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House of Representatives

The House met at 10 a.m.

The Reverend Austin DeLoach, Jr., Pastor, Southside Baptist Church, Lakeland, Georgia, offered the following prayer:

Heavenly Father, I come to You thankful for this great country that You have blessed us to live in.

Please keep us ever mindful that freedom only comes with a price and cannot be sustained without responsibility.

Give our Nation wisdom to understand that liberty must be protected in part by laws that are grounded in Your truth.

I come humbly before You today asking You to give this body, the Congress of the United States, wisdom and guidance as they fulfill their call to serve others through public office.

According to Your Word, as written in Romans 13:1, You, Lord, have ordained government and chosen to work through those who serve. So I lift up every man and woman of this Congress to You. Bless their families and the people they represent, that these United States may serve Your purpose in this world, as the book of Esther says, for such a time as this.

I thank You for hearing this prayer and I ask it in Jesus' name.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

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

Mr. FOLEY 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 with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4837. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4837) ''An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mrs. HUTCHISON, Mr. BURNS, Mr. CRAIG, Mr. DEWINE, Mr. BROWNBACK, Mr. STEVENS, Mrs. FEINSTEIN, Mr. INOUYE, Mr. JOHNSON, Ms. LANDRIEU, and Mr. BYRD, to be the conferees on the part of the Senate.

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

S. 2279. An act to amend title 46, United States Code, with respect to maritime transportation security, and for other purposes.

FULFILLING AMERICA'S PROMISE

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

Mr. FOLEY. Mr. Speaker, this year we celebrate our 10th anniversary as the governing party of this great Chamber.

In 1994, the Dow Jones industrial average was at 3,834. Today, it is 10,453. Homeownership was at 64 percent. Today it is a record high of 69.2. Violent crime is down. Interest rates are down from 8.5 to 4.42.

Charitable giving among Americans is at its highest, from $150.7 billion in 1996 to over $241 billion now. Bankruptcy rates are down from 17.9 to 2.8. Per capita incomes are growing. Poverty is shrinking. African Americans living in poverty are decreasing and their homeownership is at record highs. Unemployment is down from 6 to 5.4.

These may be dry statistics to some, but they are progress to many Americans, thanks to the direction we have taken this country and this Congress. Yes, America is safer, and I thank the President for standing steadfast against terrorism, against tyranny.

DEMOCRATIC PARTNERSHIP WITH THE AMERICAN PEOPLE

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

Mr. PALLONE. Mr. Speaker, today House Democrats will announce a new partnership with the American people, a partnership that would strengthen six of our Nation's most important core values. We will put Americans back to work, make health care more affordable, hold polluters responsible for the contamination they cause, give our children the education and development tools they need to have a positive future, and restore fiscal responsibility here in Washington.

Democrats' new partnership is necessary today because a large majority of Americans have lost faith in Congress. Over the past decade, Republicans have controlled the people's House and have often strayed from these core American values.

My Democratic colleagues and I have been fighting for these causes for many

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years, but this is the first time we are unveiling a partnership with the American people, a promise, if you will, that if the American people put their trust in us and elect a Democratic majority in November, we will work with them as partners to make their lives and our government better.

TEN-YEAR ANNIVERSARY OF THE GOP HOUSE MAJORITY

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

Mr. BLUNT. Mr. Speaker, Americans like the partnership they have. Republicans have trusted the ingenuity of the American people to expand opportunity for themselves and their families.

For 10 years, the Republican majority has worked to expand the power of the American people over the power of the American government.

We believe in letting people keep more of their hard-earned money so that they are better able to provide for their families and invest in their own futures.

We trust small business owners to create jobs and grow the economy better than government programs can.

We understand that school teachers and parents in Springfield, Missouri, and other places across this Nation know what is best for students, not bureaucrats in Washington.

We know that excessive government regulations never created a single job for an American worker.

House Republicans believe individuals make better decisions than government, and when Americans are given freedom to exercise personal responsibility to provide for their futures, they have a greater stake in securing that future.

After 10 years, that future is bright. As a majority, we have accomplished so much, but there is still so much more to do. In many ways, we have only just begun to make the impact our Nation needs.

Although priorities have changed, our principles do not, as we move forward into a second decade.

REPUBLICAN PARTY IN BREACH OF CONTRACT

(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, it is time to declare the Republican Party in breach of contract.

A decade ago, the GOP promised the American people they would balance the budget. Instead, they have engineered the largest deficit in history.

A decade ago, the GOP promised Americans a fair shake. Instead, average Americans have seen their incomes shrink, their jobs evaporate, Social Security threatened, and health care beyond the reach of 45 million Americans.

A decade ago, the GOP promised to help seniors. Instead, the GOP sent plastic cards to senior citizens and big profits to drug companies. Some contract.

When it comes to the American people, the GOP, like the President, have been AWOL. The contract is null and void. It is time for a new partnership. Come January, we will stand and say, Madam Speaker, as the gentlewoman from California (Ms. PELOSI) becomes the first woman Speaker of the House.

The time is now and it is long overdue. It is only 40 days away.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMMONS). Members are admonished to refrain from improper references to the President.

TEN YEARS OF A REPUBLICAN HOUSE

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

Ms. PRYCE of Ohio. Mr. Speaker, in the past 10 years, the Republican majority in this House has created a stronger, safer and more prosperous Nation and we celebrate that today. At the heart of that prosperity stand our Nation's small businesses.

Under our Republican-led House, the number of small businesses has exploded, most notably female-owned companies. From 1992 to 1997, women-owned firms increased by 16 percent, accounting for a quarter of all small businesses. Today, nearly 40 percent of all small businesses are owned by women, a number that is increasing at double the rate of all U.S. companies.

By cutting red tape and providing tax relief and regulatory reform, House Republicans have made it possible for Americans, women especially, to become independent entrepreneurs. Less time tangled up in red tape and buried in paperwork means more time at home with their children, the ability to hire more workers, even the possibility of opening another store or factory.

Mr. Speaker, the Republican majority understands the tremendous potential of the American entrepreneur. I look forward to the next 10 years, seeing American dreams become realities in our communities across this country.

DEMOCRATS OFFER A DIFFERENT VISION

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, perhaps the greatest disservice that the Bush administration and the Republican leadership have inflicted upon the American people is the lowering of expectations of what this great country of ours can be.

As the undisputed superpower of the world and the richest nation in the history of the planet, our opportunity to be a force to advance humankind in all respects is without limit and, one after another, this Nation has squandered those opportunities, leaving more Americans in poverty and without health insurance, breathing dirtier air, fewer with a chance of college, 1,027 dead in a war that has made the United States reviled around the world.

The Democrats are offering today a different vision, inviting all Americans to partner with us and each other in an America built on our shared values of prosperity, opportunity and fairness for all, national security, accountability and community.

Together, we can fulfill the great promise and the great hope that is the United States of America.

WELCOMING DAVE AND KELLY KEIM OF BERNE, INDIANA

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

Mr. PENCE. Mr. Speaker, I rise this morning to welcome Dave and Kelly Keim of Berne, Indiana, to our Nation's capital. They are in town today to stand with many others in this building to oppose embryonic stem cell research.

Why would people come from Berne, Indiana? The answer can be found in their 18-month-old twins, Caroline and Spencer, who are a daily and profound reminder that embryonic adoption should be preferred in the law always over destroying human embryos for stem cell research.

Mr. Speaker, Caroline and Spencer Keim are fully human today, just as they were 18 short months ago when they were in the frozen embryonic stage of their development. They stand as a living testament to the truth that it would have been morally wrong to destroy their embryonic lives, even for well-intentioned medical research.

Ronald Reagan said it wisely in the year 1984, ''We cannot diminish the value of one category of human life, the unborn, without diminishing the value of all human life.''

Mr. Speaker, I welcome Dave and Kelly Keim and their two beautiful twins, Caroline and Spencer, to Washington today, and I thank them for their courageous stand for life in this critical issue of embryonic stem cell research.

DEMOCRATS UNVEIL NEW PARTNERSHIP FOR AMERICA'S FUTURE

(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, recently the President of the United

States announced a record increase, 17.4 percent, in the premiums that Medicare beneficiaries will be forced to pay, a record not matched in the 38-year history of Medicare. Why this increase? Because of the President's prescription drug bill, a drug bill written by the insurance industry, written by the drug industry.

□ 1015

Twenty-three billion dollars in direct subsidies go from the pockets of seniors, with their premium increase, into the coffers of the insurance companies, $180 billion dollars extra profits for the already record profitable drug companies.

And this has happened over and over on the House floor: middle of the night votes, literally a bribe offered on the House floor during the passage of Medicare. That is why Democrats are unveiling today the New Partnership for America's Future to take our country in a new direction, to take our country in a better direction.

JOE LOCKHART SHOULD LEAVE THE KERRY CAMPAIGN

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

Mr. PITTS. Mr. Speaker, CBS has publicly apologized for airing the story on President Bush's National Guard service which relied on fraudulent documents. The fallout from this story will be felt for a long time. CBS has discredited itself as a news organization.

Some were surprised to learn that the man who produced those forged documents, Bill Burkett, was in contact with the Kerry campaign. A series of e-mails has surfaced showing that Burkett spoke with Max Cleland, an adviser to JOHN KERRY's presidential campaign about assisting the Democrats with a counter attack on Bush.

Also, a senior adviser to KERRY, Joe Lockhart, said that on the advice of CBS producer Mary Mapes, he spoke with Burkett about Vietnam and the Presidential campaign shortly before the piece aired. Lockhart's role in this attack is particularly disturbing.

Fraudulent political attacks by anyone are reprehensible. Joe Lockhart is talented and intelligent, but I believe he should excuse himself from the Kerry campaign.

WAR IN IRAQ IS COSTING U.S. LIVES AND DOMESTIC PROGRAMS

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

Ms. WATERS. Mr. Speaker, I am sick and tired of waking up every morning to the news that more men and women are being killed in Iraq. I am as patriotic as anybody, but why are we in Iraq? We have discovered that we were misled. There are no weapons of mass destruction. But our young men and women are dying every day.

At the same time, we are spending $1 billion per week on this war. We are spending $1 billion a week, but we have 44 million Americans without health insurance. We have rising poverty. We have men and women who work every day but cannot afford to pay rent. Yet this administration is cutting the section 8 program that would support families in their ability to have a house.

What are we doing in education? Far too many dropouts, not only in our inner cities but in our rural areas. This President says, leave no child behind, but it is empty rhetoric. He is not putting his dollars where his mouth is.

RECOGNIZING 10 YEARS OF REPUBLICAN MAJORITY IN U.S. HOUSE

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

Mrs. BLACKBURN. Mr. Speaker, several of us are coming to the well this morning to celebrate the decade since those revolutionary, visionary Republicans gained a majority in this House and helped put America back on the right track.

Today, Americans are paying lower taxes. We have a stronger, more well-trained military, and we fight every day to decrease regulation and to get at the heart of waste, fraud and abuse in our government. None of this, not any of it, would have happened without those passionate patriotic Republicans.

We understand that small businesses are what fuel this economy, so we have worked to help create and expand jobs. We have created health savings accounts, which give Americans more control over their health care dollars, greater choices.

Our historic tax relief has helped push America out of recession and helped to protect the American Dream for future generations. Republicans know that government does not create jobs; small business does. And we celebrate 10 years of success.

TEN YEARS: ADVANCES

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

Mr. STEARNS. Mr. Speaker, Republicans have been in the majority here in the House of Representatives for 10 years now, and a lot has changed. We have helped to free working families from the heavy tax burden, but we need to make our work permanent. We need to make a child tax credit, elimination of the marriage penalty tax and the elimination of the death tax permanent. Only the Republicans are committed to doing this.

We have established a more optimistic welfare system that encourages self-sufficiency and has shortened the welfare lines. But there are still families on welfare who want to get off, so there is more work to be done. Only Republicans are committed to doing this.

Since 1994, unemployment rates are lower. Median household income is higher. A greater percentage of Americans are graduating from college. Home ownership rates are higher. And the violent crime rate has decreased.

Mr. Speaker, the numbers prove that American families are better off, much better off with Republicans making the laws.

GOP 10–YEAR ANNIVERSARY

(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, Americans celebrate the 10-year anniversary of Republican majority in this House of Representatives. Let us remember that it was President Reagan's emphasis on security that provided the legacy that we now use as the starting point for the Grand Old Party.

If Congress does not see to it that every American is safe, does anything else matter? Republicans answered this question by strengthening our military, equipping our troops, confronting terrorists on their turf and taking care of our veterans when they return home. From the fall of the Iron Curtain and the demise of communism to the liberation of Iraq and Afghanistan, Republicans have driven policy that has transformed unsafe nations while protecting our own.

Republicans recognize that we do not need to seek a permission slip to defend our Nation and that nothing is more important than a safe, secure America.

HOUSE REPUBLICANS: A PROUD AND POSITIVE 10-YEAR RECORD OF ACHIEVEMENT

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

Mr. WILSON of South Carolina. Mr. Speaker, for the last 10 years, the House Republican majority has built a proud and positive record that has improved the lives of American families. In 1994, Republicans were overwhelmingly elected to bring leadership and accountability to Washington. Republicans had a clear vision to restore fiscal responsibility, rebuild our defense and intelligence, and create jobs through relieving the tax burden and reforming welfare, improving education for our children, protecting the lives of the unborn and the sanctity of marriage, and leading with honesty and integrity.

In the last 10 years, the stock market has more than doubled in value. Poverty has decreased. Unemployment has

declined. And household income has risen substantially. We have reformed welfare, passed the Defense of Marriage Act and promoted quality education in our schools, fulfilling the Reagan revolution.

As a lifelong member of the Republican Party, I have never been prouder of our party. Under the leadership of our Speaker, the gentleman from Illinois (Mr. HASTERT); our majority leader, the gentleman from Texas (Mr. DELAY); the chairman of the Republican Conference, the gentlewoman from Ohio (Ms. PRYCE); and our majority whip, the gentleman from Missouri (Mr. BLUNT), working with President George Bush, this team will continue to promote America's families.

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

GOP 10-YEAR ANNIVERSARY

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

Mr. GARRETT of New Jersey. Mr. Speaker, in 10 years of majority, Republicans have made a difference and a difference not by over-legislating but by having confidence and faith in the American people and the American individual.

My Republican colleagues and I believe that it is the individual American and not the government who can best improve their lives. Financial decisionmaking is best done by the family and not by the Federal government. The taxpayers' money belongs in the taxpayers' pockets. They work hard for it, and they know how to spend it best.

Republicans created across-the-board tax cuts for working Americans, giving them a greater chance to spend and to save their money as they deem fit, giving them options, giving them independence. The benefits of our tax relief have rolled on to jump-start the economy, with 1.7 million new jobs this past year, with the current unemployment rate lower than the average rates of the 1970s, 1980s and 1990s combined.

Mr. Speaker, in the next 10 years, the Republicans will continue to respect the American individual and, in turn, build on our successes and on the success of this great Nation.

SUPPORT THE PLEDGE

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

Mr. RYUN of Kansas. Mr. Speaker, amidst the controversy surrounding the Pledge of Allegiance, I fear that we have forgotten our Founding Fathers' true intentions behind the establishment clause in the Constitution. While our critics argue that the words ''under God'' violate the establishment cause, our founders actually encouraged this type of religious recognition.

As George Washington said in his farewell address, and I quote, ''Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. The mere politician, equal with the pious man, ought to respect and to cherish them.''

Washington encourages us to respect religion, and I think he feared that the government might misapply the establishment clause to things like the Pledge. Even Thomas Jefferson, who advocated the wall of separation between church and State, articulated this, and I quote, ''No Nation has ever yet existed or been governed without religion, nor can be.''

Considering our Founding Fathers' clear statements, it is hard to say that the Pledge establishes religion or crosses the wall of separation. I urge my colleagues to embrace the founders' original intent and support H.R. 2028.

REPUBLICAN MAJORITY AND FAMILY HEALTH CARE

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

Mr. GINGREY. Mr. Speaker, in the 10 years of Republican majority in the House, we have always put families first. We recognize that protecting our Nation's families means in part creating access to better health care, providing affordable prescription drugs to seniors and ensuring the best doctors and care for our children. These are critical and necessary commitments.

In 1994, when Republicans took the majority, many of our citizens were being left behind without access to rapidly developing medical technology. Last year, we passed the most sweeping modernization to Medicare legislation since its creation in 1965. For the first time, our seniors now have a prescription drug benefit. Americans know that their parents and grandparents will be taken care of and that they are in safe hands.

We have provided better options to our Nation's low-income families by making doctors' appointments and necessary checkups available through community health centers; 15 million families nationwide now have a place to count on for health care through these centers.

America's families will always receive the best existing health care. Republicans recognize the importance of family health care, and we will continue to recognize it as a top priority in the future.

CELEBRATING 10 YEARS OF REPUBLICAN MAJORITY

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

Mr. LINDER. Mr. Speaker, 10 years ago, 25 hearty souls met for 3 hours every week to decide whether we could change the course of America, led by then House Minority Whip Newt Gingrich. We said that if you gave us the authority and the power, we would change the way America works, and we did it with a specific Contract With America; 9 million additional people voted in that election and gave us the opportunity to lead.

We believed that too many people were on welfare, and they deserved an opportunity to get off, so we changed that. We balanced the budget and paid down debt. Some of that is going by the wayside now with a war to fund, but when we stood before the American people in 1994, we stood for something solid, and we can do it again.

We want to thank the American people for giving us the opportunity. And, Mr. Speaker, I want to thank Newt Gingrich, who would be our Speaker ultimately, for leading us to that majority.

□ 1030

THE RECORD OF THE REPUBLICAN-CONTROLLED CONGRESS

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

Mr. HINCHEY. Mr. Speaker, the Republicans have reminded us that it has been 10 years since they have controlled this Congress, and I think it is important to reflect upon that record. Since they have been in the majority here, they have managed to shift the tax burden from the most affluent people in America to the white and blue collar working class, raising taxes for working Americans, lowering them for multimillionaires. They have established the conditions for, and presided over, the Enron and other corporate scandals. And since they have controlled not just the legislative branch but the executive branch as well, they have managed to increase the poverty level in America in the last 4 years by 4.3 million people now living in poverty.

They have reduced the average income of the average American family by more than $1,500. They have raised the energy costs of the average American family by more than $1,000 a year. They have raised the number of people who are without health insurance, bringing it up to 45 million people without health insurance. The list goes on. And we will have other opportunities to discuss it, I am sure.

PLEDGE PROTECTION

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, this week we will vote on keeping ''one Nation under God'' in the Pledge of Allegiance. The Pledge is

under attack, and activists are using wayward judges to chip away at this time-honored tradition. Our national motto is ''In God We Trust.'' In Texas the people have already spoken. Starting last year, all school districts require students to recite the Pledge to the United States and Texas flags daily.

The bill we have on the floor today is essential to ensuring that the will of the people of Texas is not circumvented by some unelected judge in another State. For the sake of our country's morale and heritage, we must keep ''under God'' in the Pledge.

I will just close with God bless America.

THE REPUBLICAN PARTY'S CONSISTENT SUPPORT FOR THE MILITARY

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

Mr. SHIMKUS. Mr. Speaker, one of the reasons why I became a Republican is because of the Republican Party's consistent support for the military.

Since 2000, base military pay has increased by 29 percent. Mid-grade noncommissioned officers, who represent the core experience and talent in the Armed Forces, have seen their pay increase an average of 35 percent. Congress under Republican control provided $6 billion for repair, maintenance, and operations of the military houses and bases. Congress increased the basic allowance for housing and eliminated servicemembers' out-of-pocket housing expenses, increased family separation allowance, and increased the amount for imminent danger pay.

I am proud that the Republican Party stands for strong support for the military, and I am sure we will consistently support our men and women serving in dangerous places around the world and their families.

SNOWFLAKES EMBRYO ADOPTION

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

Mr. SMITH of New Jersey. Mr. Speaker, less than 5 minutes ago, I was in a room here in the Capitol filled with children who were frozen embryos, several months—even years ago—who went on to be adopted. The stories of these adopted embryos, with names like Kate and Mike, are compelling. We know of at least 60 children who were once cryogenically frozen but have now gone on to be adopted. An adoption program called Snowflakes adoption agency that has been promoting this loving adoption option and underscores why we need to protect these newly created human beings and not steal their stem cells for use in research.

Let me also point out to my colleagues that we often hear the term ''spare embryos'' in connection with embryonic stem cell research. I hope that we will cease employing that very false term. There is no such thing as a spare embryo. These individuals can be adopted, they are being adopted; and they are just like any other little boy or girl.

We should put our emphasis, and our research dollars, Mr. Speaker, on adult stem cell research and cord blood stem cell research. This research has no ethical downside. And it has worked. That is where the real breakthroughs are occurring each and every day. Heart repair and myriad other advances are occurring not from embryonic, but from adult—and cord blood stem cells.

10TH ANNIVERSARY OF REPUBLICAN MAJORITY IN CONGRESS

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

Mr. DREIER. Mr. Speaker, what a difference a decade makes. It is true we are marking the 10th anniversary of the Republican majority controlling this institution, and it has been great for the American people.

One issue that is of paramount interest and is often forgotten is the fact that leading up to our having won the majority in 1994, we in this country, from the early 1960s forward, were dealing with a very tragic generational cycle of welfare. We saw this cycle of dependence continuing on and on and on where people were in fact losing their motivation, losing the kind of incentive that they needed to succeed in life. And when we in 1995, 1996 worked very hard to bring about an end to that generational cycling of welfare, what is it that we did? We not only created opportunity for people, but story after story had us telling anecdotal evidence of people saying, I have finally gotten the pride back that was so desperately needed.

So, Mr. Speaker, that is just one example of the kind of success that we have had with our majority, and I hope we can keep working for the American people for years to come.

THE SUDAN

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

Mr. KOLBE. Mr. Speaker, yesterday afternoon the gentleman from Illinois (Mr. JACKSON) and I returned from a 4-day trip to the Sudan, including mostly into the Darfur region in West Sudan. We visited the camps where the displaced persons are. We visited North Darfur, which is an area under control by the Sudanese Liberation Movement, the rebel groups.

I am here to report to my colleagues today that unfortunately the attacks on the people of Darfur are continuing by the Janjaweed, that is the militia that has been armed by the government and sent on these missions to destroy and to kill the people there, increasing the huge numbers of displaced persons who are fleeing into these camps. The conditions in these camps are absolutely intolerable. They are living in positive squalor. The world's humanitarian community is responding in a very positive way, but the conditions continue to grow worse.

What is needed is greater security. What is needed is a greater commitment by the African Union to send troops to provide that kind of security. What is needed is a commitment by the Sudanese government to end the Janjaweed attacks and to allow the humanitarian community to provide the relief that is necessary and to provide the security also so that these people can return to their homes.

TIME FOR A NEW PARTNERSHIP

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

Mr. DeFAZIO. Mr. Speaker, it is 10 years since the Contract on America, the Republican takeover. If people think the country is going in the right direction, then I guess they are doing a great job.

They talk about fiscal responsibility; $600 billion deficit this year. Every penny of the Social Security surplus and trust fund borrowed and spent and replaced with IOUs. We have lower wages, outsourced jobs, unemployed Americans, economic insecurity, and record numbers of uninsured. And they brag about their record on health care, a prescription drug benefit written by and for the pharmaceutical industry at tremendous tax to the taxpayer, subsidies to that industry.

It is time for a new partnership for the majority of Americans, not more government by and for an elite few.

TO CELEBRATE AMERICA

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

Mr. HAYES. Mr. Speaker, I stand today to celebrate with my colleagues the American people. We in the majority have worked hard to empower people to create opportunities, to make jobs, to do things that turn America into a place where people can achieve their dreams. That is what is happening. It is also in stark contrast to the U.N., that sits on their collective duffs while people in the Sudan, Iraq, Afghanistan need help.

So, yes, we do celebrate America today because the majority will stand up and empower the American people to live that American Dream and to be part of making a better, freer, and safer world.

THE REPUBLICAN CONTRACT WITH AMERICA

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

Mr. KINGSTON. Mr. Speaker, 10 years ago the Republican Party put forth the Contract with America, and it was the first time that collectively Members of Congress had put forth an agenda. And certainly the Democrats did not like it, but 10 years later they are trying to do the same thing, and I applaud them. I think it is good to honestly show the folks what their platform is.

Part of our platform, of course, was tax cuts. Does anyone think that we would have had tax cuts had the Democrats stayed in power?

Part of our platform was welfare reform. There were 14 million people on welfare. Today there are about 4 million. Does anyone think that 9 million people would be back in the workplace if it had not been for the Republican Contract with America?

The military spending went from $260 billion to today $419 billion and restrengthened our military. Does anybody think that would have happened without the Republican Contract with America?

And No Child Left Behind, our landmark education reform bill that put parents back in charge and teachers, not bureaucrats, in Washington. Does anyone think that would have happened without the Contract with America?

These platforms are good. This debate is worth having. We have been in power for 10 years. There is a lot more we need to be doing. We are going to work for tax simplification and more tax reduction, and we need to get better control on spending. Both parties need to do that.

Mr. Speaker, I am proud that we have been in power 10 years and proud of the accomplishments we have had in that period.

CELEBRATING 10 YEARS OF A REPUBLICAN HOUSE

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

Mr. EHLERS. Mr. Speaker, it is a pleasure to join in this celebration today.

I well remember 1994 because I was sworn in during January, 1994, and took my oath of office. Shortly thereafter I wrote an article which was distributed to my party colleagues entitled ''How We Can Take the Majority.'' What a change has happened since then.

The Contract with America was a genuine brainstorm, a very effective technique; but also it gave guidance for a number of years for what we were to do. And if we compare the condition of the Nation today to the condition of the Nation 10 years ago, it is absolutely amazing what we have accomplished. Much of it has been controversial, but almost all of it has been good. And I am very pleased with the progress that we have made and the way we have moved this country along over these 10 years.

I would also add, Mr. Speaker, I have always been a great believer that good work deserves a reward. And this is a very clear case where the good work of the Republican Party in this Congress deserves a reward of continuing to remain in the majority for another 10 years. We have proved we can do good work. We will continue to do it.

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. SHIMKUS). 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.

□ 1044

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. SIMMONS (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 Tuesday, September 21, 2004, amendment No. 2 printed in the CONGRESSIONAL RECORD by the gentleman from Florida (Mr. DAVIS) had been disposed of, and the bill had been read through Page 166, line 3.

AMENDMENT NO. 12 OFFERED BY MS. WATERS

Ms. WATERS. 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. 12 offered by Ms. WATERS:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to implement any sanction imposed by the United States on private commercial sales of agricultural commodities (as defined in section 402 of the Agricultural Trade Development and Assistance Act of 1954) or medicine or medical supplies (within the meaning of section 1705(c) of the Cuban Democracy Act of 1992) to Cuba (other than a sanction imposed pursuant to agreement with one or more other countries).

The CHAIRMAN pro tempore. Pursuant to the order of the House of Tuesday, September 14, 2004, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

□ 1045

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

Mr. Chairman, this is a very simple amendment. The United States has a trade deficit. We are not able to sell our goods abroad in the way that we should be able to do it.

Cuba has been literally dying for us to sell them goods. We finally had the good sense to open up the way for the sale of agricultural commodities, medicine and medical supplies to Cuba, and they are buying, but they have to pay cash on the barrel head. So this amendment would prohibit the use of funds to implement sanctions on private commercial sales of agricultural commodities, medicine and medical supplies to Cuba.

U.S. exports of agricultural products and medical supplies to Cuba have been legal since 2001. However, American farmers and other exporters must maneuver through a myriad of restrictions in order to export these products to Cuba. Exporters are denied access to export assistance, credit guarantees and private commercial financing. All transactions must be conducted in cash in advance or with financing from third countries. These restrictions make trade with Cuba unnecessarily expensive, bureaucratic and complicated.

The effect of my amendment would be to free exporters from the need to comply with these cumbersome regulations.

The people of Cuba need food and medicine. Their needs have never been greater than they are now, following the devastation caused by Hurricane Ivan. Cuba is one of several islands in the Caribbean ravaged by Hurricane Ivan, and the people of Cuba are trying to recover from the extensive damage caused by this terrible storm.

The people of Cuba are more than willing to purchase food and medical supplies from their American neighbors. American exporters have already exported $210 million in products to Cuba in the first 5 months of this year despite the cumbersome restrictions involved, and they can expect to increase their market share significantly if they are freed from these restrictions.

U.S. agri-business companies have estimated that U.S. farmers are missing out on a market of $700 million in Cuba because of these restrictions. Removing the prohibition on private financing would be especially helpful to smaller companies and individual farmers. Small businesses cannot afford to export goods to a foreign country without financing.

My amendment would ensure that American exporters could use private financing to export agricultural products and medical supplies to Cuba. A similar amendment was offered by my colleague, the gentleman from Kansas (Mr. MORAN), and was adopted by the House on July 23, 2002. Unfortunately, this amendment was not included in the conference report.

Other countries, like China, Germany and Canada, permit trade with Cuba, and these countries have financing arrangements that facilitate exports to Cuba. If the United States continues to make exports of food and medicine unnecessarily difficult and complicated, American companies will continue to be left out.

My amendment would ensure that American exporters could use private financing to export agricultural products and medical supplies to Cuba. Exports of food and medicine to Cuba are good for the American economy and they are good for the people of Cuba.

Mr. Chairman, I would urge my colleagues to adopt this amendment. I know that there are Members of this House who strongly dislike Fidel Castro. I know that there are Members who would do whatever they could to disadvantage that island. But I think it does not make good sense to cut off your nose to spite your face. We have all of these small businesses that want to do business with Cuba. Cuba wants to do business with us. We need to get rid of these restrictions so that they can have the kind of credit and financing from private companies, so that they can buy more and more and more.

How are we ever going to get rid of this trade deficit if we are not smart enough not to let some of the political ambitions of a few of our colleagues get in the way of what is good for America? We are sitting right down here 90 miles from Cuba in Florida with a lot of folks who want to do business with them. It is time to change our policies and go in a new direction.

It is time also to show people that we are willing to do the right thing. How can we sit here and know that people need the food, we need the money, and not allow it to happen?

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN pro tempore (Mr. SIMMONS). The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

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

Mr. Chairman, it is important that the facts be clear: The sale of agricultural products and medicine to Cuba, even to the regime, is legal. The only requirement is that they have to pay.

Now, I was involved in a negotiation with a number of Members of this House some years back. It was a very detailed and difficult negotiation, but an agreement ensued that permitted the sale of agricultural products. The sale of medical products had been legal since 1992. The agreement permitted the sale of agricultural products even to the regime, as I said, Mr. Chairman, as long as the regime paid.

Now, even the economic interests that do business with the regime have made it clear that they want to be paid. What the discussion is about today is financing for the dictatorship, to make available financing for the dictatorship.

Amendments seem to find their way to this floor, no matter how much repression and torture the Cuban dictator engages in against his people, no matter how many people he imprisons simply for their views, no matter how much he tortures the people whom he imprisons. No matter how many people he even murders because they try to seek freedom, amendments manage to find their way to this floor to reward the tyrant. So now there is one amendment here that seeks to reward the dictator with financing.

What we are saying is, there has really never been a time to reward a dictatorship for repression and jailing of opponents and the murder of opponents. There has never been a time for that. Much less is there a time now, after the dictator has increased repression.

So on the issue of financing, I would simply remind my colleagues again that even those who sell to the dictator wish to be paid. Even those who sell to the dictator have said that they like the fact that they have to be paid, that they know that the dictator owes billions of dollars to people who have offered financing to him from other places of the world. What we do not want is to increase the amount of debt that the dictator owes, this time to Americans, much less to Americans who might then wish to have the taxpayer later bail them out.

The bottom line is that the sale of agricultural products is legal, that the sale of medical products has for a long time been legal, and that the only requirement is that the dictator pay. So we do not think that it is appropriate now to reward the dictatorship with financing. Even the people who sell are not pushing for that, because they like the fact that they get paid.

Mr. Chairman, this amendment is really in bad taste, especially when you consider the torture that the political prisoners are being subjected to. Those are the future leaders of the Cuban congress, those are the future leaders of the judiciary and, in fact, the future presidents of the Republic of Cuba, people who today are languishing in prison being tortured; and we owe at the very least to them not to reward this dictatorship with financing that even those who sell products are not seeking.

Mr. Chairman, I would simply ask my colleagues to reject this amendment, which is in bad taste and seeks to reward the dictatorship, and remind our colleagues that the sale of medical products and of agricultural products even to the regime is legal. The only conditions are that the regime pay.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

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

Ms. WATERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. WATERS) will be postponed.

AMENDMENT OFFERED BY MS. LEE

Ms. LEE. 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. LEE:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to paragraphs (a) and (b) of section 515.565 of title 31, Code of Federal Regulations (relating to specific licenses for United States academic institutions and other specific licenses), as published in the Federal Register on June 16, 2004 (69 Fed. Reg. 33772). The limitation in the preceding sentence 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 gentlewoman from California (Ms. LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. LEE).

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

Mr. Chairman, my amendment is very simple. It prohibits funds in this bill from being used to enforce new regulations promulgated on June 30 that severely restrict and in many cases eliminate opportunities for United States students to study abroad in Cuba.

These new election year regulations take our policy toward Cuba in the exact wrong direction. Many of these regulations are just plain undemocratic and punitive, and simply do not make sense for Americans.

Regulations that have already and will continue to deny many American college students the basic opportunity to gain experience, knowledge and insight through study abroad in Cuba should not be funded. In fact, not only were many study-abroad programs to

Cuba effectively eliminated by these new regulations, most of the schools received little advance notice of the restrictions. Sadly, it is the students who suffered from this short notice. By the time the students were finally informed of the program cancellations, it was simply too late for them to make new study-abroad arrangements.

Goucher College, Johns Hopkins University, Howard University, Siena College, Butler University, the College of Charleston and Tulane University, just to name a few, were affected by these regulations. In my home State, the University of California coordinates study-abroad programs to Cuba and will be forced to cancel its popular programs next year.

This is an issue of freedom for our students to travel and gain invaluable experience and educational opportunity that only international study-abroad programs can provide. Our students can travel and study abroad in Communist countries such as China and Vietnam.

Make no mistake, isolating Cuba and preventing these important contacts between Cuba and students will not change the government in Cuba. We should allow these students to exchange ideas, values and share experiences. These types of exchanges are what will truly bring change to Cuba.

This amendment is straightforward, Mr. Chairman, and should not be controversial. We are talking about mainstream family values: education, freedom to travel, freedom to learn and the freedom to export our American values.

The State Department and the 9/11 Commission have both stated that our youth are key to spreading American values. Patricia Harrison, Assistant Secretary of State for Educational and Cultural Affairs, stated before the Committee on International Relations on which I serve that ''one of our greatest assets in public diplomacy is the American people themselves. Programs that bring Americans and foreign citizens in direct contact can and do have tremendous positive impact.''

The recommendations of the 9/11 Commission report state that we must ''rebuild the scholarship, exchange and library programs that reach out to young people and offer them knowledge and hope.''

I cannot agree more. It is in our best interests to allow our youth to spread our message of American values and hope so that people can see for themselves who America is and what we stand for.

So today I stand against squandering our resources to enforce these ineffective, outdated policies as they relate to education, and I ask Members to support the ranks of American students to be educated, to travel abroad, to gain experience and to make judgments for themselves.

□ 1100

I urge my colleagues to vote yes on the Lee-Tubbs-Jones amendment, and I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

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

Mr. Chairman, this is another ''reward Castro'' amendment. Reward the firing squads, reward the imprisonment of the opponents. That is what this amendment is all about.

It is already legal to travel. There are 13 legal categories of travel. One of them is for educational purposes. You have to get a license. You get a license. You go, and you do your travel for educational reasons.

So this amendment simply wants to eliminate all of the regulations.

I would say, it is not going to survive the process. We know that. So what is it? The goal of this amendment is to provide another symbolic victory for the dictatorship, to reward the oppression.

These amendments continue to find themselves on the floor. The reality of the matter is that the facts are pretty clear. As I said before, there are 13 legal categories. One of them is educational travel.

I would simply ask my colleagues to remember those people in the gulag today, those people suffering the full force, the brute force of the repression of that futile totalitarian tyranny.

When they receive these messages at the hands of their jailers of these symbolic amendments, victories that are presented and sometimes passed in the Congress of the United States, how it must make you feel when you are imprisoned. Nevertheless, they continue to resist. They continue to embody the dignity of the Cuban nation, in the totalitarian gulag. They continue, because they are the embodiment of the best of the Cuban nation, the future of Cuba. There are so many men and women in the gulag who deserve such extraordinary respect.

So I would ask my colleagues not to send more messages to them, that the Congress of the United States passes amendments to provide moments of pleasure for the tyrant. Because that is all it is. That is what these amendments that unfortunately continue to make themselves here, they reach the floor, that is what these amendments are.

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

Let me just respond to my colleague and say, first of all, this amendment is specifically about United States students, American students who want to visit under their educational programs to study abroad. As I said earlier, students are afforded study-abroad opportunities in a variety of countries. They should not be denied the right to pursue their educational opportunities in countries in which they desire to participate.

Secondly, students are our best ambassadors. They are young people who are very patriotic. They care about America. They want to engage in dialogue with students throughout the world, especially in Cuba. And denying them that right really is a terrible thing, first of all, for our students, but it sets back our foreign policy.

We are talking about creating a global environment of peace and security. How in the world are our future leaders of the world going to be able to understand and relate to countries abroad if they do not have the opportunity to study there? It is a very important initiative, and we should not be using taxpayer dollars to deny United States, American students to travel to Cuba to study.

Under the old regulations, of course, they could go to study. Now they have to stay more than 10 weeks under these regulations. It is ridiculous. It is going to hurt our students. It is going to hurt education. It is bad for family values. I urge my colleagues to pass this amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I just want to again clarify that, right now, you can go to Cuba for educational purposes; you just have to get a license. So the only reason for this amendment is to symbolically tell the Castro anti-American dictatorship, terrorist dictatorship, that we like you. That is all this amendment does. Students can go to Cuba if they get a license.

So despite the fact that the Castro regime continues to imprison and despite the fact that the Castro regime has murdered Americans, murdered American citizens, has American blood on his hands, this amendment would just like to give him a nice pat on the back and say, even though Americans can go with a permit, with a license to get education, go for educational purposes to Cuba, we want to give you a gift, Mr. Castro. Despite the fact that you murder Americans, we want to give you a gift, and here is a little token gift. Because, again, it is not going to happen. It is not going to pass the process, but we just want to show that we support that anti-American dictator who has American blood on his hands. It is a very sad statement.

Again, fortunately, none of these issues ever happen. But, again, that is all this amendment is. It is to show that anti-American dictator, that terrorist 90 miles away, that this amendment supports, still supports that dictatorship. That is all this does, Mr. Chairman.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I think we have made our points. We oppose the amendment strongly.

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

Mrs. JONES of Ohio. Mr. Chairman, I rise in support of the Lee-Rangel-Tubbs Jones

Amendment to H.R. 5025—Transportation, Treasury Appropriations Act for fiscal year 2005. The Lee-Rangel-Tubbs Jones Amendment prohibits the use of funds to enforce new regulations that affect students who study abroad or seek other educational opportunities in Cuba.

America students have become victims of politics, which should not be the intent of U.S. foreign policy. The Office of Foreign Assets Control's (OFAC) purpose is to track terrorist activities, not punish Americans interested in educational exchanges to Cuba.

Members of Congress, especially Members of the Congressional Black Caucus, and the Progressive Caucus, have written and called President Bush and Secretary Powell about the students at the Latin American Medical School (ELAM) and the cuts in general education licenses.

All people-to-people educational travel was eliminated in 2003, which ended thousands of trips by U.S. citizens to Cuba for broader educational purposes each year. Mr. Speaker, these facts make the Lee-Rangel-Tubbs Jones Amendment necessary.

The number of U.S. university-level students receiving credit for study abroad in 2001/02 increased 4.4 percent from the previous year, reaching a record total of 160,920, according to Open Doors 2003, the annual report on international educational published by the Institute of International Education (IIE) with funding from the State Department's Bureau of Educational and Cultural Affairs.

Open Doors 2003 indicates that most students continue to study abroad for shorter sojourns (many for less than eight weeks), with more than 50 percent of U.S. undergraduates and masters degree student electing summer, January term, internships, and other short-term programs instead of academic year or semester programs. Most American students who studied abroad in 2001/02 (91 percent) did so for one semester or less.

The number of U.S. students going to less traditional destinations remains high. The percent of all study abroad students going to Latin America has more than doubled since 1985, from 7 percent the first year of the survey to 15 percent this year, and the number of students going to Latin America increased by 4 percent to 23,300 this year.

Many countries, particularly in Latin America, saw large increases in the number of American students they hosted in 2001/02. Countries with large increases included: Cuba (1,279, up 41 percent), Brazil (1,064, up 40 percent), and El Salvador (145, up 86 percent).

Current regulations adversely effect study-abroad programs in Cuba. Educational travel licenses are only granted to undergraduate and graduate institutions. Under the revised regulations, students can only participate in exchange programs to Cuba that are organized by the institution in which they are enrolled. High schools or other alternative educational institutions are prohibited from having Cuba travel programs.

This directive adversely affects many of my constituents as it is in complete discord with the objective of consortium programs. These young people will be restricted from participating in programs coordinated by other colleges and universities.

Take example of Jamie Vega, a student at Cleveland State University. She was raised in a single family home, was the first person in her family to attend college on a full scholarship. Jamie was an International Relations Major and Spanish Minor. She was awarded the National Security Education Program Scholarship in 2003 and studied at the University of Havana. Due to this Administration's prohibition on educational exchange opportunities to Cuba, other students will not be able to benefit from the rich experiences that Jamie profited from. Mr. Chairman, these facts make the Lee-Rangel-Tubbs Jones Amendment necessary.

In August, the Office of Foreign Assets Control (OFAC) within the Department of Treasury and the State Department issued a two-year license for the 88 students enrolled at the school.

For those students who planned to participate in 10-week exchange programs this year, it is too late for them to make alternate study-abroad arrangements. Even worse, this may have been their only opportunity to study abroad.

These regulations discriminate against these students on the basis of where they want to continue their studies. Full-time American students should be permitted to participate in any exchange initiatives that their institution approves.

Mr. Chairman, I rise in support of the Lee-Rangel-Tubbs Jones Amendment to H.R. 5025—Transportation, Treasury Appropriations Act for fiscal year 2005. The Lee-Rangel-Tubbs Jones Amendment prohibits the use of funds to enforce new regulations that affect students who study abroad or seek other educational opportunities in Cuba.

Ms. WATERS. Mr. Chairman, I rise to support the Lee amendment to prohibit the use of funds in this bill to implement the Administration's new restrictions on travel to Cuba for educational purposes.

These new restrictions prohibit American students from participating in educational programs unless they were organized by the institution in which the students are enrolled. Students would not be allowed to participate in programs organized by other colleges or universities. This would deny students the opportunity to study in Cuba unless their own institution has its own program in Cuba. This unreasonable restriction could prevent thousands of American students from studying abroad in the country of their choice.

Throughout the Cold War, American students studied in the Soviet Union. Many of them went on to become diplomats, scholars and policy-makers who used the knowledge they gained to contribute to the development and implementation of U.S. foreign policy. Similarly, many Americans are studying in the People's Republic of China today. There is no reason to treat study in Cuba differently.

Study abroad provides valuable educational experiences for American students and contributes to the development of knowledgeable and informed professionals who can use their knowledge to serve our country in the future. I urge my colleagues to support the Lee amendment and support educational opportunities for American students in Cuba and throughout the world.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RANGEL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RANGEL:

Page 166, insert after line 3 the following new section:

SEC. 647. None of the funds made available in this Act may be used to implement, administer, or enforce the economic embargo of Cuba, as defined in section 4(7) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104–114), except that the foregoing limitation does not apply to the administration of a tax or tariff.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, September 14, 2004, the gentleman from New York (Mr. RANGEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. RANGEL).

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

Mr. Chairman, I think that in view of the victory that the gentlewoman from California (Ms. LEE) has had, that maybe, just maybe, there is a breath of fresh air entering the House where we can say, let us stop this punitive approach to Cuba and the Cuban government, and let us start a common sense approach.

The gentleman from Florida makes it appear as though we are rewarding a dictator for not upholding the principles of democracy. None of us here want to do that. Some would say that we have a disregard for the loss of life or the imprisonment of people unfairly, as we all agree is wrong and immoral and indecent, but that is not so. We are not talking about rewarding; we are talking about normalization. We are talking about the United States of America's principles. We are talking about Americans who feel so proud of what we believe in that we do not let any nickel-and-dime dictator prevent us from taking our message to the people, the people in Cuba.

For 40 years, we have taken this nonsensical approach that we are going to punish the Cuban people, deny them access to our markets, deny them financial assistance, notwithstanding the pain and cruel treatment that nature has given to them through hurricanes, notwithstanding the poverty in the country, and we have had this belief on our side, at least some of us on both sides, that the American approach, if properly presented to the people, will prevail; not guns, not bombs and not penalties, but the American way.

We believe that trading with people is a way for our business people to be ambassadors of the free market system. As the gentlewoman from California (Ms. LEE) said, we believe our kids are better than any ambassadors that come out of the State Department when they talk about life in the United States. We believe our farmers and our business people, they really know how

to talk to these people about doing the right thing. But if what we are saying is that we are afraid of Castro and we are afraid of communism, then I suggest to my colleagues that we ought to get the heck out of China. We ought to get out of Vietnam. We ought to restore sanctions against Libya, and for God's sake, if we are looking for a democracy, we have a long march in Pakistan to find it.

We believe we are powerful enough that we are on the right side of the issue, and for those who are afraid of the truth, then jam their stations, jam their TV, have no communications with these people and just say that we will prevail, because we are powerful enough to bring not Castro down to his knees but the people who are relying on a little assistance from their friends in the United States.

I do not think you have to be Cuban-American, I do not think you have to represent Cuban-Americans to understand what compassion is. But I will tell my colleagues one thing, I would hate to represent a district that had families in Cuba, after this horrific hurricane where people are in real pain economically and socially, and I wanted to send them some money, I wanted to visit, I wanted to see who got hurt, I may have wanted to go to a funeral, but I have to say that my heart, my compassion, my country, we are with you, but because we hate with such vengeance your president who has survived so many of ours, we will not be able to help. That, I think, is a more difficult position than to say that you are against communism.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

A year ago, I was in New York, and I read a newspaper there, the daily called La Prenza, and there was an interview with the gentleman from New York, the author of this amendment. It related to the summary executions that had just taken place by Castro of three young black men just a few days before, after they had been arrested by the dictatorship for the crime of trying to come to the United States.

I quote from the gentleman from New York (Mr. RANGEL) a little over a year ago: ''I am shocked. There is nothing that the Cuban government can tell me that would interest me and that would convince me to speak to them again. It is totally incredible that a government would justify this type of action. The execution of these people puts an end to any possible discussion that there could have been with the Cuban government.''

Now, I wish, Mr. Chairman, that I could say that there has been some justice for those summary executions, the murders of those three young men. I wish I could say that the dictator at least had apologized to the grieving family members for their murders.

No, there has been no justice, only increased repression. I showed last night a replica of the punishment box for the best known political prisoner, a physician, Dr. Biscet, who is being held today because he believes in freedom and democracy. After this amendment, I certainly will always recall that it is more important when one truly wants to understand someone to guide oneself by what that person does rather than by what he says.

This, as the gentleman has just stated, is the ''normalization of relations'' amendment, the ''normalization of relations with the Cuban dictatorship'' amendment.

Now, the charter of the OAS may say of this hemisphere, only representative democracy is legal, legitimate, and the democratic charter of simply 2 or 3 years says that any interruption in the democratic process in this hemisphere needs to be sanctioned. But this amendment says: No, you can ban elections for 45 years. You can crush labor unions and crush the free press and eliminate and prohibit all political parties and freedom of expression and execute people, including three young black men just a year ago for trying to get to freedom, and imprison them and torture them. And you can kill Americans, and you can harbor terrorists. And you can harbor fugitives from U.S. justice, including cop killers from our States here.

□ 1115

You can do all of that. And you will get an amendment that says let us normalize relations. You can continue to harbor terrorists, and you can continue to harbor U.S. felon fugitives who murder U.S. citizens and spy on the United States and disrupt antiterrorism operations. We will still normalize with you. That is what this amendment is.

So this is very good that this amendment be on the floor today because this is, after all, the debate about economic interests and debate about the coalition of forces that have advocated for the last years for normalization. This is important debate for our colleagues to express themselves on. After 45 years of illegal oppression in this hemisphere, that is the only one where its international law requires representative democracy, and great strides have been made in recent decades towards compliance with that legal international law requirement.

This amendment says, no, in the Western Hemisphere it is all right to oppress for 45 years and murder and execute and torture and spy on Americans and harbor fugitives and harbor international terrorists and disrupt the U.S. international war on terrorism. It is all right. We will reward you. We will normalize, we will grant you the billions of dollars unilaterally without the dictatorship having to release any political prisoners or move towards freedom for its prisoners. We will reward you unilaterally anyway.

I would ask this Congress of the United States that I hold with such reverence to stand with the Cuban people today and to reject this amendment that simply seeks to reward oppression and reward infamy.

The CHAIRMAN. The gentleman from Florida's (Mr. LINCOLN DIAZ-BALART) time has expired. The gentleman from New York (Mr. RANGEL) has 30 seconds remaining.

Mr. RANGEL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me be brief. It is clear that this is a very emotional issue. All I can say is that in 1950 when I was shot by the Communist Chinese on the Yalu River in North Korea, I was emotional as well. They told me to get over it.

I do not know how many tens of thousands of American lives were lost as a result of the Communists in North Vietnam. When the trade agreement came up, they said, Get over it. The families of those that were killed by the Libyan terrorists in Flight 103, they objected to trade and they said, Get over it. I would suggest to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) he has to get over it.

Ms. WATERS. Mr. Chairman, I rise to support the Rangel amendment to prohibit the use of funds to enforce the economic embargo on Cuba.

If Congress were serious about our relationship with Cuba, Congress would pursue a policy of negotiation and diplomacy—not isolation. Such a policy would allow the export of seeds, agricultural tools, and other products, which are desperately needed by the Cuban population. Instead, Congress is allowing the continuation of its out-dated embargo against this small country, which is only 90 miles from America's shores.

I urge my colleagues to support the Rangel amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RANGEL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RANGEL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. RANGEL) will be postponed.

VACATING DEMAND FOR RECORDED VOTE ON AMENDMENT NO. 12 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I ask unanimous consent to withdraw my request for a recorded vote on Waters Amendment No. 12 and to have the Chair put the question de novo.

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

There was no objection.

The CHAIRMAN. The question is on amendment No. 12 offered by the gentlewoman from California (Ms. WATERS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OLVER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OLVER:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available under this Act may be used to issue or implement the Department of Transportation's proposed regulation entitled Parts and Accessories Necessary for Safe Operation; Certification of Compliance With Federal Motor Vehicle Safety Standards (FMVSSs), published in the Federal Register, volume 67, number 53, on March 19, 2002, relating to a phase-in period to bring vehicles into compliance with the requirements of the regulation.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, September 14, 2004, the gentleman from Massachusetts (Mr. OLVER) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, my amendment is a simple funding limitation which says that no funds from this bill can be used to implement a Federal Motor Carrier Safety Administration's rule published in the Federal Register on the 19th of March 2002 in so far as it relates to a phase-in period to bring vehicles into compliance with the requirements of the regulation.

The background here is essentially this: current law requires all motor carriers with minor exceptions entering the United States to comply with U.S. safety standards. Under the North American Free Trade Agreement, Mexican trucks were to operate throughout the four border States by 1996 and in all States by the year 2000. Deep concerns were raised about truck safety if that schedule were to be met and audits which were ordered by the Congress and done by the Transportation Inspector General, Kenneth Meade, in the late 1990s, showed that only a tiny fraction, only 1 percent really, of all trucks were being inspected for safety compliance, and even of those, 50 percent were failing. Driven by those audit results, corroborating the intense safety concerns, Mexican carriers have been limited to shipping to border zone transfer points and trans-shippings by carriers which comply with the U.S. safety requirements.

To move towards full implementation of NAFTA, the administration issued a proposed rule 30 months ago in March of 2002 to establish a process for implementation. Under that rule, all new foreign carriers licensed after the effective date of the rule and all carriers wishing to expand beyond the service area, beyond the border zones after the effective date of the rule, must have certification of testing meeting U.S. safety regulations. But those carriers operating only in the border zones would have 24 months to obtain certification, so that 24 months after promulgation of that March 2002 rule, all motor carriers operating in the U.S. would comply with U.S. safety regulations.

Now, the March 2002 regulation was held up in court actions that went all the way to the Federal Appeals Court for the ninth district and in June of this year, earlier this year, the Supreme Court reversed the appeals ruling unanimously, thereby clearing the last major hurdle to promulgation of the March 2002 rule. Small obstacles remain, but we are close to full implementation of the NAFTA provisions.

Mr. Chairman, every one of the foreign carriers operating in the U.S., both in the border zone and beyond, have known for 20 months, Canadian carriers, Mexican carriers, all of them, that this rule was pending and moving towards promulgation. They could and certainly should have gotten all their vehicles certified long before now. It would now be grossly unfair to add another 24 months on top of the already 30 months which has passed in terms of the competition with fully compliant U.S., Mexican, and Canadian carriers operating in the U.S.

Furthermore, that extra 24 months would prolong the still lingering safety concerns again and create a chaotic inspection and enforcement situation.

My amendment essentially says, promulgate the rule, comply with NAFTA, let all motor carriers which comply with U.S. safety laws, let all of them operate throughout the U.S., but do not give 24 months more on top of the 30 months which has already passed since the proposed rule was published and everyone knew about it to meet the safety regulations which are United States law.

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

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

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) is recognized for 15 minutes.

Mr. ISTOOK. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. KOLBE).

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

I rise in opposition to the amendment offered by the gentleman from Massachusetts (Mr. OLVER). As my colleagues are aware, or should be aware, this is yet another chapter or maybe another page in the book on the implementation of the NAFTA agreement.

NAFTA carries two major provisions when it comes to trucking transportation: one on market access for transportation services, the other relates to cross border investment in the transportation sector. All three countries that are party to NAFTA, Canada, Mexico and the United States, have successfully implemented the provisions on crossborder investment. It is only the United States that has not implemented its commitment for full border market access in transportation services.

For years now the U.S. has fudged, has reneged on this provision of the NAFTA agreement due to spurious claims and lawsuits linked to purported safety and environmental concerns. That was recognized as being spurious by the United States Supreme Court when in an absolute unanimous decision they threw the lawsuits out and said, get on with it, move on, allowing the U.S. now to fulfill its NAFTA obligations, all the while achieving high levels of safety in environmental protection that our citizens expect.

Let us review a few facts of this debate. The Department of Transportation is not planning to exempt any Mexican trucks from the underlying motor vehicle standards. The gentleman from Massachusetts (Mr. OLVER) implied that that was the case, that we are talking about the standards. We are not talking about the case for vehicle safety. All Mexican carriers have to certify that their vehicles comply with the core safety standards in order to receive operating authority. The amendment of the gentleman and the line of argument that he is using is referring to a grace period that is for labeling of trucks that are manufactured 10 or more years ago. It is important for Members to understand that the mere possession of the label or not has nothing to do with actual vehicle safety. All trucks, all trucks, if they have the label or if they do not have the label have to be in compliance with the actual safety standards themselves.

Let me say this a little differently and be more specific. All Mexican trucks will need to meet what are known as the Federal Motor Carrier Safety Regulations, or the FMCSR requirements, in order to operate in the United States. All trucks, it does not matter when they were manufactured, all trucks have to meet those standards in order to operate in the United States. Regardless of whether or not they have a label certifying their manufacturing standard at the time of their production, these trucks are going to be held to a higher, more inclusive standard than is mandated on their operators. Furthermore, these standards measure how their trucks are operating today. That is a far more relevant fact than what it was when they were manufactured 2, 5, or 10 years ago.

I urge my colleagues to oppose this amendment. Ten years ago the United States made a commitment to free trade, and it included the transportation sector. If this amendment passes, it once again represents the United States turning its back on its trading partners. It once again says we are really not reliable. When it comes down to it, we will find ways to avoid complying with it.

I would hope my colleagues will say meeting our legal commitments makes a difference and is something that is important.

Members should understand that this amendment shrouds itself in the name of consumer protection, but it is really

all about protectionism. We should not pass on the high cost of protectionism to the U.S. consumers once again. Failure to provide market access in this sector means that U.S. consumers using transportation services in North America needlessly pay the high cost of protectionism benefiting a small, but highly mobilized, interest group.

I think we know what we are talking about here. We are talking about one special interest group, the Teamsters. For Members who are focused on making sure that the U.S. remains competitive and generates jobs, we need to know that failure of our commitments means that U.S. manufacturers and farmers are going to be hurt.

I urge my colleagues to vote ''no'' on this amendment.

This issue is not about highway safety. It is not about consumer safety. It is not about the environment. Pure and simple, this amendment is about protectionism.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), a member of the subcommittee.

□ 1130

Ms. KILPATRICK. Mr. Chairman, I thank our ranking member for allowing me the 2 minutes.

I am a member of the subcommittee. We did have extensive debate on this issue, but more than that, my district is a border city. The State of Michigan and the country of Canada border each other. Part of my district carries these trucks and buses.

What the Bush administration wants to do is to not have some trucks and buses, some foreign trucks and buses inspected. At a time of terrorism, is that not about the Teamsters? At a time of terrorism, inspection is what all trucks and buses must have. As one who represents thousands of people who live in a border city, I want all the buses and trucks inspected, and so do all the people who live in my area.

As the Bush administration asks for some of them to be exempted, I think that is wrong. How can we talk about terrorism on one hand and then want to exempt some of the buses and trucks that come into my district and in other border cities around the country?

The Olver amendment would not allow that administrative rule to go into effect. It is simple. It is not hard to understand. Thousands of buses and trucks come into my district every day. We have the largest border crossing in America, with over $1 billion of commerce coming every day. I want all the buses and trucks inspected and inspected thoroughly. I do not want any exempted.

This is a good amendment. We must support it to protect American citizens who deserve our respect.

Mr. ISTOOK. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Chairman, I rise in strong opposition to this amendment. The free flow of goods, services, ideas and capital is very important, especially in this 21st century economy.

Obviously, we are all concerned about safety. The last speaker was just referring to the issue on terror. Inspections are a very high priority, and they are a very important part of this issue.

Three years ago, this Congress passed legislation which put into place 22 specific guidelines for the Department of Transportation. We have already exceeded those 22 guidelines, which are very, very important for us to meet, but as my friend the gentleman from Arizona (Mr. KOLBE) said, this is now actually the 11th year since the landmark passage of the North American Free Trade Agreement; and by the way, we need to realize that today we have nearly a third of $1 trillion in cross-border trade between Mexico and the United States, having improved standard of living, the quality of life on both sides of the border.

Obviously, this issue is an important one, but I will never forget a study I saw when this issue first came to the forefront on truck safety. What it found was that there were greater violations when it came to safety on trucks coming from Canada and on trucks that existed right here in the United States of America than there were on those coming from Mexico.

So, yes, we want to make sure that we maintain the safety and the security of our roads. That is a top priority. We already have in place a mechanism to do just that.

I urge a ''no'' vote on this amendment.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

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

Mr. Chairman, the amendment of the gentleman from Massachusetts will protect safety on our roads by requiring foreign commercial vehicles, that means trucks and buses, to meet the same standards as U.S. trucks and buses. This is not anti-NAFTA. This is not a pro-Teamsters issue. I–35 goes from my district all the way to the Mexican border. I do not want those unsafe Mexican trucks rolling up into Minnesota, up into Duluth, rolling down the hill to Lake Superior and killing people.

Our U.S. safety standards are set by the National Highway Traffic Safety Administration, inspected by the U.S. Department of Transportation, and require a certification label. Yes, it does require a label and that label means something. It means that each vehicle has been built in compliance with U.S. standards, specifically antilock brakes, automatic slack adjusters for heavy vehicles and for trucks, rear underride guards that save lives when there is a rear-end accident.

I have been at the border. I have seen those trucks from Mexico. We funded Mexico for training of inspectors who do not inspect. They go off to do something else. We do not have enough money in our inspection budget to place inspectors at the border to check those trucks and make sure they are in compliance. That is what we need.

All those trucks and buses operating in the United States comply with U.S. safety standards for a good reason. We do not want people being killed on roadways in the United States. Five thousand people a year are killed by car-truck crashes in the United States. If we let those unsafe trucks in from Mexico, that number will go up astronomically. We cannot allow that.

This is a safety issue. This is not a trade issue. If they make sure that they comply, they can come into the United States. Meet our standards. Meet the same standards that U.S. trucks and buses have to meet in this country. Let us not have one standard for the U.S. and another standard for trucks and buses coming in from Mexico. Those that come in from Canada already are in compliance by 85, 95 percent. Let us have fairness and, yes, protect but protect American lives on our roadways.

Mr. OLVER. Mr. Chairman, may I ask how much time is remaining on each side?

The CHAIRMAN. The gentleman from Massachusetts (Mr. OLVER) has 7½ minutes remaining, and the gentleman from Oklahoma (Mr. ISTOOK) has 8½ minutes remaining.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding me time, and I just want to respond to a couple of things that were said here today.

This does not have anything, let me repeat it, this does not have anything to do with the safety standards of the trucks that are traveling on the roads inside the borders of the United States. It does not have anything to do with the safety standards of those trucks. It has to do with the labeling. It has to do with when they were manufactured 10 years ago these trucks were assembled, they are usually U.S. trucks, they are assembled perhaps in Mexico or Canada, but they were not being assembled for use in the U.S. market so they do not have the label. It is hard now to go back and get that.

To come into the United States, every single standard that is required of the truck here in the United States has to be met by that truck coming in from Mexico. Antilock brakes, all the different things that are required of trucks here, all those have to be proven, and they have to be on there and exactly in the same way.

This simply has to do with a labeling requirement at the time of assembly of that truck, and in many cases when it took place 10 years ago, that label is not readily available. So they have to go back to the manufacturer and get all the information that is required.

The gentleman said there were 5,000 people killed last year by truck-auto accidents, and I am sure he is correct about that. How many of those people were killed by an uninspected truck coming into the United States from Mexico? How many of those were killed by that? Accidents occur, but they are not going to occur in any greater number because we have trucks coming in from Mexico that are going to be thoroughly inspected, are going to meet all of the requirements, are going to meet everything that is required on any truck that is operating on the roads in the United States, and the operator has to meet the same kinds of standards.

Let me just make it clear that we are meeting the same kinds of standards. The trucking standards are not being changed. We are talking only about a labeling issue.

This is a bogus amendment. It is a protectionism amendment. It is designed to keep Mexican trucks out of the United States. It has nothing to do with safety.

Mr. OLVER. Mr. Chairman, I yield myself 30 seconds.

If the gentleman says that this is only about labeling, then they are still going to have to get that label. The issue is that they could have started getting that label 30 months ago, and it will be several months before the rule can be promulgated in which they can get the label.

All I am saying is, promulgate the rule and let them get the label, and then they will be in fine shape.

Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, this is not like the label on a mattress that says, ''Do not remove under penalty of law.'' This is a meaningful certification of the manufacturing and the proper equipping of these trucks.

There are many trucks operating in Mexico that do not meet U.S. standards, and what is being advocated on that side is a new faith-based safety standard. Why is it faith-based? Because there is no meaningful inspection going on in Mexico. These trucks do not have a certification on the labels, which they say are meaningless, and we do not have the inspectors at the border to inspect them on the way in because they say we cannot afford it. That is what is going on here.

These trucks will flood into this country. No, there have not been a lot of fatalities involving these trucks because we do not let them go more than 20 miles from our border, but let them go rumbling up I–5 into Oregon and Washington, let drivers who do not have to keep a logbook, they are not trained like our drivers, they are underpaid, operating trucks that do not have the safety equipment of our trucks, and people will die, plain and simple.

Why should there be unequal treatment? Why? That is what my colleagues are advocating here. The people who operate the trucks in the U.S. have to have these labels, which are meaningful. The Canadians have these labels and standards, but these trucks in Mexico, many of which do not meet our standards, do not have the labels.

As the gentleman said, they are all going to be inspected. By whom? Answer that question. The Mexicans will not allow Americans into Mexico to inspect them, the Mexicans are not inspecting them, and we do not have enough people at the border. People will die if we do not adopt this amendment because of unsafe trucks entering our country.

Mr. ISTOOK. Mr. Chairman, I reserve my time to close.

Mr. OLVER. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. OLVER) very much for the time, and I rise to speak in support of the amendment.

It is really just a common-sense amendment that will uphold U.S. certification for trucks to improve safety. I do not think anybody can question my record on trade. Seventy percent of the economy in my district depends on trade. I voted for NAFTA, took a lot of heat for it, but knew it was the right thing to do at the time.

However, if we insist on our trucks being certified for safety, we should insist on others. We have code-sharing for our airlines, and a whole lot fewer people get killed in airplane crashes than on trucks. About 800 commercial drivers die each year in traffic crashes, and roughly 4,900 people die and 130,000 are injured from these large truck accidents, and a lot of them occur in my district.

I–35 from Canada to Mexico has most of it in Texas, and I can assure my colleagues that we see the crashes. We see the trucks that are not safe, and that is all we are asking for.

Mr. OLVER. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, this is not about Mexican trade. This goes to the very issue of safety, besides taking our national sovereignty, our manufacturing base, the American jobs and Mexican jobs. Look at the data. NAFTA is now threatening the safety of our constituents.

The decision by a faceless panel is requiring our government to allow hazardous trucks access to our roadways.

In testimony before the Senate Commerce, Science and Transportation Committee on July 18, 2001, Secretary Mineta stated, ''Every Mexican firm, vehicle and driver that seeks authority to operate in the U.S., at the border or beyond, must meet the identical safety and operating standards that apply to the U.S. and Canadian carriers.''

That is where it is at. It is a sad day that the Olver amendment is desperately needed 3 years later after Mineta's speech, as we cannot count on the Department of Transportation to act appropriately and in the public's interest by requiring foreign-built trucks and buses from meeting Federal motor vehicle safety standards.

The measures Congress has passed addressing safety have made progress towards ensuring trucks on our highways meet certain standards. It is not just an issue of fairness. It is a matter of life and death.

The bottom line is, Mr. Chairman, the House cannot allow this administration to gut safety regulations or compromise environmental standards in the name of trade. Vote ''yes'' on the Olver amendment and defend the work of the Congress and defend the work of American working families.

□ 1145

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind Members to try to stay within their time limits.

Mr. OLVER. Mr. Chairman, could you let me know again how much time each side has?

The CHAIRMAN. The gentleman from Massachusetts (Mr. OLVER) has 2½ minutes remaining. The gentleman from Oklahoma (Mr. ISTOOK) has 6½ minutes remaining.

Mr. OLVER. Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Mr. Chairman, I rise in support of this amendment. Given the opportunity and a level playing field, I believe in the ability of American workers to operate their vehicles safely. Without this amendment, we put our workers at a great, great disadvantage, allow our air to be unduly polluted and make our highways less safe.

The gentleman from Arizona says it is about the Teamsters. No, it is about the American people who use America's highways. If trucks from Mexico are going to bring products into our country, using our highways, these trucks need to be held to the same safety and emission standards to which our own trucks are held.

At present, Mexican trucks are not held to American standards for safety and emissions. Allowing an 18-wheel truck loaded with 88,000 pounds of cargo to speed over our highways without ensuring that the vehicle is safe simply makes no sense.

Mexican drivers must be subject to the same level of scrutiny that we demand of our American drivers with regard to training and recordkeeping and incident violations.

I respectfully urge support of this commonsense amendment.

Mr. OLVER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, it is time to get on with the implementation of NAFTA. To the gentleman from California, I say that my amendment makes absolutely no distinction between Mexican trucks, Canadian trucks or U.S. trucks.

It says all of them, as does the rule that is in process say all trucks must meet U.S. safety standards.

What my amendment does say is that we are not going to provide 24 more months after the 30 months that has already passed and the additional months that are going to pass before the actual promulgation and effective date of the rule. It does not provide an additional 24 months for those trucks, all trucks, to meet the same set of standards. I think that is absolutely neutral on the issue of whether they are Canadian, U.S. or Mexican. It is saying, get on with it, promulgate it. They had plenty of time to get their certificate, their label, whatever it is that they needed. They have known for a very long time. Let us get on with it.

Support the amendment so that we can do so.

Mr. ISTOOK. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I agree with the gentleman from Massachusetts and every speaker that has spoken about the need for the safety of trucks on the road. I also agree and will work in conference on this bill to make sure that we do not have an inordinate phase-in period, that we try to use some rationality there.

But let us understand the difference between many of the things that are said and what this amendment actually proposes to do. Now, we heard one speaker talk about how he does not want trucks coming up from Mexico along I–35, all the way up to Minnesota, that are unsafe. Well, believe me, I do not either, because they cannot get there without coming through Oklahoma and my district, and I do not want unsafe trucks on I–35 as they come through Oklahoma either.

But this amendment is not about whether a vehicle is safe. It is not about whether it is in safe operating condition. The amendment is about what was the condition of the vehicle at the time it was originally manufactured, not what the condition is now. Everybody that owns or uses a vehicle, a car or a truck or a bus or anything, knows that things get modified; things are retrofitted.

We have the law, and they enforce it at the border. If a vehicle is going to come in and move into the interior of the United States, it has to be in safe operating condition. It has to be in a condition that meets our standards. But that vehicle might not have originally been manufactured to those standards. It may have been retrofitted.

The gentleman's amendment says, well, unless you have certification that it was in that condition at the time it was first built, no matter how many years ago that was, unless that is the case, we are not going to let them in. It is aimed at the companies that have trucks that have been retrofitted that are perfectly safe. That is what it is aimed at. It is trying to remove their ability to compete and give competitive advantages to other companies.

I oppose the amendment. We can talk about what should be the notification procedures and phase-ins and so forth, but let us make sure that we put the emphasis on the safety of the vehicles in the condition they are in now, not whether or not they were originally manufactured to some different specification. I oppose the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. OLVER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OLVER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. OLVER) will be postponed.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to ask the gentleman from Oklahoma a question.

We have had five or six amendments adopted, the Van Hollen amendment, the Davis amendment on Cuba, the Lee amendment on Cuba, the Waters amendment on Cuba, the Stenholm amendment on debt ceiling and, I believe, one other. Last year, we had the experience of seeing a good many amendments which had been adopted on this floor to this and several other bills evaporate as soon as they went to conference.

I would like to know whether the gentleman can assure us that he will insist on retaining each of these amendments and will not bring this bill back from conference if these amendments do not stay in the conference this year.

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I certainly appreciate the gentleman's point, and he is well aware that the controversial amendments which relate to Cuba always bring up a lot of heat in the debate in this House. Those amendments are subject to a presidential veto. We have had the message from the White House in the statement of administrative policy, which is very unequivocal in indicating the President would veto the bill over Cuba.

This is why, in past years, the gentleman has certainly seen that amendment, as the gentleman phrases it, evaporate or at least not come through in the conference report to the same degree before. My responsibility, as the gentleman appreciates, is to produce a bill that will pass into law. I am unable to give him the assurance that he is seeking, and I am sure he understands why, although he is not pleased by it.

Mr. OBEY. Reclaiming my time, Mr. Chairman, I thank the gentleman for his candor.

Let me say this, Mr. Chairman, I had originally been willing to support this bill as it came out of committee, even though many of us on this side of the aisle thought the bill woefully inadequate in terms of funding levels for various transportation accounts. But the majority has been in a three-cornered feud with itself. The authorizing committee and a number of others in the majority party caucus, for different reasons, have shredded this bill. They have knocked out, at this point, highway aid to the States. They have knocked out mass transit. They have knocked out funding for airport construction. They have knocked out 80 percent of the Department of Transportation funds that originally were contained in this bill.

In addition to that, we have received no assurance whatsoever that the amendments that the House adopted would be retained in conference. In fact, we have essentially been told, because of the presidential threat of a veto, that these amendments will once again be stripped in the conference. That means that virtually all of the action that occurred on this floor has been meaningless with respect to the items that were debated today and late last night.

I am certainly willing to meet my responsibilities to help move bills forward, even if I do not always agree with their content, provided the majority party itself takes its duty seriously. But if the majority party itself, if the majority party leadership itself will not defend their own legislative product as it comes out of the committee, I certainly do not see why I should, especially when House actions, given the arbitrary action of the authorizing committee, have turned this bill into a cadaver.

So, at this point, I intend to vote ''no,'' because I am not going to vote for a bill which effectively cuts more than half the dollar resources out of this bill and which effectively cuts 80 percent of the transportation funding out of the bill just because some people in this House happen to think that committee jurisdiction is more important than being responsible.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think it is important that I give a response of sorts to my friend from Wisconsin. We all know that, for parliamentary reasons, there have been points of order raised that resulted in certain things being taken from this bill. However, every Member should be aware, and I certainly want to emphasize to the gentleman from Wisconsin, the ranking member of the full committee, everyone is aware that those items relating to transportation funding are going to be reinstated in conference. The conference report will not be subject to the same parliamentary points of order that caused the problem.

So if any Member is concerned about, well, my goodness, what are we accomplishing through this bill, the answer

is, we are creating the mechanism that allows us to fund transportation in the United States of America. Whatever may not be in the bill at this moment can be restored in conference. But we do not get there if we do not pass this House bill. And if Members want to telegraph that they do not care about funding for transportation or they do not care about funding for transportation needs and projects in their district, there is probably no better way to indicate that than by voting against the bill.

Now, I understand the gentleman from Wisconsin. His opposition is not toward funding transportation. I understand he is concerned about the Cuba provisions and whether they will endure in the final report. But to every Member of this body it is important that we advance this bill to the conference with the Senate, which enables us to resolve the parliamentary problems with our own rules to put in the transportation funding and, of course, the funding that will benefit the individual Members in their States and in their districts and the projects in their areas. It is important to know who supports that.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding, and let me simply say that I am not only concerned with the Cuba provisions, I am very much concerned with the transportation items. And I am not about to go on record voting for a bill which has cut these bills, in essence, almost 80 percent below last year's level in terms of transportation items.

I have seen the majority party's campaign committee play games with that too often, and I do not expect to see ads run against Members of the Congress because they voted for a product which the majority party itself is asking them to vote for. That has happened too many times for me to be suckered by that one.

Mr. ISTOOK. Reclaiming my time, Mr. Chairman, I reemphasize that this bill is the vehicle for the transportation funding. It goes to the conference with the Senate. The things that were stricken on points of order can then be restored and will be restored. A vote against this bill is a vote against the transportation funding that is important to every Member. It is important to their States and important to projects in their districts.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from South Carolina (Mr. CLYBURN), the vice chair of my caucus.

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

Mr. CLYBURN. Mr. Chairman, I want to call attention to the important work of the United States Election Assistance Commission and issue my strong support for the $15 million in funding that the Committee on Appropriations has recommended for this year.

Establishing the EAC was delayed in 2003, and because of that, the full commissioners were not appointed until December 2003, and the EAC was woefully underfunded for fiscal 2004.

□ 1200

Yet despite these obstacles, the four commissioners have worked diligently to ensure timely progress on the election reform that Congress envisioned when it passed HAVA 2 years ago. The EAC commissioners have used their collective commitment, skills, and dedication to disburse to States the $2.3 billion in HAVA payments that was appropriated for fiscal year 2004. At the same time, EAC is working closely with State and local election administrators to make certain they implement HAVA requirements for Provisional Voting, Voter Identification, Polling Place Signage, and State Administrative Complaint Procedures that must be in place for this year's elections.

Mr. Chairman, these are not abstract provisions. Rather, they are voter reform measures mandated by Congress to ensure that every eligible citizen can register, vote, and know that their vote can be counted in a timely and fair manner. We are just weeks away from the November 2 elections, which will be the first Federal election since HAVA was enacted.

Free and fair elections are the heart of our democracy. We do not want to repeat what happened in November, 2000. Yet we jeopardize the quality of our elections if we shortchange the EAC's ability to operate, conduct research, set standards for voting systems, and conduct audits of the HAVA funding that is being paid to States.

H.R. 5025 provides $15 million for the United States Election Assistance Commission. Without this funding, we cannot guarantee full implementation of this landmark act, the Help America Vote Act of 2002.

Mr. OLVER. Mr. Chairman, reclaiming my time, this year's Transportation and Treasury bill was brought to the floor with great hopes. It had been improved substantially in subcommittee and again in full committee, and improvements have been made, indeed, on the floor of this body last week and yesterday and today.

There were already some serious problems like the Amtrak problem, which we have talked about; the Federal Transit Administration's New Starts program, which we have talked about; and the Tax Law Enforcement program, which we talked about. Those problems remain there. And because of the reasons that my ranking member of the full committee has already given, we have had a situation where much of the bill has been struck by broad points of order, leaving us with very limited funding, no grants to the States and Federal highway-airport improvement grants; transit formula grants; the highway safety grants, gone. All of that is true.

However, I am going to vote for the bill because the only way and the only place that this bill can be put back together and the serious problems fixed is in the conference. I believe that we are going to have to work very hard within that conference in order to make certain that those fundings and those problems are dealt with properly, but I am willing to work with the chairman to try to do that. I hope that we will be able to rectify enough of those problems in conference that we can produce a bill that will have strong, enthusiastic, bipartisan support. So I will vote for the bill.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the comments of the gentleman from Massachusetts (Mr. OLVER). He is certainly correct that the only mechanism to fix the problems with the bill, the parliamentary problems, is moving it to a conference with the Senate, which requires House passage as a prelude to that, and I appreciate that.

Mr. Chairman, I do wish to enter into a colloquy with the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Texas.

Mr. SESSIONS. Mr. Chairman, I thank the distinguished gentleman from Oklahoma (Mr. ISTOOK) for yielding to me for the opportunity to engage in a colloquy.

As the chairman knows, I have done a great deal of work on waste, fraud, and abuse in the Congress. And in particular, I rise today to discuss the efforts that are underway in our government to address ongoing fraud that is costing our highway trust fund untold sums.

There is a significant problem going on in every State of this great Nation that is not only taking money from desperately needed transportation projects but funding organized crime activities and quite possibly terrorist activities. The issue is not glamorous and it is not dangerous. It is not punishable by high criminal penalties and, therefore, receives little attention. The issue is the fraudulent use of off-road untaxed diesel fuel as taxable on-road diesel. This type of fraud leads to a profit of nearly 50 cents a gallon in combined Federal and State taxes.

It may not sound like much. Some estimates, however, have shown that well over $1 billion a year is lost in tax revenue. In the scope of our national budget, some think $1 billion or $2 billion does not seem like a great amount, and it is not the type of thinking that will ensure the problems like these will ever get resolved.

Fortunately, the Internal Revenue Service has been examining technologies for the past few years that

will give them better tools to fight this type of fraud. Make no mistake, those involved in this type of fraud are well financed, smart business people that leverage technology at every opportunity. I think it is time that we respond in kind. In order to support the IRS's efforts in finishing this fight, requests have been submitted to the chairman to fund a pilot program to put technology out in the field. What is so unique about this pilot project is that we will see immediate returns. The last time the IRS implemented a program to combat this type of fraud, there was a 22.5 percent increase in tax collections in the first 12 months. This pilot project will pay for itself and will lead to a national program that will recover potentially billions of dollars that are so desperately needed for our highways.

I would like the chairman, if he could, to comment on this pilot project, please.

Mr. ISTOOK. Mr. Chairman, reclaiming my time, I thank the gentleman from Texas for his comments. As he knows, we are very aware of this issue, and we are concerned about the level of tax evasion and fraud that is underway. We want to arm the IRS with the best technology and an overall program not only to combat the fraud but to locate those perpetrating the fraud and put them out of business permanently. There is report language to this effect in this bill. I understand my counterpart in the Senate, Mr. SHELBY, is aware of the issue as well. We will be working with him in conference to have a strong position in the final bill.

Mr. SESSIONS. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Texas.

Mr. SESSIONS. Mr. Chairman, I thank the chairman for his diligent work on this issue and others who are also doing so, and I want to thank him for his hard work on behalf of all Americans. And I thank the gentleman for engaging in this colloquy.

Mr. ISTOOK. Mr. Chairman, reclaiming my time, I believe we will complete debate on this bill after we hear from the chairman of the full committee.

I do want to express my appreciation to the staff that has worked so diligently on this: Our chief clerk of the subcommittee, Rich Efford; a member of my personal staff, Kurt Conrad; and also on the subcommittee staff, Cheryle Tucker, Leigha Shaw, Dena Baron, and Kristen Jones. Without them nothing could be accomplished.

This bill merits the support of every Member of this body, and I ask that people support it accordingly and pass it.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to compliment the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Massachusetts (Mr. OLVER), the ranking member, for having brought this bill to a successful conclusion. Despite some parliamentary obstacles that we had earlier in the debate, they have produced, what I think will be, a highly acceptable bill.

I would like to say, Mr. Chairman, this is number 12 of the 13 regular appropriations bills. There is only one more to go to the floor. But I also want our colleagues to know that the Committee on Appropriations had completed work on all 13 bills prior to the August summer work period. So we have been prepared to move the bills as time became available on the floor.

This is a good bill. As I have said, there were some parliamentary problems that I suggested will need to be repaired when we get to conference. And I am being optimistic when I say it will get to conference. We are hoping there will be a conference. We would like to conclude our appropriations business before we break for the election.

I understand why the gentleman from Wisconsin (Mr. OBEY) has suggested that he would vote against this bill.

I am going to vote for it, and I think it is worthy of a ''yes'' vote.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would just observe the gentleman said this is a good bill. There is not anything left of this bill except the enacting clause; that is in great shape. Outside of that, it is a hollow shell.

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, what is left, is a good bill. And whatever repairs need to be made will be made in the conference. So I urge the Members to vote against the motion to recommit and for final passage on the bill.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would call to the Members' attention the provisions of clause 1 of rule XVII regarding the wearing of communicative badges on the floor, which has been interpreted to proscribe the wearing of such, and the Chair would request that any Members who are doing so remove them when recognized for debate.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentleman from New York (Mr. RANGEL), the amendment offered by the gentleman from Massachusetts (Mr. OLVER).

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT OFFERED BY MR. RANGEL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. RANGEL) 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. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 225, not voting 20, as follows:

[Roll No. 461]

AYES—188

Abercrombie
Allen
Baca
Baldwin
Becerra
Bell
Berman
Berry
Biggert
Bishop (NY)
Blumenauer
Bono
Boozman
Boswell
Boucher
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Eshoo
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Gonzalez
Gordon
Graves
Grijalva
Harman
Herger
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Michaud
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Nethercutt
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Shays
Shimkus
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wynn

NOES—225

Ackerman
Aderholt
Akin
Alexander
Andrews
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berkley
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Cardin
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble

Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Engel
English
Etheridge
Everett
Feeney
Ferguson
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall
Harris
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hobson
Holden
Holt
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Marshall
Matsui
McCotter
McCrery
McHugh
McIntyre
McKeon
Meek (FL)
Menendez
Mica
Miller (MI)
Miller (NC)
Miller, Gary
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Ortiz
Ose
Oxley
Pallone
Pascrell
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun (KS)
Saxton
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—20

Baird
Bishop (GA)
Bonner
Cannon
Gephardt
Goss
Greenwood
Hart
Hensarling
Hoekstra
Kirk
Manzullo
McInnis
Meeks (NY)
Millender-McDonald
Miller (FL)
Murphy
Tauzin
Wexler
Wicker

□ 1234

Messrs. ALEXANDER, REHBERG, PALLONE, and DEUTSCH changed their vote from ''aye'' to ''no.''

Mr. HERGER and Mr. BOOZMAN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. OLVER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. OLVER) 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. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 339, noes 70, not voting 24, as follows:

[Roll No. 462]

AYES—339

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baldwin
Bass
Beauprez
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (NY)
Blumenauer
Boehlert
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chandler
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doolittle
Doyle
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hastings (FL)
Hayes
Hayworth
Hefley
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kleczka
Kline
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Putnam
Quinn
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—70

Aderholt
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Blackburn
Blunt
Boehner
Bonilla
Brady (TX)
Cantor
Carter
Chocola
Collins
Crane
Cubin
Culberson
Davis, Tom
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Dreier
Dunn
Flake
Franks (AZ)
Garrett (NJ)
Granger
Hastings (WA)
Herger
Istook
Johnson, Sam
Keller
Kennedy (MN)
Kingston
Knollenberg
Kolbe
Lewis (CA)
Linder
McCrery
Musgrave
Myrick
Nethercutt
Nunes
Osborne
Ose
Otter
Oxley
Pearce
Pence
Pitts
Pryce (OH)
Radanovich
Ramstad
Renzi
Schrock
Sessions
Shadegg
Smith (TX)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Vitter
Weldon (FL)

NOT VOTING—24

Baird
Becerra
Bishop (GA)
Bishop (UT)
Bonner
Cannon
Cox
Gephardt
Goss
Greenwood
Hart
Hensarling
Hoekstra
Jones (NC)
Kirk
Manzullo
McInnis
Meeks (NY)
Millender-McDonald
Miller (FL)
Murphy
Tauzin
Wexler
Wicker

□ 1243

Mrs. CUBIN and Mr. OTTER changed their vote from ''aye'' to ''no.''

Mr. EVERETT changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BECERRA. Mr. Chairman, earlier today my floor vote was not recorded on rollcall No. 462, the Olver amendment to H.R. 5025, the Transportation and Related Agencies Appropriations for FY 2005.

Mr. Chairman, had I voted on the Olver amendment, I would have unequivocally voted ''aye'' on rollcall vote No. 462.

The CHAIRMAN. The Clerk will read the last three lines.

The Clerk read, as follows:

This Act may be cited as the ''Transportation, Treasury, and Independent Agencies Appropriations Act, 2005''.

Ms. MILLENDER-McDONALD. Mr. Chairman, I want to commend the Transportation

Appropriation Subcommittee for including in this years Transportation Appropriation bill, $9 million for the hiring and training for the next generation of air-traffic controllers.

As a senior member on the Aviation Subcommittee, we are well aware that air traffic controllers are retiring at a quicker pace than they are being hired.

Over 50 percent of the air traffic controller workforce will retire within the next 10 years.

Industry believes that the Federal Aviation Administration (FAA) must hire 1000 air traffic controllers a year for the next three years to provide the necessary staffing levels and prepare for the wave of air traffic controller retirements.

Authorizers and appropriators may disagree on a quite a bit, especially on this bill, but the safety and security of the flying public is an issue we can all agree on.

This $9 million is a good first step. However, aside from funding we must also strive to train and hire the next generation of air traffic controllers that more accurately represents American society and the flying public.

By that I mean, in 2003 the following is a break down of the percentage of the air-traffic controller hirings: 18 percent women; 1 percent African American; 1 percent Hispanics; 1 percent Asians; and 0 percent Native Americans.

Unfortunately, these hiring percentages are following an all to familiar pattern that has already been established at the FAA.

For example, in 2003 the following is a breakdown of the air traffic controller workforce made up of the following percentages of women and minorities: 18 percent women; 1 percent African American women; 1 percent Hispanic women; 0 percent Asian women; and 0 percent Native American women.

We have a historic opportunity before us. We are facing a time when we must make unprecedented investments into our air traffic controller workforce.

I ask this Congress—and this Administration, to make the effort to reach out to women and minorities so that we may revamp our workforce to be a replica of our society as a whole.

Thank you Mr. Chairman. I look forward to working with you and the Ranking Member on this very important issue as this bill moves to conference with the Senate.

Mr. CASTLE. Mr. Chairman, I rise today in opposition to this bill. Members of this House chose to strip funding for Amtrak from this bill simply because the necessary agreement could not be reached on a floor rule to consider this legislation that would have protected Amtrak. Since the end of Fiscal Year 2002 when Amtrak was last authorized, Congress has continued to keep its commitment to our nation's rail passengers by funding Amtrak and ensuring that the nations trains continue to operate. We must continue that commitment as Congress continues to debate the right path for Amtrak's future through a reauthorization bill.

I am shocked that Members of this House would consider shutting down Amtrak in this manner, when a large majority of Americans favor continuing federal subsidies to Amtrak, and a substantial percentage would increase federal funding so the ailing passenger railroad can enhance its service. Fifty-one percent of respondents in an August 2002 Washington Post poll supported keeping Amtrak's funding current levels and twenty percent supported increasing the funding level.

Mr. Chairman, I request that the House support the $1.2 billion FY 05 level that was recently passed by the Senate Transportation/Treasury Appropriations Subcommittee. This Senate funding level is equal to the amount that Congress appropriated to Amtrak in FY 04 and is well short of the $1.8 billion requested by Amtrak CEO David Gunn to continue his 5-year strategic plan for the railroad. It may not be enough to implement Mr. Gunn's full plan for FY 05 but passage of the Senate level is vital to continue to address the acknowledged ''backlog'' of security and infrastructure needs on the Northeast Corridor—a backlog that threatens the continuation of safe and reliable passenger rail operations in the northeast region. That funding level is also necessary for Amtrak to continue to implement a system wide security plan.

In a July 17th interview with National Journal, Amtrak President and CEO David Gunn said that if Amtrak were appropriated $900 million in FY 05, the railroad would have to layoff 2,000 maintenance workers and close all major maintenance shops, including those in my home state of Delaware. As the U.S. economy continues to recover, we should not be cutting federal support for Amtrak work that will lead to jobs for our constituents. At the end of June, Mr. Gunn released the company's annual update of its strategic five-year plan that continues the focus of returning the railroad to a state of good repair.

The plan addresses problems including aging interlockings, rail ties, bridges, catenary hardware, and sets aside capital for major fleet overhauls. The plan will remove most of the immediate safety threats to continued service and vastly improve reliability and on-time performance. By continuing the implementation of Mr. Gunn's five-year plan, we would remove the immediate impediments to daily service on the Northeast Corridor. Amtrak has made real headway in this work and it would be a shame to slow or scale back this effort.

The National Journal article also detailed that as a result of the management changes during Mr. Gunn's tenure, Amtrak has kept its expenses flat. By contrast, from 1997 to 2001, expenses grew at an average rate of 8.5 percent a year. The company has taken on no additional debt since the federal government's loan in the summer of 2002. Passenger ridership through the first eight months of FY 2004 is 16.2 million, up 6.2 percent over the same period in the last fiscal year. From February to May of 2004, the railroad has sustained four consecutive months of all time record ridership and, should the trend continue through the end of the fiscal year, will exceed 25 million passengers for the first time.

Mr. Gunn's plan also includes a system wide security plan in the wake of the earlier railroad bombing this year in Spain that killed more than 200 people and injured more than 1,600. The FBI announced earlier this year that they have credible intelligence that the nation's railroads are being targeted for terrorist attack. Amtrak's security plan includes the following: Securing key infrastructure, dispatching and control centers; Emphasizing detection and prevention at stations and onboard trains; Improving train communications and incident command systems. The plan states that ''Physical and technological improvements will create layered security countermeasures to address the 'openness' of the Amtrak system in critical areas.'' Now is not the time to limit Mr. Gunn's resources to harden targets on the railroad's infrastructure, improve passenger safety, and strengthen efforts to facilitate an effective first responder response to a terrorist incident involving Amtrak.

Mr. Chairman, I understand the budget restraints that the committee is dealing with in crafting this appropriations bill but now is not the time to reduce our support for Mr. Gunn's effort to rebuild Amtrak's aging infrastructure and secure the railroad from potential terrorist attack.

The CHAIRMAN. Are there further amendments?

If not, pursuant to the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. GILLMOR, 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, pursuant to House Resolution 770, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment adopted in the Committee of the Whole?

Mr. HOYER. Mr. Speaker, I ask for a separate vote on the Stenholm amendment trying to contain the national debt.

The SPEAKER pro tempore. Is there a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will designate the amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment:

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 SPEAKER pro tempore. The question is on the amendment.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 404, noes 8, not voting 21, as follows:

[Roll No. 463]

AYES—404

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

NOES—8

Collins
Davis, Tom
Johnson, Sam
Ose
Portman
Schrock
Scott (VA)
Thomas

NOT VOTING—21

Baird
Bishop (GA)
Bonner
Cannon
DeMint
Gephardt
Goss
Greenwood
Hart
Hensarling
Hoekstra
Kirk
Lantos
Manzullo
McInnis
Millender-McDonald
Miller (FL)
Murphy
Tauzin
Wexler
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1304

Messrs. GUTIERREZ, CUNNINGHAM and KOLBE changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on engrossment and a third reading.

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

MOTION TO RECOMMIT OFFERED BY MR. OBEY

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

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

Mr. OBEY. In its present form, I certainly am.

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

The Clerk read as follows:

Mr. Obey moves to recommit the bill, H.R. 5025, to the Committee on Appropriations with instructions to report the same back to the House promptly with an amendment to restore funding for Payments to Air Carriers, Grants-in-Aid for Airports, the Federal Highway Administration, the Federal Motor Carrier Safety Administration, the National Highway Traffic Safety Administration, the Federal Railroad Administration, the Federal Transit Administration, and the Surface Transportation Board and increase funding above the levels in H.R. 5025, as reported, for the Federal-Aid Highways Limitation on Obligations, Grants to the National Railroad Passenger Corporation, new fixed guideway systems, and Grants-in-Aid for Airports.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, last week during consideration of this bill, three factions of the majority party took turns in striking entire accounts out of this bill.

More than half the budgetary resources that had been in the bill are now missing.

More than 80 percent of the Department of Transportation's resources have been deleted from this bill. This bill is now missing more than $41 billion in funding that was supposed to flow to each of our States for highways, transit and aviation.

My motion to recommit the Department of Transportation programs and provides adequate funding for addressing the Nation's transportation needs. This motion asks that the Committee on Appropriations restore the accounts that were deleted by points of order, and it calls for increased funding above the committee-reported levels for highways, transit, new start projects, Amtrak and Grants-in-Aid for airports.

It restores funding for rural airports through the Essential Air Service Program, Federal Motor Carrier Safety Administration, the National Highway Traffic Safety Administration and the Surface Transportation Board.

The motion is important because without it we are simply not meeting some of the crucial transportation needs of the country.

Mr. Speaker, I am sure that my friend from Oklahoma will say that because of the form of this motion that this bill will effectively be delayed or killed. The fact is, that is not correct. This bill is already dead. This bill is already on the way to the morgue. It quit breathing last Friday. All I am trying to do is to resuscitate the bill and make it something other than a cadaver.

So, without this motion, this House is acquiescing in the fact that jurisdictional arguments between committees have resulted in a bill which has little more than the enacting title, and I do not think that it does very much credit to the House.

If you vote for this amendment, you will be voting to resuscitate the programs that were knocked out because of the willfulness of the authorizing committee last week, and I would urge a ''yes'' vote for the proposition.

Mr. ISTOOK. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Oklahoma is recognized for 5 minutes in his opposition.

Mr. ISTOOK. Mr. Speaker, I very much appreciate the frustration of the gentleman from Wisconsin, and certainly I have a high level of frustration, and many people do, because of the things that on parliamentary procedures were stricken on points of order, because we have so many programs that have not been reauthorized.

However, there is a much better way to fix the problem, and that is to finish the process, pass the bill, move it to conference where we are then able to bring a conference report back before this House that is not subject to these points of order.

Were we to do what the gentleman from Wisconsin seeks, we would only repeat the exercise in frustration. He wants us to take the bill back to committee, reinsert the things that were taken out on points of order and, while we are at it, put more money in them. Then, if we brought the bill back to the floor, guess what? Those same points of order are here on the floor. We go through the exercise again.

Secondly, we have an additional point of order because the gentleman's request, I believe, would push us above the 302(b) allocation which is our share of the budget allocation, and there would be an additional point of order against the bill. We would only repeat the frustration.

What is worse than being frustrated once? Being frustrated twice. That is what the motion to recommit would accomplish, but opposing the motion to recommit and passing the bill moves it into conference. That is where the problem can and will be fixed.

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

Mr. ISTOOK. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding.

All of that can be solved by simply having the Committee on Rules this time do its duty and report out a rule that protects a rational bill.

Mr. ISTOOK. Mr. Speaker, I appreciate the gentleman's concern, and certainly the Committee on Rules could have done something on the current bill and could do something on a different bill, but why do we expect the Committee on Rules would have any different action?

The only sure course of action to get this bill passed to fund the transportation for every Member of this body for their States and also to address the desires that different Members have for their different districts is to pass the bill, move it on to the House-Senate conference where we bring it back, and all those problems are wiped clean because now we are under a different parliamentary process that governs the conference report.

I oppose the motion to recommit. There is no sense in killing the bill. Let us keep it alive so that we can keep transportation moving in the country.

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

There was no objection.

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

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for the electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 201, nays 210, not voting 22, as follows:

[Roll No. 464]

YEAS—201

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

NAYS—210

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

NOT VOTING—22

Baird
Bishop (GA)
Bonner
Cannon
Foley
Gephardt
Greenwood
Hart
Hensarling
Hoekstra
Kirk
Manzullo
Matsui
McInnis
Mica
Millender-McDonald
Miller (FL)
Murphy
Shaw
Tauzin
Wexler
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS) (during the vote). There are 2 minutes remaining in this vote.

□ 1333

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 12, not voting 24, as follows:

[Roll No. 465]

YEAS—397

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

NAYS—12

Castle
Flake
Franks (AZ)
Hefley
Jones (NC)
Kucinich
Obey
Otter
Paul
Royce
Sensenbrenner
Shimkus

NOT VOTING—24

Baird
Bishop (GA)
Bonner
Cannon
Cox
Dunn
Foley
Gephardt
Gillmor
Greenwood
Hart
Hensarling
Hoekstra
Kirk
Manzullo
McInnis
Meehan
Millender-McDonald
Miller (FL)
Murphy
Reynolds
Tauzin
Wexler
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1340

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. MILLENDER-McDONALD. Mr. Speaker, on rollcall No. 465, H.R. 5025—Transportation/Treasury Appropriation bill, I was on legislative business and arrived after the vote. Had I been here I would have voted in the affirmative.

PERSONAL EXPLANATION

Mr. FOLEY. Mr. Speaker, on rollcall Nos. 464 and 465, I was meeting with the Governor of Florida concerning hurricane damage. Had I been present, I would have voted "nay" on rollcall No. 464 and "yea" on rollcall No. 465.

PERSONAL EXPLANATION

Mr. KIRK. Mr. Speaker, today, I missed the following rollcall votes: rollcall number 461—on agreeing to the Rangel amendment to H.R. 5025, rollcall number 462—on agreeing to the Olver amendment to H.R. 5025, rollcall number 463—on agreeing to the Stenholm amendment to H.R. 5025, rollcall number 464—on motion to recommit H.R. 5025, rollcall number 465—on passage of H.R. 5025. Had I been present I would have voted "nay" on rollcall votes 461 and 464, and I would have voted "yea" on rollcall votes 462, 463 and 465.

REQUEST FOR REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2028

Mr. OSE. Mr. Speaker, because the bill as introduced was drastically changed in committee, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2028.

The SPEAKER pro tempore (Mr. LINDER). Under clause 7 of rule XII, the Chair may not entertain a request to delete a cosponsor after the last committee authorized to consider the bill has filed its report with the House.

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 or nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

CIVIL WAR SESQUICENTENNIAL COMMISSION ACT

Mr. OSE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2449) to establish a commission to commemorate the sesquicentennial of the American Civil War, as amended.

The Clerk read as follows:

H.R. 2449

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Civil War Sesquicentennial Commission Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The American Civil War was a defining experience in the development of the United States.

(2) The people of the United States continue to struggle with issues of race, civil rights, the politics of federalism, and heritage which are legacies of the Civil War and Reconstruction.

(3) There is a resurgence of interest in the Civil War that is evidenced by the multitude of publications, exhibits, reenactments, research organizations, Internet and multimedia resources, historic parks, and preservation associations focused on the Civil War.

(4) The years 2011 through 2015 mark the sesquicentennial of the Civil War.

(5) The sesquicentennial of the Civil War presents a significant opportunity for Americans to recall and reflect upon the Civil War and its legacy in a spirit of reconciliation and reflection.

(6) The United States Civil War Center at Louisiana State University, Louisiana, and the Civil War Institute at Gettysburg College, Pennsylvania, have been designated by the Federal government to plan and facilitate the commemoration of the sesquicentennial of the Civil War.

(7) The State of Virginia—

(A) witnessed more Civil War military engagements on its soil than any other State;

(B) hosts more historic sites related to the Civil War than any other State; and

(C) is home to the Pamplin Historical Park and the National Museum of the Civil War Soldier and the Virginia Center for Civil War Studies at Virginia Polytechnic Institute and State University, both of which are nationally recognized centers of expertise in the study of the Civil War.

(8) The African American Civil War Museum located in Washington, D.C., is the only museum in the nation dedicated to the study and understanding of the role of African Americans in the Civil War.

(b) PURPOSE.—The purpose of this Act is to establish a Civil War Sesquicentennial Commemoration Commission to—

(1) ensure a suitable national observance of the sesquicentennial of the Civil War;

(2) cooperate with and assist States and national organizations with programs and activities for the observance of the sesquicentennial of the Civil War;

(3) assist in ensuring that any observance of the sesquicentennial of the Civil War is inclusive and appropriately recognizes the experiences and points of view of all people affected by the Civil War; and

(4) provide assistance for the development of programs, projects, and activities on the Civil War that have lasting educational value.

SEC. 3. CIVIL WAR SESQUICENTENNIAL COMMEMORATION COMMISSION.

The Secretary of the Interior shall establish a commission to be known as the Civil War Sesquicentennial Commemoration Commission (hereafter in this Act referred to as the ''Commission'').

SEC. 4. COMPOSITION OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall be composed of 25 members as follows:

(1) GOVERNMENT MEMBERS.—The Commission shall include—

(A) 2 Members of the House of Representatives appointed by the Speaker of the House of Representatives;

(B) 2 Members of the Senate appointed by the President pro tempore of the Senate, in consultation with the Majority Leader and the Minority Leader of the Senate;

(C) the Secretary of the Interior or the designee of the Secretary;

(D) the Secretary of the Smithsonian Institution, or the designee of the Secretary;

(E) the Secretary of the Department of Education, or the designee of the Secretary;

(F) the Chairman of the National Endowment for the Humanities, or the designee of the Chairman;

(G) the Archivist of the United States, or the designee of the Archivist;

(H) the Librarian of Congress, or the designee of the Librarian; and

(I) the Director of the National Park Service, or the designee of the Director.

(2) PRIVATE MEMBERS.—The Commission shall include—

(A) 5 members appointed by the President from among individuals who are representative of the corporate community; and

(B) 9 individuals, appointed by the President, from among persons who by reason of education, training, and experience, are experts on the Antebellum, Civil War, and Reconstruction eras, including—

(i) 6 individuals with expertise in history;

(ii) 1 individual with specific expertise in art history, historic preservation, or a related field;

(iii) 1 individual with expertise in anthropology, cultural geography, sociology, or a related field; and

(iv) 1 individual with expertise in political science, law, economics, or a related field.

(b) TERMS.—Members shall be appointed for the life of the Commission.

(c) VACANCIES.—Any vacancy in the Commission shall not affect its powers, and shall be filled in the same manner as the original appointment.

(d) INITIAL APPOINTMENTS.—The appointment of the members of the Commission shall be made not later than 60 days after the date of the enactment of this Act.

SEC. 5. GENERAL PROVISIONS.

(a) MEETINGS.—

(1) INITIAL MEETING.—Not later than 60 days after the date on which all members of the Commission have been appointed, the members appointed under subparagraphs (A) and (B) of section 4(a)(2) shall call the first meeting of the Commission.

(2) SUBSEQUENT MEETINGS.—The Commission shall hold subsequent meetings at the call of the chairperson.

(b) CHAIRPERSON AND VICE CHAIRPERSON.—At the initial meeting, the Commission shall elect a Chairperson and Vice Chairperson from among its voting members.

(c) QUORUM.—A majority of voting members shall constitute a quorum, but a lesser number may hold meetings.

(d) VOTING.—

(1) IN GENERAL.—The Commission shall act only on an affirmative vote of a majority of the voting members of the Commission.

(2) NONVOTING MEMBERS.—The individuals appointed under subparagraphs (A) and (B) of section 4(a)(1) shall be nonvoting members, and shall serve only in an advisory capacity.

SEC. 6. DUTIES OF THE COMMISSION.

(a) ACTIVITIES RELATED TO THE SESQUICENTENNIAL.—The Commission shall—

(1) plan, develop, and carry out programs and activities appropriate to commemorate the sesquicentennial of the Civil War;

(2) encourage interdisciplinary examination of the Civil War;

(3) facilitate Civil War-related activities throughout the United States;

(4) encourage civic, historical, educational, economic, and other organizations throughout the United States to organize and participate in activities to expand the understanding and appreciation of the significance of the Civil War;

(5) coordinate and facilitate the public distribution of scholarly research, publications, and interpretations of the Civil War;

(6) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration of the sesquicentennial of the Civil War;

(7) develop programs and facilities to ensure that the sesquicentennial commemoration of the Civil War results in a positive legacy and long-term public benefit; and

(8) encourage the development and conduct of programs designed to involve the international community in activities that commemorate the Civil War.

(b) PLANS AND REPORT.—

(1) STRATEGIC PLAN AND ANNUAL PERFORMANCE PLANS.—The Commission shall prepare a strategic plan in accordance with section 306 of title 5, United States Code, and annual performance plans in accordance with section 1115 of title 31, United States Code, for the activities of the Commission carried out under this Act.

(2) REPORTS.—

(A) ANNUAL REPORT.—The Commission shall submit to Congress an annual report that contains a list of each gift, bequest, or devise with a value of more than $250, together with the identity of the donor of each such gift, bequest, or devise.

(B) FINAL REPORT.—Not later than December 30, 2015, the Commission shall submit to Congress a final report that contains—

(i) a summary of activities of the Commission;

(ii) a final accounting of funds received and expended by the Commission; and

(iii) the findings and recommendations of the Commission.

SEC. 7. GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—The National Endowment for the Humanities shall award grants under this section for the uses described in subsection (b).

(b) USE OF GRANTS.—Grants awarded under this section shall be used for appropriate activities relating to the sesquicentennial of the Civil War.

(c) CONSIDERATION.—In awarding grants under this section, the National Endowment of the Humanities shall consider established university, museum, or academic programs with national scope that sponsor multidisciplinary projects, including those that concentrate on the role of African Americans in the Civil War.

SEC. 8. POWERS OF THE COMMISSION.

(a) IN GENERAL.—The Commission may—

(1) solicit, accept, use, and dispose of gifts, bequests, or devises of money or other real or personal property for the purpose of aiding or facilitating the work of the Commission;

(2) appoint any advisory committee as the Commission considers appropriate for the purposes of this Act;

(3) authorize any voting member or employee of the Commission to take any action that the Commission is authorized to take under this Act; and

(4) procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements to carry out this Act (except that any contracts, leases, or other legal agreements entered into by the Commission shall not extend beyond the date of the termination of the Commission); and

(5) use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 9. PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Members of the Commission, and members of any advisory committee appointed under section 8(a)(2), shall serve without compensation.

(b) TRAVEL EXPENSES.—Members of the Commission, and members of any advisory committees appointed under section 8(a)(2), shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or non-reimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

(2) CIVIL SERVICE STATUS.—The detail of an employee under paragraph (1) shall be without interruption or loss of civil service status or privilege.

(e) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(f) SUPPORT SERVICES.—The Director of the National Park Service shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(g) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at daily rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(h) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(i) TERMINATION.—The Commission shall terminate on the date that is 90 days after the date on which the Commission submits its report under section 6(b)(2).

SEC. 10. AUDIT OF COMMISSION.

The Inspector General of the Department of the Interior shall perform an annual audit of the Commission and shall make the results of the audit available to the public.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act (other than section 7) $200,000 for each of the fiscal years 2005 through 2016.

(b) GRANTS.—There is authorized to be appropriated $3,500,000 to the National Endowment for the Humanities to provide grants under section 7, to remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. 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 California?

There was no objection.

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

Mr. Speaker, on behalf of the Committee on Government Reform, I am pleased that the House is considering H.R. 2449. This legislation, introduced by the distinguished gentleman from Louisiana (Mr. BAKER) creates a commission to commemorate the sesquicentennial of the American Civil War. I rise in strong support of this bill.

Mr. Speaker, perhaps no event shaped the U.S. more than the Civil War. The Civil War was produced by the economic, cultural, and political rivalry between the agrarian South and the industrial North. Though the war was long and dreadful, its outcome preserved the Nation. From South Carolina's secession on December 20, 1860, to General Robert E. Lee's surrender at Appomattox on April 9, 1865, the Civil War set the course for the next century of this Nation's development.

Mr. Speaker, the Civil War Sesquicentennial Commission will ensure a suitable national observance of the 150th anniversary of the Civil War. It promises to be inclusive and appropriately recognizes the perspectives and impacts of all people affected by the Civil War.

Specifically, the commission will plan, develop, and carry out programs and activities appropriate to commemorate the Civil War. The commission will annually report to Congress on its work, and by December 30, 2015, the commission will provide to Congress a final report detailing the activities, findings, and recommendations of the commission.

Mr. Speaker, the creation of a Civil War Commission at this point in American history makes it difficult to overlook the similarities between America's current conflict and the war our Nation endured nearly a century and a half ago. In both cases, an immense tragedy forced this Nation to rise up and defend the liberty and freedom of our Union. However, our current enemy is not ourselves, but terrorist extremists who hate American freedom. While Americans were split and hostile on the two sides of the Civil War, today our great Nation remains united behind our servicemen and servicewomen who sacrifice everything to protect our Nation from terror.

Mr. Speaker, this commission will provide an exciting and somber look back at perhaps the most important event in our Nation's history. I thank the gentleman from Louisiana (Mr. BAKER) for his thorough efforts to commemorate the Civil War.

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

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

H.R. 2449 would establish a Civil War Sesquicentennial Commemoration Commission to cooperate with and assist States and national organizations with programs and activities to ensure a suitable national observance of the 150th anniversary of the Civil War and to educate Americans about the significance of the war in our national history.

With the issuance of the Emancipation Proclamation in 1863, the Civil War became a war to save the Union and to abolish slavery. The war resulted in the loss of 620,000 lives, the liberation of 4 million slaves, and the ratification of three constitutional amendments that changed the way we define freedom and democracy in this country.

Frederick Douglass moved many free and runaway slaves to enlist in the Union Army and to fight for their freedom when he said, ''Once let the black man get upon his person the brass letters U.S., let him get an eagle on his button, and a musket on his shoulder and bullets in his pockets, there is no power on Earth can deny that he has earned the right for citizenship in the United States.''

Approximately 180,000 African Americans, comprising 163 units, served in the Union Army during the Civil War, and many more served in the Union Navy. Although black soldiers proved themselves as reputable soldiers, discrimination in pay and other areas remained widespread.

We as Americans continue to struggle with issues of race, the politics of federalism and heritage. The 150th anniversary of the Civil War would give us an opportunity to reflect collectively on our shared history and our identity as Americans. Many say and many believe that we have a democracy, that we as African Americans, for example, have equal rights. But we must ask what it really means, and even in 2004 we must ask is freedom and equal rights a reality for all Americans.

□ 1345

What we do have, though, is the right to struggle, and the need for struggle is just as important today as it was during the Civil War.

Frederick Douglass was right then and Douglass is right now when he said that ''Struggle, struggle, strife and pain are the prerequisites for change, and if there is no struggle, there will be no progress.''

The American Civil War is a critical part of our Nation's history and development. The 105th anniversary of the war should remind us that we have come a long way, but there is still much work to be done, and in the words of the philosopher, we must remember that freedom is a hard-won

thing. Each generation must win it, and win it again.

The American Civil War was critical to America's development as a nation and a democracy. The 105th anniversary of the war is an appropriate time for us to reflect on its legacy and its impact on our lives.

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

Mr. OSE. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from Louisiana (Mr. BAKER).

Mr. BAKER. Mr. Speaker, I thank the gentleman for his courtesy in yielding me time. I rise here today to speak to my appreciation for his good work in bringing this matter to the floor of the House.

Mr. Speaker, the American Civil War was perhaps the most dramatic forging event in our Nation's history. In a brief period of time, over 600,000 lives were lost. The struggle was immense. But from this incredible event and the huge loss of life, a new nation was forged, with its eye on principle and in practice to afford equal rights to all.

In the course of our history, this Congress has acted with regard to this matter in years past. In fact, there are two institutions. The United States Civil War Center at Louisiana State University and the Civil War Institute at the Gettysburg College have been the only two institutions nationally recognized as Civil War centers. It is my hope and expectation that as the commission itself is appointed and work is commenced, that they will become significant partners with the center at LSU and at the Gettysburg College in coming to the appropriate decisions for the sesquicentennial celebrations of this event.

It is truly an important, formative event in our Nation's history. It is a time when no one should be without education and understanding, for from it we learn much about ourselves and what makes our Nation as great as it is today.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, I thank the gentleman for yielding me time, and I also thank the chairman of my subcommittee of the Committee on Financial Services for his leadership.

I rise in strong support of this resolution. I have been working with several of my colleagues to organize a Civil War Caucus here in the House of Representatives. Outside this building, just on the West Front, is a statue of General Grant at the very footsteps of the Capitol. A few blocks away from that is a statue of General Meade. Beyond that is the Lincoln Memorial, and beyond that in the hills of Arlington is the Custis-Lee Mansion.

Why do we remember? Why do we erect statues? Why is this bill important? It is important because the Civil War is really not about the past; it is about our present, it is about our future. It is important because what happened in the Civil War will instruct us in how we meet challenges today.

I serve on the Committee on Armed Services and we are dealing with profoundly difficult challenges around the world, in Iraq, Iran, North Korea, Pakistan, the global war on terror. Sometimes those challenges seem almost insurmountable. What the Civil War teaches all of us is that no challenge is insurmountable.

When I think about the military difficulties that we have in the world today, I also think about the 20th of May on Little Round Top in Gettysburg. It was on that hill that just a small group of men were told to remain in place, to hold that hill at all hazards. They were confronted with enemy in front of them, overwhelming numbers, overwhelming numbers of enemy to their left and above them, and still they held that hill. They repulsed attack after attack after attack, and when they ran out of ammunition and hope, their leader, Colonel Joshua Chamberlain, ordered the men to fix bayonets and charge. That is surmounting challenge.

What we were taught from that battle on many battlefields, on many boats, in north and south, is that we are a unique and special country. That fight was for us. That fight was for our future. That fight was to teach a lesson that higher principles guide us, that there are things worth fighting for that are even more important than ourselves.

This bill is not about statues, it is not about commemoration, it is not about the past. It is about the country we are today and the country we will be tomorrow.

For that reason, I strongly support this bill and urge its adoption.

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

Mr. Speaker, I will just end by suggesting that the Civil War was the costliest war that this country has ever been engaged in and perhaps one of the most important wars that this country will ever fight. I urge strong support of this resolution.

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

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

Mr. Speaker, I want to join my friend from Illinois in his remarks, and I too urge all Members to support the passage of H.R. 2449.

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

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and pass the bill, H.R. 2449, 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.

HUDSON-FULTON-CHAMPLAIN 400TH COMMEMORATION COMMISSION ACT OF 2004

Mr. OSE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2528) to establish the Hudson-Fulton-Champlain 400th Commemorative Commission, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2528

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hudson-Fulton-Champlain 400th Commemoration Commission Act of 2004''

SEC. 2. FINDINGS AND PURPOSE.

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

(1) The first European exploration of the Hudson River and Lake Champlain and the introduction of steam navigation to maritime commerce were events of major historical importance, both in the United States and internationally.

(2) In 1609, Englishman Henry Hudson, acting in service of the Dutch East India Company, was the first European to sail up the river later named for him in the vessel HALF MOON, and French explorer Samuel de Champlain was the first European to see the lake later named for him.

(3) These voyages were two of the most significant passages in the European exploration and discovery of America, and began two of the earliest contacts in the New World between Native Americans and Europeans.

(4) These explorations led to the establishment of Fort Orange, a Dutch (and later English) settlement of what is now the capital city of the State of New York, and settlement of French Quebec settlements as far south as Lake George. From these early settlements came an influence on the Nation's history, culture, law, commerce, and traditions of liberty which extends to the present day, and which is constantly reflected in the position of the United States as the leader of the nations of the free world.

(5) In 1807, Robert Fulton navigated the Hudson River from the city of New York to Albany in the steamboat CLERMONT, successfully inaugurating steam navigation on a commercial basis. This event is one of the most important events in the history of navigation. It revolutionized waterborne commerce on the great rivers of the United States, transformed naval warfare, and fostered international relations through transoceanic travel and trade.

(6) The National Park Service owns and operates significant resources in New York related to the early history of the nation and the Hudson River Valley.

(7) In 2002, the State of New York established a Hudson-Fulton-Champlain Commission.

(8) In 2003, the State of Vermont established a Lake Champlain Quadricentennial Commission.

(b) PURPOSE.—The purpose of this Act is to establish the Hudson-Fulton-Champlain 400th Commemoration Commission to—

(1) ensure a suitable national observance of the Henry Hudson, Robert Fulton, and Samuel de Champlain 2009 anniversaries through

cooperation with and assistance to the programs and activities of New York, New Jersey, Vermont, and the commemorative commissions formed by the States;

(2) assist in ensuring that Hudson-Fulton-Champlain 2009 observances provide an excellent visitor experience and beneficial interaction between visitors and the natural and cultural resources of the New York, New Jersey, and Vermont sites;

(3) assist in ensuring that Hudson-Fulton-Champlain 2009 observances are inclusive and appropriately recognize the diverse Hudson River and Lake Champlain communities that developed over four centuries;

(4) facilitate international involvement in the Hudson-Fulton-Champlain 2009 observances;

(5) support and facilitate marketing efforts for a commemorative coin, a commemorative stamp, and related activities for the Hudson-Fulton-Champlain 2009 observances; and

(6) assist in the appropriate development of heritage tourism and economic benefits to the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMEMORATION.—The term ''commemoration'' means the commemoration of—

(A) the 200th anniversary of Robert Fulton's voyage in the CLERMONT;

(B) the 400th anniversary of Henry Hudson's voyage in the HALF MOON; and

(C) the 400th anniversary of Samuel de Champlain's voyage.

(2) COMMISSION.—The term ''Commission'' means the Hudson-Fulton-Champlain 400th Commemoration Commission established by section 4(a).

(3) GOVERNORS.—The term ''Governors'' means the Governors of the States of New York, New Jersey, and Vermont.

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

(5) STATES.—The term ''States''—

(A) means the States of New York, New Jersey, and Vermont; and

(B) includes agencies and entities of each such State.

SEC. 4. HUDSON-FULTON-CHAMPLAIN 400TH COMMEMORATION COMMISSION.

(a) IN GENERAL.—The Secretary shall establish a commission to be known as the ''Hudson-Fulton-Champlain 400th Commemoration Commission''.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 31 members, of whom—

(A) 3 members shall be appointed by the Secretary, after consideration of the recommendations of the Governors;

(B) 13 members shall be appointed by the Secretary, after consideration of the recommendations from the Members of the House of Representatives whose districts encompass the Hudson River Valley and Champlain Valley;

(C) 6 members shall be appointed by the Secretary, after consideration of the recommendations from the Members of the Senate from New York, New Jersey, and Vermont;

(D) 2 members shall be employees of the National Park Service, of whom—

(i) one shall be the Director of the National Park Service (or a designee); and

(ii) one shall be an employee of the National Park Service having experience relevant to the commemoration, who shall be appointed by the Secretary;

(E) one member shall be appointed by the Secretary, and shall be an individual knowledgeable of the Hudson River Valley National Heritage Area;

(F) 6 members shall be appointed by the Secretary, and shall be individuals that have an interest in, support for, and expertise appropriate to, the commemoration;

(G) one member shall be the chairperson of any commemorative commission formed by New York, or the designee of the chairperson;

(H) one member shall be the chairperson of any commemorative commission formed by New Jersey, or the designee of the chairperson; and

(I) one member shall be the chairperson of any commemorative commission formed by Vermont, or the designee of the chairperson.

(2) TERM; VACANCIES.—

(A) TERM.—Each member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—

(i) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(ii) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(3) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet—

(i) at least twice each year; or

(ii) at the call of the Chairperson or the majority of the members of the Commission.

(B) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(4) CHAIRPERSON AND VICE CHAIRPERSON.—(A) The Commission shall elect the chairperson and the vice chairperson of the Commission on an annual basis.

(B) The vice chairperson shall serve as the chairperson in the absence of the chairperson.

(5) QUORUM.—A majority of voting members shall constitute a quorum, but a lesser number may hold meetings.

(6) VOTING.—

(A) IN GENERAL.—The Commission shall act only on an affirmative vote of a majority of the voting members of the Commission.

(B) NONVOTING MEMBERS.—The individuals appointed under subparagraphs (G), (H), and (I) of paragraph (1) shall be nonvoting members, and shall serve only in an advisory capacity.

(c) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) plan, develop, and execute programs and activities appropriate to commemorate the 400th anniversary of the voyage of Henry Hudson, the first European to sail up the Hudson River, the 200th anniversary of the voyage of Robert Fulton, the first person to use steam navigation on a commercial basis, the 400th anniversary of the voyage of Samuel de Champlain, the first European to discover and explore Lake Champlain;

(B) facilitate Hudson-Fulton-Champlain-related activities throughout the United States;

(C) coordinate its activities with State commemoration commissions and appropriate Federal Government agencies, including the Departments of Agriculture, Defense, State, and Transportation, the National Park Service with respect to the Hudson River Valley National Heritage Area, and the American Heritage Rivers Initiative Interagency Committee established by Executive Order 13061, dated September 11, 1997;

(D) encourage civic, patriotic, historical, educational, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the voyages of Henry Hudson, Robert Fulton, and Samuel de Champlain;

(E) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration;

(F) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, the voyages of Henry Hudson, Robert Fulton, and Samuel de Champlain; and

(G) ensure that the Hudson-Fulton-Champlain 2009 anniversaries provide a lasting legacy and long-term public benefit by assisting in the development of appropriate programs and facilities.

