development has made on our natural environment and work to reduce the human footprint that we leave behind on the world.

IN HONOR OF HERBERT JULES FRIEDMAN

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Herbert Jules Friedman, a man who

dedicated his life to helping others, and who left his mark of generosity on the Tampa Bay community.

After fighting in World War II's Battle of the Bulge as part of the 106th Infantry Division, Herb moved to Tampa. Always a hard worker, with a knack for business, Herb started Southern Mill Creek Products and quickly found success in the agricultural chemicals and equipment manufacturing industry.

Herb was always willing to share his success with others. His employees will remember their boss for his big heart and generous spirit. And members of the Berkeley Preparatory High School football team will remember how Herb always made sure there were summer jobs available for them.

But Herb may be best remembered for the many charitable and cultural organizations that he supported. The members of the Tampa Bay Wheelchair Athletic Association will never forget the year that Herb took 17 wheelchair athletes on a free Las Vegas vacation, or the many other ways that he supported their organization. Nor will the West Tampa Pony League Baseball Team forget the year that Herb donated funds to pay for new uniforms and equipment. These are just a few of the ways that Herb shared his joy for life with those less fortunate.

Herb also served as a board member for the Tampa Philharmonic Orchestra, the University of Tampa Board of Fellows, the Berkeley Preparatory School and Congregation Schaarai Zedek, of which he was a member for 55 years. Herb was also an active member of the Rotary Club of Tampa.

But even with all of these activities, Herb always made time for his family. On behalf of the entire Tampa Bay community, I would like to extend my deepest sympathy to Herb's beloved wife, Nell, and their four children, who made Herb so proud. Herb always did right by you, and by our entire community. We thank you for sharing his kindness and charity with us all.

THANKING MR. LAURICE WALTON FOR HIS SERVICE TO THE HOUSE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. NEY. Mr. Speaker, on the occasion of his retirement in September 2004, we rise to thank Mr. Laurice Walton for 29 years of outstanding service to the U.S. House of Representatives.

Laurice began his career at the House working as a Computer Systems Analyst and then was promoted to a Senior Systems Analyst. In that capacity Laurice has served this great institution for the last 29 years as a valuable employee of House Information Resources (HIR) within the Office of the Chief Administrative Officer. During his career, Laurice has made significant contributions to support the tracking of legislation in the House. He developed the Summary of Proceedings and Debate (SOPAD) and the Congressional Budget Office Early Warning systems. SOPAD was eventually replaced by the Legislative Information Management System (LIMS) used by the Office of the Clerk to collect, record and report official legislative information on House floor proceedings and the progress of bills through the legislative process. Laurice individually developed the LIMS Reports Due to Congress application. He also produced the quarterly Member Profiles and provided support for the daily operation of LIMS.

Laurice has displayed great passion for his work and dedicated himself to ensuring that the needs of his customer, the Clerk's office of Legislative Computer Systems, are met to its satisfaction.

On behalf of the entire House community, we extend congratulations to Laurice for his many years of dedication and outstanding contributions to the U. S. House of Representatives. We wish Laurice many wonderful years in fulfilling his retirement dreams.

HONORING THE CITY OF WALLED LAKE

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. McCOTTER. Mr. Speaker, I rise today to acknowledge and honor the City of Walled Lake, Michigan on the occasion of its 50th anniversary. Founded on December 7, 1954 the beautiful City of Walled Lake is noted for its bustling community of some 7,000 residents enveloped by a country atmosphere. The City of Walled Lake's caring citizens, diligent community leaders, superior schools, vibrant economy, and proud heritage constitute an exceptional civic life for its citizens.

The City of Walled Lake's rich history dates back to 1830, when two men by the names of King and Prentice established a trading post for Native Americans on the lake's eastern shore. Soon, in 1838 a general store to be established here William R. Adams; and in 1834, Ms. Fanny Tuttle taught in the first log cabin school.

The twentieth century saw the city serve as home to the Walled Lake Amusement Park, the abode of the Flying Dragon, the Pretzel, the Tilt-a-Wheel, the Rocket Ride, as well as the Walled Lake Casino where all of the name bands played—Red Nichols and the Dorsey Brothers, Les Brown, Harry James, Vaughn Monroe, Lawrence Welk, and Chuck Berry. Today, the City of Walled Lake has truly created a blend of old time charm with new and continued growth for its residents and its business community.

Mr. Speaker, today I ask you and my esteemed colleagues to please join me in congratulating the citizens of the City of Walled Lake on their very special anniversary.

IN RECOGNITION OF THE INTERNATIONAL MARTIAL ARTS COLLEGE OF THE UNITED STATES

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. PLATTS. Mr. Speaker, I would like to recognize the International Martial Arts College of the United States, founded in Pennsylvania's 19th Congressional District.

The original International Martial Arts College (IMAC) was created in 1993 in St. Petersburg, Russia with a mission of bringing countries together to promote peace and cross cultural exchange through the universal medium of athletics. Over the last 11 years, competitions sponsored by IMAC have grown from several hundred participants to the largest competition in the world.

When IMAC sought a team from the United States, Master Tony Abel of York, Pennsylvania became the coach and team Captain and remains in both capacities today. Recognizing the importance of the United States role as ambassadors, an international tournament was held in York in 1995 and attended by many countries. Master Abel also officially formed a Board of Directors for the United States chapter of IMAC that same year.

To this day, international competition through IMAC continues, benefiting not only the participants but also helping to break down the barriers of culture and language. IMAC anticipates a future role in the Olympics where representatives, including residents of my District, will be able to compete. I wish them well in the years ahead, and I applaud their devotion to their sport and to international goodwill.

IN HONOR OF CAPT. DALE A. LUMME

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. HUNTER. Mr. Speaker, it is with great pleasure that I rise today to recognize and honor the service and career of Captain Dale A. Lumme as he retires after 24 years of distinguished service in support of our Nation. Throughout his career, Captain Lumme has epitomized the Navy's core values of honor, courage and commitment, and has displayed exceptional leadership, providing a lasting contribution to the future capability and readiness of the U.S. Navy.

A 1980 graduate of the United States Naval Academy, Captain Lumme first served as an intern in the office of the Chief of Naval Operations. Following this internship, he departed for Pensacola, Florida, where he was selected for flight training. In less than 2 years he pinned on the coveted Navy Wings of Gold and embarked on a career as a Navy Helicopter Pilot.

In the following 4 years, Captain Lumme was stationed in San Diego, California with the Sea Snakes of Helicopter Anti-Submarine Squadron Light 33, where he made deployments on the USS *Leftwich*, the USS *Robert E. Peary* and the USS *David R. Ray*.

Following these deployments, in 1986, Captain Lumme was chosen as the Flag Lieutenant to Admiral Paul Miller, the Commander of U.S. Seventh Fleet, Yokosuka, Japan. An internship with the Joint Chiefs of Staff followed, and he completed his shore duty with a position in the Office of Legislative Affairs.

By December of 1989, the aviator was ready to get back to sea, and this time with far greater responsibility. Capt. Lumme spent 3 years in San Diego, California, followed by 2 subsequent years in Atsugi, Japan deploying on a variety of Naval Ships as the helicopter detachment Officer in Charge. He divided his

time between the USS *Chosin*, the USS *O'Brien*, the USS *Elliot*, the USS *Curts*, the USS *Bunker Hill*, the USS *Mobile Bay* and the USS *Carl Vinson*.

Capt. Lumme then went back to the Joint Chiefs of Staff in June of 1994 for 3 years with the National Military Command Center. In 1997, he was chosen for squadron command, and he returned to Pensacola for a tour as Executive Officer and then Commanding Officer of Training Squadron SIX. After 3 years, he joined CINCLANTFLEET as Admiral Clark's Executive Assistant and Flag Secretary, followed by the role of Commanding Officer for CLF Shore Activities Staff.

In July of 2000, he became Deputy EA for the Chief of Naval Operations. Capt. Lumme's career culminated with his assignment to the prestigious and rewarding role of the Director of the Navy Liaison Office to the House of Representatives, where his exceptional leadership and skills were invaluable to the Secretary of the Navy, the Chief of Naval Operations and the Chief of Legislative Affairs.

His steadfast leadership and superb performance have won him numerous awards, including the Legion of Merit, the Defense Meritorious Service Medal, three Meritorious Service Medals, three Joint Service Commendation Medals, the Joint Service Achievement Medal, three Navy Commendation Medals and the Navy Achievement Medal.

Capt. Lumme completes his distinguished and honorable career leaving an impression of his inspiring leadership, a mastery of national defense issues and all-encompassing support for the Navy's combat readiness, programs, and quality of life.

I am pleased to recognize and thank Dale Lumme for his long and dedicated service to this country and join with his friends and colleagues in wishing him ''Fair Winds and Following Seas'' as he, his wife Roxanne and their two daughters, Reagan and Lauren leave the Navy after 24 years of remarkable contribution and service.

MAHONING VALLEY SCRAPPERS WIN NY-PENN LEAGUE TITLE

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. RYAN of Ohio. Mr. Speaker, I rise today to extend special recognition to the Mahoning Valley Scrappers, a Division I–A minor league baseball team located in Niles, Ohio, which won the 2004 New York-Penn League Championship for the first time in its 6-year history.

On Monday September 13, the Scrappers claimed the title after defeating the Tri-City Valley Cats 4–2 in a two-game sweep. The Scrappers finished the year with a 42–34 record, with new manager Mike Sarbaugh at the helm.

The Scrappers, an affiliate of the Cleveland Indians major league baseball franchise, averaged more than 4,100 spectators per game this year, placing the team near the top third in its league for attendance.

I commend the team for its extraordinary achievements and join with my community to thank the players and the organization for bringing America's favorite pastime home to the Mahoning Valley.