(2) STRATEGIC PLAN AND ANNUAL PERFORMANCE PLANS.—The Commission shall prepare a strategic plan in accordance with section 306 of title 5, United States Code, and annual performance plans in accordance with section 1115 of title 31, United States Code, for the activities of the Commission carried out under this Act.

(3) REPORTS.—

(A) ANNUAL REPORT.—The Commission shall submit to Congress an annual report that contains a list of each gift, bequest, or devise with a value of more than $250, together with the identity of the donor of each such gift, bequest, or devise.

(B) FINAL REPORT.—Not later than September 30, 2010, the Commission shall submit to the Secretary a final report that contains—

(i) a summary of the activities of the Commission;

(ii) a final accounting of funds received and expended by the Commission; and

(iii) the findings and recommendations of the Commission.

(d) POWERS OF THE COMMISSION.—The Commission may—

(1) solicit, accept, use, and dispose of gifts, bequests, or devises of money or other real or personal property for the purpose of aiding or facilitating the work of the Commission;

(2) appoint such advisory committees as the Commission determines to be necessary to carry out this Act;

(3) authorize any member or employee of the Commission to take any action that the Commission is authorized to take by this Act;

(4) procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements, to carry out this Act (except that any contracts, leases, or other legal agreements made or entered into by the Commission shall not extend beyond the date of the termination of the Commission);

(5) use the United States mails in the same manner and under the same conditions as other Federal agencies;

(6) subject to approval by the Commission, make grants in amounts not to exceed $20,000 to communities, nonprofit organizations, and commemorative commissions formed by the States to develop programs to assist in the commemoration; and

(7) make grants in amounts not to exceed $20,000 to research and scholarly organizations to research, publish, or distribute information relating to the early history of the voyages of Hudson, Fulton, and Champlain.

(e) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS OF THE COMMISSION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the Commission shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member

as an officer or employee of the Federal Government.

(C) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

(i) IN GENERAL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

(ii) CIVIL SERVICE STATUS.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from States (including subdivisions of States); and

(ii) reimburse States for services of detailed personnel.

(5) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(6) SUPPORT SERVICES.—The Director of the National Park Service shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(f) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(g) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) NO EFFECT ON AUTHORITY.—Nothing in this section supersedes the authority of the States or the National Park Service concerning the commemoration.

(i) TERMINATION.—The Commission shall terminate on December 31, 2010, and shall transfer all documents and materials of the Commission to the National Archives or other appropriate Federal entity.

SEC. 5. AUDIT OF COMMISSION.

The Inspector General of the Department of the Interior shall perform an annual audit of the Commission and shall make the results of the audit available to the public.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $500,000 for each of fiscal years 2005 through 2011 to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. 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. 2528.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 2528, a bill that creates another important congressional commission. This measure, introduced by the gentleman from New York (Mr. HINCHEY), establishes the Hudson-Fulton-Champlain 400th Commemoration Commission.

Mr. Speaker, many outside of the northeast may be unfamiliar with the honorees of the commission, Henry Hudson, Robert Fulton, Samuel de Champlain. But this commemoration aims to raise awareness of their pioneering contributions.

In 1609, Henry Hudson of England was the first European to sail up the river that would later bear his name. That same year, French explorer Samuel de Champlain was the first European to come across the lake that is named after him. Nearly 200 years later, in 1807, Robert Fulton navigated the Hudson River from the city of New York to Albany aboard the steamboat Clermont. This voyage successfully inaugurated steam navigation, and is one of the most important events in the history of navigation.

These three events that occurred on these significant waterways greatly contributed to western expansion across the New World. I know the distinguished Members from New York, New Jersey and Vermont strongly support the establishment of this commission, and as a student of history, I am pleased to join them today in favor of passage of H.R. 2528.

I want to congratulate the distinguished gentleman from New York (Mr. HINCHEY) for advancing this legislation.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. HINCHEY), the author of this legislation.

Mr. HINCHEY. Mr. Speaker, I want to also express my appreciation to the gentleman from Illinois (Mr. DAVIS) and the chairman for their work on this legislation and for the way in which it has been brought to the floor. I very much appreciate all the consideration that has been given to it and the attention it has received.

Mr. Speaker, the legislation, as we have heard, will establish a Federal commission to plan, develop and execute programs and activities to commemorate the 400th anniversary of the voyage of Henry Hudson, the 400th anniversary of the voyage of Samuel de Champlain, and the 200th anniversary of the voyage of Robert Fulton. These are events of major historical importance both for the United States and for many other nations as well.

In 1609, Englishman Henry Hudson, acting in the service of the Dutch East India Company, was the first European to sail up the river later named for him in the vessel Half Moon, and French explorer Samuel de Champlain was the first European to see the lake that was later named for him. These voyages were two of the most important passages in the European exploration and discovery of North America, and they began two of the earliest contacts in the New World between Europeans and Native Americans.

These explorations led to the establishment of Fort Orange by the Dutch, which later became the English settlement of Albany, which later became the capital of New York State. It also led to French settlements as far south as Lake George in New York. From these early settlements came an influence on our history, law, culture, commerce and traditions of liberty, which extends right down to the present day.

Furthermore, in 1807, Robert Fulton navigated 150 miles of the Hudson River from New York City to Albany in the steamboat Clermont, successfully inaugurating steam navigation on a commercial basis. This is one of the most important events in the history of naval travel. The trip had previously consumed an average of 4 days. The Clermont under Fulton made the same trip in about 32 hours.

Steam navigation revolutionized waterborne commerce on the great rivers of the United States, such as the Hudson, the Missouri and Mississippi River systems; it transformed transoceanic travel and naval warfare and fostered international relations through travel and trade.

The Hudson, Fulton and Champlain anniversaries have a rich tradition of commemoration, as well, by our Nation. In 1909, Americans celebrated the 300th anniversary of these events with maritime celebrations and art exhibitions. New York and New Jersey created a Hudson-Fulton Celebration Commission, and there was a Champlain Tercentenary in the Champlain Valley. These celebrations were extensive and international in scope. The Dutch built the first replica of Hudson's ship, the Half Moon, and sent it

up the Hudson River for that observance.

In 1959, Congress created the Hudson-Champlain Celebration Commission to recognize the 350th anniversary and coordinate Federal participation in those commemoration events. New York, New Jersey and Vermont all participated in the anniversaries.

Then-Governor Nelson Rockefeller of New York proclaimed 1959 the Year of History. Events occurred day and night, such as art exhibits, performance of music, drama and historic reenactments. The Netherlands, Canada, Great Britain and France were all enthusiastically involved.

In order for our country to showcase to the world the monumental effect that exploration has had on today's society and to celebrate the beauty, history and culture of the Hudson River and Lake Champlain, Federal planning for the 400th anniversary must start now. The States are already planning for these anniversaries.

In 2002, the State of New York established a State Hudson-Fulton-Champlain Commission; and in 2003, the State of Vermont established a Lake Champlain Quadricentennial Commission.

A Federal commission is important to expand the scope of these State celebrations, attracting and organizing a national and indeed an international organization for these celebrations. The commission established by this bill will coordinate educational, cultural and historic projects, while cooperating in assisting the programs and activities conceived by New York, New Jersey and Vermont.

Specifically, the legislation will do the following: It will ensure a suitable national observance of the anniversary through cooperation with and assistance to the programs and activities of New York, New Jersey and Vermont.

It will cultivate international involvement in celebration activities and provide an excellent opportunity to strengthen our historic and cultural ties to nations such as the Netherlands, Canada, Great Britain and France.

It will also coordinate the activities of Federal Government agencies such as the Departments of Agriculture, Defense, State, Transportation, as well as the National Park Service, all of which have significant resources in the Hudson and Champlain Valleys.

It will encourage civic, patriotic, historical, educational, religious, economic and other organizations throughout the United States to organize and participate in anniversary activities that expand the understanding and appreciation of the significance of these voyages.

It will provide technical assistance to States, localities, nonprofit organizations to further the commemoration.

It will coordinate and facilitate for the public scholarly research on publication about and interpretation of the voyages of Henry Hudson, Samuel de Champlain and Robert Fulton.

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It will support and facilitate marketing efforts for a commemorative coin, a commemorative stamp, and related activities for the Hudson-Fulton-Champlain 2009 observances. And it will also ensure that the Hudson-Fulton-Champlain 2009 anniversaries provide a lasting legacy and long-term public benefit by assisting in the development of appropriate programs and facilities.

I urge all Members to join me in supporting this legislation, and again, I express my appreciation to the gentleman here today for bringing this legislation to the floor.

Mr. OSE. Mr. Speaker, I have no other speakers, and I reserve the balance of my time.

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

Mr. Speaker, I am pleased to join with the gentleman from California (Mr. OSE) and the gentleman from New York (Mr. HINCHEY) in support of this legislation. The Hudson-Fulton-Champlain Commission, as established in this act, will plan and develop programs in 2009 that will celebrate the voyages of discovery made by Henry Hudson, Robert Fulton, and Samuel de Champlain.

The programs and activities will mark the 400th anniversary of the voyage of Henry Hudson, the first European to sail up the Hudson River; the 200th anniversary of the voyage of Robert Fulton, the first person to use steam navigation on a commercial basis; and the 400th anniversary of the voyage of Samuel de Champlain, the first European to discover and to explore Lake Champlain.

The exploration of the Hudson River and Lake Champlain and the introduction of steam navigation in maritime commerce played an important role in shaping New York State. In addition, these early explorers opened a part of North America that was crucial to international trade throughout eastern New York, the North Country and the Lake Champlain region.

The Hudson-Fulton-Champlain 400th Commemoration Commission represents a unique opportunity to celebrate New York, its history and its heritage.

Mr. CROWLEY. Mr. Speaker, I am proud to support the Hudson-Fulton-Champlain 400th Commemoration Commission Act, and I thank my colleague MAURICE HINCHEY for his leadership on this issue.

I am pleased that the bill under consideration today will establish a Commission charged with planning, developing and executing programs and activities appropriate to commemorate the voyages of three explorers. From these early explorations and "The Legend of Sleepy Hollow" to today's waterfront development projects, the Hudson River has enriched life in New York for centuries. Safeguarding the rich historical legacy of these natural resources is a commitment we must all make, and we have an obligation to educate the public on the three explorers and their voyages.

As the co-founder of the Hudson River Caucus, I have worked to help realize the full educational, environmental, and economic potential of the Hudson River and its waterfront. The event that will take place in 2009, commemorating the 400th anniversary of Henry Hudson's voyage, the 200th anniversary of the voyage of Robert Fulton, and the 400th anniversary of the voyage of Samuel de Champlain, will help to achieve these goals. This legislation will celebrate and cherish these significant explorers and voyages, and help ensure historic preservation and increase public awareness for generations to come.

I am happy to support this legislation, and I urge my colleagues to support it.

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

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

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and pass the bill, H.R. 2528, 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.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL PREPAREDNESS MONTH

Mr. OSE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 489) supporting the goals and ideals of National Preparedness Month.

The Clerk read as follows:

H. CON. RES. 489

Whereas devastating acts, such as the terrorist attacks on the World Trade Center and the Pentagon, have left many Americans concerned about the possibility of future terrorist incidents and their potential impact;

Whereas terrorists are attempting to acquire or develop weapons of mass destruction, such as biological, chemical, nuclear, and radiological weapons;

Whereas terrorist attacks and other emergencies have, and can again, disrupt hundreds of thousands of lives, resulting in significant numbers of casualties, causing serious damage to buildings and our Nation's infrastructure, and costing billions of dollars;

Whereas the Department of Homeland Security and other Federal, State, and local entities have been working diligently to prevent, prepare for, respond to, and recover from terrorist attacks and other emergencies;

Whereas all Americans can assist in promoting the Nation's overall emergency preparedness by preparing themselves and their families for terrorist attacks and other emergencies;

Whereas Americans can prepare for the unexpected by, among other things, assembling an emergency supply kit, developing a family emergency communications plan, and keeping informed about possible emergencies;

Whereas additional information about citizen preparedness can be obtained through the Department of Homeland Security's Ready campaign, by telephone at 1–800–BE-

READY, and on the Internet at www.Ready.gov;

Whereas the Department of Homeland Security, the Department of Education, the America Prepared Campaign, the American Red Cross, and a coalition of more than 50 national organizations will launch National Preparedness Month on September 9, 2004;

Whereas all 56 State and territorial governors have pledged to mark National Preparedness Month with local events; and

Whereas the designation of National Preparedness Month will promote public awareness about the numerous ways that Americans can better prepare themselves and our Nation for terrorist attacks and other emergencies: Now, therefore, be it

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

(1) supports the goals and ideals of National Preparedness Month;

(2) supports the designation of National Preparedness Month; and

(3) urges the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Preparedness Month with appropriate events and activities that promote citizen and community preparedness for terrorist attacks and other emergencies.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 489.

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

There was no objection.

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

As Election Day nears, many Americans are understandably nervous about terrorism. Each day brings news of terror warnings at home, terror attacks or other developments abroad and ways the entire world has changed since the international war on terror began. Literally, we can be overwhelmed by the constant bombardment of these frightening updates.

Indeed, since September 11, our Nation has profoundly changed. Homeland security immediately became America's greatest priority. First responders, military personnel and law enforcement officials have vigilantly defended our homeland against further terrorist attacks. Meanwhile, many Americans want to help shoulder some of the burden in protecting the United States. They may, unfortunately, believe that they can do little more than worry. This resolution intends to increase awareness about how Americans can better prepare themselves and our Nation for terrorist attacks and other emergencies.

Mr. Speaker, this is September, the month in which our Nation was brutally attacked. Consequently, the Departments of Homeland Security and Education, the American Red Cross and dozens of national organizations have joined together to appropriately designate this month as National Preparedness Month. I join with the distinguished chairman of the House Select Committee on Homeland Security, the gentleman from California (Mr. COX) to support the critical goals of National Preparedness Month.

Mr. Speaker, I thank my colleague, the gentleman from California (Mr. COX) for introducing House Concurrent Resolution 489, and I look forward to his words on the resolution.

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

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

Mr. Speaker, a year after the Department of Homeland Security began its ad campaign to educate the American people on how to prepare for a terrorist attack, a USA Today/CNN/Gallup poll published in March found that most Americans have not heeded the government's advice by stocking up on food and water, formulating a plan to contact family members and identifying a ''safe room'' in their homes.

This statistic is very troubling, because it demonstrates that the government has not done an adequate job in communicating how important it is to be prepared in the event of an emergency or terrorist attack. Being prepared could mean the difference between life and death.

Establishing a National Preparedness Month will focus the public's attention on emergency preparedness and help to resolve issues people may have, such as where to go and how to contact family members during an emergency.

As elected officials, we have a responsibility to help protect and to educate our constituents about the threats facing our Nation. H. Con. Res. 489 would help us to do exactly that.

There is no such thing as a perfect plan to protect the American people from an attack, but we can work to make our plan as perfect as possible. While the poll suggests that Americans are not as prepared as we should be, it does serve as a wake-up call.

So I urge my colleagues to take advantage of this opportunity to vote in favor of H. Con. Res. 489 and to help make sure that we are as prepared as a nation as we can possibly be.

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

Mr. OSE. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. COX), the chairman of the Select Committee on Homeland Security and the sponsor of House Concurrent Resolution 489.

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

I rise today in support of H. Con. Res. 489, which supports the objectives of National Preparedness Month and commends the Department of Homeland Security for initiating this bold and timely program.

I recently introduced this bill, along with my distinguished colleague, the gentlewoman from California (Ms. HARMAN). Her strong leadership on the Select Committee on Homeland Security on behalf of this measure has contributed significantly to keeping our citizens prepared, informed and protected from the continued threat of terrorism. Since September 11, this Congress has worked tirelessly to improve the security of every town and city across America.

This month, September 2004, more than 80 organizations across the United States in every one of the 56 United States and territories are joining with the Department of Homeland Security to encourage Americans to be prepared in our homes, in our businesses and in our schools.

As recent tragic events in Beslan have made it clear, even our children, even our schools are not immune from terrorism.

As we continue to secure our transportation systems and other critical infrastructure, we must also make it a priority to educate our citizens. Moms, dads, students, teachers, businesses and professional men and women, every American at his and her place of work can contribute to the counterterrorism mission. In order to work, this critical mission has to be a partnership, a broad partnership involving not just Federal, State and local governments but each and every citizen.

That is why National Preparedness Month is so important and so relevant to President Bush's strategy for homeland security. It is a creative but practical program that emphasizes clear, commonsense steps that we can all take to secure our communities, to safeguard our neighborhoods and to protect our children.

Every one of us has an important role to play in this effort. We can make emergency communications plans. We should have emergency kits. We can work with our neighbors to promote public awareness and public preparedness.

As Secretary Ridge has reminded us, national preparedness is not just a 30-day exercise. It is not going to be finished and forgotten. It should be for all of our citizens the renewal of a 365-day, 24–7 effort, a commitment to defeat international terrorism in our own homes. National preparedness must be a way of life in defense of our home.

The unthinkable happened on September 11, and we are making sure that it never happens again. The Department of Homeland Security is working to ensure that our capable and courageous police, firefighters and emergency medical personnel are properly trained and equipped. These first responders must be prepared to respond to terrorist attacks and other emergencies, especially if they involve biological weapons or WMDs.

We have come a long way since 9/11, but as the President tells us time and

again, there is still much more to do to keep America safe. Each and every one of us, as I said, has an important role to play in this effort. By staying informed and active in our communities, we can all help accomplish this.

I commend Secretary Ridge and the Department of Homeland Security for inaugurating National Preparedness Month, which is keeping us all focused on this important goal.

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

Mr. OSE. Mr. Speaker, I urge all Members to support the adoption of House Concurrent Resolution 489, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 489.

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

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL LONG-TERM CARE RESIDENTS' RIGHTS WEEK

Mr. OSE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 772) supporting the goals and ideals of National Long-Term Care Residents' Rights Week and recognizing the importance to the Nation of residents of long-term care facilities, including senior citizens and individuals living with disabilities.

The Clerk read as follows:

H. RES. 772

Whereas there are nearly 1.7 million individuals living in 17,000 nursing homes and 1 million individuals living in 46,000 board and care and assisted living facilities in the United States;

Whereas residents of long-term care facilities, including senior citizens and individuals living with disabilities, are one of the Nation's most valued resources;

Whereas residents of long-term care facilities include the ''Greatest Generation'' of Americans who protected our freedoms in World War II and helped rebuild the world in the postwar years;

Whereas almost 160,000 people younger than 65 years of age live in the Nation's nursing homes;

Whereas the Nation should honor and celebrate long-term care residents, recognize their rich individuality, and reaffirm their rights as community members and citizens, including the right to vote;

Whereas the Federal Nursing Home Reform Act of 1987 guaranteed important rights, such as the right to privacy, the right to be treated with dignity, the right to exercise self-determination, the right to participate in the review of one's care plan, the right to be fully informed in advance of any changes in treatment, and the right to voice grievances without discrimination or reprisal;

Whereas long-term care ombudsmen, citizen advocates, facility staff, and family and resident councils work to educate and empower residents in the exercise of their rights;

Whereas the week beginning October 3, 2004, should be celebrated as National Long-Term Care Residents' Rights Week;

Whereas in recognition of National Long-Term Care Residents' Rights Week, individuals and groups around the country will be affirming the importance of quality of care and quality of life for long-term care residents; and

Whereas National Long-Term Care Residents' Rights Week originated in 1980, with resolutions introduced by Representative Claude Pepper and Senator David Pryor to designate a Nursing Home Residents Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Long-Term Care Residents' Rights Week; and

(2) encourages the President to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities to demonstrate the importance of long-term care residents to our everyday lives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. 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 resolution under consideration.

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

There was no objection.

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

Mr. Speaker, this resolution supports the goals and ideals of National Long-Term Care Residents' Rights Week. Many Americans may not be aware that dozens of national, State and local organizations observe National Long-Term Care Residents' Rights Week during the first week of October. As we approach that time, I am pleased that the House is considering this resolution.

As the U.S. population grows older, long-term care facilities become increasingly important resources for more American families. These homes provide invaluable services by helping people with the day-to-day care of their elderly loved ones.

Nearly 2 million Americans today live in assisted living homes. These people are our parents, our grandparents, our great grandparents, our mentors, neighbors and friends. They have lived full lives, but they have much more living to do. We should always value and respect their dignity as that transpires.

I thank the gentleman from California (Mr. WAXMAN) for his efforts on House Resolution 772, and I urge its adoption.

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

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

Mr. Speaker, almost 1.7 million Americans live in a long-term care facility somewhere in the United States. With improvements in medicine and the aging of the baby boomer generation, that number is likely to increase. Therefore, it is important that we take the steps necessary to secure the safety, dignity and happiness of our senior citizens.

In 1987, the Federal Nursing Home Reform Act was created as an important first step towards protecting the rights of senior citizens. The act guaranteed seniors the right to self-determination, to be treated with dignity and the right to voice grievances without reprisal. However, much more can be done to educate seniors about their rights.

Creating a National Long-Term Care Residents Rights' Week is a step in the right direction. One week each year, Americans will be educated about long-term care facilities and the quality of care and the quality of life that our seniors deserve.

Our seniors are a national treasure that should be valued and treated with the utmost respect. There is no question that we are a stronger, safer and more prosperous nation because of the hard work and sacrifices made by the generations that have come before us.

□ 1415

We are without doubt in their debt. I support the goals and ideals of National Long Term Care Residents' Rights Week, and I encourage the President to issue a proclamation that calls upon the people of the United States to observe National Long Term Care Residents' Rights Week beginning October 3.

We also need to seriously look at what is being done about the pay of individuals who work in nursing homes and especially those at the lower levels. Even as I speak today, I think of my father who is 93 years old and who is probably breathing out his last breath in a facility today, so I have a great deal of concern for those individuals who work in these facilities and who often times are paid wages that are not commensurate with the importance of the work that they do.

I also would like to express appreciation to the gentleman from California (Mr. WAXMAN) for his leadership on this important piece of legislation.

Mr. WAXMAN. Mr. Speaker, I rise in strong support of H. Res. 772, a resolution supporting the goals and ideals of National Long-Term Care Residents' Rights Week and recognizing the importance of residents of long-term care facilities to our everyday lives.

I want to thank Representative TOM DAVIS and Representative DANNY DAVIS for working with me to bring this resolution to the floor in a timely manner. I also want to recognize Representative JOHN MCHUGH for joining me in sponsoring this National Long-Term Care Residents' Rights Week resolution.

Since coming to Congress 30 years ago, one of my top priorities has been improving the health care received by senior citizens and

persons living with disabilities. It is these people whom we honor during National Long-Term Care Residents' Rights Week, which will begin this year on October 3.

I am especially pleased to be following in the footsteps of the legendary Claude Pepper, who first introduced a resolution in 1980 to designate a Nursing Home Residents Day. As many of you may remember, Claude Pepper was a tireless advocate for the interests of senior citizens and the disabled during his five decades of public service. Since 1980, this commemoration has been broadened to include all 2.7 million persons who live in nursing homes, assisted living facilities, and board and care facilities in the U.S.

A large number of these long-term care residents are members of America's ''Greatest Generation''—those men and women who protected our freedoms in World War II and helped rebuild the world in the post-war years. Our Nation should honor and celebrate these residents, recognize their rich individuality, and reaffirm their rights. These rights include the right to privacy, the right to be treated with dignity, the right to review one's care plan, the right to voice grievances without fear of reprisal, and the right to vote.

Mr. Speaker, residents of long-term facilities are a vital part of our Nation and they deserve our honor today. I urge the passage of H. Res. 772.

Mr. EMANUEL. Mr. Speaker, I rise in strong support of H. Res. 772, which recognizes the importance of residents of long-term care facilities to the Nation, including senior citizens and individuals living with disabilities. This resolution calls for the week beginning October 3, 2004 to be celebrated as National Long-Term Care Residents' Rights Week.

We should do all that we can to help senior citizens and individuals living with disabilities maintain their rights and dignity in their daily lives as they strive to participate in the community and make meaningful contributions to our society. Helping them achieve their goals and dreams, and empowering them with the resources they need to lead rewarding lives depend on making sure their rights and benefits are preserved and strengthened. The objectives set forth under this resolution are consistent with these laudable goals.

Our nation's elderly include approximately 1.7 million who are living in 17,000 nursing homes and 1 million living in 46,000 assisted living facilities in the United States. About 160,000 people younger than 65 years of age live in the Nation's nursing homes. These numbers show the elderly and disabled constitute growing significant segments of our population and that we should recognize their specific needs and challenges and how to best serve their interests. I encourage my colleagues, therefore, to support the goals and ideals of National Long-Term Care Residents' Rights Week, and I welcome the participation of long-term care advocates as we strive to help those in such facilities lead productive and rewarding lives.

My commitment to our seniors in long-term care facilities and who are cared for by their families is why I introduced ''The Elder Justice Act'' (H.R. 2490). This bill will elevate problems associated with abuse against seniors to national attention by consolidating existing government functions dealing with the problem in several different federal agencies under a new Elder Justice Office within the Department of Health and Human Services. My legislation will also help States and local agencies combat neglect and exploitation—whether it is physical, psychological or financial—such as assisting victims and at-risk seniors through ''safe havens'' and supporting local and state prosecution of abuse perpetrated against the elderly.

Mr. Speaker, we should fulfill our commitment to seniors and disabled Americans. And we must ensure that resolutions like these move forward to demonstrate our obligations to those who need our help. I thank the gentleman from California, Mr. WAXMAN, for introducing this important resolution, and I urge my colleagues to support passage of H. Res. 772.

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

Mr. OSE. Mr. Speaker, I ask that my colleagues support the passage of this important legislation.

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

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and agree to the resolution, H. Res. 772.

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

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF CONGRESS THAT THE PRESIDENT SHOULD DESIGNATE SEPTEMBER 11 AS A NATIONAL DAY OF VOLUNTARY SERVICE, CHARITY, AND COMPASSION

Mr. OSE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (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, as amended.

The Clerk read as follows:

H. CON. RES. 473

Whereas, across the Nation and around the world, people of all ages and walks of life collectively witnessed an event of immense tragedy on September 11, 2001;

Whereas the events of that day instantly transformed many lives, some through personal loss, and many others through an unfamiliar sense of individual and national vulnerability;

Whereas an unprecedented, historic bonding of Americans arose from the collective shock, unifying the Nation in a sustained outpouring of national spirit, pride, selflessness, generosity, courage, and service;

Whereas, on that day and the immediate days that followed, many brave people heroically, tirelessly, and courageously participated in an extraordinarily difficult and dangerous rescue and recovery effort, in many cases voluntarily putting their own well being at risk;

Whereas September 11 will never and should never be just another day in the hearts and minds of all Americans;

Whereas the creation of memorials and monuments honoring the lives lost on September 11, as well as the efforts of those who participated in rescue, recovery, and voluntary service efforts, are necessary, proper, and fitting, but alone cannot fully capture the Nation's desire to pay tribute in a meaningful way;

Whereas it is fitting and essential to establish a lasting, meaningful, and positive legacy of service for future generations as a tribute to those heroes of September 11;

Whereas many citizens wish to memorialize September 11 by engaging in personal and individual acts of community service or other giving activities as part of a national day of recognition and tribute; and

Whereas to lose this opportunity to bring people together for such an important endeavor would be a tragedy unto itself: Now, therefore, be it

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

(1) it is the sense of Congress that it is appropriate to annually observe Patriot Day, September 11, with voluntary acts of service and compassion in honor of the lives lost on that day and in the spirit of selflessness and unity demonstrated by those who participated in the rescue, recovery, and voluntary service activities that day; and

(2) Congress urges the President to issue a proclamation calling upon the people of the United States to annually observe Patriot Day, September 11, with appropriate and personal expressions of voluntary service, charity, and compassion toward others.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 473.

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

There was no objection.

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

Mr. Speaker, in September 2002 President Bush declared the anniversary of the September 11 terrorist attacks as Patriot Day. The President said September 11 should be a national time for prayer and remembrance for the heroes America lost on that fateful, Earth-shattering day. Accordingly, House Concurrent Resolution 473 states that it is appropriate to annually observe Patriot Day on September 11. I join with my colleagues in urging strong support of this meaningful resolution.

Mr. Speaker, the resolution before us takes the call for remembrance a step forward. It urges people to commemorate the day with voluntary acts of compassion towards loved ones, neighbors and others. These actions can have great effects on our communities all year long.

With little question, September 11, 2001, ushered in a new era in American history. This is a period in which we need to be vigilant, aware, unafraid, and appreciative of our freedoms. But because countless Americans have embraced the sentiment of this resolution

in the past 3 years, this new era can be one of not just security and freedom but compassion and charity as well.

I congratulate the gentleman from New York (Mr. KING), my distinguished colleague, who will speak in a minute, for his work to move forward House Concurrent Resolution 473.

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

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

Mr. Speaker, since the tragedy of September 11, volunteerism has experienced a renewed popularity in our country. Government officials, religious leaders, political activists, health professionals and others all have noted the importance of volunteerism and the positive impact it has on families and communities.

It is fitting, therefore, that we designate September 11 as a national day of voluntary service, charity, and compassion.

After September 11, many Americans channeled their fear, anger, sadness, and frustration into volunteerism. Americans joined the military, volunteered with local charities, and contributed to good causes. Our citizens have shown tremendous resolve by using the tragedy of September 11 to help the less fortunate and those in need.

There are many battles won and lost every day in America. These battles are not exclusive to fighting terrorism. They include fights to eradicate poverty, to improve education, and to reduce crime. By creating a national day of service, we will be giving the American people another vehicle for channeling their grief into progress along their own streets, within their own communities, and around the world.

By working together on a day dedicated to volunteerism, we Americans can create the next defining moment in our history, one marked by generosity, understanding, and compassion. I urge the President to designate officially September 11 as a day of service through which the American people can continue this movement of good will towards others.

Mr. Speaker, I urge unanimous passage of this resolution.

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

Mr. OSE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. KING), the sponsor of this resolution.

Mr. KING of New York. Mr. Speaker, I thank the gentleman from California (Mr. OSE) for yielding me time.

Mr. Speaker, I rise in support of H. Con. Res. 473, and I thank the gentleman from California for his efforts on having this on the floor today. And I thank the distinguished gentleman from Illinois (Mr. DAVIS) for the bipartisan support which he has given to this resolution. I also wanted to commend Senator SCHUMER in the other body for introducing a similar piece of legislation, because this is truly a bipartisan measure.

Mr. Speaker, the attacks on the United States on September 11, 2001, were obviously the worst national tragedy to ever affect this country. The deaths, the suffering which so many people went through certainly in my district and adjoining districts, there were many hundreds of people killed that day, certainly down here at the Pentagon there were many more killed, almost 3,000 people killed all together. And, again, it was a time of excruciating agony, torment, and suffering.

But as tragic and as terrible as those days were, we also saw something arise in this country, a sense of unity, a sense of people coming together, a sense of the country standing as one.

Obviously in a democratic society, a mood of total unity is never going to prevail for very long; and it is probably just as well that we do have our partisan differences, we have our ideological differences. That is what makes a democracy what it is. But on the other hand, I do wish we could bring back some of that sense of unity that we had in those days immediately following September 11, when people donated blood, when people raised funds, when people actually went to the site of the World Trade Center to assist the rescue workers who were there. It was just a tremendous sense of national unity.

What I have attempted to do with this resolution is to have the President establish a day which would commemorate September 11. It would call upon people to give of themselves. This is not going to be a holiday. We are not talking about giving people time off. We are asking people to go back to that sense of giving and donate their time and their efforts.

People could donate blood. People could take part in food drives. People could go to distribute food to the poor and to the needy. They can go to veterans hospitals. They could work with senior citizens. They could help Alzheimer's patients. They could just find a way to show a sense of giving which so prevailed in our country after September 11.

There are many ways we can honor the legacy of those who died on September 11. We can certainly do it by winning the war on terrorism. We can do that by establishing as much of a bipartisan policy as we can in combating terrorism. But we can also do it in a way which really crosses all ideological and partisan divides. That is by working together, by helping our fellow man, by helping our neighbor, by coming together. That is what this resolution attempts to do.

We call upon the President to designate September 11 as a national day of voluntary service, charity, and compassion. I strongly urge this House to adopt this resolution.

I thank the gentleman from California (Mr. OSE), the gentleman from Illinois (Mr. DAVIS), and all those who co-sponsored it with me.

Mr. OSE. Mr. Speaker, I urge my colleagues to vote as the gentleman from Illinois (Mr. DAVIS) did, unanimously in favor of this resolution.

Mr. OWENS. Mr. Speaker, I ask that my statement be included in the RECORD in its entirety and request permission to revise and extend my remarks.

Mr. Speaker, the bill before us would express the sense of Congress that September 11 be designated a national day of voluntary service, charity and compassion in recognition of the nearly 3,000 Americans who lost their lives in the terrorist attacks at the World Trade Center, the Pentagon, and the hijacked plane that crashed in Pennsylvania. Clearly, all those who tragically lost their lives that day will forever be memorialized by New Yorkers and the Nation at large. Likewise, it is important that we all continue to pay tribute to the countless rescue and recovery workers and volunteers who toiled heroically to locate survivors as well as the deceased and to clean up the Pentagon and Ground Zero.

Yet it is imperative that we do far more than pay symbolic tribute to these front-line heroes. For many on the front lines at Ground Zero in particular, 9/11 can never be a distant memory. Many of these dedicated workers, from the search and rescue teams to the clean-up and construction crews, have significant and lingering health problems as a direct result of exposure to a wide range of toxins. A number have had to retire from active duty due to serious breathing and respiratory symptoms. Far too many can no longer work at their chosen occupations. Others will never be able to work again.

On Workers Memorial Day in 2003, I held a forum in New York City to examine the health status of the 9/11 workers, including a large contingent of immigrant workers entrusted with decontaminating Ground Zero. We must ensure that these brave 9/11 workers, including the group of day laborers; receive all appropriate health care and monitoring as long as necessary. We must also ensure that the health and safety blunders made in this case, and the failure to protect our workers, are never repeated again.

Mr. Speaker, I hope and expect that in the very near future, we will act upon legislation providing the critical health and compensation these brave 9/11 workers merit and require.

Mr. OSE. 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 California (Mr. OSE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 473, as amended.

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

The title of the concurrent resolution was amended so as to read: ''A concurrent resolution expressing the sense of Congress that it is appropriate to annually observe Patriot Day, September 11, with voluntary acts of service and compassion.''.

A motion to reconsider was laid on the table.

EVA HOLTZMAN POST OFFICE

Mr. OSE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5039) to designate the facility of the United States Postal Service located at United States Route 1 in Ridgeway, North Carolina, as the ''Eva Holtzman Post Office''.

The Clerk read as follows:

H.R. 5039

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

SECTION 1. EVA HOLTZMAN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at United States Route 1 in Ridgeway, North Carolina, shall be known and designated as the ''Eva Holtzman Post Office''.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. 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. 5039.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 5039, a bill to designate this postal facility in Ridgeway, North Carolina, as the Eva Holtzman Post Office. All Members of the North Carolina delegation have cosponsored the gentleman from North Carolina's (Mr. BUTTERFIELD) legislation.

A community leader, a postal supervisor, a friend, a grandmother of seven, and a great-grandmother of four, Eva Holtzman was an exemplary role model for the small North Carolina community of Ridgeway.

Eva Holtzman served as postmaster of Ridgeway for 38 years, ultimately retiring at age 80. She was a wonderfully devoted postal supervisor. During her tenure as postmaster, this is great, the Postal Service once announced plans to close the community post office at which she worked in order to widen the county roads. In response, she went out and purchased land with her own money and oversaw the construction of a brand new post office.

Mr. Speaker, Eva Holtzman was perhaps best known for her community involvement. For more than 5 decades, she volunteered with the 4–H Club and taught Sunday school. Additionally, she volunteered with Warren County's health department and social services.

I urge my colleagues to honor Eva Holtzman, a benevolent lifetime resident and an institution in Ridgeway, North Carolina.

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

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

Mr. Speaker, as the ranking member of the Special Panel on Postal Reform and Oversight of the Committee on Government Reform, I am pleased to join my colleagues in consideration of H.R. 5039, legislation designating a U.S. postal facility in Ridgeway, North Carolina, after Eva Holtzman.

This measure unanimously reported by our committee on September 15, 2004, was introduced by the gentleman from North Carolina (Mr. BUTTERFIELD) on September 9, 2004, and enjoys the support and co-sponsorship of the entire North Carolina delegation.

As a lifelong resident of Ridgeway, Eva Holtzman was a well-respected, hard-working community leader. She worked at the Ridgeway Post Office for an extraordinary 50 years, serving 38 of those years as postmaster. Her dedication went far beyond a plaque on the doorway, however.

A perfect example of Ms. Holtzman's dedication to her fellow residents came in the early 60s when, following the closing of the local post office, she constructed her own post office and operated it herself.

Known to people who knew her well as Miss Eva, Eva Holtzman donated a substantial amount of her time to the community as well, starting a 4–H center and initially operating it out of her own home. The gentleman from North Carolina (Mr. BUTTERFIELD) has described her as being a model citizen: ''With the uncertainty and chaos that exists in our world today, I can think of nothing better than to honor the memory of one of North Carolina's finest citizens by naming the post office she loved and worked so hard for, the Eva Holtzman Post Office.''

Mr. Speaker, I urge swift passage of this bill.

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

Mr. OSE. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. BUTTERFIELD), the sponsor of this legislation.

□ 1430

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

Mr. Speaker, I want to express my sincere appreciation for the strong bipartisan support of my distinguished colleagues from the North Carolina delegation, both House and Senate, in their sponsorship of this bill.

I would also like to thank the gentleman from Virginia (Chairman TOM DAVIS) and the gentleman from California (Mr. WAXMAN), the ranking member, and Denise Wilson, along with the entire staff from the Committee on Government Reform, for moving so quickly in seeing the value of this legislation.

Mr. Speaker, we are here today to honor a great woman, a great community leader and a great American who helped so many people throughout my home State of North Carolina.

Today, Mr. Speaker, we show our appreciation for an extraordinary woman, Ms. Eva Holtzman, by naming the post office in Ridgeway, North Carolina, in her honor. Affectionately called ''Ms. Eva'' by all who knew her, she loved the town of Ridgeway with all of her heart. She called Ridgeway her home. She lived and worked there her entire life. She reared four children and ultimately was laid to rest in that community.

Ms. Eva was born in 1918 and educated in Warren County public schools, graduating with honors from Norlina High School in rural North Carolina.

Ms. Holtzman was a strong force in the 4–H association, starting a chapter out of her home that eventually had to move to a local church because of its popularity. Her 50-year tenure with 4–H and teaching Sunday school at St. Paul's Lutheran Church did not go unnoticed when in the year 2000 she was presented with the Jefferson Award for her outstanding and selfless volunteerism by then-Governor Jim Hunt.

Mr. Speaker, Ms. Holtzman was also a dedicated public servant. She worked at the post office for 50 years, 38 of those years as its postmaster. When the Ridgeway Post Office was closed in the early 1960s, Ms. Holtzman refused to let the town live without a post office and built a new one on her own. Sadly, Eva passed away 3 years ago, leaving behind her beloved post office that she worked so hard to preserve.

As one of her Sunday school students, who is now an adult, said, ''Everything I learned, I learned because of Ms. Eva.'' And when asked why she tirelessly dedicated her life to the citizens of North Carolina, she always said, ''It's just wonderful to be able to do things for others. I just enjoy people.''

Mr. Speaker, while Ms. Eva Holtzman is deserving of far greater accolades. I am sure they will come in time, but it is my great pleasure to offer this legislation on her behalf. I strongly urge this body to pass this bill.

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

Mr. DOGGETT. Mr. Speaker, I ask unanimous consent to take the time that the gentleman from Illinois (Mr. DAVIS) has been given. He has had a family emergency in connection with his father. I know our prayers will be with him.

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

There was no objection.

Mr. DOGGETT. Mr. Speaker, I yield back the balance of our time.

Mr. OSE. Mr. Speaker, I ask our colleagues to vote in favor of this resolution, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and pass the bill, H.R. 5039.

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.

UNITED STATES POSTAL SERVICE HENRY JOHNSON ANNEX

Mr. OSE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 480) to redesignate the facility of the United States Postal Service located at 747 Broadway in Albany, New York, as the ''United States Postal Service Henry Johnson Annex.''

The Clerk read as follows:

H.R. 480

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

SECTION 1. UNITED STATES POSTAL SERVICE HENRY JOHNSON ANNEX.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 747 Broadway in Albany, New York, and known as the United States Postal Service Carrier Annex, shall be known and designated as the ''United States Postal Service Henry Johnson Annex''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the United States Postal Service Henry Johnson Annex.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Texas (Mr. DOGGETT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. 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. 480, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 480, introduced by the gentleman from New York (Mr. MCNULTY), redesignates the Albany postal facility as the Henry Johnson Annex. This legislation honors Sergeant Henry Johnson, a hero of World War I and a native of Albany.

Sergeant Johnson was a member of the Army's all-black 369th Infantry Regiment, but because black soldiers were unable to fight in American combat units overseas, Sergeant Johnson actually fought on the allied side under the French flag during World War I. For his incredible valor and skill in combat, Sergeant Johnson posthumously earned a Purple Heart, a Distinguished Service Cross and even the greatest French military honor, the Croix de Guerre.

Mr. Speaker, one byproduct of the war on terror has been a renewed and sincere national appreciation for the sacrifices of the men and women in the Armed Forces. This bill, H.R. 480, gives this Congress a chance to publicly acknowledge and appreciate a great patriot of America's past. Sergeant Johnson was a terrific hero of World War I, about whom Americans should never forget.

I am hopeful that this postal facility will soon wear the name of Sergeant Henry Johnson, and I urge the other body to swiftly consider H.R. 480. I urge our colleagues to vote in favor.

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

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

Mr. Speaker, I thank our colleague, the gentleman from New York (Mr. MCNULTY), for introducing this legislation which was unanimously reported by the Committee on Government Reform on September 15. It enjoys the full support of the entire New York delegation.

Sergeant Henry Johnson, an Albany native, served in the U.S. Army from June 1917 until February 1919. As an African American, he was unable to fight at that time in an American combat unit, and therefore, he became part of what was known as the ''Harlem Hell Fighters,'' who fought in Europe under the French flag with great courage and distinction.

While on duty, he single-handedly fought off a German raider party of more than 20 troops, and despite numerous wounds, he rescued a fellow soldier from capture and killed several enemy soldiers. As a result of his heroism, as our colleague has indicated, he received numerous medals.

When he returned from Europe to a segregated America, he experienced great difficulty and died unrecognized by his own country in 1929. I truly believe that it is never too late to reward a person for service to their country, and for that reason, I am pleased to join with the gentleman from New York (Mr. MCNULTY) and our other colleagues to redesignate a U.S. postal facility in Albany after Henry Johnson.

I urge swift passage of this legislation.

Mr. OSE. Mr. Speaker, I reserve the balance of our time.

Mr. DOGGETT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. MCNULTY), the author of this legislation.

Mr. MCNULTY. Mr. Speaker, I thank my colleague for yielding.

On behalf of the gentleman from New York (Mr. RANGEL), the gentleman from New York (Mr. SWEENEY) and all of the New York delegation, I am proud to support H.R. 480 which designates the U.S. postal service facility at 747 Broadway in Albany, New York, as the Henry Johnson Annex.

Henry Johnson was a native of Albany, served in World War I, and was an African American who joined the all-black New York National Guard unit, the 369th Infantry Regiment, based in Harlem.

Mr. Speaker, about 400,000 black soldiers served in the Armed Forces at that time. Half were sent overseas, and many were stationed in France. They were not allowed to serve with white soldiers. They were not allowed to fight with American combat units. But the members of the 369th soon proved themselves. They became known as the ''Harlem Hell Fighters,'' and that was not a name they took for themselves. That was a name given to them by their enemies.

No one personified the bravery of the 369th more than Henry Johnson. On guard duty on May 14, 1918, then-Private Johnson came under attack by a German raider party of two dozen. Despite sustaining 21 wounds, he single-handedly fought off the Germans and rescued one of his buddies . . . with only a rifle and his bare hands. He became the first American of any color—in any conflict—to receive the Croix de Guerre, France's highest military declaration.

His exploits got newspaper coverage in America and throughout Europe. He was featured in Teddy Roosevelt's book, ''Rank and File: True Stories of the Great War.'' The Army used Johnson's name and likeness to advertise for war bonds and to recruit minorities into service.

Yet, at that time, despite all he had done, Johnson received no official recognition from his government. None. That recognition came much later.

After the war, Henry Johnson returned to upstate New York and worked on the railroad. He later died penniless on the streets of Albany, New York.

Since integration of the military in 1950, some African American service men and women have been recognized for their gallant service. Recognition of African Americans prior to integration, alarmingly neglected for so many years, had finally begun.

It was not until 1997, Mr. Speaker, that Henry Johnson was posthumously awarded the Purple Heart. I was proud to be there for that ceremony. In 2002, his grave was found in Arlington National Cemetery, not in the pauper's cemetery outside of Albany where he was believed to be buried. In 2003, at the Pentagon, in an official service, Herman Johnson, the son of Henry Johnson, a distinguished veteran himself, accepted the Distinguished Service Cross, the Army's number two award, for his Dad.

In 2003, Mr. Speaker. Henry Johnson did all of these things in 1918, and it took until 2003 to award him the Distinguished Service Cross. Many of us

are still disappointed that despite all of the documentation we have given to the Pentagon that he has not received the award that he truly deserves, which is the Congressional Medal of Honor.

Mr. Speaker, today, I want to give public thanks to John Howe, the historian of Albany's 369th Veterans Association and all of his colleagues who have worked for years and years to get these recognitions for Henry Johnson.

I want to thank the gentleman from New York (Mr. RANGEL) and the gentleman from New York (Mr. SWEENEY), both of whom have taken leadership positions in making sure that we correct these injustices of the past, along with Senators CLINTON and SCHUMER who have been stalwart supporters of the effort to award the Congressional Medal of Honor to Henry Johnson.

Mr. Speaker, the cause endures. I thank all of my colleagues today for supporting this bill, but believe me, Mr. Speaker, based on the record, we should be doing a lot more than naming a post office building after Henry Johnson. We have worked hard through the years. We got the Purple Heart and we got the Distinguished Service Cross. We need to go the final step and obtain the Congressional Medal of Honor for Henry Johnson.

I thank all the members of our New York delegation, and the many others in the Congress and across this country for staying with us in this battle through the years. In the end, Mr. Speaker, justice shall prevail.

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

Mr. OSE. Mr. Speaker, I would just ask that our colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and pass the bill, H.R. 480.

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.

CONGRATULATING LANCE ARMSTRONG ON RECORD-SETTING VICTORY IN 2004 TOUR DE FRANCE

Mr. OSE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 761) congratulating Lance Armstrong on his record-setting victory in the 2004 Tour de France.

The Clerk read as follows:

H. RES. 761

Whereas Lance Armstrong has proven himself to be the premier cyclist in the world with his most recent Tour de France victory;

Whereas Lance Armstrong's victory on July 25, 2004 makes him the only cyclist in history to win the Tour de France 6 times;

Whereas Lance Armstrong displayed incredible perseverance, determination, and leadership on a course that included the mountainous terrain of the Pyrenees and the Alps, cobblestones, crashes among competitors, and inclement French weather on his way to winning his 6th Tour de France;

Whereas in 1997, Lance Armstrong defeated choriocarcinoma, an aggressive form of testicular cancer that had spread throughout his abdomen, lungs, and brain, and after treatment has remained cancer-free for the past 7 years;

Whereas Lance Armstrong is the first cancer survivor to win the Tour de France;

Whereas Lance Armstrong's courage and resolution to overcome cancer have made him a role model to cancer patients and their families around the world, and his efforts through the Lance Armstrong Foundation have helped to advance cancer research, diagnosis, and treatment, and after-treatment services;

Whereas Lance Armstrong is the world's most recognizable face of cycling, which is not only a sport, but a healthy fitness activity, a pollution-free transportation alternative, and a metaphor for life;

Whereas Lance Armstrong continues to represent his hometown of Austin, his home state of Texas, and the United States with unparalleled distinction;

Whereas Lance Armstrong serves as an inspiration to children and adults throughout the world, teaching people that they can overcome incredible odds and achieve their loftiest goals through hard work, determination, and belief in themselves; and

Whereas Lance Armstrong's accomplishments as an athlete, teammate, cancer survivor, and advocate have made him an inspiration to millions of people around the world: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Lance Armstrong on his historic victory in the 2004 Tour de France;

(2) commends the unwavering commitment to cancer awareness and survivorship demonstrated by Lance Armstrong; and

(3) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to Lance Armstrong.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Texas (Mr. DOGGETT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

GENERAL LEAVE

Mr. OSE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 761, the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, today the House celebrates flat out the greatest cyclist who ever lived. Lance Armstrong won his record sixth Tour de France title in July, and for that reason, we honor his successes on the House floor today.

He broke the record of five straight tours held by himself and Spain's Miguel Indurain who won the race from 1991 through 1995.

□ 1445

No one had ever even won six Tour de France races, let alone six straight.

With his victory, Lance Armstrong further cemented his place as one of sports' greatest individual athletes. His incredible accomplishment of six straight grueling Tour de France wins can be ranked among any of sports' greatest feats; Joe Dimaggio's 56-game hitting streak and Cal Ripken's 2,632 consecutive games played; Edwin Moses' 107 straight hurdles finals wins in track; Wayne Gretzky's 51-game scoring streak in hockey; Bobby Bonds' soon-to-break Henry Aaron's record.

These are all amazing accomplishments, and by virtue of his victory, Lance Armstrong quite simply joins those people as an athlete for the ages. Perhaps more amazing than being the world's greatest cyclist is the fact that Lance is living, period. Eight years ago, he overcame a deadly form of cancer.

Lance has been a stellar athlete since his youth, playing soccer and cycling, but after high school, he focused solely on cycling. From 1991 through 1996, Lance won 13 bike races, including the U.S. National Amateur Championship in 1991 and the World Championships in 1993. By 1996, Armstrong was the top ranked cyclist in the world. But during 1996, after a victory at the Tour Dupont in North Carolina, he began to feel fatigued and more discomfort than usual, even after an exhausting race. Later that year, he was diagnosed with testicular cancer.

Some of Lance's doctors at the time gave him only a 40 percent chance of surviving. And interestingly enough, he is quoted in his book as saying he thought they were being kind. Lance underwent three major operations. He endured chemotherapy to fight off the disease that had spread to his abdomen, his lungs and his brain. And remarkably, with the help of our scientists and medicine, the treatments were successful. Within a short year of being diagnosed with cancer, he was pronounced cancer free.

As a survivor, Lance became one of the world's most influential cancer research advocates. You and I probably see him on TV every now and then. He founded the Lance Armstrong Foundation to promote cancer research and awareness. He also wrote the best selling book, It's Not About the Bike: My Journey Back to Life. It tells the full story of how his early successes were interrupted by cancer, how he survived cancer and how he eventually returned to racing and won his first Tour de France in 1999.

Mr. Speaker, now that Lance has won his sixth straight race at the Tour de France, I strongly urge adoption of this measure. We all congratulate Lance for the most recent of his six incredible wins on the world's greatest cycling stage and for his fervent advocacy of cancer research. I urge my colleagues to adopt this resolution. Today, it is not Vive la France; today, it is Vive la Lance.

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

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

Mr. Speaker, I am here today to honor a survivor, a role model, a real-life American hero and, yes, a proud citizen of the capital city of the Lone Star State of Texas.

The name Lance Armstrong simultaneously strikes fear in the hearts of competitors, hope in the hearts of cancer victims, inspiration for survivors around the world and pride in the hearts of Americans everywhere.

After winning his sixth consecutive Tour de France, the most of any cyclist in the history of this event, we have special reason to celebrate today with this resolution. For the more than 10 million Americans living with cancer, as survivors, Lance Armstrong is a true champion in a very personal and particularly meaningful way.

I believe that we are defined not by our setbacks but by our relentless determination to overcome them. Lance Armstrong offers particular evidence of the importance of that approach. I remember watching in awe as Lance crossed the finish line after winning the first Tour de France, overcoming a grueling battle with cancer and a grueling Tour de France. I was overcome with not just the importance of that moment but with the importance of everything that Lance had accomplished in getting to that point.

While his accomplishments on his bike ensure him a place in history, his work as a public health champion right here in the United States Capital, in Austin and throughout the country have assured him a place in the hearts of many who battle cancer and the families and friends who love them. To meet the challenge, to strive to succeed whether in the Tour de France or the fight against cancer, Lance's work shows us the power of personal perseverance.

After an early career, Lance was stricken with a carcinoma, a life-threatening advanced form of testicular cancer that spread to his lungs and brain. While his own recuperation was still not finished, he began to worry about the impact of the disease on others. The drive and determination that the world got to see on display during the Tour de France was evident to cancer patients and survivors before he wore the yellow jersey on the streets of Paris.

That spirit led him to create the Lance Armstrong Foundation, an organization that has raised millions for cancer research, diagnosis, treatment and after-treatment services. Sales of the group's distinctive yellow wristbands, wristbands that I have seen around the country, with Lance's motto, ''Live Strong,'' can be seen as evidence of the support not only for Lance but for all of those who battle cancer.

Not satisfied with being the best cyclist to beat cancer, Lance set out with the goal of being the best cyclist, period. Five years later, he has shown the world again and again, again and again, that determination, character and perseverance accomplish just that. His accomplishments remind us that for more people there should be life after cancer, and it should be meaningful.

This proud Texan and cancer survivor, public health advocate, Olympian and, now, six time Tour de France champion has captivated the imagination and won the hearts of my homestate of Texas, our Nation and the world. I believe it is fair to say that nowhere is the enthusiasm greater than in Austin, where you see yellow bikes everywhere. You see yellow jerseys. You see yellow signs, and that yellow, when it comes to the Tour de France, is a sign of the courage of Lance Armstrong with this historic victory.

Nothing has been more fun for me, Mr. Speaker, in the last few months, than riding down Congress Avenue toward the Texas state capitol with Lance Armstrong, Mayor Will Wynn and a group of Austin police officers as some 70,000 of Lance's fans gathered to cheer and share in this victory for our community.

We can honor Lance's victory by not only this resolution but by supporting the Centers for Disease Control and Prevention's Comprehensive Cancer Control system, which is supported by the Lance Armstrong Foundation. This CCC system is a coordinated approach to reducing cancer incidents, morbidity and mortality through prevention, early detection, treatment and rehabilitation.

According to the Centers for Disease Control, implementation of this approach would help to prevent new cases of cancer, detect cancer early, increase public education and awareness about cancer control, utilize state-of-the-art cancer treatments, provide appropriate rehabilitation and support in cancer care and use limited resources for cancer control more efficiently, eliminating duplication of efforts. There is little doubt why the Lance Armstrong Foundation supports this approach, and I hope Congress can do as well.

We can also honor Lance's victory by recommitting ourselves and increasing funding for transportation enhancements. As a member of the Congressional Bike Caucus, a bipartisan effort aimed at encouraging cycling, I believe that we have an excellent opportunity through the transportation legislation that is pending to honor Lance once again. We have a great Lance Armstrong cross-town bikeway underway in Austin, but it needs to be connected to trails throughout the community. I am pleased the House has recently approved $9 million to do that in east Austin in this transportation bill.

One day we will have the ability for people in central Texas to commute by bike from downtown all the way to the Dell Diamond out in Round Rock and the many trails around the area, similar to ones we have here in the Washington, D.C., area, can be in the capital city of the State of Texas.

Well, it is not just that Lance Armstrong has faced difficult circumstances with cancer, he also outlines in his own book the challenges he faced as a cyclist on highways and byways in Texas. Through the efforts not only of Lance but of the Texas Bicycle Coalition and particularly its very effective leader and executive director, Robin Stallings, we are doing much to promote increased use of cycling in Texas for all, bike to work, bike to school and safe programs going to school. Even if it is just going down to get a gallon of milk or a recreational ride, we can do much more with cycling and to honor Lance by continuing to promote cycling as a wise transportation alternative. We must stay committed to transportation enhancement funding that will allow us to do that and ensure that we have many more people who aspire to the athletic ability of Lance Armstrong but also that, for all the rest of us, there are cycling alternatives as well.

We have gained inspiration from his work, from the work of the Lance Armstrong Foundation, and I am honored to author this resolution that reflects the House of Representatives' recognition of Armstrong's many accomplishments, both on and off the bicycle.

Mr. DOGGETT. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I rise to join in commending Lance Armstrong on his 6th consecutive victory in the Tour de France. I know that the gentleman from Nebraska (Mr. OSBORNE) recognizes the extraordinary accomplishment that winning the Tour de France represents.

This is the world's greatest athletic endurance contest. No comparison. It would be like compressing the National Football League's 16 games into 3 weeks, a game a day. I do not think there are any who could sustain the enormous output of energy required by even the least of the 192 riders who begin each year's Tour de France.

To win a stage is a great accomplishment. To win the tour is extraordinary. Only five have won five tours. Only two have won five tours consecutively. And only one has won the Tour de France six times consecutively, and that is our America's Lance Armstrong.

Over 13 million people this year watched in person the Tour de France. It is the greatest citizens sporting event. No one pays to be on the sidelines, to be in attendance at the Tour de France. There are no tickets. There is no reserved seating. There is no special place. There is no charge. And yet a million people watched the time trial on Alpe d'Huez in which the riders in 9½ miles climb 5,000 feet with 21 switchbacks in a race against the clock and which is in itself probably the most challenging sports event in the history of athletics.

Lance Armstrong, after already riding over 2,000 miles, came within 1

second of the all-time record time trial climb on Alpe d'Huez, but that was enough to put him in the record books to solidify his position. As a leader, as an athlete, but, as he would like to be known, as a cancer survivor, he is quick to point out that while all of his accomplishments in the field of cycling are extraordinary, his greatest claim is as a cancer survivor.

Mr. DOGGETT. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

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

Mr. Speaker, I would like to follow on the heels of my friend, the gentleman from Minnesota (Mr. OBERSTAR) and join in celebrating the amazing athletic accomplishments of Lance Armstrong.

As my colleague mentioned, it is not just one person's struggle against the finest athletes in the world on bicycles, or the most challenging terrain; it was a signal event in terms of concentration and endurance to be able to win this an unprecedented sixth time in a row. It was also one person's struggle in terms of recovering in a battle against cancer to become perhaps the preeminent athlete in the world.

Finally, the point I would make is that Lance Armstrong helps us put a human face on the mode of transportation by cycling. It is not just the most efficient mode of urban transportation ever developed, it is something that is making a difference in the lives and livelihood of people around the country. It is a $6 billion industry. Over 33 million Americans rode their bikes last month, and about half a million get to work every day commuting by bicycle.

Last, but by no means least, at a time when we are deeply concerned about an epidemic of childhood obesity, cycling is a simple, common-sense way for young people to become physically fit, while they help protect our environment and learn lifelong health skills.

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

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

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

Mr. OSE. Mr. Speaker, I yield myself the balance of my time, and I urge Members to support this legislation. Lance Armstrong is a true American hero, and he has proved it not only with his initial victory but five times over.

I urge passage of this legislation.

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

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and agree to the resolution, H. Res. 761.

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

A motion to reconsider was laid on the table.

RECOGNIZING OUTSTANDING EFFORTS OF INDIVIDUALS AND COMMUNITIES WHO VOLUNTEERED OR DONATED ITEMS TO NORTH PLATTE CANTEEN DURING WORLD WAR II

Mr. FRANKS of Arizona. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (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, as amended.

The Clerk read as follows:

H. CON. RES. 161

Whereas at the beginning of World War II residents of North Platte, Nebraska, received information that members of the Nebraska National Guard from the North Platte area would be traveling through the community of North Platte on a troop train en route to the west coast;

Whereas residents of the North Platte community met the troop train on December 17, 1941, with food and other gifts for the troops when they arrived at the Union Pacific train station;

Whereas although the troop train carried young men from Kansas instead of members of the Nebraska National Guard, the residents of North Platte presented the young men from Kansas with the food and other items that were donated;

Whereas Rae Wilson, of North Platte, proposed establishing the North Platte Canteen to the North Platte community so residents would greet every troop train that traveled through North Platte and provide the military troops with comforts from home on their way to serve their country during World War II;

Whereas on December 25, 1941, the North Platte Canteen began serving food and other items to the United States military troops traveling across the United States to either the east or west coast before being shipped overseas;

Whereas during World War II, the North Platte Canteen routinely greeted and served food to between 3,000 and 5,000, and up to a maximum of 8,000, uniformed personnel on a daily basis for an approximate total of 6,000,000 personnel from every corner of the Nation;

Whereas individuals from 125 communities in Nebraska, Colorado, and Kansas donated food and volunteered at the North Platte Canteen over its period of operation of approximately 5 years;

Whereas the North Platte Canteen operated strictly with volunteers from local communities, organizations, churches, schools, and other groups and received no Federal assistance for its operation;

Whereas the North Platte Canteen received $137,000 in cash contributions from benefit dances, scrap-metal drives, school victory clubs, donation cans in local businesses, and relatives of servicemembers who traveled through the Canteen to help maintain the Canteen's operations over its period of operation;

Whereas the North Platte Canteen during one month alone served over 40,000 homemade cookies, 30,000 hard-boiled eggs, nearly 7,000 cup, loaf, and birthday cakes, and over 2,800 pounds of sandwich meat to serve to uniformed personnel;

Whereas a typical daily shopping list might include 175 loaves of bread, 100 pounds of meat, 15 pounds of cheese, 2 quarts of peanut butter, 45 pounds of coffee, 40 quarts of cream, and 500 half-pint bottles of milk;

Whereas the greatest contribution of the North Platte Canteen to the war effort was as a morale booster and a reminder to servicemembers of the American values and ideals for which they were fighting; and

Whereas the North Platte Canteen was honored and recognized by the United States military with the War Department's Meritorious Wartime Service Award: Now, therefore, be it—

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

(1) recognizes the outstanding efforts of the individuals and communities involved with the North Platte Canteen that served the needs of 6,000,000 military personnel, who traveled through North Platte, Nebraska, on troop trains from December 25, 1941, to April 1, 1946, during World War II; and

(2) requests that the President issue a proclamation recognizing the gallant efforts of those who made enormous sacrifices to make the North Platte Canteen a success during World War II.

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

The Chair recognizes the gentleman from Arizona (Mr. FRANKS).

GENERAL LEAVE

Mr. FRANKS of Arizona. 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 resolution under consideration, H. Con. Res. 161.

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

There was no objection.

Mr. FRANKS of Arizona. Mr. Speaker, I yield myself such time as I may consume, and I stand today in support of House Concurrent Resolution 161, sponsored by my good friend and colleague, the gentleman from Nebraska (Mr. OSBORNE). This very appropriate resolution recognizes the true American spirit demonstrated by the people of North Platte, Nebraska, during the Second World War. It is the spirit of unwavering dedication to a cause and noble sacrifice for our troops. This is the same spirit that won the Second World War, Mr. Speaker.

The actions of these Americans to build a community center, a canteen, if you will, for our troops, at their own expense and not at the U.S. Government's expense exemplifies the generous heart and patriotic resolve of the people of the Great Plains. Their past devotion to our men in uniform is unforgettable, and it is only fitting that when our country is now at war with terrorism that we recognize the efforts of those on the homefront in our history.

I commend the gentleman from Nebraska (Mr. OSBORNE) for his fine work

with this legislation. Today, we in the United States Congress are honored to express our sincere gratitude to the people of North Platte, Nebraska, and our great friend, the gentleman from Nebraska, and to join him in this fine resolution.

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

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of House Concurrent Resolution 161 introduced by the gentleman from Nebraska (Mr. OSBORNE).

I am very pleased to be here today with my colleague on the House Committee on Armed Services, the gentleman from Arizona (Mr. FRANKS), to recognize the wonderful efforts of the citizens of North Platte, Nebraska, for their support of the troops during World War II.

Mr. Speaker, as I have learned about this, I am amazed to find out how hard the people of North Platte worked to find out about the brave young men that were heading off to battle. Their compassion and the generosity displayed by these fine citizens should be commended as a shining example of kindness for future generations of Americans.

As World War II reached its peak, the canteen was serving 3,000 to 5,000 service members each day. The daily shopping list included 160 to 175 loaves of bread, 100 pounds of meat, 15 pounds of cheese, 18 pounds of butter, 45 pounds of coffee, 40 quarts of cream, 500 half-pints of milk and 35 dozen rolls, along with 18 to 20 birthday cakes given to those celebrating their birthdays.

□ 1500

This may not sound like much today, but it is truly amazing since many of these individuals and families were donating all of these items while food and other goods were being rationed across the country.

Another thing that struck me was how the North Platte Canteen came into existence. On December 17 of 1941, rumors abounded throughout the town that a train carrying members of the Nebraska National Guard was to arrive. The train did, carrying hundreds of soldiers; but they were not from Nebraska. The troops traveling that day through North Platte were from Kansas. This did not stop hundreds of local citizens from North Platte from greeting the soldiers from out of state and from expressing their deep gratitude.

Of course, North Platte resident Miss Rae Wilson suggested that the town establish a canteen to welcome all the troops traveling through the city so that those heading off to war could have a taste of home on their long journey. The 12,000 citizens of North Platte agreed, and over time clubs and organizations began to contribute volunteers, food, and funding. And pretty soon everyone got together to support the canteen. There were benefit movies and dances, scrap metal drives, and other donations. All contributed to the effort. In all, men, women, and children from over 125 communities, some as far as Colorado and Kansas, worked together to care for the troops during these quick 10-minute train stops. When the doors of the Service Men's Canteen in the Union Pacific Railroad Station in North Platte closed on April 1, 1946, almost 55,000 volunteers from 125 communities had served 6 million servicemen and -women.

While other canteens existed across the country during World War II, North Platt's canteen may have been the most famous. We no longer have canteens across the country to support our troops, but American citizens still continue the spirit of charity through their support of USO centers and other organizations around the world.

I urge my fellow Americans to follow in the footsteps of these patriotic citizens and continue their efforts to support our brave servicemembers today. Mr. Speaker, I urge my colleagues to support this resolution.

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

Mr. FRANKS of Arizona. Madam Speaker, I yield 5 minutes to the gentleman from Nebraska (Mr. OSBORNE), the sponsor of this resolution.

Mr. OSBORNE. Madam Speaker, I thank the gentleman from Arizona (Mr. FRANKS) for yielding me this time, another member of the Committee on Armed Services.

As was mentioned, on December 25, 1941, it was rumored that there would be a troop train coming through North Platte, Nebraska and would have a number of North Platte area troops on it. So it being Christmas Day, a great number of residents of the community decided that they ought to go down and meet the train and provide some food and show them they were appreciated on Christmas Day. It turned out that the troops were not from Nebraska, as was mentioned earlier, but rather from Kansas. So I guess the citizens of North Platte were a little bit disappointed. But at the same time, they saw the appreciation and they saw the need for this. So Rae Wilson asked the citizens of North Platte to do this for all troop trains.

Many people are not familiar with the geography of Nebraska, but North Platte is a major railroad center. And at that time, most of the trains moving from the East Coast to the West Coast went through North Platte, Nebraska. So this was a massive undertaking. And from that day, December 25, 1941, through April 1, 1946, a span of about 5½ years, the members of North Platte and surrounding communities met every troop train that went through there, and that averaged sometimes as many as 23 trains a day; and this went on day and night. So sometimes the troop train arrived at 3 or 4 o'clock in the morning, and yet there were people there to meet them.

As was mentioned earlier, about 55,000 volunteers served in this effort, and this is somewhat notable in that North Platte itself had a population of 12,000. This is a sparsely populated area. So probably the whole population within 100 miles of North Platte did not much exceed the 55,000. So people from northern Kansas, from Colorado, from that part of Nebraska served in this rather massive effort over the time.

It was mentioned what the daily amount of food dispensed was, and I thought I would flesh this out a little bit and give the Members a monthly total. This was documented at one time. It is estimated that each month troops consumed 40,000 cookies, 30,000 hard-boiled eggs, 6,500 doughnuts, 4,000 loaves of bread, 3,000 pounds of meat, 450 pounds of butter, 1,300 pounds of coffee, 1,200 quarts of ice cream, and so on. And as was mentioned earlier, again, this was done during a time of rationing.

Unfortunately, or fortunately, I am old enough to remember that time. And at that time I think the speed limit was 45 miles an hour to conserve gasoline. One could only get so many gallons of gasoline per week. They could not buy an automobile. Butter was rationed. Meat was rationed. So these people were really donating items from their own families' allotment and using their own gasoline to do this because there was not one dime of Federal money that was involved in this effort. So it was rather interesting.

The other thing that was done in this particular effort was that at that time there were no pay phones around; so if a soldier wanted some family member called, these people would take down the number and they would call the family and say, We met so and so, he was coming through here, he is fine, or mail letters and so on. So these things were all very important to the servicemen.

I wanted to introduce this resolution for two reasons: number one, as we know, many of the veterans of World War II are not going to be with us much longer; and also those who served at the North Platte Canteen, many of them have passed on and a few of them are still left, and they are not going to be with us much longer either. So we wanted to recognize them while there was still time. And this has been certainly memorialized in a book that has been written, a television documentary that was done as well.

And then the second reason was I wanted to simply point out what unity of purpose can accomplish. Right now we are locked in a struggle, and the question is, How unified are we? What direction are we going as a country? And at that time in 1941, December 25, we were certainly not a military power. We certainly were not anywhere near what the Soviet Union at that time or certainly Germany or Japan were militarily. And yet within about a year and a half, we became the strongest military in the world; and within 4

years we had pretty much taken control in World War II.

So I would just like to mention that Rosy the Riveter, the Victory Gardens, and all of those things that took place at that time were critical. And it was so critical that everyone pulled together, everyone was willing to sacrifice, everyone was willing to give up something from their own family, from their own well-being to serve the troops. So we appreciate the support of this particular resolution.

Mrs. DAVIS of California. Madam Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

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

I too rise in support of H. Con. Res. 161 and salute the people and the communities that volunteered and donated to North Platte Canteen. I can remember our own canteen in my hometown of Chisholm, Minnesota, in World War II when I was just a youngster.

Mr. FRANKS of Arizona. Madam Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. TERRY), cosponsor of the resolution.

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

Mr. TERRY. Madam Speaker, I want to compliment the gentleman from Nebraska (Mr. OSBORNE) for introducing this. He represents the North Platte area.

This is such a magnificent piece of our Nebraska history, and it really represents the comradery and spirit of America here. The gentleman from Nebraska (Mr. OSBORNE) had mentioned that even in a town of 12,000 that over the period of the months of this canteen, there were literally tens of thousands of volunteers that came to help the servicemen and provide them services at this canteen in North Platte. And this canteen needed all of the support that it could get.

And word spread, literally spread, around the community and all of Nebraska; 125 communities came together to join in this effort. And due to fuel rationing, volunteers often carpooled from nearby communities to North Platte. Cities throughout Nebraska gave, through donations, time, money, supplies, food, meat. And it is really an incredible example of what it means to be an American at that time. The entire community gathered together to support and comfort these troops. Men, women, children all gave their time, money, efforts. Though it may not have been well known throughout the rest of the world, the memory of the North Platte Canteen still glows in the hearts of many Nebraskans. In fact, my own press secretary's mother talks proudly of peeling potatoes as a young child to help her older sisters at the canteen.

□ 1515

Lorene Huebner, of Hershey, Nebraska, just a teenager during this time, still remembers the piano in the canteen, and how it was always being played by either a volunteer or one of the troops and how packed the canteen would get with people talking, having coffee and laughing. She still feels that the whole U.S. was opened up to her through the troops from all across the country that she met in this canteen.

From December 25, 1941, through April 1, 1946, a total of 54 months, over 6 million troops were served at the North Platte Canteen. The outreach of communities to support each other remains an enduring mark of compassion and patriotism. That spirit is with us today in a different form, yes, but no less potent.

It is with great honor that I cosponsored this with my colleague, the gentleman from Nebraska (Mr. OSBORNE), and really look forward to the vote on this.

Mr. FRANKS of Arizona. Madam Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. MORAN), another cosponsor of this resolution.

Mr. MORAN of Kansas. Madam Speaker, I am here to lend my support for not only this resolution, but for the epitome that it represents, the story it tells about folks from the middle of the country, in this case from Nebraska.

Sometimes, particularly during football season, it is unusual for any Kansan to be here speaking about something good happening in Nebraska, but it is this story that the gentleman from Nebraska (Mr. OSBORNE) tells about an historic event that is still part of people's lives of Nebraska and how it affected Kansas. In fact, it affected many soldiers across the country who made the trek across Nebraska on the train and stopped in North Platte at the canteen. In fact, the first soldiers that were cared for at the canteen were from my State of Kansas.

The gentleman from Nebraska (Mr. OSBORNE) explained this story to me one day 4 or 5 months ago, and as he was talking about the sacrifice that those Nebraskans made, those individual farmers, those families, those young men and women, those kids, to try to make a difference in the lives of soldiers who were facing an uncertain future, I could just sense the emotion that the gentleman had for the sacrifice that was made. In fact, it seems to me that tears kind of welled up in the eyes of the gentleman from Nebraska (Mr. OSBORNE).

Again, I think those of us who come from middle America recognize the kind of people that we have the honor to represent, recognize the people who make up the history and tradition of our States and what a difference they make, how much they care.

So I am here to join the gentleman from Nebraska in honoring something that happened that was great about middle America, but really exemplifies not only America then, not only middle America, but all of America, and, most importantly, exemplifies what still goes on in our country today, the concern for our soldiers, sailors, airmen and Marines.

Once again, as our country is calling our men and women in active duty to service in the war on terror, it is an appropriate time for us to recognize those who cared in the past, and once again call upon all Americans to serve and sacrifice for the soldiers and families who serve our country so nobly today.

Mrs. DAVIS of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am so pleased to have this opportunity today to join with my colleagues in thanking the people of North Platte for setting such a fine, genuine example of support and patriotism for our troops and for our country.

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

Mr. FRANKS of Arizona. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would just remind all of us that we are fortunate to have people like those in North Platte, Nebraska, that have such a patriotic spirit and are so committed to serving our troops. I would encourage my colleagues to support this resolution.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Arizona (Mr. FRANKS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 161, as amended.

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

A motion to reconsider was laid on the table.

RECOGNIZING AND HONORING MILITARY UNIT FAMILY SUPPORT VOLUNTEERS

Mr. KLINE. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (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.

The Clerk read as follows:

H. CON. RES. 486

Whereas members of the Armed Forces and their families make significant sacrifices on behalf of the United States;

Whereas the military necessity of long deployments, frequent relocations, and infrequent family contact for members of the Armed Forces can be extremely challenging for members and their families;

Whereas, in response to these sacrifices and challenges, military unit family support volunteers from each branch of the Armed Forces have stepped forward to provide members of the Armed Forces and their families critical support while members are deployed;

Whereas military unit family support volunteers consist of the Army Family Readiness Volunteers, Navy Ombudsmen, Air

Force Spouses Together and Ready volunteers (STARs), and Marine Key Volunteers (KVs);

Whereas military unit family support volunteers are generally spouses of members of the Armed Forces, and they provide assistance to military families while also enduring the challenges of military life;

Whereas military unit family support volunteers are motivated by the desire to improve the lives of other military families and to assist future generations;

Whereas military unit family support volunteers serve as liaisons between military commands and families, often serving as information conduits between the two groups;

Whereas military unit family support volunteers also connect the community with military families and local military installations, often leveraging donations and resources to the advantage of the military families; and

Whereas military unit family support volunteers provide their services on a voluntary basis, with little public recognition and no financial assistance, and often contribute their own resources to help other military families: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes and honors the military unit family support volunteers of each branch of the Armed Forces who selflessly devote their time, talent, and energy in service to the United States and commends military unit family support volunteers for their dedicated contributions to the Armed Forces and the quality of life of members of the Armed Forces and their families.

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

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

GENERAL LEAVE

Mr. KLINE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 486.

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

There was no objection.

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

Madam Speaker, I rise today in support of House Concurrent Resolution 486. This resolution recognizes and honors the men and women behind the unparalleled support structure that serves the families of our service members.

The men and women of the United States Armed Forces face a great challenge each day. We ask our active duty service members and citizen soldiers to provide safety and security at times when these words seem little more than lofty ideals.

We also ask a great deal of the families of these young men and women. For each of the 1.4 million active duty service members and the 875,000 citizen soldiers who have served our Nation since September 11, 2001, someone has been left behind to balance the demands of providing emotional and moral support to their loved ones in the field while maintaining their own spirits and carrying on with their everyday lives. These friends and family members make it possible for our armed service members to carry out their work. But who supports them in their important mission?

Fortunately, military family support volunteers take it upon themselves to do just that. These brave volunteers help shoulder the burden of our military families. They provide a source of strength for the families who stay behind while their loved ones serve far away.

Family support volunteers offer this assistance freely, without asking for pay or recognition. Often the spouses of long-serving members of our Armed Forces, these individuals are motivated by the desire to share their wisdom with families who are new to these trials. Because they have also experienced the anxiety that comes with deployment, they understand better than anyone the struggles that come in times of war.

As a young officer, my family and I benefited from these volunteers. As a senior officer, when I was commanding thousands of Marines and sailors far off in Somalia, I was reassured and they were reassured to know that our families back home were being supported by such volunteers. Now, as a Member of Congress, it is my great honor to join my colleagues in providing the recognition the military unit family support volunteers deserve.

Madam Speaker, I urge my colleagues to support the passage of H. Con. Res. 486.

Madam Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of House Concurrent Resolution 486. This resolution recognizes and honors the selfless service of America's military unit family support volunteers, who provide such dedicated support to the members of our Armed Forces and their families.

We are all aware of the tremendous sacrifices our service members make in the defense of the United States. Since September 11, 2001, our 1.4 million active duty service members and 875,000 citizen soldiers, the National Guardsmen and Reservists, have served our Nation honorably in the war on terrorism. Many have served in extremely dangerous conditions in Afghanistan and Iraq. Their bravery and sacrifice are an honor to our Nation.

But we must not forget the sacrifices of those whom they leave behind at home. As the poet John Milton said, ''Those also serve who only stand and wait.''

The months of separation that military families endure can be filled with anxiety, loneliness and hardship. But life goes on for America's military spouses and their families while their loved ones serve overseas. There are doctors appointments, anniversaries, home repairs, holidays, financial problems, graduation, car troubles, birthdays, and in some cases, births. All those joys and trials of life that are shared by a family can become somber days and monumental tasks when one's partner or parent is missing.

In my congressional district, I am honored by the opportunity to work with many Navy ombudsmen and Marine Key Volunteers, or KVs, as they are called. That is why I introduced House Concurrent Resolution 486, because I am constantly amazed by the stories they share with me.

I met one Marine spouse who was facing incredibly difficult circumstances after her husband was deployed to Iraq in June, leaving her with the responsibility of caring for her two sons on her own. In addition to the stress involved with caring for her family, she must also deal with the anxiety that comes when you know your loved one is in harm's way.

Her husband is fighting the insurgency in some of the most dangerous areas of Iraq. In the notes he writes to her, he describes what it is like to be on the front lines and what it is like to come under fire from insurgents.

Fortunately, this brave young woman was assigned a Key Volunteer who cares deeply and who can relate to her. Her KV speaks to her every day to provide comfort and guidance and to offer any other help that she can provide.

Just before the war in Iraq got under way, I heard from a Navy spouse who was 4 months pregnant and her husband was deployed for a 6-month tour. She was new to San Diego and had no family and few friends in the area. She would have to face the remainder of her pregnancy without her husband being there and give birth without him by her side.

However, she was assigned a Navy ombudsman, who went to great length to help her. The dedicated ombudsman contacted her several times to provide moral support and to offer assistance. She also made herself available 24 hours a day in case this young wife needed medical treatment, guidance or just a friend.

In every unit of our great military, groups of these volunteers gather to help support each other when their husbands and their wives deploy. This powerful network of volunteers that makes up the family support group starts out as a collection of spouses who are thrown together by circumstance and grows into a network of friends and extended family.

□ 1530

This family comes together to shoulder the burden and to share the joys for those coping with the absence of their loved ones.

No one can understand the anxiety and the hardship that deployment brings better than these family support group volunteers, because they too have experienced these hardships. In

many cases, family support volunteers are in the same position as those they seek to help. Their spouses are also deployed into harm's way, and I know that many of them have gotten involved as ombudsman persons because of some of the trauma that they experienced.

Madam Speaker, I cannot tell my colleagues how deeply honored I am today for the opportunity to recognize America's family support volunteers. These brave men and women give selflessly of themselves for no pay and no recognition, and they often contribute their own resources to those in need. They do it for their loved ones. They do it for their community, and they do it for their nation.

Our service members need these dedicated volunteers to help keep the home fires burning so that they can focus on the task of fighting the global war on terror, a task that is more difficult if they are worried about their families back home. Knowing their families have the full support of a dedicated volunteer helps to ease their fears and concerns.

I commend these volunteers who so selflessly serve our armed forces and our Nation. The support they give to our military families is truly invaluable, and our country owes them a large debt of gratitude.

Madam Speaker, I see that there are no further speakers. I am delighted to present this. I look forward to presenting it to the ombudspeople and the key volunteers in the San Diego region, and I know that they will be pleased with this recognition from the United States Congress.

Madam Speaker, I urge my colleagues to support this resolution, and I yield back the balance of my time.

Mr. KLINE. Madam Speaker, I yield myself such time as I may consume, only to thank the gentlewoman from California for introducing the resolution. This important resolution is long overdue in order that we recognize the wonderful members of the military family support volunteers.

I urge my colleagues to support this resolution.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Minnesota (Mr. KLINE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 486.

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

A motion to reconsider was laid on the table.

COMMENDING THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND ITS EMPLOYEES FOR ITS DEDICATION AND HARD WORK DURING HURRICANES CHARLEY AND FRANCES

Mr. EHLERS. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (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, as amended.

The Clerk read as follows:

H. CON. RES. 488

Whereas the National Oceanic and Atmospheric Administration's National Weather Service consistently provides critical forecasts and warnings about severe weather to the Nation's citizens;

Whereas 2 hurricanes, Charley and Frances, recently hit the State of Florida back-to-back, an event which has not occurred since 1964;

Whereas Hurricane Ivan was the third hurricane in a month to hit the United States mainland;

Whereas the employees of the National Oceanic and Atmospheric Administration Tropical Prediction Center/National Hurricane Center and the employees of key Southern Region Weather Forecast Offices worked tirelessly and under great pressure to provide the most up to date information to the public, the media, and emergency management officials during Hurricanes Charley, Frances, and Ivan;

Whereas the employees of the National Hurricane Center conducted 656 live television interviews as well as 1227 telephone briefings to the media and others during Hurricanes Frances and Ivan;

Whereas the forecasts and information from the National Hurricane Center provided notice for the safe evacuation of more than 6,000,000 residents in the line of Hurricanes Charley, Frances, and Ivan and warnings to the residents of Florida, Mississippi, Alabama, and Louisiana;

Whereas the Hurricane Liaison Team, a joint National Oceanic and Atmospheric Administration and Federal Emergency Management Agency partnership, provided support to the 25 different media outlets operating out of the National Hurricane Center;

Whereas the National Oceanic and Atmospheric Administration's Hydrometeorological Prediction Center provided rainfall forecasts and hurricane track guidance to the National Hurricane Center;

Whereas the National Weather Service's National Data Buoy Center, in partnership with the United States Coast Guard, worked expediently after Hurricane Charley to fix data buoys that proved critical for forecasts of Hurricane Frances and Ivan;

Whereas the National Oceanic and Atmospheric Administration's National Ocean Service provided storm surge predictions and hydrographic information support to Federal partners before, during, and after Hurricanes Charley, Frances, and Ivan;

Whereas the National Oceanic and Atmospheric Administration's National Environmental Satellite Data and Information Service provided images of Hurricane Frances every 5 minutes over a 4-day period, an unprecedented number of images for hurricane tracking;

Whereas the Southern and Eastern Region Weather Forecast Offices of San Juan, Miami, Tampa Bay, Key West, Melbourne, Jacksonville, Tallahassee, Atlanta, Birmingham, Huntsville, Mobile, Morristown, Charleston, Morehead City, Wilmington, Wakefield, Taunton, Lake Charles, New Orleans, Jackson, Nashville, and Houston provided up-to-the-minute local details for residents throughout Hurricanes Charley, Frances, and Ivan;

Whereas employees from other offices within the Southern Region provided additional support to key Weather Forecast Offices directly impacted by Hurricanes Charley, Frances, and Ivan;

Whereas more than 1,700 watches, warnings, advisories, and other statements were issued by key local Weather Forecast Offices during Hurricanes Charley, Frances, and Ivan;

Whereas the National Oceanic and Atmospheric Administration's Marine and Aviation Operation's Hurricane Hunters logged 344 hours of flight time through and above the storms to assist the National Hurricane Center in tracking Hurricanes Charley, Frances, and Ivan;

Whereas the 53rd Weather Reconnaissance Squadron of the 403rd Wing of the Air Force Reserve Command at Keesler Air Force Base, Biloxi, Mississippi, logged 537 hours of flight time through and above the storms to assist the National Hurricane Center in tracking Hurricanes Charley, Frances, and Ivan;

Whereas the Southeast River Forecast Center provided critical river flooding forecast information to Federal, State, and private partners during Hurricanes Charley, Frances, and Ivan and accurately predicted the amount of excessive rainfall over the Southeastern United States several days in advance; and

Whereas it is still the first half of hurricane season and all these employees remain engaged tracking tropical storms: Now, therefore, be it

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

(1) commends the employees of the National Weather Service, especially the National Oceanic and Atmospheric Administration Tropical Prediction Center/National Hurricane Center, Hydrometeorological Prediction Center, and National Data Buoy Center; the 53rd Weather Reconnaissance Squadron of the 403rd Wing of the Air Force Reserve Command at Keesler Air Force Base, Biloxi, Mississippi; the National Oceanic and Atmospheric Administration Aircraft Operations Center at MacDill Air Force Base, Tampa, Florida; the Hurricane Liaison Team; the National Ocean Service; and the National Environmental Satellite Data and Information Service, for their extraordinary dedication and hard work during Hurricanes Charley, Frances, and Ivan;

(2) commends the Southern and Eastern Region Weather Forecast Offices of San Juan, Miami, Tampa Bay, Key West, Melbourne, Jacksonville, Tallahassee, Atlanta, Birmingham, Huntsville, Mobile, Morristown, Charleston, Morehead City, Wilmington, Wakefield, Taunton, Lake Charles, New Orleans, Jackson, Nashville, and Houston for their extraordinary dedication and hard work during Hurricanes Charley, Frances, and Ivan;

(3) thanks the commercial and media meteorologists for their contributions in disseminating the National Oceanic and Atmospheric Administration forecasts and warnings to the public; and

(4) expresses its support for the ongoing hard work and dedication of all who provide accurate and timely hurricane forecasts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from North Carolina (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. EHLERS).

GENERAL LEAVE

Mr. EHLERS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material

on H. Con. Res. 488, the resolution now under consideration.

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

There was no objection.

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

Madam Speaker, today we are considering H. Con. Res. 488, which commends the employees of the National Oceanic and Atmospheric Administration for their dedication and hard work during Hurricanes Charley, Frances and Ivan.

As chairman of the subcommittee with jurisdiction over the National Weather Service, I introduced this resolution 2 weeks ago, after Hurricanes Charley and Frances hit the State of Florida back-to-back, something that had not happened since 1964. The employees of the National Weather Service worked tirelessly during the storms to provide forecasts and warnings to alert citizens and help minimize loss of life during the storms.

I have here pictures of Hurricane Frances, and also, in a moment, I will get to Hurricane Ivan. But I would like to point out the immense extensions of Hurricane Charley, covering virtually the entire State of Florida and the entire State of Texas. And almost any Texan in this body would tell us, it is almost impossible to cover the State of Texas, but Hurricane Frances, in fact, would do that.

Fortunately, the winds diminished before it hit land, and that helped considerably in reducing the damage, but it was still, because of its large extent, a very damaging hurricane.

Last week, Hurricane Ivan hit the U.S., the worst hurricane to hit the U.S. since Hurricane Floyd in 1999. Hurricane Ivan, which made landfall near Gulf Shores, Alabama, was the sixth most powerful Atlantic tropical storm on record. It affected States throughout the southeastern and Mid-Atlantic United States, with flooding, high winds and tornadoes. Again, the hard work of NOAA's employees and the broadcast meteorologists was vital for getting out warnings and information to residents in the path of the hurricane.

The right-hand chart up here shows Hurricane Ivan as it came ashore near Gulf Shores, extensive spread through Alabama, Mississippi, nearly to the New Orleans area, and with a very well-defined eye, indicating very high winds, very compact, which means high intensity, and of course, it stretched all the way over to the Panhandle of Florida.

During these three hurricanes, an estimated 6 million people were safely evacuated. Without the warnings from NOAA, I suspect there would have been very few evacuated. While there were 90 fatalities and an estimated $14 billion to $23 billion in damages in the U.S. due to these storms, without the forecasts and warnings from NOAA, the results would have been much, much worse.

It costs about $1.4 billion annually for all weather forecasting at NOAA which comes to a mere 4 cents each day per household in the United States. This investment is well worth it, given the lives saved by NOAA's forecasts and warnings. Let me point out that the amount that this comes to per household in this Nation is, I would estimate, less than the amount that the average household expends on smoke detectors and batteries.

Let me specifically list the offices at NOAA and their Federal and private partners that play an important role in providing hurricane forecasts and warnings. The National Hurricane Center, the Southern and Eastern Region Weather Forecast Offices of San Juan, Miami, Tampa Bay, Key West, Melbourne, Jacksonville, Tallahassee, Atlanta, Birmingham, Huntsville, Mobile, Morristown, Charleston, Morehead City, Wilmington, Wakefield, Taunton, Lake Charles, New Orleans, Jackson, Nashville, and Houston.

In addition, the National Ocean Service provides services and, in this case, provided help with storm surge predictions.

The National Environmental Satellite Data and Information Service provided the satellite images we all saw on television.

The NOAA Marine and Aviation Operation Hurricane Hunters and the Air Force Reserve out of Keesler Air Force Base in Biloxi, Mississippi, fly planes into the hurricanes to gather data.

The Southeast River Forecast Center provided flood predictions, and the many private meteorologists and information providers who disseminate the warnings and weather data and predictions from NOAA.

I must say, being a scientist, perhaps that affects me, but I watched the Weather Channel and the local forecasters for considerable amounts of time during this to try to evaluate for myself what the hurricanes were doing, what direction they were taking, what damage they might cause. So the private sector also deserves mention here.

The dedicated employees of all of these NOAA organizations and the private organizations deserve our utmost appreciation for their hard work and long hours to warn citizens in the line of these three storms and for all of their excellent work as they continue to track tropical storms, this and every hurricane season. I should note that today we are nervously watching Hurricanes Jeanne and Karl currently located in the Atlantic Ocean, and we will continue to depend on NOAA to give us information about those hurricanes.

Madam Speaker, I reserve the balance of my time.

Mr. MILLER of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank my colleague, the gentleman from Michigan (Mr. EHLERS), for bringing this resolution to the floor today. In the last month or two, all of us in the eastern United States have been glued to our television sets watching weather reports as one Atlantic storm after another moved westward from the west coast of Africa across the Atlantic towards the United States. Three storms have made landfall in the United States and done great damage, great property damage and great loss of life.

We have learned more and more about storms just from watching the weather reports, watching with fascination the symmetry, the amazing symmetry of the storms, learning about the definition of the eye wall, how that told us whether the storm was strengthening or weakening or maintaining its strength.

There has been great damage and great loss of life from these storms. Hurricane Charley, which struck and made landfall in Florida as a category 4 storm, resulted in 31 deaths. Hurricane Frances made landfall in Florida as a category 2 storm but stalled over Florida and just rained and rained and rained with great, great damage. And, most recently, Hurricane Ivan struck the Panhandle of Florida and Alabama as a weak category 4, and then moved upward and caused a total of 49 deaths, including about 10 in my State, in flooding in western North Carolina.

These were powerful storms, but we were relatively well prepared for them. The gentleman from Michigan (Mr. EHLERS) referred to the great, great savings in life that resulted from the preparation that we had as a result of the work of NOAA, but let me tell my colleagues how much of a difference that made.

When we look back early in our history, a much less densely populated country, a nation that was not prepared, had no forewarning when storms struck, let me tell my colleagues the loss of life. In 1893, a storm of unknown intensity struck Louisiana, made landfall in Louisiana. The estimate was that there were 2,000 deaths from that storm. That same year, a storm also of unknown intensity made landfall in South Carolina and Georgia with a loss of life of 1,000 or 2,000. In 1900, a storm that we now estimate to be a category 4 struck without warning Galveston and resulted in an estimated 8,000 to 12,000 deaths. In 1928, a storm struck again with very, very little warning in Florida, and resulted in more than 1,800 deaths.

Again, this is a striking contrast. We can thank the people of NOAA, the employees of NOAA for the forecasts and the warnings that we have relied upon to prepare for the storms that have struck the United States this year. It is not an exaggeration to say, because of the work of the employees at NOAA, that there are thousands of Americans alive now who would not have been alive had we not been prepared for these storms, and the way that we have not been prepared for storms before we had that capacity to see storms coming, to know their intensity and to prepare for them.

We now see more storms moving towards us. Hurricanes Jeanne and Karl and storms behind them seem to be taking a number as they are in line, moving towards the United States.

So this resolution is a modest gesture of appreciation for those employees of NOAA who are working around the clock to monitor the paths of hurricanes, the strength of hurricanes, to make sure that we are ready when those hurricanes reach the United States.

So I urge my colleagues to support this resolution.

Madam Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise in support of H. Con. Res. 488 and express my appreciation of the leadership of the gentleman from Michigan (Mr. EHLERS) and our ranking member, the gentleman from North Carolina (Mr. MILLER) for commending the National Oceanic and Atmospheric Administration, known as NOAA.

□ 1545

Indeed, we have profited from their skills. We commend both the agency and its employees for their hard work and dedication during these hurricanes. And also during the time of tornados in my area, we are getting the same type of alerts and notices and it really does save lives. We have not yet been able to save as much material damage and destruction as we have the lives, but the important thing is that we are saving lives. And as we begin to use more of our technology in building, we will see that even the material destruction will diminish. It underscores why we need to continue to support science and technology, to develop more skills for approaching and dealing with these types of catastrophes when they happen.

Texas certainly has benefited from warnings during both hurricanes in the south end of the State and tornados in the north end of the State. And we are grateful for the efficiency and dedication of these employees and are grateful for the existence of this agency that deserves continued support so that we can still benefit from our findings and for our future developments.

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

Mr. MILLER OF North Carolina. Madam Speaker, I yield 6 minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Madam Speaker, I thank the gentleman for yielding me time. Let me thank him and my colleague, the gentleman from Michigan (Mr. EHLERS), for bringing this resolution to the floor because it is so important.

I rise to add my voice in praise of the staff and leaders of National Oceanic and Atmospheric Administration, NOAA, for the job they have been doing during this remarkably challenging time during this hurricane season.

We talk about hurricanes; but the truth is when a hurricane comes ashore, we have an awful lot of tornados that spawn from that. As any Member from a southern Atlantic coastal State can tell you, this has been a very busy season; and, unfortunately, it does not appear to be over with yet. And if the predictions are right, we are in for some pretty bumpy times in the years ahead.

The folks at NOAA and the National Weather Service have done a fine job in letting our citizens know when the storms are coming, where they would most likely strike, and they have been pretty accurate about how much wind and storm surge they can expect. As a consequence, NOAA has saved millions of lives through its timely reporting and storm tracking, and it has an awful lot to do with saving of property.

I can tell you at my office, and I expect it is true of most offices that are in the line of fire, the staffs check the NOAA Web site, NOAA tracking at 8 a.m. and 11 a.m. and 2 p.m. and 5 p.m. each day because they are the ones that have the information.

While NOAA has performed well, one of the things that could be improved is predicting the potential flooding consequences of the rain associated with these storms. That is why in the 107th Congress I introduced and Congress passed into law legislation to improve the forecasting of inland flooding and to develop an inland flood-warning index similar to the Saffir-Simpson Scale that we use for wind with hurricanes. Unfortunately, we have not seen much progress with the development of the inland flood-warning index. Congress has not provided the funds necessary to develop a warning index that can better alert Americans of flood hazards associated with tropical cyclones, and NOAA has taken only a few steps to implement this legislation.

If we had had an inland flood-warning index in place, many of the more than 70 lives lost from Bonnie, Charley, Frances, and Ivan could possibly have been saved. We heard of what has happened in recent years from what we did at the turn of the century. We still can do better.

In 1999, Hurricane Floyd killed 48 people in the State of North Carolina with heavy floods, almost all of them lived hundreds of miles from the coast and died from fresh-water flooding. That can be corrected.

In Richmond, Virginia, last month the remnants of Tropical Storm Gaston was predicted to drop 4 inches of rain. Instead, it produced more than a foot of rain and resulted in flooding that cost millions of dollars in damage to the city's historic downtown, and much of that damage could have been mitigated had the public been better prepared and had known what was going to happen.

Madam Speaker, as the appropriations process winds down, I urge you to fully implement and fund the Tropical Cyclone Inland Forecasting Improvement and Warning System Development Act, similar to what we did with the Saffir-Simpson scale for hurricanes in providing warning on the coast. This will make a difference in the inland areas. This Congress has shown and has spoken with an overwhelming majority, and I also call on NOAA to move forward aggressively to implement this legislation.

We should never again suffer a hurricane season without adequate prediction tools where life-saving technology exists just beyond our current grasp. It is available. All we have to do is spend just a few dollars and it would be there. NOAA already saves countless lives. Working together we can help them save even more. I urge my colleagues to adopt this resolution.

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

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

Madam Speaker, I first want to thank the gentleman from North Carolina (Mr. MILLER) for ably managing the time on the minority side and particularly for his provision of the statistics which I find very fascinating, and I do not want to prolong my statement too much by including them, but it illustrates something very dramatically.

Often the public asks us what we do with all their tax money and why do we waste it so much. There are a good many things that the Federal Government does that are very, very good for people. This is one example of that. Funding NOAA is a very worthwhile enterprise. Given the statistics that the gentleman from North Carolina (Mr. MILLER) gave and the statistics that I gave compared to what we do today, you can extend that to tornados as well and other types of disasters.

The average lead time for tornados was 10 minutes during Hurricane Ivan, and frequently it is earlier than that for tornados in the Midwest where I live. Flash flood warnings average 57 minutes; 38 tornados occurred across Florida during Hurricane Ivan, so we really saved a lot of lives in this particular case; and it makes the expenditures for NOAA look small by comparison.

It is very important for all of us, especially the appropriators, for all of to us recognize that this is money well spent. It does save lives. It does save properties. It saves injuries, and it is very important for us to continue that.

Madam Speaker, in closing I want to thank my colleagues from the Florida delegation, virtually all of whom cosponsored this legislation; and I particularly want to thank the gentleman from Florida (Mr. YOUNG) for his enthusiastic support of the resolution. I would also like to thank the gentleman from New York (Mr. BOEHLERT) and the ranking member, the gentleman from Tennessee (Mr. GORDON), of the Committee on Science for their support,

and the gentleman from Colorado (Mr. UDALL), the ranking member of my subcommittee.

Mr. BOEHLERT. Madam Speaker, I would like to join my colleagues in thanking the employees of the National Oceanic and Atmospheric Administration for their hard work this hurricane season. I thank my colleague from Michigan, Mr. EHLERS, for introducing this resolution and bringing it to the floor today. Each hurricane season the employees at NOAA provide vital forecasts and warnings to residents in harm's way, minimizing loss of life and property. This year they have gone above and beyond the call of duty with the high number of powerful storms making landfall in the United States. The employees at NOAA who support hurricane forecasts and warning exemplify service to the nation and I am proud to recognize their hard work today.

Mr. GORDON. Madam Speaker, this hurricane season was predicted to be an active one. Unfortunately, the prediction is being fulfilled. We have not yet come to the end of the season and already the eastern half of the country has experienced widespread damage due to three of these storms—hurricanes Charley, Frances and Ivan. In addition, two other offshore hurricanes are being monitored as we speak.

The severe coastal damage in Florida and Alabama, widespread inland flooding, and tornadoes have resulted in loss of life and property throughout the eastern part of the nation—including my home state of Tennessee. We should move quickly to provide assistance to our citizens who are now beginning to assess the damage and make plans to rebuild their homes, communities and businesses. They have a daunting task in the days ahead.

The effects of these storms are devastating, however, without accurate forecasting and time to prepare the toll in human lives would have been unimaginable. Our investments in research and development, weather satellites, specialized aircraft and computer modeling capability coupled with the dedication and professionalism of NOAA's employees has paid off in the timely warnings that we rely upon.

Madam Speaker, with this resolution we express our gratitude to the federal employees and their partners in the commercial weather business for their efforts in bringing the life-saving warnings and forecasts to our citizens. I urge my colleagues to support this effort to recognize the important work done by the employees of NOAA.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 488, as amended.

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

The title of the concurrent resolution was amended so as to read: ''Concurrent resolution commending the National Oceanic and Atmospheric Administration and its employees for its dedication and hard work during Hurricanes Charley, Frances, and Ivan.''.

A motion to reconsider was laid on the table.

JUSTIN W. WILLIAMS UNITED STATES ATTORNEY'S BUILDING

Mr. BURNS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3428) to designate a portion of the United States courthouse located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the ''Justin W. Williams United States Attorney's Building''.

The Clerk read as follows:

H.R. 3428

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

SECTION 1. DESIGNATION.

(a) IN GENERAL.—The building and structure described in subsection (b) shall be known and designated as the ''Justin W. Williams United States Attorney's Building''.

(b) DESCRIPTION.—The building and structure to be designated under subsection (a) is that portion of the United States courthouse located at 2100 Jamieson Avenue, in Alexandria, Virginia (known as the Albert V. Bryan United States Courthouse), that is attached to the courthouse main tower structure, described as A-Wing in the architectural plans, and currently occupied by the Office of the United States Attorney for the Eastern District of Virginia, Alexandria Division.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building and structure described in section 1(b) shall be deemed to be a reference to the ''Justin W. Williams United States Attorney's Building''.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for appropriate identifying designations to be affixed to the building and structure described in section 1(b) and for an appropriate plaque reflecting the designation and honoring Justin W. Williams and his service to the Nation to be affixed to or displayed in such building and structure.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. BURNS) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. BURNS).

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

Madam Speaker, H.R. 3428 introduced by the gentleman from Virginia (Mr. TOM DAVIS), designates a portion of the United States courthouse located at 2100 Jamieson Avenue in Alexandria, Virginia, as the Justin W. Williams United States Attorney's Building. The full courthouse is known as the Albert V. Bryan United States Courthouse.

This bill has the bipartisan support of the entire Virginia delegation.

Born in New York City in 1942, Justin Williams earned his bachelor's degree from Columbia University in 1963, and his law degree from the University of Virginia in 1967. After graduation, Justin Williams embarked upon his legal career. From 1967 to 1986 he worked for Department of Justice, Criminal Division. He served as Assistant Commonwealth's Attorney in Arlington County and the Assistant U.S. Attorney for the Eastern District of Virginia, based in Alexandria.

In 1986, Justin Williams was appointed Chief of the Criminal Division and served in that capacity until his death in 2003. As U.S. Attorney for the Eastern District of Virginia, he supervised over 100 prosecutors and oversaw such high-profile cases as U.S. v. Aldrich Ames, U.S. v. Robert Hanssen, and the prosecution of the Virginia Jihad Network.

In recognition of his achievements, Justin Williams received numerous awards from the Department of Justice, including the Attorney General's Award for Excellence in Furthering the Interests of U.S. National Security. Justin Williams passed away August 31, 2003.

Shortly after the 1-year anniversary of his death, it is my pleasure to bring to the floor this bill which honors a dedicated American who spent his entire career making America safer for everyone. I support this legislation, and I courage my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3428, a bill to designate a portion of the Alexandria courthouse located at 2100 Jamieson Avenue as the Justin W. Williams United States Attorney's Building. The bill was introduced by our colleague, the gentleman from Virginia (Mr. TOM DAVIS), and enjoys very strong bipartisan support.

U.S. Attorney Justin Williams was an extraordinary public servant who served the citizens of Virginia for over 30 years. He received his undergraduate degree from Columbia University and his law degree from the University of Virginia. During his 33 years as a Federal prosecutor, he supervised or was directly involved in every major Federal prosecution in the Eastern District of Virginia.

His career is filled with numerous awards and honors, including the Attorney General's Award for Excellence that is awarded for furthering the interest of national security, the Director's Award for Sustained Superior Performance in the years of 1990, 2000, and 2002, and Sustained Superior Performance for the years of 1990, 1991, 1997, 1998, and 1999.

In addition to being an outstanding lawyer, Justin Williams was a thoughtful mentor, loyal friend, outstanding role model, devoted husband, and a loving father. It is most fitting that we honor the distinguished career of this dedicated public servant with this designation.

□ 1600

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

Mr. BURNS. Mr. Speaker, I urge my colleagues' support of H.R. 3428, and

thank the gentlewoman from Texas for her comments. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Georgia (Mr. BURNS) that the House suspend the rules and pass the bill, H.R. 3428.

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.

REQUEST FOR REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2028

Mrs. BIGGERT. Mr. Speaker, due to the radical changes made by the committee to the introduced bill, I ask unanimous consent to withdraw my name as a cosponsor from H.R. 2028.

The SPEAKER pro tempore. Under clause 7(b) of rule XII, the Chair is constrained not to entertain that request, as the bill has been reported from committee and referred to the calendar.

JOE SKEEN FEDERAL BUILDING

Mr. BURNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3734) to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the ''Joe Skeen Federal Building.''

The Clerk read as follows:

H.R. 3734

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

SECTION 1. DESIGNATION.

The Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, shall be known and designated as the ''Joe Skeen Federal Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the ''Joe Skeen Federal Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. BURNS) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. BURNS).

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

H.R. 3734, introduced by my colleague, the gentlewoman from New Mexico (Mrs. WILSON), designates the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the Joe Skeen Federal Building.

Congressman Skeen was born and raised on his family's farm outside of Roswell, New Mexico. In 1948, Congressman Skeen enlisted in the United States Navy and served for 1 year before transferring to the United States Air Force Reserves, where he served from 1949 until 1952.

Following his military service, Congressman Skeen attended and graduated from Texas A&M University with a degree in agricultural engineering.

After graduation, Congressman Skeen worked as a soil and water engineer for the Zuni and Ramah Navajo Indians. He later purchased and ran his family's sheep ranch.

Congressman Skeen was long dedicated to public service. He was first elected to public office in 1960 where he won a seat in the New Mexico State senate. He served until 1970. For the last 6 years of his time in the State senate, he served as the minority leader.

In 1980, Congressman Skeen ran as a write-in candidate and was elected to serve in New Mexico's 2nd District in the United States House of Representatives. Congressman Skeen served in this body for 11 terms.

Congressman Skeen was known for his commitment to property rights, balancing the Federal budget and increased tax relief. He may have been most influential as chairman of the Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, enhancing the agricultural viability in both New Mexico and throughout the United States. He was also chairman of the Subcommittee on Interior and Related Agencies, dealing with natural resources and public land use.

I support this legislation and encourage my colleagues to do the same.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I might consume.

H.R. 3734 is a bill to designate the Federal building in Roswell, New Mexico, as the Joe Skeen Federal Building, in honor of a former Member here, Congressman Joe Skeen.

Congressman Skeen was born in Roswell, New Mexico, in 1927, and as a young man, he served a 1-year enlistment in the Navy and served in the Air Force Reserves from 1949 to 1952. In 1950, he got his Texas marks by graduating from Texas A&M University.

He was elected to Congress in 1980 as a write-in candidate in the general election. He was only the third person in the Nation's history to win a U.S. House seat through this type of effort. For more than 2 decades, he served the people of the 2nd district in New Mexico with distinction and devotion, and I had the pleasure of serving with him.

As Congressman, he focused his energy and interests on agriculture, national defense, and public land management. In 1985, he became a member of the House Committee on Appropriations, and in 1995, he became Chair of the Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies. At the beginning of the 107th Congress, he was named the Chair of the Subcommittee on Interior and Related Agencies.

One of Congressman Skeen's major legislative accomplishments was to ensure the opening of the waste isolation pilot plant, the Nation's first repository for defense-related waste. Concerned about the public's health and safety and the environment, Congressman Joe Skeen worked tirelessly to advance storage of Federal waste.

He supported legislation to maintain the viability of the agricultural industry. He also has been a leader in supporting legislative initiatives on a balanced budget, crime education and military spending. He is an unapologetic advocate of local control, insisting that citizens make their own determination and not let the legislature do it for them.

Congressman Skeen was well respected on both sides of the aisle. He was an earnest and capable legislator, a worthy adviser and a true gentleman devoted to his family and dedicated to his constituents. His goodwill and humor are missed by all of us.

It is fitting and proper to honor Joe Skeen's life and public service with the designation of the Federal building in Roswell, New Mexico, as the Joe Skeen Federal Building.

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

Mr. BURNS. Mr. Speaker, I yield such time as she may consume to my colleague, the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Speaker, when Joe Skeen was elected to the Congress, one of the first acts that he introduced in 1981 was legislation to name the Federal building in Las Cruces, New Mexico, after the man he replaced, the late-Congressman Harold Runnels, and I believe it is appropriate 23 years later to return the favor.

Joe Skeen won his election with a successful write-in campaign. It was only the third such victory in the history of the United States Congress, and during his nearly 22 years in the House of Representatives, he was a defender, a staunch defender, of New Mexico's rural lifestyle and its farming and ranching interests.

Even as Parkinson's began to claim his speech in his later years, Joe's sense of humor remained intact, and it is one of the things that all of us here treasure about him. Just about everybody in this body has a Joe Skeen story, something that makes us smile. One always knew if they had to go to talk to Joe about something, they might as well start smiling because before it was over he was going to make them laugh.

After 11 terms in the United States Congress, Joe decided to return to his ranch, a place that he described as being ''at the center of my upbringing and which shaped my character and principles in life.''

Joe's ranch in Picacho is 17 miles from pavement, and Joe was never a gentleman farmer. He was a farmer, a rancher and a gentleman. He could be

fixing fences and working with his one hired hand, and hop in the truck and drive to Roswell, fly out, take a shower at his apartment in Washington and come to the floor of the House.

Throughout his service in the Congress, he kept a foot in both worlds, and the country and New Mexico benefited from it. He leaves behind a proud tradition of public service in which he has been a positive influence on many people's lives, including my own.

Joe died peacefully in his sleep of Parkinson's disease and its complications in Roswell, New Mexico, on December 7, 2003. His wonderful wife Mary was with him.

Joe was truly a great New Mexican. He will be deeply missed, and now, near his hometown in Roswell, New Mexico, there will be a building with his name on it. Every time people in Roswell walk by that building, they will look up and smile.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentlewoman for the time.

Mr. Speaker, I rise today in strong support of H.R. 3734 and to honor Mr. Joe Skeen of New Mexico. Joe served New Mexico with distinction and dedication. During the 4 years we served together in the Congress, I found Joe to be a true gentleman and a statesman.

Today, I am pleased that we will be passing this legislation to name the Federal building in Roswell, New Mexico, after Joe. It is an excellent tribute to honor a great man.

One of the things I respected about him the most was his bipartisanship, and I think every Member of Congress, Democrat and Republican, every Member of this House, loved him for that. He loved this institution. He had a great sense of humor. He did not take this place, where we do this the serious business of the country, too seriously, and he would always have a good story or a quip.

It is difficult to capture with words the impact and the significance that Joe has meant not only to New Mexicans, but to the citizens of the United States and the institution of the Congress as well.

During his tenure as New Mexico's longest-serving U.S. House Member, he built a dedicated and talented staff on Capitol Hill. He was renowned for his tireless work on behalf of agrarian interests. Although he did not get the credit he deserved, he also helped steer millions of Federal dollars to our State.

I was proud to work with Joe on legislation that helped return mineral rights to the Acoma Pueblo. That bill, now Federal law, was easily steered through Congress by Joe's knowledge of the legislative process. While we were ultimately not as successful as we would have liked, we also fought together to change the dairy sections of the 2002 farm bill that were unfair to our State's strong milk and cheese industry. Through it all, I enjoyed working with him every step of the way.

Throughout his years of service, he was a model of integrity and truth. The way he approached his job is the way every elected official should, as a highly principled individual who stuck to his beliefs. He walked his talk. While we did not agree on everything, he always did what he believed in his heart to be true, and he always worked in a bipartisan way to accomplish important work.

Again, this is a deserved honor for a great public servant.

Mr. BURNS. Mr. Speaker, I yield 5 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, H.R. 3734 would designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the Joe Skeen Federal Building.

On December 7, 2003, the Nation lost a leader, but New Mexico lost a friend. As others have said, Joe Skeen was born in Roswell, New Mexico. He was an Aggie, and he stayed an Aggie for his whole life.

He joined the Navy and he served there. Again, that has been mentioned, but I do not think that other people realize just how much he saw the light when he left the United States Navy and scooted over to the U.S. Air Force, but as a former Air Force pilot, I recognized what was going on in his life.

He continued to see the real light when he saw Mary Helen Jones and married her in 1945. I will tell my colleagues that Mary and Joe continued to be favorites throughout their entire careers in New Mexico. Even today people say, ''Tell Mary that we are thinking about her.''

One of the most important things that people remember about Joe was his sense of humor, and I hear about that constantly. When I go to town hall meetings, they listen to me for 2 hours, and then the first thing they say is, ''Joe Skeen was funny.'' I have enjoyed the comparisons. They also tell me that ''Joe Skeen left big shoes to fill; make sure you fill them, son.''

Joe was just a lifelong servant to the Nation and to the State. He has been recognized throughout New Mexico, though. They have begun to name different buildings after him already. He helped at New Mexico State University, New Mexico Tech, Holloman Air Force Base and White Sands, and those institutions have begun to name buildings after him. New Mexico Tech named their library after Joe Skeen. New Mexico State University named their new agricultural research building after Joe and Mary Skeen. Chaves County named their new administrative building after Joe Skeen, and New Mexico has named Highway 70, the Joe Skeen Highway.

Today, I am pleased the U.S. House of Representatives will act so that the Federal Government will name a Federal building after Joe Skeen, who left after 22 years of service in this House of Representatives.

□ 1615

Mr. Skeen was a strong supporter of rural New Mexico and all that it requires. He supported roads, schools, medical care, electricity and water and sewage treatment plants. He was impartial when it came to serving the people of New Mexico.

Joe was tremendously respected. He was quiet, yet he had a demeanor that created respect. And his sense of humor disarmed people with grudges and helped all citizens realize that by working together we can solve the people's problems. Joe used to say, let us talk about what we can agree on, and we will work from there.

The people of New Mexico will never forget Mr. Skeen. He was a man of the people. People in the second district have expressed their love for him as I travel through the district. As I took my place in this national Congress and heard from his many friends, I realized he was just as respected nationally as he was in the state.

Mr. Speaker, I urge my colleagues to support H.R. 3734.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BURNS. Mr. Speaker, I yield myself such time as I may consume to thank the gentlewoman from Texas and the speakers here today as they honor Joe Skeen. I urge my colleagues to join me in supporting H.R. 3734 in naming the Federal Building in Roswell, New Mexico, for our former colleague.

Mrs. MALONEY. Mr. Speaker, I rise in strong support of H.R. 3734, a bill to name a federal building in Roswell, New Mexico as the "Joe Skeen Federal Building." We were all saddened when our dear friend and colleague retired at the end of the 107th Congress and passed away in December 2003. However, we were fortunate to serve with Joe and the people of New Mexico were better off because of his 20 years of service.

As Members of Congress, we often work with colleagues from different parts of the country and from across the aisle. It was a great privilege to have worked with Joe Skeen. Since his first election in 1980, he served on the Appropriations Committee, chairing the Subcommittee on Agriculture and then the Subcommittee on the Interior. Joe has always been a true gentleman and always told it like it was. When dealing with Joe, I always knew he would give me a fair hearing on an issue and try to accommodate me when he could and politely say "no" when he couldn't. I could also always depend on Joe telling me a good story to underscore the point he was making.

On a personal note, I had the pleasure of working with Joe to further the progress of Parkinson's Disease research in America. In 1999, along with my colleagues, Mr. EVANS, Mr. MARK UDALL, TOM UDALL, and Mr. WAXMAN, Mr. Skeen and I formed the Congressional Working Group on Parkinson's Disease.

Joe Skeen was a true leader in the fight against Parkinson's Disease. Over the years, the Working Group has sought to increase awareness among Members of Congress on Parkinson's related issues. Most importantly, the Working Group advocates for accelerated and increased funding for Parkinson's research in the hopes that we soon find the cure for what leading scientists call the most curable neurological disorder.

We will carry on the fight to cure Parkinson's, in part, inspired by the legacy of the great Joe Skeen. This bill ensures that the people of New Mexico and those around the country never forget our friend, Joe. I fully support its passage in honor of Joe Skeen—a true national treasure.

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Georgia (Mr. BURNS) that the House suspend the rules and pass the bill, H.R. 3734.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BURNS. 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. 3428 and H.R. 3734, the measures just concluded by the House.

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

There was no objection.

THE ADOPTION TAX RELIEF GUARANTEE ACT

Mr. CAMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1057) to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

The Clerk read as follows:

H.R. 1057

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 Adoption Tax Relief Guarantee Act''.

SEC. 2. REPEAL OF APPLICABILITY OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

''(c) EXCEPTION.—Subsection (a) shall not apply to the amendments made by section 202 (relating to expansion of adoption credit and adoption assistance programs).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CAMP) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

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

Mr. Speaker, I rise today in support of H.R. 1057, a bill to make permanent the adoption tax credit and assistance programs contained within the Economic Growth and Tax Relief Act, which we passed in 2001.

The importance of the Adoption Tax Relief Guarantee Act could not be clearer: helping abandoned children find safe, loving, permanent homes. Three years ago, we took a giant step forward. Our failure to act today would be an equally giant step backward.

The adoption tax credits were originally limited to 10 years. No child should have limits placed on their hopes, dreams, and opportunities for the future, and no loving parent willing to take a child in should be denied due to the financial burdens imposed by the adoption process. By voting in favor of H.R. 1057, we will eliminate the sunset and will make adoptions easier for all families for generations to come.

Adoptions can be prohibitively expensive. Licensed private adoption agencies charge fees ranging from $4,000 to $30,000. Independent adoptions can cost anywhere from $8,000 to $30,000. If the adoption tax credit is cut, the prior law level of $5,000, many families will not be able to afford adoptions. Money may not be able to buy you love, but in the case of adoptions, it may keep you from it.

There are over 565,000 children in publicly-funded foster care waiting to be adopted. Even more are in the private system. Cutting the adoption tax credit will make it more difficult to move children out of foster care and into permanent homes. With H.R. 1057, we will permanently put the health and safety of children first and give our Nation's foster children a fighting chance. We cannot allow this credit to lapse. Over half a million children are counting on us to finish the job we started over a year ago.

Temporary is not an option for adoption, and it should not be for this tax credit either. I urge my colleagues to support this vital piece of legislation.

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

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

Mr. Speaker, there is broad bipartisan support for assisting adoptive families in meeting their expenses. Helping families afford the cost of adopting children in loving homes is clearly a worthy policy, and targeted tax relief can help promote that goal. I, therefore, support this effort to eliminate the sunset provision in the current adoption tax credit, and I want to compliment my colleague, the gentleman from Michigan (Mr. CAMP), for his work and leadership on this issue.

This extension is particularly worthwhile given the change in the adoption tax credit that took effect last year. Let me just point that out, Mr. Speaker, the adoption tax credit now provides a guaranteed $10,000 tax credit for the adoption of special-needs children who are classified as being more difficult to place for adoption because of certain factors, including physical, mental or emotional impairment. Prior to that change, it was very difficult for people adopting special-needs children to qualify for the tax credit. In fact, less than 15 percent did, because many of their expenses included in the adoption credit were already paid for.

We know that people who adopt children with special needs incur additional costs, including modifying their home to take care of the physical impairments of the child and other types of expenses. Now that we have modified the tax credit, those families can take advantage of this $10,000 credit, and therefore, it is really helping deal with the placement of special-needs children, one additional reason why it is important for this tax credit program to continue without interruption, one additional reason why this legislation should pass.

My only regret about this legislation is that there was no effort to offset its cost. Relative to the other tax extensions, the cost of the adoption tax credit is relatively modest. Let me point out, Mr. Speaker, that the sunset provision is now in the year 2010. There are many other tax provisions that have much sooner sunset dates that we have not acted on yet and we need to deal with.

I support this change, and it has a modest cost, but I am sorry that we did not take advantage of this opportunity to close some tax loopholes, including those available to companies who ship jobs overseas, that could have offset easily the cost of this bill so we do not continue to add to the growing deficit.

The current budget deficit is $422 billion in this fiscal year, and it is projected to grow to over $1.6 trillion over the next 5 years. This amount will be added to a current overall of $7.3 trillion. It should, therefore, be no surprise that we are about to raise our government debt limit for the third time in just the last 3 years. At some point, we are going to have to own up to the fact that we are simply passing on our obligations to our children rather than living within our means.

Mr. Speaker, I hope we will find a way to pay for this and other tax extenders through commonsense changes in the tax code. In the meantime, I support this extension of the adoption tax credit, and I urge my colleagues to support this legislation but to continue to work for more responsible fiscal policies.

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

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume, and I appreciate the gentleman's comments in support of the bill. I would like to say that we have confirmed with the

Committee on the Budget that this legislation does fall within the parameters of the House-passed budget.

Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. DEMINT), the author of this bill who has been a real leader on adoption issues in this House.

Mr. DEMINT. Mr. Speaker, first, let me express my sincere appreciation to the House leadership and, particularly, the chairman of the Committee on Ways and Means for bringing this important legislation to the floor. I would like to thank my colleague, the gentleman from Michigan (Mr. CAMP) for his leadership on the adoption issue over many years, as well as the gentleman from Maryland (Mr. CARDIN) and all of my colleagues on both sides of the aisle for supporting this legislation.

One of the greatest titles in the world is parent, and one of the biggest blessings in the world is to have parents to call mom and dad. So it gives me great joy to stand here along with all my colleagues today to celebrate the thousands of moms and dads and children who have become bigger, stronger families through adoption.

Last Congress, we passed several important adoption provisions. We doubled the adoption tax credit to $10,000 for all adoptions. We indexed that credit to inflation. We increased the earnings limit, and we exempted the beneficiaries from the alternative minimum tax. We included, as has already been mentioned, a $10,000 flat credit for special-needs adoptions. Additionally, we extended and doubled the tax deduction for employer-provided adoption benefits.

Unfortunately, the Senate's sunset provisions will make all these benefits disappear December 31, 2010. Sadly, it will soon start to affect couples who want to begin the adoption process and cannot afford all the adoption costs related to it.

H.R. 1057, the legislation before us today, will help couples by ensuring that they know that the adoption tax credit and the financial relief provided by this tax credit will be there for them when they find that beloved child. This bill will guarantee tax relief for adoptive parents and will help unite children with loving parents who can build strong and stable families in our country.

There may be some unwanted pregnancies, Mr. Speaker, but the thousands of couples that are waiting to adopt children prove that there are no unwanted children, and I urge my colleagues to support this legislation.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Washington (Mr. MCDERMOTT), a member of the Committee on Ways and Means.

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

Mr. MCDERMOTT. Mr. Speaker, the remarks by the gentleman from South Carolina are quite interesting. He has brought out a bill today that all here wholeheartedly support, through tax incentives, making adoptions less costly. Now, that is certainly a good idea.

But it is hard to understand his thinking, because he has introduced legislation here to convert our whole tax regime to one that relies solely on consumption taxes, a sales tax.

Now, I do not know why he is supporting this. I guess he wants to keep making it more complicated so his other bill will pass, but that proposal would be a boon to the wealthy elite. It would remove the tax incentives that would make home purchases, college and health care more affordable. His proposal would tax all purchases on goods and services in our economy, including food, health care and home rents. In fact, the Joint Committee on Taxation did an analysis of a similar proposal and indicated that in order for a sales tax proposal to be revenue neutral over 10 years, the estimated national sales tax rate would be between 36 and 57 percent. That is a 36 and 57 percent sales tax.

Some of us have a State sales tax of 8 or 9 cents, and we think that is awful. But the gentleman from South Carolina (Mr. DEMINT) is proposing that. In other words, the price of a blood transfusion, prescription drugs and a pair of sneakers would increase by 37 to 57 percent. Now, does that sound fair? Oh, and by the way, of course there would be no adoption tax credit under that regime. So if you adopt a child, well, tough luck.

Very good to talk about it here today. I am sure he would like to take this home for the campaign. But when you put in bills that make no sense, all those people who have lost their textile jobs in South Carolina due to international trade and qualify for health tax credits, well, they would be out of luck, too. And the gentleman from South Carolina is going to expect to sell this proposal to the baby boomers in this country who are about to go on a fixed income? Let us take the best case, a 36 percent sales tax. How is he going to sell that and get elected to the United States Senate?

The Health Insurance Association of the United States states that one of the consequences of a flat tax bill is likely to be a rapid increase in the number of people without private health insurance coverage.

□ 1630

One economist estimated that there would be 8 million more people without health benefits if a flat tax proposal was enacted. James Poterba, an economist at MIT, estimated that eliminating the current tax law benefits for purchasing homes could result in a 17 percent decline in the value of the U.S. housing market.

What about payroll taxes? A flat tax proposal may eliminate the deduction that employers pay for their payroll taxes, amounting to a massive tax increase on businesses of all sizes.

The American public may seem naive to some people running for the other body; but they know what this would mean, which is why the President, the President of the United States, who says he wants to tear the tax structure out by its roots, would not even admit that he supports the gentleman from South Carolina's (Mr. DEMINT) proposals.

If you are out here to help families and you want people to adopt children, this bill is flawed. Too much of the money goes to people on the top end like every other proposal that we have brought out here by this administration and this Republican majority. But if you want to make that kind of proposal, then do not put in these silly bills for a sales tax for this country because the people are going to wonder if you are serious about anything. Nobody who is serious about helping people adopt children is going to think that a sales tax on tennis shoes and diapers and all the things that go with kids makes any sense whatsoever.

We will all vote for this, but I think the people should know what the proposer actually has in mind.

Mr. CAMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BRADY), a distinguished member of the Committee on Ways and Means.

Mr. BRADY of Texas. Mr. Speaker, first let me thank the gentleman from Michigan (Mr. CAMP) as a leader in the Committee on Ways and Means on encouraging adoption and the gentleman from South Carolina (Mr. DEMINT), who has been a leader on this issue for many years since I have been a Member of Congress and have come to know him.

I am an adoptive father. My wife and I have two little baby boys, a 5-year-old son, a redhead, named Will; a 2-year-old named Sean. Whoever said that at my age having young kids keeps one young is absolutely wrong. They make us old fast. But they are an absolute joy to us. And it is only in Washington, unfortunately, that we have such a serious subject about trying to help families build their families with an adopted child, that we have an election-year smear campaign brought to the Chamber against one of our colleagues who is running for an office in South Carolina. I guess in Washington these days it is sort of the order of business that one takes the serious issue of children and adoption, who are looking for a home, and then they run these horrible attacks from here from this Chamber. As an adoptive father, I think it is sad and really disgusting.

Let me make this point on this bill, which is really the subject of today, which is adoptions build families. It provides love and hope where really none exists, both for the child and for the parent as well. It is just a joy. And we are so proud of birth moms and dads who choose that option.

This bill is so important because adoptions are so expensive. I do not

know how families afford them anymore. If they use an agency, it is easy to begin with a $25,000 fee. If they have a private adoption, like we did, our first one was very expensive because the adoption was a little more complicated. One can easily spend $10,000 without blinking an eye. And that puts it out of reach for a lot of middle-income families in America.

And these adoptions are expensive for a reason. One, legal expenses. Over the years at the State level and the Federal level, we have tried to make sure adoptions stick. Both for the birth parents who are giving that child up and for the parents like myself who are adopting them, our legal costs are high, higher these days because these are stronger foundations and more secure adoptions, and that is good. But also we use a lot of those moneys for medical expenses through the agencies, working with the mom on prenatal care, making sure she is getting the checkups for the baby, making sure that child has a chance to have a healthy start in life. So the medical expenses are high. As a result of both of those, adoptions can be so expensive.

And, again, without this tax credit, here each and every year we are going to prevent some loving families from occurring. We are going to keep children in foster care who really ought to be in a loving home at night with parents reading to them and providing them with a future. This adoption tax credit is just critical. It ought not to be something that is temporary but permanent that families in our country can count on and encourage.

With that I urge support and appreciate the leadership again of the gentlemen from Michigan and from South Carolina.

Mr. CARDIN. Mr. Speaker, I yield such time as he may consume to the gentleman from North Dakota (Mr. POMEROY), a member of the Committee on Ways and Means.

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

I want to begin by offering the comment that on any tax measure brought to the floor of this House, I believe it is entirely appropriate to discuss the larger budget framework facing this country, the out-of-control deficit, the record level of deficit leading to records of levels of debt leading to the impending vote on debt limit. These are all very serious financial matters before the country and brought obviously germane to any discussion of tax cuts, even the one before us.

But I want to speak in favor of this bill. I would have preferred that an offset be included, offsetting the cost of this bill. But, nonetheless, this is a very measured, targeted, and important piece of social policy; and it strikes me right where I live.

On February 3, 1994, I was a freshman Member of this body. My workday ended with a drive to National Airport where my daughter came off the plane from Korea, my daughter, Kathryn, adopted daughter Kathryn; and it was the greatest day of my life, until May 29, 1996, when in another trip after another day out to National Airport brought me face to face for the first time with my baby boy, Scott.

These children have enriched my life more than anything else possibly could and beyond my wildest imagination. Each day with them is a pure joy. I now know, and am learning later than most, what a complete and fabulous adventure parenthood can be and how deeply satisfying it is to the very fundamental purpose of life.

I speak that from a parent's perspective. But I also care so deeply about the perspective of little children, little children who need homes, need families to love them. I especially am concerned about children in circumstances where placement has been difficult: special needs children, slightly older children, children that would pose for families considering adoption higher costs than an infant adoption.

Because I think this experience is so profound and fundamental to life experience, the business of having children who need homes, connected with parents who will love them and raise them as their own, I certainly do not want financial barriers getting in the way.

In the course of activity of recent years, we have moved in place an adoption tax credit, $5,000. We have now moved to double it. And with this action today, we would move to make it permanent. I think that is precisely what we need to do. We must not bar families from this experience because of their inability to front the significant up-front costs now ranging from $8,000 to $30,000 per adoption.

And my belief is that one would have to look long and hard to find an adoption agency for placement less than $15,000. So these are very significant costs. This tax credit will not cover all of them in the great majority of cases, but it will make a difference. This will make a critical difference in allowing families to participate in the miracle of adoption that otherwise would not be available.

I want to commend the gentleman from Michigan (Mr. CAMP), who in particular over the years has led this Congress and earlier Congresses in breaking down barriers that have kept kids in indeterminate status, in foster care arrangements with no certainty, no stability. He has, with earlier legislation, made it possible, I believe, to significantly change the national priority and move toward children's interests first, children interests, that being part of a permanent family.

The financial piece of this follows along with this legislation. I think it dovetails very nicely with the gentleman's earlier work.

So I ask that we put aside partisanship on the question of the bill before us. We certainly have much to discuss about the budget, as I mentioned at the outset; but this is important social legislation, the business of building families through the miracle of adoption, linking parents or would-be parents desiring to play out that role in a little one's life with children who need and want more than anything families to love them and raise them. This is good social policy. This is something we can agree on. Let us help it along with this tax credit, and I urge its adoption.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, just a couple of additional comments, and I want to thank the gentleman from North Dakota for his perspective.

And just for those of my colleagues who have budget concerns, as has already been mentioned, this bill fits into the budget. It is also the best investment this country could make, building strong families; and just the reduction in foster care alone more than offset this tax bill.

If I could say a word about the colleague who interrupted our celebration with some political comments about my sales tax, I would assure all my colleagues, so there will not be any concern, that I have never in this body supported anything that increased taxes or costs on the American people and do not intend to and would never support the type of legislation that was just described here. So I do not want there to be concern on the other side, because I cut taxes; I do not raise them.

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

Mr. CAMP. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

I was watching some of the coverage on TV of the debate and saw some of the worst demagoguery I have ever seen in my life. And we will hear it again and again.

It is true that the gentleman from South Carolina is a cosponsor of a bill for a sales tax. So are 54 of his friends in this House. And it is true that the sales tax would be at 23 percent of what we spend. But the fact of the matter is we are currently giving up 22 percent of what we spend to the current system.

A study that we have from the head of economics at Harvard argues that 22 percent of what we are currently spending at retail represents the embedded cost of the current system. One is paying every tax bill and compliance cost of every company that touched that house or that appliance or even that loaf of bread.

If we are to get rid of the income tax and the payroll tax and all tax on income, competition would drive that out of the system. And if we replace it with a 23 percent tax, we would have a 1 percent higher standard of living, but they would keep their whole check and the average income earner would have a 56 percent increase in take-home pay.

We have heard before the study out of the Joint Committee on Taxation that said it had to be at 50 percent or 60 percent. That is true, because they made some assumptions that the bill would not pass as written; and when they made those assumptions and took taxes off certain things, it raised the cost.

But just think about this for a moment. We have a negative savings rate in this country, which is to say we spend more than we earn. And if the tax needed to be 56 percent on what we spend, then surely we would have to argue that it has to be more than that on what we earn. And I do not hear anybody saying that we have an average income tax at 56 percent.

We are going to be forced to make some tough decisions in the very near future, and we are going to come to a system that gets the tax component out of the price system so that we are more competitive in the world economy. And the only bill that does that is the one that gets rid of all tax on income and the payroll tax. We spend 6 to 7 billion man-hours just filling out IRS paperwork. We spend at least that much time calculating the tax implications of a business decision. We lose 18 percent of our economy to making decisions based on the tax consequences instead of the economics. It is costing us somewhere between 300 and $500 billion a year just to comply with this complicated code.

What it is doing is it is forcing jobs overseas. If we became the only Nation in the world that sold goods and services into a global economy with no tax component in the price system, we would not only be voraciously competitive, but every foreign corporation would build its next plant in this country so that they could sell into a global economy with no tax component in the price system.

We have a coming crisis in Social Security and Medicare. Larry Kotlakof, an economist from Boston University, says that the shortfall, the 75-year unfunded liability in Social Security and Medicare, is $51 trillion.

□ 1645

The total household debt in America is less than $44 trillion. That system cannot survive by having employees pay for retirees. If we move it to a portion of the 23 cents of the sales tax, we would double the revenues to those categories in 15 years by doubling the size of the economy in 15 years.

Lastly, we have somewhere between $5 trillion and $6 trillion sitting in offshore accounts to protect them from the IRS because it is too expensive to repatriate money. A company would rather borrow at 6 percent than repatriate at 33 percent that. That money would all be in our shores if we were to become the world's largest tax haven, and we would be creating jobs with it.

To demagogue an idea without reading the 132 pages is what this House does an awful lot of. But if someone would take the time to read it and understand that we are already paying this tax, that we totally untax the poor by getting rid of the 22 percent embedded cost and by giving every household a check to totally untax them up to the poverty line, if they would begin to understand that this is actually a tax on accumulated wealth, relieving the tax for low-income people, maybe we could have an honest debate about this and maybe we could speak some truth on the floor of the House. It is way too much to expect, but let us give it a shot.

Mr. CARDIN. Mr. Speaker, this discussion is becoming a little bit more interesting than we thought.

Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from North Dakota (Mr. POMEROY).

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

Mr. Speaker, again I support the underlying proposition before us, but there are remarks made about a national sales tax that I simply have to respond to, representing a rural area like I do.

The principal industry in North Dakota is agriculture. Agriculture is based upon family farming. The economics behind a family farm are pretty interesting. Every year, these families essentially stake about everything they have got on making equipment payments, making land purchases, buying the inputs to get the crop in, the seed, the fertilizer, the gas to run the tractor.

You are not going to find for a family-sized small business, I do not think, an undertaking beyond family farming where there is so much money that goes out the door and into the ground with the hope that you are going to have a crop come around harvest time and have something to make up those costs with.

Why go into that is because, just think of it for a minute, suddenly you are going to add about a 23 cent per dollar hit on a national sales tax. You could not come up with a worse scheme if you imagined to knock family farmers out of business all across this country. I believe it would absolutely be a catastrophe to family farmers and to rural America.

Underlying the principle further is the whole notion that we should tax wages, not wealth. The gentleman talks about leaving the payroll tax intact. But for someone living comfortably on trust fund income, zero tax on those earnings; and then a tax, of course, on consumption, like everyone else would have.

What is at stake here is an effort to make incredibly regressive changes to the Tax Code so that the moderate-income families, the middle-income families in this country, suddenly assume a significantly new burden in terms of additional taxes away from the most affluent few.

You would think the changes already made, that have been documented to be so regressive in character, would already have been enough to satisfy this appetite. But there seems to be no limit to what they want to do in terms of increasing burden on the middle- and moderate-income families, while giving a pass to the most-affluent few. When it comes to a particular industry, one I know well, agriculture, this would be a death knell for family farming all across the country.

This national sales tax proposition is very bad business. Let us not let this concept take root, even in a discussion this afternoon on the adoption tax credit. This national sales tax is bad, bad business.

Mr. CAMP. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. LINDER).

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

Mr. Speaker, I guess it is too much for people to read the 132-page bill. We get rid of the payroll tax, we do not leave it in place, and there is simply no tax on farmers. It is only on personal consumption, and the Farm Bureau is very close to endorsing the entire idea.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, the gentleman from Georgia is correct, we never have enough time to discuss taxes out here. We usually run bills through here with no time at all to think about anything.

The fact is, if you really want to understand what this country is doing, there is a wonderful book called ''After the Empire'' by a guy named Emanuel Todd. He is the guy that predicted when the Soviet Union would come down. He is the only one who predicted it before it happened.

He is now talking about the chaos that this administration and this Republican majority have put this country in. You are borrowing enough money for the Defense Department. That is what you are borrowing. You are only taking in enough revenue to handle everything but defense, and you are borrowing all over the world, from the Chinese and the Japanese and the Europeans.

If some day they say to us, United States, we are tired of funding your Defense Department so you can come over here and hammer us or mess up things in the Middle East or run around the world anywhere you want and start a war, because you have got a President now who says we can start a war any time we want any place we want. The world is afraid economically of the United States.

This is a war of economics. It is not a war on terror, it is a war on economics. One of the reasons why we got into this whole business in the Middle East is because the rest of the world is thinking about leaving the dollar as

the currency that stabilizes the world and going to the Euro. They were doing it in Iran. Saddam Hussein was talking about doing it in Iraq. If they had done that to the oil economics of this world, we would have had a major catastrophe. So one of the side benefits of this little exercise over in Iraq was that we did not get oil denominated in Euros.

You people simply will not look at what you are doing. You cannot fight a war and have 700 bases all over the world and run a deficit of $450 billion every year for the whole future that you can see.

This little bill here today is a minor issue; we know that. But it gives us an opportunity to point out that your economics are upside down.

You talk great things about, we are going to reform the tax system. We had a chairman on the Committee on Ways and Means for the 10 years he was here, who said he was going to reform the tax system, was going to tear it out by its roots, but he never brought a bill to the committee.

So it really is all talk, because you know it is nonsense. You want the American people to believe it. You want the American people to believe that we can get rid of that awful, terrible income tax and we will have this nice, easy sales tax that somebody else will pay. But when you look at it and how it actually works, it does not work, and that is why you will not do it.

You have no courage. You own both Houses, both the Senate and the House, and you have never brought that bill out here to be discussed. Why not? Because you know it is nonsense. You know it is nonsense. That is why you have to run these bills through in the middle of the night with 1 hour's debate or 2.

So, let us be honest here about taxes. This little one will pass, but do not give us this sales tax or what you are going to rip out by the roots.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY). The Chair reminds Members that remarks should be made to the Chair and not to others in the second person.

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

Mr. Speaker, as I said in the beginning, I support this bill. It is good policy, the adoption tax credit. It should be made permanent. This bill will make it permanent. It helps families who need help in adopting children, particularly those with special needs.

But I want to point out that this bill removes the sunset that would take effect in the year 2010. So if this bill were not to be enacted into law this year, I want people to understand that we are not endangering the ability of families to take advantage of the tax credit. There is no urgency as far as the expiration of the tax credit itself is concerned.

I do want to correct statements that I think were made by two of my colleagues, because I think they were misleading when it was said that the passage of this tax credit is consistent with the budget. We have not passed a budget. We have not reconciled the difference between the House and the other body.

Now, I know my colleagues will say, well, we passed one here and we are consistent with what we did. But there is no budget that puts us on a glide path towards responsible budgeting.

That is my concern, Mr. Speaker, and that is one of the reasons I raised the issue. The deficit this year is $422 billion. I do not believe any one of my colleagues is happy with that result.

What will this bill do? It will add a little bit more to the deficit. It will add a little bit more to the red ink of our Nation. I find that regrettable. I think we need to institute budget discipline. We need to offset our expenditures, whether they are in the Tax Code or in the operating budget, so that we do not add to the red ink of the Nation.

Unfortunately, this bill will not do that. And it would be easy for us to agree in a bipartisan manner to the necessary offsets so this bill does not add further to the deficit.

That is the offer that I make on behalf of this side of the aisle. Yes, we support this legislation. Yes, we will work with you to make sure it gets to the President for his signature. But work with us so we do not continue to add red ink and debt to our Nation.

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

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

Mr. Speaker, let met just get back to the basics about what this bill is about. In 2001, this Congress passed tax relief which included an increased and enhanced adoption tax credit. This new law will expire. The sunset was included in the law simply to comply with Senate procedural rules. This legislation would repeal that sunset so that the adoption tax credit provisions remain permanent.

If this legislation, H.R. 1057, is not enacted, then the adoption tax credit would be cut from a maximum of $10,000 to zero. Families who adopt special needs children would no longer receive the flat credit. Instead, it would be a much more limited credit.

Also, certain families may be pushed into higher tax brackets. Fewer families will be eligible for the credit altogether. This is important, because not only can adoptions be very, very expensive; as I mentioned earlier, it would mean that many families could not afford adoptions.

I have a letter here that I will include for the record, a statement of administration policy strongly supporting this legislation, recognizing that adoption is a tremendously wonderful way to build families and to provide loving homes for children in need.

This tax relief will help provide the financial relief families need. The home studies and some of the medical checks that are necessary as a result of an adoption can be very, very expensive, and this will help families as they take that very important step.

So the administration supports this legislation and is urging that we have quick action in Congress to reduce the financial burdens that families have when they undertake adoptions by making this important part of the tax relief that we passed in 2001 permanent.

Mr. Speaker, I urge adoption of this resolution and submit the letter I previously mentioned.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, September 22, 2004.

STATEMENT OF ADMINISTRATION POLICY

H.R. 1057—ADOPTION TAX RELIEF GUARANTEE ACT (REP. DEMINT (R) SOUTH CAROLINA AND 203 COSPONSORS)

The Administration strongly supports H.R. 1057, which would permanently extend the expanded tax relief for adoption enacted in 2001. Adoption is a wonderful way to build a family and to provide a loving, permanent home to a child in need. Making the tax relief for adoptions permanent will provide financial relief to families taking this important step.

The President has called on Congress to make provisions of the 2001 and 2003 tax relief acts permanent to prevent tax increases from hitting America's families, small businesses, investors, farmers, and seniors. Tax relief has greatly helped the economy weather the storms of recent years and fueled the economic recovery underway today. Making tax relief permanent will lay the foundation for sustained economic growth and job creation over the long term and enable taxpayers to better plan for their future.

The Administration is pleased that the House is acting now to make tax relief for adoption permanent. The Administration urges quick action in Congress to reduce the financial burden of families undertaking adoption by making this important part of the President's tax relief plan permanent.

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 Michigan (Mr. CAMP) that the House suspend the rules and pass the bill, H.R. 1057.

The question was taken.

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

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

The yeas and nays were ordered.

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

□ 1700

GENERAL LEAVE

Mr. CAMP. 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 subject of H.R. 1057, the bill just considered.

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

There was no objection.

CALLING FOR THE SUSPENSION OF SUDAN'S MEMBERSHIP ON THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 137) calling for the suspension of Sudan's membership on the United Nations Commission on Human Rights.

The Clerk read as follows:

S. CON. RES. 137

Whereas in Darfur, Sudan, more than 30,000 innocent civilians have been murdered, more than 400 villages have been destroyed, more than 130,000 men, women, and children have been forced from their villages into neighboring countries, and more than 1,000,000 people have been internally displaced;

Whereas the United States Government has been, and remains as of September 2004, the largest contributor of assistance to the people of Darfur, having provided over $200,000,000 in assistance, which constitutes more than 70 percent of the total assistance provided to that region;

Whereas the United States has pledged $299,000,000 in humanitarian aid to Darfur through fiscal year 2005, as well as $11,800,000 in support of the African Union mission in that region, and is likely to provide support in excess of those pledges;

Whereas United States citizens and private organizations, as well as the United States Government, have admirably worked, at great risk and through great effort, to ease suffering in Darfur, Sudan, and in eastern Chad;

Whereas based on credible reports, Congress determined in late July 2004 that acts of genocide were occurring in Darfur, Sudan, and that the Government of Sudan bears direct responsibility for many of those acts of genocide;

Whereas expressing its grave concern at the ongoing humanitarian crisis and widespread human rights violations in Darfur, including continued attacks on civilians that place thousands of lives at risk, the United Nations Security Council on July 30, 2004, unanimously adopted Security Council Resolution 1556, which called upon the Government of Sudan to fulfill immediately its obligations to facilitate humanitarian relief efforts, to take steps to disarm immediately the Janjaweed militias responsible for attacks on civilians and bring the perpetrators of such attacks to justice, and to cooperate with independent United Nations-sponsored investigations of human rights violations;

Whereas the Government of Sudan has failed to take credible steps to comply with the demands of the international community as expressed through the United Nations Security Council;

Whereas according to press reports, reports from nongovernmental organizations, firsthand accounts from refugees, and other sources, the Janjaweed attacks on the civilians of Darfur continue unabated as of September 2004;

Whereas there are credible reports from some of these same sources that the Government of Sudan is providing assistance to the Janjaweed militias and, in some cases, that Government of Sudan forces have participated directly in attacks on civilians;

Whereas the United States Government, after conducting more than 1,000 interviews with survivors and refugees, has determined that genocide has occurred in Darfur, that it may still be occurring, and that both the Janjaweed and the Government of Sudan bear responsibility for these acts;

Whereas the Secretary of State has determined that the attacks by the Government of Sudan and the Janjaweed on the non-Arab people of Darfur and their villages are based on race, not religion;

Whereas the United States has recently introduced a new resolution in the United Nations Security Council that calls for the Government of Sudan to cooperate fully with an expanded African Union force and for a cessation of Sudanese military flights over Darfur;

Whereas the introduced resolution also provides for international overflights of the Darfur region to monitor the situation on the ground and requires the United Nations Security Council to review the record of compliance of the Government of Sudan to determine whether the United Nations should impose sanctions on Sudan, including sanctions affecting the petroleum sector in that country;

Whereas the resolution also urges the Government of Sudan and the Sudanese People's Liberation Movement to conclude negotiations on a comprehensive peace accord and, most important, calls for a United Nations investigation into all violations of international humanitarian law and human rights law that have occurred in Darfur in order to ensure accountability;

Whereas the United Nations Security Council, in United Nations Security Council Resolution 1556, emphasized that the Government of Sudan bears primary responsibility for respecting human rights and protecting the people of Sudan;

Whereas United Nations Security Council Resolution 1556 calls upon the Government of Sudan to cooperate with the United Nations;

Whereas the United Nations Human Rights Commission, established in 1946 and given the responsibility of drafting the Universal Declaration of Human Rights, is responsible for promoting respect for and observance of, human rights and fundamental freedoms for all;

Whereas the Universal Declaration of Human Rights declares that all human beings are born free and equal in dignity and rights, that everyone is entitled to all the rights and freedoms set forth in the Declaration regardless of race, color, sex, language, religion, political or other opinion, or national or social origin, property, birth, or other status, that everyone has the right to life, liberty and security of person, that no one shall be held in slavery or servitude, and that no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment;

Whereas the Convention on the Prevention and Punishment of Genocide, done at Paris on December 9, 1948 (hereafter in this resolution referred to as the ''Genocide Convention''), delineates the criteria that constitute genocide and requires parties to prevent and punish genocide;

Whereas Sudan is a state party to the Genocide Convention and remains a member of the United Nations Commission on Human Rights;

Whereas the Secretary of State determined that, according to United States law, the Government of Sudan is a state sponsor of terrorism and has been since 1993 and therefore remains ineligible for United States foreign assistance;

Whereas due to the human rights situation in Darfur, it would be consistent with United States obligations under the Genocide Convention for the Secretary of State and the United States Permanent Representative to the United Nations to seek the immediate suspension of Sudan from the United Nations Commission on Human Rights and, in the event a formal investigation results in a determination by the United Nations that genocide has occurred in Darfur, the ultimate removal of Sudan from such Commission; and

Whereas it is a mockery of human rights as a universal principle, a challenge to the United Nations as an institution, and an affront to all responsible countries that embrace and promote human rights that a government under investigation by the United Nations for committing genocide against, and violating the human rights of, its own citizens sits in judgment of others as a member in good standing of the United Nations Commission on Human Rights: Now, therefore, be it

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

(1) recognizes and approves of the findings of the Secretary of State that genocide has occurred and may still be occurring in Darfur, Sudan, and that the Government of Sudan bears responsibility for such acts;

(2) supports the Secretary of State's call for a full and unfettered investigation by the United Nations into all violations of international humanitarian law and human rights law that have occurred in Darfur, with a view to ensuring accountability;

(3) supports the resolution introduced by the United States Government in the United Nations Security Council on September 9, 2004, with regard to the situation in Darfur;

(4) calls upon the Secretary of State and the United States Permanent Representative to the United Nations to take immediate steps to pursue the establishment of a formal United Nations investigation, under Article VIII of the Genocide Convention, to determine whether the actions of the Government of Sudan in Darfur constitute acts of genocide;

(5) calls upon the Secretary of State and the United States Permanent Representative to the United Nations to take immediate steps to pursue the immediate suspension of Sudan from the United Nations Commission on Human Rights;

(6) calls upon the Secretary of State and the United States Permanent Representative to the United Nations to take further steps to ensure that the suspension of Sudan from the United Nations Commission on Human Rights remains in effect unless and until the Government of Sudan meets all of its obligations, as determined by the United Nations Security Council, under United Nations Security Council Resolution 1556 of July 30, 2004, and any subsequent United Nations Security Council resolutions regarding this matter;

(7) calls upon the Secretary of State and the United States Permanent Representative to the United Nations to take steps to ensure that, in the event that the formal investigation of acts of genocide in Sudan results in a determination by the United Nations that genocide has occurred or is occurring in Darfur, the United States Government takes appropriate actions to ensure that Sudan is removed from the United Nations Human Rights Commission;

(8) calls upon the member states of the United Nations Commission on Human Rights to convene an immediate special session to consider the urgent and acute human rights situation in Sudan for the purpose of considering whether Sudan should be suspended from membership in such Commission; and

(9) expects the Secretary of State to report to Congress on progress made toward taking the actions and accomplishing the objectives

outlined in this resolution not later than 60 days after the date on which Congress agrees to the resolution.

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

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

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

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

In April of 2004, Mr. Speaker, at the same time as world leaders were gathered in Kigali, Rwanda, to remember the Rwandan genocide of 10 years earlier, a humanitarian cease-fire was signed between the government of Sudan, the Sudan Liberation Movement/Army, and the Sudan Justice and Equality Movement to end the atrocities and reverse the humanitarian crisis in Darfur. The agreement was facilitated by the U.S., European Union, the African Union and the United Nations. All parties agreed to take immediate steps to stop the violence and atrocities being perpetrated by the Janjaweed militias.

Sadly, the agreement was not worth the paper it was written on, and the violence continued. The U.N. Humanitarian Coordinator for Sudan later said, ''The only difference between Rwanda and Darfur now is the numbers involved.'' President Bush confirmed this conclusion on September 9 by declaring ''The United States is appalled by the violence in Darfur, Sudan. The world cannot ignore the suffering of more than 1 million people.''

Mr. Speaker, despite the best efforts of the U.S. Government, including the extraordinary efforts of Ambassador Williamson at the U.N. Conference in Geneva, and I was there and I saw it up close and personal, he did an extraordinary job; Sudan was given nothing more than a half-hearted slap on the wrist during the sixtieth session of the U.S. Commission on Human Rights which concluded its work in May. Like I said, I was there in Geneva, and I was appalled when Sudan was reelected to serve on the commission for another 2 years. The hypocrisy of the election of Sudan, one of the worst violators of human rights on the planet, to serve on the U.N. Commission For Human Rights should not be lost on anyone. It is utterly outrageous.

Sudan now, as it has in the past, uses its clout on the Human Rights Panel to thwart scrutiny of its policies and to water down resolutions of condemnation. Sudan uses its seat on the committee to network and to collude with other rogue nations to run interference for the dictatorships. And again, I saw that firsthand as they were walking the halls in Geneva and working the room to try to water down resolutions.

Finally, let me just say, Mr. Speaker, the atrocities committed in Darfur have all been well documented. An estimated 50,000 people have been killed and another 300,000 face imminent death in the coming months. Over a million have been displaced, and some 200,000 others have been forced to flee to neighboring Chad. This atrocity must come to an end. This resolution again puts us on record in trying to mitigate and, hopefully, end this crisis.

Mr. Speaker, in April 2004, at the same time as world leaders were gathered in Kigali, Rwanda to remember the Rwandan genocide of 10 years earlier, a humanitarian cease-fire was signed between the government of Sudan, the Sudan Liberation Movement/Army, and the Sudan Justice and Equality Movement to end the atrocities and reverse the humanitarian crisis in Darfur. The agreement was facilitated by the United States Government, the European Union, the African Union, and the United Nations. All parties agreed to take immediate steps to stop the violence and atrocities being perpetrated by the Janjaweed militias.

Sadly, the agreement wasn't worth the paper it was written on and the violence continued. The U.N. Humanitarian Coordinator for Sudan later said, ''The only difference between Rwanda and Darfur now is the numbers involved.'' President Bush affirmed this conclusion on September 9 by declaring, ''The United States is appalled by the violence in Darfur, Sudan . . . The world cannot ignore the suffering of more than one million people.''

Despite the best efforts by the United States Government, including the extraordinary efforts of Ambassador Williamson, Sudan was given nothing more than a half-hearted slap on the wrist during the 60th Session of the U.N. Commission on Human Rights, which concluded its work in May. I was there in Geneva and was appalled when Sudan was reelected to serve on the Commission for another two years. The hyprocacy of the election of Sudan—one of the worst violators of human rights on the planet—to serve on the U.N. Commission for Human Rights should not been lost on anyone. It is utterly outrageous.

Sudan uses its clout on the Human Rights Panel to thwart scrutiny of its policies and to water down resolutions of condemnation. Sudan uses its seat on the Committee to network and collude with other rogue nations to run interference for dictatorships.

Mr. Speaker, this is the third time in the past 4 months that this House has considered resolutions which have shed light on the crisis in the Darfur region. The first resolution, House Concurrent Resolution 403, condemned the Government of Sudan for its attacks against civilians in Darfur. The second, House Concurrent Resolution 467, declared that the atrocities taking place in Darfur constitute genocide. This declaration of genocide was affirmed by President Bush and Secretary of State Powell. Senate Concurrent Resolution 137, which lies before you now, represents a logical next step.

Senate Concurrent Resolution 137 endorses the Secretary of State's call for an investigation into violations of international humanitarian law and human rights law that have occurred in Darfur, and calls for Sudan's suspension from the Commission on Human Rights until that investigation has been completed. Should the investigation lead to a determination by the United Nations that genocide has occurred or is occurring in Darfur, the resolution calls for the removal of Sudan from the Human Rights Commission. Finally, the resolution calls upon the Member States of the Human Rights commission to convene an immediate special session to consider suspension of Sudan's membership.

The atrocities committed in Darfur have been well documented. An estimated 50,000 people have been killed, another 300,000 face certain death in the coming months, over a million have been internally displaced and some 200,000 others have been forced to flee to neighboring Chad. Attacks show a systematic pattern and include murder, rape, gender-based violence, and other scorched earth tactics. Despite the existence of a cease-fire, African Union monitors have confirmed government support for and participation in attacks against civilians in Darfur as recently as August 26, 2004. Human Rights Watch reports that the Sudanese Government has allowed the Janjaweed to maintain military camps in all Darfur states—several of which they share with the Sudanese Army—and that many Janjaweed have been incorporated into the army or police.

On July 22, 2004 the House voted unanimously to declare that the atrocities in Sudan constituted genocide. On September 9, 2004, the State Department followed suit, releasing a report which outlines these atrocities and concludes that the Sudanese Government has ''promoted systematic killings based on race and ethnic origin,'' and that these acts constitute genocide.

It is unconscionable that a government which has perpetrated genocide would be welcome to sit on the U.N. Commission on Human Rights—the very body charged with the protection of human rights around the globe. Sudan should be in the dock—being held accountable for crimes against humanity. Sudan's flagrant disregard for the principles enshrined in the Universal Declaration of Human Rights makes a mockery of the Human Rights Commission's work, and tangibly undermines that work. Its continued presence on that Commission degrades the United Nations system as a whole.

The preamble to the Universal Declaration of Human Rights places great importance on each member country having a common understanding of human rights and freedoms. One must wonder if the Government of Sudan, which has demonstrated such a flagrant disregard for these principles, has ever read that document. If they have, surely they have not taken it to heart.

Mr. Speaker, I welcome the recent adoption of United Nations Security Council Resolution 1565, which establishes the International Commission of Inquiry called for by both this body and by President Bush. But in light of the evidence already before us, I believe it would be extraordinarily difficult to make an argument against suspending Sudan's membership from the U.N. Commission on Human Rights. This resolution is timely, it is logical, and I urge your support.

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that the gentleman from New York (Mr. MCHUGH) control the remaining time on our side.

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

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I would first like to commend our colleagues in the Senate for passing this critically important resolution. The passage was in the spirit of a bipartisan, bicameral coalition that has worked together over the last few years and few months, in particular, on the problem in Darfur, to bring peace and justice there. I commend the gentleman from New Jersey (Mr. SMITH) on his statement and all of those who have worked so diligently, including the gentleman from Colorado (Mr. TANCREDO), the gentleman from Virginia (Mr. WOLF), the gentleman from Maryland (Mr. CUMMINGS) of the Black Caucus, who have all come together to support the terrible actions of the government of Sudan.

Mr. Speaker, this past May, the United Nations Economic and Social Council voted on candidate states for 14 open seats on the Human Rights Commission, the monitoring watchdog of the United Nations. To the dismay of the international community, Sudan was nominated from the Africa group.

Just one month later, the commission censured Sudan over its severe human rights violations in the country's western Darfur region. Sudan was charged with systematically destroying whole villages, executing civilians, raping women and displacing hundreds of thousands of people. I went to that region, to Chad and went 30 miles from the border of Sudan and talked to the refugees there and heard firsthand the horrible stories that they told us about rapes and beatings of children, boys being forced into huts and the huts being burned, just horrible, horrible stories.

Mr. Speaker, this is the same government that gave sanctuary to Osama bin Laden from 1991 to 1996, allowing him to build his terror network worldwide. In fact, I would argue that al Qaeda was conceived and created in Sudan in the early 1990s. Other terrorist acts also link current officials directly to a number of the terrorist acts, and they still sit in the government of Sudan.

Mr. Speaker, in the north-south conflict, more than 2 million people perished, and an estimated 5 million people have been displaced over the last decade. It is the same government that terrorized, enslaved and killed innocent civilians in southern Sudan and the Nuba that is now yet again engaged in the terror campaign that we see in Darfur in western Sudan. We cannot stand idly by, silent and allow Sudan a seat on that body while it is responsible for the ongoing genocide against the people of Darfur.

Before the House and Senate adjourned for summer recess, both chambers took a historic step in passing a resolution declaring that genocide is occurring in Darfur. The Congress has never declared genocide while it was occurring. So this was a giant step forward.

Finally, the administration came to the same conclusion following its own independent investigation, that the Sudanese government was sponsoring genocide by the Janjaweed militia against the ethnic Africans in Darfur.

This past Saturday, the U.N. Security Council approved a U.S.-sponsored resolution asking U.N. Secretary Kofi Annan to set up an investigative commission. This Commission would determine whether the violence in Darfur amounts to genocide. The resolution also threatens oil and other targeted sanctions against Sudan if atrocities continue in Darfur.

We were disappointed by the weak nature of this resolution and for its limited effects. The reaction from Khartoum that ''it could have been a lot worse'' shows us how far we are from a strong resolution on Darfur. While it passed by 11 votes, I must express extreme disappointment with China, Algeria, Russia and Pakistan, the four nations that abstained from supporting this resolution. As a matter of fact, China had declared that it may veto it, and therefore, the resolution was really diluted, and they still abstained.

We, as the United States, need to rethink our relationships with these nations. One suggestion could be that we revoke Normal Trade Relations status with the People's Republic of China. How would they like it if we said, no longer do you have normal trade relations or, as we used to call it, preferential treatment. I think it would perhaps make them sit up and listen.

Pakistan, called a friend by the administration for its partnership in the war on terrorism, is promoting the terrorist government of Sudan by abstaining on the vote. In a statement today, Khartoum called these nations its ''true friends.''

While the government of Sudan grudgingly accepted the resolution, as we speak its surrogate militias continue their gruesome assault on innocent men, women, and children in Darfur. Further, in response for calls to international civilian protection forces, Khartoum's leaders threatened to open the ''five gates of hell'' against such protection.

In a cynical attempt to pretend it has taken action to protect its civilians, Khartoum has recycled Janjaweed militia killers to the Sudan police force and is now using them to guard the camps for the displaced.

Mr. Speaker, how can we expect killers to protect those who they seek to kill? It is an unconceivable notion. How can we stand by and allow this murderous regime to sit on the U.N. Human Rights Commission?

Mr. Speaker, with more than as many as 50,000 civilians slaughtered and over 1 million driven off their lands into unprotected camps, we cannot allow Khartoum to degrade the purposes of the Human Rights Commission by its presence. It is incumbent that the United States Government continue to lead the world on this matter of genocide and do everything possible to have Sudan suspended from the Commission.

The African Union should be recognized for what they are doing in sending 300 monitors to Darfur, but this is definitely not enough. The AU has been sponsoring negotiations between the parties in Abuja, Nigeria, since August 23. The combination of international pressure and facilitation by the AU hopefully will help move Darfur out of this crisis and on to the road of peace.

Mr. Speaker, I commend Secretary of State Colin Powell for finally calling the Darfur genocide by its rightful name. I also want to say that we must, as Secretary Powell has stated, support the AU. It is our responsibility as members of the international community and the United States in particular, as the world's wealthiest Nation, to work along with the African Union and not leave the formidable Darfur crisis to fall on their shoulders alone. They need our support.

So, therefore, I would like to also urge all of our colleagues in the House to support H.R. 5061, introduced by the gentleman from Colorado (Mr. TANCREDO) and myself to provide assistance for the current crisis in the Darfur region of Sudan and to facilitate a comprehensive peace plan in Sudan. I urge my colleagues to support S. Con. Res. 137.

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

GENERAL LEAVE

Mr. MCHUGH. 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 Senate concurrent resolution now under consideration.

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

There was no objection.

Mr. MCHUGH. Mr. Speaker, it is my honor now to yield such time as he may consume to the gentleman from Virginia (Mr. WOLF), a gentleman who is certainly no stranger to humanitarian causes and who has traveled the world over in support of the oppressed wherever they may be found and no stranger to this region and the good people of this Congress.

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

Mr. WOLF. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman from New Jersey (Mr. PAYNE) for his faithfulness and his leadership on this issue. I share his statement, and I am a supporter of his bill and the gentleman from Colorado (Mr. TANCREDO), and I urge all

Members on both sides to cosponsor his bill.

Mr. Speaker, I rise in strong support of S. Con. Res. 137 calling for the suspension of Sudan's membership on the United Nations Commission on Human Rights. I want to commend Majority Leader FRIST and the gentleman from Illinois (Speaker HASTERT) for moving this important resolution very quickly through the Congress, and also the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS).

On September 9, Secretary of State Colin Powell declared that genocide is occurring in Darfur, and we all owe Secretary Powell a debt of gratitude, because that took a tremendous amount of courage, and he did it.

Sudan is accused of the most heinous crime which can be inflicted on an entire group of people. The gravity of what is occurring must not be lost on anyone, not the United States, not the international community and certainly not the United Nations.

On July 30, the United Nations Security Council unanimously adopted Security Council Resolution 1556, calling on the government of Sudan to fulfill immediately its obligation to facilitate humanitarian relief efforts and disarm the Janjaweed militia, bring those responsible for atrocities in Darfur to justice and to cooperate with U.N.-sponsored human rights monitors.

To date, the government of Sudan has failed, has failed to comply with that U.N. resolution.

The Janjaweed is still attacking innocent civilians with support from the government of Sudan, and as recently as late August, credible reports point to direct attacks on villages by the government of Sudan. Just last week, the U.N. Security Council passed a new resolution, as the gentleman from New Jersey said, stating that the government has failed to meet the requirements under the previous resolution and calling on Sudan to cease attacks and cooperate fully with the expanded African Union force or face economic sanctions.

It may come as a surprise to some that Sudan, the country that is committing genocide, the country that is allowing people to go on to kill men, rape women, abduct children and burn villages, sits on the United Nations Human Rights Commission, the lone body responsible for promoting respect for and observance of human rights and fundamental freedoms.

□ 1715

I call on the United Nations to seek the immediate suspension of Sudan from the United Nations Commission on Human Rights. And if the United Nations determines that genocide has occurred in Darfur, to see that Sudan is permanently banned from the commission. This is a test for the United Nations. More importantly in some respects, this is a test for Kofi Annan. Kofi Annan is a good man, decent, honest. But Kofi Annan was the head of the U.N. Peacekeeping Forces in 1994 when the genocide swept through Rwanda and 800,000 Tutsis died. The fact that he was in at that time when genocide took place in Rwanda and is now the head of the whole organization when genocide is taking place in Darfur gives him a tremendous burden and responsibility and that responsibility is to immediately seek the suspension of Sudan from the Commission of Human Rights. It is a slap in the face to the pursuit of universal human rights and a direct affront to the United Nations and all countries which respect the God-given rights of their citizens to have Sudan sit in judgment of others as a member of that commission.

I urge every Member to vote in favor of this resolution. I thank the chairman. I want to particularly thank the gentleman from New Jersey (Mr. PAYNE). He has been there from the very, very beginning as many others have, the Black Caucus has, the gentleman from Colorado (Mr. TANCREDO), Senator BROWNBACK, Senator FRIST and many others. I think eventually we will be successful, but I want to thank the gentleman.

Mr. PAYNE. Mr. Speaker, let me thank the gentleman who has really done an outstanding job in this area for a decade, and I certainly would like to associate myself with his remarks.

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

Mr. HOYER. Mr. Speaker, I thank my friend, the gentleman from New Jersey (Mr. PAYNE), for yielding me time.

I want to join the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. MCHUGH) and others in congratulating the gentleman from New Jersey (Mr. PAYNE) for his leadership, his tenacious, unwavering leadership on this issue, calling the Congress's attention, calling America's attention, indeed, focusing the international community's attention on the genocide that is occurring before our eyes.

Mr. Speaker, the international community can no longer avert its eyes from the humanitarian and human rights catastrophe that is occurring in the Darfur region of Sudan today. Secretary of State Powell has labeled the killings in Darfur as genocide, pointing out that the attacks on innocent men, women, and children by the Sudanese government and the Arab militia group called the Janjaweed are part of a ''coordinated effort, not just random violence.'' This is an intentional, considered act of murder.

The United Nations calls the situation the ''world's worst humanitarian crisis.'' An estimated 30,000 civilians have been murdered. More than 400 villages have been destroyed. One million people have been displaced, and 130,000 have fled to neighboring Chad. And still, and still the international community stands on the sidelines.

Mr. Speaker, inaction in the face of genocide must not be an option. The international community and the United States must be prepared to act to end the armed conflict at the heart of this crisis. Regrettably, the U.N.'s record of responding to crises of this type and magnitude, notably in Rwanda and the Balkans, has been shameful, shameful. The United Nations talks about it, but it does not walk. The United Nations rings its hands but does not raise its hands to stop the killing.

I watched with grief as the United Nations blue helmets were on the ground in Bosnia, watching genocide be perpetrated, and they did nothing to stop it. We watched as the world, ourselves included, lamented what was happening in Rwanda and 800,000 defenseless, innocent souls perished because the mighty stood by and watched. History will not judge us well for that negligence.

Did the slaughter of hundreds of thousands 10 years ago not teach us anything? Does the painful memory of our inaction then not compel a different response today? The answer is muted at best.

We pass resolutions in this body. We talk in New York and people die. We continue to talk in New York and people are displaced. We continue to talk in New York and women are raped. We continue to talk in New York and children starve. Talk is cheap. Talk does not stop killing. Talk does not stop genocide.

It is time for the world to act. This resolution by itself will not diffuse the crisis or stop the bloodshed, but it is nevertheless a siren call to the world that we can no longer ignore the genocide, we can no longer rationalize those who commit it. We ought not to treat as citizens of the world and the United Nations nations who commit genocide.

This resolution is an explicit recognition that is not only a perverse, but a grotesque, situation that Sudan is allowed to retain its membership on the United Nations Commission on Human Rights. What kind of world do we live in where the perpetrator of genocide is included on the nations of the world's Commission on Human Rights? Is there no intellectual honesty in the international community?

This resolution would urge our Nation's representatives at the U.N. to seek the immediate suspension of Sudan from the commission. I would go further than that. I would suggest the immediate suspension of Sudan from membership in the United Nations until this genocide stops. But this resolution is appropriate. It is not enough, but it is a step; and I support it.

I thank my friend from New Jersey (Mr. PAYNE) for his leadership and for his yielding me time.

Mr. MCHUGH. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. BACHUS) who also has a great interest in this resolution and is a member of this cause.

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

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

I too want to commend the gentleman from New Jersey (Mr. PAYNE). As the gentleman knows, I have been a member of this Congress since 1992; and it seems like ever since I have been a member of this Congress, we have been hearing about Sudan. We first heard about Sudan when the Secretary of State declared Sudan a state sponsor of terrorism and determined that they had been since 1993.

We may recall that Osama bin Laden, who many of us were unaware of who he was and what he was until 9/11, but he in fact had his base of operations in Sudan. He was sponsored by the government of Khartoum. It is the same Sudan that we are here today talking about. The gentleman from New Jersey (Mr. PAYNE), the gentleman from Virginia (Mr. WOLF), Senator BROWNBACK, many have traveled to Sudan. We have talked to refugees. We have talked to survivors from Southern Sudan, people who have witnessed their families being killed.

At that time we suspected that religion may be the root cause because many of those in Southern Sudan were Christians. The Khartoum government was a Muslim government. All was a factor. But whatever the factors, we spoke out and as this House sponsored a sanction, a similar sanction to what the U.N. is considering now against the oil. The Sudanese government duly pulled back at that time, and we passed with only two dissenting votes. It was a strong sanction. It went over to the Senate, and it died there.

Since that time, the one difference in the sanctions that are being considered now and the sanctions that were being considered then is that 2 million Sudanese have died. Action is too late for them. Their bones have long since been buried in Sudan where there are too many graves.

This latest action by Sudan, and all this time they were members of a select group, the United Nations Commission on Human Rights, a country where we have witnessed the worst human rights violations and the worst humanitarian violations known to the world, has sat this entire time on the U.N. body that is designed to take action against. What a travesty. What an embarrassment. What a blight on our international community and on the U.N.

This resolution is a start; but, I would say, and the gentleman from Virginia (Mr. WOLF) and I had thought maybe he might do it today, he introduced back on September 9 ''Documenting Atrocities in Darfur.'' And what we are now witnessing in Western Sudan, for a while in Southern Sudan it was hidden, and there were explanations given by the Sudanese government. There is no explanation. There is no justification. There is no, there are simply no grounds for what is happening in Western Sudan today.

It follows a pattern. And the Sudanese government says we cannot control these Arab militia, Janjaweed. We cannot control them. They say this is a historic thing between nomadic Arab tribesmen and black farmers, and it is just something that has gone on for hundreds of years.

What has gone on for hundreds of years is they have lived peacefully together for hundreds of years. What is going on today is not an Arab militia out of control. It is, in fact, the government of Khartoum.

Thirteen hundred survivors were interviewed, and 25 percent of them said it was not Arab militia. It was government bombers and aircraft and helicopters who flew over our villages, strafed our villages, killed our people. It was not Arab militia because the Arab militia did not have aircraft. They did not have helicopters. This was the government of Khartoum.

Of those interviewed, half of the survivors say that government troops participated in these raids and in these attacks. Read, if you will, what some of these refugees said. Here is what one said. He said, ''Slaves run. Leave the country. You don't belong here. Why are you not leaving this area? This area is for Arab cattle to go graze, not yours.''

A Sudanese tribesman was told by a man in a brown uniform and a hundred of his followers, ''This place belongs to Arab tribes. Blacks must leave.''

Look, if you will. I would ask every Member to read ''Documenting Atrocities in Darfur.'' It is only five pages long.

□ 1730

First, the government aircraft comes in and strafes the village, and then the Janjaweed or government soldiers come in. They burn the village. They kill the livestock, they drop them down the wells to poison the wells, but then they began shouting racial epithets at the survivors. They rape women in front of their husbands and children. They kill any young man that is of military age between the ages of 18 and 25 and then they drive the rest off.

Today, as a result of all this, what do we find? We find that 1.25 million Sudanese are living in refugee camps. Those are the fortunate ones that have survived, but they are not fortunate by any other terms because they are at this time permanently displaced.

Let me say this. This is what we should always be mindful of. We need a permanent solution. What the Sudanese Government has done is, they have allowed humanitarian aid to come in on occasion to feed these people in these refugee camps. They have talked to some of the leaders of the opposition. They have engaged in talks, and they have allowed government troops from other areas to come in and protect the refugee camps. But all of this time, they have not gone after the Arab militia.

They have not controlled them. They are continuing to arm them, and they go out in the villages and destroy villages, this month, last month. And their design is to never let these people return home, never to let them go home, to allow them to stay in these refugee camps, a permanently displaced population of millions of people, and let international forces feed those people. That simply will not do.

Those people need to return to their villages. They need to be protected. These Arab militia and their leaders need to be brought to justice, and we can at least start this process.

The last time we voted sanctions on Sudan, 3 years ago and a million deaths ago, two Members of this body voted against it. Today, I hope, as God is our witness, that this is a unanimous vote and that it is not the end of things, it is only the beginning of things.

I second everything that the gentleman from Maryland (Mr. HOYER) and the gentleman from Virginia (Mr. WOLF) said about the United Nations. This is genocide in every sense of the word. It is ethnic cleansing in every sense of the word. And for it to be permitted, sanctioned by the United Nations is a travesty and an atrocity in and of itself.

Analysis of the refugee interviews points to a pattern of abuse against members of Darfur's non-Arab communities, including murder, rape, beatings, ethnic humiliation, and destruction of property and basic necessities. Many of the reports detailing attacks on villages refer to government and militia forces, preceded by aerial bombardment, acting together to commit atrocities. Respondents said government and militia forces wore khaki or brown military uniforms. Roughly one-half of the respondents noted GOS forces had joined Jingaweit irregulars in attacking their villages. Approximately one-quarter of the respondents said GOS forces had acted alone; another 14 percent said the Jingaweit has acted alone. Two-thirds of the respondents reported aerial bombings against their villages; four-fifths said they had witnessed the complete destruction of their villages. Sixty-one percent reported witnessing the killing of a family member. About one-third of the respondents reported hearing racial epithets while under attack; one-quarter witnessed beatings. Large numbers reported the looting of personal property (47 percent) and the theft of livestock (80 percent).

Most reports followed a similar pattern:

1. GOS aircraft or helicopters bomb villages.

2. GOS soldiers arrive in trucks, followed closely by Jingaweit militia riding horses or camels.

3. GOS soldiers and militia surround and then enter villages, under cover of gunfire.

4. Fleeing villagers are targets in aerial bombing.

5. The Jingaweit and GOS soldiers loot the village after most citizens have fled, often using trucks to remove belongings.

6. Villages often experience multiple attacks over a prolonged period before they are destroyed by burning or bombing.

Mr. PAYNE. I thank the gentleman from Alabama for his very passionate remarks and all of his support for

many years, even in the capital market sanctions. I really commend him for that.

Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. MEEKS).

(Mr. MEEKS of New York asked and was given permission to revise and extend his remarks.)

Mr. MEEKS of New York. Mr. Speaker, let me just say thanks to the gentleman from New Jersey (Mr. PAYNE), to the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. MCHUGH) for the fine work that they have done in bringing this resolution to the floor.

We are here to speak about, why is it that the world is not doing more to stop the Sudanese Government troops and their allied military, the Janjaweed? Together, they have raped, tortured, maimed and burned entire villages to cleanse the area of African Muslims resulting in close to 50,000 deaths.

Another 1.5 million persons have been forced from their homes into camps where they remain vulnerable to attacks by the Janjaweed, who are among the police guarding the camps. The world cannot continue to condone this genocide.

We can also not continue to condone the presence of human rights abusers on a commission that is charged with protecting human rights because it is ridiculous and unconscionable to think that the very perpetrator of a genocide could also be the enforcer of human rights. But that is exactly what is happening by allowing Sudan to continue to serve on the United Nations Human Rights Commission.

That is why I stand behind this bill to suspend the Sudan from the U.N. Commission on Human Rights and for the U.N. to launch a formal inquiry into its acts of genocide in Sudan.

Let us hope the world will begin to work harder to end the atrocities by, first, suspending Sudan from a commission it fails to respect, and second, by standing behind the efforts of the African Union to stop these atrocities.

We are here today to simply speak about why it is that the world is not doing more to stop Sudanese government troops and their allied militia, the Janjaweed. Together they have raped, tortured, maimed, and burned entire villages to cleanse African Muslims from the area—resulting in close to 50,000 deaths. Another 1.5 million persons have been forced from their homes and into camps, where they remain vulnerable to attacks by the Janjaweed, who have been hired as police to guard the camps. The world cannot continue to condone this genocide.

We can also not continue to condone the presence of human rights abusers on a Commission that is charged with protecting Human Rights. It is simply unconscionable to think that the very perpetrators of genocide could also be the enforcers of human rights. But that is exactly what is happening by allowing Sudan to continue to serve on the United Nations Human Rights Commission.

Numerous reports provide evidence of the Sudanese government's involvement in actively committing atrocities in Darfur. However, the Sudanese government continues to deny any connection to the atrocities carried out by the Janjaweed and simultaneously, has done little to stop them. By insisting that no genocide is taking place and repeatedly denying any responsibility for protecting their own people, the Sudanese government has demonstrated that it is not fit to serve on the United Nations Human Rights Commission.

What is needed now is action from the international community. First, Sudan's membership on the United Nations Human Rights Commission must be suspended. The universal declaration on human rights states that, ''everyone has the right to life, liberty and security of person'' and that no ''state, group or person has any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms.'' The Sudanese government, through its involvement in perpetrating the genocide in Darfur, and its inaction in doing anything to resolve the humanitarian crisis, is in violation of the basic principles of the United Nations Human Rights Commission. It, therefore, cannot remain a member.

Second, the international community must offer increased support to the African Union, which has been a leader in attempting to resolve the conflict in Sudan. In addition to leading peace talks, the African Union has led a small contingency of troops to Darfur to monitor the cease-fire and serve as observers. The African Union must be congratulated on these efforts. Additionally, support for their efforts must be increased. It is essential that the African Union's force be enlarged and allotted a robust mandate to protect Darfur's civilians from new attacks.

We can no longer sit on the sidelines and pretend that nothing is going on while the Sudanese government commits crime after crime against humanity. Murder, rape, forced displacement—these are clearly not the tools of human rights supporters. That is why I stand behind this bill to suspend Sudan from the U.N. Commission on Human Rights and for the U.N. to launch a formal inquiry into the acts of genocide in Sudan.

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

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

Very briefly, I thank all of the Members on both sides, certainly the gentleman from New Jersey (Mr. PAYNE). And my compliments to the gentleman from New Jersey for his leadership not only on this issue but on so many involving human rights. And the gentleman from Maryland (Mr. HOYER), my colleague, the gentleman from New York (Mr. MEEKS), of course, and my two colleagues on our side of the aisle, the gentleman from Virginia (Mr. WOLF) and the gentleman from Alabama (Mr. BACHUS) have summed up the horror of this situation and the incredible circumstances which surround it.

I join with the gentleman from Alabama's (Mr. BACHUS) closing comments that certainly all of us hope and pray that we will have resounding support for this very necessary, unfortunately very necessary resolution, and one that in no way exceeds the dire circumstances in which the Sudan, the Darfur region, finds itself.

Mr. LANGEVIN. Mr. Speaker, as a member of the Congressional Human Rights Caucus, I am pleased to support the resolution before us today and to add my voice to those speaking out against the brutality the world is witnessing in Sudan. This Congress has repeatedly condemned both the atrocities committed by the Janjaweed militia and the Sudanese government's insufficient response to such horrendous acts. Since violence began in the Darfur region in February 2003, tens of thousands of people have been killed and more than a million have been displaced from their homes. Sadly, despite repeated calls from the international community, the Sudanese government has not reined in the militia groups, and the killing continues. The World Health Organization now estimates that between 6,000 and 10,000 are dying every month from violence and disease.

It is unfortunate that we must again come to the floor to express our collective outrage about the situation in Sudan. I was pleased that the U.N. Security Council adopted a resolution last week that establishes an inquiry into the violence in the Darfur region to determine whether it constitutes genocide. The resolution also threatens sanctions against Sudan, a tool we must seriously consider if we do not witness rapid improvements. However, the strong sentiments expressed in the U.N. Security Council Resolution are undermined by the fact that Sudan still holds a seat on the U.N. Human Rights Commission—even while its government betrays the very principles on which the Commission was founded. The resolution before us today is a clear condemnation of this glaring inconsistency and will place greater pressure on the Sudanese government to act responsibly and protect its citizens from harm. I urge my colleagues to support S. Con. Res 137.

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and concur in the Senate Concurrent Resolution, S. Con. Res. 137.

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

A motion to reconsider was laid on the table.

CONDEMNING TERRORIST ATTACK IN JAKARTA, INDONESIA, ON SEPTEMBER 9, 2004

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 767) condemning the terrorist attack in Jakarta, Indonesia, that occurred on September 9, 2004, as amended.

The Clerk read as follows:

H. RES. 767

Whereas on September 9, 2004, terrorists attacked hundreds of innocent civilians, killing at least nine bystanders, in front of the Australian Embassy in Jakarta, Indonesia; and

Whereas terrorism must be condemned in the strongest terms whenever and wherever it occurs: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns in the strongest possible terms the terrorist attack in Jakarta, Indonesia, that occurred on September 9, 2004;

(2) expresses its deepest condolences to the families of the individuals murdered in the terrorist attack, expresses its sympathies to the individuals injured in the attack, and conveys its hope for the rapid and complete recovery of all surviving victims; and

(3) urges the United States, Indonesia, Australia, and all other countries to stand united against terrorism and to work together to bring to justice the perpetrators of the terrorist attack in Jakarta, Indonesia.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from New York (Mr. MEEKS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 767, the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, in an unspeakable act of terror, suspected al Qaeda-linked militants detonated a car bomb outside the Australian embassy in Jakarta, Indonesia, on Thursday, September 9 of this year, killing 9 people and wounding at least 173.

The bomb exploded shortly after 10:15 a.m. local time, just in front of the Australian embassy's gate, flattening a section of the steel fence and shattering scores of windows in the high-rise office building as far as 500 meters away. Most of the casualties were Indonesian policemen, embassy security guards and passers-by. No one inside the embassy was killed, although several Australians and other foreign citizens were wounded in the attack. Police are now investigating whether a suicide bomber triggered the blast.

The Australian embassy bombing is the third attack perpetrated by the Islamic militants in the 2 years since the horrible Bali bombings and a deadly blast at Jakarta's Marriott hotel last year. The attacks have been blamed on the al Qaeda-linked Jemaah Islamiah.

Mr. Speaker, all Americans strongly condemn this outrageous act of violence. We express our deep condolences to the victims and families of this heinous crime, as well as to the peoples of Indonesia and Australia.

It is also fitting, Mr. Speaker, that we recognize the strong steps Australia and Indonesia have taken jointly, as well as separately, to combat terrorism and investigate this crime. We applaud their efforts to stamp out terrorist threats to their countries and the region and are confident they will bring the perpetrators of this brutal attack to justice.

Mr. Speaker I would urge support for the resolution.

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

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

Mr. Speaker, I would first like to commend our colleague, the gentleman from Indiana (Mr. BURTON), for introducing this timely and important resolution, along with the gentleman from Florida (Mr. WEXLER), who serves as cochair of the Indonesia Caucus along with the gentleman from Indiana (Mr. BURTON).

The resolution before the House condemns the September 9 terrorist attack outside the Australian embassy in Jakarta, Indonesia. Nine Indonesians lost their lives in this brutal attack, and almost 200 people were injured.

This latest attack by Jemaah Islamiah sadly confirms Indonesia's status as a frontline state in the global battle against terrorism. Over 200 young people, mostly Australian, were murdered in the 2002 Bali bombings. Twelve Indonesians were also killed at the suicide bombing at the J.W. Marriott hotel in Jakarta in August 2003.

While this latest attack occurred on Indonesian soil and those killed were Indonesians, the attack itself was aimed at Australia and its people.

However, these cowardly terrorist acts will not prevent Australia from standing strong against terrorism or from continuing to support the spread of democracy and freedom around the world. Neither will these attacks be successful in changing the path of Indonesia, who has just held peaceful, democratic elections in testament to its moderate character.

The United States must continue to play a leadership role in developing an international coalition that works closely with ASEAN countries to help develop strong partnerships that will help prevent future terrorist attacks.

I would like to convey to the Indonesian people my heartfelt sympathies for the innocent loss of life on September 9 and my appreciation to the Australians for their willingness to confront international terrorism at every turn.

I strongly support this resolution.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for the time.

First, I would like to thank him for his leadership, and I would like to add my appreciation, as well, to the gentleman from Indiana (Mr. BURTON), the gentleman from Florida (Mr. WEXLER) and the gentleman from New York (Mr. MEEKS) and the manager of this bill for it is of great importance that we coalesce with our allies and offer a mutual understanding of the pain of the war on terror as it impacts the innocent and the uninvolved.

I rise today to support H. Res. 767, condemning the terrorist attack in Jakarta, Indonesia, that occurred September 9, 2004. Indonesia obviously is not a stranger to terrorist acts, and it was just a few short years ago when they lost hundreds of lives in the terrorist act on one of their local nightclubs, an entertainment center where many tourists found their way.

This is an attack on Australia and the coalition to stand up against terrorism. It is tragic to note that even innocent individuals can face a life of terror because they are victims.

So I rise to say that there should not be one time when our Nation's allies and friends, those who fight their own individual wars on terror, do not receive the sympathy of the American people.

Mr. Speaker, I am reminded of 9/11. I traveled after that. It was so overwhelming to hear from all over the world, no matter what region people lived in, to offer to the United States and all the people who lost loved ones their deepest sympathy and expression of kinship with us, recognizing that we are all in this together.

This war on terror does not find itself comfortable in one place over another, one region, one language or one set of values. Every single nation in this world may be subject to terror sometime, and we would hope that even in those places that would seem to be harboring terrorists, we know that there are people there who want peace.

So I rise to be supportive of H. Res. 767, and as I do that, Mr. Speaker, let me add my support as well for S. Con. Res. 137. That, of course, is the removal of Sudan from the Human Rights Commission in the United Nations.

I was not able to arrive on the floor in the time. I simply want to say that although it may not be characterized as terror, genocide is terror.

□ 1745

We have done everything we could possibly do. The gentleman from New Jersey (Mr. PAYNE), a leader on this issue, the gentleman from New York (Mr. MEEKS), a member of the Committee on International Relations, and I have worked on this issue, many Members have, including the collective Congressional Black Caucus and many, many Members in a bipartisan manner. The Congress has worked its will.

The tragedy is that this does not translate to the government of Sudan. They must receive the greatest penalty, and that may mean the removal from the human rights panel at the United Nations, but it also may mean divestiture, removing the investments of so many from this country and many other places in the economic engine of Sudan.

The government has not learned by our actions. I believe there should be a

wake-up call, even stronger than S. Con. Res. 137. I look forward to our coming together, unified as a Congress, to demand action now by the Sudanese government or they will in turn receive the wrath and the punishment of not only the American people but the world.

In conclusion, Mr. Speaker, I support H. Res. 767, ask my colleagues to vote for it and, as well, S. Con. Res. 137.

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

Mr. MCHUGH. Mr. Speaker, I yield myself the balance of my time, and on a closing note, first of all, my compliments to my colleague, the gentleman from New York (Mr. MEEKS), for his continued leadership on this issue as well. And I want to also commend the original sponsor of the resolution and one of the senior members of the Committee on International Relations, my good friend and former chairman on the Committee on Government Reform, the gentleman from Indiana (Mr. BURTON), who also had a very important hand in this very necessary and I think very appropriate resolution.

And as has been said here today, I certainly would urge all of our colleagues to pass it, and I look forward to its adoption.

Mr. BURTON of Indiana. Mr. Speaker, I would first like to thank you Chairman HYDE, Speaker HASTERT, and Majority Leader TOM DELAY for allowing this most important piece of legislation, H. Res. 767, to be considered before the House of Representatives today.

In the early morning hours of September 9th, 2004, as Indonesians in Jakarta were settling into their places of work, a devastating explosion rocked the Australian Embassy in the heart of Indonesia's capital, sending at least 180 innocent victims to the hospital and killing at least 10 innocent and defenseless bystanders.

It was yet another terrorist attack that the world has unfortunately grown so accustomed to. But, for Indonesia, this act of terrorism was an attack on their modern and moderate Muslim beliefs and against their choice for a free and democratic nation.

This resolution condemns the terrorist attack that occurred in Jakarta, Indonesia, outside of the Australian Embassy on September 9th, 2004, and expresses our deepest condolences to the families of the individuals murdered and those injured in the cowardly terrorist attack, as we hope for the speedy and complete recovery of all the surviving victims.

We—as Americans—understand the terrible devastation that is felt throughout a nation when this type of senseless tragedy occurs. The horrific event on September 9th, 2004, is a reminder that the United States and Indonesia—along with the rest of the freedom loving nations around the world—must continue to stand firm in our resolve against the evils of international terrorism.

It should be noted that this attack was almost three years to the day since the September 11th attacks on New York, Washington, D.C., and Pennsylvania; about two years since a bombing ripped through crowded nightclubs in Bali's Kuta Beach; and only 12 months after the J.W. Marriott hotel bombing in Jakarta.

Furthermore, this devastating attack came just 12 days before the final round of Indonesia's first-ever direct presidential election, which took place on September 20, 2004, and is being heralded as a major milestone and key step towards stabilizing and continuing the numerous democratic gains made by Indonesia in recent years.

The attack also occurred exactly one month before the October 9th, 2004, general election in Australia; and, these radical terrorists must not be allowed to disrupt any free and fair elections, no matter how old or young a Democracy may be.

As a result of Indonesia's belief in the Democratic process, they have been the unfortunate target and victim of Jemaah Islamiah (jeh-mah-Ah Isslah-miyah] terrorists, who have been linked with notorious fundamentalists such as Al-Qaeda, and make their home throughout southeast Asia.

The extremist group of radical muslims, Jemaah Islamiah [Jeh-ma-Ah Isslah-miyah], who claimed responsibility for the September 9th bombing, is trying to disrupt Indonesia's fair and free democratic elections, and the emerging road towards democracy in Indonesia must not be curtailed by these senseless acts of violence.

The United States, Indonesia, Australia, and all of our allies should stand united in the fight against terrorism, working together to bring to justice the perpetrators of the terrorist attack in Jakarta, Indonesia, and all other acts of terror and violence throughout the world.

I would respectfully ask that all of my distinguished colleagues vote ''aye'' and let the terrorist thugs who destroyed a peaceful Thursday morning in Jakarta know that we will not stand idly by and watch as they disrupt the freedoms of our friends, partners, and allies in the global war against terrorism.

Again, thank you Mr. Speaker for allowing me to speak on this important resolution.

Mr. LEACH. Mr. Speaker, I rise in support of H. Res. 767, condemning the terrorist attack in Jakarta, Indonesia that occurred on September 9, 2004. I would like to thank the gentleman from Indiana, Mr. BURTON, for introducing this timely and thoughtful measure.

Mr. Speaker, a suspected al-Qaeda affiliate known as Jemaah Islamiah detonated a car-bomb outside the Australian Embassy in Jakarta, Indonesia, on Thursday, 9 Sept. 2004, killing nine people and wounding approximately 180 people. While no one inside the Embassy compound was killed, several Australian and other foreign citizens were wounded in the attack. The great bulk of the casualties were suffered by Indonesians who worked in the area or were simply passing by.

The Australian Embassy bombing is the third major attack in Indonesia perpetrated by the Islamic militants, including the deadly Bali bombings in 2002 and a blast at Jakarta's Marriott hotel last year.

Mr. Speaker, all Americans strongly condemn this latest terrorist outrage act of violence. We extend our deepest sympathies to the victims and families of this outrageous crime as well as to the peoples of Indonesia and Australia.

We stand with the people of Indonesia and Australia in opposition to the use of terror, and we salute their individual and collective efforts to bring the perpetrators of this crime to justice.

Barbarous acts of this kind, whether precipitated in New York and Washington, or Jakarta, Istanbul and Madrid, are more crimes against civilization and humanity than attacks on any particular nation. Hence as we seek accountability we look for the support of faithful people and justice seekers of all societies in a war to eliminate the cowardice of terrorism.

The despicable act that occurred in Jakarta earlier this month does not put the Indonesian or Australian democracies at particular risk. It is civilization and civilized values which demand protection.

I urge support for the resolution.

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and agree to the resolution, H. Res. 767, as amended.

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

A motion to reconsider was laid on the table.

ENCOURAGING INTERNATIONAL OLYMPIC COMMITTEE TO SELECT NEW YORK CITY AS SITE OF 2012 OLYMPIC GAMES

Mr. KING of New York. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 475) encouraging the International Olympic Committee to select New York City as the site of the 2012 Olympic Games.

The Clerk read as follows:

H. CON. RES. 475

Whereas the Olympic Games further the cause of world peace and understanding;

Whereas the country hosting the Olympic Games performs an act of international goodwill;

Whereas if New York City were chosen to host the 2012 Olympic Games there would be a substantial local, regional, and national economic impact, which would include 7 years of international sports events, meetings, and related nationwide tourism activity;

Whereas the Olympic movement celebrates competition, fair play, and the pursuit of dreams;

Whereas the United States and, in particular, New York City celebrate these same ideals; and

Whereas New York City has never hosted the Olympic Games: Now, therefore, be it

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

(1) encourages the International Olympic Committee to choose New York City as the site of the 2012 Olympic Games; and

(2) hopes that the United States will be selected as the host country of the 2012 Olympic Games, and pledges its cooperation and support for their successful fulfillment in the highest Olympic tradition.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from New York (Mr. MEEKS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. KING).

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 475, the concurrent resolution under consideration.

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

There was no objection.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Con. Res. 475. This resolution encourages the International Olympic Committee to select New York City as the site for the 2012 Olympic Games and supports New York City's desire to host those 2012 Games.

Mr. Speaker, earlier this year, the International Olympic Committee narrowed the selection for the 2012 Games to five cities, New York City being one of them. And in July of next year, they will make their final decision. As a New Yorker, but also as an American, I really urge the Congress to adopt this resolution asserting and expressing the support of the Congress for New York City to be given these Games.

There are any number of reasons, Mr. Speaker, but, first of all, I am sure while my colleague, the gentleman from New York (Mr. MEEKS), and I do not agree on every issue in this House of Representatives, we agree that New York certainly is the best place in the world and where the Olympic Games should be held in any year, especially 2012.

In many ways, New York City personifies what the Olympics are all about. I was looking at the numbers, and there were 202 countries in the last Olympics. There are students or children representing 199 of those countries in New York City's public schools. That is 199 out of the 202 countries who will have representation in New York City. Virtually every country coming to the Olympics, in effect, will be a home team in New York City.

It is that diversity, that strength and also the facilities that make New York so perfect. The facilities are available; more are being constructed. The Mayor and the city officials, the State officials will do whatever has to be done to make sure that all of the events can be accommodated. New York City certainly showed, just last month, during the Republican convention the level of security its police force can provide, the safety and security and hospitality to people from all over the country, and certainly, they will show in 2012 that they can do it for people all over the world. We have the mass transit, and really, we have whatever has to be there for the Olympics.

Also, if we can say, this will be one final step, one further step away from September 11, 2001, showing that New York has come all the way back, not just in the eyes of the city, the State and the country but, indeed, in the world.

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

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

Mr. Speaker, I would first like to commend my good friend and colleague, the gentleman from New York (Mr. KING), on the other side. As he said, we may not agree on much, but we do agree on New York being the best place for this. I also would like to commend my friend and colleague, the gentleman from New York (Mr. RANGEL), for introducing this important resolution. His leadership on behalf of the interests of New York City is greatly appreciated.

Mr. Speaker, the 2004 Olympic games in Athens recently unfolded before the eyes of hundreds of millions of people around the world, some watching in person but many more on television every night. It is fair to say, Mr. Speaker, that the Athens Games were an unqualified success. Despite fears of terrorism or that key Olympic venues would not be ready, Athens was more than prepared to receive over 16,000 athletes and officials from around the world, and the Olympic spirit thrived as athletes lived out their dreams.

This resolution before the House seeks to bring that Olympic spirit we witnessed in Athens here to America for the first time since 1996, when they were held in Atlanta. This measure urges the International Olympic Committee to choose the entry of the United States, New York City, to host the 2012 Summer Olympics.

Mr. Speaker, the Olympics brings together people from all over the world, and when they arrive in the city so great they had to name it twice, New York, New York, they will find that virtually every nationality that competes in the Olympic Games is represented among the people of New York City. Of the 202 countries that participated in the Athens Olympics, immigrant children of 199 of them attend New York City schools. Even the smallest Nation attending Olympic Games in New York will find their own cheering section.

New York City already has a developed transportation infrastructure to ensure that athletes and spectators can easily get to all Olympic venues and practice facilities. The Olympic village will also be centrally located, and over 500 acres of parks will be created or improved. New York has detailed plans to first-class sports facilities throughout the city to host the Olympics in an effort that will help to revitalize New York's waterfront.

While the Olympics will have an economic impact of over $11 billion and will create over 135,000 jobs, they will have a longer-term impact upon the blueprint of the city and its ability to host international sporting events for decades to come.

Mr. Speaker, New York is blessed with some of the best financial, creative, marketing and corporate resources in the world. New York is committed to applying these talents to creating the best Games in the history of the Olympics. When the International Olympic Committee meets next July to choose the site of the 2012 Summer Games, I urge committee members to choose New York City, the Empire State.

Mr. Speaker, I strongly support this resolution.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER), my friend and colleague.

Mr. NADLER. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of this concurrent resolution. New York is eminently suited to host the Olympic Games, and I certainly urge the International Olympic Committee to select New York as the site for the 2012 Games.

I want to say, however, that support for this resolution should not be construed as support for the construction of the Olympic stadium planned for the West Side of Manhattan. There is much opposition to that stadium. Many of us think it is in the wrong place. We support the Olympics, because we trust that common sense will reign and that eventually people will realize that the Olympic stadium should be in Queens or in Shea Stadium.

In any event, we support the Olympics, we support this concurrent resolution, but that support should not be construed as support for construction of a new stadium for the Olympics or for the Jets on the West Side of Manhattan.

Mr. MEEKS of New York. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman for his statement. The question of the stadium is something we will deal with, but we are all together in that we want the Olympics in New York.

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

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume in closing to just commend the author of this resolution, the gentleman from New York (Mr. RANGEL), for the tremendous job he is doing on this and on so many other issues affecting New York, and also the Mayor of New York, Michael Bloomberg, who has shown tremendous leadership on this.

Again, this is the essence of bipartisanship, a Republican mayor working with a Democratic congressman, the gentleman from New York (Mr. RANGEL), and the entire New York delegation stands behind this, including the gentleman from New York (Mr. FOSSELLA), who is a prime co-sponsor of the resolution.

So, Mr. Speaker, I urge the adoption of the resolution.

Mr. CROWLEY. Mr. Speaker, I rise today in strong support of the resolution introduced by my good friend from New York, Congressman RANGEL.

This resolution encourages the International Olympic Committee to choose New York City as the host for the Olympic Games in 2012. Congressman RANGEL has been relentless on promoting New York as a great choice for the Olympics and never shying away from any effort to drive this notion. As a member of the New York City delegation, I wholeheartedly support the Resolution.

The United States will not host the Olympic Games for another 8 years now, bringing that span to 10 years—in 2012, I trust the Olympic Committee will see fit to bestow this honor to our great city. Bringing the Games to the United States will not only exert a huge economic boost on local, regional, and of course national level, it will also create jobs not only the for the Games, but also on the road towards them

New York is uniquely qualified to invite the ''world''. The Olympic ideals of competition, fair play, and pursuit of dreams are perfectly embodied and thoroughly celebrated in the City. Olympic Games drive world wide cultural understanding and exchange and thus promoting peace.

The diverse ethnicity of the City would resonate with all guests—and vice versa. Not just since the United Nations, as the epitome of those ideals, took root in New York, the City has been a beacon of freedom and a meeting-spot for the world. The City was hit hard on 9/11, but it never retreated and withdrew in its shelter. It kept embracing the world. In 2012, we want to show this yet another time.

Furthermore, the current plans would allow for extraordinary Olympic Games. The so-called ''x-plan'' will bring athletes and guests right into the heart of New York, perfectly blending the atmosphere of the great New York skyline with the East River riverfront. The Olympic Games right next to the United Nations headquarters would be the biggest display of international understanding and exchange.

I urge all my colleagues to join Congressman RANGEL in supporting this resolution.

Mrs. MALONEY. Mr. Speaker, I rise today in strong support of H. Con. Res. 475, of which I am a cosponsor, which expresses the sense of Congress encouraging the International Olympic Committee (IOC) to choose New York City as the site of the 2012 Olympic Games. I would like to thank my friends and colleagues Representatives RANGEL and FOSSELLA for introducing this resolution.

New York City is the greatest city in the world. As the center of arts, business, culture, tourism, architecture, education, and sports, New York is an ideal candidate to host the world's greatest athletic competition. With its top-notch mass transportation systems, New York already has much of the infrastructure in place to transport athletes and fans to the athletic events. Because New York is a site for many of the world's top sports competitions, including the U.S. Open, and the home of several professional sports teams, our city has the necessary capabilities to handle large numbers of people along with the tremendous security requirements.

Aside from allowing New York to showcase its beauty and infinite attractions to a global audience, hosting an Olympic Games would be a tremendous boost to an economy that continues to recover from the 9/11 terrorist attacks. Our local restaurants and businesses would greatly benefit from the potential revenue that the Olympics would bring.

Greece just hosted one of the greatest Olympic Games ever to be held, and I commend them on their success. I am confident that New Yorkers would open their arms and welcome the world to our doorstep just as the people of Greece welcomed us to the birthplace of the Olympics.

I look forward to working with my friends in the New York congressional delegation and our local officials to bring the 2012 Olympic Games to New York City.

Mr. KING of New York. 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 York (Mr. KING) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 475.

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

A motion to reconsider was laid on the table.

SUPPORTING GOALS AND PURPOSES OF NATIONAL FARM SAFETY AND HEALTH WEEK

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 494) 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.

The Clerk read as follows:

H. CON. RES. 494

Whereas nearly half of the land in the United States is used for agricultural production;

Whereas many farmers and ranchers operate and maintain heavy-duty equipment and machinery and work with large and unpredictable livestock, which makes farming and ranching among the most dangerous occupations in the United States;

Whereas farmers and ranchers are at risk of serious work-related accidents, and many farmers and ranchers suffer disabling injuries each year;

Whereas the children of farmers and ranchers are at special risk from farm-related accidents;

Whereas the President has proclaimed, by Executive Order, September 19 through September 25, 2004, as National Farm Safety and Health Week ; and

Whereas National Farm Safety and Health Week provides an opportunity for increased awareness and educational programs targeted towards the protection and productivity of farmers and ranchers: Now, therefore, be it

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

(1) supports the goals and purposes of National Farm Safety and Health Week; and

(2) applauds the men and women who provide a stable supply of food and fiber for the United States and the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

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

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume. I should start by congratulating the gentleman from New York (Mr. REYNOLDS) for introducing this resolution, and I rise in wholehearted support of it, which brings our attention to the goals and purposes of National Farm Safety and Health Week which the President proclaimed for this week, beginning September 19.

For those of us who represent American farmers and ranchers, we know the long hours farmers devote to getting the crops safely to the bin or the cotton to the gin. Farmers are in the fields now harvesting this year's field crops. When the weather is ripe for picking corn or cutting beans, farmers understand the good weather window could close at any time, and that could mean fewer bushels or less quality. When the cotton bolls are ready, the gins are ready to run.

Unfortunately, as we have seen in many parts of the country this year, there are risks in this seasonal activity, and today, we want to applaud America's farmers who run the big machines and our ranchers who manage the big and sometimes unruly animals. We want to take a few minutes this afternoon to commend America's men and women who plant, tend and harvest the world's most bountiful supply of food and fiber in the world for us, the American consumers, and a large part of the world as well.

All of us need to understand the importance of agriculture to our economy and our quality of life. This resolution is one part of recognizing the importance of agriculture by bringing the Nation's attention to the importance of safety and health on our farms and ranches.

I again commend the gentleman from New York (Mr. REYNOLDS) for bringing this resolution before the House and urge its adoption.

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

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of H. Con. Res. 494, which supports the goals and purposes of National Farm Safety and Health Week and applauds the men and women who provide a stable supply of food and fiber for the United States and the world.

By way of background, it should be noted that, for well over half a century, Congress has recognized National Farm Safety and Health Week. As far back as the 1940s, President Franklin Delano Roosevelt signed the first presidential proclamation recognizing National Farm Safety and Health Week in order to commemorate the hard work, diligence and sacrifices that our Nation's farmers and ranchers make on a daily basis.

□ 1800

This week is a time for our Nation to reflect upon the important role that U.S. agriculture has played and continues to play in this Nation and throughout the entire world. The United States began as an agrarian society, and agriculture has been the backbone of this country. Over time, however, our Nation became more industrialized, and people left the farms and rural areas to pursue opportunities in the cities. And yet despite the fact that there are fewer people producing the Nation's food and fiber, productivity has increased.

While the business of farming has undergone significant changes since the founding of this Nation, one thing has not changed: farming continues to be one of the most hazardous occupations in the United States. A report by the National Safety Council concluded that agriculture had the second highest fatality rate of all industries in the Nation. In 2003 alone there were 710 farm-related fatalities and 110,000 disabling injuries.

I hasten to add that, because of the nature of family farms, farm-related injuries and fatalities are not solely limited to adults. A 2001 study by the National Children's Center for Rural and Agricultural Health and Safety reported that nearly 1.5 million young people, 20 years or younger, lived or worked on farms. The same study showed that more than 660,000 in that age range were employed but not living on farms. According to the study, more than 100 children younger than 20 die each year and more than 22,000 are injured from agriculture-related injuries. Similarly, a study by the American Academy of Pediatrics showed that for teenagers farm jobs have the highest rate of fatalities of all types of teen employment.

While there are many potential hazards on a farm, the greatest continues to be machinery. Reports indicate that 30 percent of farm machinery-related deaths occur in children less than 5 years old. Additionally, the Occupational Safety and Health Administration concludes that 68 percent of farm-related deaths can be traced to some sort of machinery, including tractors, trucks, equipment such as augers and loaders, power takeoffs, and haying equipment.

Of all the equipment on the farm, tractors remain the most dangerous. In fact, OSHA reports that more than half of the deaths that occur on the farm are the result of tractor accidents. Of the deaths caused by tractor accidents, 57 percent are the result of rollovers and another 9 percent are the result of people either falling off or getting run over by a tractor.

Agriculture-related deaths and injuries are not limited to incidents involving machinery, however. Farmers and ranchers are subject to a whole host of other dangers including agriculture chemicals and fertilizers, unruly and unpredictable livestock, and buildings that contain high dust levels and toxins.

It goes without saying that the commitment to farm safety cannot be limited to a single week. Nevertheless, this timely and welcome resolution to commemorate farm safety reminds us all of how important it is for farmers, ranchers, and their workers to perform their work safely and to take precautions to protect themselves. When one's child is out there with them, take a little extra bit of care for that youngster.

By recognizing the dangers inherent in farming and ranching and by taking steps to prevent accidents, our Nation will continue to lead the world in the production of agriculture commodities.

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

Mr. GOODLATTE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. REYNOLDS), the author of the concurrent resolution.

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

Mr. REYNOLDS. Mr. Speaker, I thank the chairman of the Committee on Agriculture for yielding me this time. I also appreciate the strong support of my concurrent resolution by both the chairman and ranking member of the Committee on Agriculture today.

Mr. Speaker, I am here to recognize the National Farm Safety and Health Week and to thank our farmers and ranchers nationwide for their hard work day in and day out.

Over half the land in the United States is used for agricultural production; and without the work of our farmers and ranchers, our Nation and others around the world would not have the safe, stable supply of food and fiber that we enjoy today.

In my home State of New York, agriculture is the number one industry, and I am proud to represent one of the largest agricultural areas in the State. In districts like mine all across this great land, farmers work long, hard hours and make tremendous sacrifices. They should be applauded for their efforts.

Unfortunately, those long, hard hours are not risk-free. Sadly, there are hundreds of farm-related fatalities and thousands of injuries every year, and sadder still, many of these accidents could be prevented through increased awareness and better safety practices.

The National Farm Safety and Health Week is a national effort to reduce the number of farming- and ranching-related deaths and injuries through educational and awareness initiatives. Helping educate our farmers and their families on necessary safety precautions is essential to ensuring the strong productivity of our agricultural sector.

I would like to commend the National Safety Council for their leadership and continued work towards achieving these goals through the National Farm Safety and Health Week. I urge my colleagues to support this resolution.

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

I have no further requests for time, but let me just say in closing that I am honored to join today with the chairman of the House Committee on Agriculture and the gentleman from New York (Mr. REYNOLDS) in joining with the President, President Bush, having declared this week National Farm Safety Week; and I am very happy to join in support of that concurrent resolution, in support of the President. I thank the President for recognizing this important contribution.

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

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

I would like to thank the gentleman from Texas for working with us on bringing forth this concurrent resolution and congratulate the gentleman from New York for bringing this forward. And I urge my colleagues to adopt what I think is important to not just people in rural America but in all America, to understand the importance of agriculture and the importance of farm safety. With that, I urge my colleagues to support the concurrent resolution.

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

The SPEAKER pro tempore (Mr. LEWIS of Kentucky). The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 494.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 494, the concurrent resolution just considered.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2028, PLEDGE PROTECTION ACT OF 2004

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 781 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 781

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 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. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

The resolution before us is a well-balanced, structured rule providing 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

It waives all points of order against consideration of the bill and 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.

It waives all points of order against the committee amendment in the nature of a substitute and makes in order only those amendments printed in the Committee on Rules report accompanying the resolution.

It 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. They 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.

Finally, it waives all points of order against the amendments printed in the report and provides for one motion to recommit with or without instructions.

Mr. Speaker, I rise today in strong support of this rule and its underlying legislation, the Pledge Protection Act of 2004. This legislation offered by the gentleman from Missouri (Mr. AKIN) follows up and improves upon the work that the House has already accomplished on behalf of protecting the Pledge of Allegiance from those whose ultimate goal is to undermine and devalue the meaning of the Pledge of Allegiance by stripping the words ''under God'' from it.

Since June 27, 2002, the House has voted three times to protect the Pledge from those fringe and radical elements in our country who dislike its content and its meaning as it is currently written. Twice the House has overwhelmingly voted through House resolutions to express its opinion that the 9th Circuit Court's decision in Newdow v. The United States Congress is incorrect, and once to limit the use of Federal funds from enforcing this onerous judgment.

Today, Congress has the opportunity to once again stand up for the Pledge of Allegiance and the values that it imparts to the millions of patriotic Americans who recite it every day by supporting this carefully crafted resolution.

□ 1815

H.R. 2028 would amend the Federal judicial code to deny jurisdiction to any court established by an act of Congress to hear or determine any claim that the recitation of the Pledge of Allegiance violates the first amendment of the Constitution. This legislation would prevent Federal judges from legislating from the bench and striking down the historic and heartfelt meaning of the Pledge of Allegiance.

My friend, the gentleman from Wisconsin (Chairman SENSENBRENNER), has clearly stated, ''A remedy to abuses by Federal judges has long been understood to lie, among other places, in Congress's authority to limit Federal Court jurisdiction.''

I too understand this, as my father was a Federal judge for many years, and I know that not all judges are interested in legislating from the bench, but there are those occurrences and abuses that do occur. I believe that the gentleman from Wisconsin (Chairman SENSENBRENNER) is correct.

Mr. Speaker, the choice posed by this legislation is stark and it is very clear: Should Congress allow those activist judges to decide by fiat how patriotic Americans across our great country may pledge their allegiance to our country; or should Congress, which is directly accountable and speaks to and for the people of this great Nation, exercise its authority to act as the ultimate arbiter of the Constitution as envisioned by our Founding Fathers?

I believe that this choice is simple. It is very important for every Member of the House to place themselves on record as sharing the values of the majority of Americans in our country that believe that America is one Nation under God and that the opinion of a few liberal judges in the Ninth Circuit Court of Appeals can never change that fact.

There may be some who come to the floor today to argue that Congress is not competent enough to address this issue. They will argue, I am sure, in an attempt to confuse the issue, that only Federal courts can decide on constitutionality and that this legislation represents some kind of affront to the separation of powers doctrine which our government is based upon.

This attempt to divert attention from the real matter is not only deceptive, I believe it would be patently wrong. The Pledge of Allegiance Act does not dictate how the courts should come to a decision. Instead, it carefully limits the jurisdiction of the Federal courts clearly within the constitutional powers of the Congress to hear a case calling into question the pledge's constitutionality.

Mr. Speaker, I urge all of my colleagues to protect this very important right that we have in our country to recite the Pledge of Allegiance and to stand up for values upon which our great Nation was founded by supporting this rule and the underlying legislation.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. Speaker, I pledge allegiance to the flag of the United States of America because I believe in its stars and stripes, and I believe that they symbolize our strength and our diversity. I do so out of respect for and love of our country, not because the cameras are rolling and voters are watching. Apparently, the same cannot be said of some of my colleagues on the other side of the aisle.

The underlying legislation, more than anything else, is about the politics of a national election. The Republican political spin machine is in full

gear playing, in my view, to the lowest common denominator, to reinvigorate some who may not be as invigorated as the majority party would wish that they be. Instead of wrapping themselves in the flag and marketing their candidates with gimmicks, the majority in Congress ought to work for the people and legislate in their interests.

Senator KERRY recently said it very well. He said, ''The flag doesn't belong to any President, it doesn't belong to any ideology and it doesn't belong to any political party. It belongs to all the American people.''

The underlying bill is totally unnecessary since there is no binding decision in any court, Federal or State, holding that ''under God'' in the Pledge is unconstitutional.

This is a solution in search of a problem. Given the serious challenges we face, we must act responsibly. But this unnecessary legislation, designed by political consultants as the answer to an uninspired right-wing constituency, detracts from the real work that needs to be done in this body.

In 8 days, 13 appropriation bills must be signed into law. So far, only one has the President's signature. Not even the appropriation for Homeland Security has been completed, despite the terrifying threats the Nation faces. Similarly, this coming Friday the authorization for Federal transportation programs is scheduled to expire and we are nowhere near a new transportation bill.

Did you hear that? Congress has one requirement, to pass the appropriations bills, to act responsibly and pass all 13 appropriations bills before September 30. Under this leadership, Congress has failed miserably.

Why has this congressional session been so disastrous, you might ask? Well, it is because the majority has made the conscious decision to play politics, rather than legislate; to squander opportunities for success, rather than create them; to give lip service to the Nation's needs, rather than address them. The underlying bill is an illustration of that irresponsibility, and in my view, it is ridiculous.

We are at war, a war on terror and a war in Iraq. Unemployment is high, jobs are being outsourced abroad, the economy is anemic, people cannot afford housing at the lower rungs of our economy, health care costs are through the roof, and more than 44 million Americans are uninsured. Right-wing Republicans are suffering the consequences of the wrong decisions made during these years that just passed, as are liberal and moderate Americans; and I, for one, wish this body were discussing how to solve these pressing problems instead of legislating on nonissues.

Now, more than ever, we must use the legislative session wisely and productively to strengthen America's way of life. Now, more than ever, we must do what is necessary to promote the principles that have made us strong.

Simply put, the underlying bill is, at its core, un-American. Indeed, passage of this legislation would represent one of the broadest attacks on the separation of powers in American history. If Congress, by statute, can end-run the Bill of Rights, no rights to liberty, due process or equality under law are safe. Further, it would set the terrible precedent of barring citizens from challenging government infringement of fundamental rights in Federal court.

Mr. Speaker, the Pledge of Allegiance is the recitation of the strong sense of patriotism and pride for American ideas and rules. Throughout my lifetime and that of many of our colleagues on both sides of the aisle here, we have tried to live up to its underlying values. I have done so, as have many of my colleagues, out of conviction, and not at the insistence of a paid political strategist that suggested legislating patriotism.

In the name of liberty, in the name of democracy and in the name of religion, I oppose the underlying legislation, and I call on my colleagues to do the same.

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

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

Mr. Speaker, we have had a very eloquent opportunity to hear from the gentleman from Florida as he spoke about his desire not to support this legislation. We should also remember that there are many judges around this country who have the same opinion that the gentleman has, and they would wish a case to come forth to them where they could change this Pledge of Allegiance to the United States of America, one Nation under God, indivisible. And this is one of the reasons why this is an important issue.

The gentleman correctly talked about the things which we have now achieved or not achieved, in his opinion, for the last year-and-a-half of this Congress, the 108th Congress. We had votes on taxes. We had votes on opportunities to limit lawsuits, lawsuit abuse. And every single time, we have had an opportunity to vote on these very important issues. So I am proud of what we have done. But I would also say that the Pledge of Allegiance is something that is worth fighting for on the floor of the House of Representatives and to protect.

So I know and recognize that there are my friends in the other party that do not agree with us on this, that they would call it un-American that we would not allow some Federal judge to hear a case and then to legislate against the Pledge of Allegiance. I believe that is what Congress is here to do, and I believe that judges are there to rule on the law, not to make law. That is why we offer this bill, this very important bill, that we have here tonight.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

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

Mr. Speaker, I rise today in support of the rule for H.R. 2028, the Pledge Protection Act, because it makes in order an amendment that I strongly support. The amendment to be offered by my colleague, the gentleman from North Carolina (Mr. WATT), is very straightforward. It would restore to the bill the Supreme Court's jurisdiction over questions related to the Pledge of Allegiance, changing the bill back to the way it was originally introduced and as it was when I and 224 other Members of this body cosponsored it.

As introduced, H.R. 2028 would have restricted the Federal district courts and the appellate courts from hearing cases involving the Pledge of Allegiance.

When I signed on as a cosponsor of the original bill a week after its introduction back in May of 2003, H.R. 2028 was a good bill. It took care of those renegade jurists, but it retained the jurisdiction of the Supreme Court over this important constitutional issue.

Its title read, ''To amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and in controversies involving the Pledge of Allegiance.''

While the title has not changed, the content of the bill certainly has. As reported by the Committee on the Judiciary, H.R. 2028 now prohibits the Supreme Court from hearing such cases.

I recognize that Congress clearly has the authority under Article III of the Constitution to define the jurisdiction of the Federal district and appellate courts. The original H.R. 2028 was perfectly supportable on this point, for it related to the courts ''inferior to of the Supreme Court.''

I know that the gentleman from Wisconsin (Chairman SENSENBRENNER) cited ex parte McCardle as authority under Article III to make exceptions to the appellate jurisdiction of the Supreme Court. But constitutional scholars say there is no direct precedent for making exceptions to the appellate jurisdiction of the Supreme Court.

This unprecedented restriction of the Supreme Court's authority would violate the basic tenet of checks and balances within our system of government. The Founding Fathers created this balance of power within our democratic government to ensure the integrity of the Constitution. If the Supreme Court is not able to fulfill its constitutional purpose, our Federal Government will be unable to ensure that our laws reflect the rights set forth in our Constitution.

I would caution my colleagues to think twice before tampering with authorities clearly granted in the Constitution. The issue today may be the pledge, but what if the issue tomorrow is environmental protection, civil rights, second amendment rights or a host of other issues that Members may hold dear?

I would ask my colleagues not to succumb to a false comfort that the Supreme Court ultimately will strike down the legislation, so therefore it is acceptable to cast a politically expedient vote that you know is just wrong.

I would also ask my colleagues to think about, do we really want 50 different versions of the Pledge of Allegiance? I certainly do not think so. However, that is what could happen if you believe the Committee on the Judiciary's press release on this bill.

□ 1830

Its headline says it all, ''Committee approves legislation allowing States to decide whether 'under God' should remain in the Pledge of Allegiance.''

I believe the Supreme Court, not 50 different State courts, should be the final arbiter of any questions on the constitutionality of that congressionally approved phrase.

I come to the floor with a heavy heart on this but, Mr. Speaker, I revere the Constitution and the Pledge of Allegiance. I believe that ''under God'' are two of the most important words in the pledge. I also believe that the Supreme Court should be the final arbiter of all Federal questions. That is why I urge my colleagues to support this rule and the Watt amendment to the Pledge Protection Act.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I shall not take an awful lot of time, but I do have a considerable amount of experience in this area, and I can tell my colleagues that the Doctrine of Judicial Review, the notions with reference to ''fundamental due process'' and ''full faith and credit'' are matters that we should hold dear and not be about the business of court-stripping on specific matters.

The gentlewoman from Illinois (Mrs. BIGGERT) put forward the exact proposition that I did in last night's Committee on Rules among other things that she has said with which I agree, and that is that another day will come, and this establishes a bad precedent. I note that the original sponsor of the measure is here, and I put to him that question last evening. Perhaps, he and I will have an opportunity for a further exchange with reference to the same matter.

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

Mr. SESSIONS. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. AKIN), the sponsor of this legislation.

Mr. AKIN. Mr. Speaker, I would start by asking a question that I have had a chance to ask a number of times to different school groups and other collections of Americans, and that is, if you were to take a look at America, the unique nation that it is, and you were to try to put into a phrase or a sentence what is the heart of what America is all about; if you had to, in a sense, as an onion, go through all of the different things that are America and get down to the center nub of what is it that we believe, what is it that people who came from Germany or Scotland or England or all of these other different countries believe; they came here together. They do not call themselves by their old name, but they call themselves Americans, and America is a unique and special place to all of us.

Now, what is the heart of what makes America? What is the central formula? Why is it that our young men and women would go and risk their lives overseas for this Nation?

I would suggest to my colleagues that the answer can be found in our birthday document, that Declaration of Independence, that document which paints a vision which goes beyond just the shores of America but touches the hearts of all freedom-loving people around this entire world. It is the sentence that says that we hold these truths to be self-evident, that all men are endowed by their creator with certain unalienable rights, and among these are life, liberty and the pursuit of happiness. The sentence goes on to say that it is the job of government to protect those rights.

Notice that that sentence is essentially a three-part formula. It says, first, that there is a God; secondly, that that God is the grantor of human rights; and among these are life, liberty, and the pursuit of happiness. And then our job in civil government is to protect those basic rights, and that, I would suggest, is something that Americans have largely agreed to down through the ages and has been something that has united us. It is also something that we have exported as we export freedom around the world.

Now, if we take the concept of God out of the equation, then our rights cannot come from God, and then the whole essence of what America is has been threatened.

Now, this concept that I am suggesting is not something that I just invented; anybody who would like to can go down to the Jefferson Memorial, and they can look at the stone where these words are inscribed and Jefferson says, the God that gave us life gave us liberty, and can the liberties of the people be secure if we remove the conviction that those liberties are the gift of God? What Jefferson was saying is people will not fight for something if they do not believe that those liberties were the gift of God.

And ironically, here on this floor, just in the last few minutes, I have heard people make the statement that they are very content to let the Supreme Court decide what our rights should be. Whatever the Supreme Court says, oh, well, that is just fine. The problem is, the Supreme Court has men and women on it, and they make mistakes, and we have three coequal branches of government to act as checks and balances on each other.

Before us today is an important matter. It is important because what we are dealing with is a question of free speech. Our Founders fought wars because we really thought that people should be able to have freedom to state a religious or a political conviction and to be free to express that opinion.

Yet, we have activist judges among us today who have the intent and who have even stated fairly clearly where they stand on this issue, that school children are not allowed to say the Pledge of Allegiance as we have said it for the last 50 years. Now, no school child is required to say the Pledge, but to tell a school child that we have been saying the Pledge this way for 50 years in America and, now, you cannot say it, is akin to censorship. That is completely turning the first amendment upside down. I do not think that it is right for the judges to do that.

I also know that I took an oath of office to uphold the Constitution, and as a member of the legislative branch, I realize that it is part of my responsibility and part of the responsibility of other Members who call themselves Congressmen to stand up for the Constitution, to stand up for free speech, to tell the judges that they are wrong to tell school kids that they cannot say the Pledge of Allegiance.

Now, there is all kinds of legal mumbo jumbo that people might want to talk about, but let us not make the issue too complicated. It is about the Pledge of Allegiance; it is about the fact that we have activist judges saying that kids cannot say the same pledge that you and I have said for the last 50 years.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume. I would ask the gentleman from Missouri to participate in a colloquy with me, if he would.

Mr. Speaker, I asked last evening what jurisdiction in the United States of America today exists where a child cannot say ''under God'' in the Pledge of Allegiance?

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

Mr. HASTINGS of Florida. I yield to the gentleman from Missouri.

Mr. AKIN. Well, Mr. Speaker, fortunately, because of the fact that the Supreme Court dismissed this case just based on a technicality, there are none. There were some before. At the moment, there are not. And that is why it is so important to move this bill rapidly before something gets in the pipeline again to threaten the Pledge.

Mr. HASTINGS of Florida. Mr. Speaker, reclaiming my time just for the moment, that is that same Supreme Court that the gentleman would prefer not have jurisdiction in these matters, no matter whether they rule on a technicality. The gentleman's argument is that the Supreme Court makes mistakes because it is constituted of human beings.

Well, let me tell my colleague, a whole lot of mistakes are made in this body of us, 435-plus and five territories, because we are human beings. But respect for the courts is key and critical,

and to refer, for example, judges with whom I disagree, I call them strict constructionists, but I do not demean them. And I do not come down here and refer to them because I have a different point of view. I am from Florida. The United States Supreme Court made a decision that I thoroughly disagree with. But at the very same time, I respected that decision and went about my business, because it is the Supreme Court. We have three branches of government, not one that can make all of the laws.

Mr. AKIN. Mr. Speaker, if the gentleman will yield, I appreciate what the gentleman is saying, and I think that what the gentleman is saying gets to the heart of our disagreement on this point.

The gentleman said that the Supreme Court has made decisions that he strongly disagrees with, but he refused even to open his mouth hardly to refer to them other than in this context.

My sense is the three coequal branches of government means that we have a right to speak when we disagree and that we have even a responsibility to express that disagreement. And so our difference of opinion is that the gentleman really sees them as supreme, as the final decision on everything, and regardless of what they say, we have to suck it in and live with it. What I am saying is, that is alien to the thinking of our Founders. It is completely wrong.

Out of my State, I say to the gentleman, came the Dred Scott decision on slavery. I would not sit here and say, oh, I have to sit here and live with it. They are wrong, just as you and I can be wrong. We all make mistakes.

Mr. HASTINGS of Florida. Mr. Speaker, again reclaiming my time, the fact of the matter is that the Dred Scott decisions, Plessy v. Ferguson, a litany of decisions were changed over time.

One thing I would urge my colleague to really pay attention to, I will give him an illustration of two of this Nation's most prominent judges: One, Felix Frankfurter; and the other, Hugo Black. Hugo Black was a former member of the Ku Klux Klan, and Felix Frankfurter was an activist American civil libertarian. And when they went on the United States Supreme Court, they were ideological opposites. Over the course of time and events, if the gentleman will read their decisions, they changed.

My fear, as I have said, is, one day, we are no longer going to be in Congress. One day, mark my words, a different party will be in the majority. One day, conditions in the United States will be different. One day, world affairs will dictate an altered world reality. I ask my colleagues to vote against the underlying bill because if the reaction to these different scenarios goes beyond the constitutional limit, we would have already created the precedent that Congress cannot be checked and balanced by the judicial branch. That would be unfortunate.

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

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

We had the opportunity to hear from the gentleman from Missouri to enunciate not only what was in his heart about this Pledge of Allegiance, and I believe he supported very strongly the belief of exactly why we are here today for the Flag Protection Act. I think that there are many people in the United States that simply do not like the Pledge of Allegiance and would wish and choose to change that.

We have heard the gentleman from Florida suggest that the world and this country will be much different in the future, and while I cannot argue with the gentleman that I think change is incumbent and will always happen, I think that there are some things that are worthy of keeping, that we should hold dear and important to this Nation. And one of them is the Pledge of Allegiance to the flag.

I think it is one of the reasons why, when new citizens come to this country and they become citizens, that tears stream down their eyes as they raise their hand, as a Federal judge or a Federal magistrate will administer their oath, and then they will say the Pledge of Allegiance. And people who are today fighting terrorism and represent our United States military, they stand up at attention before our flag. They understand that the United States of America is not perfect, and there may be changes in our future. But I believe that they also believe that one thing should not change, and that is the Pledge of Allegiance to the flag of the United States of America. Every day, when we open the United States Congress, we respectfully give our thanks not only to God, and certainly the words right over your head there, Mr. Speaker, ''in God we trust'' are stated from the podium up front, but also we say the Pledge of Allegiance to the flag.

This body has been used as an attempt to publicize and perhaps politicize the Pledge of Allegiance to the flag of the United States of America. I think that it is a right thing that we will stand up for the Flag Protection Act. I think it is the right thing to do, and I encourage all of my colleagues to not only stand up for this flag but for this wonderful legislation, for traditional American values and our Founding Fathers' intent.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

□ 1845

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY). 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.

PINE SPRINGS LAND EXCHANGE ACT

Mr. NEUGEBAUER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4806) to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4806

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 ''Pine Springs Land Exchange Act''.

SEC. 2. LAND EXCHANGE, LINCOLN NATIONAL FOREST, NEW MEXICO.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means the three parcels of land, and any improvements thereon, comprising approximately 80 acres in the Lincoln National Forest, New Mexico, as depicted on the map entitled ''Pine Springs Land Exchange'' and dated May 25, 2004, and more particularly described as S1/2SE1/4NW1/4, SW1/4SW1/4, W1/2E1/2NW1/4SW1/4, and E1/2W1/2NW1/4SW1/4 of section 32 of township 17 south, range 13 east, New Mexico Principal Meridian.

(2) NON-FEDERAL LAND.—The term ''non-Federal land'' means the parcel of land owned by Lubbock Christian University comprising approximately 80 acres, as depicted on the map referred to in paragraph (1) and more particularly described as N1/2NW1/4 of section 24 of township 17 south, range 12 east, New Mexico Principal Meridian.

(b) LAND EXCHANGE REQUIRED.—

(1) EXCHANGE.—In exchange for the conveyance of the non-Federal land by Lubbock Christian University, the Secretary of Agriculture shall convey to Lubbock Christian University, by quit-claim deed, all right, title, and interest of the United States in and to the Federal land. The conveyance of the Federal land shall be subject to valid existing rights and such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States. To the extent practicable, and subject to paragraph (2), the Secretary shall complete the land exchange not later than one year after the date of the enactment of this Act.

(2) ACCEPTABLE TITLE.—Title to the non-Federal land shall conform with the title approval standards of the Attorney General applicable to Federal land acquisitions and shall otherwise be acceptable to the Secretary.

(3) COSTS OF IMPLEMENTING THE EXCHANGE.—The costs of implementing the land exchange shall be shared equally by the Secretary and Lubbock Christian University.

(c) TREATMENT OF MAP AND LEGAL DESCRIPTIONS.—The Secretary and Lubbock Christian University may correct any minor error in the map referred to in subsection (a)(1) or the legal descriptions of the Federal land and non-Federal land. In the event of a discrepancy between

the map and legal descriptions, the map shall prevail unless the Secretary and Lubbock Christian University otherwise agree. The map shall be on file and available for inspection in the Office of the Chief of the Forest Service and the Office of the Supervisor of Lincoln National Forest.

(d) EQUAL VALUE EXCHANGES.—The fair market values of the Federal land and non-Federal land exchanged under subsection (b) shall be equal or, if they are not equal, shall be equalized in the manner provided in section 206 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1716). The fair market value of the land shall be determined by appraisals acceptable to the Secretary and Lubbock Christian University. The appraisals shall be performed in conformance with subsection (d) of such section and the Uniform Appraisal Standards for Federal Land Acquisitions.

(e) REVOCATION AND WITHDRAWAL.—

(1) REVOCATION OF ORDERS.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(2) WITHDRAWAL OF FEDERAL LAND.—Subject to valid existing rights, pending the completion of the land exchange, the Federal land is withdrawn from all forms of location, entry and patent under the public land laws, including the mining and mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(f) ADMINISTRATION OF LAND ACQUIRED BY UNITED STATES.—

(1) BOUNDARY ADJUSTMENT.—Upon acceptance of title by the Secretary of the non-Federal land, the acquired land shall become part of the Lincoln National Forest, and the boundaries of the Lincoln National Forest shall be adjusted to include the land. For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Lincoln National Forest, as adjusted pursuant to this paragraph, shall be considered to be boundaries of the Lincoln National Forest as of January 1, 1965.

(2) MANAGEMENT.—The Secretary shall manage the acquired land in accordance with the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 480, 500, 513–519, 521, 552, 563), and in accordance with the other laws and regulations applicable to National Forest System lands.

(g) RELATION TO OTHER LAWS.—Subchapters II and III of chapter 5 of title 40, United States Code, and the Agriculture Property Management Regulations shall not apply to any action taken pursuant to this section.

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

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

GENERAL LEAVE

Mr. NEUGEBAUER. 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. 4806.

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

There was no objection.

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

Mr. Speaker, H.R. 4806 would authorize a land exchange involving Federal land in the Lincoln National Forest in the State of New Mexico.

This legislation would exchange 80 acres between the Lincoln National Forest and Lubbock Christian University for a much-needed expansion of the University's Pine Spring Camp. The camp is used in the summer for week-long camp sessions, and utilized in the winter by college groups, youth groups, and churches for retreats. In recent years, the camp has seen an increase in its visitors and will soon run out of room, forcing the camp to turn visitors away. Both the camp and Lubbock Christian University are nonprofit.

While the land exchange takes place in the gentleman from New Mexico's (Mr. PEARCE) district, LCU is in my district and approached me for assistance for this issue. I would like to thank the gentleman from New Mexico (Mr. PEARCE) for his willingness to work with me on this issue, and I thank him for cosponsorship and support of this bill. Additionally, I would like to thank and recognize Lubbock Christian University not only for providing recreation and outdoor opportunities for students, but also for its notable contributions to the community of Lubbock and the State of Texas.

I urge support of this important measure.

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

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

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

Mr. Speaker, H.R. 4806, the Pine Springs Land Exchange takes approximately 80 acres of forest lands in the Lincoln National Forest and exchanges that for private land currently owned by Lubbock Christian University.

Currently, Lubbock Christian University operates a summer camp in New Mexico on private land adjacent to Lincoln National Forest. Their summer camp program has reached its capacity and the university desires to expand onto adjacent Forest Service lands.

In exchange for approximately 80 acres of lands adjacent to their existing camp, Lubbock Christian University will provide the Forest Service with approximately 80 acres of privately owned lands surrounded by Federal forests.

Our committee has worked hard to refine language that will make this exchange fair to the U.S. taxpayer. The bill we are considering today requires that the exchange be of equal value. If the land appraisals determine that the parcels are not of equal value, the bill provides for the equalization of values through cash payments.

We appreciate that land exchanges can often be controversial. However, we have tried very hard to ensure that this package consolidates Federal ownership in some parts of the forests while enabling Lubbock Christian University to expand its summer camp.

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

Mr. NEUGEBAUER. 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 Texas (Mr. NEUGEBAUER) that the House suspend the rules and pass the bill, H.R. 4806, 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.

REPORT ON RESOLUTION WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Mr. LINDER (during consideration of H.R. 4045), from the Committee on Rules, submitted a privileged report (Rept. No. 108–695) on the resolution (H. Res. 785) 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.

MOKELUMNE RIVER FEASIBILITY STUDY

Mr. NEUGEBAUER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4045) to authorize the Secretary of the Interior to prepare a feasibility study with respect to the Mokelumne River, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4045

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

SECTION 1. AUTHORIZATION OF MOKELUMNE RIVER REGIONAL WATER STORAGE AND CONJUNCTIVE USE PROJECT STUDY.

Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof and supplemental thereto, the Secretary of the Interior (hereafter in this Act referred to as the ''Secretary'') is authorized to prepare a feasibility study entitled the ''Mokelumne River Regional Water Storage and Conjunctive Use Project Study'' for a project to provide additional water supply and improve water management flexibility through the development of new water storage and conjunctive use programs.

SEC. 2. USE OF REPORTS AND OTHER INFORMATION.

In developing the Mokelumne River Regional Water Storage and Conjunctive Use Project Study, the Secretary shall use, as appropriate, reports and any other relevant information supplied by the Mokelumne River Water and Power Authority, the East Bay Municipal Utility District and other stakeholders.

SEC. 3. DEADLINE.

The Secretary shall complete the Mokelumne River Regional Water Storage and Conjunctive Use Project Study and provide copies of that study to the Committee on Resources of the House of Representatives and the Committee on

Energy and Natural Resources of the Senate not later than 2 years after the date of the enactment of this Act.

SEC. 4. COST SHARES.

(a) FEDERAL SHARE.—The Federal share of the costs of the Mokelumne River Regional Water Storage and Conjunctive Use Project Study shall not exceed 50 percent of the total cost of the study.

(b) IN-KIND CONTRIBUTIONS.—The Secretary shall accept, as appropriate, such in-kind contributions of goods or services from the Mokelumne River Water and Power Authority as the Secretary determines will contribute to the conduct and completion of the Mokelumne River Regional Water Storage and Conjunctive Use Project Study. Goods and services accepted under this section shall be counted as part of the non-federal cost share for that study.

SEC. 5. WATER RIGHTS.

Nothing in this Act shall be construed to invalidate, preempt, or create any exception to State water law, State water rights, or Federal or State permitted activities or agreements.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary $3,000,000 for the Federal cost share of the Mokelumne River Regional Water Storage and Conjunctive Use Project Study.

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

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

GENERAL LEAVE

Mr. NEUGEBAUER. 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. 4045.

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

There was no objection.

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

Mr. Speaker, this legislation, authored by the distinguished chairman of the Committee on Resources, the gentleman from California (Mr. POMBO), helps resolve a growing water supply problem in San Joaquin County, California. The area's water supplies are being depleted because of rapid population growth, highly significant groundwater overdraft, and saline intrusion. This situation grows worse every day.

This has prompted San Joaquin County officials to seek a more dependable and reliable water supply through extensive water development and planning studies.

H.R. 4045 authorizes limited Federal assistance to complete this effort. The project study authorized in this legislation will examine ways to capture flood flows from an area river in order to develop up to 65,000 new acre feet of water. The study will also determine whether or not the project construction is even feasible, since current water rights on the river, economic factors, and potential environmental impacts will be examined.

As passed by the Committee on Resources, this legislation also expressly protects State water law and current permits and agreements on the river.

Mr. Speaker, this bill will help provide a much needed solution to a growing water problem, and I urge my colleagues to support this legislation.

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

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

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

Mr. Speaker, this bill would authorize the Secretary of the Interior to work with local interests to study possible projects to stabilize groundwater levels in San Joaquin County in California.

I appreciate the efforts made by the chairman of the Committee on Resources and the author of this bill, the gentleman from California (Mr. POMBO), to accommodate the concerns of neighboring water users. Section 2 of the bill was amended in committees to allow the participation of the East Bay Municipal Utility District as this project goes through the planning stages.

We have no objection to passage of this legislation.

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

Mr. NEUGEBAUER. 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 Texas (Mr. NEUGEBAUER) that the House suspend the rules and pass the bill, H.R. 4045, 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.

CREATING OFFICE OF CHIEF FINANCIAL OFFICER OF THE GOVERNMENT OF THE VIRGIN ISLANDS

Mr. NEUGEBAUER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3589) to create the Office of Chief Financial Officer of the Government of the Virgin Islands, as amended.

The Clerk read as follows:

H.R. 3589

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

SECTION 1. CHIEF FINANCIAL OFFICER OF THE VIRGIN ISLANDS.

(a) APPOINTMENT OF CHIEF FINANCIAL OFFICER.—

(1) IN GENERAL.—The Governor of the Virgin Islands shall appoint a Chief Financial Officer, with the advice and consent of the Legislature of the Virgin Islands, from the names on the list required under section 2(d). If the Governor has nominated a person for Chief Financial Officer but the Legislature of the Virgin Islands has not confirmed a nominee within 90 days after receiving the list pursuant to section 2(d), the Governor shall appoint from such list a Chief Financial Officer on an acting basis until the Legislature consents to a Chief Financial Officer.

(2) ACTING CHIEF FINANCIAL OFFICER.—If a Chief Financial Officer has not been appointed under paragraph (1) within 180 days after the date of the enactment of this Act, the Virgin Islands Chief Financial Officer Search Commission, by majority vote, shall appoint from the names on the list submitted under section 2(d), an Acting Chief Financial Officer to serve in that capacity until a Chief Financial Officer is appointed under the first sentence of paragraph (1). In either case, if the Acting Chief Financial Officer serves in an acting capacity for 180 consecutive days, without further action the Acting Chief Financial Officer shall become the Chief Financial Officer.