INTRODUCING RESOLUTION AFFIRMING THE COMMITMENT TO INCREASE WORLDWIDE ACCESS TO CLEAN WATER AND SANITATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. BLUMENAUER. Mr. Speaker, two years ago this month, over 18 nations came together at the World Summit on Sustainable Development in Johannesburg and made a commitment to increase worldwide access to clean water and sanitation.

Today, I introduced a bipartisan resolution to affirm the commitments made by the United States in Johannesburg, recognize efforts made to meet this commitment, and call for a greater effort by the U.S. and all developed nations towards meeting this public health, economic development, and environmental challenge. Original cosponsors of this resolution are CHRISTOPHER SHAYS, GEORGE MILLER, JAMES GREENWOOD, TOM ALLEN and MARK UDALL.

In 2002, 17 percent of the world's population lacked access to safe drinking water and 42 percent had no access to basic sanitation. Between 2 million and 5 million people die each year because of this lack of clean water and sanitation, including 4,000–10,000 children every day.

The resolution is supported by CARE, the Natural Resources Defense Council, MercyCorps, the National Wildlife Federation, Living Water International, and WaterPartners International.

HONORING OLYMPIC ATHLETE RYAN LOCHTE

HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. FEENEY. Mr. Speaker, it is with great pride that I note the Olympic accomplishments of Ryan Lochte, a constituent of mine from Port Orange, Florida.

For swimmers, the Olympics represent the ultimate contest. No other swimming meet rises to that level of competition. In his first Olympic event, 20-year-old Ryan Lochte earned the gold.

That event was the Men's 4 x 200 meter Freestyle Relay—one of the most exciting finishes in the 2004 Summer Olympics. Here, the underdog American team of Ryan Lochte, Michael Phelps, Peter Vanderkaay, and Klete Keller faced an Australian team that dominated this event for several years.

After Michael Phelps gave the Americans a one-second lead in the first leg, Ryan Lochte and Peter Vanderkaay extended that lead to 1.5 seconds. But Klete Keller faced the Australian legend Ian Thorpe who proceeded to cut into that lead. However, Klete Keller rose to that challenge. As a capacity crowd rose to its feet for the finish, Klete Keller touched the wall 0.13 seconds ahead of the Australian. And Ryan Lochte and his teammates won the gold.

Two days later, Ryan Lochte competed in the Men's 200 meter Individual Medley. He came out of the final turn fifth in a field of eight. But in those last 50 meters, Ryan—swimming the freestyle, his best stroke—passed three swimmers to capture the silver and turn in his career-best time of 1:58.78.

Two proud and sacrificing parents contributed to Ryan's success. His father—Steven Lochte—is a nationally-recognized swimming coach and coaches the Spruce Creek High School team and the Daytona Beach Speed club team. Mr. Lochte pursues an untraditional coaching style that develops young swimmers at a gradual pace. Thus, his protégés blossom at the critical age of late teens and early 20s and avoid the burnout experienced by many young athletes. Mr. Lochte personally witnessed his son's feats in Athens.

Ryan's mother—Ileana Lochte—taught Ryan how to swim. She's a typical swim team mother who has traveled to hundreds of meets and been her son's biggest cheerleader. Ms. Lochte stayed home when Ryan went to Athens because school had started for Ryan's younger siblings. But she was standing by the pool at the Port Orange YMCA when her cell phone rang with the news of Ryan's gold medal win.

Ryan adds to the Gator legacy while attending the University of Florida and is an 11 time All American swimmer. He has brought much pride to his family, teammates, and his community.

ON RELEASE OF THE FINAL REPORT OF THE U.S. COMMISSION ON OCEAN POLICY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. FARR. Mr. Speaker, five months ago yesterday, the U.S. Commission on Ocean Policy released a Preliminary Report outlining the imperiled state of our oceans. Yesterday, the U.S. Commission moved our country one step closer to being better stewards of our oceans by submitting to the President and to Congress a Final Report on ''everything oceans.'' This comprehensive document makes recommendations on a wide range of topics, from improving governance of ocean resources to promoting greater marine stewardship and education, from recognizing the need to manage the oceans on an ecosystem basis to suggesting greater exploration of unknown areas of the sea, from discussing reform of fisheries management to arguing for increases in our marine science research budget, and from speaking to the connections between coastal land uses and the oceans to implementing an integrated ocean observation system.

Submission of the Final Report of the U.S. Commission on Ocean Policy is truly an historic event. It has been more than 30 years since we, as a nation, have evaluated our relationship with the sea. I sincerely hope that our evaluation does not get ignored, but instead serves as a springboard for increased protection of this country's largest public trust resource.

The U.S. Commission on Ocean Policy was mandated by the Oceans Act of 2000, legislation on which I am an original cosponsor and which is based on bills that I initially introduced in 1997 and 1999. In the Oceans Act,

we gave the Commissioners an enormous task and today I want to recognize the efforts of the 16 Commissioners, 26 Advisors, and countless staff who helped to create such a comprehensive report. All of these people have spent a large portion of the past five months reading comments on the Preliminary Report provided by Governors, tribal interests, non-governmental organizations, and members of the public—not a small task. I am sure that the Commission's excitement over the release of the Final Report, an endeavor embarked upon roughly three years ago, approximates the thrill felt by those of us who love, care deeply about, and want to protect the oceans.

The Final Report of the U.S. Commission on Ocean Policy details the crises facing our oceans. Building on the Preliminary Report, the Final Report includes refinements in a few areas: the funding mechanism is provided in detail, marine cultural heritage is included, more attention is given to how climate change will affect the oceans, the intent to include all coastal areas such as the Great Lakes and Territories is clarified, and the important role that states should play in protecting ocean resources is emphasized.

While we have many crises—at home and abroad—that require our immediate attention, we cannot overlook the fact that our oceans are in a state of crisis, too. It is my sincere hope that both Members of Congress and the Bush Administration will read the U.S. Commission's Report and realize that our oceans need attention—now—and that the country is looking to us—their leaders—to act. I look forward to analyzing the President's response to the Final Report, a response that, under law, must be submitted within 90 days of today.

We all depend on our oceans and coasts, from the person who lives off the water to the person who visits once in a lifetime. The oceans provide food, jobs, vacation spots, scientific knowledge, and opportunities for reflection. Despite our inability to measure the many non-market values associated with our oceans and coasts, we are able to quantify some of the benefits they provide. For example, over a trillion dollars is added to our economy each year by ocean and coastal economies. I trust that we can all agree that this is a huge contribution; a contribution that must be protected so the returns keep coming.

Protection of our oceans will require a change of course. Unfortunately, all too often we take our oceans for granted: we underestimate their value and we ignore the negative consequences human-related activities can have on them. Our oceans represent the largest public trust resource in the U.S. and cover an area nearly one and a half times the size of the continental United States. Americans expect the Government to safeguard this vast resource and I hope that the Final Report will be the impetus for us to actually begin to do so.

Simply put, our current ocean and coastal management system, created over thirty years ago, is archaic and incompatible with new knowledge about how the oceans and coastal waters function as a whole. Our policies are fragmented, both institutionally and geographically. For example, Mr. Speaker, today we find ourselves with over ten federal departments involved in the implementation of more than 130 ocean-related statutes. It is time to reconsider this incoherent and oftentimes incompatible management situation and bring order to our ocean governance structure. The U.S. Commission's Report offers some guidance on how to do just this.

One of the biggest advances in our understanding of oceans to occur since our last national review of ocean policy is that the natural world functions as ecosystems, with each species intricately connected to the other parts that make up the whole. The U.S. Commission's Final Report, as well as the independent Pew Oceans Commission Report released in June of 2003, clearly states that we must adopt a new policy framework that is based on the concept of ''the whole,'' an ecosystem-based approach rather than one based on political boundaries. This approach will not be as easy or straightforward as our previous approaches, but we must dedicate ourselves to making it a reality. With a comprehensive national ocean policy explicitly written to maintain healthy ocean ecosystems, our oceans will be a bountiful resource in which we can all take pride.

The Final Report released yesterday also stresses the importance of instilling a new ecosystem-based stewardship ethic. Involved in instilling this ethic is increasing ocean-related education for all Americans at all levels, from first-graders learning how to read to graduate students investigating intricate scientific processes. The U.S. Commission details suggestions on how we can instill a new stewardship ethic by emphasizing and investing in greater marine science education. I see this recommendation—that of committing ourselves to teaching people about all aspects of the oceans and how our activities can have negative consequences for ocean ecosystems—as being fundamental to ensuring a better future for our oceans.

It is up to each of us to not let this unprecedented opportunity pass us by—we cannot wait any longer to clean up this mess we have created for our oceans. On this point both the Pew and U.S. Commission reports are adamant: we must rethink the way we look at the oceans. We are at a turning point in oceans management and we have a once-in-a-generation opportunity to take the momentum created by the two ocean reports and make long lasting changes to protect our seas.

Within the Legislative Branch, I have been working to bring attention to oceans issues. I worked with my fellow co-chairs of the bi-partisan House Oceans Caucus, Mr. JIM GREENWOOD (R–PA), Mr. TOM ALLEN (D–ME), and Mr. CURT WELDON (R–PA), to introduce a comprehensive oceans bill, H.R. 4900 (informally known as OCEANS–21). OCEANS–21 answers the calls of the Pew and U.S. Commissions by establishing a clear national oceans policy and by providing a framework for addressing the many problems outlined in the reports. I hope that those in the majority party will recognize the bi-partisan nature of OCEANS–21 and give it consideration during this session of Congress. In addition to my efforts on H.R. 4900, I am working closely with Mr. RAHALL, Ranking Member of the House Resources Committee, on his efforts to implement those recommendations from the Pew and U.S. Commissions that address management of our nation's fishery resources (H.R. 4706). The specific elements of this bill include separating the biological science from the allocation decisions, implementing conflict of interest requirements for members of the fishery councils, and broadening representation on the councils. I am also the lead sponsor on H.R. 4100, a bill that addresses the problem of pollution from cruise ships, and am a cosponsor of both H.R. 4897, a bill to protect deep sea corals, and H.R. 5001, a bill to establish an ocean observation pilot project that will move us closer to having an integrated ocean observation system. Individual members of the House of Representatives have been working hard to introduce legislation that implements the changes needed to ensure that the oceans we pass to the next generations are oceans that we can be proud of. We are now looking to the House leadership to consider our bills and to make good on the collective responsibility we have to future generations.