(b) TRANSFER OF FUNCTIONS.—

(1) IN GENERAL.—Upon the appointment of a Chief Financial Officer under subsection (a), the functions of the Director of the Office of Management and Budget established under the laws of the Virgin Islands shall be transferred to the Chief Financial Officer. All employees of the Office of Management and Budget become employees of the Office of the Chief Financial Officer.

(2) DOCUMENTS PROVIDED.—The heads of each department of the Government of the Virgin Islands, in particular the head of the Department of Finance of the Virgin Islands and the head of the Internal Revenue Bureau of the Virgin Islands shall provide all documents and information under the jurisdiction of that head that the Chief Financial Officer considers required to carry out his or her functions to the Chief Financial Officer.

(c) DUTIES OF CHIEF FINANCIAL OFFICER.—The duties of the Chief Financial Officer shall include the following:

(1) Assume the functions and authority of the office of the Office of Management and Budget established under the laws of the Virgin Islands as transferred under subsection (b).

(2) Develop a report on the financial status of the Government of the Virgin Islands not later than 6 months after appointment and quarterly thereafter. Such reports shall be available to the public and shall be submitted to the Committee on Resources in the House of Representatives and the Committee on Energy and Natural Resources in the Senate.

(3) Each year certify spending limits of the annual budget and whether or not the annual budget is balanced.

(4) Monitor operations of budget for compliance with spending limits, appropriations, and laws, and direct adjustments where necessary.

(5) Develop standards for financial management, including inventory and contracting, for the government of the Virgin Islands in general and for each agency in conjunction with the agency head.

(6) Oversee all aspects of the implementation of the financial management system provided pursuant to section 3 to ensure the coordination, transparency, and networking of all agencies' financial, personnel, and budget functions.

(7) Provide technical staff to the Governor and legislature of the Virgin Islands for development of a deficit reduction and financial recovery plan.

(d) DEPUTY CHIEF FINANCIAL OFFICER.—Until the date that is 5 years after the date of the enactment of this Act, the position of the Director of the Office of Management and Budget of the Virgin Islands shall—

(1) have the duties, salary (as specified in subsection (f)(3)), and other conditions of the Deputy Chief Financial Officer in lieu of the duties, salary, and other conditions of the Director of the Office of Management and Budget of the Virgin Islands as such functions existed before the appointment of the Chief Financial Officer; and

(2) assist the Chief Financial Officer in carrying out the duties of the Chief Financial Officer.

(e) CONDITIONS RELATED TO CHIEF FINANCIAL OFFICER.—

(1) TERM.—The Chief Financial Officer shall be appointed for a term of 5 years.

(2) REMOVAL.—The Chief Financial Officer shall not be removed except for cause. An Acting Chief Financial Officer may be removed for cause or by a Chief Financial Officer appointed with the advice and consent of the Legislature of the Virgin Islands.

(3) REPLACEMENT.—If the Chief Financial Officer is unable to continue acting in that capacity due to removal, illness, death, or otherwise, another Chief Financial Officer shall be selected in accordance with subsection (a).

(4) SALARY.—The Chief Financial Officer shall be paid at a salary to be determined by the Governor of the Virgin Islands, except such rate may not be less than the highest rate of pay for a cabinet officer of the Government of the Virgin Islands or a Chief Financial Officer serving in any government or semiautonomous agency.

(f) CONDITIONS RELATED TO DEPUTY CHIEF FINANCIAL OFFICER.—

(1) TERM; REMOVAL.—The Deputy Chief Financial Officer shall serve at the pleasure of the Chief Financial Officer.

(2) REPLACEMENT.—If the Deputy Chief Financial Officer is unable to continue acting in that capacity due to removal, illness, death, or otherwise, another person shall be selected by the Governor of the Virgin Islands to serve as Deputy Chief Financial Officer.

(3) SALARY.—The Deputy Chief Financial Officer shall be paid at a salary to be determined by the Chief Financial Officer, except such rate may not be less than the rate of pay of the Director of the Office of Management and Budget.

(g) RESUMPTION OF FUNCTIONS.—On the date that is 5 years after the date of the enactment of this Act, the functions of the Chief Financial Officer shall be transferred to the Director of the Office of Management and Budget of the Virgin Islands.

(h) SUNSET.—This section shall cease to have effect after the date that is 5 years after the date of the enactment of this Act.

SEC. 2. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''Virgin Islands Chief Financial Officer Search Commission''.

(b) DUTY OF COMMISSION.—The Commission shall recommend to the Governor not less than 3 candidates for nomination as Chief Financial Officer of the Virgin Islands. Each candidate must have demonstrated ability in general management of, knowledge of, and extensive practical experience at the highest levels of financial management in governmental or business entities and must have experience in the development, implementation, and operation of financial management systems. Candidates shall not have served in a policy making or unclassified position of the Government of the Virgin Islands in the 10 years immediately preceding appointment as Chief Financial Officer.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members appointed not later than 30 days after the date of the enactment of this Act. Persons appointed as members must have recognized business, government, or financial expertise and experience and shall be appointed as follows:

(A) 1 individual appointed by the Governor of the Virgin Islands.

(B) 1 individual appointed by the President of the Legislature of the Virgin Islands.

(C) 1 individual, who is an employee of the Government of the Virgin Islands, appointed by the Central Labor Council of the Virgin Islands.

(D) 1 individual appointed by the Chamber of Commerce of St. Thomas-St. John.

(E) 1 individual appointed by the Chamber of Commerce of St. Croix.

(F) 1 individual appointed by the President of the University of the Virgin Islands.

(G) 1 individual appointed by the Chief Judge of the Virgin Islands Territorial Court.

(H) 1 individual, who is a resident of St. John, appointed by the At-Large Member of the Legislature of the Virgin Islands.

(I) 1 individual appointed by the Advocates for the Preservation of the Retirement System.

(2) TERMS.—

(A) IN GENERAL.—Each member shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy shall be appointed for the remainder of that term.

(3) BASIC PAY.—Members shall serve without pay.

(4) QUORUM.—Five members of the Commission shall constitute a quorum.

(5) CHAIRPERSON.—The Chairperson of the Commission shall be the Chief Judge of the Territorial Court or her designee and shall serve as an ex officio member of the Commission and shall vote only in the case of a tie.

(6) MEETINGS.—The Commission shall meet at the call of the Chairperson. The Commission shall meet for the first time not later than 15 days after all members have been appointed under this subsection.

(7) GOVERNMENT EMPLOYMENT.—Members may not be current government employees, except for the member appointed under paragraph (1)(C); and

(d) REPORT; RECOMMENDATIONS.—The Commission shall transmit a report to the Governor and the Resources Committee of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 60 days after its first meeting. The report shall name the Commission's recommendations for candidates for nomination as Chief Financial Officer of the Virgin Islands.

(e) TERMINATION.—The Commission shall terminate 210 days after its first meeting.

SEC. 3. FINANCIAL MANAGEMENT SYSTEM.

It is hereby authorized to be appropriated such sums as necessary for the installation of a Financial Management System, including appropriate computer hardware and software, to the Government of the Virgin Islands. Upon becoming available, the financial management system shall be available to the Chief Financial Officer and, after the date that is 5 years after the date of the enactment of this Act, the Director of the Office of Management and Budget of the Virgin Islands, to assist the Chief Financial Officer or the Director of the Office of Management and Budget of the Virgin Islands, as the case may be, to carry out the official duties of that office.

SEC. 4. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) CHIEF FINANCIAL OFFICER.—In sections 1 and 2, the term ''Chief Financial Officer'' means a Chief Financial Officer or Acting Chief Financial Officer, as the case may be, appointed under section 1(a).

(2) COMMISSION.—The term ''Commission'' means the Virgin Islands Chief Financial Officer Search Commission established pursuant to section 2.

(3) GOVERNOR.—The term ''Governor'' means the Governor of the Virgin Islands.

(4) REMOVAL FOR CAUSE.—The term ''removal for cause'' means removal based upon misconduct, failure to meet job requirements, or any grounds that a reasonable person would find grounds for discharge.

SEC. 5. NO ABROGATION OF POWERS.

Nothing in this Act shall be construed to permit the Governor and Legislature of the Virgin Islands to dilute, delegate, or otherwise alter or weaken the powers and authority of the Office of Management and Budget established under the laws of the Virgin Islands.

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

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

GENERAL LEAVE

Mr. NEUGEBAUER. 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. 3589.

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

There was no objection.

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

Mr. Speaker, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) has introduced this legislation to address a potentially serious problem relating to her territory's financial future. Her legislation, H.R. 3589, will create an Office of the Chief Financial Officer for the United States Virgin Islands.

For over a decade now, multiple factors have lead to a worsening financial outlook in this territory. Natural disasters, a gradually declining tourism industry, and the resulting spending decisions by the local government have left the U.S. Virgin Islands with significant annual deficits. Further, this territory now faces a debt totaling $1 billion.

Given this economic instability and the worsening conditions, serious actions should be considered. For this reason, the Delegate has introduced 3589. This legislation uses local and Federal input to select an Office of the Chief Financial Officer. The CFO will tackle the difficult fiscal and related political decisions with regard to spending on these islands.

It is important to note that this individual and his or her staff will functionally be independent of the executive and legislative branches of the local government. This position will be temporary and will be empowered to stop wasteful spending and put this territory back on the track to more sound economic footing.

Without this legislation, one must worry that the Federal Government may have to take an even more serious action if this debt continues to increase. I am thus hopeful that the House can support the gentlewoman from the Virgin Islands' (Mrs. CHRISTENSEN) bill so that we can begin to address the dire financial situation in this territory.

Finally, I would like to point out that H.R. 3589, as amended, was passed by the Committee on Resources by voice vote on July 14, and I appreciate the bipartisan work of the committee in acting quickly on this legislation.

I hope we can act in the same bipartisan fashion. I urge adoption of this bill.

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

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

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

Mr. Speaker, I want to begin by thanking the gentleman from California (Mr. POMBO) and the ranking member, the gentleman from West Virginia (Mr. RAHALL), for their support in making it possible for H.R. 3589 to get through the committee and be on the floor of the House today. I am really heartened by the support I received from both sides of the leadership and the members of my committee, the hard work of the staff, as well as from the gentlewoman from the District of Columbia (Ms. NORTON), and members of the Congressional Black Caucus on this issue, which I believe to be important to the short and long term well-being of the Virgin Islands.

I want to thank the ranking member, the gentleman from West Virginia (Mr. RAHALL), for standing shoulder to shoulder with me on this issue in the face of significant opposition and insisting that my bill be a top priority of the Democratic Caucus of our committee.

Mr. Speaker, today is a day of great moment for the people of the Virgin Islands and for me because with passage of this bill we are a significant step closer to achieving a goal to put in place a mechanism to address the fiscal challenges that continue to face our territory. Many Members' districts have been in similar situations, and Members have addressed them in similar ways.

I have introduced this bill before us today, H.R. 3589, because throughout my tenure as the Representative of the people of the Virgin Islands in the House of Representatives, I have seen the territory's fiscal condition come dangerously close to collapse on several occasions.

In the absence of any similar local action being taken, I believe that the only course to reverse this trend is to create an office with the independence and the authority to help us exercise the fiscal restraint and better fiscal management of both Federal and local funds, something all of our local leadership agrees must be done.

Mr. Speaker, it has not been easy for me to watch the fiscal health of the territory steadily decline since I have been in office. Since the middle 1990s, successive administrations and legislatures have, for good reason, not been able to maintain sound fiscal management and financial policies.

□ 1900

While some of the reasons for this condition have been outside of our control, such as recurrent catastrophic hurricanes and the tax cuts and credits passed by Congress, much of the blame for this condition can be traced to the unfortunate reality that the territory's managers and lawmakers have not substantively addressed the imbalance between the needs and demands of the community and its revenues.

It was not, and still is not, my intention in introducing H.R. 3589 to cast aspersions on the fiscal policies of the current administration or the legislature or past ones. However, I feel very strongly that I could not sit idly by while we continue to face fiscal crisis after fiscal crisis without offering some solution to temper or soften the difficult decisions that we ourselves, not the Federal Government, have to make to get us out of this roller-coaster approach to managing our fiscal affairs.

Nevertheless, in taking this action, I was opposed by the governor and lieutenant governor, as well as my party leadership back home, who disagreed with this approach. A resolution that went so far as to condemn my action was passed by the Members of the 25th legislature, but the people of the Virgin Islands, who have long called for accountability and transparency in our government, have supported this bill strongly from the outset.

As I reflect on what led me to this point today, I am reminded of a quote by Dr. Martin Luther King, Jr., which was brought to my attention by a local attorney, in which Dr. King said, ''The ultimate measure of a man is not where he,'' or she, I would say, ''stands in moments of comfort and convenience, but where they stand in times of challenge and controversy.''

Mr. Speaker, we are indeed facing challenging and difficult times in the Virgin Islands. The actions of those of us in leadership today will have profound effects for our future.

While H.R. 3589 will not be a panacea or solve all of our problems, it will help to keep our finances in order and prevent us from sinking further into a fiscal black hole.

I urge my colleagues to support this bill, and I again want to thank the gentleman from California (Chairman POMBO) and the gentleman from West Virginia (Ranking Member RAHALL) and the staff.

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

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

I would just like to commend the gentlewoman for bringing this solution forward and for taking on the responsibility of representing and making sure that the folks in her island are represented correctly.

So I commend her for that and for her great work on this.

Mr. RAHALL. Mr. Speaker, in my capacity as the Ranking Democratic Member of the Resources Committee, I would like to register my strong support of H.R. 3589, to create the office of chief financial officer for the territory of the U.S. Virgin Islands. I commend the gentlelady from the U.S. Virgin Islands, DONNA CHRISTENSEN, for her tireless work in getting this legislation to the floor for our consideration.

As has been noted this evening, the financial condition of the Virgin Islands is in trouble. Skyrocketing deficits coupled with inadequate fiscal controls have left the local government struggling to provide basic services to the people of the Virgin Islands.

The potential financial insolvency of the territory did not occur overnight. Nevertheless the introduction of this measure, by the distinguished representative of the Virgin Islands, DONNA CHRISTENSEN, was still met with controversy and opposition from many local political leaders.

DONNA CHRISTENSEN has made it clear that this legislation is something that she would rather not have done, but the circumstances of her territory have made the choices for her. She is a brave woman for fighting for what she believes is in the best interest of her constituents and for her island and she should be commended.

Virgin Islands history will show that this legislation was a turning point in the fundamental approach that the territory handles its financial affairs. Indeed, this evening may one day be looked upon by the residents of the Virgin Islands as one of those rare moments when history itself seemed to hold its breath. When the voice of the people, on that beautiful Carribean island, rose louder and louder and thundered over various political obstacles and was heard, and acted upon, in this hallowed chamber that is the U.S. House of Representatives.

I have said it before, and I will say it again this evening. When the next chapter in Profiles in Courage is written, it will be about the gentlelady from the Virgin Islands, DONNA CHRISTENSEN.

I urge my colleagues to support favorable passage by this body of H.R. 3589.

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Texas (Mr. NEUGEBAUER) that the House suspend the rules and pass the bill, H.R. 3589, 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.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

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

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

The Clerk read as follows:

Mr. Moore moves 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—

(1) extends the tax relief provisions which expire at the end of 2004, and

(2) does not increase the federal budget deficit.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Kansas (Mr. MOORE) and

the gentleman from Texas (Mr. BRADY) each will control 30 minutes.

The Chair recognizes the gentleman from Kansas (Mr. MOORE).

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

Mr. Speaker, this is really a straightforward motion to instruct the tax conferees. The motion calls on Congress to extend middle-class tax relief without increasing the Federal budget deficit. There is broad, bipartisan support in Congress for extending the middle-class tax relief that expires at the end of this year, and the House will soon have a chance to vote on extension of the relief.

But, Mr. Speaker, there is also bipartisan support for the reinstatement of PAYGO rules that expired nearly 2 years ago. Extending PAYGO rules would have the effect of getting our fiscal house back in order and forcing the Federal Government to live within its means, to live within a budget.

Today, the House has an opportunity to put itself on record in support of a conference report that extends necessary tax relief in a fiscally responsible manner.

I have strongly supported middle-class tax relief in the past and will continue to support it in the future, Mr. Speaker. I support extending marriage penalty relief. I support the increased $1,000 per child tax credit. I support the expanded 10 percent tax bracket, and I also support alternative minimum tax, or AMT, tax relief. But what I find troubling is passing these tax cuts with borrowed money and leaving our children and grandchildren to pay our bills, putting a $7-plus to $10 trillion mortgage on our children's future. That is absolutely unacceptable.

Applying PAYGO rules to both mandatory spending increases and tax cuts does not, I repeat does not, prevent Congress from passing more tax cuts. It simply means, if we are going to reduce our revenues by tax cuts, we need to reduce our spending by the same amount.

This should not be about Republicans and Democrats. This should be about the future of our country and the future of our children and grandchildren.

A bipartisan group of Senators has put forth a proposal to expand the middle-class tax cuts for 1 year, offset by an extension of customs users fees and closing tax loopholes. The Blue Dog coalition has offered a similar measure in the House that makes sense now and in the future.

As of 9 a.m. this morning, Mr. Speaker, the national debt for our country stood at $7.35 trillion, trillion with a ''T''. That raises the share of debt for every citizen in this country to $25,000. The Treasury Department estimates that the national debt will exceed the statutory debt limit later this month or sometime next month. Over the last year alone, Mr. Speaker, our national debt has increased by $670 billion, and over the last 3 years it has increased by $1.5 trillion. The Congressional Budget Office projects that the national debt, our national debt, will exceed $10 trillion in just a little more than 4 years under our current budget policies, $10 trillion.

Just a few hours ago, by an overwhelming vote of 404 to 8, the House passed the Stenholm amendment to the Transportation, Treasury appropriations bill which would prohibit the Secretary of the Treasury from raiding government retirement funds to avoid breaching the debt limit. I hope that Congress will keep the Stenholm amendment in the Transportation, Treasury conference report and force the Federal Government to take responsibility for its fiscal policies.

As the House moves to consider an extension of tax relief, we should keep in mind that the one tax that will never go away, Mr. Speaker, is the debt tax. The debt tax is the interest we pay on our national debt, almost $1 billion a day. That is $1 billion a day. Last year, the debt tax accounted for 18 percent of all government revenues, and the interest that we pay on our national debt will only grow if we continue our present fiscal policies.

We should not pay for tax cuts by borrowing money against our children's future, in effect putting a mortgage on the future of our children and grandchildren. We are taking the tax cuts now and asking for our kids and grandkids to pay for those tax cuts later, with interest, billions and trillions of dollars of interest.

Congress should be required to sit down and figure out how to make things fit within a budget, just like families across our country do every day. Almost every weekend, Mr. Speaker, I go back to Kansas and I hear from Kansas families, Why can the people in Congress not live like American families do?

They follow three simple rules: Number 1, do not spend more money than you make; number 2, pay off your debts, common sense, Mr. Speaker; and number 3, take care of basics and the future. The basics for a family are food, shelter, education, health care, transportation, things we all write checks for every month. The basics for our Nation are national defense, the Social Security system, a retirement system for people who have worked hard all their lives and cannot work anymore and, just an example, some sort of national highway system to move goods around this country and keep this economy going.

Yet, for years, Congress has lived beyond its means by spending more money than it took in in revenues, and we need to change that course again. We need to start living like American families do and not placing a $10-plus trillion mortgage on the future of our children and grandchildren.

□ 1915

Mr. Speaker, I hope and I ask all the Members of this House of Representatives to, again, put aside partisan politics, because it is not about Democrats and Republicans, and to vote for this motion to instruct.

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

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

Mr. Speaker, I agree with my colleague that the national debt is an important issue that needs to be taken seriously. I know for much of my lifetime, under Democratic control of Congress, America begged legislators to balance the budget, but they went deeper and deeper in debt each year. I am grateful that when Republicans took control of the House that they worked with President Clinton to balance the budget, indeed, not just to do that but to start paying off the national debt.

It is terribly frustrating to me when I see the triple hit that America took, the attacks on 9/11 that cost us almost 2 million American jobs, when I see the recession President Bush inherited from his predecessor and when I see the collapse of our technology companies and the horrible actions of Enron and WorldCom and others that have given us such a triple hit to our economy; that made it so difficult. It took away so much of our revenue that we have been unable to balance the budget.

But let us be real clear about what this instruction does. It requires that these extensions, the child tax credit and the 10 percent bracket for people who do not make much and the marriage penalty relief to make sure we do not penalize people simply because they are married, it requires these extensions be paid for. In other words, the motion to instruct requires more than $130 billion of tax hikes or spending cuts. I know the spending cuts will not be supported by my colleagues on the other side of the aisle. This motion does not make the tough choices regarding which taxes to increase or which programs to cut.

The extension of family tax relief is already provided for in the House-passed budget resolution. That resolution would cut the deficit in half without raising taxes, and if we follow the House-passed budget resolution, this motion is not necessary. In contrast, the Democratic motion we talk about tonight is a zero sum game. It provides tax relief, on one hand, and then takes it away, takes it from families' pockets, with the other.

The House has already voted to extend this tax relief without raising taxes to pay for it. And if Congress does not act, families will face a tax increase next year. For example, next year, the $1,000 child tax credit drops to $700, which is tough on a family raising children these days. The 10 percent tax bracket, which helps folks who do not make that much money, will apply to less of a person's income. And the marriage penalty relief will provide less relief for couples.

There is a right way to tackle our spending and our national debt, and

that is to abolish obsolete Federal agencies, to cut programs that duplicate themselves and to go after the fraud in Medicare and Social Security. And the wrong way to tackle our debt is to raise taxes on hardworking families and parents and small businesses.

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

Mr. MOORE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, I thank my good friend from Kansas, my fellow Blue Dog, a member of the Blue Dog Coalition, which may very well be the last group of Members of this House left that works every single day for balanced budgets and fiscal responsibility and against indebtedness.

Mr. Speaker, I rise in support of this motion to instruct conferees because this Congress needs to start taking our children's future into account. What this motion says is, extend middle class tax relief but do not expect future generations of Americans to pay for that middle class tax relief.

Mr. Speaker, I have supported many of the President's tax cuts. I understand and I appreciate that most middle-class families, people, that their tax burdens are overwhelming. However, I believe that it is incumbent upon us to ensure that we relieve those burdens in a responsible manner and not literally pass the buck to our children and our grandchildren.

There is not a single Member of this House on either side of the aisle who would walk into a luxury car dealership and say to a sales person, I will take the most expensive car you have on the floor with the most elaborate fancy options, load it up as much as you can, and send my children the bill for that car. Not a single Member would do that. If we do not pay for these tax cuts, that is exactly what we are doing to our children. We are placing the burdens of our tax cuts on our children's shoulders.

The national debt is over $7 trillion. This year's projected budget deficit is $422 billion. The Treasury Department has estimated that the national debt will exceed the statutory authority in the next 60 days. We need to start making better decisions on a bipartisan basis now on how to manage our money.

Now, conferees have options on how to implement tax extensions at little or no cost. Conferees have options on how to proceed in a fiscally responsible manner. Conferees can help pay for these cuts by closing tax loopholes, and this motion instructs them to do so.

Mr. Speaker, everyone who pays a credit card knows that the least productive part of that credit card bill is interest payments. We are paying $1 billion a day on interest on our national indebtedness, interest on the decisions that we have made. We need to bring fiscal responsibility back to this House. America's middle-class families are spending an average of $4,400 a year on our debt. That is a death tax, and it is one that we will not be able to repeal.

Mr. Speaker, I want to close by reminding my colleagues and the American people that the middle class is being squeezed. They do not need that reminder. They know it every day. They know it because they are paying higher interest rates. They are paying more to gas up their cars. They are paying more for college tuition. They are paying more for their children's health care, more for their parents' health care. They are paying more everywhere they turn. They deserve relief now, and our children do not deserve to have the buck passed to them later.

That is why I so strongly urge my colleagues to heed the words of the gentleman from Kansas. Let us put politics aside. Let us not harp on the past but start thinking about our children's future.

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

Mr. Speaker, the best thing we can do to pay down the debt is to make sure we are keeping revenues coming in to the Federal Government. We do that not by raising taxes on families and small businesses who can ill afford it. We do it by getting this economy growing, by reducing the amount of spending and, in fact, doing away with the obsolete Federal agencies and all the programs that duplicate each other where we waste so many of our hard-earned tax dollars in Washington and in Federal programs.

The fact of the matter is, the reason we went into deficit is that the economy took such a hard hit. And I think we fought back the right way. When you look at the attacks of 9/11, when we look at the recession President Bush inherited and when we look at the WorldComs and Enrons that hurt so many of us with jobs, what Republicans in Congress did to fight back was to provide tax relief for families and small businesses and people who live on a retirement income.

Our principle was simple: If we want to create jobs in Kansas, if we want to create jobs in Texas, if we want to create jobs in America, then leave the money in Kansas, in Texas, in America, so it can turn around in our economy and so it can be spent on Main Street and so we can help families balance their budget and get this economy growing. And it is working.

Despite the three hits that would have knocked most nations' economies to its knees, by fighting back with tax relief for families and small businesses, we have created over 1.5 million new jobs this past year, more than 100,000 in my State of Texas. We are fighting back. We are not where we would like to be yet in today's economy, but the worst thing we could do for America's families and for their children is to prolong a recession by raising taxes on families and small businesses today. And that is what this motion does.

Mr. Speaker, we know that we do not get support when we try to cut wasteful spending. And when we try to lower the cost of our appropriation bills, my Democratic colleagues, with some exceptions, rarely argue that we are spending too much. Their argument is that we need to spend more. They want higher spending, not less. So I know this motion to instruct is not about reducing the wasteful spending in Washington; it is about raising taxes on families and small businesses who can ill afford it.

In my opinion, and I would think the opinion of the American public, what we can do for tomorrow's children is to get their parents jobs today where they are paying both their income taxes and their payroll taxes into Medicare and into Social Security. Because without an economy that is strong and vibrant, we will not have a recovery. We will not balance the budget sooner rather than later, and we will not put money into Medicare and Social Security. That, ultimately, is what will cost our children a death tax, not getting this economy going and stopping wasteful Washington spending.

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

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

Mr. Speaker, I appreciate the comments by my friend from Texas, but the only person in this chamber tonight, in this debate, the only person in this chamber who has talked about raising taxes is the gentleman from Texas. I certainly have not, and I do not intend to, because that is not what my intention is at all, Mr. Speaker. I do not want to raise taxes. We do not want to raise taxes. What we want to do is get our budget back in balance and eliminate the death tax on the future of our children and grandchildren.

My friend from Texas, across the aisle, talks about making some hard decisions. I would challenge him to pass this motion to instruct tonight and let us sit down together, Republicans and Democrats, and put aside all talk about raising taxes and work on identifying where there is waste, fraud and abuse in our budget and eliminating that. We can do that. Again, I am more than willing to. This motion intends to extend the marriage penalty relief, the child tax credit, extend the 10 percent tax credit and AMT relief. All of those are tax cuts that we want to extend. Not raise taxes, cut taxes.

But we need to work together, Mr. Speaker, to find ways that we can eliminate this horrible mortgage, this horrible debt we are putting on the future of our children and grandchildren. The folks across the aisle act as if this is just no big deal. Just no big deal. But I am concerned that, as the baby boomers in the next 4 to 5 years start to retire, our children are going to take on the debt of providing for Social Security for the baby boomers. That is the way it has always been. That is the way the system has always worked.

In addition to the debt of the baby boomers, they are going to have the obligation of taking on this debt tax, which is a billion dollars a day now that we pay interest on the national debt, not to mention, by then, a $10 trillion to $12 trillion national debt and a deficit of who knows how much.

When my friends across the aisle talk about fiscal responsibility, we should mention that the debt this year, $7.35 trillion, the debt that stands for our country right now, the deficit, $422 billion, is the highest in our Nation's history. The highest ever. And I am not being partisan when I say that.

Again, I ask the gentleman from Texas and my friends across the aisle to come together with us, and let us sit down and figure out a way to make this work. Let us reinstitute PAYGO rules, and let us make sure that we are in a fiscally responsible and balanced budget position in the future so we do not impose this horrible burden on future generations in our country. If we do that, Mr. Speaker, we are doing a disservice to our kids, to our grandkids and to our country.

I implore the gentleman to pass this motion tonight and to sit down with me and find ways we can eliminate the waste, fraud and abuse he has talked about here tonight.

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

Mr. BRADY of Texas. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I completely agree with the gentleman from Kansas that there is a shared desire to reduce this deficit, not only that but to balance the budget and start paying down the debt. The question is, how do we do it?

Do we raise taxes on small businesses and families or cut wasteful spending? My contention is, rather than raising taxes, we reduce the wasteful spending here. And I will gladly work with my colleague to do so, although there is a history against that, unfortunately, from his side of the aisle.

Mr. Speaker, I yield 6 minutes to the gentleman from Michigan (Mr. MCCOTTER) who has been a strong advocate not only of cutting taxes for families but reducing the deficit and getting back to balancing the budget.

Mr. MCCOTTER. Mr. Speaker, I would like to join this debate for a brief moment and, first, echo the remarks of the gentleman from Texas and commend anyone in this institution for their commitment to end waste, fraud and abuse within the Federal Government's spending practices. No one party controls a monopoly on good ideas, and so we must always be open and subject to agreeing where we should.

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We hear about the debt tax. My wife and I live in Lavonia. We are thoroughly middle class. We have both roughly working class backgrounds. My parents were teachers. My wife came from a single-income family. We have three children, 11, 9, and 6; boy, boy, girl. And so when we hear about relief for working families, believe me, I understand it. But what I also understand, as having been an elected official for a while, is that in terms of eliminating waste, fraud, and abuse, that is something that, regardless of whatever the tax policy of the United States is, we should all be committed to doing. It is not merely a collective burden. It is a burden that individually falls on each and every single Member of this Chamber and one which, if we do not pursue, we are remiss.

My concern by linking working families' tax relief and tax relief for small businesses, many of which in my district, a manufacturing district, are tier one and tier two auto suppliers, is that in linking them to the tax relief, we run the risk of holding working families' tax relief hostage to Washington's big spending practices. In short, it amounts to the fact that no matter how much money they pay to the Federal Government, unless they stop spending even more of their money, they will get no tax relief. That is not an incentive to appropriators to stop appropriating too much of their money. That is not an incentive to go find waste, fraud, and abuse and end it in the Federal Government. That is an incentive for Washington to continue spending, because Washington will not feel the price of their largess. They will.

So I think that that is my concern in this debate, trying to link those two together because I do not believe working families should be punished. I do not believe small businesses should be punished. I do not believe anyone in the American economy should be punished for Washington appropriators' misspending or misappropriation of their funds.

In the final analysis, there is also something that we have to touch on and I have touched on as a member of the Committee on the Budget and I will continue to touched on. We hear much about the deficit. We hear much about inherited recessions. We can argue that we inherited a recession, as we heard last night; but the reality is that I think the numbers were about 9 percent of the economy was lost in one quarter, the final quarter of the Clinton administration, which I will say for the record is not a recession because it takes two quarters of negative growth to constitute a recession. Granted, no one really works that fast that they can lose 9 percent of the American economy in one quarter, but it was done, which does not constitute a recession. But as jobs follow a recovery upward, jobs follow down too in a recession, in a collapse.

In the 1990s, and I will preface this with what I have said, which is that we cannot blame the Clinton administration nor this Congress for these three things changing. I know it is hard to believe, but sometimes things are outside our control. In the 1990s we had the first rush of globalization, which was beneficial to the United States at the time. We have since seen the long-term downside of that. We then saw the rise of the Internet, which was an enormous boon to the American economy, a lot of it based on potential because we had not learned how to factor that in.

The final, and I think the most important, was the collapse of the Soviet Union because at that point in time we all thought we had a ''peace dividend,'' and the American economic activity was spurred here and was spurred throughout the globe. What those three things have been replaced with are now the downside of the outsourcing problems that we have.

I speak as a representative from a manufacturing district. We now have the fact that not everyone is going to buy things on the Internet. We have seen a constriction of the optimism, and I think a large part of that was manifested in the dot-com boom; and, most importantly, we have seen the rise of the war on terror. These factors are as much driving the shaky economy that we have in many areas of this country as anything else because we replaced the perfect storm of economic prosperity we saw in the 1990s with these three detriments.

And every single American, especially for the war on terror, has to figure out how that is going to play into their economic outlook from their family room to their boardroom. The mistake that we would make is in claiming that somehow this recession that was passed and we are coming out of in this recovery are as normal as anything we have ever been through before. I totally disagree with that premise. And I think that as we continue to link working-family relief or small-business relief, things that are important, things that will encourage people to make investment decisions, will encourage them to come out of their shell in these difficult times both here at home economically and internationally in terms of the war on terror.

If these things are allowed to expire, the American public, which grows this economy, will have an even more difficult time figuring out how to factor in the irrational act of terrorism into their rational economic calculations they have made for years and years and years. So my concern is, and it is echoed by the gentleman from Texas, is that that is a wrong message to send.

But I would like to conclude by commending the gentleman for his commitment in trying to end waste, fraud, and abuse in the Federal Government.

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

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

To the gentleman from Texas, I say that until 2002, we had in the Congress here budget rules one of which was called PAYGO, and it required that if we were going to initiate a new spending program or a new tax cut, we had

to find a way to pay for it. This year we have eliminated that and changed it only if we have a new spending proposal, we have to find a way to pay for it, but not a new tax cut.

I am on the Committee on the Budget and the Committee on Financial Services, and at least twice a year I have a chance to talk to a fellow by the name of Alan Greenspan, and every time Chairman Greenspan appears, he tells us how important fiscally responsibility is, and he advocates reinstituting PAYGO rules, which expired in 2002, and that means as to new spending programs and as to tax cuts.

And when the gentleman says, and I say this respectfully, our side has always spent more money, well, to the gentleman from Texas I say our side is not in control of the House, the Senate, or the Presidency. Your side is. And you can stop new spending if you want to do that.

So I say, please, in all sincerity, join us, pass this motion, make it apply to new spending proposals as well as new tax cuts so we can get out of this horrible deficit position we are in in this country and not pass this horrible debt on to our children and grandchildren.

And Chairman Greenspan, when he testified in front of our committee for the past 6 years I have been in Congress, he has said invariably this, he says this over and over. He says one of the most important things Congress can do is live within a budget and practice fiscal responsibility. And what Chairman Greenspan says to me and to the members of the Committee on the Budget and Committee on Financial Services each year when he testifies is this: when we are in a slowdown economy, as we have been in the past couple of years, not if, but when this economy takes off, if we are not in a fiscally responsible position, we could see interest rates start to go up dramatically. In fact, yesterday we saw them go up one quarter of one point, but they could go up dramatically.

I am not suggesting it is going to happen like this, but I think some of us in this Chamber are old enough to remember the late 1970s. We had interest rates in this country of 14, 16, 17 percent, which would be absolutely devastating for the real estate industry, for business generally, and for consumer borrowing. I hope we never see that again. But if we keep on the course we are on right now of fiscal irresponsibility with the largest deficit in our Nation's history, with the largest debt in our Nation's history, we could see interest rates go up to 8, 9, 10 percent. I am afraid if that happens, that would be, again, devastating for the business economy, devastating for real estate, and devastating for consumer borrowing.

We owe our country better than that. We owe our children and future generations better than that. And I ask the gentleman, please, join us in support of this motion.

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

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

Two thoughts: one, I do not think it is responsible to try to scare our citizens with 9, 10, 14, 15 percent interest rate predictions when we know that is not what Alan Greenspan said. And I think even though it is election year and people take great pleasure in trying to doom and gloom the economy and scare average voters in America, I do not think it is the right thing to do.

Secondly, I do know that we can tell some things from the past. And while I believe my friend from Kansas is sincere about wanting to address spending as the right way to reduce the deficit, the fact of the matter is that earlier this year on three different occasions, his Democratic colleagues offered motions to pass tax relief for families and a child tax credit and all that, and in each case they did not offer any spending relief. What they offered were more tax increases.

So I say that this motion tonight, much like those other motions, its goal is not to pay down the debt by limiting and targeting abusive spending. What it desires to do is raise taxes. And I think the best way we pay down the debt and get back to a balanced budget to do the things that Alan Greenspan rightly said we should do, and I agree with my friend from Kansas, is not to increase taxes on families and small businesses.

We are recovering from a recession. We are trying to move dollars through that economy. It is working. I think the quickest way we can put a stop to this economy is to tax families and small businesses at this point when we are just coming out of it, doing a good job in doing that, fighting back the way we ought to with the principle of let us leave the money in the community, because at the end of the day, this philosophy really comes down to this: Is this your money or is this Washington's money?

I have more faith in people spending the money that is so hard earned. I believe we are an overtaxed Nation. I think getting this economy going, which Republicans and Democrats should share, election year aside, should share that dream. I think cutting wasteful spending, which Republicans and Democrats should share that dream, is the fastest way we can get back to a balanced budget and to pay down the deficit, which, again, I agree completely with my colleague. I believe he makes a great point on that issue and one that we can work together on.

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

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

I say this with the greatest respect for the gentleman from Texas: the question that he asks, Is this your money or Washington's money? is not an honest question because when we ask that question, the honest answer is it is not our money. It is our children's money and our grandchildren's money that we are taking right now for feel-good tax cuts and for new spending programs. And if we both are sincere here, and I have the greatest confidence in the gentleman from Texas, my friend across the aisle, I believe he is sincere, we should sit down together, pass this motion, reinstitute the PAYGO rules as they existed prior to 2002 that applied to both spending and new tax cuts and go forward from there and protect the future of our country. That is the way we should legitimately proceed here.

I am not trying to prey on anybody's fear. I think we have learned a big lesson since the late 1970s when we had interest rates at 14, 16, 17 percent. I do not think that is going to happen again. But I think we could see interest rates in the upper 8, 9, or 10 percent if we are not careful here and if we do not get back to fiscal responsibility.

That is why I say the answer here is not to pose false questions such as, Is it your money or Washington's money, because it is not our money right now. We are basically charging it on a national charge card, passing the bill along to our kids and grandkids and saying, Here, you guys take care of this. That is not responsible. That is not fiscal responsibility. It is not fair to future generations in this country. We have the greatest Nation in the whole world, but we cannot be strong and free and broke.

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

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

Let us make two quick points here. The interest rates did not go down because we were paying off the debt. The interest rates went down because our economy slowed after three huge hits: the attack of 9/11 that cost us almost 2 million jobs, the dot-com and the Enrons of the world that damaged our economy so much, and the recession that President Bush inherited. The interest rates came down at the behest of Alan Greenspan to spur this economy, the very same reason we traded tax relief so that we could put people back to work so that money would circulate within our economy.

And the interest rates will not go up because we are in these deficits, as hard as we are fighting to get back down to a balanced budget. They will go up because our economy is improving, and the Federal Reserve Board will seek to not overheat this economy so that we create inflationary pressures. That is the reason why interest rates change.

But I still think the gentleman from Kansas is right in raising the issue of the debt and getting back to a balanced budget. He is exactly right. The question is how we do it. And I believe that the reason we have PAYGO for spending is that if we cool this economy too

soon in its recovery with more tax increases, we have damaged our children's future. If we keep the economy going and focus on wasteful spending where in Washington on average every Federal program duplicates five others, every Federal program duplicates five others. At a time of war and a time of deficits, we cannot afford that type of waste. And rather than raising taxes on families and small businesses, I think the right way to do it for our children's future and their parents who desire good jobs today is to not raise those taxes.

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

Mr. MOORE. Mr. Speaker, I ask unanimous consent for time to close.

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MOORE. Mr. Speaker, I appreciate the tenor of this debate and the sincere comments by my friend from Texas. I really do appreciate that sincerely. I think we have had a good debate here, and I do not think for a minute that the gentleman is insincere in the statements he made here tonight.

But I just think it is so important that, again, we lived, we thrived under these PAYGO rules until 2002, when they expired, and we should bring those PAYGO rules back across the board to apply to new spending as well as new tax cuts.

I believe the gentleman is correct: When the economy is slowed down, it is very appropriate to stimulate the economy through certain targeted tax cuts. I have voted for those before and I will vote for those again. But what we cannot do is have across-the-board tax cuts on everything, to tax cuts for middle-class taxpayers, as we have talked about here tonight, to total elimination of the estate tax and others.

We cannot afford all those tax cuts, because, again, Mr. Speaker, it is not we that pay for them; it is future generations in our country, and we are doing untold damage to our country and to the future of our kids and grandkids if we persist as we are here.

I invite the gentleman, I implore the gentleman and our colleagues across the aisle, to sit down with us to pass this motion, number one, and sit down with us and identify waste and fraud and abuse, where we can eliminate wasteful spending and continue to have the tax cuts that we have. That is the right recipe for our country, for the future. It is the right thing to do for our children and grandchildren and future generations in this great country that we all appreciate and love.

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

There was no objection.

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

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

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

The yeas and nays were ordered.

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

PRESIDENT PERVEZ MUSHARRAF OF PAKISTAN TO VISIT CONGRESS

(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, as the co-chair of the Congressional Pakistan Caucus, I would like to invite all Members of Congress tonight to meet with President Pervez Musharraf. I, along with my co-chair, the gentleman from Indiana (Mr. BURTON), will be hosting President Musharraf at a dinner reception at 6:30 tonight at the Committee on International Relations hearing room in the Rayburn building where President Musharraf will officially inaugurate the United States Congressional Pakistan Caucus.

The Congressional Pakistan Caucus was created in an effort to foster mutual respect and cooperation between the United States and Pakistan. We are also looking forward to improving and further developing long-term political and security relations between the United States and Pakistan and also within the South Asia region.

It is because of Pakistan's promise for the future that I encourage all Members to join the Pakistan caucus. President Musharraf has been one of America's staunchest allies in the war on terror. His leadership has led to the capture of nearly 500 terrorist suspects who have been handed over to the United States.

President Musharraf has coined the term ''enlightened moderation'' to describe his reforms in Pakistan, including his efforts to advance the educational system so that every boy and girl in Pakistan can receive a proper education that does not teach hatred of the West.

Mr. Speaker, I encourage my colleagues to join us because we want peace. Let us have peace by exchange, involvement and, of course, interaction.

As the Co-Chair of the Congressional Pakistan Caucus I would like to invite all Members of Congress tonight to meet with President Pervez Musharraf. I along with my esteemed Co-Chair Congressman DAN BURTON will be hosting President Musharraf at a dinner reception at 6:30 tonight at the International Relations Committee Hearing Room at room 2172 of Rayburn, in which President Musharraf will officially inaugurate the Pakistan Caucus.

The Congressional Pakistan Caucus was created in an effort to foster mutual respect and cooperation between the United States and the nation of Pakistan. The Caucus is also focused towards improving and further developing long-term political and security relations between the United States and Pakistan and also within the South Asia region. It is because of Pakistan's promise for the future that I encourage all Members to join the Pakistan Caucus.

As you know, President Musharraf has been one of America's staunchest allies in the War on Terror. His leadership has led to the capture of nearly 500 terrorist suspects, who have been handed over to the United States. As well, he has coined the term ''enlightened moderation'' to describe his reforms in Pakistan including his efforts to advance the educational system so that every boy and girl in Pakistan can receive a proper education that does not teach hatred of the West. He has also made great strides towards making peace with India by engaging in a dialogue that has produced a number of positive developments. His leadership is helping to move Pakistan towards being the moderate Islamic nation it was intended to be at its creation.

Again, I encourage all Members to come tonight at 6:30 to meet with President Musharraf at the House International Relations Committee. His visit to Washington promises to be historic in nature and is not to be missed.

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.

DUST CLOUDS; NO RAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, much of the central and western United States has been suffering from a grinding, unending drought that continues to harm farmers and ranchers and the rural communities in which they live. Compounding these losses is every disaster imaginable: hail, frost, tornado damage, and, yes, even flooding.

For nearly half of the 8 years that I have had the opportunity to represent Kansans in Congress, much of our State has been in a severe drought. It gives me no joy to speak before my colleagues tonight and describe the difficulties that Kansas farmers and ranchers are enduring. With a resolve that finds itself in the roots of a previous generation of hardy pioneers, they are struggling to survive.

The destruction from three hurricanes on homes, farms, businesses, schools, local economies, and, most importantly, the loss of life in Florida and other Gulf Coast States cannot be overstated. The people of Kansas mourn the deaths and support the rebuilding of lives and the reconstruction of those communities.

Adverse weather conditions have no respect for State lines and, unfortunately, Kansas and other central and

western areas of the United States have been greatly affected by weather as well.

Mr. Speaker, I would much rather be standing here before you with the news that the drought has broken and that the rains have returned. I would love to describe the positive effects of crop revenues working their way through the local economy. This economic activity would energize struggling small businesses and, more importantly, restore hope in the faces and the lives of farmers and ranchers. But that is not the case.

It is difficult for many to understand the severity of this continuing drought and its effect on rural America. Beside me is a picture reminiscent of the 1930's dust bowl, where producers were uprooted from their farms while their precious topsoil blew away. But this picture was not taken in the ''dirty '30s,'' but rather in the drought of 2004.

The severity of these dust storms is evident in this picture, but there are tremendous costs elsewhere as well. Each year I travel through the counties of my district, 69 of them, and I meet with Kansans. There are many issues that threaten our way of life, including rising health care costs, the aging population and the general outmigration of farm families. The average age of a Kansas farmer is 58½ years old, and in many communities no young people are returning to farming because no money can be made.

Despite this, Kansas and other residents of the plains are resilient people who believe that hard work and persistence can overcome almost any obstacle. The people of my State take pride in being self-reliant and overcoming adversity on their own. However, assistance is needed today. By no means will these producers realize profits, but at least this assistance may allow some to stay in farming long enough to experience a good harvest. In the words of one of my farmers who contacted me, ''I just need to hold on that long. It can't stay dry forever.''

Talking about weather is not just polite conversation in Kansas, it is our way of life. Our farmers and ranchers risk their entire operations hoping for timely moisture. Unfortunately, many areas have not received these rains or have received them at the wrong time.

By looking at the U.S. drought monitor map we can see that much of the central plains and western region of our country have been in a severe drought. While conditions could be improving for our fall crops, the damage of multiyear drought has been done.

According to Kansas State University research, Kansas alone lost $1.1 billion to its economy in 2001 and 2002. In 2003, it is estimated that $275 million was lost by our producers; and in 2004, wheat producers lost another $150 million. The majority of those losses, $82 million, occurred in northwest Kansas, which has had a drought for a solid 5 years.

These losses do not even begin to cover the cost to local business and other community organizations. Agriculture is the foundation of each rural community, and a bad harvest affects everyone from the car dealer to the home builder to Main Street grocery stores.

This drought has not gone unnoticed by the U.S. Department of Agriculture. By the end of 2003 and for most of 2004, every county in Kansas was designated either as a primary or secondary disaster county.

During my tenure on the Committee on Agriculture, we have worked to see that farmers and ranchers are treated fairly and that the U.S. can continue to provide enough food and fiber to be self-reliant.

As the chairman of the Subcommittee on General Farm Commodities and Risk Management, I have worked to approve the availability and benefits of crop insurance, and I will continue this effort. But as of now, there is no insurance solution for multiyear losses.

I urge my colleagues in the House to support some form of disaster assistance. This funding will assist producers who have suffered yet another year of drought or other weather-related disasters. The timing of this assistance is crucial. Many producers simply will not survive one more crop disaster.

Rural America is the backbone of our country and provides many of the essential components to the economy. We have the opportunity to keep their dreams from being carried away by the Kansas winds.

HONORING THE SACRIFICE OF JUAN CALDERON, JR., TOMAS GARCES AND MARK ANTHONY ZAPATA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HINOJOSA) is recognized for 5 minutes.

Mr. HINOJOSA. Mr. Speaker, I wanted to come before the House of Representatives to pay tribute to fallen heroes. My south Texas district is again mourning the loss of three more such heroes, Sergeant Juan Calderon, Jr., Specialist Tomas Garces, and Specialist Mark Anthony Zapata.

My district has now lost six brave men. The Rio Grande Valley of south Texas as a whole has lost one soldier in Afghanistan and 10 in Iraq. This represents more than 1 percent of the total lives lost in the war in Iraq.

Sergeant Juan Calderon, Jr., was a 26-year-old rifleman in the 1st Marine Regiment, 1st Marine Division, based in Camp Pendleton, California. Although he was born and raised in Weslaco, Texas, many of his family live in the Minnesota district of my good friend, the gentleman from Minnesota (Mr. GUTKNECHT), who is joining me tonight.

Juan had been a Marine for more than 3 years and had received numerous awards and medals. An avid football player, he and his wife, Ana Maria, were anxiously awaiting the birth of their first child this month.

Juan was killed on August 2 conducting security and stability operations in Anbar Province in Iraq. He will never see his son, who will bear his name, Juan Andres Calderon.

Red, white and blue streamers still decorate the Garces family home, where only a few weeks ago Army Specialist Tomas Garces had come from Iraq for a brief visit. Tomas was a recent graduate of Weslaco High School, where he was a star wrestler.

He joined the 1836th Transportation Company of the Texas National Guard not just to serve his country, but also to help his family financially. He dreamed of one day becoming a wrestling coach to train others in the sport he loved. But, instead, on a road south of Baghdad, his convoy was ambushed by enemy forces, and Tomas became the first member of the Texas National Guard to die in combat since World War II.

This past Saturday, I joined the community of Weslaco at his funeral. Tomas has been recommended for a posthumous Bronze Star for his bravery during the ambush.

Army Specialist Mark Zapata came from a family with a strong military tradition. His father Daniel is a retired Army sergeant, and Mark lived on military bases as a child. The 27-year-old was a graduate of Edinburg North High School and loved music. He was the third soldier from this small community to lose his life in Iraq. He was a musician who liked to DJ and play the trumpet and keyboard. He was also proud to be a volunteer firefighter and loved nothing more than visiting local schools to teach children about fire safety. He even trained his dog Rollie to be a search and rescue dog.

Mark joined the Army 6 years ago and was a tank gunner stationed at Fort Hood, Texas. He was killed on August 15 in Najaf, Iraq.

When you hear the stories that friends and families tell about Juan, Tomas and Mark, you understand just how special all three of these young men were. They were role models to their peers, devoted sons, loving husbands, loyal friends and active in their communities.

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All could have chosen to use their talents in other career paths, yet they chose the path of military service.

South Texas has sent generations of its sons and daughters into military service and, in this most recent conflict, has lost a disproportionate number of its young people and its future leaders.

Yes, Juan, Tomas and Mark volunteered to defend this country and protect our freedom, all the while knowing it might cost them their lives. They are true heroes, and we owe them more than we can ever repay.

For their friends and families left behind, we offer our prayers and the comfort of knowing that the sacrifices of

these young lives will not be forgotten. To those still on the front lines, we pledge our unity, our support and our prayers for their safety and speedy return back home.

The SPEAKER pro tempore (Mr. BISHOP of Utah). 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.)

SPECIAL TRIBUTE FOR AMERICAN HEROES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise with my friend from Texas tonight to pay a special tribute to some genuine American heroes and one in particular. Last week, I met with the mother, Maria, the mother of Sergeant Juan Calderon, Jr., and I must tell my colleagues, those were very, very difficult times. And they are very difficult times for her, and it was not easy for me.

In the book of John, the good shepherd says, ''Greater love has no man than this, that he lay down his life for his friends.'' Sergeant Juan Calderon did exactly that on Monday, August 2. He died in a military hospital while fighting and doing operations in Iraq.

Sergeant Calderon was a native of Weslaco, Texas, as the gentleman just preceding me said. He was a resident of Camp Pendleton, California. I had the opportunity to meet with his mother, Maria, who lives in Alden, Minnesota. He has many friends and relatives in the Alden and Albert Lee area. His father, Juan, Sr., still resides in Texas. Calderon's wife of 3 years lives at Camp Pendleton in California and, I regret to say, is expecting their first child.

Calderon's awards include the Navy and Marine Corps Achievement Medal, Good Conduct Medal, National Defense Service Medal, the Humanitarian Service Medal and the Sea Service Deployment Ribbon.

Juan Calderon's sister said recently in an interview with the Albert Lee Tribune, ''Juan, Jr., was a big comedian. He was full of life. He was excited to actually go to Iraq and serve his country. He was always proud to serve and proud of what he was doing.''

Calderon's father recently received a letter, and reported in the Associated Press was an account where his son had written to him where he said, ''Don't worry about me. You raised me for 19 years. Now it is time for me to do something to repay you.''

I would like to repeat a story, though, because I think sometimes we need to be reminded that what we are doing there is important. Recently, in a story about an Iraqi translator, a woman whose children were taken away from her more than 6 months ago, her husband beat her. Her brother threatened her life while holding a gun to her head, and her own father contracted for her death with a $500,000 reward. All of this because she was assisting the American coalition. She said, ''You, the soldiers and marines, come from America to help my country. I must help you help my people. I see these soldiers that lose their lives for Iraqis. They come into our country and die for us. We must appreciate these guys. I appreciate the Army and the Marines. I love them.''

Ronald Reagan used to say, those who say that we are in a time where there are no heroes, well, they just don't know where to look. On August 2, we lost several heroes. One of them, Sergeant Juan Calderon, Jr., will be mourned. He will be missed. He will not be forgotten.

Sergeant Calderon did not die in vain. Freedom must prevail. May Almighty God have mercy on this good and faithful servant. May He continue to bless this country and all who defend her.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

A PROMINENT POLITICIAN'S PLAN FOR IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. MCCOTTER. Mr. Speaker, as my colleagues may recall, I previously asked to see a plan for the reconstruction and the future for Iraq, and that has happened. And I would like to examine what I will refer to as a prominent politician's plan for Iraq. It is a four-point plan.

The first part is that, ''The President has to get the promise of international support so our men and women in uniform don't have to go it alone.''

I would like to point out that this is one more insult to the 30 countries whose troops are fighting and risking their lives next to ours, including Hungary, whose speaker was here today.

The prominent politician then went on to say that the United Nations Resolution 1546, which urged other countries to come and wage the peace in Iraq, he at least then pointed out ''that 3 months later, not a single country has answered that call.''

My concern is that the best way he can come up with to solve that problem is to do what Washington always does. He wants to call a meeting, and he wants to invite to that meeting the major powers of the world and Iraq's neighbors to figure out how to work the security. Now, I for one do not suggest that anyone here hold their breath while we wait for France, let alone Syria and Iran, to RSVP to that meeting.

He then goes on to talk about what we have to do to get more allies is to let them ''help develop the oil resources in Iraq.''

Now, it seems to me odd that someone who has accused the people who are fighting with us, next to us, in Iraq are being bought, bribed, coerced, extorted, et cetera, that he now believes that, like Saddam proved in the Oil For Food scandal, that the way to the U.N.'s heart is paved with black gold because to build a new alliance, you insult our old allies, our current allies and then offer them the resources of the Iraqi people through their oil. It speaks for itself.

We also hear that somehow this multilateralism is our fault, which I find fascinating. But the reality remains that it is not our fault.

This four-point plan then goes on to talk about rebuilding Iraq's security forces and talks about how the President ''must get serious about training Iraqi security forces.''

Well, I have news for the prominent politician. The President is serious about rebuilding Iraq's internal security forces and its army. Unfortunately, the terrorists are just as serious about killing them before they get started. Unfortunately, nowhere does this plan reference that reality on the ground in Iraq.

It is then pointed out, something which I agree with, that the Iraqi people must feel a more palpable result of this reconstruction. I have agreed with that since last fall when I started saying that, and I have continued to say it. The problem is that the plan then goes into a top-down change in the contracting process, to emphasize ''a few on a list of high-visibility, quick-impact projects'' for ''an Iraqi where the job is less likely to shoot at our soldiers.''

My problem with this is this is not an Iraqi empowerment plan, it is a PR campaign. For the Record, the militia is not fighting for a public works project, and Zarqawi is not an Iraqi. He is a Jordanian. The true empowerment in Iraq's reconstruction must come from the grassroots, through allowing tribal leaders, through allowing town councils, through allowing the national government and religious leaders to make the decisions on what projects are important and giving them the resources to implement them and build their own stake in their free future.

Finally, there is the intriguing argument that somehow the goal in Iraq is

a peaceful resolution. Now, I am a Republican; I admit that. I am happy to. My father was a Truman Democrat, and if my father were alive today, I think I would have to ask him: Dad, do you ever remember F.D.R. or Truman asking for the Nazis to have unconditional resolution? Is that what we fought for? Did Ulysses Simpson Grant? Did that stand for unconditional resolution? Is this a new outcome?

The reality in Iraq is quite simple. There are two roads. There is victory and democracy, or there is defeat and Zarqawi. To sit here and claim that multilateralism from the United Nations is going to help us is bereft of any knowledge of why the U.N. acts as it does. The former colonial powers of the United Nations and the current tyrannical regimes of the United Nations quite simply believe that an America with the ability to preemptively protect its citizens from terrorists is a graver threat to them than the terrorists themselves, including Saddam Hussein who, I point out, in the Oil For Food scandal made many multilateralists quite rich. If you do not understand what is undergirding the opposition amongst these people in the United Nations, then you do not realize that your plan to have them save us, to have them come to our aid with troops and with money and with good intentions, is quite simply confusing the United Nations Security Council with Santa Claus. It will not happen.

The reality remains. The U.N. will not ride to the rescue, and there is no peaceful resolution acceptable to the American people or the Iraqi people short of victory, which is a word we do not hear much from some quarters these days.

In the final analysis, I believe that the absence of the willingness to admit that we have to win is becoming quite a problem.

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.)

WAR MEANS SACRIFICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, as we contemplate what is happening in Iraq with the continued loss of life, the continued injuries, I would just remind my colleagues in this chamber that the only people who are being asked to sacrifice for this war are the soldiers and the people who love them. No one else is being asked to sacrifice for this war.

We are not paying for this war. The President has decided that future generations should pay for this war, so we are using borrowed money, passing the bill on to the next generation. So the taxpayer is not being asked to pay for the war at the present time. Of course, future taxpayers will pay for it.

The President is not sacrificing for this war. No one in this chamber is sacrificing for this war. No one in the Senate is sacrificing. Well, I think we may have two colleagues out of the 535 Members of both the House and the Senate who have active duty sons or daughters in the military, but most of us do not have anyone in our families that we know who are in harm's way or who have been killed or who have been seriously injured. Yet, we stand here in this chamber and the President stands and he talks in glowing terms about, we need to stay the course and we are totally committed.

I wish we were totally committed. I wish the President was totally committed in terms of paying for this war without expecting future generations to pay. I wish the President was committed enough to continue to provide the money that our Veterans' Administration needs to provide adequate care for our veterans who are coming back from this war in desperate need of VA medical care. But no, only the soldiers and their loved ones are sacrificing or are being asked to sacrifice. I think that is very troubling.

It is easy to make decisions when it involves someone else's child. Maybe the only thing that will bring common sense back to this chamber and to this administration is to have the burden shared by all of us so that all of us who have loved ones who may be subject to military service would be asked to serve. Would that make a difference in our thinking?

I believe if the people who are so supportive of our current policies in Iraq so firmly believe that the direction in which we are going is the correct direction, I think they should be willing to see their sons and their daughters join the military, take up the battle, share the risk. And those who are not willing to have their loved ones put at risk should think very, very carefully about how enthusiastic they are about our current course of action.

We voted in this chamber, 434 to 1, I believe, when we pursued the war in Afghanistan, because we all understood that was the war on terror.

□ 2015

It was Afghanistan and the Taliban regime and Osama bin Laden that attacked our country. And somehow there has been a bait and switch. We have taken the attack upon our country, and we have used it to go into Iraq.

The President spoke for 63 minutes when he gave his acceptance speech at the Republican convention, and he never mentioned Osama bin Laden's name one time. All the talk there in New York about September 11, about the attack upon our country, but the man who was responsible for attacking our country was not even mentioned by the President. Saddam Hussein's name was mentioned many times, but not the one who was responsible.

Tonight, somewhere on the face of God's good Earth, Osama bin Laden is walking free, planning the next attack upon our country. And our resources were diverted from Iraq and from the Taliban and stabilizing Afghanistan to Iraq. We need to rethink our policies.

TERRORISM AROUND THE WORLD

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, I would like to respond to the previous speaker's comments. My son was on active duty when I announced my run for office. He finished his tour of duty in June of 2002, shortly after I won my primary; and he signed up for the Air National Guard about 3 months later, and he continues to serve with the Guard. He is trying to complete his college. He does not know whether he will be called up or not.

So I wish the speakers on the other side would show some sensitivity. Perhaps we should circulate a notice of who has sons or daughters or wives or husbands on active duty or in the Guard, but I suspect it is more than one or two people in this House.

I was not in this House when the vote was taken to go into the country of Iraq, but I certainly support the President's efforts, and I understand what the President is trying to do. And I believe that the world will be a different place in 20 or 30 years' time because of our activities in that country than we would have had had we finished out Saddam Hussein's term and then allowed his sons to be the logical heirs to that reign of terror that he was perpetuating on his people. But I did not come here tonight to talk about that.

The previous speaker talked about how loved ones and innocent folks may be in harm's way, and that is a very real phenomenon. I want to introduce this House to a young man named Alan that I met this past weekend at the Federal Pediatric Hospital in Moscow, Russia. Alan is 11 years old and is a bright young boy.

Alan was in the hospital because he is recovering from surgery. He had surgery 2 weeks ago to remove a piece of metal from his chest, a piece of metal that sunk deep into his chest on Alan's first day of school in Beslan.

This piece of metal was placed in a mine that was created under the direction of a man named Skhmeel Masaif. Now, little Alan is healing now, but little Alan was perhaps lucky. More than 300 dead, over half of those children, were killed when those bombs went off in the gymnasium in Beslan. A quote from the newspaper that I read over the weekend from a townsperson there in Beslan said, ''We bury and bury and we still have not finished the job.''

More than 300 people died in that attack; but, in fact, Skhmeel Masaif is probably responsible for over 500 deaths in the past 3 or 4 weeks in Russia. Two airplanes lost simultaneously over Russian air space and a bomb attack outside a Russian metro station, not that much different than Metro stations that we have here in Washington, D.C., all under the direction of Skhmeel Masaif.

I want the House to look at the piece of metal that was removed from little Alan's chest. His mother is holding it here in her hands. And you look at it and you think, well, what is that? That is just a piece of junk. That is a little piece of metallic shrapnel that was recovered from a junk yard or a landfill or somewhere. It was placed into that bomb. Those small pieces of metal were placed into that bomb so they would have the maximum dispersal when the bomb went off. That is, they could ensure the maximum number of innocent persons could be harmed when that bomb went off.

This bomb-maker built the bomb under the direction of Skhmeel Masaif. It was designed to hurt. It was designed to kill. It was designed to inflict pain and suffering on the most innocent, the most innocent citizens on this Earth, 10, 11, 12 year olds, on their first day of school in Beslan, Russia.

Mr. Speaker, it is not wrong to identify evil when we see evil, and it is not wrong to call it by its proper name, which is evil. And whether it is the school children in Public School No. 1 in Beslan, whether it is the innocent victims on the two airplanes in Russia, the victims outside the metro station, the victims of improvised explosive devices in the country of Iraq or whether it is our victims here in 9/11, these are victims of people who hate the United States, people who are evil; and we must not rest until they are reduced to their natural subatomic particles and removed from the Earth.

UKRAINIAN PRESIDENTIAL CANDIDATE POISONED

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, shortly our country will experience an extraordinarily important Presidential election, and this evening I wish to discuss another important Presidential election that is occurring very far from the United States this year as well. That is in the nation of Ukraine, one of the nations that was spun out of the collapse of the Soviet Union. And make note of the very close presidential race ongoing in that country which is struggling its way forward.

Recently in USA Today, there was a story that one of the leading candidates, Viktor Yushchenko, became ill and on September 6 was hospitalized in Austria. And the doctors there, a panel of nearly a dozen doctors, determined indeed that he had been poisoned.

Prosecutors in Ukraine said in a statement they were investigating charges of attempted murder. Attempted murder of a presidential candidate in a nation whose independence is only a little over 10 years old.

In an address to deputies in the parliament in that country this week, candidate Viktor Yushchenko appeared haggard, his face was red and swollen; it was partially paralyzed with one of his eyes constantly tearing up. And I wish to read this evening some of what he told his fellow deputies in that parliament in a emotional speech.

He said to take a good look at him to make sure that the same thing did not happen to any of them, because the problem he was bearing was not one of cuisine, not a problem of food, as some had tried to portray his plight. And he advised his colleagues, Do not be so quick to judge. I would like to ask every one of the 450 parliament members in the chamber, have you ever seen me drunk over the past 10 to 20 years? Raise your hands if you have. And no one did.

And then he pointed at all of the government-controlled media, Inter, UT1, and One Plus One, and asked them, Have you ever in your life seen me not in control of myself? Because there had been references on that television, government controlled, that his illness was caused by food poisoning or perhaps alcohol. But he said, What happened to me was not a problem of cuisine or a problem of diet, but rather as soon as you fall out of favor with the authorities of Ukraine and as soon as you start posing a tiny threat, and indeed he is tied in the polls with the current president of that country, they will throw you away like a piece of paper.

He said, Friends, we are talking about the Ukrainian political kitchen where assassinations are ordered. Remember, he said, former National Bank chairman Vadym Petrovych Hetman walking around alive in this chamber in 1998. Who killed him? President Kuchma said it was a question of honor for him, that the prosecutor-general will give an answer and tell us who the killer is. Time has passed, and there is no answer.

In 1991 right-wing leader and presidential candidate Vyacheslav Chornovil was in that chamber alive. We pretend we do not know who killed him with a Kamaz lorry. But in 2000 as well, campaigning journalist Heorhiy Gongadze was sitting in the balcony, as our press sits here in this Congress, writing political reports. Well, who cut his head off? We do not seem to know, Viktor Yushchenko said.

Although one prosecutor said once that the killer has already been found and that his surname begins with the letter K, but he was not brave enough to give us a few more letters.

Two and a half years ago, opposition parliamentarian Oleh Oleksenko was sitting in the chamber. Who poisoned him? Four weeks ago Alik Aslanov was sitting among us in that chamber. But with his last borrowed seven and a half hryvnyas, the last loan in his life, he bought a liter of petrol and burned himself. Who killed him? The alcoholic head of the district administration who represents the United Democrat Party or the arrogant head of the collective farm? Who killed him?

Do not ask who is next. Every one of us will be next. And if you ask how this fate spared me, I will say, wrong dose, wrong time and my angels awake. That is what helped me return back to the living.

Let us draw a couple of lessons here. Lesson number one, I would really like us to receive an answer. Who did it and who is the killer? But you know very well who the killer is. The government is the killer. And never will this prosecutor-general give an answer to who killed Gongadze, who killed Hetman, and who tried to kill many others.

Let us draw a political lesson and appeal to you, my dear people's deputies. Show a little heroism today for Ukraine's sake and you will see Ukraine democratic and its people free and prosperous. Do not forget this lesson or this lesson will get you.

These very compelling words are placed here, the citadel of freedom, by Viktor Yushchenko, presidential candidate in Ukraine, who is fighting, not just for his life but for the future of freedom in his nation.

The article referred to is as follows:

[From USA Today, Sept. 22, 2004]

UKRAINE CANDIDATE POISONING INVESTIGATED

KIEV, UKRAINE.—Ukrainian prosecutors opened a criminal investigation into the alleged poisoning of a leading candidate in a crucial presidential election scheduled for next month, officials said.

The candidate, Viktor Yushchenko, became sick more than two weeks ago, and his campaign charged that he was poisoned by political opponents. The allegations have roiled the already heated race to replace outgoing President Leonid Kuchma.

Yushchenko, a leading opposition figure who is running neck-in-neck with the ruling party's candidate, became ill Sept. 6 and was hospitalized in Austria. After he was discharged Saturday, doctors in Vienna said it was possible he had been poisoned but they could not confirm it.

Prosecutors said in a statement that they were investigating charges of ''attempted murder of a statesman or a public figure.'' They offered few details and did not indicate if authorities had substantiated the poisoning charges or identified suspects.

Prosecutor General Henadiy Vasiliev later told reporters ''not to make hasty conclusions'' and to wait for the results of the examination. He said authorities hadn't ruled out anything in their investigation and that his office had contacted Austrian authorities.

Ukrainian lawmakers voted overwhelmingly Tuesday to set up a commission to investigate the incident.

Neither outgoing Kuchma nor Viktor Yanukovych, Yuchchenko's main opponent and Kuchma's hand-picked choice in the Oct. 31 presidential race, have commented publicly on the allegations.

However, a number of Kuchma's allies have charged that Yushchenko had merely eaten bad sushi.

In his address to deputies on Tuesday, Yushchenko accused Kuchma's administration of ''being capable of brewing political assassinations.'' He appeared haggard, with his face red, swollen, partially paralyzed and with one eye constantly tearing up.

Voters in this ex-Soviet republic of 48 million have become increasingly disenchanted with Kuchma's decade in power. His administration had been marred by a series of scandals, rampant corruption and dozens of suspicious deaths of political opponents and opposition journalists.

Meanwhile, Ukrainian Defense Minister Yevhen Marchuk stepped down Wednesday, citing in part the June explosion at a major ordnance depot that rained rockets, shells and shrapnel over a wide area, the Interfax news agency reported.

Speaking on condition of anonymity, a spokesman for the Defense Ministry confirmed Marchuk ''has asked the President to be relieved from duties,'' but he gave no other details.

Marchuk's resignation came after he had defended himself in parliament against allegations he illegally provided soldiers and helicopters to help fight fires in Turkey.

Marchuk's resignation was seen as another sign of upheaval in the government ahead of the Oct. 31 vote.

[From the Ukrainian Radio First Programme, Sept. 21, 2004]

VIKTOR YUSHCHENKO SAYS THE GOVERNMENT IS THE KILLER

KIEV.—Ukrainian opposition leader and presidential race favourite Viktor Yushchenko has lashed out at the authorities, accusing them of trying to poison him. In an emotional speech delivered in parliament after two weeks of treatment abroad, Yushchenko said he barely survived and compared his alleged poisoning to the killings of several Ukrainian politicians and journalists in recent years.

He said President Kuchma's order to investigate the poisoning was disingenuous, and hinted that the president himself could have been behind the murder of opposition journalist Heorhiy Gongadze. He brushed aside suggestions that his illness was caused by ordinary food poisoning and urged fellow MPs to stand up to the government so as not to become next in the list of public figures who have died a suspicious death.

The following is the text of Yushchenko's speech broadcast live by Ukrainian radio on 21 September; subheadings inserted editorially.

Mr. speaker, fellow people's deputies! I am happy to be in this chamber today. I won't take much time, but let me make some statements that concern each and every one of you. For the past two weeks, a number of Ukrainian politicians and journalists have been debating about what one should eat, or drink, in order to live in this country and not die.

Because my dignity is concerned in a number of cases, and my morality—I am part of this story—I ask you for a few minutes of your attention. It may not be entirely appropriate to say some of these things, because I will be speaking about myself, but I will say those things to establish the facts.

NOT FOOD POISONING

Look at my face. Note my articulation. [Yushchenko appeared to speak with some difficulty. Part of his face was swollen and immobile during his recent public appearances.] This is one hundredth of the problems that I've had. Take a good look, to make sure that the same thing doesn't happen to you. Because this is not the problem of cuisine, not a problem of food, as some try to portray it.

Don't be quick to judge! I would like to ask every one of the 450 parliament members in this chamber. Have you ever seen me drunk over the past 10–20 years? Raise your hands if you have!

I am asking to the journalists of Inter [privately owned pro-government TV channel] and the so-called national channel UT1. And One Plus One [another privately owned pro-government TV channel]. And to other channels. Have you ever in your life seen me not in control of myself? If there were such cases, show them on television today. But there weren't. [Apparently referring to recent reports on the three TV channels speculating that Yushchenko's illness could have been caused by food or alcohol poisoning.]

And that is why, I would like to say to everyone: I am no gourmet! I don't fancy eastern cuisine or western cuisine. I eat the same borsch, potatoes and pork fat as all of you, the 47 million people of Ukraine! And what happened to me was not a problem of cuisine or a problem of diet!

SAME FATE IN STORE FOR OTHERS

It's a pity that Oleksandr Oleksandrovych [Moroz] is not in this chamber. I would like to say to him, Oleksandr Oleksandrovych, you can eat port fat and potatoes all you want. But mark my word: as soon as you become a real opponent of this regime, and I stress, a real one, as soon as you stop dancing to Medvedchuk's fiddle [applause], potato diet will not save you! Calm down! It pains me to say this. [Referring to Moroz's reported statement that Yushchenko would have been fine had he stuck to simple food.] [Shouts of ''Shame!'' in the chamber]

Friends! I'd like to continue. Esteemed [pro-presidential coalition coordinator] Stepan Bohdanovych Havrysh, you are going through a rough political patch. Because something you have given up your reputation for is falling apart, the so-called pro-presidential majority is falling apart.

I would like to say that as soon as you fall out of favour with the authorities, as soon as you start posing a tiny threat, they will throw you away like a piece of paper. And your fish diet won't save you!

I would like to tell the guys in the presidential administration, who advise that one should drink 100 grams of vodka after every piece of pork fat. Guys, it doesn't matter that you are in that camp. Such are the principles and morality of that camp that they can discard you just like they have discarded [former economics minister and deputy chief of presidential administration Valeriy] Khoroshkovskyy, [President Kuchma's once-close ally Oleksandr] Volkov and dozens of others. And 100 grams with every piece of pork fat won't help.

ATTACKS KUCHMA

Friends, this is not a problem of cuisine as such. We are talking about Ukrainian political kitchen, where assassinations are ordered! This is what we are talking about. Remember [former National Bank chairman] Vadym Petrovych Hetman walking around alive in this chamber in 1998. Who killed him? President Kuchma said it was a question of honour for him, that the prosecutor-general will give an answer and tell us who the killer is. Time has passed, but there is no answer.

In 1999 [right-wing leader and presidential candidate] Vyacheslav Chornovil was here alive. We pretend we don't know who killed him with a Kamaz lorry. In 2000 [campaigning journalist] Heorhiy Gongadze was sitting on the balcony over there and writing political reports. Who cut his head off? Well we don't seem to know, although one prosecutor said once that the killer has already been found, and that his surname begins with the letter K. He wasn't brave enough to give us a few more letters.

Two and a half years ago [opposition MP] Oleh Oleksenko was sitting in this chamber. Who poisoned him? Four weeks ago Alik Aslanov was still among us. But with his last borrowed seven and a half hryvnyas, the last loan in his life, he bought a litre of petrol and burned himself. Who killed him? The alcoholic head of the district administration, who represents the United Social Democratic Party? Or the arrogant head of the collective farm? Who killed him?

''GOVERNMENT IS THE KILLER''

Don't ask who is next. Every one of us will be the next. And if you ask how this fate spared me, I'll say: wrong dose, wrong time and my angels awake. That is what helped me return back to the living!

Let us draw a couple of lessons here. Lesson number one. I would really like us to receive an answer, who did it and who is the killer. But you know very well who the killer is. The government is the killer! And never will this prosecutor-general give an answer to who killed Gongadze, who killed Hetman, who tried to kill many others.

So I was very surprised that President Kuchma ordered to launch a criminal investigation of my poisoning. I don't believe this order! I don't believe this prosecutor-general! Why, Mr. Kuchma, are you asking the question if you have no intention of answering it?

Let us draw a political lessons from here. The lesson is that Leonid Makarovych Kravchuk suggests that someone should kneel before the Ukrainian people. [Kravchuk said dozens of MPs who quit the pro-government coalition earlier this month should kneel before the people of Ukraine.] So who should kneel, Mr. Kravchuk? And for how long should they stand on their knees, so that every one of the 47 million forgave them?

But I have another proposal. An appeal to you, my dear people's deputies! Show a little heroism today for Ukraine's sake, and you will see Ukraine democratic, with its people free and prosperous! Don't forget this lesson or this lesson will get you. [Applause in the chamber]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

(Mr. MARIO DIAZ-BALART of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

(Mr. WELDON of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

(Mr. SOUDER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY 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 Arizona (Mr. FRANKS) is recognized for 5 minutes.

(Mr. FRANKS of Arizona addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

DEFENDING FREEDOM AND DEMOCRACY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. DREIER) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of the Special Order that I am about to give.

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

There was no objection.

Mr. DREIER. Mr. Speaker, having listened to the words of my good friend, the gentlewoman from Ohio (Ms. KAPTUR), I would like to say that the Special Order that I am going to be presenting this evening refers to exactly what she was talking about in the final remarks that she provided, very thoughtful remarks.

It has to do with the fact that this institution, this building, this entity is in fact the citadel of freedom. And I think and I believe it is very important for us to realize the great importance of that.

Mr. Speaker, it has been 3 years since the heinous attacks and the absolute horror that befell America on September 11 of 2001. And it was not just an attack on America. It was an attack on the free world. Citizens from many nations were murdered and maimed that day, as we all know. But perhaps more important, this was an attack on the core values of freedom and democracy that are embodied in our Nation and in all of the free people of the world.

□ 2030

While nations have cooperated in an unprecedented fashion in the fight against terrorism, unfortunately, much remains to be done.

We have just gotten the tragic news in the last 24 hours of the tragic beheadings of Messrs. Armstrong and Hensley. We saw the bombings in Spain and the recent tragedy in Russia; both underscore the need for all of us to remain vigilant in this global war on terror.

Mr. Speaker, our Nation has a special responsibility, a very special responsibility, to protect the core freedoms and liberties of democracy, for we continue, as I was saying at the outset, to be the beacon for democracy, and our Capitol, as the gentlewoman from Ohio (Ms. KAPTUR) was just saying earlier, our Capitol perhaps is the single most recognized symbol of democracy all over the world.

In fact, I remember very vividly back in 1990, I had the opportunity to bring one of the Solidarity activists from Poland for President Bush's State of the Union address. I remember very well we were walking along, and the Capitol, of course, was particularly well-lit because we all know on the night of the State of the Union the television networks put added light on the Capitol. All of the sudden, tears were coming down the face of these people who had come from Poland, and I asked what it was. They were simply looking at the Capitol dome, and that, for me, underscored how clearly this is the most recognized symbol of democracy and freedom in the world.

I believe that our responsibilities as Representatives of this democracy are twofold. First, we must employ our full legislative power to make our Nation safer, our citizens more secure and to defend our democracy against all terrorists.

Second, we must do everything in our power to ensure that our institution, the Congress itself, can continue to operate in the face of any crisis, any terrorist attack, any disaster. Again, we need to be able to see that this institution can function in any crisis, any terrorist attack, any disaster that could possibly hit us.

Mr. Speaker, since the District of Columbia became the permanent seat of our government, the United States Congress has been unable to use the Capitol for an extended period only once. That occurrence, of course, was during the War of 1812 when the Capitol was burned, as we all know. Nonetheless, the enduring threat of the last century, the Cold War, forced the Federal Government to plan for its continuity in the event of a catastrophe.

Some people assumed, however, that after the Cold War this kind of planning could stop. We all know that 3 years ago this past September 11, not only did that tragic event put that notion to rest, but it changed our thinking and our planning for the continuation of representative government, representative democracy as we know it.

Indeed, we saw smoke rising from the Pentagon and later heard of the bravery of the passengers on Flight 93 as they cried, ''Let's roll.'' Many of us shared a feeling of having just missed a bullet, a bullet that could have hit this Capitol itself.

We share the additional responsibility for our very institutions, for our individual Members, for our staff and for the thousands of people who visit the Capitol every single day.

Following September 11 and the subsequent anthrax and ricin attacks, our continuity learning curve has been very, very steep. However, the good news is that we have worked hard and have implemented a number of measures that improve the continuity of our Congress.

Indeed, we have taken the advice of one of our great Framers of the Constitution, Alexander Hamilton, who in Federalist 59 said, ''Every government ought to contain in itself the means of its own preservation.'' Let me say that again. ''Every government ought to contain in itself the means of its own preservation.'' Those are Alexander Hamilton's words.

Toward that end, in the last 3 years, the Speaker has focused the United States House of Representatives on three core areas for our overall continuity: number one, upgrading the physical security of both our D.C. and our constituency offices; number two, preserving our continuity of operations here in Washington, D.C.; and number three, addressing the continuity of our form of government itself through debating how to deal with catastrophes that result in large numbers of Members being killed or incapacitated.

Mr. Speaker, let me now turn for a moment to discuss our efforts to preserve the continuity of our congressional operations.

The Speaker of the House has long recognized that if the Capitol, or if Washington itself, were to become unsuitable as a meeting place for the House, whether due to attack, contagion or other calamity, an alternative site for operations would be needed. Much thought has gone into the placement of sufficient resources, technology, staffing and accommodations for Members and key staff so that we could continue to fulfill our duties to the American people. Additionally, we have already adopted a number of very important rule changes to give the House the operational flexibility we believe it would need in a crisis.

Mr. Speaker, those include: first, authority for the Speaker to declare an emergency recess subject to the call of the Chair when notified of an imminent

threat to the safety of the House; second, authority to address the constitutional requirement that the House and Senate assemble in the same place outside the seat of government; third, authority for a designee of the Speaker to act with the Senate to effect a recall of the membership; and fourth, authority for the Speaker to convene the House anywhere within the seat of government.

Now, at this point, I have a particular item I would like to enter in the RECORD.

PARLIAMENTARY STEPS TAKEN TO ENSURE CONTINUITY OF OPERATIONS

Authority to effect a joint-leadership recall from a period of adjournment to an alternate place (in concurrent resolutions of adjournment).

Authority to effect a joint-leadership recall from a period of adjournment through designees (in concurrent resolutions of adjournment).

Anticipatory consent with the Senate to assemble in an alternate place (in a putatively biennial concurrent resolution on opening day of a Congress).

Requirement that the Speaker submit to the Clerk a list of Members in the order in which each shall act as Speaker pro tempore in the case of a vacancy in the Office of Speaker (including physical inability of the Speaker to discharge his duties) until the election of a Speaker or a Speaker pro tempore, exercising such authorities of the Speaker as may be necessary and appropriate to that end (clause 8 of rule I).

Authority for the Speaker to suspend pending business of the House by declaring an emergency recess subject to the call of the Chair when notified of an imminent threat to the safety of the House (clause 12(b) of rule I).

Authority for the Speaker, during any recess or adjournment of not more than three days, in consultation with the Minority Leader, to postpone the time for reconvening or to reconvene before the time previously appointed solely to declare the House in recess, in each case within the constitutional three-day limit (clause 12(c) of rule I).

Authority for the Speaker to convene the House in an alternate place within the seat of government (clause 12(d) of rule I).

Codification of the long-standing practice that the death, resignation, expulsion, disqualification, or removal of a Member results in an adjustment of the whole number of the House, which the Speaker shall announce to the House and which shall not be subject to appeal (clause 5 of rule XX).

Establishment of a Select Committee on Homeland Security with oversight and legislative over matters relating to the Homeland Security Act of 2002 identified by the Speaker and the responsibility to make recommendations concerning future legislative jurisdiction over homeland security matters (sec. 4, H. Res. 5, 108th Cong.).

Establishment of an Appropriations Subcommittee on Homeland Security.

Mr. Speaker, as I have mentioned, we have approached continuity planning during the 108th Congress in three distinct areas. I now want to talk about what is perhaps the most difficult aspect of our planning: how we will continue to legislate if large numbers of our Members are killed or incapacitated.

Obviously, this is a horrible thought. We do not like to even contemplate or consider it, but we all know that we live in a very, very dangerous world, and it is a responsibility that we have to take very seriously. This issue necessarily requires us to contemplate that which none of us really wants to consider, that being our mortality. Mr. Speaker, this is at the heart of why I stand before the House this evening. I am deeply concerned that we need to act now to protect the House as an institution if the unthinkable were to happen.

One of the most difficult questions that we have had to consider is what we would do if large numbers of Members are so injured that they cannot fulfill their duties. This incapacitation of large numbers of Members, what we call the ''mass incapacitation'' of Members, poses a grave threat to the ability of the House to function in a time of crisis.

We have spent a lot of time on a nonpartisan basis discussing this issue, and I underscore that this as an institutional issue. It is not a partisan issue. In each of these discussions, Mr. Speaker, good questions have been asked by a number of Members and staff on both sides of the aisle who are committed to the survival of this institution, the greatest deliberative body known to man.

Mr. Speaker, what I would like to do now is address with answers some of the very important questions that have been posed. First of all, as we look at providing a definition of the problem, what is the so-called ''quorum trap''?

As we all know, a quorum is an essential part of a legislative body. In some nations, including our allies in the United Kingdom, it is but 40 members, a very small number. However, in the United States, a quorum is set by the Constitution as a majority of Members. That is what is stated in the U.S. Constitution. Long-standing House precedent defines a majority as those Members who are chosen, sworn and living. ''Chosen, sworn and living'' is what determines, that is, it's the precedent for establishing a majority. The standard does not address Members who are chosen, sworn, living, but unable to carry out their duties because they are incapacitated. Thus, if Members are alive but unable to carry out their duties, they remain in the calculation of quorum.

If large numbers of Members are incapacitated and a roll call vote is needed, the House could be unable to obtain a quorum. This is what we call the ''quorum trap,'' where so many Members would, in fact, be unable to respond to a quorum call. Let me say that again. If large numbers of Members are incapacitated, we, as an institution, could be unable to act.

The potential rule change that I will explain in a moment would go into effect if, after an attack, more than half the number of those Members remaining alive were incapacitated, again, half the number remaining alive are incapacitated. That is why we refer to this as ''mass incapacitation.''

Additionally, it is important to note that the quorum trap only becomes a problem for the House if a roll call vote is needed. Again, the quorum trap only becomes a problem if we have to have a roll call vote. House precedents provide that a quorum is presumed unless challenged. If the Members can agree to the business of the House being considered by unanimous consent, then the lack of a quorum would not be an issue. Nonetheless, as an institution, we cannot take the risk that we will always be able to act by unanimous consent.

The House is very limited in what it can do without a quorum. It can only do two things without a quorum, Mr. Speaker. Number one, adjourn from day-to-day; or number two, send the Sergeant-at-Arms to try and bring enough Members in to constitute a quorum. Those are the only things that we are able to do without a quorum.

Without the potential rule change to deal with the quorum trap, we could be unable to act at exactly the time that the American people expect us to do so.

Unfortunately, even after years of consideration, no one has been able to adequately define exactly what incapacitation is for every possible situation. Up in the Committee on Rules, we had a hearing. We had testimony from our attending physician, Admiral Eisold. He testified to the Congress, and he revealed that making a determination of incapacitation involves so many factors that it would be difficult, if not impossible, to have a bright-line test for exactly what is incapacitation.

Rather than trying to define incapacitation, this approach defines what constitutes the House. It is the number of Members who are not incapacitated. That is, the Members who can show up to answer the call of the House, the quorum call. That ''call of the House'' could be a regular roll call vote, like we have every day, or it could be done through the rule that gives the Speaker the power to recognize any Member to move a call of the House for establishing a quorum.

What types of catastrophic events would trigger these kinds of provisions? Mr. Speaker, the language of the rule is intended to cover broad possibilities, including catastrophic circumstances involving natural disaster, attack, contagion or similar calamity that render representatives incapable of attending the proceedings of the House. For example, Members could be incapacitated because they are so injured that they cannot fulfill their duties, or they may be missing and presumed dead, or they could be held hostage.

What is the solution? How would the potential rule change procedure play out? At its core, mass incapacitation presents one key problem for the House. If too many Members are incapacitated, the House is actually unable to do business for the American people during a time of crisis.

The Constitution says that a majority quorum is required for House business.

□ 2045

Another way of thinking about this majority requirement is that it is a fraction. The amount above the line is the number of Members who are physically present and can participate. The amount below the line is the number of Members who exist. Rather than trying to define incapacitation, this potential rule change uses the ability or inability of Members to show up and participate as a measure of who exists, the amount below the line.

This potential rule change, if adopted, would solve the quorum trap by requiring the following procedural steps: The rule requires that Members dispose of a motion for the Sergeant at Arms to find Members so that we can hopefully obtain a quorum without going any further than that.

Additionally, if this attempt to gather a quorum fails, the next stage of the rule requires an extremely lengthy call of the House. We would call for 72 hours, a quorum call of 72 hours, exclusive of time that the House has spent in recess, to try to gather 218 Members in order to establish a quorum.

Next, if that step fails to produce a quorum, the rule requires that the Sergeant at Arms, in conjunction with the Attending Physician to Congress and other relevant law enforcement and public safety officials, report to the Speaker, the minority leader and the majority leader on the state of the membership and whether the failure of quorum is due to catastrophic circumstances. This report would be updated daily and made available to the entire House. Members could, if they choose, disseminate the information. It would consist of the following:

(A) the number of vacancies in the House and the names of former Representatives whose seats are vacant; (B) the names of Representatives considered incapacitated; (C) the names of Representatives not incapacitated but otherwise incapable of attending the proceedings of the House; and (D) the names of Representatives unaccounted for.

Now, the next step in the rule is for the Speaker to decide whether to formally place the report of the Sergeant at Arms before the House. The Speaker could decide to delay this formal step in order to collect more information about the membership and the nature of the catastrophe. However, if the Speaker does place the report before the House formally, the next step would be to have another very lengthy quorum call, 24 hours, again exclusive of time that the House would be in recess.

Finally, if enough Members for a quorum of 218 have not shown up at this point, then the rule would allow for the establishment of a ''provisional,'' that is, a temporary quorum of the House at this point. This ''provisional quorum'' would consist of a majority of those Members who could show up and fulfill their duties. Under this temporary quorum, the House could act for the American people in a time of crisis.

Now, what are the origins of this plan? Continuity discussions began in earnest during the 107th Congress. The bipartisan House leadership agreed on the formation of a task force led by my colleague, the gentleman from California (Mr. COX), and the ranking minority member of the Committee on Rules, the gentleman from Texas (Mr. FROST). This task force included a number of Members concerned about the continued operations of our institution. Many of the recommendations of the Cox-Frost group were adopted at the start of the 108th Congress. This rule change concept originated in the Cox-Frost discussions. However, an impasse was reached over how to try to define incapacitation, and the group decided to allow for more analysis of this very, very difficult question.

Mr. Speaker, the Continuity of Government Commission, sponsored by the American Enterprise Institute and the Brookings Institution, tried to consider the issue of incapacitation but, similarly, could not come to agreement over how to define incapacitation or what to do about it. As we have said, this is a very, very difficult issue.

The Committee on Rules held a hearing on H. Con. Res. 190 to create a joint House-Senate committee to address continuity issues, including incapacitation, and the House overwhelmingly passed it in June of last year. The Senate has not acted upon this proposal yet.

In the spring of this year, just a few months ago, as we all know, the House addressed what to do if large numbers of Members are killed, and this institution adopted by a bipartisan margin of 306 to 97 the Continuity of Representation Act, which I coauthored with the chairman of the Committee on the Judiciary, my friend, the gentleman from Wisconsin (Mr. SENSENBRENNER).

Additionally, the House rejected a proposed constitutional amendment to allow for the appointment of temporary ''stand-in'' Members who were incapacitated or killed. That was defeated on a vote of 63 to 353. So this institution has stated very firmly that we want to maintain the elective nature of this institution, as James Madison, the father of the Constitution, envisaged it.

We know very well, Mr. Speaker, that ours is the only Federal office where one must be elected to be able to serve at the Federal level. Senators can be appointed, and we all know that, by appointment, one can become the President of the United States without standing before the voters. But this institution is where everyone who has ever served has been elected. And I am happy that, by a margin of 63 to 353, the House rejected that proposed constitutional amendment.

The Committee on Rules held an original jurisdiction hearing on the mass incapacitation of Members in April of 2004. Testifying at the hearing were a number of experts on the House rules, the Constitution and the issue of incapacitation. The report of this hearing is available on the Committee on Rules Web site and has been printed by the Government Printing Office.

At the April 2004 hearing, we distributed a discussion draft of the proposed rule change. Discussions have continued on a bipartisan basis since then, and a number of improvements to the proposal have been made.

Now, why would we need a provisional quorum? Why does the House need to establish procedures to deal with the possibility of mass incapacitations?

We need to assure the American people we are doing everything we can to provide for continuity of government in the face of any catastrophic event. Rules must be in place prior to a crisis. We need to be considering this matter with a ''triage'' mindset, similar to that taken by health care workers and doctors during an emergency.

Mr. Speaker, if a jet plane, God forbid, hits this Capitol dome, hits this building when we are all here voting or a biological agent is released, we need to plan for how to deal with the worst problems first. We need to realize that we will not be operating in a best-case scenario and that having some plan in place is better than no plan at all.

Now, why does this proposal that we have only address mass incapacitations?

Mr. Speaker, this procedure would go into effect if large numbers of Members are incapacitated, large numbers. If individual Members are incapacitated, they are very unlikely to affect our ability to achieve a majority quorum. However, after a catastrophe, a key question will be whether it resulted in large numbers of deaths, large numbers of incapacitations or both.

If we are dealing with a full, living membership and only incapacitated Members but no deaths, we would need 218 or more Members incapacitated in order to trigger a problem with quorum. With deaths, the quorum is automatically reduced by the rules, and the number of incapacitations that could trigger a quorum trap also would drop.

To illustrate: If you had 300 fatalities, the rules now would require a quorum consisting of a majority of the remaining 135 Members. There are a total of 435 Members in the House, as we all know, Mr. Speaker. If we had 300 fatalities, the rules would require a quorum consisting of a majority of the remaining 135 Members, which would mean a quorum would be 68 Members. However, if 68 or more of the remaining Members were incapacitated, we would be in the quorum trap. The House would be unable to function.

Now, what about those living Members who are not incapacitated but otherwise unable to show up and to participate?

If, for example, a Member is stuck overseas at the time of the quorum calls and makes his or her presence and willingness to return known, then that Member's seat cannot be declared vacant through expulsion. In addition, the potential rule change would not change or in any way modify the longstanding provisions allowing a smaller number of the House to arrest and force the return of a wayward Member.

Now, the constitutionality of this proposed solution is a very, very important question. Is it constitutional? Is it constitutional? Who would have standing to sue over this provision?

Mr. Speaker, to me it is very clear. Article I, section 5, clause 2 of our constitution gives the House and the Senate authority to determine their own rules of proceeding. Professor Walter Dellinger, the great constitutional expert, testified before our committee at the April 2004 meeting, the hearing we had on incapacitation and quorums. In that hearing, in his testimony, he said the following, and I happen to agree with him. This is Professor Dellinger. ''It is simply inconceivable that a constitution, established to 'provide for the common defense' and 'promote the general welfare,' would leave the nation unable to act in precisely the moment of greatest peril.''

He went on to say, ''No constitutional amendment is required to enact the proposed rule change because the Constitution as drafted permits the Congress to ensure the preservation of government.''

Professor Dellinger continued saying, ''I think there is a great advantage to adopting a rule now if we can get really widespread and bipartisan agreement on it, because you are acting now behind what one of the philosophers calls the ''veil of ignorance.'' You don't know whose party is going to be benefitted, if we were to see mass incapacitation; whose faction is going to be burdened by this. No one knows what impact it would have on the makeup of this institution.

Now, one of the things we, of course, want to do is maintain the rights of the minority. So the question that is naturally raised is, how are the rights of the minority protected under this potential rule change?

It is important to note that the Speaker can, at any time, recognize any Member for a motion to adjourn, which, if adopted, would stop this process and force it to be completely started over, if he chooses to start it over at all.

Additionally, while the report of the Sergeant at Arms must be made available to the membership on a daily basis, the Speaker has the power to not formally announce the report of the Sergeant at Arms to the House. He has the right to not announce and, thus, can delay or stop the process from moving forward.

Now, if at any time a Member is no longer incapacitated and can show up, then he or she is automatically added back into the calculation of quorum. Once we again have 218 Members present, then the provisional quorum under this rule change ends.

Finally, the Senate would always act as a check and balance to any action of the House under a provisional quorum, as would the President, the Judiciary, the press and the public.

Now, Mr. Speaker, some have noticed that we made the Speaker's actions in deciding to announce the report of the Sergeant at Arms unappealable. Now, why is that, that we placed this responsibility solely with the Speaker?

The role of the Speaker is that of a ministerial act in dealing with this. That act of the Speaker announcing the report could only come after an extremely long quorum call, as I said, 72 hours, excluding time spent in recess. If that extremely long quorum call has not produced a quorum, then by definition you cannot appeal a ruling of the Chair if you do not have a quorum present.

To make this action appealable, you would place the procedure back into the quorum trap, and therefore, it could not be used, because if the Speaker does make a decision, the ruling could not be challenged because a quorum would not be present.

Additionally, another reason for the unappealability of the Speaker announcing the catastrophic quorum failure report is that the Speaker is not required to make the announcement. By not announcing the report, he can stop the functioning of the proposed rule so that more information can be gathered and considered.

Now, what about requiring the concurrence of the minority leader in determining who should be counted for a quorum?

The Speaker is the only constitutionally proscribed authority for the House. This type of decision should not require equal sign-off from someone in the opposite party. It politicizes a procedure that, as I said, should be a ministerial procedure. The current House rules have a rare exception on minority concurrence on timing of committee hearings but not on any question of this magnitude. And even with this exception, the chairman of a committee can, by a majority vote, decide to hold a meeting at any time, even without the concurrence of the minority.

We should not make the rules ''partisan'' in an attempt to appear ''bipartisan.''

□ 2100

We should strive in a rule such as this, of such great magnitude, to be nonpartisan. This is because we do not know, nor can anyone predict, which party would be most affected by a catastrophe. It is entirely possible, Mr. Speaker, that the Speakership and control of the House could change hands following a catastrophe. There would still be the need for a quorum to elect a new Speaker no matter what party had the most Members responding.

Mr. Speaker, in a time of crisis, the House will need one leader who can act, not a committee, and should not be concerned with partisanship. Partisanship should not be an issue in a time of a catastrophe like we are contemplating here. This holds true for whichever party is in control and whoever is elected Speaker.

Mr. Speaker, we hope and pray that the circumstances never arise where such an order of the House is necessary. But at the same time if we do not address the problem of mass incapacitation, we will fail at one of our most important duties, assuring continuing representation and congressional operations for the American people during times of crises.

Finally, I would like to advise Members that we hope very much to bring these matters before the full House very soon. It is vitally important that the House have in place a procedure to deal with mass incapacitation before we complete our business for the year and recess, before the national elections, and before the counting of electoral ballots.

Mr. Speaker, as I have already done, I have asked unanimous consent, and I know the gentleman from Texas (Mr. FROST) was hoping to be able to participate here this evening, the ranking minority member of the Committee on Rules, and he had some comments that I know he plans to add into the RECORD; and I am sure there will be other Members who wish to add their comments to this very important issue, which, as I said, we do not like to contemplate, but we must take on our responsibility to do just that.

Mr. FROST. Mr. Speaker, I would like to thank the Chairman of the Rules Committee Mr. DREIER for convening this special order tonight to discuss the very important issue of how the House would survive an enemy attack that left a majority of our Members dead or unable to perform their duties. I would also like to associate myself with the comments of my Rules Committee colleague, Mr. MCGOVERN, who is the ranking member of the Rules Subcommittee on Technology and the House and has taken a keen interest in this issue.

Mr. Speaker, it has been more than 3 years since the September 11 attacks and the startling realization that the Capitol Building and Members of Congress were in imminent physical danger that morning. If not for the bravery of the passengers on Flight 93, the United States Capitol, the seat of our legislative branch, could have been destroyed by an enemy attack, killing or injuring an unknown number of Senators, Representatives, and staff. It is now clear we were wholly unprepared to deal with the aftermath of a successful attack. We had given little thought to how Congress would continue performing our duties if our chambers and offices were destroyed, and many of our Members were dead, injured, or missing.

There is no way the wise people who created our Federal Government could have ever foreseen the possibility that enemies of the

United States could highjack large commercial jets and try to fly them into the seat of the Federal Government. In the summer of 1787, the Founding Fathers spent a great deal of time identifying, discussing and correcting the weaknesses in the constitutional system they were creating, but we cannot fault them for remaining silent on threats to the system they were unable to imagine.

It instead falls on our shoulders to take the necessary steps to ensure that Congress will continue to function in the face of threats that are new to our age. All Members of the 108th Congress, especially those in leadership positions, share the same responsibility that Members of the 1st through 107th Congresses bore during their times of service: to preserve the institution of Congress and the role of the legislative branch in our constitutional democracy. As I have stated many times in the various hearings and debates we have conducted over the past several years, ''continuity of Congress'' is above all an institutional issue. There is no issue on which partisan posturing or maneuvering is less appropriate. Our enemies seek to destroy and disrupt our democratic system; they view all of us, both Democrats and Republicans, as their common enemies.

Mr. Speaker, on the evening of September 11, we gathered on the East steps of the Capitol as Americans and as Members of Congress who had sworn to protect and defend our country and our Constitution. At that moment, our partisan divisions were meaningless. We stood hand in hand and sang ''God Bless America'' to show the American people that their Congress was open for business and prepared to respond to the terrorist attacks. As the former Republican majority leader, my North Texas colleague, Dick Armey commented at that time: ''I cherish the fact that when our country needed us to come together, we stood on the steps of this Capitol and hand to hand we sang ''God Bless America'.''

Over the 3 years that have now passed since that evening, there have been moments where Members of Congress and outside experts have risen to the challenge of honestly confronting the tough questions surrounding how our three branches of government would endure a direct enemy attack. In May 2002, the Speaker and minority leader created a bipartisan ''Continuity of Congress Working Group,'' which I co-chaired and came to be known as the ''Cox-Frost Working Group.'' This group met eight times in the following months, consulted with outside experts, and carefully examined the current rules and statutes governing congressional and executive succession. Late in the 107th Congress, the group unanimously recommended three House Rules changes it felt would improve the Speaker's ability to reconvene the House after an attack. The House adopted these suggestions into its rules package for the 108th Congress.

Elsewhere in Washington, Congressional scholars from two usually ideologically opposed think tanks, the Brookings Institution and the American Enterprise Institute, came together to create the Continuity of Government Commission to examine these problems. Commission members included former House Speakers Newt Gingrich and Tom Foley, respected former Members of Congress from both parties, as well as former senior officials from both Democratic and Republican administrations. After two all-day hearings and extensive consultations with former Members of Congress and scholars, the Commission released a report in May 2003 concluding that ''there is a gaping hole in our constitutional fabric that would allow large numbers of vacancies in Congress to continue for a significant period of time.'' The Commission frankly admitted that it looked at all options short of amending the Constitution, but reluctantly concluded that amending the Constitution to clarify what would happen in the case of mass vacancies or incapacitation in Congress was ''the only solution that adequately addresses the problem.'' The Commission wrote: ''Our study of alternative approaches persuades us that no other option provides more than a partial and inadequate fix to the problem.''

It has been a great disappointment to watch the spirit of honest inquiry and comity that characterized the work of the Cox-Frost group and the Continuity Commission vanish in the 108th Congress. I have been dismayed to see the House debates over continuity issues in this Congress revert back to the normal partisan lines. On several occasions this year, Republican leaders have jammed through bills and resolutions on continuity issues with little or no opportunity to offer amendments and inadequate hearings. While Rules Committee Republicans deserve credit for holding a civil and informative hearing on this proposed rules change last April, the only outside witness they called to testify was a legal scholar who would confirm their pre-determined position that the House rulemaking power allows the Speaker to adjust down the quorum number. With all due respect to the Republicans on my committee, I do not believe this single hearing confronted the constitutional and institutional complexities raised by this rules change in the serious, thoughtful way they deserved.

Although the resolution draft the committee is currently circulating is a great improvement over earlier drafts, I nevertheless oppose it. I do so because I do not feel it takes all of the steps necessary to make sure that in the wake of a catastrophic enemy attack, the surviving, able-bodied Members of the House of Representatives would be able to regroup, reorganize, and demonstrate to the American people that they have risen above their partisan divisions to preserve the House of Representatives and the indispensable role it plays in our constitutional system. It is essential that the rules we establish now to govern a future catastrophic situation give the remaining Members every possible tool to prove to the American people that all of their actions, both the reorganization and the legislation they pass afterwards, are motivated only by their duty to protect our country and our democratic form of government. I believe this resolution's failure to establish a process in which a diminished House can only organize and do business with the concurrence of party leaders will leave it vulnerable to charges of partisanship and illegitimacy.

The rules change proposed in this resolution addresses the issue of mass Member incapacitation. What would happen if terrorists managed to successfully injure, but not kill, a significant number of Members of Congress? Since the early 20th century, House precedents have defined the membership of the House for the purpose of determining a quorum as those Members ''chosen, sworn, and living,'' which has resulted in small periodic adjustments to the quorum number as individual Members die or resign. In the case of mass incapacitation, where Members would temporarily be unable to perform their duties but were still alive, the House would not be able to conduct business because it would lack a majority of its extant Members and therefore lack a quorum.

The solution to this problem proposed in this rules change is to lower the quorum number by the number of Members who are incapacitated and temporarily unable to perform their legislative duties. In other words, in the wake of a calamitous event, the House would conduct its lawmaking and other business not with a quorum of 218 (as is now required if all apportioned 435 House seats are occupied), but with a much smaller number of Members. For example, if terrorists launched a successful anthrax attack on a meeting of the Republican Conference and temporarily debilitated the 228 current Republican Members of the House, the remaining Members could meet, declare those Republican Members incapacitated, adjust down the quorum number to 104 (the majority of living House Members still able to perform their duties), and then conduct any and all business, including declaring war and electing a Speaker. Operating under this so-called ''provisional quorum,'' the House could pass bills with as few as 53 votes (a majority of 104 Members).

A problem the majority has ignored through this process is whether the Constitution allows the House to adjust its quorum number downwards to a figure significantly below 218 seats, a majority of the whole number of currently apportioned seats. Instead of honestly exploring this important question, the Rules Committee glossed over it. It called in one expert, the well-respected Duke Law School professor and former Solicitor General Walter Dellinger, who testified that the House rulemaking power is sufficiently robust and that the Constitution's quorum language is sufficiently vague to allow the House to adjust down the quorum number to account for Members incapacitated due to a national calamity. Professor Dellinger's argument is that a diminished House is better than no House at all in an emergency situation and that a literal reading of the Article I quorum requirement could do irreparable damage to our system of government, which the Founders could not have intended.

While Professor Dellinger is a well-regarded jurist and I accept his pragmatic reading of Article I for the purpose of this proposed rule change, I must note that other experts are less confident that lowering the quorum is constitutionally sound. These scholars argue that a plain reading of article I, sec. 5, cl. 3 of the Constitution (''a Majority of each [House] shall constitute a quorum to do Business'') leads to the obvious conclusion that the House can only do business when a majority of its whole, apportioned number is present. The Founders viewed the House as the most purely republican, representative department of the Federal Government, whose Members were most directly accountable to what James Madison called the ''great body of the people'' of the United States. They argue that allowing a small fraction of Members to pass laws and do business violates the fundamental, constitutional function of the ''People's House.''

Professor Cass Sunstein of the University of Chicago Law School, for example, in testimony he submitted to Senator CORNYN and

the Senate Judiciary Committee, takes the position that the House rulemaking power may extend to lowering the quorum, but concedes, ''To say the least, it is awkward and uncomfortable to interpret a document in a way that violates its evidently plain meaning. In addition, the quorum provision has an important structural purpose, which is to ensure that laws are not made by a minority of the legislature, in a way that compromises the constitutional commitment to deliberative democracy. (The ability to raise quorum objections to a voice vote is an important safeguard here).''

While I personally believe the House's constitutional rulemaking power allows the House to temporarily lower its quorum number in extraordinary circumstances, we have no assurance our courts and the ''great body of the people'' of the United States will accept as legitimate the laws we pass with a significantly reduced quorum. In addition, Rules Committee Republicans' assurances that these proposed rules changes are non-justiciable are less than meets the eye. They are correct that under our Federal case or controversy jurisprudence, it would be almost impossible to challenge the rules themselves, especially before they are invoked. But they gloss over the fact that citizens injured by laws passed by a House with a diminished quorum would likely have justiciable claims.

Consider the following example: During a period of mass incapacitation, a Congress with a diminished House imposes a punitive commercial tariff on a foreign country Congress feels has not been sufficiently helpful in the War on Terrorism. A businessman in New York who imports goods from that country is economically damaged by the tariff. He goes to a Federal court with a claim that the tariff is invalid because the House approved the tariff without a Constitutional quorum and requests an injunction blocking enforcement of the law. This businessman would almost certainly have a justiciable claim. His facts would be identical to those of the case that resulted in the famous U.S. v. Ballin case, in which the Supreme Court held that the House's rulemaking power allows the Speaker broad latitude in determining the best way to count Members to determine that a majority of the House is present and there is a quorum to conduct business. The Ballin case did not reach the question of what the term ''majority'' means or whether the Speaker has the power to change it to a number other than the majority of the whole number of apportioned House seats. That would be the question the injured New York businessman asked our courts to decide and an adverse decision could cast into doubt all of the actions of a House operating with a provisional quorum.

I run through this scenario not just to illustrate that we should not presume that this rule change will survive a legal test just because the Majority has found one respected legal expert who believes it is constitutional. The actions of a House meeting with a diminished quorum will be subject not just to judicial scrutiny, but to the scrutiny of the American people. Will the American people accept as legitimate the actions of a House made up of a fraction of its 435 seats? Will the American people accept laws passed by House Members who represent only a fraction of Madison's ''great body of the people'' of the United States? I feel that a diminished House, especially a diminished House whose basic partisan makeup is significantly altered, could be subject to suspicions that it is acting not in the best interests of the country, but in the interests of the party that was fortunate to lose fewer of its Members in an enemy attack.

The rules change proposed in various drafts of this resolution does not reassure me that the Republican leadership is sufficiently sensitive to this concern. Under its proposed rules change, in the aftermath of a calamity, the House would first use the power it has under clause 5 of rule XX to assemble a quorum through compelling the attendance of absent Members. Under this provision, a majority of 15 Members may vote to send the Sergeant-at-Arms out to arrest those Members able to attend, and to otherwise account for absent Members. When this process is exhausted, and a quorum has not yet appeared, the House would go through a special 72–hour quorum call. During this period, the Speaker and other House officers would be working to determine the nature and extent of the crisis. At the end of this 3-day quorum call, the Speaker could then present to the House an unappealable ''catastrophic quorum failure report'' concluding that a calamity has taken place, a large number of Members are incapacitated, and that, as a consequence, the House is unable to assemble a majority of its whole number to do business. After another 24-hour quorum call, the quorum number would be automatically adjusted downwards to a new ''provisional'' quorum number. This provisional number would be determined by excluding the Members who have died and those Members whom the report deems incapacitated, unaccounted for, or otherwise incapable of attending. With this new, smaller provisional quorum, the House would then be able to conduct any business it can currently conduct with a quorum of the whole number of the House.

I acknowledge and am grateful that Rules Committee Republicans improved on earlier drafts of this resolution by providing more detail on what information the ''catastrophic failure report'' should contain and by adding a requirement that the Speaker consult with the two party leaders when he or she receives and then announces the content of the report. But I must point out that the current language does not adequately address my fundamental concern that the actions of a House operating under a provisional quorum will be vulnerable to charges of illegitimacy and political manipulation.

Under the scheme set up in the draft resolution, the Speaker would still have the sole power (1) to determine that a catastrophic event contemplated by the rule has occurred and (2) to determine which Members are incapacitated and therefore unable to perform their duties. While I respect the fact that the Speaker is the constitutionally created presiding officer of the House, I would also note the obvious fact that the Speaker is the leader of the majority party in the House. I am concerned that the Speaker's unilateral decisions to designate a disaster situation and/or to declare certain Members incapacitated will be vulnerable to charges of partisanship and manipulation. Such charges, whether they are made against a Republican or a Democratic Speaker, would harm the legitimacy and the credibility of any subsequent actions the House took with a diminished quorum.

During our discussions over the wording of this rules change, I proposed language to ensure that the decision to declare a calamity or declare Members incapacitated would occur in a manner that would be most likely to garner broad support and legitimacy in the House and in a country struggling in the aftermath of an enemy attack. To have legitimacy, we must be able to show Members from both parties and the American public that our decision to operate under a reduced quorum was based solely on our solemn duty to preserve the institution of the House. I proposed simple language I felt would turn a unilateral decision-making process into a consensus-building, institutional process designed to garner the broadest possible support. My version would require the Speaker not to just consult with the majority and minority leaders, but to obtain their concurrence that a calamity has occurred, that certain Members are dead or incapacitated, and that it is necessary to trigger the process for establishing the lower provisional quorum.

The testimony of the House Attending Physician, Dr. John Eisold, during the April 2004 hearing, highlights my concerns about a process that gives the Speaker unilateral decision-making power. Dr. Eisold's testimony made it clear that determining a Member's ability to serve in the House after a calamity could become a very controversial matter. While medical professionals like Dr. Eisold could provide the Speaker with an ''objective description of the state of a member's health as determined by the medical establishment,'' the determination of incapacitation is a subjective judgment, ''made by non-medical people but based on meaningful and accurate medical input.''

During Dr. Eisold's testimony, both Mr. HASTINGS of Washington and Mr. MCGOVERN discussed the dangers inherent in this determination-of-incapacity process.

They posed a very important question: How do we prevent the process from becoming one where Members are declared incapacitated based on their party rather than their medical condition? For example, what credibility would the Speaker's decision have to declare a Member of his or her own party fit to serve in the House, but to declare a Member of the other party with similar symptoms incapacitated? I believe the only way to conduct this process in a manner that promotes legitimacy is to require that not just the Speaker, but the leaders of both parties in the House, agree that a certain Member is or is not able to report for work. An incapacitation list approved by the Speaker, as well as concurred in by party leaders, would reassure Members of both parties and the public that the process has been based only on the best available medical information and the best judgment of their Congressional leaders.

Regrettably, but not surprisingly, Republican Members of this Committee have resisted my suggestion. I have argued that changing the procedure from one where the Speaker merely consults with party leaders to one where he or she must obtain their concurrence would transform a potentially politically divisive moment into a moment where Congressional leaders from both parties would be able to assure the American people that the legislative branch has survived an enemy attack and is open for business. It would foster a process that would result in a show of solidarity and strength like the one Members of Congress showed on the Capitol steps after the September 11 attacks. I believe that any Speaker,

Democrat or Republican, who found her or himself in this situation, would welcome the political and moral support of senior House Members from both parties.

An objection I have heard to my concurrence language is that it improperly limits the Speaker's constitutional power to preside over the House. The Constitution and our House Rules give the Speaker extensive power to organize the House, to conduct the House's day-to-day business, and to maintain order in the House. Under my proposal, with the concurrence of the majority and minority leaders, the Speaker would retain the ministerial power to issue the calamity report, trigger the provisional quorum process, preside over a diminished House, and control the House's agenda. I must restate the obvious point, however, that this resolution is not a run-of-the-mill rules change. This resolution sets the House on a course into uncharted constitutional territory, where questions concerning the legitimacy of its actions could be very serious. The Speaker's powers to preside over the House would mean very little if the House were discredited by actions the American public broadly viewed as partisan and opportunistic.

Furthermore, I would point out that while the Speaker's powers to run the House are broad, they are finite. In a variety of ways, our standing House Rules protect Members from what Jefferson called the ''caprice of the Speaker.'' The House can vote to remove the Speaker and can reverse the Speaker's rulings on points of order and calls to order. The rules change contemplated in this draft resolution, however, makes an extraordinary departure from the principle that the House has the right to rein in a Speaker who is abusing her or his power. The resolution makes unappealable the Speaker's decision to announce that a calamity has occurred and that certain Members are incapacitated. While I agree that the exigencies of a catastrophic situation might require that the Speaker be able to act quickly and decisively after the House has decided that a calamity has occurred, the Speaker risks losing the confidence of Members and the American public if he or she acts without the concurrence of party leaders, in a manner unhappy Members or outside critics could characterize as irresponsible or capricious.

I must also point out that any taint of illegitimacy or political opportunism generated by the House in the wake of a calamity could easily spread to the Executive Branch. Under our current Presidential succession statute, the Speaker of the House is the third in line to succeed as President and a newly elected Speaker would bump any Cabinet Secretary lower in the line of succession who has taken the office of President in accordance with the statute. In other words, a House operating under a provisional quorum in the wake of a catastrophic event that has not only killed or injured many Members of Congress, but has also killed the President, the Vice President, and the Speaker, could have the power to choose the new President through the election of a new Speaker.

Under clause 8(3) of rule 1, which we adopted at the beginning of the 108th Congress, if the Speaker perishes or is seriously injured in an attack, the Member at the top of the successor list the Speaker has delivered to the Clerk becomes Speaker pro tempore (with all of the authority of the Office of Speaker) until the House elects a new Speaker. This raises the question of whether the temporary Speaker pro tempore would be in the line of succession and therefore become President. This possibility leads to another vexing question: would the temporary Speaker pro tempore be bumped from the Presidency by the new Speaker elected by a House operating under a provisional quorum? Another troubling scenario would be one in which the Speaker and the Members he or she has named as successor Speakers pro tempore all perish or remain seriously injured in an enemy attack. As our current Parliamentarian John Sullivan testified at the April hearing, in this case, the Clerk would take the Chair, the House would elect a new Speaker, and then reorganize in the same way the House reorganizes at the beginning of each Congress. A Speaker elected in this fashion would also be in the line of Presidential succession under current law.

These startling possibilities make me more insistent than ever that the process of declaring a calamity and conducting business in a diminished House be one that garners the broadest possible confidence and support. The aftermath of an enemy attack is the worst possible time for our country to endure a debate over whether the sitting President properly holds the office.

Finally, I find it curious that the Republicans have resisted accepting our language to include leaders from both parties in the decision to trigger the reduced quorum procedure. Their own expert, Professor Dellinger, proposed it in the testimony he submitted to the Committee. Professor Dellinger's testimony expresses the same concern we have outlined in the previous paragraphs. He said: ''For the rule's invocation to have true legitimacy, there must also be some procedural guarantee that the rule is not being improperly invoked for factional reasons.'' Out of his concerns over legitimacy, Professor Dellinger went on to ''strongly recommend that the power to invoke the rule be placed not solely in the discretion of the Speaker, but rather require as well the concurrence of one or more members of the minority party's leadership, from a list chosen ahead of time.'' In other words, Committee Republicans have explicitly rejected the single most important policy recommendation their star witness, Professor Dellinger, made in his testimony.

I think when he used the term ''factional reasons,'' Professor Dellinger was choosing his words very carefully. He was no doubt referring to James Madison's famous discussion of the dangers of faction to the republican form of government in Federalist 10. One of the most persistent problems in the governments of his time, Madison wrote, was: ''that the public good is disregarded in the conflicts of rival parties; and that measures are too often decided, not according to the rules of justice, and the rights of the minor party; but by the superior force of an interested and over-bearing majority.''

There is no subject on which it is more important for Congressional leaders to set aside their partisan differences and their instinct to turn everything into a ''factional'' dispute than the Continuity of Congress. Unfortunately, I feel that House Republicans have, at least temporarily, succumbed to their partisan instincts and have produced bills and resolutions that reflect the ''superior force of an interested and over-bearing majority'' rather than a good faith effort to protect and preserve the House of Representatives and its indispensable role in our constitutional system. In its current form, the draft rules change lacks the tools a post-calamity House would need to preserve our beloved institution and to demonstrate to the American public it has risen above its partisan differences for the sake of our Nation. I sincerely hope that a final version of this rules change, whether it is adopted in the final days of the 108th Congress or in a future Congress, reflects the spirit of unity, patriotism, and duty to this House that this issue deserves.

Mr. MCGOVERN. Mr. Speaker, our Constitutional Framers drafted a living document that, while not perfect, created a vibrant representative democracy. They crafted the Constitution as a document that could be improved over the course of history. The Framers themselves would probably agree that the Constitution, as originally drafted, would not be perfect into perpetuity. Indeed, in Federalist 43, James Madison states ''that useful alterations will be suggested by experience, could not but be foreseen.'' The Framers improved the Constitution by amending it with the Bill of Rights. Since this important document was signed in 1789, a total of 27 amendments have been added.

As Members of Congress, we take an oath to uphold and defend that Constitution. It is our duty to take the proper actions to ensure that our democracy and our way of life are preserved for the future. The tragic attacks of September 11, 2001, and the threat of future attacks require that we ensure that there is a continuity of the government created by the Framers.

Before September 11, 2001, the United States had withstood a civil war, attacks on its soil and attacks upon Washington, DC and the Capitol itself. But the continuity of government established by the Constitution, and the ability of the Congress to fulfill its Constitutional duties, has never been more at risk from attack. Today, we live with the grim knowledge that a terrorist attack could take place again here in the United States and that terrorists may attempt to attack and destroy this Capitol Building. And it is with this understanding that the Congress must ensure that the government established by the Framers continues well into the future.

The Framers and the Congress, over the past 216 years, created a presidential line of succession in case the President is killed or dies in office. Article II, section 1, paragraph 6 establishes: the Vice President as the next in line to take over the presidency in case the President is removed from office for any reason. This same clause also gives Congress the power to establish the line of succession beyond the Vice President, and the Congress acted by creating this line of succession, as established in chapter 3, section 19 of the U.S. Code. There are safeguards in the Constitution and established by law should a President become unable to fulfill his or her constitutional duties, die, or be removed from office. Simply, there is a plan to ensure that the executive branch can continue to exist should something happen to the President.

The Constitution also established the bicameral Congress—the House of Representatives and the Senate—and established that the House is a body that can only be constituted of Members who are directly elected by citizens of the United States. The Constitution says that a vacant House seat can only

be filled by direct election, and a seat can only become vacant at the end of a 2-year term established in article 1, section 2, paragraph 1 of the Constitution or with the removal of a Member of Congress either by death, resignation, declination, withdrawal, or by expulsion.

However, as I've already stated, the Framers of the Constitution never planned for an event, including an attack on this country, that could cause mass death or incapacitation of Members of Congress. After September 11th, we need to ask ourselves how we can preserve our government, as designed by the Framers, in the wake of a catastrophic event. And we need to do so with an eye looking toward the future.

A key problem created by an attack that kills or incapacitates more than half of the Members of Congress actually lies in the way a quorum of the House is defined. It may sound arcane to some, but establishing a quorum is vital to the way our government works. If the House were not able to establish a quorum, this body could not vote on legislation. In the wake of a catastrophe, the House must be able to act. However, without a quorum, the U.S. government could grind to a halt until a quorum is actually established. In other words, if this country were attacked again and the House could not establish a quorum, we could not pass important legislation like emergency appropriations, improvements to already established security laws, or even a declaration of war.

At the beginning of the 108th Congress, the House enacted an important rule change that codified a long-standing House precedent allowing the Speaker of the House to reduce the number of the quorum by one for each vacant seat in the House. This rule change took place with the adoption of H. Res. 5, the resolution adopting the Rules of the House for the 108th Congress.

The codification of this precedent is important, but it does not address the problem of incapacitation. If any number of Members of Congress were killed in a terrorist attack, this new rule change would allow the Speaker to reduce the whole number of the House that determines a quorum. But what would happen if an attack occurred in the United States and more than 218 Members were alive but not able to return to the House chamber to vote? The reasons for this could be anything from an attack that results in over 218 unconscious Members to a breakdown in the transportation system preventing Members of Congress from returning to Washington.

While this issue may not seem important compared to the issues that dominate the news these days—the continued instability and rising death toll in Iraq, the economic challenges in this country, and the presidential race, just to name a few—this is something the House of Representatives must address. Continuity of Congress, the ability to preserve the American government as established by the Framers in the Constitution, is an issue that transcends partisan politics and while we must take action to persevere the continuity of Congress, it is essential that we do so in a bipartisan way.

I strongly believe the House must act on continuity of Congress in a bipartisan fashion. There cannot be any other way for the House to act and for those actions to be considered legitimate. Simply, any rule change of this magnitude must transcend partisan politics.

But I must express my concerns with the public consideration and discussion of this issue and with the current draft that attempts to address incapacitation and a provisional quorum. I want to clarify that I am not making these statements as a Democrat or as a Member of the minority party. Rather, I am making these comments as one Member of Congress committed to defending the Constitution and protecting this institution and this country.

Mr. Speaker, I am dismayed that the Rules Committee only held one hearing on this issue. To Chairman DREIER's credit, the panel was distinguished, and the discussion was fairly comprehensive. But the reality is that one hearing on this issue is inadequate. We heard from then-Parliamentarian Charlie Johnson and members of his staff, former acting Solicitor General of the United States Walter Dellinger, and the Attending Physician of the House, Dr. John F. Eisold. While the discussion was lively, I don't believe it explored the topic of incapacitation to the fullest extent possible.

I am most concerned about Professor Dellinger's testimony. Unfortunately, the Republican majority on the Rules Committee decided to invite only one outside witness—Professor Dellinger. This witness, while well-informed and knowledgeable on this subject, was clearly brought in to validate the majority's views. No other outside witnesses were invited to testify.

Professor Dellinger is of the opinion that to address the problem of incapacitation, we only need to amend the quorum requirements in House rule XX. There are other experts, constitutional scholars and other lawyers including some congressional staff, who believe that such a change is unconstitutional and that the only way to change the quorum requirement is to amend the Constitution.

Amending the Constitution is serious business. Like Madison, I believe that amending the Constitution should be based on experience, and I strongly believe amending the Constitution should not be a knee-jerk reaction to a perceived problem. But unlike other proposed constitutional amendments that have been proposed in this Congress, the constitutional amendment to preserve the continuity of Congress, and the continuity of the American government as a whole, raises important concerns and deserves to have a thorough hearing and thoughtful discussion. Of course, the devil is in the details and the specific language of any proposed amendment is vital. But preserving this country as it was founded is one of our responsibilities as Representatives of the American people. I want to make clear that I'm not advocating for or against a constitutional amendment, but only that I believe it is a topic that deserves a fair and comprehensive hearing.

Unfortunately, it appears that the Chairman and some members of the Rules Committee and the Republican leadership have come to the conclusion—without comprehensive hearings—that a constitutional amendment is not needed and that all we need to address these challenges is a change in the quorum definition in the House Rules.

Along with my concerns that the Rules Committee only held one hearing, Professor Dellinger said something else that I fully support but, unfortunately, confirms to me that this process started off on the wrong foot. In his testimony, Professor Dellinger said that any change in the House Rules must be bipartisan and that there must be a bipartisan consensus before any change is made. Unfortunately, the Republican majority on the Rules Committee decided to share a draft of the proposed rule change with Professor Dellinger prior to the sharing it with the Democrats on the Committee. I, for one, don't think such secrecy is considered bipartisan. I, however, believe that this is water under the bridge and that we must move past such events and deal with the issue at hand, which is guaranteeing the continuity of Congress in case of a catastrophic terrorist attack. I believe we still can work together and produce a true, bipartisan rule change.

Mr. Speaker, Chairman DREIER and his staff have drafted a proposed rule change that, except for one provision, is a good proposal. I am pleased that this proposed change has language defining the circumstances under which this process can be invoked. This proposal includes time limitations on the calls of the House required to determine whether there is a real quorum in the House. Should a quorum not be attained, the Sergeant-at-Arms will compile a report documenting the status of every Member currently elected to the House. I believe these are all good provisions and I'm pleased that Chairman DREIER and the Republican leadership worked with the Democratic staff to improve these provisions over the past few months.

However, the proposed rule change, as currently drafted, allows the Speaker of the House, after he receives the catastrophic quorum failure report from the Sergeant-at-Arms, to unilaterally declare that a quorum has not been attained and begin the process to reduce the total number of Members required for a quorum under catastrophic circumstances. The latest draft shared with me requires the speaker to consult with the majority leader and the minority leader on the content of the report, but it does not require that the concurrence of the speaker, majority leader and minority leader.

Mr. Speaker, I cannot support this proposal without the inclusion of ''concurrence'' of the speaker, majority leader, and minority leader.

The need for concurrence of both parties in the House is not just a partisan statement made by a Member from the minority party, but a real concern made by someone who reveres and respects this institution. And I'm not the only person who believes this. I want to read directly from Professor Dellinger's prepared testimony before the Rules Committee on April 29, 2004:

> For the rule's invocation to have true legitimacy, there must also be some procedural guarantee that the rule is not being improperly invoked for factional reasons. Unlike the traditional rule, where the quorum calculation is based on strictly objective measures such as death, the reduced quorum rule for extraordinary circumstances would be based on less clear-cut circumstances, presenting a heightened danger of manipulation. This loss of objective standards may be necessary in order to deal with the special problem the rule is designed to address; but Congress should certainly take care to minimize the risk of manipulation. For that reason, I strongly recommend that the power to invoke the rule be placed not solely in the discretion of the Speaker, but rather require as well the concurrence of one or more members of the minority party's leadership, from a list chosen ahead of time.

This need not be viewed as an encroachment on the Speaker's or the majority party's authority.

There is a real danger that, after an attack or other national catastrophe, any action taken by the speaker without the concurrence of the minority leader could have the perception of partisan politics. This is true no matter which party controls a majority of seats in the House.

In times of crisis, any action by the House of Representatives must be bipartisan. There cannot be any perception that the majority is using any tool as part of a partisan power grab. The American public wants to be reassured that the House is acting in the best public interest; they want partisan politics to be put aside during a national crisis. They simply want to be safe, secure, and reassured that the American government will respond to their needs.

After September 11, 2001, the House came together and acted as one unified body. We put partisan politics aside. We held joint press conferences, we received joint briefings, and we conducted joint strategy meetings. Unanimity and consensus is vital during a national crisis. The unified message and unified actions—the one voice—coming from the House of Representatives after September 11, 2001 was reassuring to the American people.

Any action taken by the speaker of the House—irrespective of that speaker's party—that is not taken with the concurrence of the minority leader could be seen as inappropriate by the American people.

Requiring the concurrence of the minority leader puts the needs of the country ahead of the threat of partisan politics, and it is a necessary protection against anyone who may want to abuse our democracy during a time of national crisis.

Mr. Speaker, although I'm disappointed that it's taken this long to act on the issue of incapacitation—it's been over 3 years since the attacks of September 11—I'm pleased that the Rules Committee is finally acting on this important issue. I hope the chairman and the Rules Committee will look to the future, and realize that concurrence is an important part of this process that it is vital to show the American people that the Congress can put partisan politics aside in the time of crisis.

I want to thank the chairman for organizing this special order tonight. I look forward to working with him on this issue, and I hope he will take my views—and those of my Democratic colleagues on the committee—into account as he finalizes this proposal.

NEW PARTNERSHIP FOR AMERICA'S FUTURE

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, earlier today a united Democratic Caucus went to the steps of the U.S. Capitol right outside these doors and unveiled our New Partnership for America's Future. This partnership reaffirms House Democrats' commitment to six core values and serves as a road map of the priorities we would focus on if the American people voted for a Democratic majority in November.

The announcement of this new partnership was necessary today because a large majority of Americans have lost faith in Congress. Over the past decade, Republicans have controlled the people's House and have often strayed from these core American values. My Democratic colleagues and I have been fighting for these causes for many years, but this is the first time that we have unveiled a partnership with the American people, a promise, if you will, that if the American people put their trust in us and elect a Democratic majority this November, we will work with them as partners to make their lives and our government better.

Mr. Speaker, the House Democrats are united, focused, and totally committed to taking the bold steps needed to strengthen the middle class that is the heart of our democracy. It reaffirms the commitment of House Democrats to six core values: one is prosperity, two is national security, three is fairness, four is opportunity, five is community, and six is accountability.

Mr. Speaker, our New Partnership for America's Future begins with our commitment to promoting prosperity for every American, and this poster which I have which I am going to go through essentially outlines each of the six values that are part of the Democrats' New Partnership for America's Future.

The first one, prosperity, says ''providing all Americans with the opportunity to succeed and to live a secure and comfortable life, including good jobs here at home, affordable health care, a growing economy with stable prices, investment in new technologies, and fiscal responsibility in government.''

Mr. Speaker, in my home State of New Jersey, over 71,000 manufacturing jobs have been lost over the last 4 years, and more than 214,000 New Jerseyans are still looking for work. Yet House Republicans have missed every opportunity to jump-start our economy. Instead, House Republicans and President Bush continue to insist that our economy has turned the corner. Today, families are being squeezed by falling incomes and rising costs. The typical family's income has fallen more than $1,500 under George Bush and congressional Republicans, and the jobs that the Bush economy is creating are paying low wages, $9,000 less than the old jobs that they have replaced.

House Democrats would promote prosperity by creating new jobs, enacting middle-class tax relief, and rewarding companies that create jobs here at home. If Democrats control the House, we promise the American people that we will create 10 million new jobs over the next 4 years. Democrats want to reform the Tax Code to reward companies for creating secure jobs for Americans here in the United States. And Democrats want to assure access to capital for small businesses to create jobs and serve new markets. We also want to support fair wages with good benefits so no one goes to work every day and comes home poor and dependent on public services.

And, Mr. Speaker, the second value that House Democrats promise to focus on is our Nation's national security. And again I have the poster here that I would like to put up, Mr. Speaker, on the national security issue. And as we can see, it says, ''Guaranteeing military strength second to none, stopping the spread of weapons of mass destruction, building strong diplomatic alliances to protect America's national interests, and collecting timely and reliable intelligence to keep us safe at home by preventing terrorist attacks before they occur.''

Mr. Speaker, all Americans are proud of the more than 138,000 brave men and women who are serving their country in either Afghanistan or Iraq. But President Bush and House Republicans sent them into a war in Iraq without providing them with the resources and equipment they need to complete their mission successfully and come home safe. Despite all the bad news out of Iraq in the last couple of months, it is clear President Bush has no strategy for success in Iraq.

Over the past week, some of the Republican Party's most experienced Senators on national security issues, and I mention Senators MCCAIN, HAGEL, and LUGAR, have come out and told the American people that things are not going well in Iraq. Yet President Bush and Republicans here in the House of Representatives continue with their same old happy talk about how the war is going according to President Bush's plans.

The fact is the war in Iraq has made us less safe. The President has ignored more pressing dangers like the nuclear threats that have increased in Iran and North Korea. International terrorist cells expand on a daily basis, and we have divided our friends and united our enemies.

Democrats strive to continue to build an American military second to none. Along with nations around the world who are committed to freedom and security, we also guarantee that all of our military forces will possess the most effective equipment available. We will also protect the homeland by making sure that every container and ship is secure before entering an American port, by inspecting all airline cargo, and by preventing the technology of weapons of mass destruction from falling into the hands of terrorists.

Unlike House Republicans, we as Democrats also plan to honor every American veteran and their family by keeping our commitments to those who have served and sacrificed for our country. It is not fair that America's veterans put their lives on the line in battle only to return to the United States and realize the same government that sent them off to war now refuses to abide by its commitments.

That brings me to my third value. I see some of my colleagues are here, though.

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

Mr. PALLONE. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Speaker, I want to at this point, since the gentleman is proposing a positive agenda for America, just to sort of put this discussion in context. If people are happy with the status quo, if they think the country is going in the right direction, if they believe that what has happened to our economy in terms of the job loss over the last 4 years, the outsourcing of American jobs, if they think that a pharmaceutical benefit based in subsidies to the pharmaceutical and insurance industries is the way to help seniors and other Americans afford prescription drugs, if they think that borrowing 600, $700 billion a year, 10 percent of our accumulated national debt in 1 year, breaking the debt limit of the United States for the third time in one Presidency, if they look at those things and think that that is a good, sane direction for this country, then they might not be interested in this alternative.

But the alternative that we are offering as Democrats today is something that, instead of benefiting that one tenth of 1 percent or maybe, to be generous, one half of 1 percent of the populace who are doing so well with these policies, then we are offering a different direction.

We do not think the United States of America is on the right path with its fiscal policy, its trade policy, its tax policy, tax fairness, with its Medicare policy and health care policy, and a whole host of education policies, things that are important to Americans. So I want the gentleman to continue to describe a positive alternative because maybe a little later in the hour I will wax a little more eloquent about how bad things really are, from my perspective, the perspective of my district in Southwest Oregon, and I think many other districts around the country. But I just kind of wanted to put the context on this discussion.

Mr. RYAN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Speaker, I just want to say, and I have tried to say this when we have come before the American public, that we are not making this up. I mean, I think it has gotten so bad and so much on the wrong track in this country that if they are just sitting at home watching a bunch of Democrats up there talking, they would think they cannot possibly be telling the truth. It cannot possibly be that bad.

Mr. DEFAZIO. Like a Dave Barry routine. Right?

Mr. RYAN of Ohio. Exactly, Mr. Speaker. It is like a bad movie or a bad novel or we are demagoging the issues. But if the American people will take the time to not only listen to what our plan is but listen to our critique, which is, I think, is okay.

Mr. DEFAZIO. Factually based.

Mr. RYAN of Ohio. Factually based in the American discourse today, in 2004, that they will find that these are facts. We are not making this up. The studies that come out, the two newspaper articles that come out that say the U.S. Department of Housing and Urban Development are cutting subsidies for poor people to live in the city of New York or in major cities or the banks have got their fingers in the student loans and they are making billions of dollars of money, we are not making this up. This is in newspapers every single day.

So the gentleman from New Jersey, as he goes on here, I just want the American people, again, to put in a little bit of context here that we are not just making this up, that it sounds terrible and it sounds terrible because it is, because we have an administration and a Congress that consistently and constantly try to appeal to the lowest common denominator. They always appeal to where they can raise the most amount of money from that industry at the expense of average people who need help. And if we all want to move forward in the 21st century, the government needs to be involved. And I think that is what the New Partnership for America's Future stands for.

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

Mr. PALLONE. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Speaker, because he raised a couple of provocative issues, I did a series of Medicare prescription drug forums in my district, and I will get to the point of what the gentleman mentioned, but what was most interesting is I saw well over a thousand seniors in my district.

□ 2115

A total of six had purchased the so-called prescription drug discount card. Two had not gotten them yet, even though they purchased them in June, and this was August. Two got them and said they were worthless. One said, well, it gave him about a 10 percent discount. And then one other guy said he was doing really great. But a bunch of the other people in the audience sort of shouted at him and said, no, he was a partisan guy. Whatever. Out of 1,000 people, that is it.

But the point is, at one of those Medicare town halls an older woman came, worked until she was 70 years old, but all she has got, widowed, is her Social Security, and she is living in subsidized housing. They just raised, as the gentleman referenced about housing, they raised her share to the point where she came, and it was kind of sad, she came in a cab, which was pretty unusual, this town does not have a big cab service, it is a small city, Albany, Oregon. That was a little unusual. So I saw her and greeted her. I kind of helped her in.

She said, ''This is only the second time I have been out in 3 months. I am really sick, and I am taking a lot of prescription drugs, and it is a big burden on me. Medicare does not cover them. I looked at prescription drug cards; it is not going to help.'' She had just gotten notice that her share, she was going to have to pay about $70 more a month for her apartment.

She said, ''You know, I cannot afford that. I do not have the money now.'' She said, ''I am basically eating into my savings and I don't have much savings left.'' It was just incredibly sad to see that.

So she is getting hit on both sides. She is getting hit by a phony prescription drug benefit, which is costing more than half a trillion dollars to the taxpayers in the United States that totally subsidizes the pharmaceutical and insurance industries, but delivers scant benefits to a person like her.

Yes, there are some people who benefit from it, people who are, incredibly, even poorer than she is and have very large drug costs. But very few people will get a net benefit out of it. And then to sock her, this is where we have got to raise money so we can give trickle-down tax cuts to the wealthy, is from women like her, who worked her entire life?

Mr. RYAN of Ohio. If the gentleman will yield further, that is the issue. It is the fact that over the course of the last 2 years this Congress and this President have said we need to give trillions of dollars back to people who make more than $1 million a year. We just cannot give it away.

The downside is, we are taking it away from somewhere. It almost is a zero-sum game. We are taking it away from that senior citizen in your district and thousands of others, probably millions of others across the country, who are going to suffer because of that.

So ask yourself, as a voter in the United States of America, do you want the governmental policy of your government to be, we are going to give tax cuts to people, $100,000 or $130,000, back to someone who makes $1 million a year or more? Or are we going to have them pay their fair share of taxes, they are obviously doing well, they are making $1 million a year, and use that money to make sure that people in your community or people in my community or people in the city of New York or any major city have affordable housing?

Unfortunately, we have an administration and a Congress here, they do not understand that $70 a month means a lot to some people. $100 a month means a lot to people. We are lucky. We get paid okay. We are never going to be in that position, thank God. But there are thousands and millions of people in this country that that affects their lives. They end up going to the food bank because they do not have $70 a month or $100 a month.

When is this Congress and this President going to begin to understand there are American people that need their help? And they turn their back,

and they come to our communities and say, hey, the economy is doing great. It is doing great. So maybe someone can get a job in this great economy and pay for their grandmother's prescription drug, or that extra $70. They are just so out of touch, they are in fantasyland.

I just want to say, yes, there is a cost. The money comes from very, very wealthy people who have been given a break and have had a free ride over the last few years at the expense of those people. It is not for free.

Mr. DEFAZIO. If the gentleman will yield further, this is something a lot people do not realize. It is one thing to have a debate about whether we should cut taxes, pay down the debt or maybe spend more on education for our kids and other programs when we had a surplus. But this President has taken us from record surplus to record deficit in 4 short years.

So we are borrowing the money to finance tax cuts. We are borrowing every penny of the Social Security surplus this year. $160 billion more will be paid in out of taxes that fall only on wage- and salary-earning Americans who earn less than $90,000 a year.

We are giving the money they paid in for their retirement, this Congress is going to borrow it and give it substantially to those people you are talking about in much greater amounts. It will flow to the people who earn over $1 million a year. And guess what? They do not even pay the tax. If they are a investor, they do not pay a penny into Social Security. It is only people who work for wages and salary.

So we are going to borrow all that money, and we are going to borrow another $440 billion. We are going to indebt our kids and grandkids for the next 30 years to borrow $600 billion to run the government this year. Every program of the government except for the Defense Department, and almost half of that, is being run on borrowed money. We are borrowing from our future. So we are borrowing that money to invest in trickle-down tax cuts.

Mr. RYAN of Ohio. And who are we borrowing it from? We are borrowing it from banks in Japan and banks in China.

So here we have China cleaning our clock in the manufacturing sector in the United States of America, stealing all our jobs, not paying their workers anything, no environmental regulations, no human rights, no religious freedom, all the things that this Chamber and this Capitol and this Congress hold dear, that we get a lot of speeches about now, in election time, is going to China, and we are borrowing money from them.

We are paying them interest on the money that we are borrowing from them. They take the interest and they invest it back into their state-run manufacturing businesses and steal the jobs in the United States of America. What a deal for China.

And we do not have anything. We are losing on every end, which is mortgaging the future of our kids and our grandkids. We are losing our manufacturing, we are losing good paying jobs. The jobs that are replacing the jobs we have now are $7,000 or $8,000 less than the jobs we have that we are losing. And China, which is going to be the greatest economic competitor to the United States of America, is winning.

American people, we are losing. We are making bad decisions every single day in this Chamber. This President is making bad decisions. And the kicker, the kicker, is this: that we want to deal with North Korea. This gets into the war and everything else.

We want to deal with North Korea. But we cannot deal with North Korea. And we want to deal and play tough with China with their 40 percent currency manipulation, to try to put our business at a little more of an advantage in the international marketplace.

But we cannot, because we are bogged down in a war. So instead of talking tough with China, we have to go to China and say, hey, China, can you help us with North Korea, because we just have too much political capital and money and soldiers and everything invested in the Middle East.

So instead of confronting China, we are in a position of weakness, and we have to ask China to help us with North Korea. What a bad position this administration has put us in.

Mr. DEFAZIO. If the gentleman will yield further, this is an excellent point. I do want to get back to the positive agenda, but we are talking about things that people need to think about.

The control that we are giving to the Chinese and the Japanese over our economy, basically 40 percent of the $600 billion trade deficit we are going to run this year, we are borrowing from China and Japan. They are going to get unbelievable leverage over the future of the dollar and the future of the U.S. economy.

And not only that. Of course, they are stealing our technology, and many American companies are aiding and abetting them in that theft of technology, because they want to access the cheap labor and the lack of environmental constraints and other things to move their companies and operate in China.

The Republicans wanted to make a big deal about this satellite launch during the Clinton administration. Boy, that is like quaint history at this point, given the technology transfers and the theft going on today.

You know, the Bush administration has filed one trade complaint. They told us, oh, we will give China, the bloody butchers of Beijing, Castro, he is bad, we cannot even sell him medicine, but the bloody butchers of Beijing that ran over the kids with the tanks and the democracy demonstrators and all that, we are going to give to these people permanent most-favored-nation status.

We are going to pretend they are not a Communist country. We are going to do away with the laws of the United States that say, you do not extend that to Communist countries, Communist dictatorships. But they did with the rationale, oh, put them in the WTO, the World Trade Organization, then they will have to follow the rules.

Well, the Bush administration, despite the document theft I have talked about time and time again, I have a couple of companies in my district that have been cloned in China, a small entrepreneur, a small business that the other side of the aisle cares so much about, except when it comes to, well, if the Chinese are stealing your stuff, tough luck.

But they have filed one trade complaint against China, and it was with the pricing of drugs for the Pfizer Corporation. That is the only trade complaint filed against China. China, who is stealing the entire product of a small company, a beautiful American dream company in my district called Videx. A furniture manufacturing company in my district that refused to sell out to the Chinese, they cloned his entire line. Both these people have gotten calls from all over the United States saying, that happened to us too.

These are the people that care about small business? They do not care about small business. They pretend to care about small business. They care about the mega-corporations that want to relocate to China and access the cheap labor, and they are playing right into the hands of the Chinese, who are an ongoing threat to the United States of America and will be the major threat in this century.

But we are getting a little off track. This is pretty depressing. When I go to my chambers of commerce and I go around my district and I talk about this, people get a little depressed. I think if we talk a little more about the positive agenda, then we will get back to some of the problems.

Mr. RYAN of Ohio. I think it is exciting what we have to talk about here. I think we have outlined pretty much what the problems are and the problems we face. The beautiful thing about this system is, it is self-correcting. We have elections every 2 years. So the American people will now have a choice, and the choice to elect, hopefully, in this instance, a Democratic Chamber that has an agenda. I think that is going to be great for the future of the country.

I yield back to the gentleman from New Jersey to explain what our agenda is.

Mr. PALLONE. Reclaiming my time, first let me say the next point we have on our agenda, which is fairness, actually encompasses a lot of the things you mentioned in the last 10 or 15 minutes or so. So I think it is very much on point.

The point of fairness, and we have the poster up here, basically says ensuring equal opportunity for all, including affordable health care for everyone, spending Social Security funds

only on Social Security, and eliminating tax loopholes so that all Americans pay their fair share.

I think the point is, the American people are not looking for special treatment. What they really want is fair treatment. Yet for the past decade, the House Republican majority has focused on the needs of the wealthiest Americans to the detriment of our Nation's middle class.

Over the past 4 years, household income has dropped by more than $1,500. Instead of helping middle-class families, Republicans forced through a tax cut that provided the wealthiest 1 percent of families with a tax cut worth almost $100,000 over 4 years.

How can congressional Republicans say that is fair? You all talked before about the Republican tax cuts and who they went to.

Democrats are saying that we would enact tax relief that is fair to the middle class, make health care affordable for every American, and provide tax incentives to assist employers in offering affordable health insurance to all employees.

The preferential treatment Republicans have shown our wealthiest Americans also unfairly affects our Nation's seniors and the millions of baby-boomers that are closing in on the golden years. Four years ago, thanks to the fiscal policies of President Clinton, both Social Security and Medicare were solvent.

When Republicans finally grabbed control of the White House and Congress 4 years ago in 2001, they promised to extend the solvency of Social Security and Medicare. But as we know, instead, the Republicans have spent the entire Social Security surplus. Much of this money has gone to tax breaks for the wealthiest Americans and also caused the large deficit that you mentioned.

If you think of it, Republican policies call for spending the entire Social Security trust fund surplus every year for the next 10 years and beyond. So that is where you get into your deficit.

Republicans also were not thinking of fairness when they passed this giant $500 billion Medicare bill last year that provides huge payoffs to HMOs and the pharmaceutical companies, again, the special interests. At the same time, this Congress provided a miniscule prescription drug benefit to our Nation's seniors that forces seniors to go outside of Medicare to get prescription drug assistance.

Now we know what happened. We heard within the last few weeks about the Medicare premium is going up 17 percent, the largest increase we have had in the whole history of the Medicare program, and the majority of that is because of the Medicare prescription drug bill, or so-called prescription drug bill, which gives all of this money back to insurers, particularly the HMOs, and also to replenish the Medicare trust fund, which they borrowed from in order to pay for the tax cuts.

□ 2130

So Democrats are saying that we maintain an unqualified commitment to the preservation of retirement dignity through Medicare, Social Security and sound pensions. Unlike the Republican Medicare bill, Democrats guarantee a prescription drug benefit within the Medicare system. We would also allow access to lower-cost, reimported prescription drugs and permit the Secretary of Health and Human Services to negotiate on behalf of our Nation's 40 million seniors to substantially reduce the cost of prescription drugs.

I know the gentleman has already commented on some of this, and I yield to the gentleman.

Mr. DEFAZIO. Mr. Speaker, let us just sort of go back to those two points, because they are very important to a large number of my constituents, Social Security and Medicare.

This year, Social Security will overtax individuals who work for wages and salary and the self-employed earning less than $89,000 a year. They will pay more in taxes than necessary to support the system, under the theory that that $160 billion we are going to extract only from wage- and salary-earning people who earn less than $90,000 a year, those who are not the big beneficiaries of the tax cuts, to put into a trust fund to pay for their retirement. That would be great.

Unfortunately, this Congress is going to borrow every penny of that money, every penny, and replace it with IOUs. Some good part of it will go to pay for tax cuts, borrowing money to pay for tax cuts for people who do not pay Social Security taxes and do not ever care if they collect a cent because they are so wealthy; they may not even be eligible, because they may have never worked for salary and wages, who have been just investors their entire lives with their inheritance.

Now, remember, we voted seven times; it was before this gentleman arrived, but I believe the gentleman from New Jersey was here. Seven times we voted on a lockbox for Social Security. The Republicans were berserk about that; Lockbox, lockbox, do not spend that Social Security money. Well, I voted for it every time. Guess what? George Bush became President, the lockbox is gone, broke open the door, grabbed the money and ran. And there is no more talk of the lockbox.

So all of that money is being extracted only from people who work for wages and salary and is going to be borrowed and spent. Now, that is extraordinary. And how are we going to honor the IOUs with deficits as far as the eye can see proposed by this President and this majority? How are we going to repay those IOUs?

Mr. PALLONE. Well, I have to tell the gentleman, he talks about the past on the floor of the House. And I remember when I was first elected back in 1988, and for those first few years, through the late 1980s, early 1990s, the policy or the theme of the Republicans here was to eliminate the deficit. They kept talking about how we needed to eliminate the deficit. There was a group that used to come on the floor, and I have said this before, but I will say it again, there was a group that used to come on the floor during Special Orders every night, just like we do, here we are, and they had a clock, a digital clock that was the whole length of this podium. And they would have the pages bring it out, and they could barely carry the thing. And every night they would say, this is how much higher the Federal deficit went. But, boy, we do not see anybody on the Republican side coming down here now talking about the deficit. It is the largest deficit we have ever had.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will yield, I was in college actually at the time of the great Contract With America, of which one of the fundamental principles was that we were going to have this balanced budget amendment. And my God, I mean, when we look at where we are today, reckless, reckless leadership, Congress spending like drunken sailors.

Mr. DEFAZIO. That is an insult, referring to drunken sailors.

Mr. RYAN of Ohio. I am sorry. That is true. I apologize to all of the sailors out there. But clearly, there is no concern for these budget deficits that we are running, putting our country in a position of weakness with some of our foreign competitors.

So I think it is important that the American people just at least see the duplicity of some of the comments that we are getting here today, a party that was clearly for fiscal responsibility.

I have to be honest with my colleagues. When I go back home, and I live in a pretty strong Democratic area in northeast Ohio, I am running into more and more Republicans that are very, very frustrated with the behavior of the Congress and the President running these deficits, because they have always been fiscally conservative. That has been a cornerstone of the Republican Party for many years, and now, they are looking and saying, wait a minute. And here we are as Democrats trying to put in the PAYGO provisions, that if you provide tax cuts or any kind of spending increases, you have to pay for them. And I think we have evolved as a Congress over the last 10 or 15 years, and we recognize how dangerous these deficits are. But a Republican House, a Republican Senate, a Republican President, $600 billion deficit, unending war in Iraq, borrowing from Social Security, borrowing from the banks in China; very, very dangerous proposition.

Mr. DEFAZIO. Mr. Speaker, we will move on to the second point the gentleman made about Medicare, and I think that that is an extraordinary point the gentleman made, the largest one-year premium increase in history, far exceeding any senior's Social Security cost-of-living adjustment. A funny thing, when they calculate cost of living, they do not include health care

costs, pharmaceutical costs, it seems. They tell seniors, oh, well, your cost of living is going up 2.4, 2.6 percent. So to a senior, except perhaps wealthy seniors who own their own home; I mean there are very few people who can say, gee, my cost of living is only going up 2.4 percent a year.

The point is that with the Medicare bill that we passed, the White House hid how much it costs. I mean, there is now a former employee who has now become a very highly paid lobbyist, very common with this administration; highly paid lobbyists, go work in the administration and then become highly paid lobbyists again. This guy was head of the Health Care Financing Administration. He told a career employee who was asked by Congress, how much will this bill cost, an actuary, and he figured it out. And he was told, the career employee was told by the political appointee, who is now a million-dollar-a-year lobbyist rewarded by the pharmaceutical and insurance industry, if you tell Congress how much this will really cost, I will fire you.

Well, here is a guy who works for a living, has a family, career civil servant, and he was a little bit scared for his job, so he did not tell Congress how much it would really cost. He wrote it down, transmitted it to his boss, but he did not go to the press. He did not want to lose his job.

Well, now, the Bush appointee has moved on to his million-dollar lobbying job, a little reward that he got from the pharmaceutical industry for having lied to Congress, and we find out that it is going to cost more like half a trillion dollars, maybe six-tenths of a trillion dollars, and most seniors are going to get more cost than benefit. Some seniors will actually pay more, those who have less than $1,000 a year in drug costs will actually pay more under this plan. And seniors in the doughnut hole, well, they get the doughnut hole; we know what that is. And then, some people who have over $4,000, $5,000 a year drug costs, they will get some benefit. But that is their vision. And they prohibited Americans from reimporting less expensive, FDA-approved drugs from Canada, and they outlawed Medicare bargaining for less expensive drug costs for all Medicare recipients.

We could have had a program for nothing, not one taxpayer cent, just like we do with the VA. Everybody in Medicare has a card. Medicare goes out and bargains lower prescription drug costs. Just like I get in Blue Cross Blue Shield as a Federal employee, they negotiate discounts of 60, 70 percent. We could have provided a more meaningful benefit for no money, but guess what? It would not have made the pharmaceutical and insurance industries a huge pile of money. And they were against it and the White House nixed it, and that is now the policy of the United States of America. And there is only one way we can change that, and that is to change the presidency and to change the direction of this Congress, the House and the Senate. And then we can roll it back, and we can give a meaningful benefit at much less cost.

Mr. PALLONE. Mr. Speaker, I would like to move to the next point, because I know it particularly relates to the 30-plus group. Our colleague, the gentleman from Ohio (Mr. RYAN), has been basically out front on the issue about how we need to address the concerns of the younger generation. And this one, of course, is the value that talks about opportunity, providing Americans access to the tools to succeed as they choose, vibrant public education system accountable to the highest standards for every school and a chance for all children to reach their potential, including an affordable and accessible college education.

Now, since the Republicans have failed to provide promised funding for education reforms, millions of Americans have gone without help in reading and math and without after-school programs that boost academic achievement and keep kids safe. Republicans have underfunded education programs by $27 billion over the past 4 years nationwide. And of course, the President, as we know, several years ago heralded the No Child Left Behind program but never funded it. And unlike Republicans, Democrats would provide opportunity through high-quality, early childhood education, vibrant and accountable public schools and an affordable college education.

I have to say that the number-one issue, when I go back to my district, that people are concerned about is health care. That is the one I hear about the most. But the second, the one I hear about second is education, particularly the inability for families to finance their kids' higher education which, whether you are in public or private school, the costs keep coming up.

I know that the gentleman from Ohio has talked about this many times in the evening when he talks about the 30-plus, so I will yield to the gentleman.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the gentleman bringing this up, because I think whether we are talking about trade with China or what we are going to do, I mean, I think everyone agrees in the country on investments in education, whether it is K through 12, actually funding No Child Left Behind, which would be a nice idea, or making sure that average citizens in the United States of America have access to our colleges and universities.

I just want to share a couple of examples. Today, in one of the New York newspapers, they did an editorial. Basically, what is happening with the college students, and this just illustrates how egregious the infiltration of the money folks in this town can be, there is a provision in the Department of Education that guarantees banks a 9.5 percent return interest for a loan that they make, 9.5 percent. Well, they are now currently lending out student loans at 3.5 percent, but the government is reimbursing them for 9.5 percent. So if we do not fix this, for example, in the next 6 months, there will be $3 billion wasted that will go right to the banks. I am not making this up. This is crazy. Mr. Speaker, $3 billion that will go to the banks.

So, all we are saying on the Democratic side is that we believe that that $3 billion should be put into the Pell grants. We believe that that should be, maybe, used to actually lower the interest rates that average students would need to be paid so they would not have to pay and invest that money to increase access and opportunity for people.

How are we going to compete with China and Japan and India and all of these countries that are stealing all of our jobs if we are not willing to actually fund the education programs in the United States of America? We need more people competing. We need more entrepreneurs. We need more scientists. We need more mathematicians. We need more engineers. We need more math and science teachers. We need more people wanting to be astronauts and move the country forward in the 21st century. But if we do not invest, we are not going to see the return on that money. But we would rather give the $3 billion to the banks. Again, I am not making this up.

I do not have anything against banks. They own my house, and they own my car, so there is nothing personal here, but it is just as a policy decision, we need to spend that money in a different way, and it is the same thing with No Child Left Behind.

In Ohio alone, all of the new mandates that the No Child Left Behind Act instituted for local school districts, Ohio alone in one year, are underfunded by $1.5 billion. Now, Ohio had a provision; 75 percent of the kids needed to graduate. No Child Left Behind came in and said, you need 100 percent, so we are going to have the tutorials, the after-school programs, the summer programs, everything else; never sent the money. So, good idea, right? We want the next 25 across the finish line so that they can compete and create wealth and value in our society. Great idea. But if you do not fund the program, and you put it on the backs of the locals who do not want to vote for property tax levies as it is, where is the progress?

So, again, we are saying that, if we want to move the country forward, we have to make these kinds of investments. And to the American people who are out there, President Bush promised to increase the Pell grants when he first ran. He did not do it. He promised to fund No Child Left Behind. He did not do it. This Congress made the same kind of commitments. They did not do it. Who has flip-flopped? Who has flip-flopped?

Mr. DEFAZIO. Mr. Speaker, the point the gentleman made is little understood, and I have a whole bunch of

those guaranteed student loans to get through, and what you said just really merits revisiting.

□ 2145

The Federal Government is going to guarantee banks 9.5 percent rate of return for extending loans to students to go to college to get a higher education.

Now, it is a great thing that we can help kids get a higher education. That is good. But the point is those loans are guaranteed by the Federal Government. The bank has no risk. Zero risk. I always thought interest had something to do with risk. So if the bank has no risk, how is it that they are going to get guaranteed?

Mr. RYAN of Ohio. Just to clarify, if a student defaults on a loan and takes out $10,000 worth of loans in Columbus, Ohio, or Youngstown State University, bolts town and moves to Oregon, who picks up the tab?

The government. So the bank only benefits. If they pay the loan back they make the 9.5 half percent interest when they loan it out at 3.5 and if the guy bolts town, the Government picks up the tab. Great deal.

Mr. DEFAZIO. If we took instead and said, hey, let us go back to a program that we developed in the 1950s, National Direct Student Loans, National Defense Student Loans they were originally called, and said the Government is going to make the loans to its young people, guess what? The Government always knows where to find you.

So the Government could do it without having the banks in the middle and for the difference in what the gentleman is talking about between 9.5 percent and say if the government charged 3.5 or 4 percent, the current Treasury bond rate to the students, we can give one million more Pell grants or a couple of million more loans to students. But instead, we are going to give money to the banks, the poor suffering, long suffering banks. They need the help, the subsidies.

On the other side of the aisle we hear about free market economies and socialism and all that stuff. What is this? Why is the Government subsidizing banks? The second point is made about No Child Left Behind. I have a State that we have got some real problems funding primary and secondary education. I have not seen the number as big as Ohio's, but our number in the tens of millions of dollars that No Child Left Behind is underfunded. It is an unfunded mandate.

Again, early on when the Republicans said no more unfunded mandates, I was with them. I was sincere. I said I do not think we should send down these mandates to local governments, down to schools and other communities. The Federal Government wants to send down new rules, they should pay for them. The President's signature bill. No Child Left Behind, $15 billion underfund, $15 billion being extracted from the States and local school jurisdictions that cannot afford to pay for the President's signature bill, much of which is repetitive.

National testing. We have State testing. We did not need national testing. I voted against the Clinton mandate for national testing. I thought my Republican colleagues were sincere when they joined me in that. Bush becomes President, proposes an identical national testing mandate to President Clinton's, guess what a majority of the Republicans voted for? I voted against it. I voted against a Democrat and a Republican President. It was a stupid idea. It is very expensive. They are teaching to the test. It is a new mandate, and we are not paying for it; Washington, D.C. is not paying for it.

These are the kinds of policies, the hypocrisy that we are getting out of that side of the aisle is unbelievable. The American people need to start paying a little bit of attention to what these people are really doing to them.

Mr. RYAN of Ohio. The beautiful thing, I do not know if it is beautiful or not, but the craziness that we have operating now in the United States Congress. We have a thousand kids dead in Iraq. We have thousands upon thousands of kids that we have probably all visited up at Walter Reed that are injured. We have 1.5 million kids moving into poverty. We have 5 million more people that are uninsured. We have subsidies for housing getting cut, so poor people cannot afford their rent any more. We have Medicaid going up. We have no cost controls for the prescription drugs. We have a million kids that will not, or 250,000 college eligible kids that will not, go to college because they cannot afford it. We have the Pell grant that is 40 percent of what it was when it started in the 1970s; and tomorrow we are voting on the Pledge Protection Act, to protect the pledge.

Now, we know it is the end of the session. Whether you are for it or against it, we know it is not going anywhere. The Senate is not going to take it up. It is divisive. It is a reason not to vote on anything of major policy substance in this Congress.

The Democrats have a plan that is going to move the country forward. My colleagues are out campaigning too. People are tired of the politics. The divisive issues that we bring forth today, we do not want to talk about student loans, because then we cannot raise money from the banks. We do not want to talk about Medicare costs because then we cannot raise money from the insurance companies and the pharmaceutical companies. So what do we talk about? The Pledge of Allegiance.

What is going on? If you are sitting at home and you lost your job and you cannot send your kid to school and tuition is going up and there is a local property tax on for your local school district, there is a mental health tax on, there is a tax on for your police and fire because we have cut the COPS program and the Congress is talking about the Pledge Protection Act?

How disconnected are we?

Mr. PALLONE. I agree with you. It really leads into our next point.

Mr. DEFAZIO. Let me just on that, I support the pledge as it is. I learned it that way. I think it is fine. The courts have in fact ruled many times that the use of God on our currency or our coinage or, in this case, under God in the pledge is diminimus. It is not a violation, and there is in fact no current threat.

The one case that was pending against those words in the pledge was thrown out by the courts. There is no threat from the so-called activist judiciary at this point in time because the one that had been filed was thrown out. But instead of addressing real issues for which they have no answer, here is something where there is a non-existent threat, but there is a real threat to the kids who cannot go to college. There is a real threat to the seniors that are cutting their pills in half because they cannot afford them. There is a real threat to the woman I talked about who will be thrown out of her subsidized housing in Albany having worked her whole life because she cannot afford it any more.

There are incredible threats to our troops in Iraq because of a reckless foreign policy, but they have no answer for those things. So they want to distract people with things that most of us agree on. We like the Pledge the way it is. There are a lot of things we love about our country, but they want to divide us on those issues and not deal with the real problems.

Mr. PALLONE. Both of the gentlemen commented on communities and the concerns that communities have, and that is clearly the next point that we have here, so we can just go right into it.

The fifth point of the Democrats' new Partnership for America's Future is community; essentially working together for safe communities, free of crime and drugs, supporting local businesses and groups, to keep our families safe and our neighborhoods strong, and enforcing our anti-pollution laws to keep our air and water clean and healthy with polluters paying for the damage that they cause.

Republicans have tried to cut back on support for local police officers, supporting proposals that would slash funding for the COPS program which has put thousands of cops on the street nationwide. As you know, that was a major initiative that President Clinton had, and that put a lot of police on the street in communities throughout the nation 4 or 5 years ago or even longer.

But in addition to that, the Republicans have even drained the Superfund program. One of the points that was made today when we had the press conference unveiling the new partnership was that we have about 719 sites that are under the Superfund program, hazardous waste sites that currently have the potential to endanger the families or the health of the families that live

nearby. But what the Republicans have done is about 10 years ago when they first came into the majority under Speaker Gingrich, they have decided not to renew the tax on oil and chemical companies that pay for the Superfund. So there is no money left in the Superfund any more to clean up these hazardous waste sites.

Democrats would protect the safety of our communities with strong law enforcement and community policing. We would also invest in better transportation choices to fight congestion, create jobs, and improve the quality of life. And we would also restore the Superfund tax legislation that would force polluters to clean up their own mess rather than the American taxpayers.

Right now what happens is if a Superfund site needs to be cleaned up, we have to use what we call general revenue funds which are moneys that come from income taxes primarily, so the taxpayers are paying for the clean up. Whereas it used to be before the Republicans came into the majority, the oil and chemical companies would pay that tax into the Superfund and that money would be used to clean up the sites.

In addition to that, there has been every effort on the part of Bush and the Republicans to not enforce the Clean Water Act, the Safe Drinking Water Act, and the Clean Air Act. We could go on and on about their efforts to basically water down that legislation or those provisions that relate to water and air.

I do not know if the gentleman wanted to comment on any of those. I could say myself that the woman that was at our press conference today from Marlboro, New Jersey, that talked about the Superfund program is actually in my district and that was a perfect example. She did not go into the details, but the two Superfund sites she mentioned, one of them is Imperial Oil. What happens now is, because we do not have money in this trust fund from the tax and oil and chemical industries, at the end of the fiscal year which is August, September, right about now, these various States get some kind of notice from the Federal Government saying, we do not have any more money to clean up your site. We are short of money this year.

That is what happened to the Imperial Oil site. They got a notice saying they were not going to have enough money, and so we had to go back and try to get the funding and try to scrape around and see if there was money available. That never happened before when the Superfund existed because the money was there, paid for by the very companies that were creating the pollution.

Mr. DEFAZIO. I think it is a fair principle to say that the companies that are responsible for the pollution, the companies that made a profit when they created those hazardous waste and those Superfund sites should bear a substantial portion of the burden for cleaning them up. There is a new sort of vision on the other side of the aisle here, the Republicans saying, well, if you want to clean it up, clean it up yourself.

Hey, somebody made money creating that mess. That is what this is all about. They made money. So tough luck. The same thing has happened in my State. We have a major Superfund problem. We have been told, well, sorry, there is no more money to deal with those sites. Maybe you people would like to clean up. We have got to live with it, and someone else created it.

I have not noticed exactly that the oil and gas industries are hurting. Somehow I think I saw the last quarter when they were gouging the heck out of the American consumers with $2 and $2.20 a gallon of gas that they made record profits. So if they made record profits, how is it that they cannot afford a minimal continuation of the Superfund tax which would lower their profits a tiny bit, but not very much.

Mr. PALLONE. I have to tell my colleagues that we only have 4 minutes left so I want to get to our last point.

Mr. DEFAZIO. We do not want to leave accountability because there is a heck of a lot of that missing around here.

Mr. PALLONE. A lot of this relates to the deficit issue talked about before.

Our last point is accountability: holding those in power accountable for their actions, acting responsibly for our children by restoring fiscal discipline and eliminating deficit spending with pay-as-you-go budgets and requiring real consequences for CEOs and corporations who break the law at the expense of those who play by the rules.

Again, all the families nationwide have seen their share of the national debt, as my colleagues talked about earlier, increase by $52,000 and face a debt tax of $10,000 over the next 6 years. Unlike Republicans, Democrats will also refuse to cater to the Nation's special interest at the expense of the middle class, will require real consequences for CEOs and corporations that break the law.

This is the last part of our new partnership with the American people, our promise to honor these six values and the policies that they represent.

Mr. DEFAZIO. Let me ask a very simple question on that. Since every person that consumes electricity in my State is paying about 40 percent more today for the same electrons from the same plant because of the manipulation of the markets by Ken Lay and the fact that the Bush administration with Pat Wood and the Federal Energy Regulatory Commission would not do anything about it, does that mean that Ken Lay would finally go to jail?

Mr. PALLONE. I think so.

Mr. DEFAZIO. I support accountability if that is what we will get out of it.

Mr. RYAN of Ohio. I think when you talk about accountability and the future of our kids, one of the issues I want to touch on briefly is the issue of security which ties into what the gentleman was talking about before with really all of these issues, accountability, community, national security.

□ 2200

Two cops in a town that I represent, the city of Warren, Ohio, will be eliminated because of the cuts that this administration and this Congress have passed through the COPS program and through HUD, two cops in a town of 48,000 people that has four cops on patrol at midnight on a Saturday night.

Who is making us more safe? Certainly not the policies of this administration, checking one container out of every 50 that comes into the ports of the United States, which I do not have to explain to the gentleman here or the gentleman here or me, Ohio, even. What are we doing?

I mean, Senator KERRY may not have phrased it properly that we want to fight a different war or a more sensitive war, but we are not fighting World War II anymore. This is an intelligence war where you can make a bomb that fits into a briefcase that can blow up millions of people.

So the American people have to look very closely at the kind of policies that are coming out of this Congress right now, and we are not offering a very bright future, I do not think. And I am not a pessimistic person; I am probably more optimistic in most instances than I probably should be. But we are not doing things right now, and there is a critical, critical, critical election coming up here that defines that the two parties are clearly in different positions: tax cuts, spending $600 billion more than you are taking in, jeopardizing the future of the country; outsourcing jobs; and trying to say that this war in Iraq, which is the central front of the war on terrorism that we are losing is somehow making us safer; or the Democrats that are saying, let us take care of the United States of America, fund the education programs, fund cops, firefighters, port security, national security, homeland security, get these troops back home as soon as possible and make sure that we are investing in education and health care so our kids and grandkids can have a bright future to create this new economy that we do not know what it is going to be yet, but we know if we educate them everything will be okay.

That is our plan, and I want to thank the gentlewoman from California (Ms. PELOSI) and the gentleman from Maryland (Mr. HOYER) and the gentleman from New Jersey (Mr. MENENDEZ) and the gentleman from New Jersey (Mr. PALLONE) and the leadership of our caucus for providing us a message to go to the American people where they can say that Democrats get it, the Democrats have a plan.

We saw real people today in the United States Capitol that have real

issues, that need our help, and the government is here to help. Maybe sometimes we do not do everything right, but we are here to help, and I hope that we can fulfill what the gentlewoman from California (Ms. PELOSI) wrote in here, that our actions are worthy of the aspirations of our children.

Mr. PALLONE. Mr. Speaker, I appreciate the gentleman's comments, and I think the thing that you said that I really want to stress the most, because we are almost done here, is the fact that this is an optimistic vision, that we are full of hope, and we have a basic vision that says that we will work with the American people as partners to make their lives and our government better.

We are optimistic about what can be done, but we also feel that it can only be done if we change the majority and if the Democrats have the opportunity to implement this partnership with America after November 2.

So I thank both gentlemen.

IRAQ WATCH

The SPEAKER pro tempore (Mr. MCCOTTER). Under the Speaker's announced policy of January 7, 2003, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes.

Mr. RYAN of Ohio. Mr. Speaker, we are going to continue the conversation here and switch gears here just a little bit with the gentleman from Massachusetts (Mr. DELAHUNT) and continue the Iraq Watch and talk a little bit about the foreign policy issues that have been facing this Congress and facing the country for a few years now and trying to figure out a way in which we can try to correct this problem that we have gotten ourselves in.

Let me just first say that the whole Congress, Republican and Democrat Parties, Independents, House and Senate, President, we are all very much in support of the troops who are out on the front lines, their families who are making tremendous sacrifices that many of us will never ever know.

I have had the opportunity to be up to Walter Reed and visit some of these injured soldiers, and there is nothing more heartbreaking than to see a 19-, a 20-year-old kid who has lost his or her legs, an arm, and just think about all their hopes and dreams that have, in many ways, been washed away.

So we are taking this opportunity here as Democrats to talk a little bit about how we got into this position, and I want to start on an issue that I feel extremely passionate about.

When this all started after 9/11, the United States of America and an international coalition moved forward in Afghanistan, and we moved forward in Afghanistan because they were housing the Taliban and they were housing or harboring Osama bin Laden, who was the main perpetrator of 9/11 on the United States of America. So many of us are confused, myself included, why we went into Iraq in the first place.

The reason is that we have only so many resources in the United States of America, and we attacked and invaded with an international coalition into Afghanistan. We ousted the Taliban government that was harboring al Qaeda and harboring Osama bin Laden, and we sent Osama running into the Tora Bora region on the Afghan-Pakistan border. We had this international coalition, and we were going into Afghanistan and we were going to rebuild this country, and we were going to make it a thriving democracy. We were going to have a democracy in that region.

There is a great article in the Atlantic magazine this week, for those of you who are at home who want to read it and get the complete analysis and the timeline of how this happened. Then at one point, all of a sudden, all of the generals and all of the military planners in the United States of America began to shift their attention from Afghanistan to Iraq, and they took in troops. We now have 130,000 troops in Iraq. In Afghanistan, we only have 17- or 18,000.

The Special Forces were moved as well, and then even as it states in this article, the satellites that were focused on Afghanistan, that were trying to provide intelligence, were also moved, and they were shifted to Iraq. So how symbolic that we shifted our focus to Iraq and took away from what was going on in Afghanistan.

Slowly but surely, Afghanistan began to unravel. We ended up with a full-blown war in Iraq, and here we are, many, many months away from that, stuck in a quagmire in Iraq that many of us have no idea how we are going to get out of. I am glad to see that Senator KERRY has issued a plan on how we are going to get out of there.

We have to bring in an international coalition. That is the only way to do this. If we do not get troops in and support and money from the international community, the only thing left is to have a draft in the United States of America. If you ask the American people, would you rather have a draft or try to unite the international community, I think most Americans would say let us get the international community united to put troops into Iraq, but this current President cannot do that.

Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. DELAHUNT), who has been a real leader on this issue and more articulate than anyone else in this Congress on the problems and challenges in Iraq.

Mr. DELAHUNT. Mr. Speaker, we do not engage in hyperbole during the Iraq Watch hour, your generous words are a bit overstated, but I want to thank you for claiming the time this evening. I know my colleagues who are regulars on the Iraq Watch are coming. We are assembling.

We want to review again what the current status of events in Iraq and the Middle East are so that we can inform ourselves and hopefully inform our colleagues and help educate the American people.

I am sure you are aware that just recently there was what is described as a national intelligence estimate which painted a very bleak picture of the future in Iraq. The national intelligence estimate is a compilation of information drawn from the CIA and other American intelligence agencies. As I indicated, it presents a very, very bleak picture.

It is outlined that there are three different scenarios. The one that is most disturbing is the possibility that Iraq not only will be fractured, but that a full-scale civil war could break out at any time, but I guess, as a Member of Congress, what is more disturbing is that it was just, I think, yesterday when the question was posed to President Bush, what about the national intelligence estimate and the very pessimistic perspective that was presented by our own intelligence agencies, that his response was, well, they are guessing, they are guessing.

That certainly is disturbing to hear our leader, the leader of the free world, make that kind of a statement. I wonder if he reached that conclusion prior to our national tragedy of September 11 when he was presented what is called a Presidential daily briefing on August 6, 2001, that was titled ''Bin Laden Determined to Strike in the United States.'' I wonder if he was guessing at that point in time because he had that information, and now, now we are presented again with a national intelligence estimate that presents a far different scenario than what we hear from the President, from the White House, from the Vice President.

Of course, tomorrow, the interim prime minister will be addressing this House. I think it is important to understand that this was a prime minister that was selected through a nonelective process. I am sure we are going to hear a lot of rhetoric. It will sound good, but it is not the true picture, I would suggest, of what our intelligence agencies tell us is transpiring in Iraq today.

Mr. RYAN of Ohio. Mr. Speaker, we had the same situation here when we had the President of Afghanistan here, told us how great everything was going in Afghanistan, how there was not a drug problem in Afghanistan, we were going to have elections, on and on and on.

I would be happy to yield back, but just the American people need to know that this is almost going to be a repeat performance of what we heard a few months ago.

□ 2215

Mr. DELAHUNT. Well, Mr. Speaker, the noted conservative columnist, a prominent Republican, William Buckley, recently made the statement that this administration has a dismaying capacity to believe its own PR.

Well, you know, this is not about public relations. This is about war and

peace and the loss of American military lives and untold hundreds of billions of dollars of American taxpayers' money. That is what this is about. To simply say that things are rosy, and they are guessing, I think does a disservice to our intelligence agencies.

Again, to point to the article that was as recent as September 16, it was on the front page of the New York Times. It was entitled, ''U.S. Intelligence Shows Pessimism on Iraq's Future'': ''A classified national intelligence estimate prepared for President Bush in late July spells out a dark assessment of prospects for Iraq, government officials said Wednesday. There's a significant amount of pessimism, said one government official who has read the document.''

This is just unacceptable, to have the President of the United States say, in response to a question, that they are just guessing. And before we go any further, I think we should indicate that, while we happen to be Democrats, our concern is shared by many prominent Republicans, including men that serve in the United States Congress. So what I have done is I have extracted some quotes from our friends and colleagues on the other side of the aisle.

On September 19, just several days ago, Senator JOHN MCCAIN said this on Fox News, ''I'd like to see more of an overall plan articulated by the President.'' Well, so would the American people.

Senator RICHARD LUGAR, another prominent Republican, chairman of the Senate Committee on Foreign Relations, less than a week ago, in response to a question about the slow pace of reconstruction in Iraq, had this to say, ''Well, this is incompetence in the administration.''

''The fact is, a crisp, sharp analysis of our policies is required. We didn't do that in Vietnam, and we saw 11 years of casualties mount to the point where we finally lost. We can't lose this. This is too important. There's no question about that. But to say, 'Well, we just must stay the course, and any of you who are questioning are just handwringers', is not very responsible. The fact is, we're in trouble. We're in deep trouble in Iraq.'' That is CHUCK HAGEL, respected Republican from Nebraska.

CHUCK HAGEL goes on to say, ''It's beyond pitiful. It's beyond embarrassing. It is now in the zone of dangerous.''

Well, again, I think we have learned that much of what we hear coming from the White House is fodder for a political campaign. But let me suggest that the President should put aside politics, not continue to paint a rosy picture when those who ought to know, know that the reality is totally different. Do not mislead the American people. The American people were misled before. They were misled when it was presented to the American people right on this floor that there were weapons of mass destruction in Iraq.

It was the American people who were misled when it was suggested that there were links between al Qaeda and Saddam Hussein. That was false, and we know it was false because the independent commission, five Republicans and five Democrats, concluded that it was inaccurate.

Mr. INSLEE. Mr. Speaker, if the gentleman will yield.

Mr. DELAHUNT. I yield to the gentleman from the State of Washington, a regular member and cochair of Iraq Watch.

Mr. INSLEE. Mr. Speaker, I want to follow up on what Republican Senator CHUCK HAGEL said, because I think it is accurate. He said, discussing the situation in Iraq, ''It is beyond pitiful. It is beyond embarrassing. It is now in the zone of dangerous.'' And I want to reiterate that that is not just rhetoric; that is reality.

The reason I know it is reality is because we just lost a man from Lynwood, Washington, last week, Corporal Steven Rintamaki, 21 years of age, who will never be coming home, killed in action in Iraq while serving proudly and with distinction in Iraq. Yes, indeed, this is in the zone of dangerous. And this country deserves an administration who will be forthright and truthful and is not looking through this situation with rose-colored glasses.

What CHUCK HAGEL said, that we are now in the zone of dangerous, I think we can say in spades that that is the situation.

I learned something tonight, Mr. Speaker, that is so disturbing I just have to share it. Osama bin Laden, who is still at large somewhere in the world tonight, after the President told us he would get him dead or alive; he is still at large. The al Qaeda network is still functioning and now attacking our troops in Iraq. And we have been very concerned for some time that this administration, in its action in Iraq, has taken its eye off the ball of destroying the al Qaeda network and diverted resources and attention into Iraq, thereby increasing the risk that al Qaeda would remain a threat. And, indeed, Osama bin Laden is alive tonight and is a threat.

I learned something tonight. We knew about the administration moving resources from Afghanistan that could be used in the hunt for Osama bin Laden. The Predator aircraft, the drone that moves around, they moved that to Iraq before we got done looking for Osama bin Laden. We know that the administration has more people checking on people going to Cuba as tourists than they do trying to interdict monies going to al Qaeda. We know about those diversions in this prioritization.

But let me tell you about one I learned about tonight. NBC news today reported that the administration three times had the opportunity to take out terrorist Abu Musab al Zarqawi who, right now, could be associated with some of the beheadings we have seen, actually, his network. Three times the President quashed efforts to take out Zarqawi before the war in Iraq started because they did not want to diminish or undercut their argument of why they needed to go to Iraq.

Mr. STRICKLAND. Mr. Speaker, will the gentleman from Massachusetts yield to me on that point?

Mr. DELAHUNT. I yield to the gentleman from Ohio.

Mr. STRICKLAND. I just wanted to point out to my friend from Washington, Mr. Speaker, that not only is this gentleman that he is talking about responsible for some of the beheadings, the reports are that he himself, he himself has been the individual that has actually carried out the beheadings of Americans.

Mr. INSLEE. If the gentleman from Massachusetts will continue to yield.

Mr. DELAHUNT. I continue to yield to the gentleman from Washington, Mr. Speaker.

Mr. INSLEE. In June, according to NBC news, in June 2002, the Pentagon drafted plans to attack a camp Zarqawi personally was using with cruise missiles and air strikes. The plan was killed by the White House because they did not want to undercut their argument publicly that we had to go into Iraq.

Again, 4 months later, Zarqawi planned to use ricin, this deadly poison, in terrorist attacks in Europe. The Pentagon drew up a second plan to go after Zarqawi. The White House killed it again because it would interfere with the action, the public message that we had to go to Iraq.

In January 2003, the pentagon drew up still another attack plan, and for the third time, the White House killed it because ''military officials insist their case for attacking Zarqawi's operation was air tight. But the administration feared destroying the terrorist's camp in Iraq could undercut its case for war against Saddam.''

If this is true, this is a gross dereliction of duty. We have now seen multiple instances where this administration has moved forces that could have been used to destroy the people that killed almost 3,000 Americans on September 11 and moved them in this effort to go into Iraq under the pretense that there were weapons of mass destruction and under the pretense that al Qaeda was responsible for September 11, both of which have been shown to be false.

This bears scrutiny and investigation, and it demonstrates why we need a new fresh approach in the war against the fundamental nihilists who are still out there planning to attack this Nation.

Mr. STRICKLAND. Mr. Speaker, if the gentleman from Massachusetts will yield once again.

Mr. DELAHUNT. I yield to the gentleman from Ohio, Mr. Speaker.

Mr. STRICKLAND. Mr. Speaker, some may ask, why are these Members of the House of Representatives standing here talking about past history?

Why are they not talking about what is happening today? Well, sadly, we lost three more American soldiers today. Three more today. Every day we are losing American soldiers.

But we are talking about what has happened in the past and the mistakes that were made in the past because the very people who are responsible for that terrible misjudgment or those misjudgments are the very same people who want to remain in power so that they can make decisions for the future. So, in a sense, as we talk about what happened in the past tonight, we are doing it because we are concerned about the future. We are concerned about the same people who made such terrible misjudgments, who misled the American people, want to continue to be in those positions of power.

I would agree with my friend that we have misplaced our priorities. During the Republican convention in New York, the President spoke for 63 minutes during his acceptance speech. And all during that convention there were multiple references to the tragedy of September 11, when so many Americans were killed. But it is almost beyond belief to know that the President talked for 63 minutes, and never once did he mention Osama bin Laden. There are multiple references throughout that week to Saddam Hussein, but not one reference on the part of the President to Osama bin Laden, the man who was responsible, the one who attacked our country, the one who masterminded that terrible day of September 11.

It is as though he has disappeared. We do not hear his name mentioned even by the President. He is the one the President referred to in this very chamber when he said, ''He can run, but he cannot hide.'' The sad truth is, he ran, and he has successfully hidden. And in his hiding, he is planning the next attack upon this country. That is the sad truth.

It is almost as if we have decided that Osama bin Laden is no longer important, this one who was the major person responsible for attacking us. It is almost beyond belief that we could find ourselves in this situation at this point in time after all that has happened. I just think we should remind ourselves that we have not yet apprehended the person who attacked our country.

Sure, we have gone into Iraq. We have spent about $200 billion. We have seen about 6,000 or 7,000 of our soldiers injured. We have lost well over 1,000 American lives. Yet the man who was responsible for attacking us is a free man tonight, and he continues to be a danger to us.

Mr. DELAHUNT. Mr. Speaker, reclaiming my time, when we talk about failure, from the beginning, after our resources were diverted from the military action that was achieved in Afghanistan, the policy that has been promulgated by this administration can only be characterized as a sequence of failures and, additionally, a refusal to accept responsibility.

□ 2230

It would be so much more credible for the President to stand up and acknowledge the serious consequences that occurred as the direct result of this policy.

I thought it was interesting that the individual that he appointed to conduct the survey in Iraq to determine where at that point in time, because we were told that there were weapons of mass destruction, where they were located, called on the President and that man's name is David Kay, as many of us know, called on the President to come clean with the American people because he was concerned that if we did not do so, if the President did not do so, then the credibility of the United States would be eroded and that when another international crisis erupted and we had to seek out support from other nations, this time we would be looked at as having misled not only the American people but the rest of the world. And that is exactly what has happened.

If anyone has traveled abroad, the antipathy and the hostility that has been expressed about this President and, tragically, about our Nation because of the errors and the lack of willingness to accept responsibility has hurt our national interests and our national security, when his own appointee who was highly regarded and highly respected was the chief weapons of mass destruction inspector appointed by this President said, Mr. President, come clean, tell the American people that we were all wrong. He said that here in this building in a hearing before the Senate Foreign Relations Committee. And what does this White House do? They continue to shuffle. They reluctantly say, well, maybe that was a mistake. And then the Vice President continues to suggest that somehow there are links between Saddam Hussein and Osama bin Laden. The only link is that Osama bin Laden despised, despised and hated, Saddam Hussein, whom he considered a corrupter of Islam.

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

Mr. DELAHUNT. I yield to the gentleman from Ohio.

Mr. STRICKLAND. Mr. Speaker, it is true that in spite of all evidence to the contrary and in spite of the report of the bipartisan 9/11 Commission that the Vice President continues to insist that there was a connection between Iraq, al Qaeda, and the attack upon our country.

It is amazing to me that in spite of all of this evidence that the Vice President would continue to say that. I mean, it is contrary to every expert, every study, the 9/11 Commission. Even the President himself has disassociated himself from that contention. And yet the Vice President continues to make the accusation. Why did the Vice President say something like that that has been so discredited?

Mr. DELAHUNT. Mr. Speaker, reclaiming my time, let me suggest this as an answer. Because if one repeats it often enough, a large number of people, unfortunately, will accept it. That is why it is important to have in a leadership role during these very dangerous times an administration that will be forthright, that will be honest, that will admit mistakes, and that will listen to others. That is what is important.

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

Mr. DELAHUNT. I yield to the gentleman from Ohio.

Mr. STRICKLAND. Mr. Speaker, it takes strength and it takes confidence to be willing to admit a mistake. And, quite frankly, we have not heard the President or the Vice President admit any mistakes, any mistakes. Anytime there is bad news coming out of Iraq, and it is coming out on a daily basis, the word we get from the White House is, we expected that.

Mr. DELAHUNT. Mr. Speaker, reclaiming my time, they say that now. But they were not saying that during the course of the major combat phase. They were saying that we were going to be greeted as liberators, that people would be dancing in the streets. That is absolutely false. And yet they insist on maintaining the message. But it is not an honest message.

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

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

Mr. INSLEE. It seems to me we are at a Y in the road; and as Yogi Berra said, when you are at a Y in the road, take it. But this administration is refusing to recognize the need for a change in policy in Iraq. Their message to the American people is more of the same. Same old, same old. We are doing just fine. It is hunky-dory in Iraq. So let us keep doing what we have done here for the last year and a half.

I want to suggest there are four things that need a major change in our Iraq policy or we will face certain failure and more deaths, as my constituent did last week.

Four things: number one, we have got to have a meaningful, timely training program to train the Iraqi forces so that they can take responsibility for their own country, which is the only way this is going to be successful. What do we find this administration has done in regard to retraining the Iraqi Army? We are now a year and a half after the invasion of Iraq, a time period where we knew, if somebody was thinking about it, that we were going to have massive retraining needs to train about 250,000 troops. That was going to take some work to do that. One would think people would figure that out. But it is a year and a half after the invasion of Iraq, and this administration still has less than 40 percent of even the people responsible for

training the Iraqis working for us to get this job done. We only have half the capability, according to an article of September 20; 230 of the 600 we knew were going to be necessary are on the job.

This administration has dropped the ball on a fundamental thing that is required for success in Iraq, which is to train their security forces. And why did they do this? I know why they did it. Because they told us we were going to be greeted with open arms, rose petals, and the Iraqi equivalent of champagne. Why would we have to train all these soldiers and police officers? It was going to be a cake walk.

Mr. DELAHUNT. And, Mr. Speaker, we would not have to pay for it.

Mr. INSLEE. And we would not have to pay for it either, Mr. Speaker. So here we are a year and a half after the invasion, this administration still has less than half the infrastructure we need to get this job done. So that is number one that needs a significant change in policy.

Second, we need an administration who will say we have got to have elections sooner rather than later. When we had a brief window where we were not getting bombed and RPG'd for about 3 months early in this campaign, we had a chance for elections. But the President sent Mr. Bremer over there, and he put the kibosh on elections. Sistani wanted elections. They would not allow them. And here we are in this pickle.

And this is why this is important. They are telling us, Mr. Allawi is going to tell us tomorrow, that we are going to have great elections on January 31 in Iraq. That is great except for one problem: there are huge swaths of Iraq today, in late September, that are not under the control of the Iraqi government. Fallujah, Ramadi. We heard about a battle a couple of miles south of Baghdad yesterday. How are they going to have elections to get this job done? They are not prepared to get it done, and the only way we are going to do this is to only have about 50 percent of the country voting.

Mr. DELAHUNT. Mr. Speaker, reclaiming my time, does the gentleman know what they call those large swaths of territory?

Mr. INSLEE. Mr. Speaker, if the gentleman would further yield, those large swaths are called no-go zones. And that means that nobody from the Iraqi government or we go to.

What is happening tonight with those no-go zones? The Iraqi insurgents are planning to kill Marines and building up their capability of doing it, and we are not going after them. I am concerned, I am concerned, that one of the reasons we have adopted these no-go zones is because this administration wants no casualties, which none of us want ever, but he particularly may not want them before November 2. We never want casualties ever, but to allow these insurgents to build their forces which they are later going to throw back in our faces and shoot at our Marines and soldiers is most troublesome.

There is a third thing that needs to change, and I want to note it. We need to get busy allowing the Iraqis to rebuild Iraq. If we listen to what these insurgents are saying, they are angry because they do not have electricity, and they blame us for it. Frankly, I do not think they should be blaming us for it. They should be blaming Saddam Hussein for it. But they do blame us. We need to get a reconstruction program that is working. And the reason it is not working, the reason we have spent less than 10 percent of the money that we voted on a bipartisan basis on a variety of occasions to apply, the reason that money has not been spent, $18 billion have been appropriated, less than $2 billion has been spent. Why have they not spent the money? For this reason: this administration has insisted that instead of hiring Iraqis to do the construction and Iraqi businesses and Iraqi employees, they want to hire their pals at Halliburton; and they insisted that American contractors, many of whom happen to be significantly connected to the administration, do this.

And the Iraqis are the ones who are unemployed. Those are the people we should be hiring to get this job done. Every Iraqi that gets a job is one less Iraqi willing to join the insurgency. But, no, this administration wanted to make sure Halliburton got the money.

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

Mr. DELAHUNT. I yield to the gentleman from Ohio.

Mr. STRICKLAND. Mr. Speaker, on one point, returning soldiers have told me that Halliburton is literally importing Filipinos to do much of the work in Iraq. As the gentleman said, the Iraqi people are unemployed. They have no source of support for themselves and their families. They are just unemployed with no incomes. And yet Halliburton is importing Filipinos and workers from other parts of the world who will provide cheap labor for them while the Iraqis go unemployed. That is just one example of the terrible policy that this administration is following right now.

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

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

Mr. INSLEE. Mr. Speaker, I believe the reason that Halliburton is doing that is that they do not want to deal with the difficulty of hiring Iraqis. With all due respect, we have to get the Iraqis involved in their own economy, or they are never going to be on board in a new government. And this administration, in their lust, in their lust, to continue their relationship with Halliburton, has squandered this opportunity to get Iraqis involved in their own reconstruction. And it has hurt us big time in the insurgency that is now raging across wide swaths of Iraq.

Mr. DELAHUNT. Mr. Speaker, the gentleman means no-go zones.

Mr. INSLEE. No-go zones, Mr. Speaker. And the problem is the no-go zones are not going to be no-go zones permanently. At some point we are going to have to ask American sons and daughters to go into Fallujah, and they are going to be fired at by insurgents. And the problem is those insurgents tonight are building bunkers and recruiting and building taps and they are building car bombs. They think many of them are assembled in Fallujah and driven around the country, and we are not rousting those groups out. And we are going to have to face their guns when they are emboldened and empowered and in a tougher position. That is terrible military doctrine. It is a mistake. And it is going to cost American lives. And I think that it is one of those things that needs change.

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

Mr. DELAHUNT. I yield to the gentleman from Ohio.

Mr. STRICKLAND. Mr. Speaker, before the gentleman goes to his fourth point, these no-go zones are made up of the largest cities in Iraq. The largest cities in Iraq are no-go zones right now. The gentleman is right. We are not going into those cities now. But the elections are scheduled for the end of January next year. And there is every intention that we are going to go into those cities before the Iraqi elections. If they have the Iraqi elections and much of the country cannot participate, it will be considered an invalid election. People will not be able to accept it. So we know that the intention of this Pentagon, President Bush and Secretary Rumsfeld, is to go into these no-go zones before the end of January.

□ 2245

But they are not doing it now, and I think my friend has indicated why we are not doing it now. We are not doing it now because it is going to be a tough thing to do. We are 41 days in front of our elections, and so basically we are letting these no-go zones fester.

Even members of the Taliban now are moving into some of these no-go zones. So we have the terrorists, the insurgents, building up their networks within these no-go zones, and when we do go in, it is going to be terribly difficult to dislodge them, to overcome them and overtake them. But every day that passes that they have these sanctuaries, basically, they are able to increase their strength, to increase their ability to resist once we do decide to go into these areas.

Mr. DELAHUNT. Mr. Speaker, reclaiming my time, I think I would suggest this, that what we are seeing in Iraq, because of the incompetence of this White House and this administration, is a burgeoning number of safe havens for terrorism. Yet we hear that there is progress being made on the war on terror. How absolutely false that is.

Again, if I can just take 2 minutes, I do not want to leave the impression that we are speaking here in partisan tone, because so many prominent Republicans, colleagues of ours, share this view. If I may, just indulge me for a moment to read some quotes.

From the former vice chairman of the House Permanent Select Committee on Intelligence, Doug Bereuter, highly regarded and well-respected. Upon leaving here he sent a letter to his constituents. In it he said, ''I have reached the conclusion now that the inadequate intelligence and faulty conclusions have been revealed; that, all things being considered, it was a mistake to launch that military action, especially without a broad and engaged international coalition. Our country's reputation around the world has never been lower and our alliances are weakened. Now we are immersed in a dangerous, costly mess, and there is no easy and quick way to end our responsibilities in Iraq without creating future problems in the region and in general in the Muslim world.''

That is somebody who served on the Permanent Select Committee on Intelligence in this House.

A former advisor to Mr. Bremer, who was personally recruited by Dr. Condoleezza Rice, the National Security Advisor, had this to say about 3 weeks ago. His name is Larry Diamond. ''We are significantly worse off strategically than we were before. There are really no good options.'' Another Republican.

Let me quote William Buckley once more. ''If I knew then what I know now about what kind of situation we would be in, I would have opposed the war.''

Someone who works in this building on the other side, ''Our committee heard blindly optimistic people from the administration prior to the war and people outside the administration, what I call the dancing in the street crowd, that we just simply will be greeted with open arms. The nonsense of all that is apparent.''

The lack of planning is apparent. What we had here was a volatile combination of the ideology, the so-called neoconservative influence in this administration, combined with a magnitude of incompetence that if it occurred in the private sector, heads would have rolled, people would have been fired and a new team would come in.

Mr. INSLEE. If the gentleman will yield, you mentioned a pretty explosive word, which is ''incompetence.'' When we have our sons and daughters at risk for their lives, over 1,000 of whom we have lost now, it is a pretty serious charge to suggest that an administration has been incompetent in the prosecution of this mission.

So I just want to quote a Republican Senator in this regard, or two Republican Senators in regards to points two and three that I talked about in saying that we need a major change in American policy in Iraq.

On point two, the issue of rebuilding Iraq, when Senator LUGAR, Republican Senator, was asked——

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCCOTTER). The Chair would remind Members to refrain from improper references to the Senate or its Members.

Mr. INSLEE. Well, Mr. Speaker, let me rephrase. When a prominent Republican individual who served in public office in a post that involves a 6-year term was asked why only $1 billion of $18 billion appropriated last year for Iraqi reconstruction, why less than 10 percent of that had actually invested in Iraq, he said, ''Well, this is the incompetence of the administration.''

''This is the incompetence of the administration.'' That is what this has been. We need someone competent running the operation in Iraq.

Point three, the point we have been saying, that our military people are going to be endangered as a result of not training people and getting into these no-go zones, another prominent Republican, who once recently ran for President and suffered grievously at the hands of a fellow Republican in South Carolina, said ''it was a major error in allowing insurgents to keep control of the City of Fallujah after vowing to oust them.''

The same quote: ''As Napoleon said, if you say you are going to take Vienna, you will take Vienna,'' this unnamed prominent Republican person in a 6-year post said.

The fact of the matter is, these are major policy failures of this administration. It is costing us in lives, and we need a change.

Unfortunately, this administration has one prominent rule in Iraq, and an economic policy, for that matter: Do not bother me with the facts. I told you guys it was going to be roses. I told you we were going to be treated as liberators. Despite the fact we have this horrendous problem in Iraq, we are not going to change our policy one wit.''

We need a fresh policy in Iraq, and, one way or another, we have got to get it.

Mr. STRICKLAND. If the gentleman will yield, as I am standing here listening to the two of you talk I have a chilling thought, and that thought is this: In spite of all that has gone wrong, even today it seems as if military decisions are being affected by political considerations.

Now, I understand what a serious charge that is, that military decisions would be affected or mandated or influenced by political considerations. But why would we allow these no-go zones in Iraq to remain no-go zones when we know that that cannot continue, that we have got to change that situation before the end of January, if in fact the Iraqi elections take place as planned, and the administration insists that they will take place?

That means that at some period of time between now and the elections in Iraq in January we are going to have to deal with these no-go zones. And if it is true, and I believe it is, that as each day passes the insurgents who are occupying these areas increase their strength, increase their ability to resist our Armed Forces or the Iraqi forces once they do go into those areas, then it leads me to the only conclusion that I think is rational or logical, and that is that military decisions are being influenced by political considerations, namely the November 2 election in this country, and that is terribly troubling.

I think the American people ought to understand what is going on here, because it involves the well-being of our soldiers, and I think it involves the credibility of our government as we reach out to the world for partners and partnerships.

Mr. DELAHUNT. Reclaiming my time, of course it does. The gentleman talks about our soldiers. I do not think there is any community in this country that expected the need to call upon our National Guard and our Reserves to the extent that they did, particularly when the Deputy Secretary of Defense, Mr. Wolfowitz and Secretary Rumsfeld dismissed General Shinseki, who at that point in time was the head of the United States Army, his estimate that 200,000 to 300,000 troops would be needed. They said that was a wild exaggeration.

Mr. Wolfowitz, that neoconservative who in many ways was the intellectual author of this adventure, dismissed it, because as DICK LUGAR said, we were going to be treated to flowers and the Iraqi equivalent of champagne and dancing in the streets. How long did that last?

But now, but now, oh, no, now we are calling up on a regular basis for deployment after deployment our Reserves, to the point where Lieutenant General James Helmly, who heads the U.S. Army Reserves, said just this past week that the war in Iraq is creating great stress on the Reserves, and he is concerned that they will have a tough time meeting their recruiting goals next year. He also noted that the Reservist jobs in Iraq are just as dangerous as regular troops. There is no more a secure rear area. Our truck drivers and our military police have become frontline troops, again underscoring the incompetence of the planning in terms of the military planning and the reconstruction phase of this inept administration.

Mr. STRICKLAND. If my friend will yield, just one example of the incompetence was the fact that our soldiers were sent into Iraq without body armor. We hear a lot of talk in this Chamber about body armor. We have heard a lot of accusations that somehow a particular person running for President other than the President himself is responsible for voting against body armor. But the fact is that initially, when our troops went into battle, they were sent into battle without body armor. Thousands of them were there without body armor.

I wrote Secretary Rumsfeld about that and asked him to give me a date certain when they all would be well-equipped with this armor, because I had heard from a young soldier, who happened to be a West Point graduate, one of my constituents, he said, ''Congressman, my men are wondering why they don't have body armor?''

The fact is that that decision was made to send our troops into battle without body armor, and the war started months before the vote on the $87 billion that is now being used to accuse others of depriving our troops of this vital equipment. That is just one example. But we also know that they were sent there without armored Humvees and in insufficient numbers. These are examples that I would consider incompetent leadership. Incompetent leadership. It continues to this very day.

Now, the President was asked this past week how he could defend his statements about how well things were going in Iraq in light of the recent report from the intelligence community saying things were not going well.

He answered this way. He said, ''Well, they laid out three possibilities: One, things would be lousy; two, things would not be so good; and things would be better.''

Well, ''things being better'' was not one of the possible outcomes, as we heard from the intelligence community. The best that they said we could expect was just more of the same, of what we have right now, and the worst was out-and-out civil war within Iraq. There was no better scenario.

The President seems incapable of just speaking forthrightly and in a candid manner about the real situation to the American people. So we hear this happy talk, and every day, more and more and more of our soldiers are being lost.

Mr. DELAHUNT. Mr. Speaker, reclaiming my time, I think what we are saying is please, Mr. President, just give it to us straight, okay? Try a little bit of Harry Truman. Lay it out there, the good, the bad and the ugly. The American people can handle it. The American people deserve to know. Unfortunately, this particular White House has an obsession with secrecy.

□ 2300

We know that. Everybody knows that. But if I can, just for one moment, get back to that $87 billion that has emerged as an issue in this election. I voted against the $87 billion. I do not know how either of my colleagues voted; they voted against it. I dare say we voted against it because rather than providing the money to the Iraqi government as a loan, this White House, this President, insisted that we just give it away to the Iraqi government. It was a big give-away. There is no other major donor to the reconstruction effort in Iraq that did not require the monies that are donated or given to be done on a basis of a loan so that their taxpayers would be repaid.

Mr. STRICKLAND. Mr. Speaker, if the gentleman will yield, if we go back and recall the circumstances surrounding that $87 billion, remember when the President went on national television and announced to the American people he was going to ask for an additional $87 billion, his approval rating fell like a rock, because the American people were upset that the needs here at home were being so woefully neglected, and here the President was, coming, asking for an additional $87 billion.

So many of us thought that the fair thing to do was to take that portion of the $87 billion that was going to Iraq for the rebuilding of schools and clinics and roads and bridges in Iraq, and to make that available as a loan that would be paid back to this country once Iraq was stable and they had these huge oil sales which was going to make it possible for them to repay that loan. And the White House said, no, no, no. We will only make this money available as an out-and-out gift.

Mr. DELAHUNT. A give-away.

Mr. STRICKLAND. Yes, a give-away. So they went to Madrid to this so-called donors' conference and they came back and they were trying to convince us as a Congress and as the American people that all of these other countries had ponied up, had given their fair share. And what did we find out, as the gentleman from Massachusetts (Mr. DELAHUNT) has said here, all of these countries that made monies available made them available in the form of a loan. They will, in fact, at some point be repaid for whatever they give, but not the good old USA. We gave our money away, and now the President is criticizing those of us who fought to have this given as a loan, implying, I guess, that somehow we did not care about the troops. Which is, quite frankly, a little outrageous.

Mr. INSLEE. Mr. Speaker, if the gentleman will yield, there is another aspect of this $87 billion that we need to point out, of whose money the President wanted to spend. He wants to spend our grandchildren's money. Because every single one of those $87 billion he committed to Iraq, which had to be spent in some sense, but instead of us paying for it and dealing with it with taxes, he wanted, and he consciously decided to make it all deficit spending. We had a proposal to pay for it so that our grandchildren would not have that deficit spending obligation on them.

Now, why is this? I think this is symptomatic of why we need a new administration with a fresh policy. Winston Churchill said, all I have to offer you is blood, sweat, toil, and tears. This President said, you can fight this battle on the cheap. It will be sugar candy, roses, and champaign corks all the way. And as a result of that, we got $87 billion deficit spending, 1,000 dead, and a silent draft that is going on now drafting our people to serve longer times than they really did sign up for when they went into the military. That is why everybody in this chamber is hearing stories about 50-year old people who left their career for a year, came back, now have to go back for another year, and goodness knows how many years, because they have not committed the troops that are necessary to get this job done like General Shinseki told them.

This President wanted to fight this war on the cheap. It has cost us in lives, it has cost us in deficit spending, and we need a new policy. We do not say this just to be critical; we say this to get a new policy in Iraq. Unless we get that, we are heading into deep, deep trouble.

Mr. STRICKLAND. Mr. Speaker, as I said earlier this evening, the only people sacrificing for this war are the soldiers and the people who love them. They are the only ones who are sacrificing, and that is sad.

EMOTIONAL TRIP TO RUSSIA

The SPEAKER pro tempore (Mr. MCCOTTER). Under the Speaker's announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. WELDON) is recognized for the remainder of the time until midnight.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise not to refute or answer the comments that we just heard for the last several hours, but I will make a couple of comments. First of all, rather than listen to Members of Congress and this body talk about the conditions in Iraq, tomorrow the American people will have a chance to listen to the Prime Minister of Iraq himself whose life has been threatened 4 times, attempted assassinations on him. I think the American people should listen to that gentleman, Prime Minister Alawi, to have us get an understanding of how well his country is responding to our effort.

In terms of the need for the use of our Reservists, as the vice chairman of the Committee on Armed Services, I would just remind our colleagues that it was during the 1990s that our troops were deployed 38 times. None of those deployments were paid for and, as a result, we had to cut the size of our military. The Army, for instance, in almost half, cutting our armored divisions down to 20; the Navy was cut from 585 ships to 314. As a result of those significant cutbacks during the 1990s, it was necessary to go to a policy that included the use of our Guard and Reserve forces. This was clearly understood in the 1990s because we had no choice. As our military budget was cut back, we had to rely more and more on the Guard and Reserves, that is why the Guard and Reserves are being used today in Iraq. I would add, Mr. Speaker, commitments were made that our troops would be out of Bosnia before Christmas of 1996. Our troops are still in Bosnia in the fall of 2004.

So again, the rhetoric on this floor is typical rhetoric that we hear before an

election, and I would just urge our colleagues and the American people to tune in tomorrow at 10 a.m., the Prime Minister of Iraq Alawi will present the case of the Iraqi people to this body in terms of how grateful they are and what level of success we are achieving.

Mr. Speaker, I rise this evening to discuss a recent trip that a delegation of Members of Congress took in delivering a resolution that passed on the Floor of this body one week ago. It was my 38th trip to this country, Mr. Speaker, the country of Russia, which I have worked hard to try to assist our government, both Democrat and Republican administrations, in turning from an arch enemy of ours during the Cold War to a partner. This 38th trip was by far and away the most sad, Mr. Speaker, and the most emotional.

Three of us traveled to Moscow and, in spite of significant concern expressed by both our government and the Russian government, we were able to travel from Moscow after visiting the North Ossetian office in downtown Moscow to express the condolences of the people of America and this Congress in particular. We traveled down to Beslan in North Ossetia. We traveled along with the President of Kalmykia, and the purpose of the trip was simple, but it was profound.

We carried with us the resolution that was passed unanimously by this body expressing the solidarity of the American people and the U.S. Congress, Democrats and Republicans, with the people of Russia in their darkest hour. It was appropriate that we do this, Mr. Speaker, because it was, in fact, President Putin that was the first President to call the President of the United States after 9–11 to express the condolences of the Russian people in our darkest hour. And I can recall very vividly the embassy in Moscow, the American embassy after the 9–11 attack, where literally hundreds and thousands of bouquets of flowers and notes, expressions of sympathy, were laid outside of our embassy by the people of Russia.

So those of us in the Congress who supported the passage of the resolution on the Floor of this body one week ago and signed by the gentleman from Illinois (Speaker HASTERT) thought it was imperative that we travel to Beslan and stand in that school and convey to the people of Russia our conviction that we were with them in the fight against terrorism.

I want to briefly outline the trip, Mr. Speaker, and then comment on the implications of both the terrorist attack in Beslan and the terrorist attacks on 2 Russian airplanes and in downtown Moscow that have been occurring on a fairly frequent and regular basis.

In arriving in Beslan in North Ossetia in the presidential plane of the President of Kalmykia, we were greeted by the Speaker of the State Parliament, or Duma, of North Ossetia. North Ossetia is an autonomous republic within Russia. They have their own President, their own parliament called the Duma, but they are, in fact, a part of the Russian Federation.

□ 2310

Therefore, the President was someone in that country we hoped and we did meet with. But the person who greeted us on our arrival at the airport in Beslan is in fact the Speaker of the Parliament of that country, equivalent to the Speaker of the House in our country. His job was to escort us through his country and explain to us in his own terms what happened at Beslan.

The Speaker of the Parliament when he arrived was certainly someone who we could relate to because he had a similar job to us in terms of his function and his job. His name is Taymuraz Mansurov. And it is interesting because he told us when we arrived that he had four children himself, two children in college and two children who in fact were attending the actual school that was attacked by the terrorists on the first day of classes just several short weeks ago. In fact, both of his children are today in hospitals in Moscow recovering from significant wounds. His 12-year-old daughter was shot in the face with a weapon as she was attempting to leave the school and she is being treated at a Moscow special medical center for that wound.

He told us that the state of trauma of his country and his city, the city of Beslan was just something that was impossible for people outside of North Ossetia to understand and appreciate. As we got off of the bus at the first stop on our way into Beslan, right next to a cemetery, we were struck by literally hundreds of graves that had recently been dug with mounds of dirt on top of each of them where the children of this school and their parents and their grandparents had been buried within the previous several days.

On each of those grave sites, and again there were probably 360 of those graves because that is how many people were killed, were flowers and items that were left by friends and other well wishers around the world.

I told our two colleagues who went with me on the trip, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Arizona (Mr. FRANKS), that we would walk down the center aisle of these mounds of graves and that at some point in time we would stop, we would turn and face one grave and I would ask the gentleman from Arizona (Mr. FRANKS) to say a prayer, followed by the gentleman from Indiana (Mr. SOUDER), and then I would close.

The Russian media was filming every step that we took, and I felt it appropriate to convey at the grave site of these people the prayers of the American people. The irony was, among these hundreds of graves sites, these hundreds of mounds covered with flowers and other materials left behind, we stopped at one about two-thirds of the ways down the center aisle. We turned to our left and the three of us stood around this one particular grave.

The large floral bouquet on that grave was red, white, and blue. Now, the colors of the Russia flag are red, white, and blue as are the colors of our flag. But as we looked down and bowed our head and as the gentleman from Arizona (Mr. FRANKS) began the prayers on behalf of this delegation, on behalf of the American people, standing firm with the people of Beslan and Russia, I could not help but cast my eyes to the ribbon that was attached to this floral bouquet. And having studied Russia in both high school and college and understanding the language, I saw the Cyrillic letters which said USA.

As I looked after the prayer was over at the rest of the ribbon, I could see who that floral bouquet had come from and where it had been sent from. That floral bouquet on the grave site out of hundreds that were there that we just happened to stop at was sent by the students, the teachers, and the community of Columbine High School in Colorado. What an amazing start to our visit to Beslan, the three members of Congress would stop in the midst of this brand-new graveyard where all of these bodies of children and adults were buried, and the one grave that we had prayed over would contain the floral recognition of people from one of our own tragedies.

After we completed our prayers at the grave site, we went back to our bus with the Speaker of the Duma, and he drove us into the town of Beslan, a small community in the southern part of Russia in the Caucasus that has just been rife with terrorism. Dagestan on one side, Chechnya not far away. And in fact, the fear of the Russians is that the 32 terrorists who caused this incident were in fact, and they have stated so publicly, a part of the Chechen uprising and the Chechen terrorist operation.

As we got to the town, we stood in front of this massive brick building that in the center had been reduced to rubble. Literally thousands of floral bouquets, it was there that the Speaker of the Duma gave us a summary of what actually had occurred.

He told us on the first day of school all of the children in this school assembled in lines by grades with their parents and their grandparents. The first day of school in Russia, Mr. Speaker, is a proud day. It is a family day. It is a community day. Everyone comes together to begin the new school year. In fact, it is considered a holiday throughout Russia. And on this day the students at this particular school all lined up neatly, ranging in age from the very young, some 2, 3 and 4, some who were too young to go to school, were there with their parents and they ranged up to the teenage years.

Along with these students were the parents and grandparents who had come out to see their children off on the first day of classes. As they stood

in the courtyard in front of the school, without any indication whatsoever, the terrorists surrounded the students and the faculty members and brought out their automatic weapons. And in a very deliberate and very nasty tone, ordered these 1,000 individuals inside the school building. As they threatened them with their automatic weapons and with their rifles and their pistols and threatened to harm them, the students were in a state of panic but in fact went through the only entrance into the building which led into a gymnasium area.

The Speaker of the Duma told us that when some of the younger students were not moving fast enough, they picked up the students and threw them through the windows without any regard for the well-being of these youngsters. Once assembled inside this school complex, they had them stand along the walls, and they began a process of intimidation that lasted for 3 days. They denied the students water. They denied the students and the adults food. And in fact, Mr. Speaker, the terrorists in the early hours of the siege took the youngest parents, the youngest fathers that were there with their youngsters on the first day of school and one by one they assassinated them right in front of the students. They then took their bodies and threw them out the back windows of the school so that over the course of the first day or so, all of those fathers who had gone to school with their children were wiped out by these inhumane terrorists.

As they got control of the hostages and they had reduced the level of men that were in the crowd that could provide perhaps resistance against them, the terrorists began to then focus on the mothers, the grandmothers, some of them very fragile, some of them very elderly, and the youngest children who were obviously in a state of shock and a state of fear.

And in fact, Mr. Speaker, the Speaker of the Duma told us that they on a cellular phone had his children in the school call him on the cellular phone and the terrorists had his children plead with him to come and get them and to accede to the demands of the terrorists.

What tremendous personal turmoil that the Speaker went through with his two youngest children in the school as the terrorists contained them and yet required them to talk on the cell phone to their father, using them as pawns in this unbelievable siege.

Obviously, the leaders of the republic and the law enforcement officials who were around the school would not and could not accede to the demands of the terrorists.

□ 2320

The demands were too large in scope, and they were too unreasonable in nature. So it was basically a waiting game. Day one passed, day two passed and then day three came.

Now, perhaps there is a lot of second guessing that has been going on about the effort surrounding the school and acts that should have been taken, but I can tell you, Mr. Speaker, our delegation was talking to a father who had his two children in that building when it occurred and who arrived on the scene within a matter of hours after the siege occurred.

So this was not some sanitized message being given to us by Russian authorities. This was an elected official, the Speaker of the North Ossetia parliament, but it was also the father of two young children in that school. In fact, the Speaker himself had attended that school as a child, and his two older children also attended that school.

It was on the third day, Mr. Speaker, when a sense of frustration came upon everyone, those that were trapped inside the building and those around the building, the parents outside who were urging the police officers, the military to do anything possible to end the siege, to get their children out. Fathers that were outside were screaming that something had to be done.

Then an explosion occurred. The explosion was inside this school, and while it has not been fully determined as to the origin of the explosion, the initial thought by those outside, including the Speaker of the Duma, was that the explosion occurred because there was a movement of ammunition inside. When the explosion occurred, it set off a flurry of activity. Gunshots started to ring out, and family members on the outside of the school started to rush in. They were rushing in because they saw it as an opportunity to save their child, as over 1,000 children and adults were still in this complex.

The terrorists then responded by firing automatic weapons and gunning down the adults that were trying to get in. That explosion led to additional fires, and in matter of a short period of time, the entire gymnasium and center area of the school was an inferno.

Children on the inside started running out. Young children, 6-, 7-, 8-, 10-years-old, and the terrorists who were standing at windows, who had come outside, started firing at will at the backs of these young children, hitting some in the back of their head, others in their back and their legs. Children started to fall all over the schoolyard area.

At the end of the siege, Mr. Speaker, 31 of the 32 terrorists were killed. One terrorist was captured and is currently in the control of the authorities. I am not sure whether it is in Beslan or in Moscow.

This terrible incident had come to an end. The carnage was unreal. Immediately attempts were made to take those that were most severely burned to the local hospital, which we visited and was a typical hospital servicing a small town, not capable of responding to hundreds of injuries, hundreds of rifle shots, of wounds, of burns, that were far beyond the capability of this small-town hospital. In fact, the chief medical person at the hospital, whom we met when we visited the hospital after stopping at this school, told us that they treated some 8- or 900 individuals who had serious injuries, and as soon as possible, within hours, they began flying them out to hospitals in neighboring cities and the most severely injured to hospitals as far away as Moscow where they are still located.

Mr. Speaker, as we listened to the story and saw the visual realization of what this school was and imagined what it was before this incident to a community that shared the pride of the education of its young, we just were overcome with emotion. In my case, being a teacher by profession, I could not imagine the feeling on opening day of school to have terrorists surround the building and to herd the students inside. I thought to myself, the Russians have been criticized for how they handled this, but I wonder if we would have been able to handle a situation at one of our schools, where on the opening day, a group of terrorists with automatic weapons or with rifles or pistols surrounded the schoolyard and forced those youngsters and family members inside of the building.

I think the Russian people and those in North Ossetia did the best job they could in an impossible situation. When the Speaker of the Duma finished explaining to us the details of what had occurred, we walked solemnly over to the entrance of the school.

We had prepared a special wreath, Mr. Speaker, a wreath that was red, white and blue, with a ribbon saying, ''In Deepest Sympathy, from the Congress of the United States.'' We were carrying with us, Mr. Speaker, an American flag that we had flown over the Capitol the day before we left to present to the people of Beslan as a symbol of our friendship, as a symbol of solidarity between the American people and the Russian people in the fight against terrorism.

The three of us solemnly walked behind this floral bouquet as it was carried toward the center of the school by two local residents to be placed in the center of the building. We followed the floral bouquet in. They carefully placed it right next to a pile of literally hundreds of flowers. Mr. Speaker, in a sight that I can only describe as unbelievable, there were hundreds and thousands of bottles of water. Beslan's a poor community. Many of the family members could not afford to buy flowers, and yet all of them knew that those children and those parents and grandparents had been denied water for 3 days and food. So the people of Beslan brought bottles of water and set those bottles of water with open tops throughout the school complex and down the center corridor, interspersed with hundreds of flowers and bouquets. There were also Teddy bears and stuffed animals and the favorite toys of students who would never again be able to use them.

Following the setting down of the flowers, and again, the thoughts and prayers of the members of Congress, I opened up the American flag and asked my colleagues to join with me in presenting that flag as a symbol of the friendship of the U.S. Congress and the people of America to the people of Beslan, the people of North Ossetia and the people of Russia.

I have been to a lot of disasters, Mr. Speaker, during my 18 years in Congress and my career because, as many of my colleagues know, I have worked the issues involving disasters. In fact, before coming to this body I used to be a volunteer fire chief.

I have been to earthquakes, Hurricanes Andrew and Floyd, the wildfires in California and Oregon in the West, the Midwestern floods, the Murrah Building bombing with Chief Marrs, the World Trade Center in 1993 and the World Trade Center in 2001. They were all incidents of significant emotion, loss of life, terrible tragedy, terrible human suffering. But I can tell you in standing in this school, looking up at the basketball backboard that had been severely burned, looking at the scorched walls, seeing the evidence of where young people used to play and seeing hundreds and thousands of bottles of water placed all around this complex and still smelling this terrible smell of fire and of death, it was very difficult for us to provide remarks. In fact, all three of us had difficulty in getting through our statements.

As we spoke to the people of Beslan who had assembled there with us, in front of the TV cameras from throughout Russia who were recording our visit, but very simply, we told the story of the feelings of the American people, their anger at what had happened at this school, their frustration in dealing with terrorists, who have no regard for human life and especially the lives of innocent women, grandmothers and young children.

We told the Russians one very simple thing, Mr. Speaker, that on this day we were not Russians nor Americans. We were human beings who were standing together to tell the terrorists, the cowards that they are, that we would not stand for these kinds of actions, whether they would be in downtown Baghdad, whether they would be in the streets of Moscow, the streets of New York or Oklahoma City or the streets of a small town like Beslan. We told the Russian people that we were there expressing the sense of the United States Congress, that we shared their grief and we stand with them in solidarity.

□ 2330

I can tell you, Mr. Speaker, that there was a feeling in that school among the family members that were there of deep appreciation that the American Congress had taken the time to go to Beslan. We were the first and, to my knowledge, the only Americans that were allowed into Beslan to visit the school. Our ambassador would visit the North Ossetia office the day after we arrived in Beslan to express the condolences of the American people on behalf of our State Department. In fact, Mr. Speaker, we wondered why it had taken 2 weeks for our ambassador in Moscow to make that trip to the North Ossetia embassy.

As we left the school and reflected upon what we had seen, we boarded the bus and asked to be taken to the local hospital. And there in the hospital we heard the briefings from both the chief psychiatrist who was brought in from Moscow and the chief medical leader of this hospital in Beslan about how they attempted to deal with these overwhelming casualties.

Then we talked about the kind of treatment that the patients were currently receiving, both in that hospital, the hospitals around Russia who had taken other patients and about the offerings of support from all over the world. But I want to convey this to you, Mr. Speaker, and to our colleagues, every place we went on that trip we heard from the people of Beslan that the people of America responded in an unbelievable way.

In fact, it was the speaker of the parliament and the mayor of the city who told us that, within hours, there was a planeload of supplies coming into his community from the people of America. It included health care needs. It included equipment. It included special beds and pharmaceuticals, from a Nation that had also suffered a very significant incident, responding to the needs of the people of Russia.

As we went through the hospitals, we talked with some of the patients. We talked to the nurses. We thanked the doctors. And then we stopped in a room with youngsters who were suffering from post-traumatic stress. I told the young girl who was in the sixth grade that my first year after college I taught sixth grade, and we talked about some common issues I knew she would have with sixth graders from America. I asked her if she had access to e-mail, and she said she could through the school or the local library. I asked her to e-mail my office so I could link her up with students of a similar age back in America.

Again, the medical personnel in that hospital were working under unbelievable circumstances, and they were doing a fantastic job.

We left the medical center, and my colleagues that wanted to make a simple contribution to the medical center, not on behalf of the American people but on behalf of ourselves. Each dug into our pockets and came out with an amount of money that we each could afford to give as a donation to that hospital on the spot. And I can tell you, the doctor was extremely gratified that we had taken the time to do that.

Since coming back to Washington, I have learned that I have a group in my own State, headquartered in Bucks County, that I will provide the name of for the RECORD, Mr. Speaker, who has already raised almost $800,000 for the people and the families of Beslan. Typical of America and the American people, responding to a tragedy thousands of miles away because of people in need.

As we drove from the hospital to the airport and drove through the streets of this small town, you just could not help but have a heavy heart in seeing homes where families had been torn apart. We learned of a mother who had taken her four kids to school that day. The mother was killed and so were all four children, all buried at one grave site at that cemetery we had visited.

As we arrived at the airport, we learned the president of North Ossetia would meet us there, an older gentleman. In fact, his name is Alexander Dzasokhov, and he warmly greeted us. We had a press event with the media, and we presented to him, Mr. Speaker, the framed resolution that our colleagues in this body passed unanimously 5 days earlier. That document, in a frame, was signed by the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), on behalf of all of us, Democrats and Republicans, who voted unanimously to express our solidarity in the suffering of the Russian people and those families impacted at Beslan.

We had discussions with the President about ways in which we could assist. We told him our burn foundations in America had offered assistance with burn treatment. We told him many of our people wanted to help with the monument being built at the grave site and the school.

And I might add, Mr. Speaker, what the speaker of their parliament told us was that, when that monument is completed on the 40th day of mourning, which is the official mourning period in Russia, and that monument is dedicated to the memory of the victims, that American flag that we handed them that flew over this Capitol building, will be raised with the Russian flag and the North Ossetia flag, because of their thanks and their gratitude for the friendship that we showed them, again, in their darkest hour.

We also discussed with the president other steps that we could take together as two nations fighting terrorism. We talked about the need to go after the terrorists, as President Bush and President Putin have been doing over the past several months and years. And then we followed up a dialogue we had had in Moscow with Duma Deputy Kokoshin. Chairman Kokoshin, who is a friend of mine, chairs one of the key committees in the Duma. The vice chairman of that committee is Deputy Lebedev, and we discussed with our North Ossetia leaders and the president our desire to host a conference in Moscow in the first quarter of 2005, a joint conference of Americans and Russians on the issue of homeland security and anti-terrorism.

It was somewhat ironic, Mr. Speaker, that the Monday before I left for Russia, I was in New York giving the opening speech to a homeland security conference attended by 3,000 people at the Javitz Center. That conference on homeland security also had Asa Hutchinson in attendance and scores of other people from the leadership of our own Homeland Security, on what we are doing to defend America from the threats of terrorism and the protection of our homeland.

Mr. Speaker, 260 corporations were exhibiting at that conference, which was put together by one of the largest conference organizers in America, EJ Krause. I talked to the EJ Krause folks before I left for Moscow, and they have agreed to organize the conference that we together will put on in Russia so that we can show a joint strategy, joint use of technology and a joint commitment to fight terrorism together.

Mr. Speaker, we left the president, went back to Moscow, continued our meetings and discussions, and I can tell you that every one of our colleagues in this chamber needs to know that the people of Russia were extremely pleased by the actions this Congress took. It was important for us to show solidarity with the Russian people because there has been some turmoil between our countries over the past several years.

And, Mr. Speaker, that leads to the second reason of my special order tonight and another reason why I felt it was important to make the statement that this Congress made in our resolution that passed last week.

There have been some who have been advocating that America should move away from Putin and Russia, that because President Putin, partly in response to terrorism, partly for other reasons, has clamped down on the media, has in fact recently passed new provisions that will limit the role of the people of Russia to elect their own governors of their regions, that will reduce the number of political parties from the current number to approximately two or three, similar to what we have in America; there are even those colleagues in this body, in both parties, good friends of mine who I hold in high respect, who have written to our colleagues that we should deny Russia access to the World Trade Organization, that we should punish Russia because of these anti-democracy actions.

Mr. Speaker, I am convinced that those actions would be the worst steps that we could take right now. Now is not the time for America to push Russia away from us. Sure, we are all troubled by some of the actions that President Putin has taken. I am concerned by the clamping down of the free media. I am concerned by some of the methods of intimidation. But now is not the time for us to be pushing Putin away, which would encourage more of the authoritarian efforts that we have seen rising up in Russia over the past several weeks and months.

Now is not the time for us to move Russia in another direction. Now is the time for us to bring Russia back, to give Russia perhaps what we have not given them over the past 12 years since they threw off communism.

Mr. Speaker, in looking at our relationship with Russia, I was very critical of the previous administration because I felt we did not have a consistent policy with Russia. We were talking a good game, saying all the right things, but there was not a follow-through in terms of implementation.

We had the radical nationalists in Russia back in the 1990s saying that America does not want to be our friend; you watch, they will move NATO up to our borders, and they are going to threaten us; you watch, they will abrogate the ABM Treaty; they want to dominate us.

□ 2340

Watch, they do not want us to be involved. They are going to steal our money and our assets. They want to use us. That was what the radical nationalists in Moscow said back in the early 1990s. That was what Uranovsky and that is what Zyuganov said. But many in Russia were pro-West, and they said, no, we are going to continue to move closer to America because America is the model that we want to work with.

But I think back, Mr. Speaker, over the past 12 years. We did move NATO up to Russia's borders, and I supported that. But we handled that miserably. We did not take the time to have the Russians understand that the movement of NATO to its borders was not to threaten or intimidate Russia, but rather to build a new sense of security and that one day, one day, Russia itself might be able to join NATO. And with the ABM Treaty, I was the one, Mr. Speaker, who offered the missile defense bill in 1998 that passed with a veto-proof margin, not because I wanted to dominate Russia, but when I took Don Rumsfeld and James Woolsey and Bill Schneider to Moscow the weekend before the vote on my bill, we told the Russians our concern is with North Korea, our concern is with Iran, our concern is with China, who were all developing long-range missiles that we have no defense against.

But, Mr. Speaker, from the Russian perspective in 1995 and 1996, we had one joint missile defense program with Russia called RAMOS. The Clinton administration tried to cancel it. Senator LEVIN and myself and a group of other Members in both parties and both bodies fought the administration, and we won. We kept that joint cooperative program together. But the Russians saw the handwriting on the wall: America does not want us to be partners in defending our people. They really want to dominate us. And they were convinced, and perhaps some still are, that that was our purpose in moving away from the ABM Treaty.

And then we bombed Serbia, perhaps Russia's best friend and ally, the Serbian people. We all wanted Milosevic out. But instead of using Russians to help us get Milosevic out of power, we went to NATO instead of the U.N., and we used NATO as an offensive force, invaded Serbia, and killed innocent Serbs. It was not until several months after we realized we could not get Milosevic out by bombing Serbia, by bombing innocent people, that Russia had to play a role. And it was, in fact, Russia through the special envoy of President Yeltsin and Victor Chernomyrdin that we were able to reach an agreement to end the war on the terms of the West, again with Russia's involvement at the 11th hour.

The Russians saw through all of this, and they said America does not want to be our friend. And then we had President Clinton on a number of occasions say that we should lift Russia out of the restrictions of Jackson-Vanik. President Bush has made at least ten statements over the past 4 years that Russia should not be subjected to Jackson-Vanik consideration any longer. Mr. Speaker, Jackson-Vanik restrictions were placed on the Soviet Union because back in the 1980s, the Soviet Union was persecuting Jews. The National Council of Soviet Jewry led that effort. I supported that effort because back in the Soviet era I used to meet with the Soviet Jews in Moscow who were being persecuted and harassed by the KGB and by Russia's leaders.

But in 2004, in 2000, in 1998, the persecution of Soviet Jews was largely ended. In fact, Mr. Speaker, I went to all the Jewish groups last August, and I asked will they send me a letter expressing their interest in elevating Russia out of Jackson-Vanik, and all the major Jewish groups in America did, Mr. Speaker. They sent me letters, JINSA, the National Council of Soviet Jewry, AIPAC, all saying, We no longer think that Russia should be held captive by Jackson-Vanik.

I went to the administration, and some of those people under President Bush who did not quite get his message said it is a trade issue, it is about poultry or steel. So I went to our colleagues who are Chairs of our trade committees, the gentleman from California (Mr. POMBO), the gentleman from Ohio (Mr. BOEHNER), and the gentleman from Virginia (Mr. GOODLATTE), and the three of them sent a letter to me saying that they too supported elevating Russia out of Jackson-Vanik. So, Mr. Speaker, here we had the support of leaders in this body on issues involving Soviet Jewry, on trade issues saying they support elevating Russia out. We have the President of our country demanding we do it. And we still have not done it.

So the Russians look at us and say our words are good, but there is no action. There is no follow on. And it was those same Russians during the 1990s who saw oligarchs who were put into place by Yeltsin but with the help of

American consultants and American academics who ripped their country off, who stole billions of dollars from the IMF and World Bank that were supposed to help build a Russian infrastructure.

I remember very vividly back in the late 1990s, 1997, and 1998, telling the Clinton administration we have evidence that there are American companies ripping off the Russians. They did not want to hear it, did not want to talk about it. It was in the late 1990s, 2000, that we finally heard the Justice Department indict Bank of New York officials for allegedly scamming $5 billion out of Russia that should have gone for infrastructure but instead ended up in Swiss bank accounts and U.S. real estate investments.

And then we saw the technology proliferation out of Russia, individual retired generals and admirals selling technology to Iran, Iraq, Syria, Libya, North Korea. We blamed the Russians for that, the Russian Government, when, in fact, Mr. Speaker, and I remember doing speech after speech on this, we had documented 20 times we had evidence of retired Russian generals and admirals selling technology illegally, violating arms control agreements. Of those 20 times, our Nation imposed required sanctions four times. Yet we blamed the Russians for something that we ourselves should have taken action to control.

So if we look to the period from 1992 to 2004, we have to ask the question, What have we done to assist Russia in becoming our true partner? I would say, Mr. Speaker, not much. So now we criticize Russia. We criticize President Putin. We want to push him away further. President Putin and President Bush have a great personal relationship. They have met on three or four occasions. They get along very well, and they want to work together. But, Mr. Speaker, below the two Presidents there is a vacuum. The President says we want to do Jackson-Vanik elevation. He said it 10 times. The people under the President say not now, now is not the right time. They should be fired. The President sets the foreign policy of our country, but some of those serving him do not get the message. And Russia bears the consequences of our lack of action.

The President calls for joint cooperation on missile defense. He has said it five times and so has President Putin. But this year our Department of Defense and Missile Defense Agency again canceled the RAMOS program. We have no cooperation with Russia on missile defense right now.

We talk about Russian cooperation with weapons of mass destruction. But we have corruption on the Russian side, corruption on the American side. We are not being given access to those sensitive sites. And again we wonder why the Russians do not trust us.

Mr. Speaker, we need Russia. We need Russia to be a partner of ours. We need Russia to be a partner of ours for several reasons. If we look at the world's situation right now, we are certainly unhappy with some of the direction of President Putin, but we have no leverage with him to get him to understand that he is taking the wrong steps as a democratic nation. We look at the Middle East. We heard our colleagues for 2 hours talk about Iraq. Mr. Speaker, the problem in Iraq is not being caused by the people in Iraq. The people in Iraq did welcome us. They did give us flowers, and they are happy that we are there. Ask our troops. Tomorrow we will hear Prime Minister Allawi tell us the real story of the gratefulness of the Iraqi nation. The problem in Iraq is not with the Iraqi people.

Mr. Speaker, the problem with Iraq is the problem of the neighbor Iran. Iran has been involved in undermining our efforts to stabilize Iraq for the last 18 months. I remember going to CIA Director George Tenet 18 months ago when a former Member of this body, a former Democrat Member, came to me and said, I have a source that wants to work with us, a source that will tell us where bin Laden is and will give us information about Iran's involvement in Iraq.

I went down to meet with Tenet, and for the past 18 months, Mr. Speaker, on a regular basis, I have interacted with this informant based overseas in Europe. We have gotten continuous information that I have passed along to the CIA, all of which has been verified, that Iran has been behind the destabilization of Iraq on a continual basis. I told the CIA over a year ago, Mr. Speaker, that the Ayatollah Khamenei, the religious fanatic in Iran, not Hatami, the governmental leader, but the Ayatollah Khamenei was providing $70 million of funding to Sadr.

□ 2350

The CIA at that time, Mr. Speaker, no one knew who al-Sader was. I told the CIA that Iran was crashing on a nuclear program. I told the CIA that my informant had even found evidence of two groups of Iranians going up through China into North Korea in an attempt to acquire their nuclear weapons materials. And I told the CIA that Ayatollah Khamenei had ordered his country to prepare for an attack on one of our nuclear powers plants, and the letters were beginning with SEA, Seabrook.

Mr. Speaker, that was in June of last year. In August of last year, the Royal Canadian Mounted Police arrested two al Qaeda-linked individuals who were flying a plane scoping out a nuclear power plant up in the Northeast near Seabrook.

Mr. Speaker, Iran has been our problem, and it does not take a rocket scientist to figure that out. On one side of Iran you have Afghanistan, a country that now has 10 million people registered to vote in their first elections, a constitution in place, a country moving toward a democracy.

On the other side of Iran you have Iraq, stabilizing, moving toward a constitution, moving toward free elections. So on both sides of Iran you have democracy breaking out.

And right down the road, Mr. Speaker, you have Libya, where Moammar Gadhafi has voluntarily given up all of his weapons of mass destruction without us firing a single shot. I know Gadhafi's purpose, because I led both delegations to Libya earlier this year in January and March. Sitting across the tent from him in the desert in Tripoli, looking out at his house that we had bombed in 1986, he said, ''Congressman WELDON, I don't want my people to suffer the fate of the Iraqi people and I don't want to be Saddam Hussein.''

Mr. Speaker, the Iranians understand what is happening. The Ayatollah Khamenei understands he is not popular in Iran. When they had elections earlier this year, only 9 percent of the people eligible to vote voted. They despise radical fundamentalism, but they cannot do anything about it.

So Iran understands their days are numbered, and that is why they are crashing on a nuclear program. That is why they are attempting to undermine Iraq, because Iran does not want Iraq to succeed.

Our colleagues on the other side said we should have anticipated that. Mr. Speaker, there is no way the President could have anticipated that. We are dealing with it now.

But how do we deal with Iran, Mr. Speaker? We do not have any leverage with Iran. We do not even have discussions with Iran. One country does, Mr. Speaker, and that country is Russia.

Russia has worked with Iran over the past 10, 15 years. They have a regular entry into Moscow. They interact with the Members of the Duma and the Federation Council, and President Putin has a relationship with Iranian leaders that we need. But the problem is, Mr. Speaker, we do not have the leverage with President Putin.

Yes, President Bush and President Putin have a good personal relationship, but there is a vacuum under that in both countries. Now we tried. Back in 2001, Mr. Speaker, we gave this document to Bush and Putin, 48 pages, 108 recommendations, signed by one-third of the Congress. DICK LUGAR, CARL LEVIN, JOE BIDEN, myself, liberal Democrats, conservative Republicans, one-third of the Congress saying we are ready for a new relationship.

Unfortunately, the people under President Bush have not been listening. They were not listening when President Bush said remove Jackson-Vanik. They were not listening when President Bush said do joint programs in missile defense. Now we are paying the price for that.

Mr. Speaker, that is why I proposed to the President and that is why I am announcing tonight a new initiative, renewed commitments, strengthened relationships. This four-part strategy

will give us a series of initiatives that will give President Putin and the Russian people a clear signal that finally we want to be their close friend and partners it is a simple strategy. It builds on successes of the past and deals with issues that we have talked about.

The four strategies are fairly simple, Mr. Speaker. It calls for us to terminate Jackson-Vanik limitations on Russia, as our President has called for. We can pass that resolution in this body and the other body under a suspension.

It calls for a new threat reduction initiative using a new process to get entry into President Putin that we have been working on for 2 years that will allow us to reduce the theft and corruption of American tax dollars and will give us access into sites we have never had access to before.

Last August I took two members of the other side with me to the closed city of Krasnoyarsk 26, without any help from our State Department, no help from our Defense Department, no help from our Energy Department and no help from the CIA. We went in the mountain where the Soviet Union built their three largest plutonium producing reactors.

We met in Moscow, and our Russian counterparts said if you follow this new process, you get access to any site in Russia you want.

Today, Mr. Speaker, I have proposals signed by the Russians for six new biological weapons sites that they want to open up for American joint cooperation. I handed those six initiatives in both Russian and English to John Bolton the day I left for Moscow last week. The Russians do want to work with us in a new way, a new way of trust and confidence in solving problems with weapons of mass destruction.

The third element of this plan, Mr. Speaker, calls for substantive work on joint missile defense cooperation. President Bush has called for this repeatedly, publicly. So the question is, why have we not done it? The answer is, the Defense Department told me they could not get a meeting with General Baluyevsky, who 6 months ago was the number two general in the Russian military.

I told General Kadisch at Missile Defense Agency, you cannot get a meeting with him? Send someone over with me and I will get you the meeting.

So, Mr. Speaker, two months ago I took a delegation to Moscow. From the Missile Defense Agency I took General Obering, who is now the three star general in charge of that agency. He took three other associates with him.

We arrived in Moscow and they took us to Starya Plochad, which is equivalent to our East Wing of the White House. We sat at a table across from Putin's representative to the Duma and the Federation Council, the chairman of the committee overseeing the Ministry of the Interior, Alexi Alexandrov, and in walks General Baluyevsky. General Baluyevsky, in a business suit, talked with General Obering and began a dialogue that we could not get for a year on missile defense cooperation.

Two weeks after we left Moscow, President Putin relieved the chairman of their Joint Chiefs of Staff, General Kvashnin, and replaced him with General Baluyevsky.

The fourth item in this initiative, Mr. Speaker, calls for the announcement of the U.S.-Russian free energy trade agreement. Not free trade agreement, but free energy trade agreement. We have significant energy needs. Russia has significant energy reserves. They are trying to get their energy to the marketplace, we want to use that energy and need it.

What I am calling for, Mr. Speaker, is an equivalent relationship similar to Gore-Chernomyrdrin in the previous administration between the two presidents of our countries, so that Putin and Bush appoint a joint effort of having our energy leaders, private sector and government, work together with Russia's energy leaders, so that we can help bring their energy out and use it in our marketplace. It is already happening. We simply want to expedite that process, both in terms of fossil fuel and in terms of nuclear power.

Along with this four-part position paper, Mr. Speaker, we need to work together with Russia on anti-terrorism.

I am convinced, Mr. Speaker, if we follow these actions, if the President takes the bold leadership that is outlined in this document, then we will have the leverage for President Bush to go to President Putin and say, ''Vladimir, you are going too far in your actions in providing autocratic rule over your country. Allow democracy to survive, to grow and prosper. Vladimir, I need your help in allowing us to deal with Iran. Help us deal with the problem of the Bushehr nuclear power plant, because if we do not deal with that power plant, Israel will eventually try to take it out because they see it as a nuclear threat to their security.