Within the Executive Branch, the Bush Administration has a prime opportunity to take the steps necessary to instill a new ocean ethic in our government. In fact, Pew and U.S. Commission recommendation-based action by this Administration could very well save our largest public trust. The time for leadership is now. I am dedicated to providing it in Congress, with the help of my fellow Oceans Caucus co-chairs and other colleagues concerned about ocean issues, and I hope the President will provide it in the White House.

Mr. Speaker, I would like to close with a quote from the Final Report that encapsulates my thoughts on the importance of yesterday's historic occasion:

> The responsibility of our generation is to reclaim and renew the oceans for ourselves, for our children, and—if we do the job right—for those whose footprints will mark the sands of beaches from Maine to Hawaii long after ours have washed away.

Mr. Speaker, I urge all of my colleagues to dedicate themselves to shaping a better future for our oceans.

HONORING THE ACADEMY OF TEJANO ARTISTS AND MUSICIANS

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. RODRIGUEZ. Mr. Speaker, on behalf of the House of Representatives, I wish to recognize the Academy of Tejano Artists and Musicians, also known as the ''Tejano Academy,'' for mobilizing a unified effort and creating this organization headquartered in San Antonio, Texas. The Tejano Academy is a unique musician-led organization that is committed to ensuring that artists and musicians have a voice of advocacy in the entertainment industry.

The Tejano Academy is the first organization of its kind in the Tejano Music Industry to encourage its membership to recognize and honor talent without relying on record sales, airplay, or any other type of monetary gain in an effort to diversify and elevate music standards. By diversifying categories, they are able to bring due recognition to artists and musicians who have been continuously overlooked and subsequently, educate the public about Tejano music.

The success of the Tejano Academy is due to the great leadership of the following Board Members: Donald Garza, President; Zeke Martinez, 1st Vice President; David Lee

Garza, 2nd Vice President; Stefani Montiel, 3rd Vice President; Sasha Sullivan, Secretary; Steve Roth; and Gibby Escobedo, Parliamentarian. Additionally, the Tejano Academy would not have been realized without the hard work, unwavering commitment and long hours persevered by Executive Director, Chayo Zaldivar. With this great team's continued hard work, the Tejano Academy is filling an important void in the Tejano Music Industry.

Mr. Speaker, I ask my colleagues to recognize the many achievements and services provided by the Academy of Tejano Artists and Musicians. Please join me in honoring the Tejano Academy on September 19, 2004 for their 1st Annual Awards Presentation and Banquet.

THE KANSAS-PARAGUAY PARTNERSHIP

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. MOORE. Mr. Speaker, on Sunday, August 1, 2004 a devastating fire engulfed the Ycuá Bolaños supermarket in Asunción, Paraguay, resulting in 399 deaths and many more injuries. In light of the long-standing relationship between the State of Kansas and Paraguay, on behalf of the citizens of Kansas' Third Congressional District, and on behalf of all Kansans, I wish to express our deep condolences to the citizens of Paraguay after this time of national tragedy.

The Kansas Paraguay Partnership was started 36 years ago as part of the international Partners of the Americas, headquartered in Washington, D.C., in which states in the United States are paired with countries or regions in Latin America and the Caribbean. The cross cultural pairing between Paraguay and Kansas is one of 60 partnerships throughout the Americas whose linkages provide assistance when help is needed.

The relief effort in the aftermath of the fire was directed and carried out by volunteers from Partners of the Americas' Paraguayan chapter with assistance from its counterpart chapter here in Kansas. All firemen in Paraguay are volunteers and depend to a great extent on donated equipment. Efforts are currently underway in both Paraguay and Kansas to replace the fire equipment which was lost in fighting the fire.

Partners of the Americas is today one of the largest private sector networks of volunteers in the Western Hemisphere. It mobilizes citizens to serve as a grassroots, people-to-people catalyst for change. Volunteer initiatives have resulted in a rich array of programs, such as the Kansas-Paraguay efforts to strengthen citizen participation and improve farming operations, as well as increasing understanding through cultural and educational exchanges. This unique, twofold approach has turned thousands of ideas into creative action across borders.

Mr. Speaker, I know that all members of this House join with me in sharing our support with the people of Paraguay during this difficult time.

RECOGNIZING REPRESENTATIVE D.J. DAVIS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. SKELTON. Mr. Speaker, Missouri State Representative D.J. Davis is retiring at the end of the year. He has served the people of the 122nd district since 1996.

A graduate of North Andrew High School in Rosendale, Missouri, Representative Davis graduated with a bachelor of science degree in secondary education from Northwest Missouri State University in 1962 and a master's degree in secondary administration in 1970. Before serving in the Missouri House of Representatives, Representative. Davis worked in the field of education for more than 30 years. He retired as the principal of Odessa High School in Odessa, Missouri.

As an educator, Representative Davis was recognized for his contributions to the field. He received the Missouri Association of Secondary School Principals Silver Service Award in 1991 for 25 years as a secondary school principal. Additionally, he received awards from the Lafayette County Farm Bureau, the Mighty MO 4–H Club, the Missouri Association for Career and Technical Education and the AARP.

Mr. Speaker, whether as an educator or a legislator, Representative Davis has worked on behalf of others and is truly a role model for young Missourians. He has made important contributions to both fields. I know my fellow Members of the House will join me in thanking him for his many years of service and in wishing him all the best in the years ahead.

INTRODUCTION OF THE EMERGENCY LOAN ABUSE PREVENTION ACT OF 2004

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. KILDEE. Mr. Speaker, today I am introducing the Emergency Loan Abuse Prevention Act of 2004, along with my colleagues, Representatives VAN HOLLEN and GEORGE MILLER. Through a loophole in the Higher Education Act, nearly $1 billion in special student loan subsidies will be paid by the Federal government to lenders this year, rather than used for financial aid for students. This bill closes this loophole and requires the savings to be used to increase the maximum Pell grant.

This antiquated subsidy results from an obscure provision in the Higher Education Act and its regulations which provide lenders a 9.5 percent rate of return on certain student loans. This rate of return is excessive when you consider that lenders are guaranteed approximately a 3.5 percent rate of return on other student loans.

The 9.5 percent guarantee was established in the high interest rate year of 1980. Congress intended for it to phase out of existence beginning in 1993. But through a loophole, the guarantee has continued. Both the New York Times and the L.A. Times have reported on this loophole. The Government Accountability Office (GAO) has issued a report which calls for the Department of Education to correct its regulations on this matter—an action the Bush Department of Education is refusing to take.

This special subsidy has caused a lost financial opportunity for students. Students are bearing the brunt of rising college costs and shrinking grant aid. This bill provides an opportunity to correct this problem.

Despite this issue being addressed in the last Presidential Budget, the recent reaction by the Bush Administration has been inaction and silence. Rather than eliminate the use of this provision through immediate regulation, the Bush Administration has let this special subsidy triple in the past 3 years. In FY 2001, the 9.5 percent guarantee cost American taxpayers approximately $200 million. Now GAO and others have estimated that this cost is projected to be nearly five times greater this fiscal year. The GAO report estimates that on top of this year's near billion dollar cost, growth in the special subsidy will cost an additional $2.8 billion in future years, if not halted immediately.

This bill closes the loophole which the Bush Department of Education and this Republican Congress has permitted to go unchecked. The amendment ends this special subsidy and expends the savings to increase the maximum Pell grant for needy students.

I urge Members to join me and others in supporting this legislation.

THE PRAIRIE ROSE CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION SALUTES CONSTITUTION WEEK

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. MOORE. Mr. Speaker, the week of September 17–23 has been officially designated as Constitution Week. This marks the 217th anniversary of the signing of our Constitution.

The guardian of our liberties, our Constitution established our republic as a self-governing nation dedicated to rule by law. This document is the cornerstone of our freedom. It was written to protect every American from the abuse of power by government. Without that restraint, our founders believed the republic would perish.

The ideals upon which our Constitution is based are reinforced each day by the success of our political system to which it gave birth. The success of our way of government requires an enlightened citizenry.

Constitution Week provides an opportunity for all Americans to recall the achievements of our founders, the nature of limited government, and the rights, privileges and responsibilities of citizenship. It provides us the opportunity to be better informed about our rights, freedoms and duties as citizens.

Mr. Speaker, at this time I particularly want to take note of the outstanding work of the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution, which is actively involved in the Third Congressional District in events this week commemorating Constitution Week. The Prairie Rose Chapter has been involved with this effort in our communities for a number of years and I commend them for doing so.

Our Constitution has served us well for over 200 years, but it will continue as a strong, vibrant, and vital foundation for freedom only so long as the American people remain dedicated to the basic principles on which it rests. Thus, as the United States continues into its third century of constitutional democracy, let us renew our commitment to, in the words of our Constitution's preamble: ''form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity . . .'' I know that the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution joins with me in urging all Americans to renew their commitment to, and understanding of, our Constitution, particularly during our current time of crisis, when Americans are fighting overseas to defend our liberties here at home.

RECOGNIZING REPRESENTATIVE BILL L. RANSDALL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. SKELTON. Mr. Speaker, a distinguished career in the Missouri House of Representatives will soon end. Representative Bill Ransdall will be retiring at the end of the year.

Rep. Ransdall was elected to the Waynesville City Council in 1978. He dedicated the next 18 years to serving the people of Waynesville, taking the position of Mayor Pro Tem in 1982. He then was elected Mayor, a position he held from 1988 through 1996.

The people of the 148th district first elected Rep. Ransdall to the Missouri House in 1996 and reelected him to the maximum four terms allowed under state term limits laws. His leadership was recognized in the legislature and he was elected to the post of Assistant Minority Floor Leader. His advice and counsel have been sought in the legislature and in the administration on the complex issues of the state budget and legislative procedure.

In addition to his legislative work, he has a record of service and leadership in the community—including the United Methodist Church, Association of the United States Army, Masonic Lodge No. 375 AF and AM, Abou Ben Adhem, Scottish Rite, Sojourners, Committee of Fifty, Missouri Cattlemens Association, Farm Bureau, Ducks Unlimited, and the National Wild Turkey Federation. He also has been a successful businessman and farmer.

Rep. Ransdall has earned the respect of many throughout his district and the state. He received of the Outstanding Civilian Award with Medal by the Department of the Army. He also has been recognized as Legislator of the Year by the Missouri Chamber of Commerce, earned the Legislative Recognition award from the Missouri Association for Career and Technical Education, and received the Missouri Vocational Special Needs Association Distinguished Service for Community Involvement Award.

His tireless work on behalf of his constituents created many opportunities for economic expansion in the 148th district and beyond. He has been an effective advocate for his neighbors in their issues with the state agencies in Missouri.

Mr. Speaker, Representative Ransdall's dedication to public service is an example to us all. He has devoted many years of his life to taking care of the needs of others. I am sure the other Members of the House will join me in thanking my friend Bill for his hard work and in wishing him and his wife, Pat, all the best in the years to come.

HAITI NEEDS HELP FROM THE UNITED STATES—NOW

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. MEEK of Florida. Mr. Speaker, I rise today to address a human crisis of the highest magnitude. It demands a strong, unequivocal and immediate response from the international community and particularly from the United States.

The latest storm struck Gonaives on Saturday. So far, the only aid from the Bush Administration has been $60,000 in relief assistance. This is just a drop in the bucket compared to the desperate need of the Haitian people. It is wholly inadequate. The Bush Administration needs to exercise leadership in coordinating immediate assistance from our own country and the international community.

While the Bush Administration is watching the development of this disaster and assessing what its response will be, thousands of Haitians are suffering. This situation demands an immediate emergency response from the United States Government.

As reported in these Miami Herald and the New York Times articles, nearly 700 lives have been lost in Haiti because of the flooding and mudslides triggered by Tropical Storm Jeanne. Already the poorest nation in the Western Hemisphere, this new crisis has made conditions in Haiti even worse. And the desperate situation that Haiti faces today because of this disaster comes on top of the catastrophic floods only 4 months ago with over 3,000 Haitians killed, missing, or presumed dead.

The press has reported widespread human suffering in Haiti, with unburied bodies in the streets; hospitals and hospital equipment rendered unusable because of water and mud, grave shortages of fresh water, food and antibiotics, a very real threat of public health epidemics, and thousands without even rudimentary shelter.

The government of Haiti is totally unequipped and unable to deal with this massive crisis, because they have neither the resources nor the organization. Private voluntary groups are reportedly overwhelmed by the enormity of this crisis.

Given the gravity of this situation, in which thousands of Haitian lives hang in the balance, I call upon President Bush to immediately send significant U.S. emergency assistance to Haiti in the form of food, medicine, fresh water, clothing, and emergency shelter, and to immediately coordinate, with the international community, the manpower, transportation and distribution of these needed commodities to provide immediate relief to the people of Gonaives and the surrounding countryside.

We know from the storm damage in our own country that fast action is imperative in natural disasters; Haiti's poverty and the size and scope of the disaster there makes the need for speed even greater.

If ever there was a time when the people of Haiti need the help and support of the United States Government, it is now. I urge President Bush not to delay this aid any further, but to act immediately.

[From the Miami Herald, Herald.com, September 21, 2004]

STORM FLOODS KILL MORE THAN 600 IN HAITI

(By Amy Bracken)

GONAIVES, HAITI—.Rescuers dug through mud and ruined homes for bodies Tuesday, expecting the death toll of more than 600 from Tropical Storm Jeanne to rise even further, with half the crowded northern city of Gonaives still under water from the weekend's devastating winds and rain.

Gonaives was hardest hit in the latest tragedy to beset Haiti in a year of revolts, military interventions and devastating floods. Bodies, including many children, were stacked at the city's main morgue, where weeping relatives searched for loved ones.

At least 500 people were killed in the city, according to Toussaint Kongo-Doudou, a spokesman for the U.N. peacekeeping mission in Haiti.

''I lost my kids and there's nothing I can do,'' said Jean Estimable, whose 2-year-old daughter was killed and another of his five children was missing and presumed dead.

''All I have is complete despair and the clothes I'm wearing,'' he said Monday, pointing to a floral dress and ripped pants borrowed from a neighbor.

Floods are particularly damaging in Haiti, the poorest country in the Americas, because it is almost completely deforested, leaving few roots to hold back rushing waters or mudslides. Most of the trees have been chopped down to make charcoal for cooking.

Aid workers were struggling to get relief to victims amid worries over looting and crime, said Hans Havik from the International Federation of Red Cross and Red Crescent Societies.

''Security is little bit tense. We have to be careful with bringing in the materials because we risk looting,'' Havik said.

Three trucks carrying Red Cross relief supplies rolled into Gonaives Monday, but before they could reach their destination at the mayor's office, two of them were mobbed by people who grabbed blankets and towels. U.N. troops stood by watching.

People tripped over each other to grab tiny bags of water thrown from a Red Cross truck in front of City Hall, where officials said about 500 injured were treated Monday.

Dieufort Deslorges, a spokesman for the government civil protection agency, described the situation in Gonaives as ''catastrophic.'' He said survivors need everything from potable water to food, clothing, medication and disinfectants.

''We expect to find dozens more bodies, especially in Gonaives, as . . . floodwaters recede,'' Deslorges said.

Floodwaters destroyed homes and crops in the Artibonite region that is Haiti's breadbasket.

''Everyone is desperate,'' said Pelissier Heber of the Artibonite Chamber of Commerce.

Elsewhere, 56 people were killed in northern Port-de-Paix and 17 died in the nearby town of Terre Neuve, officials said. Deslorges of the civil protection agency reported another 49 bodies recovered in other villages and towns, most in the northwest.

Although there were fears of many more dead on La Tortue island, Deslorges said: ''The government has been in contact with officials on La Tortue. Nothing happened there.''

Jeanne lashed Haiti on Saturday, four months after devastating floods along the southern border of Haiti and neighboring Dominican Republic. Some 1,700 bodies were recovered and 1,600 more were missing and presumed dead.

Gonaives, a city of about a quarter million people, also suffered fighting during the February rebellion that led to the ouster of President Jean-Bertrand Aristide and left an estimated 300 dead.

All this in a year supposed to be dedicated to celebrating the 200th anniversary of the country's independence from France. Haiti, the only country to launch a successful rebellion against slavery, was the world's first black republic.

Jeanne regained hurricane strength over the Atlantic on Monday but posed no immediate threat to land. At 5 a.m. Tuesday, it was moving east-northeast with 90 mph winds, about 445 miles east of Great Abaco Island in the Bahamas.

The storm entered the Caribbean last week, killing seven people in Puerto Rico before heading to the Dominican Republic where it killed at least 18. The overall death toll from Jeanne stands at 647, 622 of them in Haiti.

Waterlines up to 10 feet high showed the passage of the storm waters, which turned some roads into fast-flowing rivers.

Argentine troops who are among more than 3,000 U.N. peacekeepers in Haiti treated at least 150 people injured by the floods in Gonaives, mostly for cuts on feet and legs.

One man stood outside the flooded base used by Argentine troops, asking soldiers to remove 11 bodies that were floating in his house, including four brothers and a sister.

''I would like to see if the soldiers could do something about these bodies,'' said Jean-Saint Manus, a 30-year-old student. ''The door was closed. Everybody was trapped inside.''

He said he had been outside and could only get in once the floods subsided.

Interim Prime Minister Gerard Latortue toured flooded areas Sunday and declared Gonaives a disaster area, calling for aid. The U.S. Embassy announced $60,000 in immediate relief.

Meanwhile, Hurricane Karl and Tropical Storm Lisa remained far out in the Atlantic. Karl's sustained winds were 140 mph, making it a Category 4 hurricane. Lisa had winds of 60 mph.

[From the New York Times, nytimes.com, Sept. 21, 2004]

DEATH TOLL NEARS 700 FROM HAITI FLOODING

(By Reuters)

PORT-AU-PRINCE, HAITI (Reuters).—The death toll in Haiti from flooding and mudslides triggered by Tropical Storm Jeanne rose above 660 on Tuesday and government officials were still struggling to reach areas cut off by flood waters.

The storm swept north of Haiti during the weekend, drenching the impoverished Caribbean nation, inundating cities and sending deadly mudslides through towns and villages.

Interim Prime Minister Gerard Latortue, who declared three days of national mourning for the victims, planned to visit some of the hardest hit areas on Tuesday.

The government put the death toll from the floods at 662 people and expected the total to rise as relief workers recovered bodies and reached areas isolated by the now receding water.

The known toll included 550 deaths in the coastal city of Gonaives, 65 in Haiti's Northwest province and 47 in other towns.

''There's not one house in Gonaives that has not been affected,'' Latortue said before leaving Port-au-Prince to tour the city. Officials estimated half of the 200,000 residents needed immediate assistance with shelter, water and food.

The city is the birthplace of Haiti's independence from France 200 years ago and it was where an armed revolt began that led to the ouster of President Jean-Bertrand Aristide earlier this year.

Latortue's entourage hoped to land on the island of La Tortue off Haiti's north coast to assess damage there. U.N. workers said on Monday it was barely visible beneath the flood waters and rescue workers have been unable to reach it.