Mr. Speaker, now is the time for us to join with Russia, to be Russia's best friend, to be Russia's partner; to hold Russia accountable, to talk about human rights. But to do it in a way that Russia understands is in our mutual interest, not a condescending approach where we look down on Russia, as we have done in the past, and tell Russia to do what we have outlined for them.

Mr. Speaker, I am convinced nothing is more critical. The timing is right, and we must act quickly.

Mr. Speaker, I include for the RECORD these documents.

U.S.-RUSSIA PARTNERSHIP—RENEWED COMMITMENTS, STRENGTHENED RELATIONSHIPS, AUGUST 2004

INTRODUCTION

Long before Perestroika, Gorbachev and the fall of the Soviet Union, I developed a deep interest in U.S.-Russian relations. The Soviet Union, an enemy of the United States, demonstrated its strength and intent to protect its country by producing massive stockpiles of nuclear and biological weapons. The aggression between our two countries led me to major in Russian Studies, believing that one day, our relationship would change and the United States and the Soviet Union would normalize relations. As a county commissioner, I hosted my first group of young communists in Pennsylvania in 1985. This relationship, forged 19 years ago, has maintained its strength and expanded even further to include a larger circle of Russian citizens. I take great pride in my efforts to reach out and establish a solid base of understanding and cooperation to achieve stability for the people of Russia and the surrounding former Soviet republics.

For the past 10 years, I have co-chaired the Duma-Congress Study Group, the official inter-parliamentary relationship between the United States and Russia. This exchange plays a vital role in strengthening our relationship with Russia. The overriding purpose of this relationship is to demonstrate to the Duma and its leaders how an effective interparliamentary relationship can lead to positive changes in both our countries. Today, Members of Congress work with their counterparts in the Duma on common interests such as the environment, health care, social and economic issues. By building and strengthening a working relationship, we are then able to confront more difficult issues such as missile defense, non-proliferation, Iran and other multilateral relationships.

Three years ago, I unveiled a comprehensive plan to cooperate with Russia on eleven different issues ranging from defense and security to agriculture and healthcare. This proposal, A New Time, A New Beginning, was widely supported in the U.S. and Russia. However, recently, I have watched Russia lose confidence in the United States and move further away from the West. The start of Russian distrust in the United States began shortly after the fall of Soviet communism. Russians believed that with the break up of the Soviet Union, prosperity would soon follow. Instead, in 2001, $4.08 billion of U.S. foreign direct investment flowed into Russia while in 2001, Communist China received $10.53 billion in U.S. foreign direct investment. This was the first of many negative messages the U.S. sent to Russia.

Additionally, Russians are still bitter of our handling of the war in Kosovo. Russia believed we could have, and should have, ended that war much earlier. In fact, instead of ignoring Russia's relationship with Yugoslavia, we should have encouraged Russia to play a more aggressive role in peacefully removing Milosevic from power. It was not until one year after we began the bombing that we finally requested Russia's assistance.

Furthermore, when news of the biggest money laundering scandal broke in late 1999, the Clinton Administration ignored the theft of billions of U.S. dollars destined for Russian citizens. The Russians watched as the oligarchs, including some with close connections to President Boris Yeltsin, lined their pocketbooks. The United States downplayed the Bank of New York scandal and continued to protect the Clinton-Yeltsin relationship.

The September 2000 Speaker's Advisory Group on Russia concluded that both Russian government agencies and private entities were directly involved in at least 26 transfers of proliferation to such states as Iran and Iraq. Instead of sanctioning Russia, the Clinton Administration continued to rely on personal assurances from its small cadre of contacts in the Russian government.

The Clinton Administration's willful blindness to Russian proliferation produced immense damage to our relationship with Russia. Our policy under President Clinton was based on a personal relationship between Presidents Clinton and Yeltsin, and Vice-President Gore and Prime Minister Chernomyrdin. As long as these Russians were in power, nothing else mattered. While Russians lost faith in Yeltsin, the U.S. continued to support this failed leader.

During the Clinton Administration, tens of thousands of young Russians were outside the American embassy in Moscow throwing paint, firing weapons at our embassy and burning the American flag. In fact, the State Department had issued travel advisories to Americans traveling to Moscow because the hatred for America had grown so great in such a short period of time that the Russian people were adamantly opposed to any Americans in their country.

To repair our relationship, I have developed a new approach to improve our relationship with Russia that builds upon the recommendations in A New Time, A New Beginning. The four initiatives in this proposal are not new to U.S.–Russian relations. Rather, they are programs that could easily regain Russian support and trust in the United States if implemented in the short term. The U.S. needs Russian support not for our own security concerns, but for international stability. In that regard, I firmly believe that the key to stabilizing the situation in Iraq lies in improving our relations with Russia. It is no secret that Iran continues to fuel the bulk of terrorist activity in Iraq. However, given our cold relationship with Iran resulting from their continued pursuit of weapons of mass destruction, support of global terrorism and atrocious human rights record, there is little room for diplomatic negotiations. In contrast, Russia's deep and lucrative investments with the Islamic Republic may provide the necessary leverage to effect change in that country's activities in Iraq. Specifically, as a major supplier of arms and nuclear technology to Iran, Russia can exert significant economic pressure. In addition to its trading activity, Russia has made strategic policy agreements with Iran to keep them out of the Caucuses and has coordinated its policy in Central Asia with specific regard to Caspian oil reserves.

It is also in Russia's best interest to continue to engage Iran and improve its own bilateral relations with the Islamic Republic. Iran's military capabilities continue to threaten Russian as well as its possible support of radical separatism in Russia's turbulent ''southern rim''.

As such, improving our relationship with Russia would provide needed leverage to induce Russia to use its influence with Iran to help stabilize the situation in Iraq. I firmly believe that we have reached a crucial juncture in our relationship with Russia and the independent states of the former Soviet Union. By taking action in four key areas, we can dramatically improve our relationship with our former Cold War enemy for years to come. These four key areas are as follows:

Terminate Jackson-Vanik restrictions against Russia. Although not a high profile issue in the U.S., Jackson-Vanik continues to be a political hot-button for the Russian government and its citizens. Removing the restriction would send a tremendously positive message that the U.S. is serious about improving relations between our two nations.

Renew our commitment to Cooperative Threat Reduction programs. An opportunity exists for the administration to undertake a new cooperative program with Russian officials to secure biological weapons facilities that at present are poorly protected. The interagency Russian International Exchange Group (IEG) is comprised of senior military, intelligence and political officials. Operating with the support of Russian President Putin, the IEG has been established to remove bureaucratic obstacles to the implementation of U.S. funded nonproliferation programs. The IEG concept has been briefed to senior staff of the Office of the Vice President. The IEG has offered to work with the appropriate U.S. agencies—most likely DOD/DTRA—on a pilot project whose goal would be to secure five biological weapons sites.

As many as 89 additional sites could be worked through the IEG. DTRA is in the process of being briefed on this initiative. White House support for the concept would be instrumental in capitalizing on a new opportunity for the administration to demonstrate it is working with Russia in limiting the spread of weapons of mass destruction.

Improve Russian energy infrastructure. Russia and the independent states of the former Soviet Union possess vast oil and natural gas reserves. Despite their incredible natural resources, Russia continues to struggle to get these resources to the world market. Lacking the necessary capital, much of Russia's natural resources remain untapped. By assisting Russia in reforming and clarifying their tax code could result in Russia's ability to extract, transport and market its energy resources. Russian natural resources could lower skyrocketing fuel costs and dramatically improve our economy. Utilizing Russian natural resources would significantly improve our national security by lessening our dependence on Middle East oil. In exchange Russia would receive the much needed upgrade in its energy producing capabilities and gain the world's largest energy consuming market as a key customer. Continued cooperation with Russia on energy policy is also needed to improve the environment for foreign investment. Assisting Russia improve its energy infrastructure is the necessary first step towards attracting the private investment that will sustain Russia's energy industry for the future.

Improve and enhance our cooperation on missile defense. Emerging threats of missile attacks from rogue nations may confront both the U.S. and Russia over the next decade. A major objective of the Missile Defense Act was to establish cooperative projects between the two nations. With a new director at the U.S. Missile Defense Agency and changes at senior levels in the Russian military establishment, the U.S. should pursue this cooperation immediately.

With the accomplishment of these four proposals, the United States will win a major victory in Russia, and in return, Russia will be more willing to cooperate on issues significantly important to the United States. It is time the bilateral relationship go beyond the diplomatic posturing and produce real results.

TERMINATION OF JACKSON-VANIK

Thirty years ago, the Jackson-Vanik amendment was included in the Trade Act of 1974 to protect religious freedom in the former Soviet Union. The United States Congress made a courageous decision to pass the Jackson-Vanik amendment and link it to the Soviet Union's trade status and its record on Jewish emigration. Jackson-Vanik set guidelines for a string of changes in the Soviet Union and allowed for Jews to escape oppression and begin new lives. It was the right policy for the right time.

Since 1994, Russia has been in full compliance of Jackson-Vanik and Russian Jews are free to emigrate from the former Soviet Union. Major Jewish organizations—the Jewish Institute for National Security Affairs, the American Israel Public Affairs Committee and the National Conference on Soviet Jewry—that long opposed terminating Jackson-Vanik, are in agreement and on record that the United States should terminate this obsolete provision.

Although President Putin requested, and President Bush promised Russia's elevation from Jackson-Vanik two years ago, there are some in Congress and in the administration that want to change the original intent of the amendment to meet unrelated trade disputes. Two years ago, due to Russian safety concerns, President Putin blocked U.S. poultry imports causing a major disruption in the U.S. poultry industry. While I empathize with our farmers, using an emigration provision to negotiate a trade dispute undermines U.S. foreign policy. Trade disputes are natural components of an evolving trade relationship, and under current trade laws, there are effective remedies to address them. In resolving the poultry disagreement, I worked with the key Members of Congress concerned with agriculture issues. As a result of my efforts, Representatives Pombo, Boehner and Goodlatte signed a letter to Representative Bill Thomas, Chairman of the House Ways and Means Committee, which has trade jurisdiction, indicating their disagreement that the lifting of Jackson-Vanik restriction to poultry trade was inappropriate.

Additionally, using the amendment to leverage Russia's accession to the WTO, as some have suggested, would weaken U.S. credibility. WTO rules already require that every member of the working party agree before a country is granted membership. Therefore, Russia cannot accede without consent from the United States. This guarantees that U.S. negotiators have adequate authority to monitor and guide Russia's accession.

An overwhelming majority of U.S. companies active in the Russian marketplace also agree that terminating Jackson-Vanik is appropriate, especially since Russia is currently recognized as a market economy under U.S. trade law.

In addition to fulfilling the Jackson-Vanik requirements, President Putin was the first foreign leader to contact President Bush after Sept 11, 2001, to offer condolences, intelligence assistance and other support, including agreeing to the positioning of U.S. forces in Central Asia, which was a key to our military success in Afghanistan. In October 2001, Russia appeased the United States by closing their Lourdes Listening Facility in Cuba. More recently, instead of protesting NATO expansion, which brought the organization up to Russia's borders, Russia negotiated with NATO to establish a formal method of cooperation. Although Russia has shown the U.S. its willingness to cooperate and accommodate our many requests, the United States, has not sent one positive message to Russia.

Jackson-Vanik is not a high profile issue in the United States, but it continues to be a sensitive issue for the Russian government and its citizens. While the changing nature of our strategic relationship with Russia has been full of promise, it has been challenged by a growing number of domestic constituencies within Russia. Russian media reports consistently remind Russian citizens of this unfulfilled promise. This opposition can easily be resolved by granting Russia what it rightfully deserves—elevating Russia from the Jackson-Vanik amendment. This would send a positive message that the U.S. is serious about improving relations between our two nations.

NEW THREAT REDUCTION INITIATIVE: U.S.-RUSSIA COOPERATION ON SECURING BIOLOGICAL WEAPONS AND RESEARCH SITES

Since 1992, the United States and Russia have engaged in a series of cooperative threat reduction programs, commonly referred to as Nunn-Lugar programs. Primarily, this cooperation has focused resources on reducing the threat posed by the theft or diversion of nuclear weapons and materials. Some successes have been achieved, but the current programmatic approach to this daunting challenge has in some cases been bogged down in a maze of bureaucratic missteps and a flagging sense of urgency. In other cases, programmatic implementation has been slowed by bilateral disputes over taxes and liability.

This new initiative addresses a topic of heretofore—limited bilateral cooperation—programmatic work to enhance the security at Russian biological sites that hold dangerous pathogens of interest to rogue states or terrorist groups—and also proposes a new cooperative model for implementing this work. Central to the success of this initiative is the cooperation of Russian authorities that control access to these facilities. Reflecting internal concerns about the pace and scope of existing cooperative threat reduction programs with the United States, the Russians established an interagency group, supported by President Putin, senior military, security and political officials, whose goal is to find solutions to the bureaucratic obstacles that have plagued existing programmatic efforts. Known as the International Exchange Group (IEG) within Russia, as a sign of its bona fides and influence within the Russian government, IEG has presented to U.S. officials a list of 89 biological facilities as candidates for security enhancement work.

Recognizing the challenge and expense of working at such a large number of sites, the IEG has proposed a pilot project that would encompass work at six biological sites, including Biopreparat, the military's leading producer of biological pathogens. The IEG has contracted official agreements with all six facilities. These sites would have to be assessed carefully by U.S. experts to determine the appropriate amount of funding and most effective set of security enhancements required for implementing the project, but an overall initial estimate of $10 million to complete work at the six sites is required. Funding for this project could be made available through funds existing within the Department of Defense's Cooperative Threat Reduction Program.

In addition to the national security benefit of securing hazardous biological pathogens, the pilot project would have two innovative programmatic elements. The first is that the Russian side would commit its own ''upfront'' funding to begin the projects. The IEG would expect U.S. funding to be made available to ultimately fund the six site pilot projects, but they are prepared to cooperate in the establishment of a joint U.S.-Russian management team that would oversee the project. The management team would place U.S. funds in an escrow account, releasing those funds to the Russians only when mutually agreed upon project milestones had been achieved and verified. The second innovative element of this initiative is that unlike much of the security enhancement work currently funded that relies heavily on U.S. contractor involvement—triggering legal disputes over liability—the pilot project would be carried out by Russian contractors, working in Russia at Russian sites. In so doing, the Russians would accept all the legal liability for performed work and there also would be no Russian claim that funding should be subject to Russian taxation.

A number of independent states of the former Soviet Union have been helpful to the United States in the war on terrorism. Such states are new and struggling democracies and would benefit considerably from assistance to create sustainable jobs for their underemployed or unemployed scientists, engineers and technicians who were formerly engaged in activities to develop and produce weapons of mass destruction for the Russian Federation or other such state. The United States should establish and promote programs that prevent the proliferation from scientists, engineers and technicians of the former Soviet Union to countries with potential for proliferation, development and production of weapons of mass destruction.

The Teller-Kurchatov Alliance for Peace, as included in the National Defense Authorization Act for Fiscal Year 2005 (H.R. 4200), should immediately be enacted to award scientists employed at the Kurchatov Institute of the Russian Federation and scientists employed at Lawrence Livermore National Laboratory, international exchange fellowships in the nuclear nonproliferation sciences. This program, between the leading U.S. and Russian nuclear facilities, would promote peaceful uses of nuclear technology and provide opportunities for advancement in the field of nuclear nonproliferation to scientists who, as demonstrated by their academic or professional achievements, show particular promise of making significant contributions in that field.

Removing potential nuclear weapons materials from vulnerable sites around the world would reduce the chance that such materials would fall into the hands of groups hostile to the national security of the United States. A Task Force on Nuclear Material Removal should be established by the President appointing the Department of Energy to ensure that potential nuclear weapons materials are entirely removed from the most vulnerable sites as soon as practicable.

Armenia, Azerbaijan, the Republic of Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, all part of the Silk Road region, would benefit from the Silk Road Initiative to develop sustainable employment opportunities between the United States and the Silk Road nations for scientists, engineers and technicians formerly engaged in activities to develop and produce weapons of mass destruction. This program will incorporate the best practices under the former Initiatives for Proliferation Prevention program and facilitate commercial partnerships between private entities in the United States and scientists, engineers and technicians in the Silk Road nations.

During the Cold War, the Soviet Union presented the U.S. with a clear and identifiable threat to our national security. For decades, the Soviet Union developed massive stockpiles of nuclear, chemical and biological weapons. With the fall of the Soviet Union, these stockpiles are largely unaccounted for and in dangerously insecure locations and facilities.

In the post-September 11th world, in which our nation faces new threats from underground terrorist organizations, it is more important than ever to work with Russia to eliminate and secure their weapons of mass destruction so that they do not fall into the wrong hands. By implementing and engaging Russia in these programs would secure our national security.

U.S.—RUSSIA COOPERATION ON MISSILE DEFENSE

Recognizing the emerging threat of missile attack from rogue nations that may confront both the U.S. and Russia over the next decade, a major objective of the Missile Defense Act was the establishment of cooperative projects between the two former rivals. With a new director at the U.S. Missile Defense Agency and changes at senior levels in the Russian military establishment, the time may be right to advance this cooperation.

Central to the development of bilateral cooperation in missile defense would be commencement of an ongoing dialogue between senior U.S. and Russian officials and their experts. In July 2004, such a meeting occurred in Berlin. Sustaining this fledgling momentum will be essential and, if supported by the administration, the Congress and its counterparts in the Russian Duma, that outcome can be achieved. Such cooperation is in the national security interest of the United States. Russian assistance in such areas as sharing data from target acquisition radars, currently unavailable to the Missile Defense Agency, would address one of the information gaps in the system's current configuration.

Comprehensive data exchanges could be the first area of possible bilateral missile defense cooperation. Under the auspices of the IEG, a series of senior working group meetings could be established with U.S. counterparts. The working group would be empowered to establish agenda topics reflecting the interests and priorities of each side. In addition, and as part of that mechanism, the sides might agree on a process where they would report to their respective political leadership, as well as representatives of the U.S. Congress and Duma, on the progress being achieved by the working group.

Currently, a government-to-government agreement must be in place to serve as a framework for any industry cooperation on missile defense. Regular meetings and discussions between officials of the two governments are ongoing and contributing to this framework agreement. These discussions should also review U.S. and Russian export control and liability policies in order to normalize the trade relationship.

Additional areas of potential missile defense cooperation that may be beneficial to the two nations include targets, radars and sensors.

Targets—Both the United States and the Russian Federation have space-based Early Warning Systems (EWS) and long histories of development therein. A major new thrust is the need for the future Ballistic Missile Defense System to detect missile launches much earlier than provided by current EWS capabilities. This is important to support the boost phase intercept element of BMDS where alert and launch of interceptors within tens of seconds of the threat missile ignition are extremely valuable to the operational concept.

Currently, an initiative exists that is ongoing within the Missile Defense Agency dealing with targets and countermeasures. Through this initiative, targets are provided for missile defense interceptor tests. Competition exists between U.S. contractors to provide targets and these awards, if appropriate could be competed to include non-U.S. entities, including Russian firms to provide realistic targets to the Missile Defense Agency.

The Russian Federation has been requested by the Missile Defense Agency to provide ballistic missile targets and launch services for radar evaluation. In the long term, this could evolve into an expanded test program to include target intercepts. Both nations will cooperate to access threat representative targets and provide more operationally realistic testing opportunities.

Radars—Early Warning Radars offer a propitious opportunity for cooperation. A cooperative effort with Russia to co-develop early

warning radars, located along the Russian southern border looking toward Middle East and Southwest Asia threats, is critical to both nations. UHF technology is globally widespread and, therefore, in a category of technology considered exportable. Early warning data alerting our two governments of a Middle East threat would go to a Russian site, a U.S. site or it could go to a third site that would then pass the early warning data to both countries.

Sensors—A great deal of attention is being paid by Homeland Security and the Defense Agencies to detect the presence of Special Nuclear Material or nuclear weapons at points of entry or those assembled clandestinely here at home. However, once a nuclear weapon or a dirty bomb has been detonated or a successful disastrous attack on a nuclear reactor has been made, the important problem remains of defining the contaminated areas for evacuation and subsequent decontamination. The better and more quickly the delineation of the dangerous areas can be accomplished, the sooner the civilian population can be rescued and their fears alleviated and the more quickly the decontamination effort can proceed with protection for the clean up crews.

Present technology depends in large part on the use of detectors that are sensitive to the gamma rays emitted by the decay of radionuclides. However, these detectors require that they be used within the irradiated region that could produce possible radiation effects on the operator. This mean of free path of the gamma rays, however, is not sufficiently long enough to permit the use of a gamma sensor from remote platforms such as a helicopter or UAV that could provide a rapid assessment of the situation and mapping of the affected areas.

Little known measurements, made a number of years ago, showed that the radioactive decay products (alpha, beta and gamma rays) cause the atmosphere to fluoresce principally in the ultraviolet (UV) and to a lesser extent in other regions of the spectrum. Using this phenomenon it is possible to measure and localize the UV emission from these radiations remotely on the ground or from aircraft or a UAV.

The Russians have demonstrated expertise in ultraviolet sensors under the RAMOS program. In addition, there are ongoing activities with the Russian nuclear community for Threat Reduction. The United States and Russia should broaden and fuse these capabilities to this new program for remote sensing and mapping of radiological contaminants.

Measurements and modeling of the visible/infrared signatures (spectral, temporal, and spatial) of Russian missile plumes is a near term project that could be placed under the RAMOS program. Of particular interest are data taken on plumes of the Russian rocket motors and technologies that have been previously exported or copied by third word countries of concern. In addition to measuring the boost phase of Russian and U.S. missile launches, there is also interest in observing static tests.

The key to forging a U.S.-Russian missile defense alliance is now, before U.S.-Russian relations deteriorate further. Even the most modest proposals and programs already underway should be viewed as reforming a still adversarial relationship between Washington and Moscow. Current discussions between the Department of Defense, the Missile Defense Agency and Russian officials should continue to provide a strategy to evaluate the feasibility of increasing technical cooperation with Russian military industry on missile defense technologies such as the Russian S–400 and S–500. These cooperative opportunities would benefit Russia through a long-term relationship and direct involvement in the U.S. BMDS as well as significant Russian industry involvement and monetary benefits.

ENERGY

Russia, with its vast oil and gas resources, a growing and diverse number of private sector companies and a renewed commitment to investment by international energy companies, offers a unique opportunity to provide energy stability to an often volatile and insecure world energy market. Working with Russia, the U.S. can play a critical role in supporting energy development among the resource rich countries of the former Soviet Union. In a time of historically high crude oil and natural gas prices, the United States and Russia must establish a more effective energy partnership. Both the United States and Russia have emphasized the importance of energy in the bilateral relationship, and have sought ways to encourage trade and investment, but the results of their actions have not been sufficient. Russia's vast energy resources have not flooded the United States market.

Russia's energy sector is at full capacity, unable to export greater amounts of oil and gas. Increasing Russia's oil and gas exports will require sequenced long-term investment in exploration, production and transportation to increase total system capacity.

Large-scale direct investment by United States companies, with its major inputs of technology and management, in the Russian energy sector is vital in order for Russia to substantially increase its energy output for the benefit of both the United States and Russia. American energy company investment in the Russian energy sector will improve Russia's economic development and political stability, while at the same time supply the United States with additional oil and gas, thereby enhancing energy security by decreasing dependence on the Middle East.

While Russia's foreign direct investment has increased, it remains far below its potential. Russia's government policies, regulations and practices still make American investors wary of its uncertain business environment. United States companies require greater security and protections of their interests in order to invest further in their human, technical and financial capital in Russian energy markets. Numerous American companies have struggled with Russian entities over asset ownership and appropriate taxation.

If Russia seeks to encourage foreign investment, it must create a transparent business environment. The United States and Russian government must take action, simultaneously, so that United States companies will overcome this uncertainty and invest in Russia's energy market.

A. Asset Ownership and Taxation.—Despite financial incentives, such as the United States Export-Import Bank loan guarantees to American exporters of oil and gas equipment to Russia and Overseas Private Investment Corporation (OPIC) insurance and financing to American investors in the Russian energy sector, the United States government must provide further incentives to encourage greater investment in Russia such as relaxing the foreign tax code. Over the decades, there have been few major changes in the structure of the United States international tax system. Reducing the relative tax burden on foreign investment would increase the extent to which American companies invest abroad. Policy options include liberalizing the foreign tax credit's limitation and Subpart F's restrictions on deferral for Russian energy investment, exempting all income from Russian energy production, or at least providing a substantial reduction in the tax rate on repatriated earnings, and implementing tax sparring for Russian, and especially the former countries of the Soviet Union, energy investment.

For Russia to recognize its potential, both Russian and non-Russian investors must have confidence that, when disputes arise, a judicial system exists that will fairly and impartially enforce the rules applicable to their operations and honor their agreements. In addition, a banking system capable of providing the funds to finance this growth must exist. By creating a joint United States-Russian Energy Bank similar to the World Bank, European Development Bank or International Monetary Fund but limited to the United States, Russia and former countries of the Soviet Union, could create a positive investment environment and produce long term development of the energy sector in Russia. At least, during the appropriation process, Congress must encourage that funds appropriated to these development banks be used in energy projects in Russian and the former countries of the Soviet Union.

Russia also needs to clarify and fix either the tax scheme under which new exploration and production would be covered, or revisit a Production Sharing Agreement. United States energy companies need to be able to quantify their potential outcome prior to investing in explorations, or even seismic analysis to determine their interest in exploring a given area.

B. Improve Russia Production Capabilities.—Russia's ability to transport and export oil and gas is significantly below its production capabilities. In 2004, Russian oil exports will expand almost 12% over the 250 mm tons exported in 2003. However, in the following two years, exports will increase only 3% annually because the existing pipeline system is unable to pump greater quantities of oil. The Russian government must define the rights of investors in private pipelines so that outside investment can construct additional major pipelines to increase output. Currently, energy transportation out of Russia is controlled by the Russian government which may restrict capacity. Russia should open transportation capability to non-Russian entities so that U.S. companies investing in Russia may determine allocating capacity.

Russia should also remove the government's current requirement that a fixed percentage of new production must be sold into the Russian domestic market at a significantly lower price than the true market price. This would provide an incentive for new production, since currently an estimated 65% of all production is sold at such a discount. The Russian government could become economically indifferent when an appropriate tax scheme is defined at the outset of the agreement.

Additionally, if Russian companies aspire to become global leaders in the energy production market, the U.S. can assist Russian oil companies to develop their resources, shift their products to the United States market and help advance and solidify Russia's integration into the international energy economy. U.S. companies can offer the technical capability, the access to capital and the international expertise to Russia. Furthermore, the United States can provide Russian companies adequate storage at refineries and ports. Old U.S. military bases, which are no loner used by DoD, could provide the storage and security for energy imported from Russia.

C. Commercial Energy Dialogue.—The foundation formed by President Bush and Putin's 2002 United States-Russia Commercial Energy Dialogue must continue to be

built upon, but at a faster pace. The U.S. Department of Energy and the Russian Ministry of Atomic Energy should continue to convene annually with U.S. and Russian agency officials, legislators, industry and academic institutions and identify areas of further cooperative efforts and potential areas for new collaborations.

When the President and other high level United States officials meet with their Russian counterparts, they must emphasize the great need for Russia to improve its domestic investment climate as a prerequisite for higher levels of United States investment in the energy sector.

While this dialogue is committed to pursuing new energy opportunities by fostering closer relations between educational and professional institutions and resolving current trade and administrative disputes, the commission should also review immigration policies practiced by the U.S. and Russian agencies granting visas for energy sector officials and employees. If this dialogue is to be successful, the participants of both nations should receive visas in a timely manner.

Additionally, as co-chairman of the Duma-Congress Study Group, I propose creating a task force between the two legislative branches in order to expedite legislative reforms recommended by the commercial energy dialogue. The task force should hold annual exchanges between members and staff of the energy committees.

Russia has a renewed commitment to investment by American energy companies. Recent actions by President Putin signal the importance placed on energy trade and investment with the United States. He has called for increased pipeline infrastructure development to facilitate the export of oil to Europe and the United States stating ''. . . I would like relations between Russian and United States businesses to develop more actively, especially in the strategically important area of energy. . . .''

It is clear, both the United States and Russia want and need to increase Russia's exportation of energy. This is a rare and distinct opportunity where American and Russian collaboration on enemy research might be beneficial in fostering a cooperative, market-based approach to energy security, reducing dependency on the tumultuous Middle East. This can be the new model of future energy partnerships. The United States and Russia can play a critical role in supporting energy development among the energy rich countries of the former Soviet Union, further improving global energy diversity and energy security.

OMISSION FROM THE CONGRESSIONAL RECORD OF TUESDAY, SEPTEMBER 21, 2004 AT PAGE H7267

MESSAGE FROM THE PRESIDENT

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today on account of a family emergency.

Mr. KLECZKA (at the request of Ms. PELOSI) for today after 5 p.m. and the balance of the week on account of personal 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. HINOJOSA) to revise and extend their remarks and include extraneous material:)

Mr. HINOJOSA, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, September 23.

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. 2279. An act to amend title 46, United States Code, with respect to maritime transportation security and for other purposes; to the Committee on Transportation and Infrastructure.

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. 265. An act to provide for an adjustment of the boundaries of Mount Rainier National Park, and for other purposes.

H.R. 1521. An act to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania, and for other purposes.

H.R. 1616. An act to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, and for other purposes.

H.R. 1648. An act to authorize the Secretary of the Interior to convey certain water distribution systems of the Cachuma Project, California, to the Carpinteria Valley Water District and the Montecito Water District.

H.R. 1658. An act 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.

H.R. 1732. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Williamson County, Texas, Water Recycling and Reuse Project, and for other purposes.

H.R. 2696. An act to establish Institutes to demonstrate and promote the use of adaptive ecosystem management to reduce the risk of wildfires, and restore the health of fire-adapted forest and woodland ecosystems of the interior West.

H.R. 3209. An act to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project.

H.R. 3249. An act to extend the term of the Forest Counties Payments Committee.

H.R. 3768. An act to expand the Timucuan Ecological and Historic Preserve, Florida.

ADJOURNMENT

Mr. WELDON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), under its previous order, the House adjourned until tomorrow, Thursday, September 23, 2004, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9660. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2003 Annual Report regarding the Department's enforcement activities under the Equal Credit Opportunity Act, pursuant to 15 U.S.C. 1691f; to the Committee on Financial Services.

9661. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackeral Lottery in Areas 542 and 543 [Docket No. 031126295-3295-01; I.D. 081104A] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9662. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9663. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9664. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9665. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act

of 1998; to the Committee on Government Reform.

9666. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9667. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9668. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Indiana Regulatory Program and Abandoned Mine Land Reclaimation Plan [Docket No. IN-155-FOR] received September 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9669. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Texas Regulatory Program [Docket No. TX-053-FOR] received September 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9670. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Maryland Regulatory Program [MD-054-FOR] received September 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9671. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Illinois Regulatory Program and Illinois Abandoned Mine Land Reclamation Plan [IL-102-FOR] received July 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9672. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfishery; Pacific Whiting; Routine Management Measure; Closure Authority [Docket No. 040726215-4215-01; I.D. 071604d] (RIN: 0648-AS48) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9673. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Fish Meal [Docket No. 040427134-4230-02; I.D.042004D] (RIN: 0648-AR64) received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9674. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery [Docket No. 040624193-4193-01; I.D. 060304A] (RIN: 0648-AS43) received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9675. A letter from the Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2004 Deep-Water Grouper Commercial Fishery [I.D. 070104K] received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9676. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; ''Other Flatfish'' in the Bering Sea and Aleutian Islands [Docket No. 031124287-4060-02; I.D. 081004F] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9677. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Zone Off Alaska; Rock Sole in the Bering Sea and Aleutian Islands [Docket No. 031124287-4060-02; I.D. 081004E] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9678. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Implementation of the Yellowtail Flounder Landing Limit for Western and Eastern U.S./Canada Areas [Docket No. 040112010-4114-02; I.D. 081204C] Recieved August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9679. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off the West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Shore-based Sector and the Resumption of Trip Limits [Docket No. 031216314-4118-03; I.D. 081104I] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9680. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 031124287-4060-02; I.D. 070804A] received July 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9681. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #7 — Adjustments of the Recreational Fishery from the Queets River, Washington to Cape Falcon, Oregon [Docket No. 040429134-4135-01; I.D. 081704C] received September 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9682. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #6 — Adjustments of the Commercial Fishery from the U.S.-Canada Border to Cape Falcon, Oregon [Docket No. 040429134-4135-01; I.D. 081604A] received September 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9683. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason #8 — Adjustments of the Commercial Salmon Fishery from Humbug Mountain, Oregon to the Oregon-California Border [Docket No. 040429134-4135-01; I.D. 081704D] received September 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9684. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the Spring Commerical Red Snapper Component [I.D. 082404C] received September 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9685. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 031125292-4061-02; I.D. 082704A] received September 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9686. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Aera 630 of the Gulf of Alaska [Docket No. 031125292-4061-02; I.D. 082704B] received September 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9687. A letter from the Chairman, U.S. International Trade Commission, transmitting pursuant to Section 2104(f) of the Trade Act of 2002, a report on the Commission's investigation entitled ''U.S.-Central America-Dominican Republic Free Trade Agreement: Potential Economywide and Selected Sectoral Effects, Inv. No. TA-2104-13, USITC Publication 3717''; to the Committee on Ways and Means.

9688. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a two-part report to the Congress on various conditions in Bosnia and Herzegovina. Part I responds to the requirements of section 7 of Pub. L. 105-174 (1998 Supplemental Appropriations and Rescissions Act) and outlines the latest developments in our continuing efforts to achieve a sustainable peace in Bosnia and Herzegovina. Part II responds to the supplementary reporting requirements contained in section 1203(a) of Pub. L. 105-261 (Strom Thurmond National Defense Authorization Act for FY 1999), covering the period from January 1 to June 30, 2004; jointly to the Committees on International Relations, Armed Services, and Appropriations.

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. BARTON: Committee on Energy and Commerce. H.R. 4555. A bill to amend the Public Health Service Act to revise and extend provisions relating to mammography quality standards: with an amendment (Rept. 108–694). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 785. 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. 108–695). 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. GREEN of Texas:

H.R. 5119. A bill to prohibit the use of remote control locomotives to carry hazardous materials, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DOOLEY of California (for himself and Mr. FRELINGHUYSEN):

H.R. 5120. A bill to improve the operation and utilization of the United States National Arboretum in the District of Columbia, and for other purposes; to the Committee on Agriculture.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. MICA, and Mr. DEFAZIO):

H.R. 5121. A bill to further protect the United States aviation system from terrorist attacks; to the Committee on Transportation and Infrastructure, and in addition to the Committee on 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. NEY (for himself and Mr. LARSON of Connecticut):

H.R. 5122. A bill to amend the Congressional Accountability Act of 1995 to permit members of the Board of Directors of the Office of Compliance to serve for 2 terms; to the Committee on House Administration.

By Mr. BARRETT of South Carolina (for himself and Mr. OSE):

H.R. 5123. A bill to require agencies to review all major rules within 10 years after issuance, including a cost-benefit analysis using a standard government-wide methodology, and for other purposes; to the Committee on Government Reform.

By Mrs. KELLY (for herself, Mr. ROYCE, and Mr. FEENEY):

H.R. 5124. A bill to require that certain measures be taken with respect to countries of concern regarding terrorist financing; to the Committee on Financial Services, and in addition to the Committee on 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 Mrs. MALONEY (for herself, Mr. SHAYS, Mr. WEINER, Mr. HOEFFEL, Mr. GEORGE MILLER of California, Ms. BALDWIN, Ms. DELAURO, and Mr. OBERSTAR):

H.R. 5125. A bill to extend the operation of the National Commission on Terrorist Attacks on the United States to serve as a resource for the President and Congress, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. NADLER (for himself, Mr. SHAYS, Mrs. LOWEY, Mr. RUPPERSBERGER, Mr. FILNER, Ms. BALDWIN, Mr. GRIJALVA, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. SERRANO, Mr. CROWLEY, Mrs. MALONEY, Mr. OLVER, Mr. ABERCROMBIE, Mr. WAXMAN, Mr. KUCINICH, Mrs. DAVIS of California, Mr. MCDERMOTT, and Mr. GORDON):

H.R. 5126. A bill to amend the Federal Rules of Evidence to create an explicit privilege to preserve medical privacy; to the Committee on the Judiciary.

By Mr. SHAYS (for himself and Mr. MEEHAN):

H.R. 5127. A bill to amend the Federal Election Campaign Act of 1971 to define political committee and clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes; to the Committee on House Administration.

By Mr. YOUNG of Alaska:

H.R. 5128. A bill to require the Secretary of the Treasury to mint coins in commemoration of the founding of America's National Parks, and for other purposes; to the Committee on Financial Services.

By Mr. CUMMINGS (for himself, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Ms. CORRINE BROWN of Florida, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLYBURN, Mr. CONYERS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. FORD, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK, Ms. LEE, Mr. LEWIS of Georgia, Ms. MAJETTE, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. OWENS, Mr. PAYNE, Mr. RANGEL, Mr. RUSH, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Ms. WATSON, Mr. WATT, and Mr. WYNN):

H. Con. Res. 495. Concurrent resolution recommending expenditures for an appropriate visitor's center at Little Rock Central High School National Historic Site to commemorate the desegregation of Little Rock Central High School; to the Committee on Resources.

By Ms. LEE (for herself, Mr. LANTOS, Mr. RANGEL, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. BALLENGER, Mr. LEACH, Mr. DELAHUNT, Mr. PAYNE, Mrs. CHRISTENSEN, Mr. SERRANO, Ms. KILPATRICK, and Ms. WATERS):

H. Con. Res. 496. Concurrent resolution expressing the sense of Congress with regard to providing humanitarian assistance to countries of the Caribbean devastated by Hurricanes Charley, Frances, Ivan, and Jeanne; to the Committee on International Relations.

By Mr. FOLEY (for himself, Ms. GINNY BROWN-WAITE of Florida, Ms. ROS-LEHTINEN, Mr. FEENEY, Mr. MARIO DIAZ-BALART of Florida, Mr. PUTNAM, Mr. MILLER of Florida, Mr. STEARNS, Mr. WELDON of Florida, Mr. MEEK of Florida, Mr. BOYD, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CRENSHAW, Mr. BILIRAKIS, Mr. MICA, Mr. SHAW, Mr. KELLER, Mr. DAVIS of Florida, Mr. YOUNG of Florida, Ms. CORRINE BROWN of Florida, Mr. GOSS, Ms. HARRIS, Mr. HASTINGS of Florida, Mr. DEUTSCH, and Mr. WEXLER):

H. Res. 784. A resolution commending the resiliency of the people of the State of Florida and the work of those individuals who have assisted with the recovery efforts after the devastation caused by Hurricanes Charley, Frances, and Ivan; to the Committee on Government Reform.

By Mr. OBEY:

H. Res. 786. A resolution providing for consideration of the bill (H.R. 4421) making appropriations for the Environmental Protection Agency for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Rules.

By Mr. OBEY:

H. Res. 787. A resolution providing for consideration of the bill (H.R. 4422) making appropriations for the Departments of Agriculture, Education, Health and Human Services, and Transportation for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Rules.

By Mr. OBEY:

H. Res. 788. A resolution providing for consideration of the bill (H.R. 4423) making appropriations for the Department of Veterans Affairs for the fiscal year ending September 30, 2004, and for other purposes; to the Committee on Rules.

By Mr. OBEY:

H. Res. 789. A resolution providing for consideration of the bill (H.R. 4424) making appropriations for military construction and family housing for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Rules.

By Mr. OBEY:

H. Res. 790. A resolution providing for consideration of the bill (H.R. 4473) making appropriations for the Department of Education for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Rules.

By Mr. HINOJOSA:

H. Res. 791. A resolution supporting the goals and ideas of Hispanic Engineering, Science, and Technology Week and recognizing the University of Texas-Pan American for its efforts to prepare Hispanic youth for careers in engineering, science, and technology; to the Committee on Education and the Workforce.

By Mr. GEORGE MILLER of California (for himself, Mrs. JONES of Ohio, Mr. MCDERMOTT, Mrs. MCCARTHY of New York, Ms. LEE, Mr. HONDA, Mrs. DAVIS of California, Mr. DAVIS of Florida, Mr. HASTINGS of Florida, Ms. CARSON of Indiana, Ms. WATSON, Mr. COOPER, Mr. JEFFERSON, Mr. DAVIS of Alabama, Mr. WICKER, Mr. MENENDEZ, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. HOLT, Mr. MEEKS of New York, Mr. MORAN of Virginia, Mr. CLYBURN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BROWN of Ohio, Mr. SERRANO, Mr. FORD, Mr. WATT, Ms. KILPATRICK, Ms. WATERS, Mr. SCOTT of Georgia, Mr. WEXLER, Mr. RUSH, Mr. RYAN of Ohio, Mr. FATTAH, Mr. VAN HOLLEN, Ms. WOOLSEY, Mr. SPRATT, Mr. CONYERS, Mr. BUTTERFIELD, Ms. MILLENDER-MCDONALD, Mr. KILDEE, Mr. BURNS, Mr. SNYDER, Mr. HOYER, Ms. PELOSI, Mr. CAPUANO, Mr. MILLER of North Carolina, and Mr. WEINER):

H. Res. 792. A resolution honoring the United Negro College Fund on the occasion of the Fund's 60th anniversary and the Fund's unflagging dedication to enhancing top quality college opportunities to millions of students; to the Committee on Education and the Workforce.

By Ms. WATSON (for herself, Mrs. CHRISTENSEN, Mr. PASCRELL, Mr. FILNER, Ms. ESHOO, Mr. DEFAZIO, Mr. HOYER, Mr. CONYERS, Mr. RANGEL, Mr. OWENS, Ms. JACKSON-LEE of Texas, Mr. HASTINGS of Florida, Mr. MCDERMOTT, Ms. SOLIS, Mrs. NAPOLITANO, Mrs. TAUSCHER, Ms. LINDA T. SANCHEZ of California, Mr. HONDA, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. JEFFERSON, Ms. NORTON, Ms. WATERS, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. CLYBURN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUSH, Mr. WATT, Mr. WYNN, Mr. DAVIS of Alabama, Ms. MAJETTE, Mr. MEEK of Florida, Mr. SCOTT of Georgia, Mr. BUTTERFIELD, Mr. THOMPSON of Mississippi, Mr. FATTAH, Mr. JACKSON of Illinois, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. DAVIS of

Illinois, Mr. FORD, Ms. KILPATRICK, Mr. MEEKS of New York, Ms. LEE, Mrs. JONES of Ohio, and Mr. CLAY):

H. Res. 793. A resolution condemning all efforts to suppress and intimidate voters in the United States and reaffirming that the right to vote is a fundamental right of all eligible United States citizens; to the Committee on the Judiciary, and in addition to the Committee on House Administration, 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.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. NORWOOD introduced a bill (H.R. 5129) for the relief of Thomas W. Sikes and Wellington Trade, Inc., doing business as Containerhouse; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. LANTOS.
H.R. 290: Mr. GILLMOR.
H.R. 434: Mr. FOLEY and Mrs. EMERSON.
H.R. 480: Mr. BUTTERFIELD.
H.R. 677: Mr. GORDON and Mr. MCINTYRE.
H.R. 775: Mr. PAUL.
H.R. 792: Mr. MORAN of Kansas.
H.R. 832: Ms. WATERS.
H.R. 935: Mrs. LOWEY, Mr. TOWNS, and Mr. FARR.
H.R. 1155: Mrs. MCCARTHY of New York.
H.R. 1225: Mr. OLVER.
H.R. 1231: Ms. HERSETH.
H.R. 1477: Mr. LANTOS and Ms. LINDA T. SANCHEZ of California.
H.R. 1690: Mr. ANDREWS.
H.R. 1742: Ms. SOLIS.
H.R. 1746: Mr. VAN HOLLEN.
H.R. 2042: Mr. KENNEDY of Rhode Island and Mr. SMITH of New Jersey.
H.R. 2173: Ms. BORDALLO.
H.R. 2239: Mr. RODRIGUEZ, Mr. MOLLOHAN, Mr. BERRY, Ms. MCCARTHY of Missouri, and Ms. LORETTA SANCHEZ of California.
H.R. 2256: Mr. ANDREWS, Ms. CARSON of Indiana, Mr. VAN HOLLEN, and Mr. ACEVEDO-VILA.
H.R. 2509: Mr. CAMP.
H.R. 2680: Mr. EHLERS, Mr. KNOLLENBERG, and Mr. HOEKSTRA.
H.R. 2681: Mr. ENGEL and Mr. GREEN of Texas.
H.R. 2705: Mr. LARSEN of Washington.
H.R. 2711: Mr. FRANK of Massachusetts.
H.R. 2743: Mr. HAYWORTH.
H.R. 2823: Ms. HERSETH.
H.R. 2852: Mr. CUMMINGS.
H.R. 2954: Mr. MCNULTY.
H.R. 3178: Mr. HASTINGS of Florida.
H.R. 3194: Mrs. CAPPS, Mr. MORAN of Virginia, Mr. WAXMAN, and Mr. WYNN.
H.R. 3403: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 3438: Mrs. TAUSCHER, Mr. CALVERT, Mr. GREENWOOD, and Mr. PALLONE.
H.R. 3444: Mr. FATTAH.
H.R. 3473: Mr. NETHERCUTT.
H.R. 3558: Ms. MCCOLLUM, Mr. BROWN of Ohio, Mr. DEFAZIO, and Mr. HOEFFEL.
H.R. 3622: Mr. GRIJALVA.
H.R. 3810: Mr. VAN HOLLEN.
H.R. 3859: Mr. FARR, Mr. WU, Mr. CLAY, Mr. MATHESON, Mr. MORAN of Virginia, Mrs. CAPPS, Mr. WYNN, Mr. CONYERS, Mr. HONDA, Mrs. JONES of Ohio, and Mr. KOLBE.
H.R. 3864: Mr. MCNULTY.
H.R. 3933: Mr. SHAYS.
H.R. 4101: Mr. ABERCROMBIE.
H.R. 4182: Mr. INSLEE.
H.R. 4192: Ms. CARSON of Indiana.
H.R. 4232: Mr. CULBERSON, Mr. DELAY, and Mr. BARTON of Texas.
H.R. 4250: Mr. RANGEL.
H.R. 4261: Mr. OBERSTAR.
H.R. 4341: Mr. SIMMONS, Mr. FERGUSON, Mr. MCNULTY, Mr. VAN HOLLEN, Ms. HARMAN, Mr. OXLEY, and Mr. ALLEN.
H.R. 4379: Mr. VAN HOLLEN.
H.R. 4390: Mr. SPRATT.
H.R. 4440: Mr. TANCREDO.
H.R. 4578: Mr. GILLMOR, Ms. SOLIS, Mr. KUCINICH, Mr. SABO, Mr. ENGLISH, Mr. LATOURETTE, Mrs. JONES of Ohio, Mr. LARSON of Connecticut, and Mr. MATSUI.
H.R. 4610: Mrs. JONES of Ohio.
H.R. 4616: Mr. OWENS.
H.R. 4620: Mr. LUCAS of Oklahoma, Mr. POMBO, Mr. STENHOLM, Mr. DOOLEY of California, Mr. POMEROY, and Mr. HERGER.
H.R. 4634: Mr. BACHUS, Mr. BRADLEY of New Hampshire, Mr. GILCHREST, and Mr. SAXTON.
H.R. 4652: Mr. KING of Iowa.
H.R. 4661: Mrs. JO ANN DAVIS of Virginia.
H.R. 4662: Mr. MCCRERY.
H.R. 4679: Mr. LEVIN.
H.R. 4680: Mr. CAMP.
H.R. 4682: Mrs. KELLY and Mr. PASCRELL.
H.R. 4730: Mr. SPRATT, Mr. HILL, Mr. ROSS, Mr. BROWN of South Carolina, Mr. BOEHLERT, Mr. BAIRD, Mr. SANDLIN, Mr. BURTON of Indiana, Mrs. CAPITO, Mr. SHIMKUS, Mr. COLLINS, and Mr. MURTHA.
H.R. 4752: Mr. ANDREWS and Mr. FATTAH.
H.R. 4772: Mr. OLVER, Mr. JOHN, and Mrs. JONES of Ohio.
H.R. 4776: Mr. GEORGE MILLER of California.
H.R. 4792: Mr. EMANUEL.
H.R. 4849: Mr. RAMSTAD.
H.R. 4853: Mr. VAN HOLLEN.
H.R. 4856: Mr. MCCOTTER.
H.R. 4863: Mr. MATSUI.
H.R. 4895: Mr. LINDER.
H.R. 4896: Ms. JACKSON-LEE of Texas, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. CARDOZA, Mr. EDWARDS, Mr. EMANUEL, Mrs. JONES of Ohio, Mr. LANTOS, Ms. MILLENDER-MCDONALD, Mr. SERRANO, Mr. MENENDEZ, and Mr. PALLONE.
H.R. 4978: Mr. EMANUEL and Ms. BORDALLO.
H.R. 4979: Mr. MCNULTY.
H.R. 4985: Mrs. MALONEY.
H.R. 4994: Ms. LINDA T. SANCHEZ of California, Mr. UDALL of Colorado, and Mrs. CHRISTENSEN.
H.R. 5022: Mr. GREEN of Texas.
H.R. 5038: Mr. ENGLISH, Mr. BERMAN, and Mr. BISHOP of Georgia.
H.R. 5053: Mr. WALSH, Mr. CROWLEY, Mr. BISHOP of New York, Mrs. MALONEY, Mr. ENGEL, Mr. ISRAEL, Mrs. LOWEY, Mr. ACKERMAN, Mrs. KELLY, Mr. MEEKS of New York, Mr. SWEENEY, Mr. NADLER, Mr. HINCHEY, Mr. WEINER, Mr. MCHUGH, Mr. TOWNS, Mr. BOEHLERT, Mr. OWENS, Mr. REYNOLDS, Ms. VELAZQUEZ, Mr. QUINN, Mr. FOSSELLA, Ms. SLAUGHTER, Mr. RANGEL, Mr. HOUGHTON, and Mr. SERRANO.
H.R. 5057: Mr. PORTMAN, Mr. TOM DAVIS of Virginia, Ms. BORDALLO, Mr. ACEVEDO-VILA, Mr. TOWNS, Mr. BOYD, Mr. BELL, Ms. ROS-LEHTINEN, Mr. MCDERMOTT, Mr. SANDERS, Mr. SANDLIN, Mr. PALLONE, Mr. KILDEE, Ms. MCCARTHY of Missouri, Mr. MCGOVERN, Ms. DELAURO, Mr. CHANDLER, Mr. SCHIFF, Mr. LANTOS, Mrs. MCCARTHY of New York, Mr. CARDOZA, and Mr. EDWARDS.
H.R. 5061: Mr. MCNULTY, Mr. KING of Iowa, Mr. TOWNS, Mr. CUMMINGS, Ms. MCCARTHY of Missouri, Mr. BACHUS, and Mr. WALSH.
H.R. 5073: Ms. PELOSI, Mr. DOGGETT, Mr. CONYERS, Mr. STARK, and Mr. BERMAN.
H.R. 5076: Mrs. MCCARTHY of New York.
H.R. 5079: Mr. GREEN of Wisconsin.
H.R. 5080: Mr. GREEN of Wisconsin.
H.R. 5081: Mr. RYUN of Kansas, Mr. MCINNIS, and Mr. GOODE.
H.R. 5082: Mr. NADLER.
H.R. 5111: Mr. TANCREDO.
H.J. Res. 102: Mr. SNYDER and Mr. WALSH.
H.J. Res. 103: Mrs. CHRISTENSEN, Mr. FILNER, Mr. SERRANO, and Mr. MCNULTY.
H. Con. Res. 111: Mr. HINCHEY and Mr. KLECZKA.
H. Con. Res. 252: Mr. RAHALL.
H. Con. Res. 435: Mr. OLVER.
H. Con. Res. 488: Mr. BONNER.
H. Res. 144: Mr. BLUMENAUER.
H. Res. 575: Mr. EHLERS.
H. Res. 758: Mr. OBERSTAR, Mr. CHANDLER, Mr. MCDERMOTT, Ms. LEE, Mr. SERRANO, Ms. KAPTUR, Mr. MARSHALL, Mr. DOGGETT, and Mr. STARK.
H. Res. 759: Mr. ROYCE, Mr. COX, Mr. GARY G. MILLER of California, and Ms. LORETTA SANCHEZ of California.
H. Res. 772: Mr. FROST, Mr. KENNEDY of Rhode Island, and Mr. WEXLER.
H. Res. 774: Mr. BERMAN, Mr. LEVIN, Mr. HASTINGS of Florida, and Mr. PALLONE.
H. Res. 776: Mr. FILNER.
H. Res. 782: Mr. SMITH of Washington.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

105. The SPEAKER presented a petition of the Junior Order United American Mechanics, relative to Resolution No. 2 expressing support to the men and women of the armed forces of the United States of America; to the Committee on Armed Services.

106. Also, a petition of the Junior Order United American Mechanics, relative to Resolution No. 10 expressing appreciation and honoring those killed and wounded in battle, and expressing sympathy to the families of those who have given their lives in service to the United States; to the Committee on Armed Services.

107. Also, a petition of the Junior Order United American Mechanics, relative to Resolution No. 7 expressing support of the Administration's war against terrorism; to the Committee on Armed Services.

108. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 364 of 2004 petitioning the United States Senate and House of Representatives to adopt S. 1359, the International Remittances Services Enhancement and Protection Act of 2003, and S. 1344, the Money Wire Act; to the Committee on Financial Services.

109. Also, a petition of the Junior Order United American Mechanics, relative to Resolution No. 4 petitioning the Congress of the United States to provide funding to the agencies responsible for the enforcement of immigration policies and laws to attempt to eliminate illegal entry into the United States and to deport illegal aliens already in the United States; to the Committee on the Judiciary.

110. Also, a petition of the Junior Order United American Mechanics, relative to Resolution No. 4 protesting the ruling of the unconstitutionality of the phrase ''One Nation, Under God,'' as well as any similar ruling; to the Committee on the Judiciary.

111. Also, a petition of the Junior Order United American Mechanics, relative to Resolution No. 3 petitioning the Congress of the United States to provide funding to those agencies responsible for the enforcement of immigration policies and laws to attempt to eliminate illegal entry to the United States

and to deport illegal aliens already in the United States; to the Committee on the Judiciary.

112. Also, a petition of the Junior Order United American Mechanics, relative to Resolution No. 8 petitioning for the continued use of the phrase ''Under God'' in the Pledge of Allegiance; to the Committee on the Judiciary.

113. Also, a petition of the Junior Order United American Mechanics, relative to Resolution No. 6 expressing opposition to any procedure that would be implemented by any physician, nurse, lay person or any other individual or device that would take the life of an unborn child; to the Committee on the Judiciary.

114. Also, a petition of the Florida State Council Columbiettes, relative to Resolution No. 9 petitioning the Supreme Court of the United States to rule in favor of retaining the phrase ''Under God,'' in our nation's Pledge of Allegiance; to the Committee on the Judiciary.

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of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, WEDNESDAY, SEPTEMBER 22, 2004 *No. 115*

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN ENSIGN, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, giver of every good and perfect gift, great are Your works. We sing of Your strength, for You are the ruler of the universe. Your righteousness endures forever. Give us the wisdom to ask You for Your guidance and to follow Your counsel. Subdue freedom's enemies and provide a shield for liberty.

Lord, thank You for America, with all of its freedoms and opportunities. May we always feel gratitude for this land.

Bless our Senators. Give them insights that will make justice roll down like waters. Help them to make laws that will maintain the rights of the afflicted and the destitute. Empower them to rescue the perishing and to care for the dying. Incline their hearts to so labor that Your will may be done on Earth as it is in Heaven.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN ENSIGN, a Senator from the State of Nevada, 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 22, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN ENSIGN, a Senator from the State of Nevada, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ENSIGN thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, following my remarks and the remarks of the Democratic leader, we will proceed to a period for morning business for 90 minutes. The first 45 minutes will be under the control of the majority and the second half under the control of the minority. Following that time, the Senate will proceed to executive session for the consideration of PORTER GOSS to be Director of Central Intelligence. The agreement we reached last night allows for up to 6 hours equally divided for debate on the Goss nomination. The discussion the leaders were just having was that we want to make as much time available to everyone who would like to speak, but in the event we do not need all of that time, that would be yielded back and we would be able to proceed to a vote on that nomination. Again, we have up to 6 hours, but I expect time will be yielded back.

Today we do have a briefing for Senators regarding Iraq this afternoon from 3 to 4. Before that briefing, we will be able to set the vote. I am sure even later this morning we will be able to announce the time we will be voting later today.

We are also continuing to negotiate agreements on some of the remaining appropriation bills. I hope we can agree to a consent to allow us to consider the spending bills with a reasonable time limitation. If so, we will be able to follow the Goss nomination with that. I suspect that will be tomorrow morning.

We have the expiring family-friendly tax items and we want to consider that legislation as soon as it becomes available. I understand that progress is being made. It will be important for us to vote on that this week. In the event that is Friday morning, that will have to be Friday morning, but I do want to encourage the conferees, who I think are very close to reporting out that legislation, so that the House of Representatives can consider it and we can consider it. We will be voting on that this week, either Friday or, if it is available, Thursday night. Obviously, I encourage the latter.

I remind my colleagues of the joint meeting tomorrow morning at 10 with Prime Minister Allawi of Iraq. He will be addressing both Houses on Thursday. Members should be in the Senate Chamber no later than 9:30 in order to proceed to that joint meeting.

NOMINATION OF PORTER GOSS TO BE CIA DIRECTOR

Mr. FRIST. Mr. President, I will take a few minutes to comment on Representative PORTER GOSS' nomination to the post of Director of the CIA, as well as to comment on the real progress the Senate Governmental Affairs Committee is making as we address the issues of the 9/11 recommendations.

With regard to the former, I congratulate the Senate Intelligence Committee. One of the reasons I do not think there will be as much debate on the floor today is that they very thoroughly addressed the nomination with

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very good debate in committee and reported him out of that committee with an overwhelmingly positive vote.

Mr. GOSS is a highly capable manager and leader, with a strong background and extensive experience in intelligence matters. As we all know, he served in the Congress representing the people of southwest Florida for the past 15 years. He has a long history of public service, which I am sure will be outlined on the floor later. He served as mayor of Sanibel Island. In 1983, he was appointed to the Lee County Board of Commissioners by then Governor BOB GRAHAM. PORTER GOSS has a long career that has, of course, extended these last 15 years as a House Member where he held the chairmanship of the House Permanent Select Committee on Intelligence.

As chairman, he led one of the key investigations into possible intelligence failures regarding 9/11. He was thorough. He demonstrated a thoughtful and fair approach in these hearings and investigations. His committee's findings did add critical insights into how we can and should move forward to strengthen our defenses against terrorist attack.

So far, his committee, including the subcommittees, has held over 60—I think it was 62—oversight hearings on various aspects of the intelligence community. That number is more than the committee has held in any other calendar year. I use that as an example to show that Mr. GOSS takes his duty to investigate and reform the intelligence community very seriously.

Despite this, he did come under some harsh criticism from the other side. It has been charged that he has been too partisan in his career as a Congressman to take over this very important post. I do believe, however, that if one looks at his record of service to this country, that that criticism falls by the wayside.

PORTER GOSS has specific experience working for the Agency he is now nominated to run. During the Cold War, Mr. GOSS was a clandestine services case officer. He served as director of operations. In his own words, the CIA's mission ''is to obtain the plans and intentions of our enemies, adversaries and their associates before they could attack the United States.''

Mr. GOSS articulated so clearly and succinctly how this has occurred and will occur, and states very clearly indeed this mission has not changed and will not change.

Mr. GOSS understands the criticism now being leveled at him. As he told the Senate Intelligence Committee, he is sensitive to it; he understands the grave responsibility of leading the CIA and effecting the necessary reforms to strengthen our Nation's security. As he himself explains, being the Director of the CIA is a capabilities job, not a policy job.

There is no doubt that PORTER GOSS—former CIA agent, former U.S. Army intelligence agent, Congressman, and public servant—is totally committed to the safety and security of America. He is committed to making the CIA run effectively. He has both the inside and the outside perspective we need. Clearly, Mr. GOSS is the man for the job. I urge my colleagues to give him their overwhelming support when we vote on this nomination today. He is an outstanding choice to lead this agency.

I do hope we do not have a shift in conversation, which should be about his eminent qualifications, to distracting other issues. I do hope we focus on the man and the job for which he is being nominated.

INTELLIGENCE REFORM

Let me also close in saying we made real progress on the intelligence reform front. I know there are a lot of people who say slow down or don't have knee-jerk reactions or don't go too fast or it is a huge issue. I think the leadership is very sensitive to that. I wish to reassure our colleagues and the American people and the other House—really everyone—that we are addressing this as a huge issue, as big as any issue we have had to address in recent times, because it does focus on the safety and security of the American people.

There is a sense of urgency that this body has a responsibility to reflect. If there is a better system, if there is a better way to guarantee the safety and security of Americans, and we know it—and we do know it—then it is our responsibility to act and to do it thoughtfully and deliberately, and that is the process that the Democratic leader and I set up in which to address the two important issues.

Senator SUSAN COLLINS and Senator JOE LIEBERMAN, who are managing the initial legislation through the Governmental Affairs Committee, have very carefully, and are very carefully, considering all the information. They have been doing so for a long period of time, most acutely since the day the 9/11 Commission report and recommendations came out. They made great progress in marking up this legislation yesterday and will continue on that over the course of the day. That is exactly the task Senator DASCHLE and I set out for them in late July, to have the vehicle through which all the ideas, thoughts, and deliberations can be collected, understanding there are lots of very good ideas out there. But it is an important vehicle, an important bill, and one we will be addressing on the floor of the Senate next week.

The committee's baseline legislation does create a national intelligence director. It does establish a national counterterrorism center, which has the responsibilities which have been well defined in the legislation. It does implement a whole range of initiatives to improve the quality and effectiveness of the intelligence community. It does track closely with the plans and decisions put forward by many bodies, including proposals put forth by the White House, which has embraced the major conclusions of the 9/11 Commission.

I do hope, once this bill is completed in the Governmental Affairs Committee, people take the time to look at it very quickly and look at possible amendments over the course of the end of this week so they will be prepared for next week in terms of amendments they might put forward, so we, over the course of the deliberations, can improve that bill appropriately where people think it needs to be improved.

Just one final comment: Senator DASCHLE and I established a bipartisan task force to address the issues that look at how we need to reorganize in this body, so that our responsibility of oversight can be appropriately carried out. That task force has met on a number of occasions, at the Member level and at the staff level. Senators MCCONNELL and REID, the managers of this effort who represent the leadership on that task force, have been discussing this matter, as I understand it, daily.

There are a number of issues on which we can come to agreement relatively quickly. Others will have to be resolved through floor debate and votes. That just remains to be determined, once we see what those recommendations are. Either way these reforms will be implemented through Senate resolution or through modification of the Senate's rules. My goal remains to get these reforms in motion before the Senate adjourns next month.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Democratic leader is recognized.

INTELLIGENCE DELIBERATIONS

Mr. DASCHLE. Mr. President, I wish to associate myself with the remarks made by the majority leader with regard to the progress we have made on both fronts, both the reorganization of the executive branch as well as the reorganization of the legislative branch with regard to the 9/11 recommendations. I think both efforts have been laudable, they have been bipartisan, and they have been cooperative.

I don't think that being deliberate and being expeditious is a mutually exclusive proposition. We have to be deliberate but I don't see any reason why we can't also be expeditious.

Three very important commissions have analyzed and advised over the course of the last 3 years. It is not as if this came up within the last couple of weeks. It has been under consideration and very thoughtfully and carefully considered. I found it somewhat remarkable that all three commissions had many of the same recommendations to the Congress.

So this is in keeping with those experts who have very thoughtfully and carefully deliberated about this matter. We are simply continuing in that deliberative fashion, first in the committee and then on the task force. I am hopeful we can continue to be both deliberate as well as expeditious as we

consider our responsibilities before the end of this session of Congress.

ORDER OF PROCEDURE

During the Democratic period this morning, I ask unanimous consent that Senator KENNEDY be given 10 minutes; Senator MURRAY, 5 minutes; Senator CONRAD, 25 minutes; and Senator REID, 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. I ask, as is always the case, the leader time not be taken from the Democratic time.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SKYROCKETING COST OF HEALTH CARE

Mr. DASCHLE. Mr. President, recently, a new study confirmed a trend that most American families and businesses have known and felt for the past 3 years. Health care costs are rising at unsustainable rates, straining family budgets, weakening our economy, hampering job growth and forcing millions more Americans every year to go without insurance.

According to the annual survey by the Kaiser Family Foundation, health premiums increased 11.2 percent last year, more than five times the rate of wages. This is the fourth consecutive year of double-digit increases. Since 2000, health care premiums have increased by 59 percent and 5 million fewer Americans have access to employer health care coverage.

Last month the Census Bureau also reported that in 2003 alone, the number of uninsured Americans jumped by 1.4 million. Seniors are among the hardest hit. In addition to facing record increases in the price of prescription drugs, Medicare recipients recently learned they will be forced to pay a 17.5 percent increase in premiums, the steepest increase in Medicare's history.

The true costs of this crisis can't be depicted by statistics. There is no way to measure the stress caused by exorbitant health care bills. There is no way to measure the cost of the fear of families who worry that they are one layoff, one bad crop, one accident, or one illness away from being totally vulnerable, and they fell helpless to protect themselves.

Not long ago, I heard from the Imm family of Turton, SD. A few months back, their 24-year-old son, Monte, came down with a case of Crohn's disease.

As his disease grew worse, he couldn't work and he had to quit his job. After his insurance lapsed, he tried to buy coverage for himself, but with his condition, no insurer would offer him a policy.

Monte's monthly prescription bill is $500, and that is on top of the tests and emergency room visits that have become all too routine.

Doctors in Sioux Falls have recommended a trip to the Mayo Clinic, but the clinic requires a $1,500 deposit just to see Monte. The total cost will be much, much higher. Monte's parents are trying to help and are reaching into their retirement savings to do so. But Monte's health care costs will surpass $10,000 this year alone, and without good insurance, eventually the medical bills will eat up all they have worked for.

Millions of American families are in the same position as the Imm family, and the implications of this crisis are rippling outward throughout our country.

There is new evidence that as the cost of health care goes up, it is eating away at America's economy, holding back job creation, and stifling growth. A recent article in the New York Times showed that the cost of health insurance is preventing businesses, large and small, from hiring new workers, even if the workload demands it.

One small business owner said:

> Before, we hired based on workload. Now it's a question of affordability.

Economists are finding that high health care costs are a major reason our economy has been unable to create jobs. Not long ago, when I asked a businessman why he outsources his jobs overseas, he said the reason was health care. He did not have to pay it in India. He did not have to pay it in countries abroad. He pays it here at home.

Small businesses, which employ 50 percent of the Nation's workforce, face the greatest pressure of all. Because they are not big enough to bargain with insurers for better rates, and they cannot spread risk among larger pools of employees, small businesses too often are forced to pay for the nationwide increase in health care costs.

In the past year, in the midst of the toughest business environment in a generation, the total cost for insuring employees of small businesses alone rose 18 percent. Those small businesses that try to do the right thing and offer their employees health benefits are finding it more difficult to do so with each passing year.

I was recently contacted by Skip VanDerhule, who runs VanDerhule Moving and Storage, in Yankton. Even after raising employee premiums and copays, Skip's monthly premiums have risen 252 percent in 6 years. Skip has tried to look for better coverage, but recently an employee needed a kidney transplant, and he requires $30,000 per year in medicine alone just to keep his body from rejecting the new kidney. ''As soon as the insurer sees that,'' Skip said, ''they don't want us. And they'll quote us a price to make sure that we don't want them.'' So Skip is stuck with the prospect of higher health care costs with absolutely no end in sight.

In most businesses, the costs are passed along to their employees. Jana Schroeder, a medical professional from Sioux Falls, wrote me to say that even with good, dependable health insurance, her family pays $10,000 a year in health care costs.

A recent, routine mammogram cost $2,700, of which she was asked to pay $850. She said:

> I guess I should feel lucky I have insurance, but $848 is a full paycheck [for me]. So, do you pay that medical bill or the house payment? I surely can't pay it all at once.

Even with 100,000 Americans losing their health insurance every month since January of 2001, the White House has not provided any real options, no leadership in stopping the growth of this crisis.

Some of the most promising possibilities for bringing down the cost of health care, such as drug reimportation, the administration has opposed. Yet this crisis will not solve itself. Unless we act, health care premiums will continue to rise, driving more people into the ranks of the uninsured, and holding back more businesses from earning profits and creating jobs.

We have to do better. This is a national problem, and fixing it demands national leadership. Medical research is producing miracles quite often. Yet we are not solving a problem that is dragging tens of millions of Americans into poverty and poor health. This is not a question of ability or capacity; it is a question of will and leadership. It is time we seek out new ideas to help bring down the cost of health care.

One promising new initiative would create a reinsurance system to help blunt the cost of catastrophic medical illness. Some researchers have suggested that such a program could save South Dakota employers tens of millions of dollars each year and billions nationwide.

We need to debate these issues in Washington, but, regrettably, we have not had the opportunity to do so. In the past 2 years, we have spent 30 days discussing ways to limit access to the courtroom, but not 1 day to debate real ways to bring down the cost of health care for all Americans.

It is time for real action. We have an obligation to focus on the troubles of our economy and the Americans who are struggling to work and raise families. Our citizens are asking for leadership, and we have an obligation to answer that call.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business for up to 90 minutes. The first 45 minutes is under the control of the majority leader or his designee and the next 45 minutes is under the control of the Democratic leader or his designee.

The Senator from Nevada.

THE UNITED NATIONS

Mr. ENSIGN. Mr. President, I rise to discuss the failure of the United Nations. The U.N. is failing to promote liberty, democracy, and human rights for all citizens.

The world has changed a great deal since the United Nations was formed some 59 years ago. The dangers of Nazism and communism have been replaced by an ever-evolving, ever-increasing threat of terrorism.

The United Nations is not up to the challenges of this new century. The U.N. now has sponsors of terrorism and repression overseeing the protection of human rights around the world. The countries of Sudan, China, and Cuba currently serve as members of the United Nations Commission on Human Rights.

Yesterday, the United Nations Secretary General, Kofi Annan, lectured the world body that the rule of law in Iraq is being disrupted as much by the United States as by the terrorists who ravage the country through bombings and beheadings.

Any person or group who cannot decipher the moral difference in this struggle against terror and repression cannot and should not be trusted to lead. In a BBC interview last week, the Secretary General stated that the liberation of Iraq by the United States and its coalition partners was illegal and a violation of the U.N. Charter. This declaration comes on the heels of his earlier statement that ''there should have been a second resolution'' authorizing the invasion.

Today, Mr. Annan seems to be saying that the only way force can be used legitimately in the modern world is to first obtain the unanimous permission of the U.N. Security Council.

I am pleased President Bush does not adhere to this line of thinking. And I am proud every time I hear him say that he will never wait for permission to defend the United States.

The Secretary General's latest posturing is far from harmless. The U.N. has been given the lead role in organizing the elections in Iraq in January. But Mr. Annan's comments that we have acted illegally in Iraq, comments which have been replayed across the Arab world, have given an added feeling of legitimacy to every jihadist hoping to disrupt the vote.

I believe the U.N. has lost its way. It has ceased to be able to judge the difference between right and wrong. The Secretary General's speech to the General Assembly yesterday illustrated his belief that there is a moral equivalence between the terrorists and those who are fighting them. That is disturbing, and that is wrong.

However, the Secretary General is not alone in expressing it. It is extremely disturbing that a former United Nations official, Anna Di Lellio, has been named as the Director of Communications for the Volcker panel, a supposedly independent panel investigating the Oil For Food scandal. Why is this so disturbing? Because Ms. Di Lellio has compared President Bush and key U.S. ally, Prime Minister Silvio Berlusconi, to Osama bin Laden. This shows, again, how the United Nations is failing in the essential tasks for which it is responsible.

There is a difference between right and wrong. And words do have consequences.

I also want to read a quote the Democratic nominee made yesterday. It is in the Washington Post today. It says:

> Kerry did not directly answer a question about whether he agrees with U.N. Secretary General Kofi Annan, who called the Iraq war illegal. ''I don't know what the law or legalities are,'' Kerry said.

The U.N. Secretary General says the Iraq war is illegal because the United States didn't have United Nations' Security Council approval.

And JOHN KERRY can't give a clear answer that the United Nations Secretary General is wrong? This is a person running for the President of the United States.

Increasingly, the United Nations does not advocate the interests of those pursuing peace, freedom, and democracy in the world. If the United Nations spent more time working for liberty and less time coddling dictators, the world would be a better place.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

IRAQ

Mr. CHAMBLISS. Mr. President, I rise today to help frame the issue in Iraq. The American people deserve straight forward answers on issues of war and national security; especially when their lives are directly threatened and our military forces are engaged around the world in the war on terrorism. And it is not just our military forces that are at risk; our diplomats, intelligence professionals, and ordinary civilians working in war zones all face enormous danger from a very treacherous and barbaric enemy.

The recent, brutally grotesque beheadings of innocent Americans Eugene Armstrong on Monday and Jack Hensley yesterday are just two of many examples of the kind of evil that we face and why it must be eradicated.

Ambiguity is something we probably should expect in a heated political campaign, but anything less than total candor on national security issues is not acceptable.

The junior senator form Massachusetts has accused President Bush of ''colossal failures of judgment'' on his plan for Iraq. He then went on to lay out his own four-point plan for handling the conflict in Iraq. His four points were, No. 1, to get more help from other nations; No. 2, provide better training for Iraqi security forces; No. 3, provide benefits to the Iraqi people; and No. 4, ensure democratic elections can be held next year as promised.

I have no problem with this plan, because it is the short term and long term plan now in place by the Bush administration. Our President has consistently and assiduously worked with our allies to get more help in Iraq.

Sure, we would like to get more countries on board with us, but this is tough business and it takes bold, visionary leadership—like we see in Great Britain, Italy, Poland, Denmark, the Netherlands, Australia, and dozens of our closest allies. To imply, as some of my colleagues have, that the United States is not getting help from our international friends is simply untrue. As terrorism spreads to other countries, as it did recently in Russia, we should expect—and provide—even more help.

And let me point out the obvious about some allies, like France, who have not been supportive of our policies in Iraq. Their foreign policy decisions are based on internal political considerations and not on the personality of the President of the United States. For some of my colleagues to imply that some countries will change their policies toward Iraq if we change our President is ludicrous and misleading. The French will change their foreign policy when they change their President, not when we change ours. I have a great deal of trust and confidence in the common sense of the American people and I am sure they will understand exactly what I am saying.

The junior Senator from Massachusetts has also called for better training for Iraqi security forces. I am glad that he also agrees with President Bush on this point. Training Iraqi security forces is a high priority of this administration.

Let us look at the facts. The Iraqi Army has more than 62,000 members. Of these, almost 46,000 have been trained and another 16,000 are currently in training. All 27 battalions of the Iraqi Army will be operational by January 2005.

Speaking at New York University recently, the Democratic Presidential candidate said, ''Of the 35,000 police now in uniform, not one, not one, has completed a 24-week field training program.'' Just yesterday, however, The Washington Post reported that the head of strategic plans and policy for the Joint Chiefs of Staff, Lt. Gen. Walter Sharp, said that Kerry's accusation was just not accurate. According to Gen. Sharp, who is in a position to know, basic training for new Iraqi police officers is eight weeks, followed by 26 weeks of ''on-the-job'' field training. The Post article went on to say that Gen. Casey, the top U.S. commander in Iraq, estimates that Iraqi security forces will be in 'local control' of the majority of Iraq by the end of December, which is just 3 months away. Gen. Casey defined 'local control' as a combination of having Iraqi security forces in place, plus an assessment of the ability of local political leaders to govern

and to manage economic reconstruction efforts.

Others have criticized the President for not getting NATO involved in Iraq. Too bad they didn't read yesterday's London Financial Times. If they had, they would have read that, ''NATO is close to a deal to establish a military training academy in Iraq. The academy, which would have a staff of about 300, is intended to give substance to a decision by a NATO summit in June to provide training to the war-torn country as it seeks to build up its institutions.'' I hasten to add, that this NATO initiative was put forward by our President. So getting NATO involved is another area where the Democratic Presidential candidate agrees with the administration's policy in Iraq. Let me also add that 15 of 26 NATO member states are sharing the military burden on the ground with us in Iraq.

Charles Colton's famous quotation, ''Imitation is the sincerest of flattery,'' certainly applies to my colleague, Mr. KERRY. His four-point plan is not new and it certainly is not original. A careful review of President Bush's policies in Iraq clearly shows that the administration has been implementing all the points addressed by Senator KERRY well before he even articulated them.

We need to judge the President's policy in Iraq, not by the rhetoric of his detractors, but by those who know the facts. Tomorrow, the Congress will welcome, in Joint-Session, the interim Prime Minister of Iraq, Dr. Allawi. Let us hear from him how things are going in Iraq. Let us listen to him to find out what the Iraqi people think of our policies and programs for restoring security and getting the Iraqi economy going.

Let me close by quoting from President Bush's speech, which he gave at the UN yesterday. I believe it clearly shows why we are in Iraq, something that others do not seem to grasp. The President said:

> Our security is not merely found in spheres of influence, or some balance of power. The security of our world is found in the advancing rights of mankind. These rights are advancing across the world—and across the world, the enemies of human rights are responding with violence. Terrorists and their allies believe the Universal Declaration of Human Rights and the American Bill of Rights, and every charter of liberty ever written, are lies, to be burned and destroyed and forgotten.

He went on to say:

> We are determined to destroy terror networks wherever they operate, and the United States is grateful to every nation that is helping to seize terrorist assets, track down their operatives, and disrupt their plans.

The Acting Secretary of the Army, Les Brownlee, has eloquently framed why Iraq is important in the war on terrorism when he said:

> This is not simply a fight against terror—terror is a tactic. This is not simply a fight against al Qaeda, its affiliates and adherents—they are foot soldiers. This is not simply a fight to bring democracy to the Middle East—that is a strategic objective. This is a fight for the very ideas at the foundation of our society, the way of life those ideas enable, and the freedoms we enjoy.

Thank you Mr. President.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, it is said that politics is the art of the possible. And while certain things are simply not possible, it is our duty to try all the same.

So today, I will try to explain the unexplainable. The distinguished junior Senator from Massachusetts has made so many statements on this country's involvement in Iraq that he has taken every conceivable position possible, and many that are simply not possible. The result is a record of ''dizzying contradictions,'' as Charles Krauthammer recently wrote, so confusing that the more he speaks, the less we understand.

Mr. President, JOHN KERRY has spoken on so many aspects of the liberation of Iraq. He has been on both sides of just about every coin in this entire debate. I want to address just four different positions he has taken.

What is more disturbing is that he has taken these four positions on the most basic question of the liberation of that country. The question is not nearly as difficult as the multiple answers we continue to get.

The question is: Would you have used force to remove Saddam Hussein?

Back in 2002, the answer was clear enough. Citing Saddam Hussein's use of weapons of mass destruction, his terrorist-like actions, and the fact that he was part of a global scourge of terrorism, Senator KERRY said he completely agreed with the President to effect regime change in Iraq, unilaterally if necessary. So he voted for the Iraq war resolution in October of 2002. Support in October of 2002.

Nine months later, Senator KERRY started to use another answer. He now claimed that the war resolution he supported in October 2002 did not empower the President to engage in regime change.

By January of 2004, around the time of the Iowa caucuses, Senator KERRY had a new position. He was now the ''antiwar candidate.'' In January of 2004, he was now the antiwar candidate, campaigning in the Iowa caucuses, having been, in October 2002, entirely supportive of the war.

He then went on to lock up the Democratic nomination for President. So we are into the general election season, Mr. President. When challenged by the President to answer whether he would have gone into Iraq and removed Saddam Hussein based on what we now know, KERRY stood on the edge of the Grand Canyon—a dramatic pose facing the Grand Canyon—and said on August 11:

> Yes, I would have voted for that authority.

In August of 2004, in the general election, he seems to be back where he was in October of 2002. He has gone from support to oppose and back to support.

But that was last month. A week ago, on the ''Imus in the Morning'' show, Senator KERRY was asked:

> Do you think there are any circumstances we should have gone to war in Iraq?

That is a pretty simple question. Here was Senator KERRY's response:

> Not under the current circumstances, no. There are none that I see.

This was last week. A month ago, he was in support of the war, but last week he was back in opposition to the war. He says:

> I voted based on weapons of mass destruction. The President distorted that, and I've said that. I mean, look, I can't be clearer. But I think it was the right vote based on what Saddam Hussein had done, and I think it was the right thing to do to hold him accountable. I've said a hundred times, there was a right way to do it and a wrong way to do it. The President chose the wrong way. Can't be more direct than that.

Let's try this one more time. Senator KERRY, on the ''Imus'' show last week, said, in answer to the question:

> Do you think there are any circumstances we should have gone to war in Iraq?

He said:

> Not under the current circumstances, no. There are none that I see. I voted based on weapons of mass destruction. The President distorted that, and I've said that. I mean, look, I can't be clearer. But I think it was the right vote based on what Saddam Hussein had done, and I think it was the right thing to do to hold him accountable. I've said a hundred times, there was a right way to do it and a wrong way to do it. The President chose the wrong way. Can't be more direct than that.

When KERRY finished his interview with Imus, here is what Imus had to say about it. Don Imus said:

> I asked him a number of questions about Iraq and I can't tell you what he said.

That was Don Imus' summary of JOHN KERRY's position on Iraq on his program last week.

Well, Mr. Imus, you are not alone. The top ranking Democrat on the Foreign Relations Committee, Senator BIDEN, recently stated:

> I don't think John should go back and try to explain accurate statements that are unexplainable.

That is our colleague in the Senate, an enthusiastic supporter of Senator KERRY. He said why try to explain the unexplainable, referring to Senator KERRY's various positions on Iraq.

We could all use clarity from JOHN KERRY with regard to Iraq's liberation, but none more than Prime Minister Ayad Allawi, who will be here among us addressing Congress tomorrow morning. Dealing with the terrorists and Baathist insurgents, he needs, more than anyone, to know that the U.S. position of supporting the liberty of Iraq is clear, unequivocal, and steadfast. He would not get that from reading JOHN KERRY's numerous positions.

Mr. President, a Senator's position on Iraq should not be all that hard to explain because it is not a complicated question. It is, however, a tough question, representative of the sort of tough issue any Commander in Chief

frequently gets. In trying to answer and re-answer the most important issue of this election, central to the struggle for freedom today and tomorrow, we have a Presidential candidate who constantly changes his mind. This is not some little issue; this is the biggest issue confronting the country today. We are 6 weeks from the election, and this is a man who flip-flops like a fish on the deck of a boat, back and forth, back and forth, who doesn't know where he stands on the most important issue we are confronting in our era.

For example, when asked if he would have gone into Iraq to remove Saddam Hussein, KERRY recently answered:

You bet, we might have.

Let me read that one more time. When asked if he would have gone into Iraq to remove Saddam Hussein, KERRY recently said:

You bet, we might have.

Not exactly Winston Churchill. Perhaps there is some nuance here, such as an exclamation point or a question mark, that tells whether this is a declaration or a question, but the answer to the most critical issue in this election should not leave the world wondering and more confused than before.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

HURRICANE DEVASTATION

Mrs. DOLE. Mr. President, so many States have been devastated this hurricane season. My own home State of North Carolina has been ravaged by the effects of not one, but four hurricanes in the last few weeks.

Most recently, western North Carolina suffered extensive damage caused by the torrential wind and rain of Hurricane Ivan. Initial estimates from the storm's destruction in Buncombe County alone are already topping $100 million. Sadly, this same county had already projected that exact amount in damages following Hurricane Frances.

Counties in western North Carolina had barely begun to recover from the flooding of Frances before Ivan roared through town late last week. The death toll from the storm, so far, is 10 people. In the town of Henderson, a man and his wife were sleeping soundly when a huge tree crashed through their house into their bedroom. The husband was pinned beneath the fallen tree, which ultimately took his life as the home had to be stabilized before the tree could be removed. In the Peeks Creek community in southern Macon County, a landslide sent homes crashing against each other, killing at least four people, including an unborn child whose mother was forced to have a leg amputated and remains in critical condition.

Houses have literally been washed away, and some left standing have been split in two by fallen trees. Main roads and neighborhood streets have been shut down from landslides and pavements giving way. Well over 200,000 residents were left without power over the weekend. Needless to say, it will take time before western North Carolina can return to a sense of normalcy.

I have been down to the devastated areas twice over the past two weeks. While my heart broke at the sight of destroyed homes and washed out roadways, my hopes were buoyed by the goodness of neighbor helping neighbor. It was an image played out all over the towns I visited. Local officials and first responders, some from as far as Raleigh and Charlotte, have done—and continue to do—a phenomenal job in the midst of challenging circumstances.

I think of the heroic efforts of families like Aileen and Glenn Holland. They are not strangers to offering aide after a natural disaster. Long time volunteers through the North Carolina Baptists Men Disaster Relief, they have traveled all over the United States. But last weekend, they didn't have to travel anywhere. The destruction came right to their front door. Fifteen homes were annihilated in Macon County, but the Holland's was left standing. When they heard the screams of neighbors, Aileen and Glenn began taking people in. They even found a toddler covered in mud crying from fear. The Hollands remained in their home, providing shelter for friends and family until fellow volunteers from the Baptist Men Disaster Relief arrived on the scene.

I also applaud the efforts of local churches, nonprofits, and groups such as the Red Cross for the helping hands they're extending all over western North Carolina. I had the chance to stop in and thank the volunteers at the Red Cross Shelter in Henderson County. I was touched to see the families finding refuge and reassurance there.

These are the memories I will keep with me as I think back on the far-reaching effects from this hurricane season. Yes, there is destruction. Yes, there is great pain. But I find encouragement in the selfless hearts of North Carolinians who are going to great lengths to help those struggling through the wreckage left behind.

It is my desire that we, too, can add to that goodwill and deliver the financial aide these areas need to get back on their feet. Fifteen Western North Carolina counties have been declared federal disaster areas, including Buncombe, Haywood, Henderson and Macon. This designation means that homeowners and businesses are eligible for assistance in the form of loans or grants from the Federal Emergency Management Agency, FEMA or the Small Business Administration. There is a $60 million request for North Carolina included in the President's emergency budget. We're obviously going to need much more. I would encourage Congress to expedite this aid to those who need it most.

I can only hope the end of this devastating hurricane season comes quickly. The autumn season makes western North Carolina one of the most beautiful places on earth—and the good folks from the mountains are well suited to give some southern hospitality to visitors from around the country. It is important that we get the word out that this magnificent part of the country is open for business during its prime tourism season. My thoughts and my prayers are with every person touched by these hurricanes, not only North Carolina but throughout the southeast and east coast. May God bless each and every one of them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

INTELLIGENCE REFORM AND THE WAR ON TERRORISM

Mr. THOMAS. Mr. President, I believe it is appropriate, as we move toward the end of our session, to take a look at those issues that are before us that are most important. Certainly, we have had a difficult 4 years. Unusual and difficult events have happened which have been very hard to deal with, and they have made this a challenging and difficult time for all of us.

We had an economic downturn starting before the beginning of this 4 years. So we have taken steps to develop and strengthen the economy, which is still a job before us. However, we are making good progress, I believe, with respect to that issue.

We had September 11, which is a tragedy we will all always remember. And then, as a part of and following that tragedy, we have had the war on terrorism.

Certainly one has to understand that we have had a tough time. I think we have done rather well moving through this kind of a background and dealing with this situation that is very unusual.

We continue to face tough decisions and the followup on those decisions. We have made an excellent start in the economy. We have made an excellent start in the war on terrorism and, indeed, are moving forward in that regard. We are faced with responsibilities and issues that have an impact on the movement we are seeking. It is up to us to deal with those issues.

In the short term, we are dealing with the budget, appropriations—those items having to do with spending. One of the impacts of what has happened is a spending deficit. All of us, I think, would agree that under the circumstances, it was a reasonable and necessary thing to do. Most of us understand it is time we begin to do away with that deficit and get back to a balanced budget, about which I certainly feel strongly.

We are going to be faced as well with the reorganization of our intelligence-gathering situation. Today, we will be faced with a new Director of the CIA, which is a place to begin. Obviously, there need to be some changes there.

Along with that, during the next several weeks, we will be involved in the reorganization of the entire intelligence operation which, again, is very important. Of course, the most important aspect of our future is winning the war on terror and support for what we are doing in Iraq and Afghanistan.

We will take up the reform of our intelligence services. All of us recognize the hard work the Commission has done in putting together a plan, 41 suggestions and recommendations. We will look at those recommendations. They have done it under tough circumstances. We need to do our best to put into place the best program we can. This is not a political issue. This is an issue we ought to take a look at and say: How do we best avoid the kinds of problems we had in the past in collecting and putting to good use information and intelligence?

I do not think we should rush to complete this job. Obviously, it is something we need to do, and there is interest in getting it done as quickly as possible. I hope our target is to do it in the best way we know how as opposed to the fastest way we know how. Perhaps we need to do both.

We all agree there are weaknesses. Our Government institutions have not adapted to the growing threat of terrorism over more than a decade. We need to understand again, in terms of war, that the situation has changed so much. Not long ago, we fought a war with 17 divisions, landing boats on shores. That is not the case anymore. That is not the case at all. That is not the challenge. The challenge is not often knowing who the enemy is or where the enemy is. We have a totally different circumstance surrounding the need for intelligence.

We have to deal with the fact that terrorists are there to exploit the weaknesses in our defenses and in our knowledge of what needs to be done. Fortunately, this election year has focused some on that point. We have seen fingerpointing attempts to lay blame partly to political advantage, but that is not what it is about.

As we move forward with the debate in the Senate, I am hopeful we will never forget that the blame for the attacks on 9/11 rests solely on the al-Qaida terrorists and Osama bin Laden and the people involved in the Middle East for a long time working at these kinds of things. We need to understand also that the threat is not over, and we need to continue to deal with it.

So our focus is trying to figure out ways to improve the situation and correct the problem so the events of September 11 will not happen again.

So this obviously involves increasing both the quality and quantity of human intelligence, and we need to take a look at our overall situation, intelligence as well as military, because things, indeed, have to change. We need to have coordination certainly among all the intelligence agencies throughout the country, in different agencies than they have been in the past. Whether they put them all into one is one of the questions before us, but whether we do or not there has to be coordination and conversation and information exchange among them. There has to be sharing. We have to define the goals we are seeking so we understand what it is we are putting forth and that each of these various units within our intelligence agencies know what their responsibilities are and their goals are and we can put them together to equal what our totals are. We need, obviously, to invest more in the technical intelligence capabilities. Those things change constantly.

So more importantly, I suppose most importantly, we need to ensure the coordinated use of these resources and the personnel and improve communications. It sounds like an easy thing, but apparently it is not. In the end, this type of reform and reform of our intelligence gathering process is necessary. I look forward to the debate we will have soon and I suppose some starting today, as a matter of fact, with the recommendation before us for Director of the CIA.

Again, I hope that we can aim toward fixing the problems, aim toward moving to solutions rather than again finding ourselves in the 40-some days from elections where nearly everything is talked about having to do with the elections.

Of course, overall, the most important challenge we have before us now is to win the war on terrorism in places such as Iraq and Afghanistan.

The problems and the failures in prewar intelligence gathering are troubling, and I am pleased we are doing something about it so our leaders will have the best accurate information on which to make decisions.

And we acknowledge errors in the past. However, the coming debate should not draw from the central fact that operations in Iraq are and always have been a critical part of the war on terrorism. The war being fought in Afghanistan and Iraq is one that is designed fundamentally to change the environment that has given rise and power to Islamic extremism.

The introduction of a stable democracy in that oppressed region of the world will create an environment in which freedom and liberty and peace have the potential to grow and to thrive. I am persuaded that is really the goal of most of Iraqis. When I visited there some months ago, I was very much impressed with the feeling of most people. You would go out to schools, to powerplants, into the streets of Baghdad, and generally there were all kinds of cars and activity, kids standing on the street waving as we went by in military cars.

I understand how difficult it is with the relatively small group of protesters and persons who do not care about the future and are willing to blow you up with a car bomb. But the fact is most people see the merit of having the kind of government, the kind of country where they can enjoy freedom and the prosperity of freedom. So if we can continue to provide an opportunity for these folks to take care of themselves, form their own government, which is our plan, of course, that is our goal.

Now, it is difficult and I understand politically advantageous to complain about the speed at which or the slowness at which it is taking place. The fact is it is going to be slow. It is going to be difficult. It is a difficult thing to accomplish. We hear complaints about not having a plan. We do have a plan. Is everything perfect? Of course not. But there is a plan. We know what we are doing. I was out to the training facility for the Iraqi police and army, and they are making an effort. It is slower than we thought, of course, but that is the case.

We are going to have the fanatics and the insurgents and they are going to be fighting us and the Iraqis and they will be acting out of desperation, and that is difficult. This is not the kind of war where somebody puts up a white flag and suddenly it is all over. This is not that kind of arrangement. This is much different. People will do it. This will, of course, eventually deny the terrorists and extremists the havens they need. So it is a very important issue. It is a victory that will be long and difficult. I believe we have to acknowledge that.

Again I understand the politics of saying it is too long, we need to get out, and we do and everyone agrees with that. But there is a sequence in completing our task. There is the first sequence. It will take a long time and there will be casualties and it will be difficult. But there are happy things to talk about. There are more than 400,000 security forces conducting stability operations there. The Government is in close consultation, training commanders; 99,000 Iraqis have been trained in various security forces. There is a lot going on there. Have we accomplished what we want yet? Of course not. Or else we would be saying that we have accomplished everything. But it is so important that we focus not only on that but on those things that now are important to us.

We are focused on our budget. We are focused on holding down spending in the nonessential areas so we can make up this deficit. We need to focus on creating jobs so that we can continue to get strength in the economy. We need to focus on having the kind of intelligence that can avoid these things happening in the future. We need to focus on completing the task we have undertaken.

So we will have an opportunity in the next couple of weeks to do some things, and then certainly we will come back later. I guess my only hope is that we can continue to see the tasks clearly before us, seek to complete the task successfully as opposed to trying to make a political issue out of wherever the controversies lie. That is the challenge for us and a challenge I believe we can accomplish.

Mr. President, I yield the floor. 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. KENNEDY. 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. KENNEDY. I understand now that we are on the time that has been designated for Senator DASCHLE, the minority leader.

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I have been yielded 10 minutes and then I understand my colleague and friend from Washington has been yielded 5.

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Would the Chair notify me when I have 2 minutes remaining?

The PRESIDING OFFICER. Yes.

EDUCATION FUNDING

Mr. KENNEDY. Mr. President, yesterday, JOHN EDWARDS was in Cleveland, OH, and gave a powerful speech on the economy. He pointed out the struggles of the middle class and asked why President Bush made the choices he has to boost the wealthiest Americans and abandon hard working men and women. I urge my colleagues to take a look at this great speech.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR JOHN EDWARDS

It is an honor to be with you.

When I was in school, I remember coming down the stairs at night. I would see the glow of the television, hear the volume on low, and see my Dad working at the kitchen table. He wasn't going over the family bills or paper work from his job at the mill. He was learning math on TV.

After a long day at work, he would come home and turn on a local TV station to learn. Every year, he'd see another young person with no experience and a college degree move past him. And he knew that if he didn't try something his chances of moving up would disappear.

So my Dad—like millions of Americans—did what he could for himself so that he could better provide for his family. I was proud of what he was trying to do. I was sad because he couldn't get a college degree. And I realized that I lived in a country where I could.

Standing in that house, I always had hope. At that time, America was a place where hard work and determination could take you anywhere. My mother ran her own small business, refinishing furniture to help pay for my tuition. Thanks to my mother and father's hard work in that mill, in that business, and at that kitchen table, they were able to buy a house. Later on, they were able to help me become the first person in my family to go to college. And I stand here today because I have lived in the bright light and the blessing of America.

What I saw in that house in Robbins, North Carolina was very American. It was two parents working hard, meeting their responsibilities, and living in an economy that made the American Dream possible. It was a time when you knew that faith, responsibility and hard work would lift your family up. They would give you and your children the future they deserve. And this is the great promise of America.

But I fear today, that that light is flickering and that blessing is no longer there for any but a few. And this great shift away from the power and the promise of our middle class means that the gifts and the graces of too many young people never have a chance to shine.

Today, I fear that a young boy in Athens who goes downstairs and sees his parents at the kitchen table doesn't sense hope in his house. He sees his parents trying to get through the month. He sees them divide up their bills into piles that say ''pay now'' and ''pay later.'' And he sees his mother and father work hard and they can't even break even.

That boy thinks, ''This is what life will be like.'' He looks on with resignation and the false belief that this is as good as it gets.

Two people are responsible for causing this great shift in America: George W. Bush and Dick Cheney. Their policies have decimated the economy of Ohio and the American values we believe in.

This campaign is about different leaders and different economic plans. It's about different visions for America. And it's about what's holding our economy down—the callous view of a few at the top who believe that the values that got us here can now be left behind.

It is because George Bush and Dick Cheney abandoned our values that Ohio has lost 237,000 jobs; family incomes have dropped by more than $1,500; health care costs have gone up more than $3,600; tuition at Cleveland State and Ohio State is up $3000; and once every five minutes an Ohio family files for bankruptcy.

The struggles people face in Ohio and the weakness in our economy are a direct result of decisions made by George Bush and Dick Cheney. And those decisions are the direct result of a vision that honors wealth and privilege rather than work and responsibility.

When our economy suffered after September 11, this President made a choice. He fought for tax cuts for the wealthiest Americans. And he did nothing to put more money into the pockets of working families.

When our country went 7 straight months of losing jobs, this President made a choice. He proposed $25 billion in backward-looking tax cuts for big corporations like Enron. But he did nothing to pass tax cuts that would encourage businesses to create jobs.

When the incomes of working families began to fall after 7 years of strong growth, this President made a choice. He slashed the overtime for six million workers. But he did nothing to raise the minimum wage.

When health care costs skyrocketed out of control, this President made a choice. He gave away $140 billion to the big drug companies and fought to lift the responsibilities of HMOs and insurance companies while taking away the rights of families. But he did nothing to lower health care costs so Americans could keep more of their hard-earned money.

When Ohio schools raised college tuition because of state budget deficits, this President made a choice. He stood up for subsidies to big banks and tried to cut off Pell Grants for 84,000 students. But he did nothing to relieve the burden on our state budgets and increase student aid.

Every choice he made did something to harm our middle class and weaken our economy. So when it comes to what working people need, this really is a Do-Nothing Presidency: Do Nothing to create jobs, do nothing to relieve the pressure on the middle class, do nothing to bring down health care costs, and do nothing to help more young people go to college.

You can count on George Bush and Dick Cheney to do one thing: look out for their friends at the top. It is very simple: they honor wealth, not work.

Make no mistake. This idea is the most radical and dangerous economic agenda to hit our shores since socialism a century ago. Like socialism, it corrupts the very nature of our democracy and our free enterprise tradition. It is not a plan to grow the American economy. It is a plan to corrupt the American economy and shrink the winners' circle.

John Kerry and I believe that the hard work and responsibility of the middle class are the engine of our economy. We believe our government should honor those values and give everyone who works hard and takes responsibility a chance to do well. We believe in expanding the winner's circle. We believe in one America.

History shows us that our approach works better for America. To have real economic growth in this country, we have to strengthen and expand the middle class.

We saw it with the G.I. Bill. Young men had fought for America, and America invested in them. Millions of young people went to college and triggered the greatest expansion of the middle class the world has ever seen.

We saw it in the 1990s. Government lived within a budget just like our families do. A tight labor market drove up wages. The average family made $7000 more, and we lifted 6 million Americans out of poverty.

And look where we are today. George Bush and Dick Cheney have replaced that virtuous path with a vicious circle when it comes to our economy.

We have a labor market that cannot keep up with our growing population. We see declining wages even as health care costs go through the roof. And the gap between the Two Americas is growing. Corporate profits are up. Our most expensive stores' sales are up. But average wages are down over the last year, and the Targets and Gaps are seeing their sales stall. Instead of creating good middle-class jobs, we're creating more temporary positions, part-time jobs, and jobs in fast food restaurants.

When you have a government that does nothing to reward work, our economy doesn't pick up and this vicious circle continues. The people at the top do just fine. The people who make this country work struggle to get through the month, and our economy never picks up steam.

John Kerry and I will break this vicious circle. And we will put America back on a virtuous path where work is rewarded, the middle class expands, and the American Dream is there for all who are willing to work for it.

It is time to build one America with one economy that works for everyone. Where no child ever looks on at his parents and thinks, ''I can't hope for something better.'' But dreams only of building something better. And this is the season for change. It is time to build an economy that honors our values and rewards work.

I know personally what it's like when the factory or the plant closes down. The whole town suffers, and that's what happened when the textile mill my father worked in closed down.

We can prevent some of these jobs from leaving America. And there are real steps we can take that will stem the loss of manufacturing jobs in Ohio. But that alone won't be enough.

One constant of our new global economy is that there will always be change—one sector will be growing while another lags. It is the responsibility of our leaders to anticipate these changes, do what they can to save the old jobs and create new ones, and give our workforce the tools it needs to adapt to the new economy.

What I will present today is our plan to help Ohio and America build one economy. This plan will attract new business to Ohio and create more manufacturing jobs. And it will strengthen and expand the middle class so that the American dream of building something better is never replaced with the dream of just getting by.

First, we are going to create and keep good paying jobs right here in America.

Today, if one company wants to move its factory to China and another company wants to keep its plant open outside of Marietta, the company that ships its jobs overseas is rewarded. They get the tax break while our middle class watches more and more good paying jobs leave this country. They get the tax break while our middle class loses its muscle. And they get the tax break while your friends and neighbors have to figure out how to live on $12,000 less in their new job.

This administration values America's work so little that they actually proposed to offer new tax breaks for companies to go overseas. We should be exporting American products, not American jobs.

When John Kerry is President, we will end the tax deferral rules that encourage companies to ship jobs overseas. Instead, we will cut taxes for businesses that create jobs here. In fact we will cut taxes for 99% of American companies that pay taxes and create jobs.

For those small businesses and manufacturers that want to hire new employees we will create a new jobs tax credit to pay your share of the payroll tax for every person you hire. And for those small business owners who want to hire more employees but cannot afford to insure them, we will give you up to a 50% tax cut on your health care to cover your employees.

You see, we believe government should cut taxes on American business. But it shouldn't cut and run from America's values when it does.

Another way to honor work is to enforce our trade agreements and trade laws so we secure a more level playing field for our workers. We need to trade for our businesses, our consumers, and our economy. But we need to make sure that our trading partners honor their part of the bargain.

Your own Senator, George Voinovich called America's enforcement of trade laws, ''nothing short of abysmal.'' Right now, this administration is using our trade policy to compensate for their own failed foreign policy, by cutting deals with small countries willing to support us. And in the meantime, our major trading partners are cleaning our clock, bringing two or three trade cases against us for every one we bring against them.

Today we are running the biggest trade deficit in history. Exports are down for the first time in history. And no place feels the downside of an Administration that fails to look out for our businesses and our workers more than Ohio.

Ohio has lost 173,000 manufacturing jobs under this President. Here in Cleveland, CHC Industries shut down its plant because of Chinese dumping.

And I heard a similar story from the workers from Techneglas in Columbus. They were part of the television glass and components manufacturer that closed three plants and sent 1,100 workers home. And one of the reasons they closed is China's continued manipulation of its currency. They are able to sell products for up to 40 percent less—not because they're more efficient or cheaper, but because they play games in the currency markets. This president won't even say it's against the rules.

John Kerry will. He will fight China's currency manipulation. And he will stand up and defend the federal trade enforcement law that that has delivered over $200 million to Ohio manufacturers over the last four years.

These trade policies aren't abstract ideas or some things that happen over there. They impact our lives. While we must always trade and open our markets, we must do so in a way that is right for our workers and the world's workers.

We all have to do well if this economy is going to break this vicious circle and start to grow. And that means making sure businesses across America can compete with businesses around the world. Today, health care costs add $400 to the cost of a Japanese car, but $1400 to the cost of an American car. American manufacturers that have always done the right thing and offered health care are at a growing disadvantage compared to our international competition.

We can change that. We can change it by lifting the burden of catastrophic costs from businesses and by offering tax credits to make health care more affordable. We can change it by allowing the reimportation of prescription drugs and the government to negotiate a fair price. And we can change it by passing a new three-strikes-and-you're out rule that targets the lawyers who clog our court systems with meritless cases that should never be filed-not the victims whose injuries are all too real.

John and I also understand that a strong economy isn't just about Wall Street doing well. It's about the strength and livelihoods of our Main Streets and back streets in our small towns and rural areas.

That's why we'll create a venture capital fund to support small businesses and entrepreneurs in small towns that are hurting. We will make sure we have broadband everywhere in America and help small manufacturers upgrade their technology. And we can invest in the new technologies and renewable energies so that America can become independent of Middle East oil.

Here in Ohio, your leading universities, research institutes, and advanced manufacturing industries will spark new growth and innovation. They are critical for strengthening our high tech economy and key to Ohio's economic future.

Since the Second World War, technology has accounted for nearly 50 percent of the state's economic growth. There are 167,000 Ohio workers employed in high tech jobs.

If we expand investment in technology, we can create an economic environment where these kinds of good paying jobs are created every day. And by investing in education, we can use our best and our brightest to solve our countries greatest challenges. The strength and knowledge of our working men and women will launch the next wave of economic expansion. And Ohio can and will lead the way.

Once we take these steps, our walk is not done. When we put America back to work, we also need to make sure that work is honored and rewarded.

George Bush is talking about building an ownership society, but he has spent four years building a debt society for everyone except those at the top. His economic vision has one goal: to get rid of taxes on unearned income and shift the tax burden onto people who work. And he has moved toward that goal with the tax cuts he has passed already.

The President's new ''tax reform'' is the ultimate expression of his values. We don't know all of the details, but we know a lot of them because of a memo released by his former Treasury Secretary.

We know people who inherit hundreds of millions will pay nothing; firemen and waitresses and working people will pay everything. And we know his plan will take away the most important incentive for the single most important form of ownership: it will eliminate entirely the tax deduction for home mortgage interest.

According to the Treasury Department, the effects of this project on the economy as a whole are ''uncertain.'' But the effects on the middle class are clear. It means that they will bear more of the tax burden in America.

It's time to return to the idea that made this country great: Instead of helping wealthy people protect their wealth, we should reward the work of America's middle class.

That is why John Kerry and I have a plan to cut taxes on work and expand our middle class. To help middle class families pay for health care, health care reform and a tax credit to help lower premiums up to $1,000 a year. To help them cover the rising costs of child care, a tax credit up to $1,000 so children have a safe place to go while their parents work. To help middle-class families keep more of their hard-earned money, we will stop the deceptive and unfair credit card deals that cost families billions each year.

And to give more young Americans the chance I had to be the first member of their family to go to college, a plan to make college affordable. We will provide $10 billion in aid for states, including $340 million for Ohio, as long as the state holds tuition in line with inflation. We will provide every person with a tax credit on $4,000 of college tuition. And if young people are willing to give two years of service to their community, state or country, then we'll give them four years of college tuition.

When we say that we want to cut taxes for the middle class, these are more than words. It's what John and I have fought for over and over again. They want more tax cuts for millionaires. We want more tax cuts for the middle class because we know that a strong and growing middle class means a stronger America.

Just as families live within a budget, Washington should too. And we will restore fiscal discipline in Washington. We will roll back tax cuts on multimillionaires, restore real budget rules, and we will cut corporate loopholes, corporate welfare, and the federal bureaucracy that is growing again under George W. Bush. Our plan will cut the deficit in half and this will restore confidence in our markets. It will free up new capital for new businesses and encourage them to start hiring again.

There is a fundamental American principle we all believe in—creating wealth for those who'll work for it and expanding the middle class. But the very idea of the ''working poor'' has no place in our America.

Cleveland is a proud city, a great city. And it belongs at the top of many lists. But not the one we heard about last month—having the highest poverty rate in the nation. We need to see these numbers as a call to action.

Poverty isn't something we can live with. It's something we must strive to end. Based not on handouts, but based on hard work. We will encourage the job creation in Cleveland by fixing our tax policies and our trade policies and investing in our small businesses. We will honor hard work by raising the minimum wage. That will help 396,000 people in Ohio. And we will honor hard work by expanding tax credits for those who work.

In Cleveland, thousands of working families who are eligible for those tax credits

don't collect them. Thousands get advance ''tax refunds'' that are actually loans at interest rates of 100 percent or higher. And often these families see their earnings eroded even more by predatory lending at rates no one should have to bear. Ohio has the highest foreclosure rate in the country, and in Cleveland, 1 in 66 homes were in foreclosure in 2003.

We can do something about it. First, we'll work with Cleveland to lead an outreach campaign, expand voluntary help with taxes, speed up tax refunds, and get the IRS out of the business of encouraging high-interest loans. We will crack down on predatory lending to save Ohio families $300 million a year, and use our laws to prompt banks to offer more loans and services to low income families. And we can make sure fathers honor their responsibilities by paying child support and helping them work.

We can lead a rebirth right here in Cleveland. This city has 350 brownfields covering 6,000 acres. We can clean them up and replace hollowed out buildings with good new homes. And we can strengthen the public schools in Cleveland so that families stay in the city. You just laid off more than 800 teachers because the schools are underfunded. How are we going to educate the best minds of tomorrow without a good teacher at the head of every classroom?

One thing that you understand here in Cleveland is that poverty isn't ''their'' problem. Nobody is more eager than you to fight poverty because you understand that the fate of your city depends on the success of all of your residents. And that is exactly the same thing for America. Creating opportunity for all is not an expression of compassion. It is an expression of our commitment to do what is best for America.

At the heart of this campaign, we want to make sure that everyone has those same opportunities that I had growing up—no matter where you live, who your family is, and what the color of your skin is. This is the America we believe in.

You honor work and inspire confidence by building one economy that honors our values and strengthens our great middle class. With this simple and enduring principle serving as our moral compass, we can break this current vicious circle and put our economy back on a virtuous path.

This is what the politics of what's possible can build and John and I need your support to make this happen in America.

For in the end, this election comes down to a simple choice. If you believe that our economy—Ohio's economy—is strong when month after month jobs are lost and family incomes decline, then you can vote for George Bush and Dick Cheney. But if you want an economy that honors work and lifts up our middle class, then your choice is clear and it is time to make John Kerry our next president.

Many of us are angry at what George Bush and Dick Cheney have done to our great country and the values we cherish. But anger never changed America; our actions do. And this is what we will do create good paying jobs, invest in the jobs of the future, and lift up and expand our great middle class.

We will do this for America.

So that once again, we can live in the bright light and the blessing of America.

Where a child no longer sees despair when his parents sort bills at the kitchen table, but believes in the promise of America. That hard work, responsibility and the love of his family can create a future filled with hope and grace.

Mr. KENNEDY. Mr. President, few issues are more important to a strong America than strong schools. Education can open the doors of opportunity to our people. It helps the next generation realize their potential and fulfill their dreams. A good education strengthens our economy as it prepares young Americans to get good jobs and compete in today's world. Parents want their children to succeed, but over the past 4 years we have seen a President and an administration with an incompetent education policy and incompetent education budget.

President Bush can find more than $1 trillion to give away in tax breaks for the elite but he cuts funding for his own education reforms. He can waste billions of dollars in contracts to Halliburton but cannot find a dime to increase Pell grants. When it comes to the education of our children and helping the middle-class families afford college for their children, and helping workers get retrained for new jobs, this administration has been AWOL.

On issue after issue, the administration has misled the country with the long trail of broken promises and unmet commitments. Incompetence is hurting our families and our communities. On Iraq, the administration manipulated and distorted intelligence in a rush to war. We have had incompetent leadership in trying to find a way of peace, and America is less safe today.

We have had incompetency in the management of our economy with the loss of 1,700,000 jobs. Wages are down. Expenses are up. Health premiums are going through the roof. Gasoline prices are up. College premiums are up. In health care, we have a double-digit increase in premiums. Drug costs are going through the ceiling. There is a rising number of uninsured. Iraq, the economy, health care, and now education.

I have a statement the President made January 23, 2001:

> My focus will be on making sure that every child is educated.

These are the K–12. This is the college education. These are the children who need the training programs and yet we see that under the administration's budget 4.6 million of these children are being left behind.

College tuition has gone up 38 percent in the new calculations since this President took office, which makes payment of the premiums for a college education out of the reach of middle-income families.

We have had an actual $600 million cut in job training programs.

This is what the President said:

> Funding is important and so is reform. So we must tie funding to higher standards and accountability—

We agreed with that—

> for results. Schools will be given a reasonable chance to improve and the support to do so.

Money is not the answer to everything but it is a clear indication of a nation's priorities. This is a commitment of the President to provide the support so we can have higher standards so that we can have higher results and academic achievement for our children. Yet we find that Bush underfunded the reforms of No Child Left Behind this year by $9.4 billion.

There are 6,500 schools identified as in need of improvement and President Bush has never once proposed funding to turn around schools that need improvement.

Here it is. The President said on January 23, 2001:

> Many of our schools, particularly low-income schools, will need help in the transition to higher standards.

Higher standards mean better trained teachers who are teaching in underserved areas. It means support services for those children who are not being able to keep up with the rest of the class. It means help and assistance for limited-English-speaking children, those who are speaking a foreign language who need the extra help and assistance in order to be able to perform at standard, and also reforms for struggling schools in many of our urban areas and some in our rural areas.

There was a guarantee in the No Child Left Behind funding for qualified teachers, funding for afterschool programs, funding for limited-English-speaking children, funding for struggling schools, and yet that has been a failed promise.

This chart indicates where the Bush budget is with regard to the No Child Left Behind Act, all the way out to fiscal year 2012, and that leaves over 4 million children left out and left behind.

This was the commitment in the No Child Left Behind Act that this President signed to say that no child would be left behind, and that every child could reach proficiency.

In my State of Massachusetts, in the last MCAS test, which is generally recognized nationwide, 62 percent of the children were able to get proficiency in reading and 57 percent in math. We are not giving up on those children but evidently the administration has.

Next, in higher education, this is what the President said on August 30, 2000:

> A child eligible for a Pell grant future will be affected by the size of the Pell grant. I am going to ask Congress to bolster the first year aid . . . to $5,100 per recipient of the Pell grant. . . .

That was on August 30, 2000. When was that? Just before the election.

I have the budget of this administration on the Pell grants for the last 4 years: Zero, zero, zero in terms of the increase of the Pell grants at a time when we have increases in higher education going up 38 percent.

This is an abdication of responsibility to the children of this country. We have had an abdication of responsibility in health care, in the economy, and in education.

What we do not have with this administration is attention to special interests. We saw over the passage of the Medicare debate where this administration gave $139 billion in windfall

profits to the drug industry, $46 billion to the HMO industry. Now what do we have, the student loan scandal.

My friend from the State of Washington will speak to this issue, but I wish to point out what was printed today in the New York Times that says it all.

I ask unanimous consent that the whole article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 22, 2004]

BANKS AND THE COLLEGE LOAN LOOPHOLE

The Bush administration has studiously looked the other way while well-connected lenders have exploited a loophole in the student loan program that will reap them nearly a billion dollars in undeserved subsidies this year alone. Congress, which rakes in contributions from banks and other lenders, was reluctant to even discuss this problem until a public outcry recently made it impossible to avoid. The Education Department has claimed that it lacks the authority to close the loophole unilaterally. But that position was blown away this week in an unusually caustic report by the Government Accountability Office, which outlined the scope of the problem and urged the Education Department to solve it quickly.

At issue is a special category of student loans for which the government guarantees the lenders a whopping return of 9.5 percent, even though the prevailing rate charged to students is now less than 3.5 percent. The 9.5 percent loans, backed by tax-exempt bonds, were established when interest rates were high in the 1980's to keep lenders in the college laon business, Congress tried to phase out the high-interest loans in 1993, when it rightly concluded that they were no longer needed, but they have not gone away.

As interest rates declined, the lenders, abetted by the Education Department, developed a series of accounting tricks that create new 9.5 percent loans essentially out of thin air. This process, sometimes described as cloning, has made the number of 9.5 percent loans balloon and ratcheted up the subsidies that the government must pay. Worse still, recent press accounts suggest that higher-ups in the department may have overruled auditors who tried to put an end to this process.

The House voted to end the unfair subsidies temporarily—and is likely to settle on a permanent solution soon. But the Senate Appropriations Committee ducked the issue last week when it rejected a measure that would have driven a stake through the wasteful program and redirected some of the savings to student aid. By one estimate, even six months' delay in dealing with this problem would cost the taxpayers nearly $3 billion in interest payments. That money should be going to poor and working-class college students—not to banks.

Mr. KENNEDY. By one estimate, even 6 months' delay in dealing with this problem will cost the taxpayers nearly $3 billion in interest payments. That money should be going to poor and working class college students, not to the banks.

We have an administration that takes care of the special interests, and now we find they are taking care of the banks as well. They take care of the drug companies, the HMOs, and the banks. All one has to do is read the newspaper. Look at this morning's newspaper on the Federal page, September 22, ''EPA Wording Found To Mirror Industry's.''

For the third time, environmental advocates have discovered passages in the Bush administration's proposal for regulating mercury pollution from power plants that mirror almost word for word portions of memos written by a law firm representing the coal-fired power plants.

There it is again, taking care of the banks, taking care of the powerplants, taking care of the drug industry, but not taking care of working class Americans, not taking care of middle-income Americans.

I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 22, 2004]

EPA WORDING FOUND TO MIRROR INDUSTRY'S

(By Juliet Eilperin)

For the third time, environmental advocates have discovered passages in the Bush administration's proposal for regulating mercury pollution from power plants that mirror almost word for word portions of memos written by a law firm representing coal-fired power plants.

The passages state that the Environmental Protection Agency is not required to regulate other hazardous toxins emitted by power plants, such as lead and arsenic. Several attorneys general, as well as some environmental groups, have argued that the Clean Air Act compels the EPA to regulate these emissions as well as mercury.

The revelations concerning language written by Latham & Watkins could broaden an ongoing probe by the EPA's inspector general into whether the industry had an undue influence on the agency's proposed mercury rule, legislative critics of the proposed rule said.

Sen. James M. Jeffords (I-Vt.), ranking member of the Senate Environment and Public Works Committee and one of the senators who called for the probe last spring, said the revelation that the EPA adopted the same wording as an industry source ''no longer comes as much of a surprise.''

''The Bush administration continues to let industry write the rules on pollution, and this is just one more example of how they abuse the public trust,'' he said.

EPA spokeswoman Cynthia Bergman would not comment on the connection between the law firm memo and the agency's proposal beyond saying that it is ''a public document. It was publicly debated as part of the rulemaking process.''

She added that pollutants such as lead and arsenic are not the central issue: ''EPA continues to be most concerned with mercury. We will be regulating mercury emissions from power plants for the first time, and we will concentrate on the need to protect children and pregnant women.''

Environmentalists have assailed the EPA for months arguing that the mercury rule, slated to be finalized next March, would not adequately curb a toxin that can enter the food chain through fish and cause development damage in infants and young children.

The rule, they said, does nothing to limit chromium, lead and arsenic pollution from utilities, all of which exceed mercury emissions and could pose a health threat.

''The big story here is the public health story; things like arsenic, lead and chromium are being released in very large quantities and pose a very serious health threat,'' said John Stanton, a senior lawyer for Clear the Air, an environmental coalition that spotted the similarities between the regulation's language and the industry memo.

The proposed regulation concludes that although the EPA determined in 2000 that arsenic, chromium and other metals are potential carcinogens, there is too much uncertainty to justify regulating them.

That conclusion is backed by two sections of the proposed rule that address whether the EPA is compelled to regulate non-mercury pollutants, an issue that first arose in 1990 when Congress rewrote sections of the Clean Air Act. At the time, Congress made an exemption for the utilities, saying the EPA should study whether it was both ''appropriate and necessary'' to regulate them. In 2000, in the waning months of the Clinton administration, the EPA concluded that utilities should be listed as a source of toxic emissions and regulated accordingly.

In light of the 2000 decision and past studies, EPA officials said they are obligated to regulate only mercury in coal-fired power plants and nickel in oil-fired plants. The nine attorneys general and two state environmental secretaries wrote the agency on June 28 saving the EPA is legally required to address other pollutants as well, citing a 2000 decision by the U.S. Court of Appeals for the D.C. Circuit.

The Aug. 5, 2002, memo from Latham & Watkins, submitted during the public comment period on the rule, said hazardous air pollutants other than mercury did not need to be regulated. It made multiple references to statements by Rep. Michael G. Oxley (R-Ohio) that ''Congress provided a distinct regulatory mandate for utility [hazardous emissions] because of the logic of basing any decisions to regulate on the results of scientific study and because of the emission reductions that will be achieved and the extremely high costs that electric utilities will face under other provisions of the new Clean Air Act amendments.''

The EPA used nearly identical language in its rule, changing just eight words. In a separate section, the agency used the same italics Latham lawyers used in their memo, saying the EPA is required to regulate only the pollutants under Section 112 of the Clean Air Act ''after considering the results of the study required by this paragraph.'' The memo uses the world ''subparagraph'' instead of paragraph but is otherwise identical.

Latham lawyer Robert A. Wyman Jr., who authored the memo, declined to comment last week on grounds that the firm does not discuss client matters unless directed to do so.

The Washington Post and the Los Angeles Times reported earlier this year on instances in which industry-written language had surfaced in the mercury proposal. A spokesman for the inspector general's office said its investigation of the issue should be done by early next year.