U.N. peacekeeping forces sent to stabilize Haiti after Aristide's departure were helping with rescue efforts and providing transportation for relief shipments.

Haiti, the poorest nation in the Americas, is frequently inundated by flash floods and mudslides because of extensive deforestation. Around 2,000 Haitians died when extensive floods washed away villages near the Dominican-Haitian border in May.

Tropical Storm Jeanne also killed 11 people in the Dominican Republic, which shares the island of Hispaniola with Haiti, and two in the U.S. territory of Puerto Rico.

The storm meandered in the Atlantic about 445 miles east-northeast of the Bahamas' Great Abaco Island on Tuesday but posed no immediate threat to land, forecasters at the U.S. National Hurricane Center said.

PERSONAL EXPLANATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. ROGERS of Michigan. Mr. Speaker, on the legislative day of Tuesday, September 14, 2004, the House had a vote on an amendment to H.R. 5025. On House rollcall vote No. 452, I was unavoidably detained. Had I been present, I would have voted ''yea.''

IN SPECIAL RECOGNITION OF THE DEDICATION OF AN HISTORICAL LANDMARK SIGN MARKING THE RED RIVER OX CART TRAIL IN ANOKA, MINNESOTA

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to call attention to the dedication of an historical marker where the Red River Ox Cart Trail once passed through the city of Anoka, Minnesota.

More than 150 years ago, the Red River Ox Cart Trail served as one of the main channels used by traders from Canada into St. Paul, Minnesota. The first of many ox cart trains on this trail was brought from Canada in 1844 by Norman W. Kittson, a trader for the American Fur Company, and within 20 years an annual amount of more than $250,000 worth of pelts, food and other goods were being transported in this manner to St. Paul, where some of the goods would be unloaded, repacked and sent down the Mississippi River to St. Louis, Missouri for shipment east.

The carts used on this trail were unmistakable—large and wooden with six-foot wheels held together with wood pegs and rawhide, which produced a loud squealing sound that could be heard from miles away. The carts and their drivers, in their blue outfits adorned with brass buttons, red sashes and beaded caps became a familiar sight in St. Paul, where, after a 30–day trip from the Red River, the drivers would re-load their carts with food, medicine, hardware, and other goods before they returned northward.

Mr. Speaker, it is my privilege to recognize today's dedication of an historical marker where history literally drove through Anoka, Minnesota. The use of this trail and others like it helped create a thriving shipping economy in Minnesota, which was sustained well after ox carts were replaced by the railroads. Today's dedication is the result of much hard work. I applaud Anoka's Heritage Preservation Society in keeping a piece of Minnesota's rich history alive.

EPA'S GREEN POWER PARTNERS IN TEXAS' 26TH DISTRICT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. BURGESS. Mr. Speaker, I rise today to recognize the United States Environmental Protection Agency's Green Power Partners located in the 26th District of Texas: China Star of Lewisville, East Ocean of Flower Mound, Four Seasons Dry Cleaners of Carrollton, Judy L. Kelly PC/Wellness Plus of Carrollton, Main Street Car Wash and Lube of Lewisville, Mike's Hobby Hanger of Carrollton, and Oishi Japanese Restaurant of Lewisville.

The EPA's Green Power Partnership is a voluntary program that encourages organizations to use green power as a part of best-practice environmental management. Today, the EPA recognized these Green Power Partners in Texas for their commitment to renewable energy.

Green power is beneficial renewable energy generated from natural resources; these resources are chosen due to their low environmental impact and abundant availability. Green Power Partners include commercial, industrial and community organizations that guarantee green power use as part of their yearly energy consumption. I am proud that Texas is the national leader in the number of Green Power Partners.

Renewable energy should be a part of our comprehensive national energy policy. I appreciate the important contribution that renewable energy sources make to our national energy supply, while at the same time minimizing environmental impact.

Again, I would like to commend the seven businesses located in the 26th District, as well as all of the businesses and organizations nationwide that participate in the Green Power Partnership for their dedication to environmentally friendly electricity.

PAYING TRIBUTE TO DAVID BARTON AND WALLBUILDERS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. SAM JOHNSON of Texas. Mr. Speaker, on Saturday, September 25th a dinner gala will take place in Arlington, TX honoring the WallBuilders organization. I rise today to recognize WallBuilders and its valuable contributions to our great country.

WallBuilders is a national pro-family organization which distributes historical, legal, and statistical information that encourages people become active in their local schools and communities.

WallBuilders has been a renowned resource for educating Americans of their rich faith based heritage since 1989 when David and Cheryl Barton founded the organization. Since then, WallBuilders has produced numerous works and award-winning videos applying the lessons of our national history to contemporary issues.

WallBuilders derives its name from the Old Testament book of Nehemiah, when the nation of Israel rallied together to help rebuild the walls of Jerusalem.

Sadly, the moral foundations of America have been severely shaken. As the English Statesmen Edmund Burke said, ''All that is necessary for the triumph of evil is that good men do nothing.'' Thankfully WallBuilders, under the steady leadership of David Barton, is doing something.

The dedication and devotion to the constitutional, moral, and religious foundation on which America was built remains essential for a return to original intent. I believe that a public understanding of our founding principles is vital to the continuity of our Republic.

The reach of WallBuilders extends far beyond the Texas borders. For example, David Barton's message of faith and hope impacted Congressman SCOTT GARRETT of New Jersey and his wife. At a recent event discussing his personal life, GARRETT mentioned how David Barton touched his heart and changed his life. Now that's not something you hear about every day on Capitol Hill.

We Americans share a noble past. The blood of our ancestors has given us freedom and independence. I join WallBuilders and all those attending the dinner gala in celebrating God's gift of liberty. May our resolve for defending it only be strengthened.

God bless America. God bless WallBuilders. I salute you.

INTRODUCTION OF THE ''FORTIFYING AMERICA'S INTELLECTUAL PROPERTY RIGHTS (FAIR) ACT''

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. SCHIFF. Mr. Speaker, I rise today to introduce, with my colleague Representative GOODLATTE, the ''Fortifying America's Intellectual Property Rights (FAIR) Act''—legislation that we have worked on for some time now, to make a number of important reforms to strengthen our fight against the scourge of global piracy.

International markets are vital to U.S. intellectual property industries, providing a strong export base that sustains American jobs. However, this important sector of the U.S. economy is under attack due to widespread patent and trademark infringement, and the unauthorized reproduction, distribution and sale of U.S.-made movies, music, software, and other creative works.

The United States is the world's largest creator, producer and exporter of copyrighted materials, accounting for over 5 percent of the U.S. GDP and adding $531 billion to the U.S. economy. The motion picture industry estimates losses due to global piracy amount to $3.5 billion annually, not including illegal downloading. In Russia, for example, 9 out of 10 DVDs sold are counterfeit copies. Globally, 2 in 5 music recordings are pirate copies, with annual world-wide pirate sales of music estimated at $4–$5 billion. The software industry estimates losses of over $13 billion due to worldwide piracy in 2002.

The Office of the U.S. Trade Representative (USTR) has been charged with identifying countries that deny adequate and effective protection of intellectual property rights. The negotiation of bilateral free trade agreements has proven to be an excellent mechanism for achieving legally binding bilateral obligations to address rampant international copyright piracy.

These efforts have been undertaken with only very limited resources available, and could be more effective if additional tools and resources are provided. The legislation I am introducing today with Representative GOODLATTE will make a number of reforms in the Office of the United States Trade Representative. Specifically, our legislation will establish a new USTR office dedicated exclusively to intellectual property matters, increase the resources dedicated to securing high standards of intellectual property rights protection in trade agreements and enforcing these provisions vigorously, and establish this as the lead office in the Administration for all international trade-related intellectual property matters.

The protection of our intellectual property rights abroad is vital to promoting America's competitive advantages in world commerce. As our trade deficit continues to soar, Congress must step in now to ensure that we aggressively protect our intellectual property rights at home and abroad.

STATEMENT IN HONOR OF PAT LYNCH

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to Virginia Summers Lynch, known to her family and friends as ''Pat,'' who passed away on August 1, 2004. Involved in politics and in her community, Pat's boundless energy and enthusiasm were an inspiration to all who knew her. She epitomized the best of San Francisco.

Pat was a fifth-generation Californian and a descendent of Spanish colonists who settled in the Monterey area in the 18th century. She spent her childhood in the San Simeon area and then attended UC Berkeley where she met her future husband, a law student from San Francisco named Thomas Lynch. They settled in San Francisco and remained happily married until his death in 1986. Together, they had two wonderful sons whom she loved dearly.

Pat was actively involved in San Francisco's civic life. She was a founding member of JACKIE, a foster childcare organization, and she served as President of the Democratic Women of the San Francisco Bay Area. Pat was on the boards of directors for many organizations, including the Humane Society of San Francisco and the Humane Society of United States.

Pat played an integral part in her husband's demanding legal career. Thomas Lynch served as San Francisco's District Attorney and was later appointed by Governor Pat Brown to be California's Attorney General. Pat's support was crucial to her husband's success.

Loved and admired by her friends, one of Pat's most celebrated friendships was with the San Francisco Chronicle's famed columnist Herb Caen. Pat was the source of many of his items and was frequently mentioned in his column.

We thank her sons, Kevin and Michael, for sharing their magnificent mother with us. I hope it is a comfort to them that so many people share their loss and are praying for them at this sad time.

THE COMPREHENSIVE LONG TERM CARE SUPPORT ACT

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Ms. HERSETH. Mr. Speaker, today I am introducing the Comprehensive Long Term Care Support Act of 2004. This Act will make it easier for families to obtain critical long-term care insurance.