That, I believe, is what this whole election is about.

Finally, the President of the United States is out today in Pennsylvania and also in Wisconsin. I hope he will explain to the people in Pennsylvania why he is leaving out 65,800 schoolchildren, who are being left behind in the funding of the No Child Left Behind Act in Pennsylvania. And when he travels to Wisconsin on Friday, I hope he will explain to the parents out there in Wisconsin why he is leaving behind 26,300 children, who are left behind in the State of Wisconsin.

The parents of the children in Pennsylvania, the parents of the children in

Wisconsin, are entitled to answers. They are tired of rhetoric. They are tired of cliches. They are tired of misrepresentations. They want the facts. They want the truth. We have a candidate who will give it to them.

I see my friend and colleague in the Chamber, Senator MURRAY. Whatever remaining time I have, I yield to her, and I thank the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time is left?

The PRESIDING OFFICER. The Senator has 5 minutes 15 seconds.

STUDENT LOAN SCANDAL

Mrs. MURRAY. Mr. President, I come to the floor today to talk about this scandal to which the Senator from Massachusetts alluded. It is mentioned in the New York Times today, ''Banks and the College Loan Loophole.''

I talk to families all over the State of Washington, and they are struggling to pay for college for their kids. They all agree college education is far too expensive for many families. You would think the Federal Government would be doing everything possible today to make college more accessible for all of our families. Sadly, that is not the case.

Last week in the Senate we had a chance to help students to get to and get through college. Unfortunately, the majority on the Appropriations Committee blocked my commonsense, student-friendly proposal. Instead of standing up for students, unfortunately the committee stood up for banks and other special interests that have been gaming the system for years, at taxpayer expense.

I am on the Senate floor today to say that students should come before special interests. Student loan programs were started to help our students. They were not started to line the pockets of lenders. It is time to end the taxpayer ripoff that is occurring today and do more to help our students afford college.

Back in the 1980s, interest rates were high. Many people were concerned that our lenders would stop making student loans, so Congress created a temporary—and I emphasize ''temporary''—measure to keep college loans affordable for our students.

At the time, it worked. Lenders kept making loans, and students were able to afford college loans. This was supposed to be, as I said, a temporary measure. In fact, it was supposed to be phased out in 1993, when interest rates started coming back down. Interest rates came down; this subsidy lived on. For the past 11 years, taxpayers have paid these lenders far more than they should have. Taxpayers are actually subsidizing profitable companies to make loans that are far above today's interest rates. Clearly, taxpayers are paying a huge bill while special interests are taking the money to the bank.

Who is paying the price? Our college students. This year we are throwing away $1 billion that we could be using to help more students go to college. So in the Appropriations Committee last week, I offered an amendment to finally stop this taxpayer ripoff. My amendment would have used the savings from this ripoff to help 700,000 students get another $3,000 for college. It would have helped the parents of 25,000 low-income students get child care on campus. It would have helped another 200,000 students get $800 in grants. It would have helped 180,000 low-income and first-generation students prepare for college through TRIO and GEAR UP. And it would have helped thousands of migrant students attend college.

When I offered my amendment, everybody on the committee seemed to agree that this subsidy should end. But when it came time to vote, every Republican member voted against my amendment. They voted against taxpayers, they voted against students, and they voted against our families. They said they wanted to deal with it later. I am here today to say that taxpayers are getting ripped off every day we delay. If we wait 6 months, as was suggested, taxpayers will lose billions of dollars, and students will not get the help they need. The time to do this is now.

I am not willing to waste another dollar that could be in the pockets of our students today, and that is why the Senate needs to act now. The Government is paying 30 times more than it should for these special interest subsidies—30 times more. That is a ripoff.

This is as if you walk into a college book store and a textbook on the shelf costs $100. If that textbook had the same outrageous markup as these loans, that student would be paying $3,000 for the same textbook. Taxpayers are paying $3,000 for something that only costs $100 because of this runaway subsidy, and that is outrageous. There is no reason for taxpayers to be paying a markup of 30 times the real cost.

We were all outraged when Halliburton charged taxpayers $45 for a case of soda that sells for $7 at the supermarket. Halliburton marked those prices up 6 times. Today, lenders are marking up student loans at a price 30 times higher than they should. No wonder the Washington Post called this a scandal.

I ask unanimous consent to have the Washington Post editorial on this printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 10, 2004]

STUDENT LOAN SCANDAL

There are bureaucratic errors, there is congressional negligence—and then there are bureaucratic errors and congressional negligence on a scale so vast that it is hard to believe they can be accidental. The hundreds of millions of dollars in unnecessary government payments to the student loan industry in the past 18 months amount to such a scandal. The loans in question, established in 1980, are guaranteed by the government at 9.5 percent. Yet most students are paying interest rates of 3.5 percent or less. The difference—all taxpayers' money—is pure profit for the companies that have taken advantage of a loophole in the law.

According to a recent report by the Institute for College Access and Success, a nonprofit education think tank, Congress had actually intended to end in 1993 the 9.5 percent loan guarantee, one of many programs that provide incentives for institutions to lend to students. In May 2003, one company, Nelnet Inc., wrote to the Education Department to confirm its intention to expand its holdings of old loans with the 9.5 percent interest rate. Nelnet received no answer from the department for a year, during which time the department continued paying the company. In June of this year, the department replied inconclusively—at which point the company's stock price climbed 20 percent. Although Nelnet is the largest holder of loans guaranteed at 9.5 percent—and its holdings of such loans have increased by 818 percent since January 2003—it is only one of many such lenders. According to a preliminary Government Accountability Office report, commissioned by Reps. Chris Van Hollen (D–Md.) and Dale E. Kildee (D–Mich.), 37 lenders receive payments for loans with guaranteed interest rates of 9.5 percent, at a government cost of $1 billion annually, and the volume of such loans is rising.

Why wasn't the loophole shut long ago? Education Department officials argue strenuously that only a two-year regulatory process could have done so, and they didn't initiate one, they say, because they thought Congress would deal with it. Congressional Republicans say they expected to deal with the problem in a comprehensive higher education bill, but that has failed to pass (and in any case the proposed language would not have ended all the payments). Yet, other solutions could have been found: In the wake of revelations about the scale of the payments, the House yesterday passed an amendment to an appropriations bill, offered by Mr. Van Hollen and Mr. Kildee, that would close the loophole completely, albeit temporarily. (Of course, there is no guarantee it will become law.) And one former Education Department general counsel has written to the secretary of education, Roderick R. Paige, arguing that the loophole could have been closed immediately if officials had wished to do so.

There could be other explanations for their reluctance. One is that the president of Nelnet, Don R. Bouc—who has called for the loophole to be shut and the money to be better used—is well-connected enough to have been appointed to Mr. Paige's advisory committee on student financial assistance. Here is another: According to a report in the Chronicle of Higher Education, Nelnet is the second-largest contributor to congressional campaigns in the student loan history, beaten only by industry giant Sallie Mae. Over the past 18 months, the student loan industry has contributed about $750,000 to the 49 members of the House Committee on Education and the Workforce, of which $136,000 has gone to the committee chairman, Rep. John A. Boehner (R–Ohio), and $175,000 to Rep. Howard P. ''Buck'' McKeon (R–Calif.), chairman of the subcommittee on higher education. Mr. Boehner's spokesman vehemently denies any connection between the contributions and the issue and maintains that the committee's bill would have fixed the problem, which was mentioned in the president's latest budget. Still, it is difficult to understand, given the sums involved, why neither Mr. Paige nor Congress made this a higher priority.

For nearly a decade we have argued that Congress should reduce subsidies for banks that lend to students, and instead expand the direct-loan program, which provides about a quarter of student aid—or else reform the system to make it harder to manipulate. This scandal provides an excellent reason to look again at these questions.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. MURRAY. I ask for an 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, the Senator from Massachusetts asked unanimous consent to have the New York Times editorial from today printed in the RECORD. It clearly laid out the case for what is happening today to taxpayers who are paying a tremendous price. And who is losing? It is our students.

We have to stop overcharging the American people. We still have time to do it this year and help students get to college at a time when we all know tuition rates are rising. We need to give more to get more students there.

I warn the Senate, the clock is ticking. Every Member of the Senate has to decide if they stand with students and families and taxpayers, or if they are going to stand with the special interests. Millions of students and millions of families are waiting for this answer. We have to stop the special interest subsidy today.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I understand we have a colleague who is on her way to the floor. I ask unanimous consent she be entitled to 5 minutes and that we have 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I ask the Chair to remind me when I have 1 minute left.

I ask the Senator from the State of Washington, does she not agree with me that this administration has the power to do something about this, and could do something about it today, this giveaway that is written about in the prominent national newspapers as a giveaway to the banks? Does she agree with me that the Department of Education has said we don't have the authority, we don't have the power, we don't have the legal ability to do something about it? Yet we have the General Accounting Office report:

Family education loan program, statutory and regulatory changes could avert billions—

Hear that? Billions—

. . . in unnecessary Federal subsidy payments.

On page 8:

We disagree with the department's characterization of their authority.

It seems to me, if this President were interested in protecting middle-income families, in avoiding the kind of continued wasteful subsidy and giveaway to the banks, that the President, the Department of Education, this administration, could do something and do something today.

Would the Senator be willing to express an opinion on that?

Mrs. MURRAY. Mr. President, the Senator from Massachusetts is absolutely correct. The Department of Education could end this today with a simple rulemaking procedure. Instead they are pointing fingers, saying Congress has to do it. Congress had the opportunity in the Appropriations Committee last week. They said, no, we have to wait for an authorization 6 months from now. Every month that goes by we lose billions of dollars in taxpayers' money and thousands of students don't get access to college. We don't need any more fingerpointing on this.

I think the Senator would agree that we don't need the Department of Education pointing to Congress and Congress pointing to the Department of Education. We need to stop this now. The Department of Education can do it by rulemaking and we can do it on any bill that comes before us. But we need to do it and we need to do it quickly.

Mr. KENNEDY. I thank the Senator for her comments.

On August 27, Sally Stroup, Assistant Secretary for Education, said, ''I don't think we have the legal authority to stop them.''

They made no effort to try to stop them. Senator MURRAY is leading the fight in the Appropriations Committee to try to save the taxpayers and save middle-income families who are stretched with their tuition. Now we have the General Accounting Office saying they do have the power.

I wonder if the Senator would agree with me that we see a whole pattern from this morning's newspapers about how the administration is effectively right in the tank for the powerplants with regard to mercury, coal-fired powerplants, and is now with the bank on student loans. We have seen it with regard to the HMOs. I am wondering who is going to stand up for working families and who is going to stand up for middle America.

Mrs. MURRAY. Mr. President, the Senator from Massachusetts is absolutely right. This is outrageous. We have the Department of Education pointing fingers at Congress when they can make a ruling and stop this practice today. According to all accounts, the delay of this is costing billions of dollars. If we wait for Congress to act on reauthorization of the act 6 months or longer from now, taxpayers are going to lose $2.8 billion in interest payments. We are in the Senate where we know that access to Head Start is critical, we know access to college is critical, and we know that $2.8 billion sent to the bank today means students are not getting higher education.

Mr. KENNEDY. Mr. President, when we made the commitment of No Child Left Behind, we thought we were including all children. When this body committed to Medicare, we didn't say we are going to leave some senior citizens out; we said all seniors. When we made a commitment to voting rights, we said voting rights for all Americans. When we made our commitment to all children in this country, we meant all children.

There it is. This is not disputed. We are failing more than 4 million children. That is unacceptable, particularly when we find that this administration is looking out for their special interests.

I think we have an opportunity to change that on election day, and hopefully will.

I thank the Senator.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 5 minutes.

THE ECONOMY

Mr. CONRAD. Mr. President, yesterday we heard a number of my colleagues talk about their view of the economy and their view of the fiscal affairs of the country and their view that things are on a positive track. Today, I would like to respectfully offer the other side of the story and what I view as a very dangerous course the Nation is pursuing under the leadership of President Bush.

Earlier this year, on August 30, the President was on the NBC ''Today'' show and the host asked him this question:

Let me ask you about deficits. This year, $445 billion. Ballpark, do you think that's pretty good?

President Bush:

Yes. I do, I do.

That is an odd sense of accomplishment because that is the biggest deficit in the history of the United States. The deficit that is now estimated to be some $422 billion we know is going to be larger because we are funding some of next year's defense money this year because of mounting costs in Iraq. But even at the $422 billion figure, that is the largest deficit in the Nation's history, and by a big margin.

Last year, under President Bush's fiscal plan, we had what was then a record deficit of $375 billion. Now it has increased to $422 billion. But frankly, that understates how serious the situation is.

By contrast, if you go back to the Clinton years, each and every year of the Clinton administration the deficits were reduced and held for a 3-year period. We actually ran budget surpluses. This President has punched us back into deficit, and by a country mile.

The Bush administration now claims that the deficits are coming down. This is the budget director, OMB, chosen by President Bush. He says:

We continue to have deficits, even though they are coming down dramatically.

I don't know what his notion of coming down is, but here is the record. The

deficits are not coming down. The deficits are getting bigger.

The last year of the Clinton administration, the first year of the Bush administration, which is a budget that the President inherited, the budget was in surplus by $127 billion. The next year, 2002, it went to $158 billion of deficit. That was the first year under the Bush administration. The next year, $375 billion of deficits, then the largest dollar deficit in our history. This year, it is $422 billion, and the President's budget director says the deficits are going down dramatically. What is he talking about? The deficits are not going down. The deficits are going up.

The truth is the official deficit, what is called the deficit by the press, what is called the deficit by this administration, badly understates how serious the fiscal condition is of the United States. The debt of our country is not going to increase by the advertised deficit of $422 billion. This may come as a great surprise and shock to many to find that the debt is going to increase by much more than the deficit. But the truth is the debt of the country is going to increase by over $633 billion this year. The reason for the difference is they are not counting the $150 billion—roughly $150 billion—they are borrowing from Social Security, every penny of which they have to pay back. It does not get counted in the deficit calculation. If you add in the money they are borrowing from Social Security, which they have to pay back, the money they are borrowing from Medicare, which they have to pay back, the money they are borrowing from every other trust fund, which they have to pay back, the debt of the United States is going to increase this year by over $630 billion. That is a staggering sum.

The Bush administration promised that deficits will be reduced in the future. President Bush in Annandale, VA, on August 9 of this year said:

> So I can say to you that the deficit will be cut in half over the next 5 years.

This is the same President who said, by the way, in his first year there would be no deficits. In his second year, reporting to Congress, he said the deficits would be small and short term. Both of those statements were wrong and wrong by a country mile. Then he said they would be small by historical standards. Wrong again; biggest deficits we have ever had. Now he says don't worry, I am going to cut the deficit in half over the next 5 years; wrong again.

Don't believe it because it is not going happen. The only way the President comes up with the claim that he is going to cut the deficit in half over the next 5 years is he leaves out whole areas of spending. He leaves out finance costs for the war. In his previous budget, he left out any war costs past September 30 of this year. He didn't put money in his budget; none.

Does anybody believe there is no war cost past September 30 of this year? That is what the President said in the budget he sent up here.

He said there is no money needed to fix the alternative minimum tax past this year. Yet we know the alternative minimum tax, that affects 3 million people now and will affect 30 million people by 2010. That is the old millionaire's tax that has now become a middle-class tax. My friends, we all know Congress is not going to allow the alternative minimum tax to affect 30 million taxpayers. Yet the President provides nothing in his budget past next year—nothing.

In fact, if you go back and you put back the items the President has left out—the money he is borrowing from Social Security that he has to pay back; it is not in his budget; if you put in the money needed to fix the alternative minimum tax or the money for the ongoing war costs—this is what emerges as a realistic analysis of what is going to get added to the debt and what the deficits are going to look like over the next decade. Actually, this is conservative because we have left out a lot of things that are also being done by this administration that will add to the debt. So this, too, understates how serious the situation will become.

But even with this look, on just a limited number of items—the President's request for additional tax cuts, the President's need for additional funding for defense, the President leaving out the cost of the alternative minimum tax—you can see we are not going to see a reduction in the deficit in the coming years under the President's plan. No. The amount being added to the debt is going to increase, and increase, and increase. What we see is an ocean of red ink over the next decade.

Let me show you some of the things the President has left out as he has structured his budget. As I have indicated, on the tax cut, he only shows now in his budget the first 5 years of the effect of the tax cut. Before he submitted 10-year budgets; this year, just a 5-year budget. Why? Because he did not want to disclose to the American people what all of us know is the pattern of his tax cuts.

Past the 5-year budget window, the cost of these tax cuts explode. The President is hiding that from the American people with a 5-year budget. He is doing the same thing with the alternative minimum tax, the same pattern. The cost of fixing the alternative minimum tax explodes. He only provided for 1 year of addressing the alternative minimum tax in his budget.

The war cost, it is the same pattern. The President has $25 billion he supported in a reserve fund for next year, money, by the way, he is not waiting to spend next year. He is spending it now. He is spending next year's money this year. Even that dramatically understates what the Congressional Budget Office says the cost of the ongoing wars will be. He has $25 billion reserved in his budget. It was not in his budget, by the way. The budget he sent up had nothing in it. But when Congress said that is not realistic, he supported Congress's move to put in a $25 billion reserve fund. But look what the Congressional Budget Office says the real cost is going to be: over $300 billion. It is not in the President's budget.

Of course, the President has left out the money he is borrowing from Social Security. Mr. President, $2.4 trillion is being borrowed from Social Security over the next 10 years, every penny of which has to be paid back. He has no plan to do so. In fact, he has a plan to add even more costs by having a privatization of Social Security, or at least a partial privatization that would cost trillions of dollars more. From where is the money coming? From where is the money coming? It is all being borrowed.

Is anybody paying attention to what this administration is doing to the fiscal policy of this country? Is anybody paying attention to what this means to our economic future? Is anybody paying attention to what it means to our future military strength? You cannot be strong militarily if you are weak financially. This administration is digging a deeper and deeper hole for this country on the financial front.

You remember, when the President unveiled his tax cuts, 3 years ago, he said he was going to have maximum paydown of the Federal debt. Do you remember that? He said he was going to pay off all of the Federal debt that was available to pay off. But look what has really happened. The debt is not being paid off. The debt is exploding. The debt that was $5.8 trillion in 2001 we now anticipate will approach $15 trillion by 2014, and, of course, all of this is happening at the worst possible time, right before the baby boomers retire.

Not only is the President borrowing every penny available to be borrowed from Social Security—and, by the way, he is doing the same thing with Medicare—he is also now borrowing from countries all over the world. It may surprise people to find out that, under this administration, the borrowing from Japan has risen to almost $700 billion. We borrowed $167 billion from China; $130 billion from the United Kingdom. We have even borrowed over $90 billion from the Caribbean banking centers. The Caribbean banking centers, we are in hock to them for over $90 billion. South Korea—who would have believed it, who would have believed we have borrowed over $60 billion from South Korea? That is the reality. That is the hole that this President is digging.

Just in the last 3 years, this is the increase in foreign holdings of our debt. When the President came in in January of 2001, we owed $1 trillion abroad. Now we are up over $1.8 trillion in indebtedness to foreign countries, an 80-percent increase in our foreign indebtedness in just 3 years.

If it was just what has happened so far I would not be so concerned, but it is the direction this President is taking

us that has to be of foremost concern because the President's plan for the future is more of the same and a whole lot more—a whole lot more debt, a whole lot more in deficits. This fundamentally threatens the economic security of the country.

This chart I show you is not a chart made by me or my staff; this is from the Congressional Budget Office. It is their analysis, assuming an extension of the President's tax cuts, the need for alternative minimum tax reform, maintaining current spending policies. Look where we are headed. This is what CBO says will happen to the deficits and the debt of the country if, roughly, the President's budget policy is pursued.

In fact, this is just the deficit. I misspoke when I said debt. The debt chart would be much worse than this chart. This is just the deficit. This leaves out the money being borrowed from Social Security, this leaves out the money being borrowed from Medicare—trillions of dollars that are not in the President's calculations at all.

This is a course that makes no sense. This is what the CBO Director said, because some around this town say we will just grow out of this problem. This is what the Director of the Congressional Budget Office says. By the way, this man came from the Bush administration. He came directly from the President's Council of Economic Advisers. This is what he said:

[T]his is a fiscal situation in which we cannot rely on economic growth to cause deficits to disappear.

He is telling the truth. This is what the Federal Reserve Chairman said, Chairman Greenspan, who opposes deficit-financed tax cuts. Everybody knows Chairman Greenspan is a big fan of tax cuts but not deficit-financed tax cuts. This is what he says:

If you're going to lower taxes, you shouldn't be borrowing essentially the tax cut. And that over the long run is not a stable fiscal situation.

But that is exactly what this President is advocating, not just for this year, for every year for the next 10 years.

Mr. President, what is the outcome of this set of policies? I think the Chairman of the Federal Reserve is warning us of where this is all headed. Back in February, he urged a cut in Social Security. Future benefits must be curtailed. Now he has said, not only cut Social Security but cut Medicare, too.

I hope people are listening. I hope people are paying attention because that is exactly where the Bush fiscal plan is leading. It is leading to cuts—dramatic cuts—in Social Security and Medicare. That is where this is all headed. Why? In part, it is because the tax cuts the President has gotten passed overwhelmingly go to the wealthiest among us; 68.7 percent of the benefits went to the top 20 percent. What is most startling is over a third of the benefits—right at a third, 33.1 percent of the benefits—went to the top 1 percent, or the people earning over $337,000 a year. The people in the bottom 20 percent got virtually nothing. Those in the middle class got pretty modest relief. Those in the middle 20 percent got 10 percent of the benefits. The top 20 percent got 68 percent of the benefits. The top 1 percent, over 33 percent of the benefits.

Mr. President, when our colleagues say everything is going well in the economy, they are living in a different economy than the one I am watching. Look at the difference on this chart. This is what has happened in the last nine recessions. The dotted red line is what has happened to job growth as an average of the last nine recessions since World War II. This black line is what is happening this time. Do you notice the difference? Something dramatically different is occurring between recoveries in the last nine recessions and this one. At this stage of the recovery, we would expect to have, based on what has happened in the nine previous recoveries since World War II, 5.5 million more private sector jobs than we have this time.

Something is wrong. We have already seen 1.6 million jobs lost since January 2001. These are the job loss numbers. We are still 1.6 million jobs below where we were in 2001. The Chairman of the President's Council of Economic Advisers said we expect, sort of on average jobs in 2004 to be 2.6 million more than jobs in 2003. For that to happen, we would have to have monthly job growth of 1.725 million. But what we are getting is 141,000. That is a jobs gap of enormous proportion. The hard reality is that the President's record on jobs shows a loss of private sector jobs for the first time since back to the administration of Herbert Hoover.

The President hates that comparison. In some ways, it is unfair because Hoover presided over the Great Depression. That is certainly not the case now. We are not in a depression. We are not in a recession. But the fact is that every administration since Hoover has seen private sector job growth—every single administration, except this one.

The President's record on jobs, the President's record on the economy, the President's record on deficits and debt is the worst record of any President we have had, certainly in my memory, because he has taken a reckless fiscal course. We all know the story on manufacturing jobs: 2.1 million manufacturing jobs were lost since January of 2001. Now we get an economic report of the President in February of this year saying they ought to consider changing the definition of manufacturing jobs. The way out of this is not to create more manufacturing jobs, it is to change the definition of what is a manufacturing job. Here is what the President's economic report said:

The definition of a manufactured product is not straightforward. When a fast food restaurant sells a hamburger, for example, is it providing a service or is it combining inputs to manufacture a product?

Now, there are all kinds of ways to deal with a bad jobs record, but to try to redefine manufacturing as McDonald's manufacturing hamburgers is not going to sell.

Mr. DODD. Will my colleague yield for a question?

Mr. CONRAD. Yes.

Mr. DODD. Mr. President, I don't want to interrupt the flow. The Senator is going through a lot of numbers and statistics, and we owe a debt of gratitude to Senator CONRAD for this analysis. I would like to come back to this deficit picture. I think these other numbers on jobs and so forth are in direct relation to our fiscal policies. There is a correlation because of our inability—and I am posing a question to the Senator—or unwillingness to make the kind of important investments that any period of economic growth requires, which are obviously being adversely affected by the amount of debt we are accumulating.

I don't know if my colleague from North Dakota saw the same article I did yesterday, which was the lead story in the World Business section of the New York Times in which the IMF chief sees potential hazard in U.S. fiscal policies. I quote:

''We believe that such a large imbalance''

Talking about debt and deficit.

''is a risk not only to the United States economy, but for the world economy'' as well.

There are implications of allowing this fiscal situation to get so out of hand so quickly. As I recall it, in January 2001, we were looking at 10 years of surplus of $5.6 trillion. We are told now that the projections over the next 10 years of debt is somewhere around $3.5 trillion.

My question is, what are the implications for the younger generation? We have heard debate about death taxes. What about a birth tax here? What are the obligations of the children being born who are accumulating the debt that is occurring here? I wonder if he might comment on the IMF story and what it means for a child born in the 21st century with this kind of debt, what sort of price tag have they been saddled with as a result of the mismanagement of our fiscal economy?

Mr. CONRAD. It is interesting. This is the second warning the IMF has issued this year about the U.S. deficits and debt. This is the second time the International Monetary Fund has warned us and warned the world that growing U.S. deficits and debt threaten not only our own economic security but the world's economic security. Why? Because as the United States accumulates more and more debt, at some point those dollars that we are sending—that are being borrowed by us, money that is coming from China and Japan and, amazingly enough, South Korea—can you imagine that we have borrowed $60 billion from South Korea. At some point, that money has to be repaid. How is it repaid? How can it be repaid? Well, we have to reduce

our standard of living in order to produce the funds to pay back the rest of the world.

Mr. DODD. Mr. President, I was stunned by those numbers. As I recall, I think you said that we have borrowed around $600 billion from Japan, about $150 billion from China, and billions more from other countries. To make the picture clear, that is like a bank holding a mortgage on your home. They hold the paper on America. They can call due those notes at any time, I presume, or within a reasonable time, and could insist upon us paying back those obligations. So, in other words, our economic well-being is in no small measure tied to the desires of nations that may not have the same goals as we do, either in economic or foreign policy. They hold the mortgage, in a sense, on our future; is that correct?

Mr. CONRAD. That is exactly correct. The foreign debt of the United States under this administration has gone from $1 trillion to 1.8 trillion, an 80-percent increase in our foreign indebtedness.

Mr. DODD. In 40 months.

Mr. CONRAD. In 42 months. I was teaching back home in North Dakota at one of the universities, and I asked the students there: Does it make a difference, should you care, does it matter to you that we owe Japan almost $700 billion? Does it matter we owe China over $160 billion? Does it matter that we have borrowed over $60 billion from South Korea? They said it matters.

I said: How do you think it matters?

They said: If there is a military confrontation of some kind, maybe that affects our ability to do things we might think is in the national interest because we owe them so much money.

On trade, can we really call their hand when they are treating us unfairly in trade relationships when we owe them hundreds of billions of dollars? And what are the consequences here if all of a sudden we do return to economic growth and we have borrowed all this money and we have to start paying it back, what is the effect on interest rates here?

That is what frightens the International Monetary Fund. That is what concerns people such as Chairman Greenspan. That as we see rising interest rates because of this enormous indebtedness, and we have to start paying more interest to keep getting people to loan us money, that all of a sudden, the cost of servicing this debt will go up dramatically, it makes it much worse, and, more importantly, for the economy—because we have millions of people who have variable interest rates on their homes, on their cars, on their student loans—these interest rates will start going up dramatically because countries are less willing to continue to loan us money, and all of a sudden the economic strength of America is weakened.

Mr. DODD. Mr. President, if I may further add, that is just the exact point I wanted to raise with my colleague from North Dakota. We talk about rising interest rates, and we are talking about some tax cuts. As I understand it, when we begin to talk about an interest rate hike, which we invariably are going to see, the actual cost of a college loan, a home mortgage, a car payment, or any other obligation which most middle-income families have to borrow to meet these obligations—we have watched higher education costs go up more than 30 percent; we have watched health care premiums go up 45 percent; we have watched the price of gasoline go up 20 percent; all under this President's watch. To make those payments, it will actually exceed whatever tax cut we may be providing to that middle-income family because of our inability or the unwillingness of this administration to actually be more responsible in managing the fiscal picture of this country, and average consumers are going to see interest rate hikes that are going to dwarf any tax cut they may get; isn't that correct?

Mr. CONRAD. None of us can predict with clarity what is going to happen with interest rates, although we know under this fiscal condition, interest rates are going to go up. Clearly, that is going to offset, if not completely eliminate, the advantage of some of the tax reductions we get.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CONRAD. I know we are out of time. I ask for an additional 30 seconds to close.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I am going to go right to the end of my charts. Real median household income has gone down under this President. That is a serious problem for this country, a serious problem for the middle class, and wages are falling behind inflation. This is something which should concern all of us because we see wage increases falling behind inflation. That is why people feel squeezed, and we have not seen anything yet if the fiscal policies of the country are not altered, if we do not begin to get back to fiscal balance to reduce the threat to the long-term economic security of our country.

I thank the Chair.

Mr. DODD. Mr. President, I ask unanimous consent for 1 minute to conclude my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I thank my colleagues. Mr. President, I thank the Senator from North Dakota for taking a little time to go over this issue. These are our choices. There are those who may think the path we are on is a reasonable and sound one, that these numbers really do not make any difference. We hear that all the time: Deficits don't matter. My colleague from North Dakota has laid out exactly why they do matter and why we are going to have to pay for these things and get our fiscal picture in shape, or we are going to pay an awful price.

When we think of the IMF warning countries about their economic policies or fiscal policies, we are normally talking about third and fourth world nations. Here is the head of the IMF now telling the greatest economy in the history of the world: You better get your act together; not only are you going to hurt yourself, but you are going to hurt the world economy.

In a few days, Americans have a choice to make, and the choice the Senator from North Dakota laid out is a clear one. Politics is about the future. What the Senator is talking about is the future. I am tired hearing about debates 40 years ago. Americans want to know what is going to happen to their kids and grandchildren, and the Senator from North Dakota laid out the scenario that if we do not make the right choices, it will cost us dearly.

I thank the Senator.

THE TAX BILL

Mr. REID. Mr. President, we are shortly going to have before us a tax bill that will increase the debt of this country by, in some estimates, more than $1 trillion. This year's deficit that the President acknowledges is $430 billion. Of course, as we have learned here today in the presentation of Senator CONRAD, the ranking member of the Budget Committee, that doesn't take into consideration the cost of the war, nor does it take into consideration the fact that he is borrowing money from the Social Security trust fund. So the debt, of course, is closer to $600 billion, this year.

Today we learn from any newspaper we pick up that one way the President is going to try to save a few bucks is by going after the poorest of the poor. He is doing this by changing housing subsidies. I quote: ''The Bush administration is changing the fair market rent to section 8 tenants. The Government pays tenants about 7 percent of this amount. Here's a sampling in metropolitan areas.''

This sampling will cause the hair on the back of your head to come up. What has happened is, to help the President pay for all the things to help the rich of this country, corporate America, he is going after the poorest of the poor. The poor in Boston, section 8 tenants, in a one-bedroom apartment will lose 5 percent; in a four-bedroom apartment, 27 percent. In Detroit, they will lose, in a one-bedroom apartment, 6 percent; a four-bedroom apartment, 21 percent. In New Haven, they will lose 4 percent on a one-bedroom, 21 percent on a four-bedroom; in Trenton, 18 percent on a four-bedroom; in Atlanta, 16 percent; in New York City, 14 percent; in Philadelphia, 13 percent. On and on with these slashes that affect the poorest of the poor.

I hope the people around this country are seeing what has happened to the fiber of our country. We used to talk

about a safety net. There is no safety net anymore. It has been eradicated in the last 4 years. Section 8 tenants in the major cities of America are going to really suffer. It is too bad. It is too bad that the poor are getting poorer, the rich are getting richer, the middle class is becoming smaller and smaller. That is what this administration has done to America.

I yield the floor, and any time I have left in morning business, I yield back.

LOBBYING ABOUT MEDICARE

Ms. STABENOW. Mr. President, I felt compelled to come to the Senate floor today to respond to something I read today that was in the newspaper, the Hill, that relates to another effort to confuse people about what happened with the Medicare prescription drug bill, the Medicare cards that I hate to even call discount cards because they are not discounts. In fact, we are now seeing an effort to pay people to reach out and say something nice about the Medicare prescription drug bill and to get seniors to do it. Let me read to you some of this article.

A Republican lobbying firm is offering healthcare consultants almost $4,000 each to find senior citizens who are willing to speak out in favor of the Medicare drug discount card and write letters to Congress thanking members for saving them money on pharmaceuticals.

Obviously, it is difficult to find people to do that, so now they are paying people to go out in the form of headhunters, if you will, to find people who are willing to say something nice about the new Medicare prescription drug bill.

The DCI Group, a Washington, DC-based lobbying shop that advertises to potential clients that it can treat ''corporate issues like campaigns,'' is offering healthcare consultants $3,750 plus expenses over six weeks [between now and the election] to generate positive news stories about the drug card and offer support to Congress for voting for the Medicare drug law . . .

A recent e-mail sent from the DCI Group's Starlee Rhoades to healthcare consultants says that the campaign will run from September 15 to October 31 and that the client is RetireSafe, which has sponsored the hiring of healthcare consultants . . .

to go out and say good things about the Medicare prescription drug bill.

The DCI Group represents the Pharmaceutical Research and Manufacturers of America—PhRMA.

That is not surprising.

Tony Feather, who helped found the DCI Group, has close ties to President Bush's top political adviser, Karl Rove.

Also not a surprise.

The DCI Group e-mail to healthcare consultants, obtained by The Hill, stipulates a number of ''minimum deliverables'' that come with the job of touting the drug card.

Or duties, if you will.

The e-mail says that RetireSafe wants seniors, families of seniors and healthcare community leaders ''to send letters to their congressmen and senators thanking them for supporting the Medicare benefit, or asking for that support in the future.'' [And by the way] ''We have help available to write letters if the signer is not comfortable drafting the letter entirely on their own.''

For $3,750 plus expenses, health care officials must be available as an expert source of information to the media and that community and personally stop by the offices of their Congressman and Senators and thank them.

This is also very important as part of the deliverability. They must bring at least one senior or health care community leader to stand up at a townhall meeting and thank the lawmaker. I look forward to that.

The DCI group also asked the health care consultant to speak out on their own in support of the drug card.

Finally, every Wednesday from now until the 31st they are expected to send a report to the DCI that answers many questions, including how many events they attended. Did you speak in favor of the card and benefit? How many health care leaders did you ask to stop by the office of their Congressman or Senators? And how many actually did.

Then it says you will be responsible for acting as a local spokesperson at community events and media to get health care professionals' opinions, which goes a long way in making the story seem credible to the general public.

Reached yesterday, the lady involved initially denied she was involved in this campaign. But when told that her e-mail had been distributed widely, she said, ''I can't talk about it.''

I feel compelled to talk about this and to take a moment and say that $3,750 will buy a lot of Medicare for seniors. In fact, I am tempted to actually encourage seniors in my State and around the country to offer to say something nice between now and the election because they can buy a lot of medicine with this. That would be a better way to put it if, in fact, we were giving it directly to seniors.

The truth is, this was a good bill. If the discount cards were really a discount, if the Medicare prescription drug bill was really good for seniors, you would not have to pay consultants $3,750 plus expenses for 6 weeks. And the truth is, it doesn't matter how much you pay. Seniors know. They are the ones who have to write the checks. They are the ones who have to go to the counter every day and every month to look at what the bill is and decide if they walk away with their medicine or leave it there at the counter. They are the ones who decide whether they take them every other day, cut them in half, share them with their spouse, maybe don't get the medicine, pick it up today or get their medicine another day.

This is real for people. No matter how many consultants are paid $3,750 plus expenses, people know. It is unfortunate that there are those who underestimate the intelligence of older people in our country, their families, or the disabled. They know.

I hear stories every day of people who have gone to the Web site for Medicare and tried to wade through all of the cards—up to 70-some different cards—to figure out how to get some kind of discount. Then they look at prices continuing to go up.

I had a lady the other day tell me she bought the card, paid $25, and a couple of weeks later the medicine she was taking no longer had the discount, and she didn't get her money back.

People know. That is the great thing about our country. It doesn't matter what you have or how much you spend. People know whether they are better off. People know what is really happening.

We need to get about the business of getting this Medicare prescription drug bill right. We need to go back and do it over again, and do it right. Pharmacists need to have the ability of doing business with pharmacists in Canada who can really cut prices in half. Then we don't have to pay consultants $3,750 plus expenses to go find the senior citizen who would say something nice about a Medicare bill. People would say it because it would be true and it would be real.

But in the meantime, I say to folks who are today trying to figure out who to pay for their medicine, you might want to try offering, during the next 6 weeks, to say something nice about the Medicare bill for $3,750 plus expenses. I know it would buy my mom a lot of medicine. It would buy a lot of folks a lot of medicine, and it would be a better way to spend it than have more lobbyists trying to tell folks something that is not true.

The PRESIDING OFFICER. All time has expired.

The Senator from Kansas.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the remainder of the morning business time be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF PORTER J. GOSS TO BE DIRECTOR OF CENTRAL INTELLIGENCE

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session to begin consideration of Calendar No. 815, which the clerk will report.

The legislative clerk read the nomination of PORTER J. GOSS, of Florida, to be Director of Central Intelligence.

The PRESIDING OFFICER. Under the previous order, there are 6 hours of debate on the nomination equally divided between the chairman and vice

chairman of the Select Committee on Intelligence.

The Senator from Kansas.

Mr. ROBERTS. Mr. President, I ask unanimous consent that any quorum calls that take place during the consideration of the Goss nomination be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I rise today to urge my colleagues in the Senate to confirm Mr. PORTER J. GOSS, of Florida, to be the next Director of Intelligence.

On August 10, 2004, President Bush nominated PORTER GOSS to be the next Director of Central Intelligence, or the DCI. In doing so, the President stated that Mr. GOSS ''is a leader with strong experience in intelligence and in the fight against terrorism. He knows the CIA inside and out. He is the right man to lead this important agency at this critical moment in our Nation's history.''

The Goss nomination was received in the Senate on September 7. On September 14 and September 20, the Select Committee on Intelligence held extraordinary open hearings on this nomination that were televised and widely covered in the press.

At the September 14 hearing, Mr. GOSS was introduced to the committee by both of Florida's distinguished Senators, BOB GRAHAM, former chairman of the Select Committee on Intelligence, and BILL NELSON, who is well known to the Intelligence Committee as an interested and informed supporter of our efforts.

That both Florida Senators reached across the aisle to support this nomination is a testament to the wide bipartisan support that it does enjoy.

After 2 days of thorough and wide-ranging public hearings, the Goss nomination was placed before the Intelligence Committee membership for a vote yesterday morning.

In yet another impressive display of bipartisanship, the committee approved the Goss nomination and ordered it reported in a vote of 12 to 4. At this time, I would like to congratulate the Intelligence Committee members of both parties for their sober, penetrating, and thorough consideration of this nomination. The committee's handling of this nomination is very much in keeping with the bipartisan spirit that has animated its work during a very difficult year of challenges in the global war on terrorism in Iraq and in other areas around the world.

This bipartisan spirit did produce important steps forward, such as the committee's report on Iraq WMD, in understanding intelligence problems and gaps and also making recommendations in that regard.

As such, the committee's work will certainly help Mr. GOSS as he strives to make the intelligence community better and to produce the best possible intelligence product. I want to say I also appreciate Mr. GOSS's efforts during his 2 days of public hearings to respond to members' concerns and questions. He took these hearings very seriously and with attention to detail demanded by consideration for a position that has in the past been part of the Cabinet.

In my opinion, during his confirmation hearings Mr. GOSS showed the qualities we want to see in a good DCI. They are coolness under pressure, a willingness to look at alternative views and, very importantly, a willingness to ''take a few licks'' for past judgments.

Most important of all, he demonstrated his ability to put the lawmaker's so-called partisan hat aside and take up the strictly nonpartisan duties of this critical executive branch office.

As I noted at Mr. GOSS's first public hearing on September 14, the role of the Director of Central Intelligence is of paramount importance to the security of this Nation. It is also one of the most challenging jobs in the executive branch today.

Obviously, this Nation is currently engaged in a war not only in Iraq, not only in Afghanistan, but elsewhere around the globe. In this war, for the most part there are no trenches. There is no barbed wire. There is no well-defined no man's land. On the contrary, in this war of shadows and darkness, intelligence defines the front line and indicates its weak points and gaps.

Recently, a distinguished former National Security Adviser remarked to Senators that during the last 3 years our world has changed dramatically. In the old world, the threats were posed by nation states and organized military forces. In our new world, the greatest threats may be domestic. These threats may come from nation states and their agents and terrorist groups such as al-Qaida. Organized military conflict is only one of many threats.

In our new world, we are not fighting against nation states but against a network of disparate terrorist groups that operate not only in the shadows but at times right in our own midst. Whether Afghanistan or Iraq or here at home, defeating this enemy depends primarily upon the ability of our intelligence services to locate, to penetrate and, yes, to destroy the terrorist cells. We are involved in a world war which requires timely and actionable intelligence to ensure victory and the safety of the American people.

The Director of Central Intelligence is personally responsible for producing this intelligence. As we fight Islamic terror, other global threats continue to menace our Nation, and among them are these: The development of nuclear programs by adversary regimes such as those in Iran and also North Korea; the steady transformation of the People's Republic of China into a power capable of challenging our interests broadly and exercising influence over the region; and the continuing worldwide expansion of WMD technology.

The Director of Central Intelligence is also responsible for producing intelligence to keep the President and policymakers informed about these threats.

And if that were not daunting enough, Mr. GOSS has been nominated for a position which in all probability may not exist for much longer. As Senators know, the President and many in the Congress now support the creation of a new national intelligence director. There has been a great deal of discussion among my colleagues about reform. Above all, we must ensure that a national intelligence director is something more than a weak and ineffective figurehead.

Most of the debate outside the Intelligence Committee has centered on how to grant increased authority to the new national intelligence director while leaving the structural status quo undisturbed.

Many on the Intelligence Committee believe this is simply unworkable. In other words, significant structural change is vital to real reform. I believe strongly that we must create a new structure. This new structure must accommodate the diverse activities of our intelligence agency by giving direct responsibility and control of primary intelligence disciplines and the corresponding agencies to a truly empowered national intelligence director and his assistants. And true empowerment includes both budget authority and line authority to direct and control the activities of the intelligence activities. One without the other may leave us with an intelligence head who can neither succeed nor be held accountable, and that would be a most unfortunate outcome.

We don't know how or when reform will finally be enacted. Until then, however, we need a strong Director of Central Intelligence with the necessary skills to manage a community which needs reform. PORTER GOSS understands these issues. As chairman of the House Intelligence Committee he helped create momentum for reform.

PORTER GOSS will be a good man to have in the intelligence community driver's seat as Congress, in cooperation with the executive branch, goes through the consideration of major reform. His unique background will serve him well as he meets these and other challenges while directing our intelligence community.

For over 40 years, PORTER GOSS has been serving his Nation, his State, and his community. As an Army intelligence officer, a clandestine CIA case officer, a newspaper man, a county commissioner, a U.S. Representative, and chairman of the House Intelligence Committee, PORTER GOSS has done his duty with skill, with honor, and with integrity. I believe, and Members on both sides agree, that his experience makes him uniquely suited to serve as the Director of Central Intelligence.

I have known Mr. GOSS personally for 16 years. I served with him in the other body, the House of Representatives. I have worked with him on a weekly

basis since I joined the Intelligence Committee. I have formed a strong opinion about his fitness to lead the intelligence community.

One of PORTER GOSS's most important characteristics is that he does not ride in a partisan posse. In that sense and in many others, the President has selected an outstanding public servant to be his principal adviser on intelligence.

In concluding my opening statement on the Goss nomination, I would like to underscore an important point. If, as I earnestly hope, the Senate approves this nomination today, this body will not simply have performed a routine pro forma duty. On the contrary, PORTER GOSS's confirmation as the DCI represents perhaps the most important changing of the guard for our intelligence community since 1947. This confirmation represents a fresh start for our Nation's intelligence community. He will be the first Director of Central Intelligence in a new and hopefully better intelligence community. It is not the same entity that George Tenet inherited when he was confirmed by this body 7 years ago.

It is not the same entity that existed on September 10, 2001. The intelligence community has undergone vitally important changes since the terrorist attacks of 2001. These changes are the result of many factors: statutory requirements, Executive orders, and other major changes in policy. That snapshot that we took of the intelligence community back on September 10, 2001, and the snapshot today is much better in terms of improvement. A key factor is the vigilance and dedication of the intelligence community rank and file, to include those men and women who, today, as I speak, are putting their lives at risk in remote and dangerous places to protect our Nation.

Still other changes are on the immediate horizon as Congress considers major intelligence reform. So let us understand clearly what we do here today. PORTER GOSS, as the new DCI, will lead a new intelligence community into a new chapter. Senate confirmation of PORTER GOSS does not mean simply painting a new name on the mailbox at Langley. It represents the opening of a new era for the intelligence community. The errors and omissions of Iraq are well known. They must be corrected.

Steps have been taken and will be taken to ensure that. The errors and the omissions of 9/11 are very clearly and thoroughly described in both the joint inquiry that was conducted by the Senate Intelligence Committee, the House Intelligence Committee, and the 9/11 Commission Report.

These errors and omissions must and will be corrected. PORTER GOSS's task will be to build, inspire, and open a new chapter in our intelligence activities. We must never forget the errors of the past or their human cost. Likewise, we should not dwell on them or allow them to paralyze us. We must grapple with them and overcome them. That is what is happening now, with structural intelligence community reform. PORTER GOSS's task will be to open the new chapter and lead the intelligence community into that fresh start.

Today, perhaps our highest legislative priority is to repair what is broken in the intelligence community. We must not let this laudable desire immobilize us.

John McLaughlin, the Acting Director, has done a professional and commendable job as the Acting DCI. He, no less than the rank and file of the intelligence community, needs long-term, permanent leadership, and we need it now.

One of the concerns voiced by the 9/11 Commission was that it takes too long to put key intelligence community officials into place. In the case of this nomination, I believe the Senate definitely got the message. The watch word for this nomination since the beginning has been goodwill and bipartisanship. As I stated at the beginning, Senators GRAHAM and NELSON of Florida introduced and strongly endorsed this nominee at his first confirmation hearing. We had an impressive bipartisan vote on this nomination in the Senate Intelligence Committee. The ranking member of the House Intelligence Committee, the Honorable Ms. JANE HARMAN, has pointed with pride to her committee's involvement in intelligence reform under Mr. GOSS's chairmanship. Expressions of support for this nomination have come from both sides of the aisle and both sides of Capitol Hill.

This nominee is ready to go to work and he is needed. I urge the Senate to confirm him as soon as possible. I, personally, and I think I speak for the members of the Intelligence Committee, look forward to working with PORTER GOSS, the next and possibly last DCI.

I understand the vice chair is waiting to speak, but I ask his indulgence to permit Senator CHAMBLISS to speak first.

Mr. ROCKEFELLER. Yes.

Mr. ROBERTS. How much time does the Senator request?

Mr. CHAMBLISS. I request 7 minutes.

Mr. ROBERTS. I yield him such time as he would consume.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I appreciate the Senator from West Virginia allowing me to go before him. The leadership that the chairman and the vice chairman of the Senate Intelligence Committee have provided has been unparalleled in this difficult time in the history of our country. Both Senators have conducted themselves in a very professional way and have brought continued honor and dignity to the Senate Intelligence Committee in a bipartisan way, and I want to publicly commend both of them for their leadership.

I rise today in support of the nomination of PORTER GOSS to be the Director of Central Intelligence. There is no more important time in the history of our country, from an intelligence perspective, than we are in today. PORTER GOSS has been nominated by the President to be the chief intelligence officer for the United States. PORTER GOSS brings to the office an unparalleled wealth of experience and knowledge relative to intelligence matters. PORTER GOSS has been a friend of mine for 10 years, and I bring to this argument and this debate a little bit different perspective than any other Member of this body because I served in the House of Representatives for 8 years with PORTER GOSS, the last 2 as a member of the House Intelligence Committee under the chairmanship of PORTER GOSS.

During the last 2 years as a Member of the Senate and as a member of the Senate Select Committee on Intelligence, I have continued a relationship with PORTER GOSS in the intelligence community. Both before September 11 and subsequent to September 11, I have seen PORTER GOSS in the trenches doing the kind of work that lawmakers have to do relative to their day-to-day jobs. Nobody has provided stronger leadership on the issue of intelligence than PORTER GOSS has, both before September 11 as well as after September 11, and more significantly after.

As I think about the arguments that have been brought forth in the public hearings over the last couple of weeks regarding Mr. GOSS, the primary thrust of the negative arguments have been that he is too partisan and too political to carry out the job of the DCI.

Well, I will say this about this man for whom I have so much respect: I have seen him in an atmosphere of committee work. I have seen him in an atmosphere of social work. I have seen him in an atmosphere of operating on the floor of the House of Representatives. Certainly, there is nobody who is a stronger advocate for his position on any issue than PORTER GOSS. He is very direct. He is very plain spoken, and it is pretty obvious which side of the issue he is on. But he always does his arguing in a very respectful way, and in a way which advocates his position but does not get into personalities. Unfortunately, that is where the partisanship occurs in both this body and the body across the U.S. Capitol.

PORTER GOSS has conducted himself in a professional and nonpartisan way as chairman of the House Select Committee on Intelligence, as well as a member of the Rules Committee and otherwise in the U.S. House. He is a strong advocate for his positions but he is not a partisan person.

I will discuss very quickly why I feel so strongly about his background and what it brings to the table relative to his confirmation. PORTER GOSS started out early in his career as a military intelligence officer in the U.S. Army. He then moved into the realm of the Central Intelligence Agency and was a

clandestine officer for the CIA in two different overseas posts. He knows the people within the CIA. A number of individuals who he served with during his CIA years are still employees at the CIA. He knows not only the organization, but he knows the personalities, and he knows the kinds of people who are led, and the kinds of people who need to lead at the Central Intelligence Agency.

PORTER GOSS followed his time as an Intelligence Officer in the field with 8 years as chairman of the House Select Committee on Intelligence. He has covered the spectrum from an intelligence perspective. He has been on the ground as an Army intelligence officer, and the Department of Defense is the largest customer of the CIA. He has been at the ground level of the CIA, where the real work is done and where the real intelligence is gathered, by being a clandestine officer within the CIA. Then in his years as chairman of the House Select Committee on Intelligence he has been in a position to provide oversight for the work that not only he did as an active member of the intelligence community but following, particularly, post-September 11 he has provided the oversight and been critical where he needed to be critical, and yet complimentary where he needed to compliment the intelligence community relative to the work they were doing.

I don't know of anyone else who has the same diversified background as a soldier, a clandestine case officer, and a legislator as does PORTER. It is pretty obvious that his background and vast experience are two of the main reasons why the President selected Mr. GOSS to be the next Director of Central Intelligence.

PORTER GOSS is a personal friend and he is somebody for whom I have great respect. I know what kind of family man he is, I know the strength of his character, and I know his dedication to duty, which is why he accepted the nomination to become our next DCI. I also know the wealth of intelligence background he will bring to the table as our next DCI.

The main point I want to conclude with is the fact that we are in a very complex world. We are in a world where intelligence matters. We are in a world where we need to have the cooperation of our allies around the world to collect intelligence against common enemies and common threats.

I have been with PORTER GOSS when he has had meetings with numerous—too many to detail—heads of the intelligence communities of our allies, both abroad as well as here in Washington. I have seen the rapport and the relationship he enjoys with these individuals. I have been to other countries around the world to meet with the heads of their intelligence agencies, and the first question they will ask is not how am I doing but, ''How is my friend PORTER GOSS doing?'' He has an unparalleled relationship with the intelligence community around the world—not because he is just a good guy but because they respect him for the work he has done and they respect him for the knowledge and the experience he brings to the table relative to the intelligence community.

I strongly support the nomination of PORTER GOSS to be the next Director of Central Intelligence. I ask my colleagues to review the record on Mr. GOSS, listen to the debates, but at the end of the day I hope we will send a resounding message to the President, and that is: You have picked the right man. Let's confirm PORTER GOSS as Director of Central Intelligence and move forward.

I yield the floor.

Mr. ROBERTS. Mr. President, I yield such time as he may use to the distinguished Senator from Missouri, a member of the Intelligence Committee.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my distinguished chairman.

It is a pleasure today to rise in support of PORTER GOSS to be Director of the Central Intelligence Agency. The Senate Intelligence Committee has done its due diligence. It has done its duty with regard to examining the nominee's fitness and qualification for the post of Director of the Central Intelligence Agency. His nomination should be approved without delay.

Much of the work that goes on in the Intelligence Committee is conducted in confidence because of the need to maintain confidentiality. But I will say that the thorough hearings we had on Congressman GOSS were similar to the thorough hearings we have had on all of the subjects brought under the jurisdiction and supervision of our distinguished chairman from Kansas, along with the ranking Democratic member from West Virginia.

There is no question that there is a lot of important work awaiting the new Director of Central Intelligence. Somebody has to be in charge. We are at war with those who seek to destroy us and all freedom-loving people's way of life.

Whether we have a new national Director of Intelligence, whether we have a CIA Director with expanded powers or limited powers, the fact remains that we need to move forward with the nomination of PORTER GOSS.

We have a long way to go to hash out what kinds of changes we are going to make to the organization of the intelligence committee. The more I hear, the more I watch other committees working, the more divergence of opinions I see. Whatever structure we have, we need somebody to control intelligence and make sure we put it on the right path.

A cornerstone of our fight in the war against terrorists, as well as other challenges that confront us, is the paramount need for timely and actionable intelligence to ensure good policy decisions, to ensure adequate preparation for actions that we may take, and to ensure victory for our forces that are deployed in the real-life battles against those who threaten us or threaten national security. Our national security depends on the ability of intelligence services to locate, penetrate, identify targets, and/or destroy terrorist cells.

In addition, we need a Director of Central Intelligence who will keep policymakers informed about other global threats facing our Nation. And, yes, while we are looking at the war on terrorism, we need to be concerned about and following developments about the possible nuclear program advances or missile advances in Iran and North Korea, the steady growth of troubling developments in other major world powers, and the continuing proliferation of weapons of mass destruction technology.

The intelligence community needs a leader right now, the support of the President, and the support of this body who has the experience coupled with a commitment to reform. I am convinced that PORTER GOSS possesses these qualities. He was a former intelligence officer, a former CIA clandestine officer, and as chairman of the House Intelligence Committee, where he probably also went in harm's way to handle that post, PORTER GOSS clearly knows the intelligence business and has the experience.

As cochairman of the joint House-Senate inquiry into the 9/11 intelligence failures, he is intimately aware of the problems currently existing within the intelligence community's ability to counter terrorists. He is someone who will work with the Congress and the administration to implement needed reforms.

Mr. GOSS has also earned the respect of his colleagues and fellow policymakers on both sides of the aisle. One of the most, if not the most important principles that applies to our intelligence community and our oversight should be our nonpartisanship.

PORTER GOSS has been praised by his Democratic colleagues year after year for being nonpartisan on national security.

Senator GRAHAM of Florida said of PORTER GOSS, in our hearing:

> He is uniquely qualified to be here today as the President's nominee to serve as the Director of Central Intelligence. . . . He is a man of great character, unusual intelligence, a tremendous work ethic and an outstanding personal and professional standard of integrity.

Senator GRAHAM also went on to say:

> In addition to those personal qualities, when it comes to the intelligence community, Congressman GOSS has, in my judgment, a balanced perspective, a perspective gained both as an insider and then as an outsider. For a decade, early in his career, Congressman GOSS served our Nation in both the Army and the CIA. He knows firsthand the value and the risk of clandestine operations.

I could cite many other statements by leaders in both bodies. Senator BILL NELSON of Florida, last month, said of Representative GOSS:

He's a class act. Goss combines all of those characteristics, which are kind of somebody I like.

My colleague and friend from Missouri, Representative IKE SKELTON, the minority leader on the Armed Services Committee, said, in 1997, talking about the work on the intelligence authorization bill:

I salute both the chairman, the gentleman from Florida [Mr. GOSS], and the ranking Democrat, the gentleman from Washington [Mr. DICKS] for their dedicated and bipartisan work.

I believe he can work on a bipartisan basis. In addition, PORTER GOSS understands the endemic deficiencies within the intelligence community. There can only be true, meaningful changes if there is a solid understanding of why change is necessary. PORTER GOSS understands what is broken and is determined to work with us to fix what needs to be fixed and not to mess with what does not need to be fixed.

There are some glaring problems we identified in our report on the prewar intelligence on Iraq. One of them was the poor state of human intelligence. That is spies on the ground, HUMINT as it is called in intel-speak. We did not have any. What a disaster. We also have problems in collection in general, analysis, and the consistent problems with information sharing. These are problems that PORTER GOSS has, during his tenure as chairman of the House Intelligence Committee, devoted himself to improving.

As Chairman ROBERTS mentioned in yesterday's open session, PORTER GOSS held over 62 hearings on intelligence community reform issues this year.

Under Chairman GOSS's leadership, the House Intelligence Committee advocated changes and added resources annually to address the intelligence community's most pressing problems, especially those related to HUMINT and analysis.

His commitment to reform forced the CIA to repeal its restrictive internal guidelines that had a ''chilling effect'' on HUMINT operations. He attempted to refocus CIA analytic resources toward longer term, predictive, strategic intelligence, and directed that more attention be paid to language training, breaking down stovepipes, and enhancing information sharing.

I can tell you, the stovepipes still exist. We still have bureaucracies that only want to share information up and down within their little fiefdoms, and we need somebody in charge who is willing to break down those barriers and make sure sensitive information is shared on a need-to-know basis.

PORTER GOSS was a member of the Aspin-Brown commission which was formed to assess the future direction, priorities, and structure of the intelligence community in the post-Cold-War world. The commission made a number of recommendations, including looking how to streamline the DCI's responsibilities and give him more flexibility in managing the intelligence community.

Those who question PORTER GOSS's commitment to change must remember that his leadership and dedication to intelligence community reform is apparent in his work on the ''Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001.'' This report contained 19 recommendations. It laid the foundation for the 9/11 Commission recommendations—the changes that have been the subject of much discussion in the press over the last several months.

Those who question Representative GOSS's commitment to reform as well as his commitment to operate independent of the current administration should recall that Mr. GOSS took the initiative to introduce his intelligence reform legislation on June 16 of this year, H.R. 4584, which called for significant changes in the intelligence community structure in addition to providing a DCI or DNI the much needed personnel and budgetary authority required to be a truly effective leader. It should be noted that PORTER GOSS's legislation did not fall in lockstep with the recent Executive order issued by the President, thus proving that Mr. GOSS will take the necessary bold steps to do what is right for the community.

I quoted Senator NELSON of Florida earlier, but he also said of PORTER GOSS:

. . . Congressman GOSS is someone whose public life has been illustrative of being nonpartisan, fair and independent.

When PORTER GOSS was pressed to defend past partisan statements before our committee, he acknowledged there are times on Capitol Hill when partisanship will rear its head. That is, unfortunately, part of the job. However, he told our committee the following:

I well understand that I am leaving one arena and, if confirmed, heading to another arena that operates completely differently where partisan politics are not part of the job.

A considerable record has been created, embracing both substantial comment on PORTER GOSS on his nomination and several commitments by him on intelligence matters involving counterterrorism and other important activities. I stress again the importance of approving Mr. GOSS's nomination at this time of paramount importance in the intelligence community. I hope my colleagues will join with the chairman, with me, and other members of the committee in extending him our support.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Presiding Officer.

Mr. President, the nomination of Representative PORTER Goss to be the next Director of the Central Intelligence Agency comes, obviously, at an absolutely critical time in our Nation's history.

The documented intelligence failures prior to the terrorist attacks of September 11 and leading up to the war in Iraq have left the intelligence community's credibility bruised and their image tarnished, which none of us wants.

The community's objectivity, their independence, and their competency have been called into question. That is fair in some cases. As a result, a bipartisan call for reform has steadily grown to the point where the Congress is on the threshold of passing landmark legislation, I believe and I hope, to create a stronger, better managed intelligence community before we adjourn this year. I do not think we should stretch it out and wait. I think we should do it, and do it now.

The next Director of Central Intelligence will be the most important person for that position ever confirmed by the Senate. Our decision on who should lead the Central Intelligence Agency, and the other 14 intelligence agencies, according to the law, should not be a rubberstamp job.

The importance of this position requires a thorough examination of the nominee's record and his ability to carry out the weighty responsibilities of the job.

As I have indicated, never before in the 57-year history of the intelligence community has there been such a need for a Director of Central Intelligence with unimpeachable character, proven leadership and management experience, and strong national security credentials.

The new Director will face, in my judgment, no fewer than four major challenges: waging an unrelenting offensive clandestine campaign against al-Qaida and other terrorist organizations around the world; supporting ongoing military operations in Afghanistan and Iraq; managing an intelligence community in a state of transition; and, restoring the intelligence community's lost credibility.

The next Director of Central Intelligence must be extraordinarily qualified in order to successfully carry out these and other national security tasks.

I simply say all of this to say the stakes are enormous. Perhaps most importantly, the next Director of Central Intelligence must be nonpartisan, independent, and objective. This standard is not simply this Senator's; it is what the law, the National Security Act law, requires specifically in language.

I know of no other position of importance in Government requiring that independence, objectivity, and non-partisanship as a requirement for confirmation. The very first responsibility of the Director of Central Intelligence under the National Security Act—and these are the words—says that his advice to the President, the executive branch, the military, and the Congress must be timely, must be objective, and must be independent of political considerations, and based upon all sources available to the intelligence community. That is the law.

I have reviewed Representative GOSS's record closely. I have gone over his writings and his speeches of the past 10 years. We have just completed two open hearings, which I thought were good hearings, in the Intelligence Committee, where Representative GOSS was asked questions about his past record, his commitment to reform the intelligence community, and his ability to be forthright, objective, and independent.

Representative GOSS is, without question, qualified in many respects. He is a fine person. I have been able to work with him well over the past few years—that is not one of the requirements, but it happens to be true—both in the joint congressional inquiry into 9/11, and also in House-Senate conferences. His past employment with the Central Intelligence Agency, doing extremely dangerous work, and his 7-year tenure as chairman of the House Intelligence Committee, have given him both an insider's and outsider's perspective of the intelligence community. There is no doubt that he is an extremely knowledgeable person with respect to the inner workings of the Central Intelligence Agency and the other agencies he is nominated to manage.

But Representative GOSS's record is troubling in other regards. I wish to speak about them. He has made a number of statements relative to intelligence matters—many in the past year—that are, in fact, highly partisan and displayed a willingness on his part to use intelligence issues as a political broadsword against members of the Democratic Party. Again, ordinarily, that is kind of routine around here, but with respect to the Director of Central Intelligence, that should not be and cannot be according to the law. When taken collectively, this list of partisan statements and actions on intelligence matters raise a serious doubt in my mind as to whether PORTER GOSS can be the type of nonpartisan, independent, and objective national intelligence adviser our country needs.

What is the public record of the person the President has nominated to be the next director of the CIA? Has he been independent, objective, and nonpartisan on intelligence issues, again, as required by law?

In March of this year, Representative GOSS coauthored an intelligence op-ed piece entitled ''Need Intelligence? Don't ask John Kerry.'' In this political attack piece, he made a number of highly charged political allegations relating to intelligence spending. These are quotes from the Congressman:

. . . when Democrats controlled the Congress, the cuts were deep, far-reaching, and devastating to the ability of the CIA to do its job to keep America safe.

. . . during the Clinton years, the Intelligence Community was given a clear message that if they failed in politically risky operations . . . there would be no backing from the Clinton White House or the Democratic-controlled Congress.

And then Representative GOSS targeted Senator KERRY, who he claims ''was leading the way to make deep and devastating cuts in the intelligence community's budget'' and ''was leading efforts in Congress to dismantle the Nation's intelligence capabilities.'' Severe criticism. A few months later, in a June 23, 2004 statement on the floor of the House, Representative GOSS claimed that ''the Democratic Party did not support the Intelligence Community.'' And in the same June floor debate, he offered the following justification for his claim:

My comment is that when there was opposition to intelligence and, year after year, efforts to cut the intelligence budget, they did come from the Democratic side through the period of the 1990s.

I have gone back over the record and determined that Representative GOSS's election year claims mischaracterize the intelligence record of both the Democratic Party and Senator KERRY, in my judgment. He also failed to point out his own record as a member, and eventual chairman, of the House Intelligence Committee during this time. Had he stated the intelligence record factually, it would have taken the sting out of his political attacks and created an entirely different picture than the one he painted.

It is true that during the first two years of the Clinton administration, the intelligence budgets declined. That is true. This was a period of deep cuts in almost all areas of Government, as we tried to grapple with the legacy of the previous 12 years of uncontrolled deficits. Over the next 6 years, however, the Clinton administration's budget increased every single year for intelligence. During that 6-year period, fiscal years 1996 to 2001, Republicans controlled both Houses of Congress, and the Congress cut the President's request in 1996, 1997, 1998, and 2001. In 1999, the Republican-controlled Congress initially cut the intelligence budget, but then passed a large one-time supplemental appropriation.

In fiscal year 2001, the Republican-controlled Congress returned to its pattern of cutting intelligence funding. After the 9/11 attacks, Congress once again passed emergency supplemental funding. By that point, the Democrats had a majority of the Senate—briefly.

Representative GOSS voted for every Intelligence authorization bill and every Defense appropriation bill during this period. So he must have thought that the so-called underfunding President Clinton was requesting was acceptable.

Now, I want to look at exactly what Senator KERRY proposed in 1994, and I want to contrast that with a bill, H.R. 1923, introduced by Representative Solomon that had as its first cosponsor Congressman GOSS.

In 1994, Senator KERRY introduced a bill to cut the deficit by $45 billion over 5 years—at a time when Congress was searching for ways to undo the 12 years of uncontrolled deficits under the Reagan and Bush administrations. Senator KERRY's proposal would have rescinded $1 billion from the 1994 Intelligence appropriations and then increased intelligence spending over the next 4 years by the inflation rate. Representative GOSS's proposal in 1995 would have cut not less than 4 percent of the personnel from all intelligence agencies in each of the following 5 years. After the initial cut in 1994, Senator KERRY's proposal would have provided significantly more funding for intelligence than was appropriated by the Congress controlled by the Republicans, beginning with the fiscal year 1996 budget.

Representative GOSS's proposal, on the other hand, would have resulted in dramatically lower intelligence funding and, in fact JOHN KERRY's proposal would have resulted in $8.8 billion more for intelligence than Congressman GOSS's lead-cosponsored bill.

And worse, all of the cuts Representative GOSS proposed in 1995 would have been achieved by firing 20 percent, by law, of America's intelligence officers at the very time the terrorist threat from al-Qaida was growing. In fact, had the Congress followed the Goss plan, the intelligence community would have had tens of thousands fewer intelligence officers in the year 2000: fewer intelligence collectors in the CIA, NSA, and elsewhere; fewer intelligence analysts across the community; fewer intelligence officers in the military service; and fewer counterterrorism officers in the FBI.

The Goss plan would have made, using his own words, in fact, ''deep and devastating cuts in the intelligence community budget.'' But this year, an election year, Representative GOSS chose to level that charge against the Democratic Party as a whole and Senator JOHN KERRY by name. Why? When asked at the nomination hearing to reconcile these facts with his charge that it was the Democrats who did not support intelligence, Representative GOSS simply said, ''The record is the record,'' about four or five times. He also refused to admit that his accusations might have been in error.

When asked whether anyone from the White House or the President's reelection campaign asked him to write the March editorial and to give the June floor statement against JOHN KERRY, he said he couldn't recall.

Representative GOSS's unwillingness to be forthright in his answers on this matter were troubling to me and a number of my colleagues on the committee. His dismissive answers to tough, but as I said repeatedly, I thought fair questions lacked candor.

I was left with doubt that as Director of Central Intelligence, he would have a forceful and independent voice on intelligence assessments that do not necessarily support a political agenda, if there is one, of the current President.

There are other instances where Representative GOSS, as chairman of the House Intelligence Committee, played the partisan blame game. It is against the law for the Director of the CIA to

be involved in such. That was then. He is being confirmed now. Does this man's life change completely after 15 years from partisanship to total nonpartisanship?

In 1999, when it was disclosed that the Chinese espionage efforts against our Department of Energy weapons laboratories may have resulted in loss of sensitive nuclear weapons design information, a counter-investigation was begun, eventually resulting in charges being brought against Los Alamos scientist Wen Ho Lee.

Representative GOSS repeatedly laid the blame for this espionage activity on the Clinton administration's failure to protect national security. In the final days of the 2000 Presidential election campaign, Representative GOSS took to the House floor and stated:

> We have in the Clinton-Gore administration seen a cultural disdain for security.

Again, Representative GOSS's statements on important intelligence issues mischaracterized the record in the attempt to score political points.

The Cox Commission, which PORTER GOSS served on as vice chairman, found that the security problems at the Department of Energy weapons laboratories predated the Clinton administration and that the Chinese espionage collection program against the weapons lab began in the 1970s.

The Cox Commission report also noted it was the Clinton administration that issued Presidential Decision Directive 61 requiring the Department of Energy to improve counterintelligence programs.

Evidently, mentioning these points was not helpful to Representative GOSS when he was making sweeping statements about ''a cultural disdain for security,'' which is highly offensive to me as a Democrat who is vice chairman of the Intelligence Committee, and I think all Republicans and all Democrats care desperately, seriously about what happens in intelligence.

In the rush to assign partisan blame, Representative GOSS ignored the record. In a number of other statements, Representative GOSS erroneously singled out the Clinton administration and congressional Democrats for cutting human intelligence programs in the 1990s that, in turn, he said, limited the intelligence community's ability to carry out its mission.

Yet it was Representative GOSS himself who said in 1998 that human intelligence collection programs needed to be cut by the time the 1990s began. His comment specifically was:

> I am convinced that the U.S. clandestine service, the CIA Directorate of Operations was in the mid to late 1980s too large.

When the identity of Valerie Plame, an intelligence officer with the CIA whose clandestine identity is protected by law from unauthorized disclosure, was leaked and published by columnist Robert Novak, Representative GOSS was asked whether the disclosure warranted investigation. His response was stunning. He said:

> Someone sends me a blue dress and some DNA, I'll have an investigation.

The whole basis for the law protecting the identity of covered intelligence community employees from being disclosed is to protect the lives of American intelligence officials that are endangered if their true identity is known to our adversaries.

As a former CIA case officer and chairman of the House Intelligence Committee, Representative GOSS knows this. For him to make such a statement, with its clearly implied shot at President Clinton, was wrong, inappropriate, and insensitive to the gravity of the matter. I hope Representative GOSS, if confirmed by the Senate to lead the CIA, will have a more serious attitude toward the outing of CIA employees undercover.

When Richard Clarke, the coordinator for counterterrorism for the National Security Council from 1993 to October 2001, provided testimony to the 9/11 Commission that was clearly damaging to Bush administration claims, Representative GOSS, and others, questioned his integrity and claimed he may have lied before the joint congressional inquiry in closed session, vowing to declassify his testimony to prove it.

These claims were never substantiated, and when the National Security Council forwarded to Chairman GOSS, as requested, a declassified version of Richard Clarke's testimony on June 25, nearly 3 months ago, he took no action to publicly release it so that allegations of perjury and the like could be laid to rest.

While the Senate voted to support the creation of the independent National 9/11 Commission, which eventually became the Commission led by Governor Tom Kean and Representative Lee Hamilton, Representative GOSS opposed the measure on the House floor.

When the Senate and House Intelligence Committees met in the fall of 2002 to conference this issue, he continued to oppose the creation of an independent 9/11 Commission stating that the issue would be decided ''above my pay grade.''

When the Senate Intelligence Committee undertook an investigation into the use of intelligence—not the collection, analysis, and production of intelligence, but when you hand it to policymakers—the use of intelligence by the administration officials prior to the war as part of our broader Iraq intelligence inquiry, Representative GOSS made disparaging comments about two Democratic Senators in particular who, like many others in this body, are profoundly concerned about the veracity of public statements made about the U.S. intelligence agency, calling them ''two old attack dogs gumming their way through artificial outrage about something they should know a lot more about and be more responsible about.''

What makes this particular criticism curious is Representative GOSS's lack of action on the issue of pre-war intelligence. Despite assurances over a year ago that the House Intelligence Committee was evaluating the intelligence community's performance on Iraq since the end of the gulf war, Chairman GOSS failed to issue the promised report on the failures and mistakes leading up to the war.

Chairman ROBERTS and I, in a thoroughly bipartisan fashion, did so in a 17-to-0 vote. I think we are both proud of that, and justifiably so, along with our colleagues on the committee. The House produced nothing. They produced press releases, but nothing else.

When both the Senate Armed Services Committee and the Senate Intelligence Committee, as committees with shared jurisdiction, began holding difficult but necessary oversight hearings into the improper treatment and interrogation of prisoners in Iraq, Representative GOSS viewed our actions with disdain, saying:

> I am not comfortable with what the Senate is doing . . . I do honestly question whether or not they have balance over there on this issue . . . We've got a circus in the Senate, which is always the likely place to look for this circus.

PORTER GOSS chose to denigrate the Senate's investigation, while the House chose to largely ignore the matter and not ask the tough questions about what happened inside Abu Ghraib prison and at other detention facilities in Iraq or elsewhere.

All too often, Representative GOSS's statements and actions as chairman of the House Intelligence Committee seemed designed to protect the administration by avoiding contentious issues which could be embarrassing to the administration and placing blame on Democrats for shortcomings in the intelligence community.

Not surprisingly, one thing missing from Representative GOSS's records is any public statements on intelligence critical of Members of his own party or the administration. During his nomination hearing, Representative GOSS assured the committee that these partisan inclinations of the past would not prevent him from carrying out his duties as Director of Central Intelligence. He said he understood the Director must be an independent adviser to the President and the Congress, beyond reproach and beyond the reach of politics.

While I appreciate his testimony and commitment to being a nonpartisan Director of Intelligence, I cannot say with absolute certainty that he will be exactly that. I must vote on his record. I cannot vote on his promise, and I do not think the Senate should. His record is his record. He said it.

The truth is, Chairman GOSS and I have a very good working relationship, one that I expect will continue and improve in the future. We had a good exchange in recent days, even during difficult nomination hearings. In contrast to those who wish to gloss over this issue, PORTER GOSS himself understands exactly the dilemma that I and

many of my colleagues face with this nomination. He knows this is one of only a handful of positions in the entire U.S. Government that requires by law nonpartisanship and objectivity, and in this case the demand is all the greater because it is about our national security.

PORTER GOSS openly acknowledged in his testimony before the committee this week that he has at times approached national security issues with excessive partisanship, and he expressed regret about that. And I respect that. I believe PORTER GOSS knows that in essence, on this whole question of independence, he is asking us to take it on faith, so to speak, that he can make a clean break from the last 10 to 20 years of his political career.

I hope he is right. I very much want him to be right about that, but at end of the day I do not think taking it on faith is enough for this vice chairman of the Intelligence Committee when it comes to such a critical position of Director of Central Intelligence. It does not meet the legal standard, and it does not meet my obligation, in my judgment, as vice chairman.

These are troubled times for the intelligence community in our country. In so many ways, we are still recovering from the tragedy of 9/11. We are grappling with the tragic impact of flawed and exaggerated intelligence leading up to the war in Iraq, and we are struggling still to understand the truth about what is happening in the world.

Just yesterday, our President surprised and shocked many of us by dismissing outright the highest level of consensus view of the intelligence community when he said they were ''just guessing'' about the gravity of the situation in Iraq.

In light of all of this, I believe I owe it to the men and women of the intelligence community to send a clear and strong signal about the paramount importance of independence and objectivity. It needs to be said not only in words but in action. So I will vote against the nomination of PORTER GOSS to be the next DCI.

I sincerely hope PORTER GOSS will prove my vote wrong, and I told him that. In fact, I intend to work with him in order to help him prove me wrong. But based on his record of partisanship, based on the dictates of the law, and based on my own strong conviction against mixing politics and intelligence at the CIA, I must vote no.

I yield the floor.

I yield such time as he may consume to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, in beginning my comments, I first want to commend the chairman, Senator ROBERTS, for the way in which he conducted the hearing. He was eminently fair. I believe I had five rounds of questions myself for the nominee, and I want to express my appreciation to the chairman for the way he conducted the hearings, and also express my thanks to Senator ROCKEFELLER. His leadership on the committee has been invaluable to me.

I also want to commend the vice chairman for an excellent statement this afternoon, much of which I agree with, as he knows.

PORTER GOSS is a good man and a good Congressman, but his long record of supporting business-as-usual intelligence policies is not good enough to warrant his appointment as CIA Director at this dangerous hour. Mr. GOSS showed that on his watch, as chairman of the House Intelligence Committee, he passed on virtually every opportunity to move aggressively for reform. His commitment to public service is unquestioned, but his unwillingness to displease the powerful to force change in our intelligence community is unfortunate.

In the committee, there were three major areas that came up as we sought to evaluate the nominee. The first, as the distinguished Senator from West Virginia has talked about today, has been the issue of partisanship. The second area at which the senior Senator from Michigan, Mr. LEVIN, looked at some length, was the question of the nominee's ability to objectively analyze intelligence. The third was the area that I focused on, which was why the nominee has been so slow to push aggressively for intelligence reform.

I have come to the conclusion that it is possible—and we have all tried, as the Senator from West Virginia has said, to give one the benefit of the doubt in these various areas. I have come to the conclusion that I can give the nominee the benefit of the doubt on the issue of partisanship. I can give the nominee the benefit of the doubt with respect to his pledge to be objective in analyzing intelligence. But I just cannot get over the answers we were given during almost 9 hours of hearings with respect to why the nominee was so slow to be an agent for change in the intelligence community.

It is really that leadership that I find so central. I have tried, as a member of the committee, to be as bipartisan as I possibly can. We understand politics should stop at our borders. We all stand ready to put in place the policies necessary to protect America's security, but to do that we need leadership.

I and others try to be bipartisan. Senator LOTT, Senator SNOWE, Senator GRAHAM, and others sought, for example, to change the way Government documents are classified. I think that is an important issue, to make the right structural changes in intelligence. But if we do not get the right information, information consistent with national security and not classified for political purposes, we are still going to have problems making reforms in the intelligence area.

I want to be bipartisan. I listened carefully to the questions that were asked in the committee, good questions by Senator ROCKEFELLER, and I am willing to give the nominee the benefit of the doubt with respect to the partisanship issue.

But I will tell you, the answers that we were given with respect to why it took the nominee so long to push for changes in the intelligence community still leave me unconvinced. For example, at one point in our hearings the nominee told me it was difficult to get attention to the issues of intelligence on his watch. He said the reason he had not introduced legislation is that people were not focused on it; it was hard to get people's attention.

Let's think about what happened in those years when we evaluate the nominee's response on that question. PORTER GOSS was chairman of the Intelligence Committee in 1998 when al-Qaida bombed our embassies in Kenya and Tanzania. He was chairman of the Intelligence Committee in 1999 when the United States was investigating allegations of Chinese theft of our nuclear materials. He was chairman of the Intelligence Committee when the USS *Cole* was bombed by al-Qaida in October of 2000. And, of course, he was chairman of the House Intelligence Committee when we faced 9/11.

It took him nearly 3 years to introduce reform legislation after 9/11. I believe that is not good enough. I believe a chairman of a key committee can get attention when that chairman wants to use that chairmanship as a bully pulpit to be an agent for change. I believe a chairman who is committed to intelligence reform has the chance, when he bangs his gavel, to speak out for why changes are needed.

A leader must lead. We all get election certificates, in the U.S. Congress, to try to tackle problems, important problems, but chairmen have a special opportunity. If you look at the long record—and he said the record is the record—the nominee passed on virtually every opportunity to use his bully pulpit, to use his gavel, and to work for the kind of changes that would make this country as safe as necessary.

We, all of us, understand it takes courage to rock the boat. It takes courage to be an agent for bold change. But if you want an example of an individual who did it, an individual who is a prominent Republican, you need look no further than former New Jersey Governor Tom Kean and his performance as the Chair of the 9/11 Commission. This stalwart Republican made truth his only goal. He pressed Republicans and Democrats alike to do the same. He was more successful and has already begun to engineer more change than hardly anybody thought possible in this fractured political climate. What a boon it would have been, had we had the same commitment to change on the issue of intelligence, intelligence reform, by the current nominee to head the CIA.

The current nominee had a front row seat during all those years, the years I

outlined when those terrible acts of terrorism occurred, when he could have pushed for reform. Yet after weeks of going through the nominee's record and 2 full days of questioning, I am hard pressed to find anywhere—in a bill, a vote, or an inquiry—anything that demonstrates the nominee will hold people accountable, for example, rather than just going along with the status quo.

The record shows, to me, again and again, the nominee chose to play it safe rather than take the risks necessary to bring about change in the intelligence community. When I looked at Mr. GOSS's record, the first question that occurred to me was could he give us some examples, some concrete examples of when he was willing to stand up, to go against the popular wisdom and even his own party to bring about change; whether he was willing to take the far less dangerous risks that we take as Congressmen and elected officials than lots of other people do, certainly those wearing the uniform.

Right now, we need somebody to head the CIA who is willing to stand up, who is willing to help this country come up with policies that leave the Cold War mentality behind—those are fit for a very different kind of threat—and to hold himself and others accountable.

Mr. GOSS has a long, distinguished career as a Member of Congress. I know him personally. I served with him in the other body. It would be hard to find a more decent individual. I will say there are very few jobs in the Government of our country at which I don't think PORTER GOSS would do a good job. But being effective here on Capitol Hill and in other parts of the Government is not where I set the bar for this key appointment. The bar ought to be set very high because we know we have great challenges ahead of us.

For example, I have come to the conclusion that on the intelligence reform legislation we, hopefully, will be dealing with on the floor of the Senate shortly, it may not be the structural problems that are our greatest challenge in improving intelligence and making our country safer. I think there is more to it than moving the boxes around on an organizational chart with respect to intelligence. I think this is as much a people problem as a structural problem. If you are going to solve those problems, in the area of people, human interaction, you have to have leadership, you have to have somebody who is willing to stick his or her neck out.

That is where I set the bar. I think the long record and the questions I asked established beyond a doubt that PORTER GOSS is a good man. He has been a good legislator. But there simply is no evidence that he is willing to rock the boat in the intelligence community, which I think is necessary to make this country as safe as it needs to be.

For that reason I join the distinguished vice chairman of our committee in opposing the nomination. Like the vice chairman, I am very hopeful I will be proved wrong. As I said, on the issue of partisanship, on the issue of objectivity of analysis, I give the nominee the benefit of the doubt. With respect to his willingness to fight aggressively for bold change, I remain unconvinced. For that reason I will oppose the nominee.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The distinguished Senator from Kansas.

Mr. ROBERTS. I yield as much time as he may need to a valued member of the Intelligence Committee, the distinguished Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I believe PORTER GOSS is the right man certainly in this crucial time in the history of our intelligence community.

PORTER GOSS spent over a decade at the CIA. He had the opportunity to see it from the inside, to work there in a distinguished career. For the last few years, he has had the opportunity to serve in the Congress, to serve on the Intelligence Committee in the House, and then for the last few years as the chairman. I think it is significant that he has been the chairman for the last few years at the same time many of us have served on the Senate Intelligence Committee, when the force of history has compelled all of us to examine as we have never done before the role of the intelligence community in the world we live in today, a world confronted by the failures of the intelligence community, where we have taken a magnifying glass for the last several years as Members of the House and Members of the Senate to see exactly what is wrong with the intelligence community. There has only been a handful of people who have had that experience. Some of them are in this room today.

PORTER GOSS has distinguished himself in that exercise as chairman of the House Intelligence Committee, as the leader in the House when we went through the joint Senate-House investigation. I had the chance to watch him through that endeavor. I had the chance to watch him learn, as all of us did, about the tragedy of September 11 and how the intelligence community did not function the way we want it to function.

In PORTER GOSS we will have someone who knows the community from the inside, but also has stood back, been on the other side, been on the outside, and has looked at it to see what is wrong, and has looked at it in a critical time in our history. I think that is so very important as we begin the task as a country and he begins the task as the new Director of the CIA to bring about needed reform.

This is a tough job, but I believe PORTER GOSS is a tough man. I believe he is the right man. Some people might say this is an impossible job. I do not know if it is an impossible job, but it is a very difficult job. Let us think about it for a moment.

This is the man who walks in to see the President every morning, walks in to the Oval Office and greets him, gives him the intelligence report. I think we all understand there has to be a chemistry between the President and the Director; that if there isn't, that relationship—and we have seen that in the past with Presidents and Directors, sometimes there isn't that relationship—if there isn't that relationship, they do not talk and the country suffers.

There has to be a relationship of trust, of confidence. Yet that same man who comes in to see the President every morning where there has to be that relationship, that trust, that rapport, is also a man who has to tell the President what the President does not want to hear; a man who has to have the guts to do it; a man who has to look the President in the eye and have the guts to tell the President of the United States, the most powerful man in the world, Mr. President, that is not the way it is; or maybe a more difficult thing to say, Mr. President, we messed up, we were wrong 6 months ago or 3 months ago, what we told you was not right; or maybe this is the toughest thing of all to say to the President, Mr. President, we don't know.

And when we look at some of the problems, some hypothetical, some factual, some of the things that occurred, those have been some of the problems. That man has to also be able to look at the President of the United States and say, Well, here is what we think it is, but also there are people in the intelligence community who have a minority view. That man has to have the guts to tell the President that as well. That is a difficult job.

This man also is the person who protects us every day in this world because he is the one who has to be in charge of putting together all of the intelligence. And today it is the intelligence that protects us just as much as our national defense. The facts he comes up with, our intelligence community comes up with, are our first line of defense today. Yet we are telling this man today, if you get this job, at the same time you are carrying on this war on terrorism and you are providing these facts, we expect you to go as fast as you can to carry out reform.

Further, we tell this man that he has to deal with whatever today's crisis is. What we are focused on, of course, is terrorism today. But he has to deal with the long-term crises—nuclear proliferation, what is going on in China, you pick the challenge. He has to be 5 years out, or 10 or 15 years out, and he had better not get it wrong.

This is a new era for the CIA, a new era for the intelligence community which came to maturity in the Cold War, the Soviet Union versus the United States. We sort of understood in those decades when we developed that

intelligence community. Official cover worked pretty well. The new head of the intelligence community has to continue that change, continue to change away from that. We have to move out from the official cover to a nonofficial cover. That is just one of the changes that has to take place. It is a tough job.

I think when you vote on someone's confirmation, a lot of this is kind of a gut check. You don't know what the exact issues are going to be in the future. This is an intensely personal job, as I have pointed out. The person who runs the agency, I suspect we are going to end up giving a lot more power. If PORTER GOSS is confirmed, he may end up with an entirely different job later on. He is going to run a big intelligence community, but it is also an intensely personal job in that relationship with the Congress and that relationship with all of the consumers. And the ultimate consumer, of course, being the Commander in Chief, the President of the United States.

I think it gets down to a lot of the person. What do you think of this guy, or woman if that be the case? Can they handle it?

I think it is helpful to talk to some of the persons who know this person best. I was struck by the testimony of the two Senators from Florida, Senator BOB GRAHAM, of course, the senior Senator, but also significantly the chairman of the Select Intelligence Committee of the Senate, and a pretty harsh critic of the intelligence community and of the administration. This is what he had to say:

Let me say at the beginning that I am not unbiased. I believe that Porter Goss is an exceptional human being and will be an exceptional head of our Central Intelligence.

Senator GRAHAM also said:

Mr. Chairman, I have known PORTER GOSS for well over two decades, and I can tell you from personal experience that he is uniquely qualified to be here today as the President's nominee to serve as the Director of Central Intelligence. He is a man of great character, unusual intelligence, a tremendous work ethic, and an outstanding personal and professional standard of integrity.

Senator GRAHAM added that as Governor of Florida, when he first met the nominee:

Party affiliation did not matter then. What was necessary, good men and women who could carry out a difficult task.

My colleagues, I believe party affiliation does not matter today. The challenge that PORTER GOSS, on a much magnified scale, will face as Director of Central Intelligence is very analogous to the challenge he faced 20 years ago in restoring integrity to his local community and completing a very complex project.

As to PORTER GOSS's fitness to serve as an independent, unbiased DCI, this is what Senator GRAHAM of Florida said.

. . . when it comes to the intelligence community, Congressman Goss has, in my judgment, a balanced perspective, a perspective gained both as an insider and then as an outsider. For a decade, early in his career, Congressman Goss served our Nation in both the Army and the CIA. He knows firsthand the value and the risk of clandestine operations. Since he has been in Congress, especially as a member and chair of the House Permanent Select Committee on Intelligence, he came to know the agencies from an oversight capacity.

Senator GRAHAM continued:

Some have said he is too close to the intelligence agencies, that he would be too protective of the status quo. Well, most of you served with Porter and myself on the joint inquiry into the events of 9/11. I believe you would join me in saying from that experience Porter is a man who will be independent in his judgments and unflinching in his criticism where he believes they are necessary.

Senator GRAHAM concluded with these words:

I am confident he will not be a part of the problem but rather a leader in taking us toward principled, thoughtful solutions when it comes to reforming the intelligence community. I strongly recommend the confirmation of Porter Goss.

Senator BILL NELSON also participated in the September 14 Goss confirmation hearing. These are some of the things Senator NELSON had to say:

I think we need intelligence reform. I think we need it now. And I think Porter Goss is the man to lead the effort.

Senator NELSON also called PORTER GOSS:

. . . a uniquely gifted individual whose public life has been illustrative of being nonpartisan, fair, and independent.

The Senator further pointed out that:

Those characteristics in this town that is so highly charged with partisanship are sorely needed in a Director of Central Intelligence.

Those statements are from his two colleagues on the other side of the aisle from Florida.

I think sometimes it is good to know and talk to people who know someone best.

Mr. President and Members of the Senate, let me conclude by saying I have known PORTER GOSS for a long time. I have dealt with him on issues not just in the area of intelligence. Sometimes you get to know people in the Senate and the House working in Congress on a variety of issues.

PORTER GOSS and I had shared a tragic situation when we had constituents, hemophiliacs who acquired AIDS because they had to take massive amounts of blood because of their condition. The blood was tainted. It is a long story. I will not go into it now. But the blood was tainted because we thought there was an error made by the Federal Government, that the Federal Government did not become involved early enough, that the Federal Government made mistakes.

I had constituents. I listened to their tragic story. PORTER GOSS listened to some constituents of his. So we both moved in our respective bodies to try to bring about some help for these folks. I saw how compassionate he was and how strongly he felt about the issue and what he did about it and how he took that passion and feeling he felt for those folks in wanting to do something about it. I worked with him. I traveled with him to Haiti, the poorest country in this hemisphere. I have seen his compassion for the people of Haiti.

I have worked with him on the Intelligence Committee. I will be honest with you, I have had the occasion, many times, to pick up the phone and call across the Capitol and ask PORTER: What is really going on in the intelligence community? What is really going on at the CIA? I will tell you, each time he had an insight that was unrivaled, or rivaled by very few people I have talked to, of what was really going on inside the intelligence community. That is an insight that came about from his years of experience inside the community and his years of experience of watching the community in the oversight capacity while being on the committee and of being the chairman.

He has a passion and an understanding of the intelligence community and of what needs to be done to change it. He understands the importance of human intelligence. Long before it was fashionable in this town to be saying, oh, we have to have more human intelligence, PORTER GOSS was pushing, pushing, and pushing the intelligence community for more human intelligence.

It may not have been flashy, it may not have been with a lot of big speeches, but he was there. He understood it. He understood what the needs were. This man gets it. If you want someone to lead the reform of this community, if you want someone who understands what the problems are, who can do it from the inside, if you want someone who will have the guts to report to the President of the United States and tell it like it is, PORTER GOSS is your man.

So, Mr. President, I am proud to come to the floor today to recommend to my colleagues, based on my personal experience with this man, what I have seen over the years, that we vote for his confirmation. He has a tough job and, yes, it may be almost an impossible job, but I think he is the right man at the right time at this point in our history.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, may I inquire how much time is remaining on each side?

The PRESIDING OFFICER. The majority has 124 minutes remaining; the minority has 128 minutes remaining.

Mr. LOTT. Mr. President, I believe the chairman of the committee had indicated a desire to yield 5 minutes, or what time the Senator may consume, to Senator ALLARD of Colorado. It would be my intent to follow Senator ALLARD.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank the acting chairman for yielding 5 minutes.

Mr. President, I would like to associate myself with the comments of the distinguished Senator from Ohio. I, too, proudly claim PORTER GOSS as a friend and somebody who I think will do a great job.

There is no doubt that the intelligence community right now is in somewhat disarray, concerned about their jobs and the job they are doing and the public perception.

I say, first, there are a lot of good people at the Central Intelligence Agency. I think Congressman GOSS recognizes that. I think there are some bureaucratic problems over there, too.

I think he has the temperament to deal with some of those problems. PORTER GOSS is a strong leader. He is a quiet individual. He doesn't grandstand. He is a hard worker. He is intelligent and he understands the intelligence community.

I have had an opportunity to serve on the Intelligence Committee in the Senate for 4 years, and I even developed a greater appreciation for the job Mr. GOSS did on the House side in his service on the Intelligence Committee.

For those reasons, I rise to support the President's nomination to head the Central Intelligence Agency. That nominee is Representative PORTER GOSS. I believe he is the right man at the right time for the job. That has been stated a couple of times already. I truly think that is the case. I am glad to see other colleagues recognize that fact. I am asking my colleagues to join me in voting for his confirmation.

The intelligence community is at a critical juncture. It is clear that after the horrific attacks of September 11, and the problems involved with uncovering weapons of mass destruction in Iraq, the intelligence community needs firm leadership during a time when reforms are needed. The President has heeded that call.

President Bush has put into motion, through executive order, most of the recommendations of the 9/11 Commission, and he is committed to strengthening the budget authority given to the intelligence community head administrator. The next step in intelligence reform is to bring in someone who is committed to reforming the Central Intelligence Agency from the inside out. That man is PORTER GOSS.

I have had the pleasure of knowing Representative GOSS personally and professionally. I was lucky enough to serve with him in the House of Representatives, and I value his knowledge of national security issues. Even then, when I served with him in the House, he was a voice both Democrats and Republicans turned to when debating important intelligence issues, and he continues to be a leader in the House today. More importantly, I got to know PORTER GOSS on a personal level. He is someone I trust and have come to call my friend. There is no one I would rather see as director of the agency.

I am convinced Representative GOSS is ready for this challenging task. Representative GOSS will bring a unique perspective to the Director's office in the Central Intelligence Agency. His perspective will not only drive the much-needed changes in the CIA, but will also bring our concerns as a Congress to the agency.

PORTER GOSS has been an Army intelligence officer. He has served as a clandestine agent in the CIA and has chaired the House Intelligence Committee. There is no one better prepared or qualified to be the Director of the Central Intelligence Agency. There should be no doubt that the combination of experience Representative GOSS has will serve the American people well.

I have heard concerns raised that Mr. GOSS is too partisan. I simply have to discount those concerns. This is a man who has served as an officer in the Army and understands very well his duty to the United States and to the citizens he will soon swear to defend.

I am pleased to see the bipartisan support Representative GOSS has already received. His nomination was approved by the Senate Intelligence Committee by a 12-to-4 vote. His colleague from Florida, BOB GRAHAM, has come out strongly in favor of Mr. GOSS.

It is time for the Senate to act on this nomination so we can continue the reforms to the intelligence community that are badly needed. Representative GOSS is prepared to take the agency in a direction that will strengthen our collection and analytical intelligence activities and provide the information we need to keep America safe. He is a man who is truly interested in the needs of our country. He is somebody that I feel I can work with on the Armed Services Committee. I have some of the intelligence programs under my jurisdiction in the subcommittee which I chair, and they are extremely important programs. They are programs that are badly needed, they are expensive programs, and they do have some problems. We need somebody who has the background in intelligence to tackle those, and somebody I think I can work with.

I ask my colleagues to support his nomination because I personally think he is the best man for the job.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. I yield to the chairman.

Mr. ROBERTS. Mr. President, I will be happy to soon yield to the distinguished Senator from Mississippi, a valued member of the Intelligence Committee.

On the issue of the HPSCI activity, the House intelligence activity, in regard to reform and other intelligence challenges during the last 3 Congresses, which has been brought up, I ask unanimous consent to have printed in the RECORD the Survey of Activities of the Permanent Select Committee on Intelligence During the 107th Congress. I also commend to my colleagues the Survey of Activities of the Permanent Select Committee on Intelligence during the 106th Congress and the 105th Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SURVEY OF ACTIVITIES OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE DURING THE 107TH CONGRESS

Mr. Goss, from the Permanent Select Committee on Intelligence submitted the following report.

This report covers the activities of the House Permanent Select Committee on Intelligence during the One Hundred Seventh Congress. Porter J. Goss (Republican, Florida) served as Chairman; Nancy Pelosi (Democrat, California) served as the Ranking Minority Member.

The stated purpose of H. Res. 658 of the 95th Congress, which created the House Permanent Select Committee on Intelligence, was to establish a committee ''to oversee and make continuing studies of the intelligence and intelligence-related activities and programs of the United States Government and to submit to the House appropriate proposals for legislation and report to the House concerning such intelligence and intelligence-related activities and programs.''

H. Res. 658 also indicated that the Committee ''shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence and intelligence-related activities of the United States to assure that such activities are in conformity with the Constitution and the laws of the United States.''

In carrying out its mandate from the House regarding oversight of U.S. intelligence and intelligence-related activities, the Committee created four subcommittees:

SUBCOMMITTEE ON HUMAN INTELLIGENCE, ANALYSIS, AND COUNTERINTELLIGENCE

Jim Gibbons (R-NV), Chairman,
Leonard L. Boswell (D-IA), Ranking Member,
Sherwood Boehlert (R-NY),
Alcee L. Hastings (D-FL)*,
Ray LaHood (R-IL),
Silvestre Reyes (D-TX)*,
Randy ''Duke'' Cunningham (R-CA),
Gary Condit (D-CA),
Peter Hoekstra (R-MI),
Collin C. Peterson (D-MN),
Richard M. Burr (R-NC),
Sanford D. Bishop, Jr. (D-GA)*,
Saxby Chambliss (R-GA),
Robert E. (Bud) Cramer, Jr.* (D-AL).

SUBCOMMITTEE ON TECHNICAL AND TACTICAL INTELLIGENCE

Michael N. Castle (R-DE), Chairman,
Sanford D. Bishop, Jr. (D-GA), Ranking Member,
Jim Gibbons (R-NV),
Jane Harman (D-CA),
Sherwood L. Boehlert (R-NY),
Alcee L. Hastings (D-FL)*,
Randy ''Duke'' Cunningham (R-CA),
Silvestre Reyes (D-TX),
Peter Hoekstra (R-MI),
Leonard L. Boswell (D-IA),
Richard M. Burr (R-NC),
Robert E. (Bud) Cramer, Jr.* (D-AL),
Terry Everett (R-AL).

SUBCOMMTTEE ON INTELLIGENCE POLICY AND NATIONAL SECURITY

Douglas K. Bereuter (R-Nebraska), Chairman,

Gary A. Condit (D-CA), Ranking Member,
Ray LaHood (R-IL),
Sanford D. Bishop, Jr. (D-GA),
Michael N. Castle (R-DE),
Tim Roemer (D-IN),
Saxby Chambliss (R-GA),
Collin C. Peterson (D-MN),
Jim Gibbons (R-NV),
Terry Everett (R-AL).

SUBCOMMITTEE ON TERRORISM AND HOMELAND SECURITY

Saxby Chambliss (R-GA), Chairman,
Jane Harman (D-CA), Ranking Member,
Peter Hoekstra (R-MI),
Gary A. Condit (D-CA),
Jim Gibbons (R-NV),
Tim Roemer (D-IN),
Ray LaHood (R-IL),
Alcee L. Hastings (D-FL)*,
Richard M. Burr (R-NC),
Silvestre Reyes (D-TX)*,
Terry Everett (R-AL),
Robert E. (Bud) Cramer, Jr.* (D-AL).

*Member served on Subcommittee for only part of 107th Congress.

SCOPE OF COMMITTEE REVIEW

U.S. intelligence and intelligence-related activities under the jurisdiction of the Committee include the National Foreign Intelligence Program (NFEP), the Joint Military Intelligence Program (JMIP), and the Department of Defense Tactical Intelligence and Related Activities (TIARA).

The National Foreign Intelligence Program consists of activities in the following departments, agencies or other intelligence elements of the government: 1) the Central Intelligence Agency (CIA); 2) the Department of Defense; 3) the Defense Intelligence Agency (DIA); 4) the National Security Agency (NSA); 5) the National Reconnaissance Office (NRO); 6) the Departments of the Army, Navy, and Air Force; 7) the Department of State; 8) the Department of Treasury; 9) the Department of Energy; 10) the Federal Bureau of Investigation (FBI); 11) the National Imagery and Mapping Agency (NIMA); and, 12) the Coast Guard (USCG).

The JMIP was established in 1995 to provide integrated program management of defense intelligence elements that support defense-wide or theater-level consumers. Included within the JMIP are aggregations created for management efficiency and characterized by similarity, either in intelligence discipline (e.g., Signals Intelligence and Imagery Intelligence) or function (e.g., satellite support and aerial reconnaissance). The programs comprising the JMIP also fall within the jurisdiction of the House Armed Services Committee.

The TIARA are a diverse array of reconnaissance and target acquisition programs that are a functional part of the basic military force structure and provide direct information support to military operations. TIARA, as defined by the Joint Chiefs of Staff and the Secretary of Defense, include those military intelligence activities outside the defense intelligence programs that respond to requirements of military commanders for operational support information, as well as to national command, control, and intelligence requirements. The programs comprising TIARA also fall within the jurisdiction of the Armed Services Committee.

OVERSIGHT ACTIVITIES

During the 107th Congress, the House Permanent Select Committee on Intelligence (HPSCI), under the leadership of Chairman Porter Goss—

— Responded effectively to the catastrophic attacks on September 11, 2001, by the al Qai'da terrorists by conducting investigations jointly with its sister committee in the Senate, the Senate Select Committee on Intelligence, to determine whether the IC should have been more adept, better resourced and more capable of thwarting the attacks;

— Promoted a bipartisan effort to continue rebuilding and refining the nation's intelligence capabilities to meet increasingly complex geopolitical and technological challenges to national security; and

— Advanced the education of Members of Congress and the public on matters of vital interest to national security and the distinct role intelligence plays in its defense.

Although the end of the Cold War warranted a reordering of national priorities, the steady decline in intelligence funding since the mid-1990s left the nation with a diminished ability to address emerging threats—such as global terrorism—and the technical challenges of the 21st Century. Further, the IC's lack of a corporate approach to addressing enduring intelligence problems helped to create a culture that hindered data collection (especially human intelligence collection), data sharing, and collaborative analysis.

The revitalization of the National Security Agency (NSA) was the Committee's top priority during the 107th Congress. Although this continues to be one of the Committee's priority concerns, the focus has turned to information sharing and cross community analysis. The Committee notes that the individual intelligence agencies and, moreover, their extremely talented and dedicated people, labor continuously to provide the absolute best intelligence products possible in defense of the Nation. These efforts are, however, generally conducted in isolation from one another, and, most disturbingly, existing rules and procedures often restrict information from the community's depth and breadth of analytic talent. Therefore, those individual efforts can usually only piece together fragments of the overall intelligence puzzle. Crucial in the post–9/11 era is having a community that is, to the maximum extent possible, liberated from information sharing restrictions and one that fosters a culture focused on greater collaborative analysis. The Authorizations for fiscal years 2002 and 2003 included detailed language on the need for the IC to breakdown barriers to information sharing and the need to cease the practice of allowing agencies to routinely restrict ''their data'' from other agencies, including law enforcement.

In order to maximize further the IC's analytic effectiveness and output, we must ensure that the dedicated professionals of the IC are properly trained and provided the skills necessary for the tasks that are required to fight the global war on terrorism and other daunting threats. For a number of years, the Committee has articulated its specific concerns about the dearth of language skills throughout the IC. The lack of depth in the so-called ''low-density' languages was acutely experienced during operations in Afghanistan The Committee finds this situation unacceptable and has emphasized the critical need for a robust effort to improve foreign language capabilities throughout the Intelligence Community.

The Committee remains concerned about the viability and effectiveness of a future overhead architecture, given the apparent lack of a comprehensive architectural plan for the overhead system of systems, specifically in the area of imagery. For example, the Committee believes the Administration is facing a major challenge in addressing technical and funding problems with the Future Imagery Architecture (FIA) program that could force untenable trades between critical future capabilities and legacy systems. In the Authorization for fiscal year 2003, the Committee has addressed the known FIA problems as well as the need to develop imagery alternatives if developmental problems exist or persist. The Committee noted, however, that the Intelligence Community has engaged in a continuing pattern by which many individual programs have been provided resources with little or no regard to the entire set of IC collection capabilities, including space-based and airborne. The Committee believes that, although individual systems certainly have specific merit, it would be wiser for the Intelligence Community to consider whether the overall collective mix brings the appropriate assets to bear against the range of threats to U.S. national security. Moreover, the ability to fund all legacy, developmental, and desired systems has a finite limit. Therefore, there is a critical need to review each program mindful of the strategic needs so that and necessary tradeoffs are made based on substantive requirements.

Finally, the Committee continued its focus on a number of enduring IC challenges—the need to improve NSA acquisition efforts, the need to improve the depth and breadth of Human Intelligence (HUMINT), and improving research and development (R&D). With respect to NSA, the Committee has been pleased with the Director's attempts to baseline current capabilities so that future needs can be properly identified and resulting acquisition decisions can be appropriately made. To assist the Director in completing these efforts, the Committee included incentives in the Authorization Act for fiscal year 2003. Regarding, HUMINT, the Committee focused on improvements in training, enhancing technical resources to operations, and properly funding analytic efforts. All of these capabilities are supported by R&D efforts. Therefore, the Committee has supported the Administration's increases in basic R&D programs. The Committee believes that the IC must continuously renew itself in this ever-changing world. Intelligence is the first line of defense against elusive and unstructured threats and enemies that use asymmetric means to harm America and her people. Only through providing these much needed resources and a long-term commitment can the IC be prepared for the global challenges that confront us.

INTELLIGENCE AUTHORIZATIONS FOR FISCAL YEARS 2002 AND 2003

During the 107th Congress, particularly in the aftermath of the September 11th attacks, the Committee continued to pursue its objective of rebuilding and revitalizing our national intelligence capabilities to better meet the threats of the 21st century. Finally, after eight years of congressional admonition to the executive branch to develop a long term funding program to correct serious and critical Intelligence Community (IC) deficiencies, the President's budget requests provided a down payment on the resources necessary to ensure that our policymakers and military commanders have timely and reliable intelligence support that is crucial to our nation's security.

The Committee reviewed extensively the President's budget submissions for Fiscal Years 2002 and 2003, fulfilling its responsibility to closely examine the nation's intelligence programs and proposed expenditures. These reviews included substantive and programmatic hearings, Member briefings, and numerous staff briefings. Testimony on the President's budget submissions was taken from the Director of Central Intelligence (DCI); the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (C31); the Directors of DIA, NSA, NIMA, NRO, and the FBI; and other major intelligence program managers.

The Committee's examination of the President's Fiscal Years 2002 and 2003 intelligence budgets included 13 committee budget-related hearings principally on a program level. Additional hearings were held addressing the DCI's overall budget submission, the state of health of the IC, and the DCI's views and plans for the future of intelligence and the IC.

In reviewing the President's budget requests, the Committee found that the President has begun to aggressively address the lack of investment and years of neglect that has harmed our nation's intelligence capabilities. The fiscal year 2002 budget request, submitted before the tragic events of September 11, 2001, reflected no major improvements or investment in intelligence capabilities. The fiscal year 2003 budget submitted by the President included the most substantial increase for programs funded in the National Foreign Intelligence Program in history, however, the intelligence authorizations for both fiscal years 2002 and 2003 reiterated the need for renewed investment by focusing on enhancing programs and information sharing across the various IC agencies.

In addition to budget-related hearings, the Committee held over 58 committee hearings and briefings on various issues vital to our IC and national security. Among the subjects examined by the Committee were: terrorism, HUMINT, and developments in Colombia, Southeast Asia, and rogue states.

Given the September 11, 2001, terrorist attacks, the Committee's immediate priority was, and continues to be, the effectiveness of our counterterrorism efforts and the security of our nation. In the last two budget authorization bills, the Committee addressed critical and immediate counterterrorism needs as well as long-term intelligence issues facing the United States.

The ''Intelligence Authorization Act of Fiscal Year 2002'', (P.L. 107–108), in addition to authorizing generally the activities of the U.S. IC, directly addressed IC shortfalls in domestic counterterrorism efforts, intelligence collection and analysis, threat reporting, aggressive recruitment of human assets, foreign language capabilities, and sharing of intelligence information and analysis across the government. For example, the Congress specifically enacted legislation that repealed restrictions on human intelligence sources. In the wake of the September 11, 2001, attacks on America, the House and Senate significantly increased spending authorizations for intelligence activities well beyond that level requested by the President. The committee also directed significant resource allocation to countering terrorism.

The ''Intelligence Authorization Act of Fiscal Year 2003'', (P L. 107–306), in addition to authorizing the intelligence activities of the U.S. IC highlighted five priority areas that must receive significant, sustained attention if intelligence is to fulfill its role in our national security strategy. Those areas are: (1) improving information sharing and all-source analysis; (2) improving IC professional training with a major emphasis on developing language skills; (3) ensuring national imagery collection program viability and effectiveness; (4) correcting enduring systemic problems, deficiencies in HUMINT, and rebuilding a robust research and development program; and (5) establishing a budgeting process that no longer relies so heavily on supplemental appropriations. For example, the fiscal year 2003 legislation provided very clear policy direction to the Administration to improve the cross-community sharing of information from material seized as part of the global war on terrorism. This resulted in new processes and procedures being implemented to improve the access that community analysts have to this material. Further, the fiscal year 2003 authorization legislation provided significantly enhanced funding for skills training in areas such as foreign languages, analyst-to-analyst technical exchanges and in-area familiarization travel. And finally, the Committee's legislation also provided critically needed direction and funding to ensure the nation's imagery architecture will be capable of supporting customer needs long into the future.

COMMITTEE INVESTIGATIONS

Terrorism Review

The Committee, through its THLS Subcommittee at the behest of the Speaker and Minority Leader as the focal point and coordinating mechanism in the House of Representatives for post–9–11 counterterrorism and homeland security oversight activities.''

Prior to the 9–11 terrorist attacks, the Committee's Working Group on Terrorism and Homeland Security held numerous classified hearings and briefings on the terrorist threat, gaps in the IC's counterterrorism capabilities, the need for a more focused and better coordinated national effort on homeland security, and a variety of related matters.

Following 9–11, the Working Group was converted into a full subcommittee with expanded powers of jurisdiction to act as the lead entity in formulating the House's response to the attacks. The new Subcommittee on Terrorism and Homeland Security held what for the Committee was an unprecedented series of televised hearings culminating in a field hearing with then-Mayor Rudy Giuliani in New York City. A significant number of closed hearings and briefings on all aspects of the attacks followed; along with a report to the Speaker and Minority Leader on the gaps in counterterrorism capabilities at CIA, NSA, and the FBI leading up to 9–11. Following publication of this report, the Committee, in conjunction with the Senate Select Committee on Intelligence, established a Joint Investigative Staff on 9–11 that conducted a thorough investigation of the Intelligence Community's inability to prevent the 9–11 attacks. The work of the JIS included a series of open and closed hearings, and the publication of a classified report.''

Committee Investigations

At the behest of the Speaker and Minority Leader, the Committee's Subcommittee on Terrorism and Homeland Security was directed in the immediate aftermath of 9–11 to evaluate the performance of the CIA, and FBI against the terrorist target. To this end, the Subcommittee issued a report in July 2002 that offered the fo11owing conclusions:

America's intelligence capability shortfalls prior to 9–11 were significantly affected by resource constraints imposed during much of the 1990s, but also by a series of questionable Intelligence Community management decisions on funding priorities.

As a first step, the USG should adopt a single definition of terrorism, which it currently does not have at a cost of significant inefficiencies.

CIA: The availability and allocation of resources, including the redirection by CIA managers of funds for core field collection and analysis to headquarters bureaucracy, hurt CIA's counterterrorism (CT) capabilities prior to 9–11. Internal human rights guidelines issued in 1995 also had a ''chilling effect'' on CT operations, and these guidelines were only repealed after the Subcommittee's report was released in July 2002. CIA chronically lacks foreign language skills and core CT-specific training, and has become overly reliant on foreign liaison at a cost to its unilateral capability.

FBI: Preventing terrorism was less important than solving crimes prior to 9–11, when FBI decentralized CT information and investigations. FBI also had insufficient linguists and analytic capability and an outdated IT infrastructure. It paid little attention to financial tracking, and did not share information.

NSA: The CT mission was not given a high enough priority in the competition for limited resources prior to 9–11, and NSA must reform program management, systems engineering and integration, and budget management for new investments to have a lasting impact. NSA has been chronically short of linguists, and must better leverage industry for technical solutions to collection problems.

Congressional oversight of counterterrorism is highly duplicative and inefficient. A leadership staff mechanism should be created to streamline the oversight process on both counterterrorism and homeland security matters.''

JOINT INQUIRY INVESTIGATIONS

In February, 2002, the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence authorized an investigation, to be conducted as a Joint Inquiry, into the Intelligence Community's activities before and after the September 11, 2001 terrorist attacks against the United States. This bicameral investigation, supported by a separate, unified, professional staff, sought to identify what the Community knew or should have known regarding those attacks prior to September 11th, the nature of any systemic problems that may have impeded the Community's ability to prevent those attacks, and recommendations for reform to improve the Community's ability to uncover and prevent similar attacks in the future.

In the months that followed, the Inquiry's investigative staff reviewed massive amounts of information within the Intelligence Community. This included the review of almost 500,000 pages of relevant documents, 300 interviews, and participation in numerous briefings and panel discussions, involving about 600 individuals. Although the inquiry was primarily focused on the Intelligence Community, the investigation also considered relevant information from federal agencies outside the Intelligence Community; from state and local authorities; from foreign government authorities; and from private sector individuals and organizations. Building on the extensive investigative work, the Committees held nine joint public hearings and, given the highly classified nature of much of this information, thirteen joint closed sessions. In December, 2002, both Committees approved, by separate votes, the classified Final Report of the Joint Inquiry. The Committees are currently working with the Intelligence Community in an effort to declassify, consistent with national security interests, as much as possible of the Final Report for public release.

The work of the Joint Inquiry confirmed that although the Intelligence Community had relevant information that was, in retrospect, significant regarding the September 11th attacks, the Community too often failed to focus on the information and to appreciate its collective significance in terms of a probable terrorist attack. The Inquiry's factual record identified not only the information that was overlooked but also a number of systemic weaknesses that contributed to the Community's inability to detect and prevent the attacks. These included a lack of sufficient focus on the potential for a domestic attack, a lack of a comprehensive counterterrorist strategy, insufficient analytic focus and quality, a reluctance to develop and implement new technical capabilities aggressively, and inadequate sharing of

relevant counterterrorism information. To correct such deficiencies, the Final Report includes nineteen recommendations for reform, including such things as the creation of a Cabinet-level Director of National Intelligence and prompt consideration of whether the FBI, or a new agency, should perform the domestic intelligence functions of the U.S. Government.

OPEN HEARINGS

During the 107th Congress, the Committee held 13 open hearings on issues of concern to the Intelligence Community and the American people. While committed to the protection of sources and methods and ensuring the security of our nation's secrets, it is the intention of the Committee, whenever possible, to hold open hearings in an unclassified setting on issues of vital importance and concern to the public.

The Committee held four open hearings: Defining Terrorism—September 26, 2001; Asymmetric Threats to Homeland—October 3, 2001; Role of NSC in Current Crisis—October 11, 2001; Domestic Preparedness & Emergency Response—October 29, 2001.

The Joint Inquiry Committee held nine open hearings: Family Advocates for September 11 Victims—September 18, 2002 and September 19, 2002; Intelligence Community Knowledge of September 11 Hijackers—September 20, 2002; Phoenix Memo—September 24, 2002 and September 26, 2002; Counterterrorism Information Sharing—October 1, 2002; Intelligence Community Reform Proposals—October 3, 2002; Past Terrorist Attacks—October 8, 2002; Factual Finding of Inquiry—October 17, 2002.

Mr. ROBERTS. Mr. President, I yield as much time as he may consume to the distinguished Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the chairman. I also commend the chairman and the vice chairman of the Intelligence Committee for the very difficult job they have been performing, leading the Intelligence Committee. It has to be one of the toughest jobs that I have witnessed in the Senate. It takes time, it takes experience, and it takes intellect to be able to deal with the issues that come before this committee.

I also commend them for the way they have handled this particular nomination. They were patient. They gave every Senator ample time to make their points and ask questions, and they have been commended by Members of both sides of the aisle for the way they handled the nomination. That is why I think the nomination was approved by the Intelligence Committee, and why I believe this nomination will be confirmed by a wide margin.

Before I get into a little more discussion about why I support PORTER GOSS to be head of the CIA and director of intelligence, I will talk about my overall concerns regarding the intelligence area.

As a member of the leadership over the years, I was able to have briefings and meet with Director Tenet. There are specific requirements in the law that certain Members have to be notified when particular actions are taken. I always took those matters very seriously and spent the time that was necessary to get those briefings. For the last year and a half, I have been on the Intelligence Committee. I must confess that when I went on the committee, I thought I would be a big defender and big supporter of our intelligence community, because I think that what they do is so important. I do support the men and women who work in that community.

But I must say, over the last year and a half, I have developed many concerns about how that job is being done, how the Congress does its job. I didn't appreciate how important oversight is regarding intelligence matters, how important it is that a Senator develop expertise to be able to ask the right questions, do the oversight, and understand what is going on.

I have come to the conclusion that our intelligence community is not set up properly and we are not doing our job in the Congress. We can point fingers and blame somebody else, but a lot of the problem resides here in this body and in the Congress—not because we don't try to do our job, but we are not organized properly to do it. We have this multifaceted process of so many committees claiming jurisdiction, and with good reason. Armed Services needs to be aware of what's going on, as do Foreign Relations, Appropriations, and Governmental Affairs. Is there anybody who doesn't have their finger in this intelligence pie a little bit? Basically, nobody is doing the oversight job properly, because the members of the Intelligence Committee are not there permanently; they come and go and are on the Committee maybe 2 years, 4 years, or 8 years. Once you get to where you know what to ask and what is going on, you leave the Committee.

Frankly, I think the CIA and the intelligence community's attitude is: Don't give them anything; give them a little bit of a courtesy, a brush-off, and we will get what we want from the appropriators in the end.

I think we have real problems in the intelligence community and in the Congress, and we need to fix them. I don't have a magic design. I want to hear what the experts have to say and see what legislation is proposed. I know this: Something has to be done in the way the intelligence community operates. You cannot operate under a construct where you have 15 different agencies and 80 percent of the money going to the Defense Department, with the director of intelligence having little or no control over the money or many of those intelligence agencies.

We need major changes, and we need them now. I am concerned about concerns that were raised yesterday that if we do not do this right, if we rush to reorganize the intelligence community, we could do damage because the job of gathering intelligence has to go on every day. Men and women are putting their lives on the line to gather intelligence. We need to be careful, but we need to press forward with change.

I know this body is loath to change anything. Any kind of reform is looked at suspiciously: Oh, we can't do that; it has always been done this way. I have taken the time over the years to look at a lot of these issues, and it has not always been done this way. A lot of what we do and say around here, which some say is sacrosanct and cannot be changed, is relatively new. It evolved over the years.

At some point, you have to say there is a higher priority, that there is something more important than turf or jurisdiction or the way it was or is being done.

What is most important is how we are going to do the best job for the men and women in uniform, men and women in intelligence, and for the American people. So I think we need to make necessary changes.

The important point is that we have to have somebody in charge. We have good people in the CIA doing the job. We have an Acting Director who is a good man doing a good job. But we do not need an Acting Director forever. We need a man or woman in charge making decisions, making changes that need to be carried out even without legislation that overhauls the whole operation, and we need it now.

This is a dangerous time we are in. We need to not only confirm this nominee right away, but we need to do it overwhelmingly. We need to show him, we need to show the agencies, and we need to show the departments that he has the confidence of the American people through their representatives in the Senate. We are dealing with very important issues, and it is so important that we have leadership at the top. We need to do it right away.

We have a good man who has been nominated. A lot of thought went into his selection. I know the President sought out the counsel, advice, and the thinking of a number of Members of Congress on both sides of the aisle, in the House and Senate, before he went forward with this nomination. He has nominated a man who is uniquely qualified to be the Director of Intelligence.

PORTER GOSS is the right age. He is in his mid-sixties, still young enough to do the job, and old enough to know what needs to be done. He has a background of military experience, where he was in Army intelligence for 2 years. He worked in the Directorate of Operations of the CIA for many years. Most of this is in the RECORD, but I think it is worth repeating so that my statement will make sense, hopefully, in its entirety.

When he left the CIA, he continued to be involved in trying to serve his fellow man and his community. He was a leader in his hometown in Florida. He served on the city council, was mayor, was a member of the board of commissioners, and has served in Congress since 1988, which is a pretty good period of time. He eventually became chairman of the House Permanent Select Committee on Intelligence where I know he did a good job.