As I traveled around my home state of South Dakota this August, the most common concerns I heard relate to health care needs. We sit on the verge of a new crisis in health care. Health care should not be considered a luxury for anyone—but quality, affordable care remains out of reach for far too many Americans. Medicine has moved dramatically toward treating and curing many illnesses through pharmacology and advances in technology, often avoiding the need for invasive surgical procedures. Public policy, however, still has not done enough to keep pace with these advances.

As members of Congress we must be committed to improving our health care system and directly addressing the rising cost of health insurance and prescription drugs, the high number of uninsured, and the challenges associated with long-term care.

A year in a nursing home now averages more than $55,000, while daily home care can cost just as much. In South Dakota—where we have the nation's highest rate of women over age 85 living at or below the poverty level and the second highest rate of people over 65 living alone—the average cost of a

year in a nursing home is over $47,000. Long-term care insurance is often the only way to meet these expenses without sacrificing one's life savings and other assets in order to qualify for Medicaid.

We know that we need to do more to make long-term care more affordable. But often lost in that discussion is the important role that adult children and other family members play in providing care for their parents. Today I introduce legislation to help alleviate the burden of providing long-term care for our nation's families.

This legislation makes long-term care insurance premiums tax deductible—separate from itemized deductions—for those who pay the premiums for themselves, their parents, or for any other family member. It also gives a tax credit of up to $3000 for those caregivers with an income of less than $75,000/year who are responsible for an individual who has been certified as having long-term care needs.

Family caregivers are a critical source of care to older persons with disabilities and chronic health problems. The unpaid and informal care they provide is an essential source of help for elders in the community. The National Family Caregiver Support Program helps caregivers obtain vital information and supportive services in their community. This legislation also doubles the authorized funding for this successful program.

Health care, including long-term care is essential for the social and economic health of our communities. I urge my colleagues to support this important legislation.

Daily Digest

HIGHLIGHTS

Senate passed H.R. 4755, Legislative Branch Appropriations.

Senate

Chamber Action

Routine Proceedings, pages S9395–S9469

Measures Introduced: Ten bills and two resolutions were introduced, as follows: S. 2817–2826, and S. Res. 430–431. **Page S9441**

Measures Reported:

S. 2825, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2005. (S. Rept. No. 108–353)

S. 2826, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005. (S. Rept. No. 108–354)

S. 1530, to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River, with amendments. (S. Rept. No. 108–355)

S. 2742, to extend certain authority of the Supreme Court Police, modify the venue of prosecutions relating to the Supreme Court building and grounds, and authorize the acceptance of gifts to the United States Supreme Court. **Page S9441**

Measures Passed:

Legislative Branch Appropriations: Pursuant to the order of September 15, 2004, Committee on Appropriations was discharged from further consideration of H.R. 4755, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and by 94 yeas to 2 nays (Vote No. 186), Senate passed the bill, after striking out all text, with the exception of the text of the bill relating solely to the House; and inserting in lieu thereof the text of S. 2666, Senate companion measure, as amended, as follows: **Pages S9423–26**

Campbell Amendment No. 3664, to modify the approval requirement relating to the promulgation of certain regulations by the Capitol Police Board. **Page S9423**

Campbell Amendment No. 3665, to provide that certain claims of Senators and Senate officers and employees are received and approved by the Committee on Rules and Administration. **Page S9423**

Campbell (for Durbin) Amendment No. 3667, to provide funding for, and extend the termination date of, the Commission on the Abraham Lincoln Study Abroad Fellowship Program. **Page S9423**

Campbell (for Stevens/Durbin) Amendment No. 3666, to provide for the expansion of participating eligible foreign states under the Open World Leadership program. **Page S9423**

Subsequently, S. 2666 was returned to the Senate calendar.

Subsequently, H.R. 4755, as passed the Senate, will be held at the desk, as if a House message. **Page S9426**

Maritime Transportation Security: Senate passed S. 2279, to amend title 46, United States Code, with respect to maritime transportation security, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S9460–68**

McConnell (for Hollings/McCain) Amendment No. 3669, in the nature of a substitute. **Page S9467**

IDEA Reauthorization—Agreement: A unanimous-consent agreement was reached providing for that when the Senate receives the House message to accompany H.R. 1350, to reauthorize the Individuals with Disabilities Education Act, that if the House amends the Senate amendment, the Senate disagree with the House amendment, insist upon its amendment, and request a conference with the

House thereon; provided, alternatively, that if the House requests a conference, the Senate agree to the request for a conference, and in either case, the Chair be authorized to appoint conferees. **Page S9468**

Nomination—Agreement: A unanimous-consent agreement was reached providing for consideration of the nomination of Porter J. Goss, of Florida, to be Director of Central Intelligence, following morning business on Wednesday, September 22, 2004; that there be six hours of debate equally divided; provided further, that upon the use of yielding back of that time, Senate proceed to a vote on confirmation of the nomination. **Pages S9468–69**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report declaring the continuation of the national emergency with respect to persons to commit, threaten to commit, or support terrorism; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–95) **Page S9440**

Nominations Received: Senate received the following nominations:

William A. Moorman, of Virginia, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years.

1 Air Force nomination in the rank of general.

Routine lists in the Air Force, Army, Marine Corps, Navy. **Page S9469**

Measures Read First Time: **Page S9440**

Executive Communications: **Pages S9440–41**

Executive Reports of Committees: **Page S9441**

Additional Cosponsors: **Pages S9441–43**

Statements on Introduced Bills/Resolutions: **Pages S9443–55**

Additional Statements: **Pages S9438–40**

Amendments Submitted: **Pages S9455–59**

Notices of Hearings/Meetings: **Page S9459**

Authority for Committees to Meet: **Pages S9459–60**

Privilege of the Floor: **Page S9460**

Record Votes: One record vote was taken today. (Total—186) **Page S9426**

Adjournment: Senate convened at 9:45 a.m., and adjourned at 7:14 p.m., until 9:30 a.m., on Wednesday, September 22, 2004. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9469.)

Committee Meetings

(Committees not listed did not meet)

9/11 COMMISSION RECOMMENDATIONS

Committee on Appropriations: Committee held a hearing to examine the 9/11 Commission intelligence recommendations, receiving testimony from Henry Kissinger, former Secretary of State; Admiral Dennis C. Blair, USN (Ret.), former Commander, U.S. Pacific Command; General Joe Ralston, USAF (Ret.), former Commander, U.S. European Command and Supreme Allied Commander, Europe, Northern Atlantic Treaty Organization; and Admiral James O. Ellis, Jr., USN (Ret.), former Commander, U.S. Strategic Command.

Hearing will continue on Wednesday, September 22.

APPROPRIATIONS: DC/VA–HUD

Committee on Appropriations: Committee ordered favorably reported the following bills:

An original bill (S. 2826) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005;

An original bill (S. 2825) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2005.

COMMISSION ON OCEAN POLICY

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the final report of the U.S. Commission on Ocean Policy which makes recommendations to avert the decline of ocean wildlife and collapse of ocean ecosystems, after receiving testimony from Representative Farr; Vice Admiral Conrad C. Lautenbacher, USN (Ret.), Under Secretary for Oceans and Atmosphere, and Richard A. Feely, Pacific Marine Environmental Laboratory, both of the National Oceanic and Atmospheric Administration, Department of Commerce; Admiral James D. Watkins, USN (Ret.), Chairman, U.S. Commission on Ocean Policy; Alaska Governor Frank H. Murkowski, Juneau, on behalf of the National Governors Association; D. James Baker, Academy of Natural Sciences, Philadelphia, Pennsylvania, former Administrator, National Oceanic and Atmospheric Administration, Department of Commerce; Victoria J. Fabry, California State University San Marcos, San Marcos; Berrien Moore, III, University of New Hampshire Institute for the Study of Earth,

Oceans, and Space, Durham; Vice Admiral Roger T. Rufe, The Ocean Conservancy, Washington, D.C.; and Captain Daniel S. Schwartz, University of Washington School of Oceanography, Seattle, on behalf of the Marine Technology Society.

WIRELESS 411 PRIVACY ACT

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine S. 1963, to amend the Communications Act of 1934 to protect the privacy right of subscribers to wireless communication services, after receiving testimony from Senator Specter; former Representative Steve Largent, Cellular Telecommunications and Internet Association, and Marc Rotenberg, Electronic Privacy Information Center, both of Washington, D.C.; Dennis F. Strigl, Verizon Wireless, Bedminster, New Jersey; Patrick M. Cox, Qsent, Inc., Portland, Oregon; and Kathleen Pierz, Pierz Group, Clarkston, Michigan.

NOMINATIONS

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the nominations of Karen Alderman Harbert, of the District of Columbia, to be an Assistant Secretary of Energy for International Affairs and Domestic Policy, and John S. Shaw, of the District of Columbia, to be an Assistant Secretary of Energy for Environment, Safety and Health, after each nominee testified and answered questions in their own behalf.

LAND BILLS

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded a hearing to examine S. 784, to revise the boundary of the Petrified Forest National Park in the State of Arizona, S. 2656, to establish a National Commission on the Quincentennial of the discovery of Florida by Ponce de Leon, S. 2499, to modify the boundary of the Harry S Truman National Historic Site in the State of Missouri, S. 1311, to establish the Hudson-Fulton-Champlain 400th Commemoration Commission, and H.R. 2055, to amend Public Law 89–366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore, after receiving testimony from Representative Walter B. Jones; P. Daniel Smith, Special Assistant to the Director, National Park Service, Department of the Interior; David D. Gillette, Northern Arizona University Department of Geology, Flagstaff; and Michael R. Fitzgerald, Twin Buttes Ranch, LLC, Holbrook, Arizona.

INDIAN DETENTION FACILITIES

Committee on Finance: Committee held a hearing to examine the call for reform in Indian jails, focusing on present law and background relating to tax-exempt financing of Indian tribal prisons, and detention facility staffing, receiving testimony from David W. Anderson, Assistant Secretary for Indian Affairs, and Walter Lamar, Acting Director of Law Enforcement Services, both of the Bureau of Indian Affairs, and Earl E. Devaney, Inspector General, all of the Department of the Interior; Tracy A. Henke, Deputy Associate Attorney General, Department of Justice; William Talks About, Jr., Blackfeet Tribal Business Council, Browning, Montana; and Corinna Sohappy, Warm Springs, Oregon.

Hearing recessed subject to the call.

BUSINESS MEETING

Committee on the Governmental Affairs: Committee began mark up of proposed legislation to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, but did not complete action thereon, and will meet again on Wednesday, September 22, 2004.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following bills:

S. 1700, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, with an amendment in the nature of a substitute;

H.R. 1417, to amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges, with an amendment in the nature of a substitute; and

S. 2742, to extend certain authority of the Supreme Court Police, modify the venue of prosecutions relating to the Supreme Court building and grounds, and authorize the acceptance of gifts to the United States Supreme Court.

U.S. REFUGEE PROGRAM

Committee on the Judiciary: Subcommittee on Immigration, Border Security and Citizenship concluded a hearing to examine solutions to a global concern regarding the resettlement of refugees, focusing on systemic changes to enhance and expand the U.S. Admissions Program, budget needs for the U.S. Refugee Program, and the refugee crises in Haiti and Sudan, after receiving testimony from Arthur E. Dewey, Assistant Secretary of State for Population,

Refugees, and Migration; Eduardo Aguirre, Jr., Director, U.S. Citizenship and Immigration Services, Department of Homeland Security; Charles H. Kuck, Weathersby, Howard, and Kuck, LLC, Atlanta, Georgia; and Mark Franken, Refugee Council, USA, and Lavinia Limon, U.S. Committee for Refugees, both of Washington, D.C.

BUSINESS MEETING

Select Committee on Intelligence: Committee met in closed session and ordered favorably reported the nomination of Porter J. Goss, of Florida, to be Director of Central Intelligence.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Measures Introduced: 13 public bills, H.R. 5106-5118; and; 4 resolutions; H. Con. Res. 494, and H. Res. 779, 782-783 were introduced. **Pages H7328–29**

Additional Cosponsors: **Pages H7329–30**

Reports Filed: Reports were filed today as follows:

H.R. 2028, to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance, amended (H. Rept. 108–691);

H. Res. 780, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 108–692);

H. Res. 781, providing for consideration of H.R. 2028, to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance (H. Rept. 108–693). **Page H7328**

Speaker: Read a letter from the Speaker wherein he appointed Representative Hensarling to act as Speaker Pro Tempore for today. **Page H7247**

Chaplain: The prayer was offered today by Rev. Gary P. Zola, Executive Director, American Jewish Archives in Cincinnati, Ohio. **Page H7254**

Recess: The House recessed at 12:53 p.m. and reconvened at 2 p.m. **Page H7254**

Library of Congress Trust Fund Board—Appointment: The Chair announced the Speaker's appointment of Mr. J. Richard Fredericks of San Francisco, California to the Library of Congress Trust Fund Board for a five-year term. **Page H7257**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Llagas Reclamation Groundwater Remediation Initiative: H.R. 4459, to authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California; **Pages H7257–58**

Authorizing the Secretary of the Interior to study the feasibility of designating Castle Nugent Farms as part of the National Park System: H.R. 2663, to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System; **Pages H7258–59**

Right-to-Ride Livestock on Federal Lands Act of 2004: H.R. 2966, amended, to preserve the use and access of pack and saddle stock animals on public lands, including wilderness areas, national monuments, and other specifically designated areas, administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service where there is a historical tradition of such use; **Pages H7259–61**

Riverside-Corona Feeder Authorization Act: H.R. 3334, amended, to authorize the Secretary of the Interior to participate in the design and construction of the Riverside-Corona Feeder in cooperation with the Western Municipal Water District of Riverside; **Page H7261**

Western Reserve Heritage Areas Study Act: H.R. 3257, amended, to authorize the Secretary of the Interior to conduct a study to determine the suitability

and feasibility of establishing the Western Reserve Heritage Area; **Pages H7262–63**

Railroad Right-of-Way Conveyance Validation Act of 2003: Concur in the Senate amendment to H.R. 1658, Private Bill; to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway—clearing the message for the President; **Pages H7263–64**

Anti-Counterfeiting Amendments of 2003: H.R. 3632, amended, to prevent and punish counterfeiting of copyrighted copies and phonorecords; **Pages H7264–67**

Video Voyeurism Prevention Act of 2003: S. 1301, amended, to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States; and **Pages H7267–68**

Commemorating the opening of the National Museum of the American Indian: S.J. Res. 41, commemorating the opening of the National Museum of the American Indian—clearing the measure for the President. **Pages H7294–H7300**

Transportation, Treasury, and Independent Agencies Appropriations Act for FY05: The House continued consideration of H.R. 5025, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005. The bill was also considered on Tuesday, September 14, and Wednesday, September 15. Further consideration will continue on Wednesday, September 22. **Pages H7269–90, H7291–93**

Agreed Tuesday, September 14, to limit further amendments offered and the time for debate on such amendments. **Page H7269**

The unanimous consent agreement was amended on Wednesday, September 15 to strike any provision for the amendment by Representative Flake regarding Cuba. **Page H7269**

Agreed to:

Stenholm amendment that prohibits the use of funds to implement any suspension of issuance of obligations of the U.S. for purchase by the Civil Service Retirement and Disability Fund, to implement any suspension of issuance of obligations of the U.S. for purchase by the Thrift Savings Fund for the Government Securities Investment Fund, or to implement any sale or redemption of securities, obligations, or other invested assets of the Civil Service Retirement and Disability Fund before maturity; **Pages H7280–82**

Van Hollen amendment that prohibits the use of funds to implement the revision to OMB Circular A–76 made on May 29, 2003 (by a recorded vote of 210 ayes to 187 noes, Roll No. 457); **Pages H7274–77, H7291**

Sanders amendment (No. 5 printed in the Congressional Record of September 13) that prohibits the use of funds to assist in overturning the judicial ruling in the action entitled Kathi Cooper, Beth Harrington, and Matthew Hillesheim, Individually and on Behalf of All Those Similarly Situated vs. IBM Personal Pension Plan and IBM Corporation (by a recorded vote of 237 ayes to 162 noes, Roll No. 458); and **Pages H7269–74, H7291–92**

Davis of Florida amendment (No. 2 printed in the Congressional Record of September 13) that prohibits the use of funds to implement, administer, or enforce restrictions on travel to Cuba for the purpose of visiting relatives (by a recorded vote of 225 ayes to 174 noes, Roll No. 460). **Pages H7282–90, H7293**

Rejected:

Norton amendment that prohibits the use of funds to enter into or renew any contract for a high deductible health plan that does not require enrollees to remain enrolled in such plan for at least 3 consecutive years from the date of initial enrollment (by a recorded vote of 175 ayes to 224 noes, Roll No. 459). **Page H7277, H7292–93**

H. Res. 770, the rule providing for consideration of the bill was agreed to on Tuesday, September 14.

Recess: The House recessed at 6:18 p.m. and reconvened at 6:30 p.m. **Page H7290**

Tax Relief, Simplification, and Equity Act of 2003—Motion To Instruct Conferees: Representative Moore announced his intention to offer a motion to instruct conferees on H.R. 1308, to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit. **Pages H7293–94**

Presidential Messages: Read a letter from the President wherein he notified Congress of the Termination of the National Emergency with respect to Libya—referred to the Committee on International Relations and ordered printed (H. Doc. 108–216). **Pages H7256–57**

Read a letter from the President wherein he notified Congress of the Continuation of the National Emergency with respect to persons who commit, threaten to commit, or support terrorism—referred to the Committee on International Relations and ordered printed (H. Doc. 108–217). **Page H7268**

Discharge Petition: Representative Lee moved to discharge the Committee on Rules from the consideration of H. Res. 748, providing for consideration of H.R. 1102, to establish the National Affordable

Housing Trust Fund in the Treasury of the United States to provide for the development, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families (Discharge Petition No. 11).

Senate Message: Message received from the Senate today appears on pages H7254–55.

Senate Referrals: S. Con. Res. 138 was referred to the Committee on Government Reform. **Page H7327**

Quorum Calls—Votes: Four recorded votes developed during the proceedings of today and appear on pages H7291, H7292, H7292–93, H7293. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 11:48 p.m.

Committee Meetings

KEEPING SENIORS HEALTHY

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled ''Keeping Seniors Healthy: New Preventive Benefits in the Medicare Modernization Act.'' Testimony was heard from Carolyn Clancy, M.D., Director, Agency for Healthcare Research and Quality, Department of Health and Human Services; Janet Heinrich, Director, Healthcare/Public Health Issues, GAO; and a public witness.

PECHANGA BAND OF LUISENO MISSION INDIANS LAND TRANSFER ACT

Committee on Resources: Held a hearing on H.R. 4908, Pechanga Band of Luiseno Mission Indians Land Transfer Act of 2004. Testimony was heard from Chad Calvert, Deputy Assistant Secretary, Land and Minerals Management, Department of the Interior; and Mark A. Macarro, Tribal Chairman, Pechanga Band of Luiseno Indians.

SAME-DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Committee on Rules: Committee granted, by voice vote, a resolution waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any special rule reported on the legislative day of September 22, 2004, providing for consideration or disposition of a conference report to accompany the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

PLEDGE PROTECTION ACT OF 2004

Committee on Rules: Committee granted, by voice vote, a structured rule providing one hour of general debate on H.R. 2028, Pledge Protection Act of 2004, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the committee amendment in the nature of a substitute. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report 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 a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Hostettler, Biggert, Akin, Bass, Jackson-Lee, and Watt.

Joint Meetings

AMERICAN LEGION

Joint Hearings: Senate Committee on Veterans' Affairs concluded a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentation of the American Legion, focusing on budgetary recommendations for the Department of Veterans Affairs for FY 2006, after receiving testimony from Thomas P. Cadmus, American Legion, Washington, D.C.; and Peter Gaytan, National Veterans Affairs and Rehabilitation Commission, Bristow, Virginia.

HUMAN TRAFFICKING

Commission on Security and Cooperation in Europe (Helsinki Commission): Commission concluded a joint hearing with House Committee on Armed Services to examine Department of Defense efforts to enforce policies to combat trafficking in persons, after receiving testimony from Charles S. Abell, Principal Deputy Under Secretary for Personnel and Readiness, and Joseph E. Schmitz, Inspector General, both of

the Department of Defense; General Leon J. LaPorte, Commander, U.S. Forces Korea; John R. Miller, Director, Office to Monitor and Combat Trafficking in Persons, Department of State; Sarah Mendelson, Center for Strategic and International Studies, Washington, D.C.; and Martina E. Vandenberg, Jenner and Block, Chicago, Illinois.

TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 1308, to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, but did not complete action thereon, and recessed subject to call.

COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 22, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: to hold hearings to examine the 9/11 Commission intelligence recommendations, 10 a.m., SH–216.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the condition and regulation of the insurance industry, 2 p.m., SD–538.

Committee on Commerce, Science, and Transportation: business meeting to consider pending calendar business, 9:30 a.m., SR–253.

Committee on Foreign Relations: to hold hearings to examine the nomination of Lloyd O. Pierson, of Virginia, to be Assistant Administrator for Africa, United States Agency for International Development, and to be a Member of the Board of Directors of the African Development Foundation, 2 p.m., SD–419.

Committee on Governmental Affairs: business meeting to continue mark up of the proposed National Intelligence Reform Act, 10 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: business meeting to consider S. 2686, to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act, S. 518, to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy, S. 2283, to extend Federal funding for operation of State high risk health insurance pools, S. 1217, to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls, S. 2526, to reauthorize the Children's Hospitals Graduate Medical Education Program, S. Res. 389, expressing the sense of the Senate with respect to prostate cancer information, and other pending legislation and pending nominations, time to be announced, S–216, Capitol.

Committee on Indian Affairs: business meeting to consider pending calendar business; to be followed by an oversight hearing on the contributions of Native American code talkers in American military history, 9:30 a.m., SD–562.

Committee on the Judiciary: to hold hearings to examine counterterrorism legislation and proposals, including the USA PATRIOT ACT (P.L. 107–56), and the SAFE Act, 9:30 a.m., SD–226.

Full Committee, to hold hearings to examine the nominations of Christopher A. Boyko, to be United States District Judge for the Northern District of Ohio, and Beryl A. Howell, of the District of Columbia, to be a Member of the United States Sentencing Commission, 3:30 p.m., SD–226.

House

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, hearing entitled "Repairing the 21st Century Car: Is Technology Locking the Consumer Out?" 2 p.m., 2322 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled "Problems with the E-rate Program: Waste, Fraud, and Abuse Concerns in the Wiring of Our Nation's Schools to the Internet," 10 a.m., 2123 Rayburn.

Committee on Financial Services, hearing entitled "Legislative Proposals to Implement the Recommendations of the 9/11 Commission," 11 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing entitled "Access to Recovery: Improving Participation and Access in Drug Treatment," 2 p.m., 2247 Rayburn.

Subcommittee on Human Rights and Wellness, hearing entitled "Dietary Supplements: Nature's Answer to Cost Effective Preventative Medicine," 10 a.m., 2154 Rayburn.

Subcommittee on National Security, Emerging Threats and International Relations, hearing entitled "Combating Terrorism: The 9/11 Commission Recommendations and the National Strategies," 10 a.m., 2247 Rayburn.

Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, oversight hearing entitled "Identity Theft: The Causes, Costs, Consequences, and Potential Solutions?" 2:45 p.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on Asia and the Pacific, hearing on Asia's Environmental Challenges, 1 p.m., 2172 Rayburn.

Subcommittee on International Terrorism, Nonproliferation and Human Rights, hearing on Disarmament of Libya's Weapons of Mass Destruction, 1:30 p.m., 2255 Rayburn.

Committee on the Judiciary, to mark up the following: H.R. 5107, To protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of

DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases; and H.J. Res. 22, Proposing a balanced budget amendment to the Constitution of the United States, 11 a.m., 2141 Rayburn.

Subcommittee on the Constitution, to consider a motion to authorize the issuance of a subpoena to Custodian of Records, United States Commission on Civil Rights, 10 a.m., 2141 Rayburn.

Committee on Resources, to mark up the following measures: H.J. Res. 102, Recognizing the 60th anniversary of the Battle of Peleliu and the end of Imperial Japanese control of Palau during World War II and urging the Secretary of the Interior to work to protect the historic sites of the Peleliu Battlefield National Historic Landmark and to establish commemorative programs honoring the Americans who fought there; H. Res. 737, Recognizing the 60th anniversary of the Liberation of Guam during World War II; H. Res. 752, Expressing continued support for the construction of the Victims of Communism Memorial; H.R. 2440, Indian Health Care Improvement Act; H.R. 3176, Ojito Wilderness Act; H.R. 3283, Federal Lands Recreation Enhancement Act; H.R. 3391, Provo River Project Transfer Act; H.R. 4593, Lincoln County Conservation, Recreation, and Development Act; H.R. 4650, Wichita Project Equus Beds Division Authorization Act of 2004; H.R. 4683, Gullah/Geechee Cultural Heritage Act; H.R. 4887, Cumberland Island Wilderness Boundary Adjustment Act of 2003; H.R. 4908, Pechanga Band of Luiseno Mission Indians Land Transfer Act of 2004; H.R. 5016, To extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, Nebraska; H.R. 5083, To designate certain lower-elevation Federal lands in the Skykomish River valley of the State of Washington as wilderness, to designate a portion of such lands for management as a backcountry wilderness management area; H.R. 5104, To amend the Marine Mammal Protection Act of 1972 to authorize appropriations for the John H. Prescott Marine Mammal Rescue Assistance Grant Program; and S. 347, Rim of the Valley Corridor Study Act, 10 a.m., 1324 Longworth.

Subcommittee on Water and Power, hearing on the following bills: H.R. 2603, To impose limitations on the authority of the Secretary of the Interior to claim title or other rights to water absent specific direction of law or to abrogate, injure, or otherwise impair any right to the use of any quantity of water; H.R. 4580, To remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States; and H.R. 4623, Eastern New Mexico Rural Water System Act of 2004, 2 p.m., 1324 Longworth.

Committee on Small Business, Subcommittee on Rural Enterprise, Agriculture and Technology, hearing entitled ''The Impact of High Natural Gas Prices on Small Farmers and Manufacturers,'' 10 a.m., 311 Cannon.

Committee on Ways and Means, Subcommittee on Trade, hearing on Trade Preferences for Haiti, 2 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, Briefing on Cyber Issues, 4:30 p.m., H–405 Capitol.

Select Committee on Homeland Security, Subcommittee on Emergency Preparedness and Response, hearing entitled ''Emergency Warning Systems: Ways to Notify the Public in the New Era of Homeland Security,'' 10 a.m., 2261 Rayburn.

Joint Meetings

Joint Economic Committee: to hold hearings to examine consumer choice and addressing ''adverse selection'' concerns with regard to health insurance, 10 a.m., SD–628.

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, September 22

Senate Chamber

Program for Wednesday: After the transaction of morning business (not to extend beyond 90 minutes), Senate will begin consideration of the nomination of Porter J. Goss, of Florida, to be Director of Central Intelligence, with a vote to occur on confirmation of the nomination following six hours of debate.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, September 22

House Chamber

Program for Wednesday: Consideration of Suspensions:

(1) H.R. 2449—Civil War Sesquicentennial Commission Act;

(2) H.R. 2528—Hudson-Fulton-Champlain 400th Commemoration Commission Act of 2003;

(3) H. Con. Res. 489—Supporting the goals and ideals of National Preparedness Month;

(4) H. Res. 772—Supporting the goals and ideals of National Long-Term Care Residents' Rights Week;

(5) H. Con. Res. 473—Expressing the sense of Congress that the President should designate September 11 as a national day of voluntary service, charity, and compassion;

(6) H. Res. 761—Congratulating Lance Armstrong on his record-setting victory in the 2004 Tour de France;

(7) H.R. 5039—Eva Holtzman Post Office Building Designation Act;

(8) H.R. 480—United States Postal Service Henry Johnson Annex Redesignation Act;

(9) H. Con. Res. 161—Recognizing the outstanding efforts of the individuals and communities who volunteered or donated items to the North Platte Canteen in North Platte, Nebraska, during World War II from December 25, 1941, to April 1, 1946;

(10) H. Con. Res. 486—Recognizing and honoring military unit family support volunteers for their dedicated service to the United States, the Armed Forces, and members of the Armed Forces and their families;

(11) H. Con. Res. 488—Commending the National Oceanic and Atmospheric Administration and its employees for its dedication and hard work during Hurricanes Charley and Frances;

(12) H.R. 3428—Justin W. Williams United States Attorney's Building Designation Act;

(13) H.R. 3734—Joe Skeen Federal Building Designation Act;

(14) H.R. 1057—The Adoption Tax Relief Guarantee Act;

(15) S. Con. Res. 137—Calling for the suspension of Sudan's membership on the United Nations Commission on Human Rights;

(16) H. Res. 767—Condemning the terrorist attack in Jakarta, Indonesia, that occurred on 9/9/04; and

(17) H. Con. Res. 475—Encouraging the International Olympic Committee to select New York City as the site of the 2012 Olympic Games.

Continue consideration of H.R. 5025, Transportation, Treasury, and Independent Agencies Appropriations Act for FY2005.

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