I have watched him. I have watched him deal with difficult issues. I have watched him take a leadership role, and I have watched him work with the ranking member of that committee and with Democrats, and I have been impressed with the job he has done on the Intelligence Committee in the House.

So he knows the CIA. He knows it from having been in Army intelligence, he knows it from having been in the CIA, and he knows it from the position he held as chairman of the Intelligence Committee. He knows where the problems are because he was there, and he knows how to strengthen the intelligence community and make it better. He is no stranger to the difficulty and the complexity of foreign intelligence.

When I look back on some of the former heads of the CIA, frankly, some of them did not have much of a background in that area. But here is a man who is uniquely qualified. He has been in the intelligence community. I know that some people say that if you are in the institution, you are part of the problem. But, my experience leads me to ask, how can you solve a problem if you do not really understand an institution? There are some in Washington that say, if you know the subject, whether it is transportation or oil or intelligence, you should not be in government because you have been coopted.

I think absolutely the opposite is the case. Practical experience is invaluable. You have to understand the culture, you have to understand the people, and anybody who has paid close attention to the intelligence community in recent months and years knows what changes should be made and have to be made.

PORTER GOSS, a Member of Congress, has been critical of the intelligence community. He does not sugar-coat it. He has called the human intelligence program dysfunctional. He has spoken the truth about the way we have funded the CIA, which he says has not been adequate, it has not been done in the right way, and we have not put enough emphasis on human intelligence. In fact, Congress stopped this nation from having the human intelligence we needed, if we go back and look at the results of the Church Commission some 30 years ago. Once again, we are part of the problem.

He knows we need to do more in linguistic training, and he has raised these questions as chairman of the committee and in his communications with the DCI.

His confirmation would bring stability and experience to the intelligence community. One thing that worries me, as I have talked to some of our intelligence personnel, is a certain concern about whether they are really appreciated, and are the old experienced hands going to stay, or are they going to leave. I have noticed some of the intelligence people I see are getting younger, younger, and younger. They need a firm and experienced leader. They need a person who has been there with them, understands their needs, and appreciates the job they do, and PORTER GOSS would do that.

He does support what Congress is about to do. We are going to create a national intelligence director position, and we are going to pass legislation that is going to reorganize the intelligence community at some point, maybe sooner than later.

Again, he has the right attitude and supports the position I believe that Congress is going to be taking.

There are those who have questioned his independence. Is he a partisan? Is he a politician? Whatever happened to congressional courtesy? Over the years, I have supported Members of the other party from this body and the other body, even though they have sometimes been very partisan politicians, very aggressive in their speeches on the floor of the House and Senate, but I knew them to be good men and women, and I knew when they took on a different role. When you are in Congress, when you are in politics, you are a politician. That is not a damnation. That is somebody involved in the art of government. When you are a member of a party, sometimes members of the other party get under your skin, and you speak out.

I noticed over the years, PORTER GOSS has not been one of those rabid partisans. He has been very calm and very stable. Sometimes he gets a little upset. Maybe he thought perhaps the Senate was getting carried away with some of our hearings recently. On occasion, I have thought we did a little grandstanding in the Senate, and I said so even though it was sometimes directed at my own party.

I know he is an independent thinker, and I know he will put his job as head of the CIA, uppermost. He will put his political past and his partisanship behind him. He also will be a man, I believe, who can go in and meet with the President at those early morning meetings and say: Mr. President, this is what we know, this is the truth about the situation, and if you go this way, you are going to have certain problems.

He has that stature, he has that credibility, and he will have the independence to do that.

I think having served so many years, having been on the Intelligence Committee, and having the record he built at the Intelligence Committee, is proof that he will be independent to do that job for the American people. I believe he will be more candid with the Congress.

Quite often when we had testimony before the Intelligence Committee, I felt as if I did not get a complete story. Frequently, testimony was less than fully satisfactory or sufficient. PORTER GOSS is going to be able to speak to us on a level basis, not from the perspective of a former staff member. He was one of us, and he will not try to fool us. I think he will tell us the truth.

By the way, I think we will be very comfortable telling him: Mr. Director, we don't believe that. We will be able to be very candid with him. I believe he will show flexibility as we move from where we are to where we need to be.

He has been questioned about the positions he has taken, but he satisfied the members of the Intelligence Committee by a vote of 12 to 4 with several Democrats voting for his confirmation. They asked him the tough questions. They had their reservations, and those reservations have been satisfied.

I cite one point of how he dealt with the former Director. On September of 2003, he wrote a letter to DCI Tenet pointing out concerns he had with intelligence. He joined with the ranking member of the Intelligence Committee in the House, Congresswoman HARMAN, and indicated there were significant deficiencies with respect to the intelligence community's collection activities concerning Iraq's WMD programs and ties to al-Qaida prior to the commencement of hostilities there.

So he did not wait until after the fact; he raised concerns when they needed to be raised. If my colleagues have taken a look at that letter, it certainly shows independence and it was the kind of thing that the DCI needed to hear at that particular time.

So I can attest from experience, from observation, and from a written record that this Congressman will be an independent, thoughtful, strong voice at the CIA.

I urge my colleagues, let us have our discussion but let us have a vote and let us make it overwhelming. Let us do it now because we need strong leadership and we have the right man to do this job. PORTER GOSS will provide leadership for the intelligence community. He will be able to work with Congress and he will help give the intelligence community the ability to do an even better job.

I thank the chairman for yielding me this time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. I yield such time as he may consume to the distinguished Senator from Utah and thank him for his service on the Intelligence Committee.

Also, I thank the Senator from Mississippi for his excellent commentary, more especially highlighting Mr. GOSS's independence and the fact he will be a nonpartisan DCI.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague and I certainly appreciate the leadership Senators on the Intelligence Committee, in particular the Senator from Kansas. He has done a great job. I think Senator ROCKEFELLER has worked with him very well for the most part.

I associate myself with the remarks of the distinguished Senator from Mississippi. There are very few people around here who have had to deal with

the personalities of so many people as Senator LOTT has. He has done a terrific job throughout both his House and Senate career, and I think we ought to listen to the wise people like that with regard to whether we should vote for PORTER GOSS.

There is no doubt in my mind that PORTER GOSS is worthy of this position and, in my mind, he will do it in an effective way. I compliment the distinguished Senator from Mississippi for his cogent remarks and his very practical remarks to which we ought to all be paying attention.

I remember when George Tenet was nominated, and George Tenet was a Democrat. He was a staffer to Senator Boren. Senator Boren, George Tenet, and I traveled all over the world together. There was not any question that we were going to support George Tenet when he came up for CIA Director, and I think he did a much better job than all of his critics are saying. A lot of that was because he worked very hard for Senator Boren and for the committee and knew an awful lot about intelligence to begin with. This is a tough job. It is almost an impossible job to do. In fact, I think it is an impossible job to do in every way, in every respect, totally right.

The fact is, we supported Mr. Tenet and he was a member of our family. I believe PORTER GOSS is a member of our family, too, and a person who is worthy of this position. We should not politicize this appointment.

The next person to head the Central Intelligence Agency will lead the organization at its most demanding time in history. The next Director of Central Intelligence will have to provide leadership in shepherding that organization through a much needed reform while continuing to play a major role on the ongoing global war on terror. The next person to hold this post will require much more than a passing experience with the workings of the intelligence community. He will need to understand the role of the executive in conducting our foreign policy at war, and the essential role of congressional oversight and support in ensuring that our intelligence community is flexible enough to address threats that have never before been the primary focus of our foreign policy.

President Bush made the right call when he chose PORTER GOSS to fill this role. I am happy to note that an overwhelming majority of my colleagues on the Senate Select Committee on Intelligence have also recognized this, having approved his nomination yesterday. I commend Chairman ROBERTS for his leadership and I thank our majority and minority leaders for bringing this nomination to the floor today. It is important.

I have had the opportunity to work closely with the chairman of the House Permanent Select Committee on Intelligence. In the months of collaboration between our two committees which produced the joint inquiry, I had the opportunity to take the measure of PORTER GOSS's mind, as well as his experience and his commitment to the intelligence community. I totally support this nomination.

As we all recognize, the intelligence community will be undergoing a major reform, a process that can only succeed if there is close cooperation between the White House and all the relevant executive agencies, the Congress—and that includes Democrats and Republicans—and especially this committee, and the intelligence community.

The reform that will be promoted should not be a mere bureaucratic reshuffling; it should be a reform of our intelligence community that enhances and strengthens our ability to understand, penetrate, co-opt, and neutralize the threat of armed groups to our national security. The success of the next Director of the Central Intelligence Agency must understand this to be successful.

The next Director of Central Intelligence must understand that the new initiatives we are debating in draft legislation this month, legislation we are referring to as an intelligence community reform, will be the beginning, not the end, of reform. In fact, I fear that once we pass a reform package some of us will believe we will have accomplished reform. In fact, we will have only begun.

Everyone agrees that we need better results from our intelligence community. I suppose that is always going to be the case. Most of us, I hope, also agree that the efforts of the intelligence community, from the Director on down, have been admirable, brave, selfless, and intense. I believe former Director Tenet worked hard to revitalize capabilities that devolved after the end of the Cold War. I know he worked hard. He inherited an agency that needed a lot of improvement, and to the extent that he could, he did his best to do so.

The next Director of Central Intelligence must recognize that our goal should not be to rebuild a capability but to build a new capability. We need better results and we need a strategy for achieving them.

Director Tenet was candid in speaking before the 9/11 Commission in saying that our human intelligence capabilities would take at least 5 years to rebuild. PORTER GOSS, when confirmed, must recognize that this will be the issue I will address in our first closed hearing. I will ask: How do you intend to rebuild the capability? What is your strategy? To what standards of measurement will you hold yourself?

The American intelligence community of the 21st century will face traditional geopolitical threats, as we did in the past. We will need intelligence to address the question of rising powers, such as China, and remilitarizing states, such as Russia. We will need intelligence to deal with the failing States of North Korea and Cuba.

As we all know, we will also need to develop intelligence capabilities to gain a strategic advantage against the threat we face now and will face for some time to come: the threat of armed groups—terrorists, if you will.

I strongly believe al-Qaida will be defeated in the coming years. It is not going to be easy, but we will defeat them. On the other hand, I think a somber analysis of the world we live in today should remind us that, even when al-Qaida is defeated, we will face the threat of other armed groups. Nations that have developed a strategic advantage to understand, penetrate, co-opt and, when necessary, destroy armed groups will enhance their national security.

We rely on our intelligence community for that strategic advantage. PORTER GOSS understands these requirements. He has worked within the intelligence community, and he has performed years of congressional oversight over that community. He respects the community and he knows what is expected of it. If we do our jobs, I can assure PORTER GOSS, when he is confirmed, he will be the Director made most accountable to Congress in the history of intelligence community oversight.

As I said, when the next director comes before our committee, we should not settle for reports. We must demand strategy for achieving reform and measurement standards. Our legislative initiatives can only do so much. Our oversight, and the stewardship of a responsible and experienced director, will be what advances reform.

There is no doubt in my mind that this man can do the job and can do it well. There is no doubt in my mind that as a Member of Congress he has occasionally made statements that have irritated the other side of this aisle. That is probably true of everyone on both sides of the floor. I have to admit I have been irritated from time to time by statements made by my colleagues on the other side—and even by some of my colleagues on our side—and I am sure I have made statements from time to time that have irritated colleagues on the other side as well. I have not wanted to, but I am sure I have. It is just the nature of being in this political arena. But to then presume a person is an indecent partisan because occasionally they find fault with the other side, I think shows a degree of immaturity, of political and professional immaturity that is unworthy of the nomination process.

Nobody is going to come before us who is perfect in every way. But I have to say, there are very few people who have served as much as PORTER GOSS has and who have as much knowledge of the intelligence community as he has, who have ever been members of the top echelon of the CIA.

I have every confidence in him. I am going to support him. I hope all my colleagues also will support him. He is worthy of it. He is a Member of Congress. He is a person who deserves our support. I hope we all get together and

support him and continue to support him as he serves in this job which almost nobody can completely fulfill. This is a job that takes immense capabilities and, I might add, commitment. He has both and we should support him.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from West Virginia.

Mr. ROCKEFELLER. I yield such time as the Senator from New Jersey wishes to express his views. I yield him that amount of time.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, we are discussing the nomination of Representative PORTER Goss to be Director of Central Intelligence. This nomination comes to the floor at a critical time for our Nation's intelligence community. With Chairman COLLINS's leadership and Senator LIEBERMAN's ranking membership, the Governmental Affairs Committee is in the process this very day of marking up legislation to reform the intelligence community. It is a task that all of us on the committee are taking very seriously. After all, it was the failures of intelligence that led to the horrors of 9/11 and the loss of almost 3,000 lives. Seven hundred of them came from my home State of New Jersey. It was a painful moment in American history.

It was failures of intelligence that led to our false premises for invading Iraq. I thought everyone from the President on down had agreed that we needed to take intelligence data more seriously. That is why it was so shocking to hear President Bush's odd statement yesterday about our Nation's intelligence data on Iraq. 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 the CIA report that he had received in July, regarding the deteriorating situation in Iraq, which could even lead to a full-blown civil war.

The President at that moment dismissed the CIA report by saying that the CIA might have been ''just guessing.'' Just guessing? The Central Intelligence Agency just guessing? That is quite a way to describe their activities.

On this placard we see what President Bush actually said.

> 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.

That is quite a description, on September 21, yesterday, at the Waldorf-Astoria in New York. If the President thinks our Nation's intelligence system is just guessing, then we are really in trouble. Casual statements.

I remind President Bush that when you pronounced ''mission accomplished'' on the deck of that aircraft carrier, we had lost 138 American citizens. But since then, since the mission was accomplished—''mission accomplished'' means job done—almost 900 people, 900 Americans have perished.

How do we treat subjects so casually, statements like this? Does President Bush believe Congressman GOSS will simply direct the guessing game at the CIA? Is that all he expects from our main intelligence agency?

As we now know, in July the CIA sent the President a report that laid out three scenarios for Iraq, with the rosiest scenario being the continuation of the disastrous status quo. Under this scenario, we see an average of 87 attacks a day against our troops, and 1,037 dead to date. That is a horrible situation.

The CIA report to the President identified the worst scenario as an all-out civil war, with our troops in the crossfire. This is not what the President wanted to hear. So what did he do? He ignored it. And now when asked how the information came to him, he said: The CIA—just guessing.

President Bush's comments are a frightening sign he is not dealing with reality, in that he continues to ignore the truth about what is happening on the ground in Iraq. That is why I am so concerned about the nomination of PORTER GOSS to head the CIA.

I know Mr. GOSS only casually. Certainly he seems like a nice enough, intelligent fellow. But what the President needs more than ever is an intelligence chief who will tell it like it is, and not revamp intelligence to meet the President's expectations.

Congressman GOSS has not shown himself to be a person who will deliver nonpartisan, objective information to the President.

At a time when the independence and the objectivity of the CIA is more crucial than ever before, President Bush has nominated a politician who has been particularly partisan. In a PBS ''Frontline'' interview after 9/11, Representative GOSS refused to characterize what happened as an intelligence failure. How could one argue that 9/11 was not an intelligence failure? He also opposed the creation of the 9/11 Commission.

Congressman GOSS attacked Senator KERRY claiming that Senator KERRY tried to cut the Nation's intelligence budget during the Clinton administration. But Congressman GOSS made the attack against Senator KERRY while not revealing that he cosponsored a bill during the same period that would have made even deeper budget cuts.

Here is what Mr. GOSS called the Senate Armed Services Committee in recent hearings on the Abu Ghraib prison scandal. I quote him. He said:

> We've got a circus in the Senate which is always a likely place to look for the circus.

Quite a commentary about what Mr. GOSS thinks of our Government. First of all, the abuse of prisoners at Abu Ghraib—he thinks the Senate is a circus in hearings, and then he describes this place as a big circus tent. Is that what he thinks of us? I hardly think that is the kind of person who ought to be taking this serious job.

When asked whether he would investigate the disclosure of covert CIA agent Valerie Plame's identity, he dismissed the scandal, saying, ''There's a much larger dose of partisan politics going on right now than there is worry about national security.''

Then he added flippantly, ''Somebody sends me a blue dress and some DNA and I will have an investigation.''

What kind of an insulting comment is that intended to be? Do you want to trust this individual with a bipartisan responsibility to the entire Nation who can be so casual, so insulting, so sarcastic in his view of what takes place here? Do we honestly expect someone who has been a partisan attack dog for President Bush's reelection efforts to be independent and nonpartisan? It is just not realistic.

It is time for the President and this administration to return to reality—the reality of Iraq, the sadness of the loss of life, the ruination of families, the emotional disturbances that occur. We have some reservists from the State of New Jersey on active duty in Iraq. We just had our 33rd death of service people from New Jersey in Iraq. The disturbances that go to normal life, the daddies missing, mommies missing in the household—it is terrible. We have to get back to reality, the reality of Iraq, the reality that our Nation's intelligence is not just guessing, and the reality is that we need an objective, nonpartisan intelligence chief in this Nation.

I say with regret that we cannot accept turning responsibility over for managing this Nation's intelligence gathering to someone who first looks at which side of the political aisle someone is on before he makes decisions about the responsibility for the CIA.

I yield the floor.

The PRESIDING OFFICER. The Senator from the great State of Kansas.

Mr. ROBERTS. Thank you, Mr. President.

I now yield as much time as the distinguished Senator from Maryland may use. I thank the distinguished Senator for her service on this committee as she always provides the committee with very candid, independent, and right-on views. I am delighted to yield time to her at this time.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. I thank the chairman of the Intelligence Committee for his words. I also thank him for the process he provided for us to evaluate the suitability of PORTER GOSS to be the Director of the Central Intelligence Agency. He gave us a lot of time to be able to interview Mr. GOSS directly. His staff has been quite collegial and quite cooperative, and we want to thank him for providing us with that type of environment in which to make a wise and prudent decision.

Indeed, deciding on this nomination is vitally important. The Director of the CIA needs to be up to the job.

These are very dangerous times, and it is vitally important that we make the right choice. Now more than ever, the security of our Nation depends on timely, reliable intelligence to detect, disrupt, and deter terrorist attacks on the United States of America and to also make sure attacks don't happen to treasured allies, and to help policymakers, from the President and his Cabinet to Members of Congress, to make the right decisions about what we need to do related to diplomacy and the deployment of our troops.

The next Director of the CIA will have to do all of this and even more. The next Director will also have to push through the much needed reform at the CIA and to cooperate in the reforming of other intelligence agencies. We want to make sure there are no more 9/11's and no more wars based on dated and dubious evidence.

The constitutional duty of the Senate is to review the nominations of the President. I take that very seriously. When a nominee comes, regardless for what position or from whatever party is in power, for an important position like this, I ask four questions: Is that person competent? Do they bring integrity to the job? Are they committed to the core mission of the agency? And will they function in an independent way?

As I said at our hearings, I know PORTER GOSS, and I have worked with him over the years. I have no doubt that Congressman GOSS is competent based on his years of service, both as an agent at the CIA as well as in the House of Representatives chairing the House Intelligence Committee. From my knowledge, he has been a man of integrity. And yes, he is committed to the mission of the CIA and the importance of intelligence to help protect the United States of America. The great big caution yellow light I have is the one about independence—the willingness to speak truth to power, committed to reform, to be nonpartisan, and also never to sugarcoat, dilute, or twist the information going to the President of the United States and top policymakers.

During the last year, I have become very concerned about Mr. GOSS's partisan activities. He has unfairly attacked Democrats. He has been strident in other statements in terms of the political campaign for the Presidency.

My questions are, Who is this PORTER GOSS? Is he the one I served with in the House who was a moderate conservative, straightforward, and also someone who said we have to think out of the box so we don't end up in a box? Or is he a rather an aggressively partisan person? My question about PORTER GOSS is, Would he be an independent voice in the administration as well as a strong advocate for real and deep reform? Would he present the President with the best information based on facts and sound analysis without regard to ideology or conventional wisdom? Would he tell the President what he should hear, not what the President would like to hear? That is what speaking truth to power means.

Speaking truth to power is not easy. It is very difficult. Yet for the Director of the CIA it is important that he speak the whole truth and nothing but the truth, without sugarcoating, no matter how difficult. The President must receive the best judgment and information. That is what I am looking at.

Now, having had those questions when Mr. GOSS was before the committee, in my usual way I asked very direct questions. I raised those issues. I even raised the issue the previous Senator, the Senator from New Jersey, Mr. LAUTENBERG raised. What about this investigation, the blue dress, and the DNA? Well, I put it to him. And his answer back was, yes, he would be nonpartisan. That he understood the role of the Director of the CIA is different from being a Congressman. That it is not a political job, it is a job that is both policy and operational.

He said he would speak truth to power to both the President and to the Congress. And if anyone knows the importance of congressional oversight, it is PORTER GOSS. He agreed to work with the Congress to reform our intelligence agencies.

As you can see, at the hearing, in response to both my questioning and questioning by the chairman and other members, particularly on this independence issue, he said he would raise these issues.

So when I have to think about, is this the PORTER GOSS who is moderate, straightforward, willing to work across the aisle, or is this the aggressively partisan and even intemperate person, I take him at his word. However, in the words of Ronald Reagan, who said ''trust but verify,'' that is the way I feel about the PORTER GOSS nomination. I accept him at his word, which he not only gave to me but he gave to the entire committee in a public format, that he would be nonpartisan, committed to the truth, a leader for independence and reform, and would always speak truth to power. So I accept him at his word, but I also believe we must engage in vigorous congressional oversight to make sure PORTER GOSS does the job he is to do, and to make sure he does what he has committed to do.

So when my name is called, I will vote for PORTER GOSS. But I want to make it very clear that in voting for PORTER GOSS to be the Director of the CIA, I am not voting for him to be the future NID. As you know, we are not clear on what is the framework for reform we will adopt. There are ideas coming forth that I know we will be debating and voting on next week and in the weeks ahead. So we want to be sure whatever framework we create, and if we do create the National Intelligence Director, a position I have supported for many months, that person's nomination come to us separately. In voting for PORTER GOSS, I am voting for him to be the head of CIA, but I am not using this vote for him to be the NID by proxy.

Again, let me conclude by thanking the chairman and the vice chairman for their hard work on this committee. It is a committee with great responsibility. We take it seriously. But at the end of the day, my analysis concludes that I will vote for PORTER GOSS. I will trust, but I will use congressional oversight to verify.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I thank Senator MIKULSKI for her very forthright statement. Like the Senator, I understand the point raised by Senator LAUTENBERG and would only make two points about the notion of PORTER GOSS's alleged lack of independence from the administration.

First, Mr. GOSS sent a very candid letter to DCI Tenet, along with Congresswoman JANE HARMAN, who is the ranking member of the House Intelligence Committee, expressing deep concern about our intelligence on Iraq. That letter is not the work of a shrinking violet, I can assure you.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the material was orderd to be printed in the RECORD, as follows:

U.S. HOUSE OF REPRESENTATIVES,
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE,
Washington, DC, September 25, 2003.

Hon. GEORGE J. TENET,
Director of Central Intelligence,
Washington, DC.

DEAR MR. TENET: At the outset, we reaffirm our support for the dedicated men and women working in the Intelligence Community (IC). Their deep commitment to our country and to their profession is evident. The nation owes these professional men and women its gratitude for their tireless efforts to provide policymakers with the intelligence they need to make informed decisions about the security of Americans at home and in places like Iraq.

Thank you, again, for promptly responding to the Committee's request for all intelligence information related to Iraq's weapons of mass destruction (WMD) capabilities, as well as any ties to terrorist organizations, including al Qa'ida. The Committee has reviewed all 9 volumes of material that you provided, Additionally, it has held several closed hearings and an open hearing, conducted a number of interviews, made several oversight trips to Iraq, and reviewed additional materials over the last four months. Although the Committee's work continues, we have some preliminary views that we offer so that the IC can begin to consider necessary improvements. In addition, we offer these views to provide you a chance to answer questions or clarify any issues that will assist us in concluding our review.

At this point, several months into our review, we believe there were significant deficiencies with respect to the IC's intelligence collection activides concerning Iraq's WMD programs and ties to al-Qa'ida prior to the commencement of hostilities there.

We have a fundamental disagreement generally on whether the National Intelligence

Estimate on Iraq's WMD programs and the intelligence on Iraq's ties to al-Qa'ida were deficient with regard to the analysis and presentation, especially in the certainty of the IC's judgments. The Ranking Member believes it was. The Chairman believes it was not.

Additionally, the Committee is also reviewing the intelligence assessments that existed pre-March 2003 regarding the nature and level of resistance that U.S. troops could expect in Iraq and the health of Iraq's civilian infrastructure.

IRAQ'S WMD

In October 2002, the Intelligence Community produced a National Intelligence Estimate that included statements that ''We judge that Iraq has continued its weapons of mass destruction (WMD) programs in defiance of UN resolutions and restrictions. Baghdad has chemical and biological weapons . . .'' and ''in the view of most agencies, Baghdad is reconstituting its nuclear weapons programs.'' (Iraq's Continuing Programs of Weapons of Mass Destruction at p. 5 (hereafter ''NIE'')). The Committee thoroughly reviewed the underlying intelligence supporting these conclusions, that you have provided, as well as the reporting from the early efforts to locate WMD after the cessation of major military action in Iraq. Thus far, it appears that these judgments were based on too many uncertainties.

IRAQ'S POSSESSION OF CHEMICAL AND BIOLOGICAL WEAPONS

The U.S. and the U.K. took limited air strikes in 1998 (Operation Desert Fox), based on Iraq's lack of cooperation and violation of United Nations Security Council resolutions regarding weapons of mass destruction. In early 1998, while the UN inspectors were still in Iraq and providing some amount of solid information about the WMD programs, the IC's judgments were based, in substantial part, on circumstantial information. Such information—among other things—identified: gaps and inconsistencies in Iraq's WMD declarations to the UN; Iraq's obstruction of United Nations Special Commission (UNSCOM) inspections and monitoring activities; Saddam's efforts to declare certain sites exempt from inspections; and Saddam's efforts to end inspections entirely.

After the departure of UN weapons inspectors and Operation Desert Fox, in 1998, some new information continued to be developed on Iraq's capabilities, but access to ''ground truth'' corroboration was lost. The IC was also faced with the daunting challenge of trying to interpret snippets of information in an environment where the regime was engaged in massive denial and deception efforts. Based on past assessments and some new ''piecemeal'' intelligence, which was otherwise seemingly valid, the Community's analysis of Iraq's WMD programs and capabilities reflected an assumption that these long-standing judgments on the issue were still valid. The absence of proof that chemical and biological weapons and their related development programs had been destroyed was considered as proof that they continued to exist.

The dearth of post-1998 underlying intelligence reflects a weakness in intelligence collection, The Committee on a number of occasions in the past expressed its concern that the IC was facing serious shortfalls in specific areas of intelligence collection—to include intelligence from human sources (HUMINT) and from technologies designed to tell us about weapons development (Measurement and Signatures Intelligence, or MASINT). The issues presented with respect to Iraq's WMD programs and capabilities appear to be a case in point. Lack of specific intelligence on regime plans and intentions, WMD, and Iraq's support to terrorist groups appears to have hampered the IC's ability to provide a better assessment to the policymakers from 1998 through 2003.

Iraq has held a place of priority in U.S. foreign policy and national security during successive Administrations. For instance, in 1998 U.S. policy toward Iraq was clarified by Congress and the President to reflect an unequivocal policy to seek regime change, See Iraq Liberation Act of 1998 (P.L. 105–338 Oct. 31, 1998). Given the high priority placed on Iraq policy, we believe greater efforts should have been made to acquire more and better sources of information—particularly well-targeted, close-in HUMINT.

RECONSTITUTION OF IRAQ'S NUCLEAR WEAPONS PROGRAM

In October 2002, the NIE on Iraq's WMD programs made a statement about Iraq's nuclear program, ''. . . in the view of most agencies, Baghdad is reconstituting its nuclear weapons program.'' (NIE at page 5.) The NIE cited six factors in making this judgment:

Iraq's aggressive pursuit of high-strength aluminum tubes;

Iraq's attempts to obtain permanent magnet production capability;

Iraq's attempts to obtain high-speed balancing machines;

Iraq's attempts to obtain computer-controlled machine tools;

Iraq's efforts to re-establish and enhance its cadre of weapons personnel, which included appearances by Saddam on Iraqi TV exhorting his nuclear scientists; and

Activities at suspected nuclear sites.

Our examination has identified the relatively fragile nature of this information. With respect to the aluminum tubes, as was stated in the NIE, the Bureau of Intelligence and Research (INR), citing the Department of Energy (DoE) analysis, disagreed with the view that these tubes were intended for Iraq's nuclear program. The other items that Iraq was seeking (permanent magnet production capability, high-speed balancing machines, and computer-controlled machine tools), in addition to having utility in a nuclear weapons program, also have civilian uses. Other elements of information available to the IC on the topic of nuclear reconstitution may have been susceptible to Iraqi denial and deception efforts. These included trying to determine the nature of Iraqi activities at suspected nuclear sites or the purpose of Saddam's TV appearances exhorting his nuclear scientists. We have not found any information in the assessments that are still classified that was any more definitive.

IRAQ'S TIES TO TERRORISTS INCLUDING AL-QA'IDA

The Committee has reviewed the three volumes of information provided by you on Iraq's ties to terrorism, most of which remains classified. We have found no reason to question the State Department's decision to designate Iraq as a state sponsor of terrorism for at least a decade.

On the issue of Iraq's ties to al-Qa'ida, however, we believe substantial gaps in collection—particularly HUMINT—contributed to the Intelligence Community's inability to give policymakers a clear understanding of the nature of the relationship.

In place of an assessment characterizing the relationship between Saddam and al-Qa'ida, the Intelligence Community reported on possible contacts between al-Qa'ida associates and Iraq. As in other cases of IC reporting on terrorism generally, we believe that there was either a ''low threshold'' or ''no threshold'' for disseminating information on ties between Iraq and al-Qa'ida. As a result, intelligence reports that might have been screened out by a more rigorous vetting process made their way to the analysts' desks, providing ample room for vagary to intrude. Although the Intelligence Community often noted that the reports were ''from sources of varying reliability,'' these reports did not make clear which of them were from sources that were credible and which were from sources that would otherwise be dismissed in the absence of any other corroborating intelligence.

NATURE OF IRAQI RESISTANCE AND THE STATE OF IRAQ'S INFRASTRUCTURE

In addition to these two issues, we are concerned whether the policymakers were warned adequately about the nature and level of resistance our troops would face in Iraq, or about the dilapidated state of Iraq's civilian infrastructure. The Committee will be reviewing the intelligence available to policymakers prior to the commencement of hostilities to determine if there were shortcomings in the support provided on these issues. The Committee will seek to understand what requirements were levied on the IC prior to the invasion, what assessments were made, whether the assessments were completed in a timely manner, and, with the benefit of hindsight, how well the assessments match what has been found in Iraq since the cessation of major hostilities.

POLICYMAKERS STATEMENTS ON IRAQ

The Committee has reviewed extensively allegations that there was a disconnect between public statements by Administration officials and the underlying intelligence, The Committee's purview does not extend to the formulation or articulation of foreign policy. We do believe, however, that if public officials cite intelligence incorrectly, the IC has a responsibility to go back to that policymaker and make clear that the public statement mischaracterized the available intelligence. The IC exists to inform policymakers on matters of foreign intelligence. It does not make policy. The IC is one of many sources of information available to policymakers. Policymakers are under no obligation to believe or adhere to the IC's judgments. Nor should the IC dictate U.S. foreign policy.

SUMMARY

The assessment that Iraq continued to pursue chemical and biological, weapons remained constant and static over the past ten years. The U.S. understanding of Iraq's ties to terror groups was also longstanding. We note, however, that there was insufficient specific information regarding the following:

Saddam's plans and intentions,

the status of Iraq's WMD programs and capabilities, and

Iraq's links to al-Qa'ida, specifically.

The intelligence available to the U.S. on Iraq's possession of WMD and its programs and capabilities relating to such weapons after 1998, and its links to al-Qa'ida, was fragmentary and sporadic. These assessments and longstanding judgments were not challenged as a routine matter within the IC. Saddam Hussein, for his part, apparently made no effort to dispel the conclusions that he possessed weapons of mass destruction, had programs in place to produce them and had the capabilities to deliver them, or that he had links to terrorist groups.

Underlying these problem areas were serious deficiencies in our HUMINT collection capabilities against this target. HPSCI has consistently recommended greater management attention and allocation of resources to core intelligence mission areas—such as HUMINT and analysis. We believe Iraq is, in many ways, a case study for improvements in these areas.

We would appreciate your response to the issues raised in this letter. In addition, we

seek your assurance that the shortcomings identified will be promptly addressed. Finally, we intend to have additional hearings, open and closed, as appropriate.

Sincerely,

PORTER J. GOSS,
Chairman.
JANE HARMAN,
Ranking Democrat.

Mr. ROBERTS. Second, the independence issue was thoroughly explored at Mr. GOSS's confirmation hearing as of this week. Mr. GOSS has assured the committee—and I do believe him, knowing him for 16 years in the Congress—that he has the integrity, as Senator MIKULSKI put it, to look the President in the eye and say no.

Mr. President, at present, it does not appear either side has a Member requesting time, so 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. NELSON of Florida. 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. ROBERTS. Mr. President, I yield such time to the distinguished Senator from Florida as he might consume and thank him for his contributions, not only with his strong interest in the Intelligence Committee and the leading intelligence issues and challenges we face today, but for his service on the Armed Services Committee as well, for working with me with regard to Captain Spiker and other issues. I look forward to his comments.

Mr. NELSON of Florida. Mr. President, we are at ''no fooling time'' with regard to our intelligence activities. Because the only thing that is going to prevent another terrorist attack, of which there are many attempts, is the accuracy and quality and the timeliness of the intelligence information we get. In dealing with a secretive nation such as North Korea, which in this Senator's opinion is one of the gravest threats to the interests of the United States because of their outspoken attempt to acquire nuclear capability, we simply have to penetrate a secret society such as that with our intelligence apparatus more than we have been doing.

Therefore, who is going to lead this administrative apparatus on intelligence gathering and intelligence analysis and intelligence coordination, with the multitude of agencies all dealing with intelligence, is extremely important. That is why I am standing here speaking on behalf of my fellow Floridian and my friend PORTER GOSS.

This Congress will have a monumental task before it very shortly on the reorganization of the intelligence apparatus as well as the reorganization of putting our own house in order as we exercise that oversight or give direction to the executive branch of government. And that needs to be done better than we have in the past.

But the task before us right now is to exercise our constitutional duty in confirming or rejecting an appointment by the President to lead the intelligence apparatus, right now as symbolized by the Director of the Central Intelligence. That is why I am here to speak on behalf of PORTER GOSS.

It has already been said before many times that he started in 1960 as an Army intelligence officer, right out of school. Having gone into the CIA from that, with a distinguished career, he ended up back being a city councilman and a mayor in a little town on the southwest coast of Florida. Then-Governor GRAHAM, now my senior colleague in the Senate, when three vacancies occurred on the Lee County Commission—they had occurred for whatever reason, but they were there—then—Governor GRAHAM chose PORTER GOSS to fill one of those vacancies. Then his public service expanded, and he later ran and won a seat in the U.S. House of Representatives. We have known of his public service through his capacity as the chairman of the House Intelligence Committee.

Now, has PORTER said some things he probably wishes he would not have said? Yes. But who among us has not made those kinds of mistakes? This Senator knows him to be, in this political cauldron of highly charged partisan politics, one of the most bipartisan of all Members of Congress that I have had the pleasure of knowing. It is my understanding that he made a commitment to the Intelligence Committee, and specifically to questions propounded by the vice chairman of that committee, the distinguished Senator from West Virginia, Mr. ROCKEFELLER, that he would not engage in a partisan manner, which is the least that can be expected of the Director of the CIA. The stakes are too high for this country for any of that kind of nonsense.

I believe PORTER is a man of his word to the Senate Intelligence Committee. I believe, given the circumstances of where we are now, with so much at stake and having to have the right kind of leader, this is the leader the President has nominated. We are now in the process of advising and probably consenting, and with the admonitions he has received, with the exceptional educational background he has had, with the breadth of his experience, not only as an agent but as the chairman of the committee, I think it is the constitutional duty of the Senate to render a verdict. I think that verdict ought to be for the approval of PORTER GOSS as Director of Central Intelligence.

Mr. President, that is my effort to lend to this debate. It is short and sweet. This Senator, as well as my senior colleague from Florida, will be voting in favor of PORTER GOSS.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, seeing no other Senators requesting time now, 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.

Mr. REID. Mr. President, following Senator DORGAN's remarks, I ask unanimous consent that the Senate stand in recess until 4 o'clock, and that the time during the 4 o'clock period be equally charged against both sides.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERTS. Reserving the right to object, and I shall not object, it is my understanding, or I can ask the distinguished Senator—

Mr. REID. He said he has a short statement.

Mr. ROBERTS. He would be able to finish his remarks at 3, in time for the meeting?

Mr. REID. Especially if we didn't talk more.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERTS. No.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I do not have a long presentation. My guess is the 3 o'clock briefing is one most Senators want to attend. I do want to, however, visit a bit about this issue of the Director of the Central Intelligence Agency.

We have been through pretty tough times with respect to intelligence in this country, and this is a critically important position. The President's choice is an important choice, especially given what we have been through. Let me make a couple of comments.

First of all, I am going to vote for this nomination, but I do so without great enthusiasm, and I would like to explain why.

PORTER GOSS, I think, is qualified to assume this role. There is little in his record that suggests he is a reformer, and there is some piece of that record that suggests there is some partisanship, which bothers me. But I know PORTER GOSS. I have known him for a long while. When I served in the House of Representatives, I knew him.

While I would not have made this choice had I been President, the President has the opportunity to make the selection and deserves, in this case, his own team. My hope is the questions asked of Mr. GOSS at his hearings will make certain he will run the CIA with a reformist attitude, with an understanding that things need to change, with an understanding that this cannot, under any circumstance, be a position from which partisanship flows, and that we have to get straight answers, as does the President, from the Central Intelligence Agency.

Over the years, we have had many, many failures in intelligence. For those of us who have been through top secret briefings in room 407 of the Capitol Building, it is nearly unbelievable what they told us they knew from all their different kinds of intelligence-gathering devices and their analysis, and what we subsequently learned were the facts or the truth of the matter.

I am telling you because we need a good intelligence system to protect our country and protect our homeland. I worry about all of this, knowing that the intelligence system was deeply flawed. In candid moments, most Members of the Senate would tell you that which was told them as top secret intelligence information has often turned out to be fundamentally wrong.

We now read, for example—and I am not now discussing that which comes from top secret briefings; I am discussing things that come from the periodicals—we read, for example, that the intelligence we were given in briefings about the issue of mobile chemical weapons laboratories, it turns out came from one source, a source they call ''Curve Ball.'' I am describing this from Newsweek and Time magazine, not from top secret briefings. One source turns out to apparently have been a drunk and a fabricator and, as a result of that source, we get top secret briefings and the Secretary of State makes a presentation at the United Nations about something that apparently we now know was untrue. What kind of intelligence system is that?

We learned that Germans provide the name and information of a terrorist to the CIA here in the United States and the telephone number and nobody checks on him, nobody follows up at all. Our intelligence folks cannot find a couple of alleged terrorists living in San Diego when their names and telephone numbers are in the phonebook? What on earth is this? I suppose it is Keystone Kops, except this is about the security of the United States of America.

I want the CIA and the Intelligence Community to succeed. Our country depends on it being able to succeed in gathering good intelligence and protecting this country.

There is so much that is wrong here. Hans Blix, the U.N. weapons inspector, said he was ''not impressed'' by the intelligence presented by the administration regarding Iraq's weapons of mass destruction. The Blix team checked every site where U.S. intelligence indicated weapons of mass destruction would be found in Iraq, and there was nothing.

It goes on and on.

David Kay, the CIA chief weapons hunter, said the intelligence community failed.

On the 9/11 issue, the intelligence community failed to connect the dots. I am not talking here just about the CIA; I am talking about the FBI. The list goes on.

When we are talking about 9/11, we also ought to talk about a report that was done by the Joint Intelligence Committee in December of 2002 that was published with 28 pages missing. Those 28 pages are about the Saudis. Fifteen of the 19 who attacked this country were Saudi citizens. But when the report was published for the public to read, the White House redacted or eliminated the 28 pages that dealt with Saudi Arabia.

On October 29 of last year, I offered an amendment to the Foreign Operations appropriations bill, a sense-of-the-Senate resolution, calling on the administration to declassify those 28 pages. If one is talking about 9/11, and talking about intelligence, I believe the American people and every Member of this Senate and the Congress need to understand what is in those 28 pages dealing with Saudi Arabia.

It is interesting, even the Saudi Ambassador and the Saudi Foreign Minister, publicly insisted that this information be declassified. Senator SHELBY, the top Republican Senator on the 9/11 inquiry, said that 95 percent of the classified pages of these 28 pages could be released without jeopardizing our national security.

I say once again to the administration and to my colleagues that the 28 pages dealing with Saudi Arabia and 9/11 needs to be released to the American people. This Congress and the American people should not be evaluating 9/11 and our intelligence without releasing those 28 pages, so that the American people see what was deemed required to be classified. It should not have been classified.

Whether we are talking about Iraq, Afghanistan, Pakistan, Syria, or back even further, Libya or the old Soviet Union, there have been intelligence failures. We spend a great deal of money on U.S. intelligence. We want it to work. I do not want our intelligence system to fail our country, because our country requires a good intelligence system to prevent the next terrorist attack and to attack terrorists where they live.

The attack on Iraq was a preemptive strike that the President said was necessary to protect our country. Well, it is very important when talking about preemption, which is a doctrine that has been foreign to this country's interests in the past, to have good intelligence. Preemption can never occur based on what one thinks. Preemption could only occur based on what one knows. What one knows must come from good intelligence.

We have discovered, since the time preemption was discussed by this administration, that the intelligence was just plain horrible on major points delivered in top secret briefings to Members of this Congress. Our intelligence community was just flat wrong. So we all need to fix it.

There is no Republican or Democratic way to deal with intelligence. We need to fix this system in the interests of this country. Our safety depends on it.

I am going to vote for Mr. GOSS. I think he is qualified to do this job. As I indicated, I am concerned about some things he has done in the past. I hope that is over. I am concerned about the intelligence agencies themselves. I believe they are in desperate need of reform. I hope Mr. GOSS will be a reformer. Most importantly, our country, all of us, each of us, needs to work together to create an intelligence system that works for the safety of this country and works in a way that a President, a Congress, a Director of the CIA can rely on good intelligence from all around the world.

My understanding is that we will be in recess for 1 hour until the hour of 4 p.m.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, we will now stand in recess until the hour of 4, with the time charged evenly to both sides.

Thereupon, the Senate, at 3:04 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Mr. CORNYN).

EXECUTIVE SESSION

NOMINATION OF PORTER J. GOSS TO BE DIRECTOR OF CENTRAL INTELLIGENCE—Continued

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. What is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is the nomination of PORTER GOSS.

Mr. DURBIN. Mr. President, I rise to speak in reference to that nomination.

Mr. President, I will vote against the nomination of Congressman PORTER GOSS to serve as the next Director of Central Intelligence. I do so reluctantly. I have known Congressman GOSS for a number of years, and I consider him a good person and a good public servant. But we are on the verge of enacting significant, historic, and much needed reform of the U.S. intelligence community. It is more important than ever that the next leader of the intelligence community be nonpartisan and firmly committed to meaningful intelligence reform.

Based on his record and his public statements, and on the confirmation hearings before the Intelligence Committee on which I serve, I do not believe Mr. GOSS is the right person at this moment in time for this vitally important national security position.

Mr. GOSS has served as chairman of the House Intelligence Committee for almost 8 years, the second longest tenure in that position in the almost 30 years since its creation. The chairman of a congressional committee has considerable power in determining on which issues the committee will focus,

and the manner in which they will conduct their oversight. I believe this oversight record is a reasonable measure of Mr. GOSS's likely effectiveness in managing the intelligence community during this highly challenging transitional period.

Despite having served on the Aspin-Brown-Rudman commission on the roles and capabilities of the U.S. intelligence community in 1996, 8 years ago, and cochairing, along with Senator BOB GRAHAM, a joint inquiry into the 9/11 terrorist attacks, and serving on the House Permanent Subcommittee on Intelligence for almost 10 years, Congressman GOSS's record demonstrates that he has been more a protector of the status quo than an agent of meaningful reform. Only a few months ago did Congressman GOSS introduce, for the first time, legislation to reform the intelligence community. It should be noted that on July 25, 2002, Mr. GOSS voted against the amendment of Congressman Tim Roemer of Indiana on the House floor creating the independent National Commission on Terrorist Attacks Upon the United States, commonly known as the 9/11 Commission. That is an incredible fact that must be taken into consideration.

The man who is seeking to be head of the Central Intelligence Agency, at this moment, when significant reform is about to take place, voted against the creation of the 9/11 Commission, which has inspired both parties and the President to our current state.

This 9/11 Commission Report is the foundation upon which current intelligence reform efforts are being undertaken. I met personally with Congressman GOSS because I do respect him, and I wanted to hear his explanation. How can he ask to be head of the CIA, when he voted against the creation of the 9/11 Commission?

His argument was not convincing. He argued it was a matter of timing; that while he was undertaking a joint inquiry about 9/11, the creation of a separate commission might, in fact, lead to the executive branch stalling information or refusing to cooperate. That was hardly a satisfying answer.

In addition, it appears that as chairman of the House Intelligence Oversight Committee, Congressman GOSS has been reluctant to conduct aggressive oversight of Intelligence Committee issues, particularly when they appear to deal with issues that may be embarrassing to the current administration. For example, although the Senate Intelligence Committee completed the first phase of its inquiry into the intelligence community's performance regarding prewar intelligence related to Iraq, and issued a public report, the House Intelligence Committee, under Mr. GOSS's leadership, has yet to complete a similar thorough investigation, despite starting it last year.

As another example, in June of this year during the House Intelligence Committee's markup of the fiscal year 2005 Intelligence Authorization Act, Mr. GOSS led a party-line vote to reject an amendment that would have required the Department of Defense to provide an accounting of the nature and extent of its contacts with the Iraqi exile leader, Ahmed Chalabi.

Why is that significant? I hope that people who are following this debate remember Ahmed Chalabi. He was the self-proclaimed leader of an Iraqi national congress. He was the one you couldn't miss on talk shows before the invasion of Iraq. He was the one spreading the information far and wide across America and around the world about the threats of Saddam Hussein. He was the person who was the favored and trusted ally of our Department of Defense when they made critical decisions about committing thousands of American soldiers and their lives to the cause of Iraq.

What do we know of Ahmed Chalabi? We know that some 5 years ago, the Central Intelligence Agency and the Department of State stopped dealing with Mr. Chalabi because they did not believe he was credible. They didn't trust his judgment. They wouldn't bring him into the councils to make important decisions.

But Department of Defense Under Secretary Rumsfeld and his special assistant, Mr. Douglas Feith, thought Chalabi was just what the doctor ordered. He was there to confirm the fears that they spread across America about Saddam Hussein. He was there to confirm the presence of weapons of mass destruction, which became the clarion call of this administration, drawing us into an invasion of Iraq. He was the one constantly suggesting that there was a connection between the 9/11 terrorism in the United States and Saddam Hussein.

What happened to Ahmed Chalabi? Those who follow news know what happened. He went to Iraq, became a somewhat controversial figure in the provisional government, returned to the United States, and was treated by some in the administration as a conquering hero.

In fact, at one moment in time, to the embarrassment, I am sure, of everyone involved today, Ahmed Chalabi was positioned behind the First Lady at one of President Bush's State of the Union Addresses so that he would be on camera, showcased before the American people.

Fast forward just a few months. Ahmed Chalabi has now been the subject of extensive searches by the American Government because of our suspicion that he has not only misled us about information on Iraq but has had some connection with Iran of an entirely dubious nature. Ahmed Chalabi is persona non grata in this country. We are no longer sending him some $350,000 to $360,000 a month to subsidize his lifestyle. He virtually has been banished from his role as prime adviser to the United States.

When Mr. GOSS was confronted with this and asked by his own committee for an investigation as to how Mr. Chalabi, discredited by the CIA, discredited by the State Department, became the darling and favorite of the Department of Defense, peddled bad information to the United States and the American people, and may have betrayed us to Iran—when he was asked to investigate this, he declined. He refused. You have to ask yourself: If Mr. GOSS was unable or unwilling to ask the most basic questions about Ahmed Chalabi, how aggressive, how objective will he be as Director of the CIA?

That is not the only thing. One of the most important issues we have to keep in mind is that the men and women of our intelligence community are dedicated, patriotic, hard-working people committed to the security of our Nation. Occasionally, there will be those who will disappoint us, but that is true of virtually every institution in America. But remembering their patriotism and the fact that many of them put their lives on the line, there came a moment in time when columnist Robert Novak outed the identity of a CIA agent, Valerie Plame. This is not only disgraceful, it is dangerous. It meant that her life and her career were in danger. It sent ripples through the intelligence community of men and women in similar positions wondering who would step forward in Washington to stand up for the integrity of our agents in the intelligence community. Mr. GOSS was then chairman of the House Select Committee on Intelligence. He was asked in October 2003 whether he would investigate the purposeful identification of covert CIA agent Valerie Plame. Mr. GOSS responded, ''If somebody sends me a blue dress and some DNA, I'll have an investigation.''

Mr. GOSS apologized publicly and privately for that statement, but the fact remains that he was loathe to challenge any intelligence-related decision of this administration.

That is not at all reassuring when we consider the well-documented intelligence failures leading up to 9/11 and prior to the invasion of Iraq.

This is not a routine appointment. This is not a routine position. Intelligence is the first line of defense in our war against terrorism. It is the first line of defense for the American people and our national security. Having the best intelligence network and the best intelligence agency will be critical if we want our children to live in peace and safety. That is why it is so essential that we bring a person to this job who understands what we have lived through during the past 4 years.

Lengthy reports by the 9/11 Commission, as well as the Joint Intelligence Committee's inquiry, have come to the conclusion that our intelligence agency failed us before the 9/11 attack. We know now that they should have gathered more information, shared more information, drawn obvious conclusions, and done something proactive to protect America. They did not and 3,000

innocent Americans died in Pennsylvania, Virginia, and New York.

Similarly, there came a point in time when we had to make a critical decision in America whether to launch a preemptive attack against Saddam Hussein in Iraq, the first such preemptive attack in our history. We were told it was essential that we do so. We were told by the President, the Vice President, the Secretary of State, the Secretary of Defense, the head of the CIA, and virtually every spokesman of the Government that it was essential we attack Saddam Hussein because he had arsenals of weapons of mass destruction which could be used against the Middle East, other countries in the region and the United States, that he was developing nuclear weapons that would be a danger to the world, that he possessed unmanned aerial vehicles that could even strike the United States, that he was linked with the al-Qaida attacks of 9/11, and the list goes on and on. Today, a year and a half after the invasion, we have found that intelligence information was wrong, just plain wrong.

Think of it. Depending on the intelligence community as our first line of defense, it failed. It failed to alert us of the danger of 9/11, it failed to accurately assess the state of one nation, Iraq, before we launched an invasion which has cost us over 1,000 American soldiers' lives, over 7,000 seriously wounded, and literally billions of dollars.

Can the intelligence community continue with business as usual? No. If there was ever a time in our history when we needed someone clearly nonpartisan, someone who would stand up to a President of either political party and tell them the sober, cold truth, even if it wasn't popular, if there was ever a time that we needed a Director of the CIA determined to reform that agency and the other intelligence agencies under his supervision, that time is today. This is not a routine nomination. This is a nomination as important as any to be considered by the Senate.

I will not go into the lengthy partisan statements made by Mr. GOSS so many times in the past where he has taken to task my political party, members of it, suggesting that we were weak on defense, weak on intelligence. In fact, he was drawn into this Presidential campaign in a role now which he has neither explained nor given us much to work with.

When we went to Mr. GOSS and said, You have criticized Senator KERRY and Democrats for intelligence spending but back in 1995 you were the cosponsor of a budget proposal that would have had a minimum 20-percent cut in our intelligence community personnel, he wouldn't answer the question. When confronted by Senator ROCKEFELLER with his obvious contradiction between his accusations and his actions, Mr. GOSS refused to acknowledge the obvious. The best he could tell us was, ''The record is the record.'' I don't know what that means. I have never before heard it from another witness nor nominee. But it basically told the Intelligence Committee he wasn't about to discuss the issue with us.

I am sorry. I think Mr. GOSS should have been open and candid and told us exactly what he meant, and if he made a mistake to concede that point. It would have put him in a much better position to be a credible agent for nonpartisan leadership and for change as Director of the CIA.

Because I have serious doubts about Mr. GOSS's commitment to reform, his ability to be independent and nonpartisan, I do not believe he is the right person to be serving at the helm of the intelligence community during this extraordinarily challenging time and I will oppose his nomination.

I concede the outcome of the vote on this nomination. I assume he will be comfortably confirmed by the Senate.

I sincerely hope Mr. GOSS will take my comments and the comments of those who vote against him as a challenge to him in his new role at the CIA. I hope he proves me wrong. I hope that I stand before this Chamber in the future and say he was nonpartisan, he was committed to reform, he was prepared to tell this administration and any administration he served the truth, even if it was politically painful. I hope that day will come.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, I have listened with interest to the comments of my good friend from Illinois, as I did earlier today by my friend from West Virginia. I respect their analysis of this nomination. I hope they respect my disagreement with that analysis.

I rise today to support the nomination of a friend, a man with whom I have worked for over 25 years, a fellow Floridian whose judgment and integrity I highly regard.

I support the confirmation of PORTER GOSS as the next Director of the CIA. I have known Congressman GOSS and his wonderful family for more than two decades. I commend them for their willingness to delay the well-earned retirement which they thought would lie before them at the end of this session of Congress to take on this very difficult and important responsibility.

My colleagues know that I have been extremely critical of this administration for, among other things, its failure to hold anyone accountable for the intelligence failures that allowed terrorists to strike our Nation on September 11, 2001, and for the failure that led us into the war in Iraq.

I have been extremely critical of the President and the Vice President for allowing America to be distracted from the real war against terror in Afghanistan and to call upon us to retreat from that real war against the real terrorists who had killed 3,000 Americans and using fabricated intelligence to draw us into the war in Iraq.

I have repeatedly questioned why the President has waited more than 3 years since September 11 to begin a serious discussion of restructuring, reorienting, and reforming our intelligence capabilities.

I am here today to support the nomination of PORTER GOSS precisely because of these concerns. From my personal experience, I can tell you that PORTER GOSS is the right man for this job. He is uniquely qualified to serve as America's Director of Central Intelligence. He is a man of great character, exceptional intelligence, a tremendous work ethic, and outstanding personal and professional integrity.

Let me share a story.

As Governor of Florida, I had known of PORTER GOSS as he served as a distinguished mayor of the town of Sanibel Island, FL. In the early 1980s, the county in which Sanibel is located, Lee County, FL, was in the midst of probably the largest public works project in the history of that county, a major new airport which is now known as the Southwestern Florida International Airport.

In the midst of that, three of the five members of the county commission were indicted for corruption, largely relating to activities involving the construction of the airport. The county government was in disarray. Public confidence in the county government had sunk to a new low, and this major, critically important project to the future of the citizens of southwest Florida had come into question. It was my responsibility as Governor of Florida to first suspend from office those individuals who had been indicted, and then to look for three citizens of Lee County who could assume the important responsibility of restoring the integrity of county government and completing the important airport project.

Although I am a Democrat, and had just been reelected as a Democrat, and PORTER is a Republican, it was my feeling that his personal characteristics were more important than his party label, and so I appointed him to one of those three positions. And from that appointment, he quickly became the chair of the Lee County commission.

Party affiliation did not matter then. I do not believe party affiliation should matter today in determining who should be the next Director of our Central Intelligence operation. What mattered then was the fact that PORTER, with his clear commitment to public service, his integrity and his leadership skills, at a time when his community desperately needed all of them, was able to recapture the confidence of the people, was able to restart this important airport project, which now is one of the most important economic assets of the community.

When it comes to the intelligence community, Congressman GOSS has the balanced perspective of having been

both an insider and an outsider. For a decade early in his career, he served the Nation both in Army Intelligence and the CIA. He knows from personal, firsthand experience the value and the risks of clandestine operations.

Since he has been in Congress—elected in 1988—and especially as a member of the House Permanent Select Committee on Intelligence, he has come to know the agencies from an oversight capacity.

Now, some have said he is too close to the intelligence agencies, that he is too protective of the status quo. But from my partnership with him as co-chairmen of the congressional joint inquiry into the events of September 11, it is my firm belief, and my assurance to my colleagues, that PORTER GOSS can and will be independent in his judgments. PORTER GOSS will also be clear and tough minded in determining where there are needed reforms and leading us to those reforms.

If any of my colleagues or citizens of this great Nation wish to have an indication of where those reforms are likely to take us, I would direct you to the 19 reforms recommended by that congressional joint inquiry, upon which our Presiding Officer participated with great distinction.

As we move to implement much-needed reforms in our intelligence community, I am confident PORTER GOSS will not be part of the problem but will be a leader in taking us toward principled and effective solutions which will make Americans safer.

This time the President got it right. I strongly urge the confirmation of his nominee to be the Director of Central Intelligence, PORTER GOSS.

Mr. KOHL. Mr. President, I intend to vote today to confirm the nomination of Representative PORTER GOSS to be the Director of Central Intelligence. I recognize the deep experience that Representative GOSS brings to this position as the recent Chairman of the House Permanent Select Committee on Intelligence, and as a former CIA officer and Army intelligence officer. I also understand the unique role the DCI plays in providing the President with intelligence and advising him on intelligence matters. Thus, I believe that on balance Mr. GOSS's qualifications are sufficient to confirm the President's choice for this position.

However, I want to express concerns about PORTER GOSS and the very partisan way in which he has conducted himself. His statements mischaracterizing Democratic presidential nominee Senator JOHN KERRY's positions on intelligence and accusing Congressional Democrats of being weak on intelligence are not the sort of rhetoric we want associated with the leader of our intelligence community. As former Secretary of State Henry Kissinger testified in the Appropriations Committee yesterday, the ideal leader for our Nation's intelligence community should be as non-partisan as possible. Mr. GOSS has acknowledged that as DCI he will need to be non-partisan and objective if he is to provide the President with independent judgments about the intelligence he provides, and during his nomination hearings, he made a commitment to do just that. We must hold him to his commitment.

Many of my colleagues have come to the floor today to speak of PORTER GOSS's integrity and his strong qualifications. He will no doubt be confirmed and will take on one of the most critical jobs in our government at a time of uncertainty about how his very job will be structured. The 9/11 Commission has made a compelling case for making major changes to the organization of our intelligence community. The new threats which confront us require a more cohesive intelligence effort that emphasizes shared intelligence over turf battles. To meet this challenge, we need a leader at the helm of the intelligence community who embraces the spirit of reform—even if not all the specifics of the 9/11 Commission recommendations—and who is willing to implement the reforms that all agree are sorely needed. I have no doubt that PORTER GOSS is capable of managing the changes that need to take place and I am hopeful that he will dedicate himself to these efforts.

Mr. LEVIN. Mr. President, the most important quality I am looking for in a Director of Central Intelligence is someone who can be relied upon to provide objective intelligence assessments independent of the policy and political agenda of the White House. Too often we haven't had that.

The massive intelligence failures before the Iraq war were, to a significant degree, the result of the CIA shaping intelligence to support administration policy. The CIA's errors were all in one direction, making the Iraqi threat clearer, sharper and more imminent, thereby promoting the administration's decision to remove Saddam Hussein from power. Nuances, qualifications and caveats were dropped; a ''slam-dunk'' was the assessment. The CIA was saying to the administration, to the Congress, 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 used classified communications intercepts, later proved to be very dubious, to push for passage of the Gulf of Tonkin resolution, which was then used by President Johnson as the legislative foundation to expand the war in Vietnam.

Intelligence was manipulated by then-DCI William Casey during the Iran Contra period. The bipartisan Iran-Contra report cited evidence that Director Casey ''misrepresented or selectively used available intelligence to support the policy he was promoting.''

We need a different kind of DCI, one who is not going to be influenced by the policy choices or politics of whatever administration is in power. After reviewing Congressman GOSS's record, I am not convinced that he would be that kind of DCI. For example, the Washington Post reported that in 2002, when asked about intelligence failures in Iraq, Congressman GOSS said ''I don't like to see the left-wingers splattering mud on an agency that's done some very fine work.'' The Senate Intelligence Committee produced a unanimous 500-page report on the massive CIA failures leading up to the Iraq war. I would not characterize the committee as ''a bunch of left wingers.'' We need someone who is committed to independence and reform, not an ideology.

During his nomination hearing, Congressman GOSS was very reluctant to admit there had been intelligence failures on the part of the intelligence community during the most recent Iraq War. And, when asked questions about some of his partisan comments, Congressman GOSS answered many of them by simply saying ''the record is the record.'' Whatever that means, it is not an acceptable answer from a nominee for Director of Central Intelligence.

I will vote against Congressman GOSS. I hope that, if confirmed, he will prove me wrong.

Mr. DODD. Mr. President, I rise today to speak about the nomination of PORTER GOSS to be the Director of the Central Intelligence Agency, CIA. Yesterday the Senate Intelligence Committee voted 12-to-4 to send Representative GOSS' nomination to the Senate floor. I welcome the opportunity to say a few words about this important nomination and about the state of our Nation's intelligence community.

As my colleagues know, in 1947, President Harry Truman signed legislation which provided for the establishment of the CIA. This important agency supports the President, the National Security Council, and American officials who play a role in shaping or executing the national security policy of the United States. The CIA engages in research and analysis of information, as well as a host of other activities related to foreign intelligence and national security.

However, as every American knows all too well, times have changed since 1947. We are now engaged in new battles. We are facing new threats. The Soviet Union is no longer our arch enemy. Instead we face an enemy that is dispersed throughout the world in small cells—sometimes connected, sometimes acting independently. The new threat—terrorism—is an asymmetrical one.

Nonetheless, we must remember that terrorism alone is not our enemy. It is a tactic used by our enemies. Therefore, our task is twofold. First, we must defeat soundly those who would attack our country and endanger the security of Americans. But secondly, we must also defeat the murderous ideology of terrorism. That is because terrorism is the enemy of all humankind.

It knows no faces, names, or nationalities. And I am confident that a strong America, which is respected by our friends and allies, can defeat this scourge.

Indeed, one thing we can all agree upon in this body is that a strong and capable intelligence effort has never been more important to the security of our Nation. That brings me to the nomination before us today. At the best of times the job of Director of Central Intelligence is a difficult one. And we all know that these are not the best of times. Our intelligence infrastructure failed this Nation when we needed it most.

There are two important traits that the next Director of the CIA needs to possess in order to be successful in restoring the effectiveness of our intelligence capabilities.

First, it is of the utmost importance that the Director of the CIA be nonpartisan. The safety of the American people is not a matter of political parties. National security is an issue that must unite us in a common cause. To that end, I share the deep concerns of several of my colleagues that some of Representative GOSS's comments during his tenure as chairman of the House Intelligence Committee were overly partisan and blindly supportive of the Bush administration.

Moreover it is critical to recognize that he chose to become involved in the political process. That decision was not forced on him. He chose it freely. And I believe that it has undermined his ability to be a nonpartisan Director of Central Intelligence, DCI. There is no question that intelligence has been politicized in this administration. I know it. The American people know it. And the civil servants who work at the CIA know it. To rush to confirm an individual who has played a role in politicizing intelligence is extremely unwise and only serves to further demoralize the individuals who are working so hard to protect our national security.

Second, he or she must have the knowledge and experience necessary to lead some of our most critical intelligence efforts. We cannot ignore the fact that the most egregious lapses in history by our Nation's intelligence community happened while Mr. GOSS was chairman of the House Intelligence Committee—the committee responsible for ensuring that US intelligence agencies function effectively. If he failed in his oversight responsibilities, as I believe he has, how then can we have any confidence that he is capable of accomplishing an even more difficult task—the fundamental reform of the entire intelligence apparatus? I do not believe that we can.

We all know that the 9/11 Commission has recommended a major overhaul of our intelligence operations. Much of that will have to be done at the CIA. It is going to take an individual with very strong management skills to carry out the restructuring of that agency. He will have to have credibility within the institution of the CIA if he is to be successful. Institutions resist change. Based upon Mr. GOSS' weak oversight of the agency, I am not confident that he has the wherewithal to overcome the resistance he will confront to the fundamental reforms being contemplated.

Actions always speak louder than words. Unfortunately, we don't know what Mr. GOSS's actions will be as director, but we do know what his actions have been as chairman of the House Intelligence Committee. In my opinion, to confirm Mr. GOSS with such uncertainty about his ability to get the job done would be irresponsible.

This position is too critical to leave to chance. The agency is currently being led by a very able career intelligence director. He is already working with the committees of Congress to devise a plan to restore the effectiveness and credibility of the US intelligence community. In the immediate future, he will continue to do so.

For those reasons, I will oppose this nomination when the Senate votes today.

Mr. KENNEDY. Mr. President, I intend to vote against the nomination of PORTER GOSS to serve as Director of Central Intelligence.

The American people have learned much since 9/11 about the vital role of objective, nonpolitical intelligence in keeping us safe at home and in protecting American interests abroad. We also have witnessed the disastrous consequences of the administration's manipulation of intelligence in its rush to war in Iraq—disastrous for our brave troops on the ground, for their families, for our country, and for our standing in the world.

When it comes to intelligence, this is no time for politics. As we reorganize and strengthen our intelligence structures, we need a leader of the CIA whose only loyalty is speaking truth to power.

We need an unbiased advisor to the President, not a partisan—someone who will deliver the good news and the bad with candor, foresight, and authority. With PORTER GOSS, however, we get not only a partisan, but a cheerleader for the Bush campaign.

What is most disturbing about the PORTER GOSS nomination is that he has offered no explanation for his partisan behavior as chairman of the House Permanent Select Committee on Intelligence.

He has made partisan attacks on JOHN KERRY for cutting intelligence budgets, when Mr. GOSS himself voted 7 out of 10 years to scale back intelligence appropriations.

He was initially unwilling to pursue the administration's vengeful leak of the name of CIA agent Valerie Plame to the press, which ended her career as a covert CIA officer and endangered her life.

He rushed to discredit former counterterrorism czar Richard Clarke after Mr. Clarke's testimony to the 9/11 Commission became so embarrassing to the White House.

He did not support an inquiry into Ahmad Chalabi, even after allegations that Chalabi had leaked American secrets to Iran, because the Chalabi affair was embarrassing to White House and the Pentagon.

Mr. GOSS waited until June of this year to introduce legislation to reform our intelligence community a full 18 months after the initial joint congressional inquiry that he helped lead uncovered massive structural problems the resulted in the intelligence failures before 9/11. That is not leadership. That is not vision.

In his confirmation hearing, when asked repeatedly about his partisan statements and actions, he offered no explanation. He repeatedly offered the same unsatisfactory response: ''the record is the record.''

If the record is the record for Mr. GOSS, then it is a record that puts politics above the national interest. If the record is the record, then it is one that places partisan gain ahead of the facts. If the record is the record, then Mr. GOSS is the wrong person to serve as our Nation's Director of Central Intelligence.

Mr. GOSS cannot, even now, cite a single instance in which public statements of Bush administration policymakers mischaracterized the available intelligence prior to the Iraq war. If he can't speak the plain truth about such an obvious fact, how can the American people have any confidence in him as the head of our intelligence community?

The challenges of 9/11 and the administration's misuse of intelligence in rushing to war in Iraq demand that any reforms to our intelligence community be rooted firmly in the principle that intelligence must be completely insulated from partisan politics and ideology. The confirmation of PORTER GOSS as Director of Central Intelligence violates that principle in the most fundamental sense.

We owe it to our fellow citizens to do better. I oppose the nomination of PORTER GOSS.

Mrs. BOXER. Mr. President, I will vote for the nomination of PORTER GOSS to be Director of the Central Intelligence Agency.

I served with PORTER GOSS during my time in the House of Representatives. He is a good, intelligent man with a tremendous work ethic. He has served his country honorably in the Army, as a CIA officer, and as a congressman from Florida.

He is the President's choice and I am willing to give the benefit of the doubt. However, the two days of nomination hearings held by the Senate Select Committee on Intelligence highlighted several areas of concern, and my vote today should not be seen as support for Congressman GOSS to become the National Intelligence Director.

Mr. BIDEN. Mr. President, Congressman PORTER GOSS will become Director

of Central Intelligence at a difficult and important time for the U.S. Intelligence Community. In the coming months, he must help both Congress and the administration to take sensible steps on intelligence reform. In the years to come, if he remains in office, Mr. GOSS must lead our intelligence agencies into a new era of flexibility, skill, and inter-agency cooperation.

I will vote in favor of confirming Mr. GOSS to this position, although not without some misgivings. I will support his confirmation in part because I know him to be a gentleman and a man with a deep and sincere interest in intelligence, as well as substantial background in the field. I will support him because many others who know him well, including our colleagues from Florida and others whose views I respect, have contacted me and testified to his integrity and capabilities.

And I will support Mr. GOSS because the President wants him. A CIA Director cannot succeed unless the President likes and respects him enough to take seriously the facts and warnings the Director conveys to him. The President must be willing to accept advice when the Director says that something is not ''a slam dunk,'' and I hope that this President will be willing to accept such advice from this nominee.

As a matter of general policy, however, I have real concerns about appointing a partisan politician to such sensitive positions as Director of Central Intelligence or Director of the FBI. In 1976, I voted against George H. W. Bush as Director of Central Intelligence for precisely that reason. I suggested: ''The chances for forceful integrity will be infinitely greater if the Director of Central Intelligence is a highly respected nonpolitical figure.''

The need for a DCI to transcend partisan politics is crystal clear. He is the person who must be able to tell the President that the world is not as the President might wish it, that a cherished policy proposal will not work, or that some unforeseen development poses a threat to our national security. As we remove the walls between domestic and foreign intelligence, moreover, the DCI—like the FBI Director—will be handling and presenting sensitive information on American citizens.

The next DCI will preside, moreover, over great and perhaps wrenching transition in U.S. intelligence. The report of the 9/11 Commission highlighted a series of long-standing shortfalls in our intelligence agencies. Although the particulars regarding the fight against al-Qaida may have been new, the challenges facing U.S. intelligence are ones that go back many years:

We need to provide instant and accurate intelligence to our military forces, and this drives much of our intelligence collection and analysis today. At the same time, however, we need to provide a wide range of so-called ''national'' intelligence to the rest of the national security community. Balancing those needs is a continuing challenge, especially as the funds for intelligence will often compete against other defense priorities.

We need intelligence collectors and analysts with a wider range of linguistic and cultural skills than ever before. Once we fought a communist enemy that was worldwide, but centrally directed. Now we must vanquish the twin perils of radical Islamic terrorism and the proliferation of weapons of mass destruction, both of which are nearly world-wide, but no longer controlled by a central, well-defined enemy.

And we need technical intelligence collection systems that are ever more powerful, that provide more real-time information, and that will be effective in a world where technology often favors secrecy over transparency.

We need seamless sharing of very sensitive intelligence information—between agencies, between countries, and between Washington and the State and local forces that guard us from terrorism on a daily basis. ''Stovepipes'' and ''rice bowls'' are outmoded and in need of a real make-over to meet the needs of the 21st century.

At the same time, however, we need strong protections for our civil liberties, which are the very foundation of our society. When the most recognizable member of this Senate is denied an airline ticket in his home town because his name shows up on some Government list, we know that the intelligence feeding into our homeland security programs leaves a lot to be desired.

That is quite a menu of challenges, and they must all be addressed. There is no ''pick one from column A'' option in heading U.S. intelligence.

In addition to all that, the Director must be willing and able to ''speak truth to power.'' He must have the stature and Presidential trust that leads top officials to accept his warnings and advice. And he must be an able defender of the independence of intelligence analysis, while still insuring that it is relevant to the needs and concerns of policy-makers.

I will support the confirmation of Mr. GOSS in the hope that he will transition successfully from a serious congressman and a leading partisan figure to a clear-eyed, independent Director of Central Intelligence who is able to rally his troops, to make them as effective as possible, and to keep policymakers from misusing or ignoring the work of the thousands of skilled and patriotic men and women who work in U.S. intelligence today. The perilous times in which we live demand nothing less than complete dedication to those objectives.

Mr. CORZINE. Mr. President, after much deliberation, I have decided to vote against the confirmation of PORTER GOSS to be Director of Central Intelligence. The conclusions of the 9/11 Commission, as well as the failures of our pre-war intelligence on Iraq, have demonstrated the enormous challenges we face in restructuring, reforming and improving our intelligence capabilities. At this critical moment, we should be focusing our efforts on enacting into law the recommendations of the commission, including the creation of the position of National Intelligence Director. The confirmation of a new Director of Central Intelligence, when the role of the DCI has yet to even be defined, does not advance the hard reform work yet to be done. Nor does the appointment of PORTER GOSS, whose objectivity, capacity to work across party lines, and openness to reform are subject to serious question.

The National Intelligence Director envisioned by the 9/11 Commission will oversee our intelligence community, including the DCI. It is critical that we clarify, in law, the relationship between these two positions. Unfortunately, the administration, by prioritizing the nomination of the DCI over the restructuring of our intelligence community, seems to be signaling an attachment to the status quo.

Congressman GOSS's record, in which he has repeatedly rejected independent efforts to improve our intelligence whenever those efforts were perceived to be contrary to the interests of the Bush administration, is also cause for concern. He opposed the establishment of the 9/11 Commission, he attacked the integrity of Richard Clarke, the former coordinator for counter-terrorism at the National Security Council, he opposed an investigation into the disclosure of the identity of a CIA operative, and he referred to the bipartisan Senate investigation into the abuse of Iraqi detainees as a ''circus.''

Congressman GOSS has also opposed investigations into intelligence on Iraq, in particular the use of intelligence by the administration. He dismissed Senators who called for an examination of the circumstances that led us to war as ''attack dogs'' and charged that they were expressing ''artificial outrage.'' He has also implied that open discussions of the challenges facing our intelligence damage the morale of our armed forces and aid our enemies. These are not the statements of someone who appears prepared to undertake the difficult work of reform, without regard to political considerations.

This reform will require cooperation between the administration and the Congress and between Republicans and Democrats. Unfortunately, Congressman GOSS has made repeated, incendiary charges, including allegations that the Democratic Party does not support the intelligence community and that Senator KERRY seeks to ''dismantle the nation's intelligence capabilities.'' These charges are not only flat wrong, they are completely counterproductive to the bipartisan effort that is urgently needed at this moment.

Repairing our intelligence capabilities is critical to fighting the war on

terrorism and is an urgent priority. We must enact into law the recommendations of the 9/11 Commission. We must examine the failures of our intelligence related to Iraq. We must begin the work of restructuring our intelligence community so that it is more effective and less politicized. These challenges require the utmost objectivity, independence, and nonpartisanship from the Director of Central Intelligence. Any reluctance on the part of the DCI to fully engage in the reform process, for whatever reason, could set us back at a moment when we can least afford it.

Mr. BUNNING. Mr. President, I speak today in support of the nomination of Representative PORTER J. GOSS to the Director of Central Intelligence. He is a good man and a good friend. President Bush could not have selected a more capable and qualified man for the job. He brings to the Central Intelligence Agency and the intelligence community what they have needed for years—intelligence experience, political experience, an open mind, and forward thinking.

I first met Representative GOSS shortly after he was elected to the House of Representatives in 1988. We served together for 10 years before I was elected to this body. Representative GOSS and his wife, Mariel, are personal friends of my wife and myself to this day. I know his personal character and I am confident he will bring integrity, honesty, and forthrightness to his new job.

The Director of Central Intelligence holds one of the most important and unforgiving jobs in our Government. All his actions and decisions are analyzed and criticized by politicians, the press, and the public. And the pressures on the intelligence community are immense. They must be right 100 percent of the time, while the terrorists only have to be right once. That is a heavy burden for one man to bear, but I believe Representative GOSS is up to the challenge.

I cannot think of anyone with more experience for this job. Representative GOSS has extensive experience in intelligence, on both the practical and policy sides. He knows firsthand the importance of human intelligence, serving as an intelligence officer in the Army and as a case officer in the agency he will now lead. At that time the United States was promoting freedom and fighting the evil of communism. Though the evil we now face takes a different form, the value of information and power of knowledge remain the same.

We are in the midst of a review and reform of our intelligence organizations, and, going forward, one of the most important jobs for the Director of Central Intelligence will be working with Congress. Again, Representative GOSS's experiences will be an asset to the intelligence community and the Congress. For the last 8 years he has been chairman of the House Permanent Select Committee on Intelligence. In that position he has worked fairly with both parties and both bodies of Congress without compromising his beliefs. I am confident he will continue to work honestly and fairly with Representatives and Senators of both parties in his new job.

Representative GOSS's practical and political experience will also pay dividends as the entire intelligence community is reformed in the coming weeks and months. He has proven his openmindedness in constantly seeking to improve our intelligence capabilities and structures during his tenure in Congress. He has held dozens of hearings on problems in the intelligence community and how to fix them. He was a member of the Aspin-Brown Commission, which took a deep look at our intelligence community and provided some of the recommendations that we are currently reviewing. He also cochaired the bicameral investigation on intelligence issues surrounding the 9/11 terrorist attacks. His open mind and willingness to think critically about the status quo will serve us all well.

I have seen firsthand his dedication, integrity, and character, and I support Representative GOSS's nomination without reservation. I wish him well in that extremely important job and I look forward to seeing him in briefings and hearings in the coming months.

Mr. REED. Mr. President, I rise to discuss the nomination of PORTER GOSS to be Director of Central Intelligence. I served with PORTER GOSS in the House of Representatives and I respect him. However, I do not believe he is the best choice for the position in these times.

On September 11, 2001, our country suffered a devastating attack. Now our country is in the midst of a war on terror and a war in Iraq. There have been many examinations of our intelligence leading up to September 11, leading up to the war in Iraq, and as we continue to wage the war on terror. There are many unanswered questions about whether the intelligence was accurate, whether it was manipulated, whether our soldiers and leaders can rely on it each and every day as they make difficult decisions.

I recognize that members of the President's Cabinet, like the Secretary of Defense and the Secretary of State, must weigh political considerations as they develop policy. However, the Director of Central Intelligence is a unique position. It should stand above politics. The citizens of the United States have the right to assume that the Director of Central Intelligence is providing objective information and analysis to allow the President to make the best possible decisions.

When Director Tenet resigned, the President had an opportunity to appoint a nominee who was nonpartisan, nonpolitical. He did not do so. Instead he chose Mr. GOSS, who clearly knows the intelligence community well, but is also clearly partisan and political.

The CIA is in turmoil. The hard-working men and women of the Agency need a strong leader who will reform the system to make sure that the information they offer is used in a proper and timely fashion. The people of this country need to know that the U.S. intelligence community is doing its best to protect and serve U.S. national interests.

I do not believe that Mr. GOSS is the best candidate to lead the intelligence community through a difficult task of reform and restoring confidence in the midst of a war.

It is important that our intelligence not be partisan, yet Mr. GOSS has been partisan in his comments over the past year. He has been fiercely critical of former President Clinton, our colleague Senator KERRY, and the Democratic Party. His comments do not lead me to believe that he will now abandon his partisanship or his political approach as the Director of CIA.

No greater task lies before us today than to reform the intelligence community so that it is effective as the leading weapon in the war on terrorism. Mr. GOSS certainly knows the CIA and the intelligence community, but in these times, experience is simply not enough. A leader committed to reform without regard to politics is also critical. Those attributes, I fear, Mr. GOSS does not have, and therefore I oppose his nomination.

Mr. MCCAIN. Mr. President, I rise to express my support for the swift confirmation of Congressman PORTER GOSS as Director of Central Intelligence. I have been privileged to know Mr. GOSS for a number of years, and I can attest that he is a leader, a man of personal intelligence and integrity, and a true patriot. He is also extremely well qualified for the position to which he has been nominated.

I do not believe I am divulging any state secrets when I mention that PORTER GOSS knows the intelligence community from the ground up—beginning with his service as a young case officer and most recently as chairman of the House Intelligence Committee. His 10-year career with the Central Intelligence Agency gave him a thorough understanding of how that large organization operates—invaluable background as the Congress and the executive branch proceed with various plans for reorganizing the intelligence community. His experience on the CIA staff, combined with his oversight responsibilities in the House, makes him perhaps uniquely qualified to understand the challenges and opportunities facing the community today. Congressman GOSS has demonstrated time and again his commitment to the needs and goals of the intelligence community in its service to our Nation and the American people. He is not merely qualified. He was meant for this position.

When he takes up his duties, he will do so at a time of great change in the intelligence community. Reeling from the intelligence failures of 9/11 and

Iraq, and faced with comprehensive reorganization, the community's leadership has rarely been so important. I am confident that Mr. GOSS will lead the CIA in an independent and nonpolitical manner as he has committed to do, ensuring that policymakers receive the best intelligence and analysis that our government can provide. I am also confident that he will be helpful as the Congress reorganizes itself in order to better conduct oversight over the intelligence community. We in the Congress sometimes forget that intelligence failures the Nation has experienced are not limited to the agencies alone. Congressional oversight has been, as the 9/11 Commission put it, ''dysfunctional,'' and must be changed.

As we face the national security challenges that are so evident to all of us, the Nation will be privileged to have PORTER GOSS at the helm of the CIA. America needs an individual who will help lead our intelligence agencies into a new era. I wholeheartedly support his confirmation.

Mr. DOMENICI. Mr. President, I rise today in strong support of the nomination of PORTER GOSS to be Director of Central Intelligence. Few people are as eminently qualified as he to lead the CIA at this critical time in our Nation's history.

PORTER GOSS combines experience as both a U.S. Army Intelligence and CIA officer with 15 years as a Member of the U.S. House of Representatives. During his time in Congress he has used his knowledge and experience to serve as chairman of the House Permanent Select Committee on Intelligence. He is a public servant who has earned our confidence and that of the President to lead the dedicated men and women of the CIA who work tirelessly to preserve our Nation's security.

Now at this time when Congress is working hard to reshape our intelligence services, I applaud the President for nominating a man like PORTER GOSS who understands what is working with intelligence and that which needs to be improved. And based on his experience, he will undoubtedly be as well prepared as any DCI to communicate with Congress concerning the needs of the CIA, and to understand the oversight responsibilities of the legislative branch as it pertains to the intelligence community.

The challenges we face in defeating global terrorism remain great. PORTER GOSS understands where we have made mistakes in both intelligence operations and assessment. He understands that we need improved human intelligence capabilities, as well as a culture of competition among intelligence analysts, to ensure that policymakers have objective information and a range of options to choose from in meeting the terrorist challenge. PORTER GOSS is committed to making these changes on behalf of the American people.

In conclusion, I believe the President has chosen the right man to lead the CIA in its very important work, and I strongly support the nomination of PORTER GOSS.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, we have two speakers. I inform the distinguished leader, the minority whip, a man from Searchlight, that we have two speakers.

If I could ask Senator SNOWE how much time she would like to have.

Ms. SNOWE. About 12 minutes. And I would like to yield 2 minutes to the Senator from Oklahoma.

Mr. ROBERTS. All right. So a total of what, 15 or 20 minutes?

Ms. SNOWE. Yes.

Mr. ROBERTS. I am assuming by about 4:45—I am not anticipating any further speakers on our side. That could change.

Mr. REID. If my friend will yield?

Mr. ROBERTS. I am delighted to yield.

Mr. REID. We could not have a vote before 5 o'clock.

Mr. ROBERTS. Right.

Mr. REID. We have a couple people off campus doing other things.

Mr. ROBERTS. Could we agree to have a UC request in regard to a vote certain at 5 o'clock?

Mr. REID. Mr. President, I would be happy to agree to having a vote at 5 o'clock and having the time between now and then evenly divided. I frankly don't think we are going to be using any more time, so if you need more time on your side, you could have part of ours.

Mr. President, I ask unanimous consent that the vote occur at 5 o'clock and that the time between now and then be evenly divided.

Mr. ROBERTS. I have no objection. I think that is an excellent suggestion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I yield whatever time she may consume to the Senator from Maine.

Ms. SNOWE. Fifteen minutes.

Mr. President, I thank the Senator from Kansas, and I am glad to yield to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator from Maine.

Let me make a couple comments about this man.

First of all, before he leaves the Chamber, I want to thank the Senator from Florida for his comments and for his efforts in this nomination. I also thank the chairman of our select committee in the Senate, the Senator from Kansas.

Two years after I was elected to the House—I believe it was 2 years afterward—PORTER GOSS was elected to the House from Florida. It took us no time at all to figure out this guy was one of the foremost authorities on the intelligence community. He had experience with the CIA, with Army Intelligence. We relied on him. I am talking about way back 16 years ago.

When I went from the House to the Senate in 1994, I took the place of Senator David Boren, who is now the president of Oklahoma University. He is a very close friend of mine. He was my predecessor in this Senate seat. He was also chairman of the Senate Select Committee on Intelligence. The thing he warned me of when I first came in was: You are going to have to do something about this mess we have in intelligence. He said: You have the DIA and the CIA and the FBI and the NSA, and nobody is talking to each other.

I found out before too long that was the case. He said he had been working on this for about 6 or 7 years and had not been able to achieve it. It became a turf battle. On one occasion I found there was a listening device the NSA had that they would not even share with the FBI for some of their investigations. This was wrong.

We have come a long way since that time. It has been my experience in both Kosovo and Bosnia that you have a lot of these agencies around the table sharing information and working together that did not do so before. So I believe we have come a long way.

One of the reasons I have been resisting a lot of changes within our intelligence system is I wanted to wait until PORTER GOSS came on board. I believe PORTER GOSS has more knowledge on intelligence than anybody else who could have been nominated.

I think the President made an excellent nomination. I think we see by this bipartisan support that we are going to be able to overcome the obstacles and move ahead aggressively in achieving quality intelligence to protect the American people.

I thank the Senator from Maine for yielding to me.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I rise today regarding the nomination of PORTER GOSS as our next Director of Central Intelligence. I commend the President for his timely submission of this nomination as Director of the Central Intelligence Agency. Given our war on terror and the missions in Afghanistan and Iraq, now is not the time to leave a vacuum in leadership for our Nation's intelligence.

On that note, I also commend our chairman, Senator ROBERTS, for his leadership in conducting the hearings and shepherding the entire process so we can complete this confirmation and ensure our intelligence apparatus has the direction it deserves and the leadership it must have in order to move forward.

As we all know, this nomination arrived during a time in which we are compelled to undertake the most profound, sweeping reform of our entire intelligence community in nearly 60 years, 3 years after the worst attack ever on American soil. Indeed, there is no longer a question whether we are at the threshold of the single most comprehensive and critical restructuring of

the manner in which intelligence is gathered, analyzed, and disseminated in at least a generation. The questions are: What shape will this reform take? How will the leadership of the intelligence community implement and execute these changes? And how will the nominee, PORTER GOSS, synthesize and translate his knowledge and depth of experience into specific, tangible changes in how the intelligence community performs? Because the person who is asked to implement this type of reform must be firm, bold, visionary, and lay the foundation for our intelligence community for the 21st century.

Many of us who serve on the Intelligence Committee—indeed, throughout the Senate—have been advocating for comprehensive improvements in the intelligence community structures and methods. Shortly, the Senate will have the opportunity to deliberate with respect to overall and fundamental reform. It is absolutely the type of change and reform not only this Senate, this Congress, and the President must embrace; this permanent reform is essential to address the grave failures in communication, coordination, and cooperation that certainly the 9/11 Joint Inquiry, the Senate Intelligence Committee, the 9/11 Commission, and others have found with respect to the attacks on September 11, 2001, as well as the pre-Iraq-war assessment of weapons of mass destruction that failed to reconcile with the realities in the postwar chapter. Indeed, with the new reality in which we live, delaying reforming the intelligence community is no longer an option.

As a member of the Senate Intelligence Committee, this last year we have undertaken a major review of the prewar intelligence of Iraq's weapons of mass destruction, the regime's ties to terrorism, Saddam Hussein's human rights abuses, and his regime's impact on regional stability. That report was a detailed, comprehensive cataloguing not only of the facts but also a stunning revelation of systemic, pervasive flaws in our intelligence community that coalesced to produce broad failures in intelligence gathering and analysis. It revealed a pervasive complacency as well as a lack of accountability throughout the chain of command that allowed outdated assumptions about intelligence to be carried forward for years unquestioned and that tolerated an absence of rigorous analysis and a kind of monolithic grouping.

From that report, we now know that even after the lack of information sharing was found to have played a key role in the intelligence failures of 9/11, intelligence reporting continues to be highly compartmentalized, and analysts with a need to know are not given access to information. Essentially, the intelligence community continues to operate in a ''stovepiped'' manner, preventing critical information sharing essential for sound analysis. There was a lack of analytic rigor on one of the most critical and defining issues spanning more than a decade: the question of the preponderance of weapons of mass destruction within Iraq. The community had failed to do its analysis for more than a decade, we soon discovered.

Moreover, there was a lack of human intelligence that is so critical to assessing the enemy's capabilities and intentions. They were forced to rely on outdated, vague intelligence from less than credible sources.

I say all of this because that is the reality that our next Director of Central Intelligence must not only confront, but he also must address. It is in that light that our committee, during the confirmation process, reviewed the qualifications, the credentials, and the qualities that PORTER GOSS possesses in order to address some of the most systemic and profound changes this intelligence community is going to face since its inception in 1947.

I have come to believe that PORTER GOSS, in examining his record, his testimony before the committee, his responses to the committee, has the experience, the character, the credibility, the knowledge, the disposition, and the predilection for reform to lead this comprehensive overhaul and restructuring of our entire intelligence community.

Let me first say that I worked with Congressman GOSS in the House of Representatives for 6 years. I have no doubt about his competence, certainly his intelligence, his character, his unimpeachable integrity, or his bipartisanship. He was far from a polarizing or partisan force in the House of Representatives. Rather, what I discovered in working with him in the House, he was interested in solving problems rather than creating political points or sound bites. He was interested in reaching a consensus on the issues.

I know there had been some questions during the course of the hearing as to whether PORTER GOSS would be able to be sufficiently independent minded in a position where he will be the President's chief adviser on intelligence issues. Certainly this was an issue that was thoroughly explored in the confirmation hearings just concluded. At the opening of that hearing, Congressman GOSS addressed the issue directly when he told the committee:

> . . . I understand completely the difference in obligations the position of [director of Central Intelligence agency] carries with it and that which the role of a Congressman carries. These are two completely distinct jobs in our form of government. I understand these distinctions and if confirmed commit myself to a nonpartisan approach to the job of [director of Central Intelligence agency].

That is important to underscore.

Moreover, in response to questions about some specific political statements that PORTER GOSS had mentioned a few months ago on the floor of the House of Representatives, he expressed regret and apologized if he sounded any partisan notes in the past on any issues or matters of national security.

I know others have raised the question of whether PORTER GOSS will be willing to inform administration officials if or when public statements deviate from or distort available intelligence. In responding to this question, I would refer directly to the House Intelligence Committee's 2003 interim assessment of the pre-Iraq-war intelligence when then-Chairman GOSS stated that if public officials cite intelligence incorrectly, the intelligence community has a responsibility to address that policymaker on any mischaracterization of available intelligence. I expect that not only would PORTER GOSS be held to that assessment as DCI but that he would hold himself to that assessment.

We must also recognize the unique qualifications that PORTER GOSS brings to the position. As I mentioned earlier, he is a product of service in the intelligence community, while he also later served as chairman of the House Intelligence Committee. He can view the intelligence community through the eyes of a former CIA officer and intelligence officer and also as someone who has stood outside of that world looking in with his oversight of the intelligence apparatus as chair of the House Intelligence Committee.

I know there has been some concern expressed that maybe PORTER GOSS will be too wedded to the CIA or that he is too CIA-centric and, therefore, would not have the independent vision necessary to institute the required changes and the reforms that surely are to come. I would argue that it is precisely because of his past work within the community that he is best suited to take it into the future, all the more so as his service imbues him with an indispensable credibility that would engender the kind of trust within a community where some continue to believe that necessary changes have already been made, that we should not identify the failures that we did in our comprehensive report within the intelligence community in the prewar assessments as egregious or systemic or broad or comprehensive failures. That is the kind of atmosphere that he will be entering as the new Director of the Central Intelligence Agency and trying to bring about the kind of reform that is absolutely vital.

His own record of reform initiatives is also important to explore because it also will belie the claim that somehow he will not be predisposed or have a predilection for the type of reform we certainly are going to be considering, hopefully next week, and enacting in Congress, and also the reform that has also been brought about as a result of the President's Executive orders.

Still others have questioned whether PORTER GOSS could have done more to institute intelligence reform prior to the attacks of 9/11. Again, I think as we review the 9/11 Commission's recommendations, we can see much could

have been done in all spheres. Whether it was on the part of former Presidents, on the part of Congress, committees, individuals, agencies, and bureaucracies, we know that the history documented in the 9/11 report was replete with examples of what could have been and should have been done differently.

What is required now is that we look at the totality of the record of the nominee we are considering today. In so doing, I believe we will see an individual who is wholly committed to providing the impetus and the leadership required to institute critical reform. Indeed, who better than someone who has not only been a member of the intelligence world but also one who has investigated that world to understand why change is necessary.

The most glaring of problems—those we identified in the Senate Intelligence Committee report, such as the poor state of human intelligence, operations, intelligence collection in general, analysis, and the pervasive problems with information sharing—these have all been issues that PORTER GOSS has been committed to addressing throughout his tenure as chairman of the House Intelligence Committee. Indeed, Mr. GOSS has held over 62 hearings on intelligence community reform just this year. So I do believe that he shows a predisposition and indeed a drive for reform.

I think we also see that commitment reflected in Mr. GOSS's contributions as a member of the Aspin-Brown commission, which was formed to assess the future direction, priorities, and structure of the intelligence community in the post-Cold-War world. This commission made a number of recommendations including looking at how to streamline the DCI's responsibilities and provide him with additional flexibility in managing the community.

He provided insights and leadership in the ''Joint Inquiry Into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001''—a report that contained 19 recommendations, including the creation of a director of national intelligence among the many changes that we have now been debating in Congress.

So all of this undoubtedly served as a catalyst for Congressman GOSS authoring his own reform legislation, which he introduced this past June, that calls for significant reform of the intelligence community's structure, as well as enhanced DCI, with critically needed personnel and budgetary authority—going beyond even what the President issued in his own Executive orders.

But I think PORTER GOSS also understands, in response to many of the questions that were raised during the course of the confirmation hearing, that a director of national intelligence will need to possess both the budgetary and personnel authorities that will be vital to a newly created director of national intelligence in order for that individual to be effective in implementing the kinds of changes that need to be brought about within the overall intelligence community.

Finally, there is further evidence of the extent to which PORTER GOSS is compelled to remedy our intelligence shortcomings. He has recognized—after his committee's investigation into the failures that occurred prior to the Iraq war—that the intelligence community has repeatedly fallen short in the area of information collection, most notably in the area of human intelligence.

For those who are not convinced he understands what is required to be done—particularly in this regard—as PORTER GOSS himself has said, the CIA's human spy operation was headed ''over a proverbial cliff'' and in danger of becoming only a fleeting memory of ''the nimble, flexible, core, mission-oriented enterprise'' it once was. Sounds like a person who is convinced of the need for change.

He has also stated that the intelligence community failed to provide the best possible intelligence to policymakers, and that the requisite, both from a collection and analytical viewpoint, was not provided.

I believe PORTER GOSS embodies the credibility and credentials that will be required to lead the intelligence community agencies and the professionals within that community in implementing the types of reforms from within—by Executive order or through congressional enactment. He brings unique and exceptional experience both in the field and behind the gavel. I believe he is well prepared to see our intelligence apparatus as it undergoes the major transformation necessary for a new era.

I yield the floor.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the distinguished chairman of the Armed Services Committee, a vital member of the Intelligence Committee, be recognized for 5 minutes. Senator WARNER is a previous member of the Intelligence Committee, now again on the Intelligence Committee, and he is chairman of the Armed Services Committee. He has a unique perspective to offer my colleagues. Is 5 minutes appropriate?

Mr. WARNER. Yes, thank you.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank my good friend and colleague, the chairman of the Intelligence Committee. I hope the Senate appreciates the thoroughness with which Chairman ROBERTS has gone into this nomination. He has provided the members of the committee and many others with an opportunity to express their views with regard to the nomination. An extensive series of hearings have been held—more than have been held on a nominee in a long time. Maybe only Supreme Court Justices occasionally see the volume and thoroughness with which this nomination has been carefully viewed by the Senate. I compliment the chairman, and indeed the ranking member who participated very actively in this, as well as the members of the committee.

I first came to know the nominee about a decade ago. I remember one of our most revered, distinguished contemporary colleagues, Senator Moynihan, who sat right back there. I was on the floor and he stood and said it was time to abolish the CIA. He had a lot of concerns about the Agency. At that time, I was the vice chairman of the Intelligence Committee. Together, with PORTER GOSS and some others, we put together a piece of legislation establishing a commission to examine some of the concerns of our distinguished late colleague from New York. PORTER GOSS and I served on that commission. Les Aspin was the first chairman. He had an untimely early death and he was followed by Harold Brown. That was my initiation to work with this fine, able individual.

I commend the President for selecting him to take on this important assignment. I thank Representative GOSS, his wife, and family for undertaking another chapter of public life.

All of his credentials have been carefully reviewed. I would like to talk about somewhat of a different aspect of the challenges that will face PORTER GOSS. We just concluded a very extensive briefing upstairs with the Secretary of Defense, Ambassador Negroponte, the commander of CENTCOM, the Chairman of the Joint Chiefs, and the Deputy Secretary of State, almost three-quarters of the Senate being present. The briefing was about the situations primarily in the Iraq and Afghanistan theater, but it was about terrorism on the whole.

As part of our discussion, we talked about the ongoing work in the Congress of the United States with regard to the 9/11 report, which all of us believe is a very significant contribution by a conscientious group of tried, tested, and able public servants. But we worked through these equations and options. The Governmental Affairs Committee is doing the markup of what will be the primary vehicle. Senator ROBERTS contributed his views on it.

The Senate Armed Services Committee had a hearing with the Secretary of Defense, as well as the Acting Director of the CIA. So the Senate has done a lot of work in preparation.

How does that relate to PORTER GOSS? I cannot predict, and I don't think anyone can, at this time what will eventually evolve with regard to the legislative achievements of this body and the House in a conference. Perhaps a lot of people have high expectations that a bill will be before our President shortly.

I intend to work conscientiously, as I have, and will continue to work, forgetting any question of turf, to try to achieve a strong bill that clearly improves and strengthens our intelligence system.

I brought in a reference to the briefing today because in some discussion

with our colleagues—and it was a classified briefing, but I can share this—General Abizaid said he is acting on intelligence daily to conduct his mission. Lives are at risk, and he clearly, drawing on his extensive experience in the Army said: Today the intelligence collection that my soldiers, sailors, airmen, and marines need and have and use is vastly improved over what we had in gulf war 1 in 1991.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. WARNER. Mr. President, I ask unanimous consent that I may speak for another 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, there has been steady progress in the improvements in our intelligence system. The Department of Defense is the largest user, and these senior people in the Department of Defense—civilian and military alike—have not tried to tell the Congress what to do but respectfully told us what not to do: Don't do anything to weaken the improvements that we have achieved—I say we, working with the Congress and the President—we have achieved to date since 1991 in the first gulf war and, indeed, since 9/11 with President Bush and Executive orders, a wide range of implementation of important things that have been done to improve our intelligence system, particularly from the standpoint of the tactical use by the U.S. military.

If confirmed and if we pass a new law signed by the President, PORTER GOSS will be the man entrusted to implement that law. And I say to my colleagues with the deepest respect, that is a daunting task—to do it in a way not to shake the confidence of the tens upon thousands of conscientious employees in the various departments and agencies, the CIA, the Department of Defense who are concerned about their jobs, concerned about their futures. We need to hold the team in place. We need to keep what is working now going as we phase in such new laws and provisions as this body, working with the House and signed by the President, may enact.

I do not know of another individual who has the experience of PORTER GOSS or is better qualified to take on the task of implementing such new laws as the Congress and the President may enact.

I urge my colleagues to give this very fine, outstanding American who, once again, was thinking about a quieter form of life the opportunity to move into this job.

There was printed in the RECORD a report that was issued by the CSIS, prepared by a number of former colleagues and others in the intelligence community trying to say to the Congress we best move with considerable caution as we enact this new legislation. I found this very helpful in my work participating in drawing up this bill, and I commend it to my colleagues.

Mr. President, again I thank the distinguished chairman and the distinguished vice chairman of the committee for their work in making it possible for this nomination to have been carefully reviewed by the Senate in terms of a series of hearings and a very active and thorough debate on the Senate floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, with this debate and the vote certain at 5 o'clock, I think there has been an extraordinary level of examination of this nomination. Two days of open hearings were held. By way of comparison, that is one day more than Secretary of State Powell had during his confirmation in early 2001.

It is certainly understandable that an official of the DCI stature would be the subject of close Senate scrutiny. I think we have achieved that level of scrutiny, and members of the Intelligence Committee on both sides have expressed satisfaction with the way this process has unfolded. It was not by accident. It was in close conference and cooperation with the distinguished vice chairman of the Intelligence Committee, the Senator from West Virginia.

I think Mr. GOSS has been forthcoming. I think he has been candid with the committee. He provided literally dozens of written answers to questions sent to him by the committee, both before and after his confirmation hearings. He also provided complete and exhaustive details about his background and his professional life in connection with his nomination.

In short, I believe the examination of this nomination has been thorough and informative. The nominee and Members on both sides should be complimented for the way it has unfolded.

Expressions of support for his nomination have come from both sides of the aisle and both sides of Capitol Hill. This nominee is ready to go to work, and he is needed.

I urge the Senate to vote for his confirmation, and I look forward to working with PORTER GOSS as the next and, by the way, possibly last DCI.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, at the proper time, which I believe will be at 5 o'clock, I will call for the yeas and nays, or can I do that now before I make a statement?

The PRESIDING OFFICER. The Senator can do it any time he chooses.

Mr. ROCKEFELLER. I wish to make a short statement, and then I will call for the yeas and nays.

PORTER GOSS has been very well vetted. What has come from this discussion back and forth are several things.

One, he is a very good man. Second, he knows the intelligence business. Third, I think there is still a question of whether he has run any larger organizations, and that becomes a factor. The third had to do with partisanship. It was interesting to me that a number of people said everybody around here is partisan. Of course, that is true. But this has to do with a nomination for the Central Intelligence Agency. That is a position where the national security law forbades a nominee from being political in any way, shape, or form.

I think the question really is with him. I want to believe it is true, but based upon the record, I cannot accept it as true to this point, and I have to look at what has happened as opposed to what he says will happen; that he has been very partisan and very partisan within the field of intelligence and very partisan within the field of intelligence very recently at a time, obviously, when we are engaged in a broad election.

I think it is probable that he will be confirmed, but that does not take away from my responsibility to point out what I think is critical: That now, more than ever, it is important for a CIA Director or for anybody in intelligence to tell the truth, to make sure that if there was a reference in a Cincinnati October 2 speech about Niger and uranium enrichment and the possible seeking of it by Iraq, and then when it comes to the State of the Union that somehow that the CIA Director disappeared and never said, Oh, no, that shouldn't be in the State of the Union because it was never true—I don't want to get into that now. The point is we need somebody who is independent and takes pride, who describes himself, defines himself as being independent and standing up for the intelligence business and, therefore, is speaking the truth. I hope that person will be PORTER GOSS. That is not yet proven, and based upon the record it is not possible for me to vote anything but no at this time.

It being very close to 5, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of PORTER J. GOSS, of Florida, to be Director of Central Intelligence? On this question, the yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Ms. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 17, as follows:

[Rollcall Vote No. 187 Ex.]

YEAS—77

Alexander	DeWine	Lott
Allard	Dole	Lugar
Allen	Domenici	McCain
Baucus	Dorgan	McConnell
Bayh	Ensign	Mikulski
Bennett	Enzi	Miller
Biden	Feingold	Murkowski
Bond	Feinstein	Murray
Boxer	Fitzgerald	Nelson (FL)
Breaux	Frist	Nelson (NE)
Brownback	Graham (FL)	Nickles
Bunning	Graham (SC)	Pryor
Burns	Grassley	Reid
Campbell	Gregg	Roberts
Cantwell	Hagel	Schumer
Carper	Hatch	Sessions
Chafee	Hollings	Shelby
Chambliss	Hutchison	Smith
Cochran	Inhofe	Snowe
Coleman	Inouye	Stevens
Collins	Johnson	Sununu
Cornyn	Kohl	Talent
Craig	Kyl	Thomas
Crapo	Landrieu	Voinovich
Daschle	Lieberman	Warner
Dayton	Lincoln	

NAYS—17

Bingaman	Durbin	Reed
Byrd	Harkin	Rockefeller
Clinton	Kennedy	Sarbanes
Conrad	Lautenberg	Stabenow
Corzine	Leahy	Wyden
Dodd	Levin	

NOT VOTING—6

Akaka	Jeffords	Santorum
Edwards	Kerry	Specter

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

The Senator from Kansas.

MORNING BUSINESS

Mr. ROBERTS. Madam President, I ask unanimous consent that there now be a period of morning business, in the evening, with Senators speaking for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

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.

On November 20, 2000, in Savannah, GA, the body of Billy Jean Levette, a transgender individual, was found in a secluded area. His body was face up with a wound to the back of the head, his pants pulled halfway down and his shirt pulled up. Levette was the second transgender individual killed in the Savannah area in a year.

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.

SECURITY FOR SUPREME COURT JUSTICES

Mr. LEAHY. Mr. President, I am pleased to be an original cosponsor of S. 2742, which is a short but important piece of legislation that Senator HATCH and I have cosponsored at the request of the Supreme Court. This legislation would renew authority to provide security for the Justices when they leave the Supreme Court. Recent reports of the assault of Justice Souter when he was outside of the Supreme Court highlight the importance of security for Justices. If no congressional action is taken, the authority of Supreme Court police to protect Justices off court grounds will expire at the end of this year.

Another provision in this legislation allows the Supreme Court to accept gifts ''pertaining to the history of the Supreme Court of the United States or its justices.'' The administrative office of the Courts currently has statutory authority to accept gifts on behalf of the judiciary. This provision would grant the Supreme Court authority to accept gifts but it would narrow the types of gifts that can be received to historical items. I think this provision strikes the proper balance.

Finally, this legislation also would provide an additional venue for the prosecution of offenses that occur on the Supreme Court grounds. Currently, the DC Superior Court is the only place of proper venue despite the uniquely Federal interest at stake. This legislation would allow suit to be brought in United States District Court in the District of Columbia.

ROTTERDAM CONVENTION ON PRIOR INFORMED CONSENT

Mr. JEFFORDS. Mr. President, this week, seventy-four nations are meeting in Geneva at the first Conference of the Parties to the Rotterdam Convention on Prior Informed Consent (PIC) for Certain Hazardous Chemicals and Pesticides. This important international agreement establishes a legally binding framework that requires exporters of listed substances to secure informed consent from governments of importing countries prior to any shipment of such chemicals. Simply put, the convention recognizes and incorporates the basic principle of right-to-know with respect to trade in hazardous chemicals. As such, it marks yet another positive step in the direction of a comprehensive international approach to chemicals management.

Unfortunately, the United States is not yet a party to the convention, and thus will not be at the table this week when important decisions are made regarding organization, scope, and future direction. Earlier this week, for example, the parties agreed to add fourteen new chemicals to the convention's list of substances requiring informed consent. Because we are not a party, the United States did not participate in that decision.

Lest one think this is an exceptional case, the Rotterdam Convention is one of three important international agreements on chemicals that the United States has signed, but so far failed to ratify. The two other agreements—the Stockholm Convention on Persistent Organic Pollutants (POPs) and the POPs Protocol to the Convention on Long Range Transboundary Air Pollution—ban or severely restrict the production and use of some of the most hazardous chemicals in existence. Both agreements have entered into force, and preparations are being made for the first meetings of the parties. Yet, the United States is not on board.

Although our Government played a leading role in negotiating all of these agreements and despite the fact that the United States is a signatory to each, the current administration along with the leadership in Congress has so far failed to move the necessary implementing legislation that would allow the United States to become a party. Such legislation involves the work of four different committees in the Congress. To date, however, only the Senate Environment and Public Works Committee has reported a bill, which I co-sponsored with Senator CHAFEE. This bill provides a reasonable and effective approach to meeting our current obligations under all three of these agreements, while also providing a robust mechanism for accommodating future decisions of the parties. I would urge my colleagues to follow our lead and swiftly enact sensible implementing legislation. The United States cannot afford to sit on the sidelines any longer.

LANHAM ACT CLARIFICATION

Mr. CRAIG. Mr. President, I ask unanimous consent to have printed in the RECORD some additional information about the genesis and intent of a bill introduced last week, strengthening and clarifying a provision of the Lanham Act. Specifically, S. 2796 was introduced to clarify that service marks, collective marks, and certification marks are entitled to the same protections, rights, privileges of trademarks.

It is my hope that the Congress will act on this measure in short order, and I offer this information to assist my colleagues in evaluating the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENTS TO LANHAM ACT

[Indicated by Brackets]

Sec. 3 [15 U.S.C. 1053]. Service marks registrable

Subject to the provisions relating to the registration of trademarks, so far as they are

applicable, service marks shall be registrable, in the same manner and with the same effect as are trademarks, and when registered they shall be entitled to the protection[s, rights and privileges] provided in this chapter in the case of trademarks. Applications and procedure under this section shall conform as nearly as practicable to those prescribed for the registration of trademarks.

Sec. 4 [15 U.S.C. 1054]. Collective marks and certification marks registrable

Subject to the provisions relating to the registration of trademarks, so far as they are applicable, collective and certification marks, including indications of regional origin, shall be registrable under this chapter, in the same manner and with the same effect as are trademarks, by persons, and nations. States, municipalities, and the like, exercising legitimate control over the use of the marks sought to be registered, even though not possessing an industrial or commercial establishment, and when registered they shall be entitled to the protection[s, rights and privileges] provided in this chapter in the case of trademarks, except in the case of certification marks when used so as to represent falsely that the owner or a user thereof makes or sells the goods or performs the services on or in connection with which such mark is used. Applications and procedure under this section shall conform as nearly as practicable to those prescribed for the registration of trademarks.

BACKGROUND AND JUSTIFICATION

Section 4 of the Lanham Act, 15 U.S.C. §1054, states that certification marks and collective marks ''shall be entitled to the protection provided'' to trademarks. This section expresses the congressional intention that all certification marks and collective marks be treated with equivalent rights and protections to trademarks, except where Congress, by statute, has expressly provided otherwise.

It is common in trademark, service mark, collective mark and certification mark licenses to include provisions under which licensees acknowledge the validity of an agree not to challenge the marks. These ''no challenge'' provisions play an important role in protecting the marks, reducing mark owners' litigation costs, and providing assurances to licensees that the marks they are investing in will have continued validity. After applying principles of equity, many courts have upheld such ''no challenge'' provisions in trademark licenses and dismissed validity challenges.

Recently, the Second Circuit Court of Appeals in the case of *Idaho Potato Commission* v. *M & M Produce Farm and Sales*, 335 F.3d 130 (2d Cir. 2003), interpreted the Lanham Act as requiring that certification marks be treated differently from trademarks with respect to ''no challenge'' provisions. The court reasoned that the public policy underlying certification marks was more analogous to the public policy underlying patents. As a result, the court ruled that licensee certification mark no challenge provisions are governed by the Supreme Court's decision in *Lear, Inc* v. *Adkins*, 395 U.S. 653 (1969). The Second Circuit's decision appears to have gone beyond congressional intent relating to certification marks. Certification marks have none of the preclusive effects of patents. Rather, the competitive effects of certification marks are the same as trademarks. Certification marks guard the public from deception and protect mark owners' and their licensees' investments. Like trademarks, certification marks provide information vital to consumers' purchasing decisions. Certification marks help consumers identify goods and services that have the quality and safety features they want.

It is important to remove any perceived distinction between certification marks and collective marks as compared to trademarks, except as expressly provided otherwise by statute. Therefore, this bill clarifies Congress, original intentions regarding the treatment of certification marks and collective marks through this amendment to Section 4 of the Act. Licenses governing certification marks, and the provisions contained in such licenses, should be treated no less favorably than licenses for trademarks and other marks. ''No challenge'' provisions, and other non-quality related provisions in certification mark licenses or agreements are to be accorded the same respect and treatment, and are to be the subject to the same principles of equity, as like provisions in trademark licenses and agreements. While nothing in this revision to the Lanham Act should be read as impairing a court's ability to apply existing principles of equity, where their application is appropriate, such licensing provisions are essential to preserving the public benefits of such marks without increasing the litigation and other transactional costs for certification mark owners. Similarly, certification and collective mark owners have the same remedies for infringement of their marks that are available to trademark owners.

Section 3 of the Lanham Act, 15 U.S.C. §1053, is amended in the same manner as Section 4 to maintain the parallel language of the two sections and to evidence congressional intent that all four marks protected by the Lanham Act are to be accorded the same rights and protections except as specifically provided by statute.

HONORING WORLD WAR II VETERANS

Mr. BAYH. Mr. President, throughout my service to the State of Indiana, I have been honored to represent thousands of Hoosier veterans who have fought bravely for our country. It is with great honor that I recognize the sacrifices of these three courageous men, Private First Class Leo Wilson Landess, Private First Class Robert Eugene Osborn, and Private First Class John Lee Reynolds, who were called to service in World War II to safeguard American freedom. These valiant young men defended our Nation and our liberty in the face of evil, before they had a chance to receive a high school diploma. It was more than 60 years ago that these three men left Governor I.P. Gray High School and were inducted into the Army. I applaud the Jay County High School Corporation for honoring these three World War II veterans, on June 12, 2004.

Their effort and unwavering commitment along with 120,000 other Hoosier World War II veterans, played a vital role in the long and difficult process of helping others enjoy freedom and democracy. By the end of the war, almost 13,000 Hoosier soldiers lost their lives. I am reminded by a quote by Douglas MacArthur, ''The soldier, above all other people, prays for peace, for he must suffer and bear the deepest wounds and scars of war.'' I would like to express my deep appreciation for their dedicated service and the many sacrifices they made on behalf of our Nation.

MISSOURI RIVER DROUGHT CONSERVATION PLAN

Mr. JOHNSON. Mr. President, last Tuesday, September 14, the Senate Appropriations Committee reported out the Fiscal Year 2005 Interior Appropriations bill on a unanimous and bipartisan vote. The bill funds several of the Federal agencies that are responsible for managing millions of acres of land in South Dakota, including the U.S. Forest Service, the Fish and Wildlife Service, and the National Park Service. Included in that bill was a provision directing the Corps of Engineers to immediately implement the drought conservation measures outlined in the 2004 Missouri River Master Water Control Manual. This is an important provision that will better balance the competing uses of Missouri River water and, more importantly, bring a sense of equity and fair play to a process longslanted toward a single group of navigation interests.

Perhaps no Federal agency has a more direct impact on South Dakotans than the U.S. Army Corps of Engineers. The Corps of Engineers has a tough job in South Dakota, balancing a host of competing and, it appears from time to time, mutually exclusive interests. However, on the key issue of managing the Missouri, the Corps has consistently come up short as a steward of America's longest river. With a current water storage rate of 35.9 million acrefeet, the main-stem Missouri River reservoirs are at the lowest level in history. The provision included in the Interior Appropriations bill faces up to this reality by taking a strong step toward conserving our water resources.

Unfortunately, yesterday, in an unprecedented maneuver to strike out and cancel the express will of the Appropriations Committee, a provision was inserted in the fiscal year 2005 Veterans, Housing and Urban Development, and Independent Agencies Appropriations bill that cancels out the drought conservation plan. The proponents of this new provision had already been rebuffed last week when attempting to change the original section. Surely we can find some common ground for the upstream states struggling with the lack of water flow. I expect an uphill battle, but I will do everything I can to fight for the needs of upstream states.

JUMPSTART OUR BUSINESS STRENGTH ACT

Mr. SMITH. Mr. President. I rise to speak about an important piece of legislation that is pending before Congress. The Jumpstart Our Business Strength, JOBS, Act, also known as FSC/ETI. This bill was passed by both the House and the Senate earlier this year and now awaits the appointment of conferees by the House of Representatives. As a Senate conferee, I am hopeful that we can move quickly toward a conference with the House and

complete action on FSC before the 108th Congress adjourns.

This bill has aptly been named the JOBS Act because of the direct impact it will have on businesses and employment in the United States. I believe this bill can strengthen the U.S. shipping industry. Over the past year I have worked closely with my colleagues, Senators TRENT LOTT, JOHN BREAUX and others, to provide critical tax reform for the U.S. maritime industry. I intend to work in conference to provide necessary relief to the maritime industry in Oregon and elsewhere throughout our country.

It is clear to me that the ability of the American shipowner to operate ships on a comparable economic basis as foreign competitors is vital to the competitiveness of the U.S.-flag industry. Yet United States shipping companies are subject to significantly higher taxes than their foreign-based competition, particularly those that operate foreign vessels under what are commonly known as ''flag-of-convenience'' countries. Thus, American shipowners are increasingly unable to compete with their foreign-flag counterparts in the foreign trade of the United States.

Recently, many of the industrialized trading partners of the U.S., including the United Kingdom, Norway and Germany, have developed tonnage-based corporation tax regimes, known as ''tonnage tax'' regimes, to enable their fleets to compete fairly on the international stage. In a similar manner, our proposed tonnage tax provisions would authorize an alternative U.S. tax regime based upon the tonnage of a taxpayer's U.S.-flag fleet. That alternative regime would create a positive economic environment for U.S.-flag international shipping operations in line with that of other major U.S. trading partners.

This legislative provision is urgently needed to preserve U.S.-flag shipping and related employment opportunities for U.S. merchant mariners. At this time, there are only 89 U.S.-flag vessels engaged in the foreign trade that are operated by U.S. companies to which the tonnage tax regime would apply. Implementation of the tonnage tax regime is required now to prevent further reductions in an already decimated U.S.-flag commercial fleet and depleted U.S. mariner pool.

It is also important to the U.S. maritime industry that we enact an additional reform measure to defer U.S. tax on the foreign shipping income of a controlled foreign corporation, CFC—but only if that CFC is affiliated with a U.S. company that maintains a qualified fleet of at least two U.S.-flag commercial vessels. Generally, the U.S. does not tax foreign-source income earned by a CFC until that income is repatriated as a dividend to the U.S. shareholders of the CFC. However, a CFC's foreign shipping income is taxed to its U.S. shareholders in the year earned without regard to whether it is then, or ever, distributed to those shareholders.

I look forward to working with my Senate and House colleagues towards enactment of the FSC/ETI tax legislation and to ensure that these critical maritime provisions are included in the final version of the bill.

ROBERTO CLEMENTE DAY

Mr. SANTORUM. Mr. President, today I rise to speak about a topic that holds a special place in my life and the communities of Pennsylvania—baseball. Like our Nation's democracy, baseball is a part of our country's collective definition of community, history, and heroism.

The Pittsburgh Pirates and Philadelphia Phillies are recognized by fans for their hometown affiliation but more for their heroes. In Pennsylvania, we have plenty of players to boast about, but one in particular comes to mind, Roberto Clemente. Clemente is Pittsburgh's most reversed hero. He was the first Latin-American to be inducted into the Hall of Fame and the first player for whom the Hall's required 5-year waiting period was waived. In honor of the humanitarian work in which he was so involved, the Roberto Clemente Foundation now serves Pittsburgh's inner-city through programs to instill responsible community behavior in disadvantaged youth, and to provide them with organized recreation. Clemente's example is an amazing illustration of how powerful professional sports heroes can be as role models.

Roberto Clemente Day was established in 2002 to increase awareness of the Roberto Clemente Award and the amount of time and effort its recipients dedicate towards community and charitable endeavors. Since 1971, Major League Baseball has annually presented an award that recognizes a player who best exemplifies the game of baseball through sportsmanship, community involvement, and positive contributions to his team. The award was named in honor of Clemente in 1973. The national recipient of the 2004 Roberto Clemente Award will be announced during the 2004 World Series. This year, September 22 has been designated as 2004 Roberto Clemente Day.

PNC Park in Pittsburgh will be among the many ballparks around the country that will hold a ceremony commemorating Roberto Clemente Day. As residents of Pittsburgh cross the Roberto Clemente Bridge, which spans the Allegheny River, may they remember the example that Roberto Clemente set for us all.

Roberto Clemente Walker was born in Barrio San Anton in Carolina, Puerto Rico, August 18, 1934. Roberto always excelled at track and field; however, his real love was baseball.

Clemente joined the Pittsburgh Pirates in 1955, where he played his entire 18-year Major League Baseball career from 1955 to 1972. Clemente is considered one of the finest outfielders to ever play professional baseball, amassing over 3,000 hits, 12 Golden Glove Awards, a league MVP Award, and leading the Pittsburgh Pirates to World Series victories in 1960 and 1971.

Clemente was also a devoted father. With his wife Vera Cristina, he raised three sons: Roberto Jr., Luis Roberto, and Roberto Enrique. Proud of his heritage Roberto insisted that Vera give birth to all three sons in Puerto Rico.

I will always remember feeling deeply saddened upon hearing the news, on December 31, 1972, that Clemente had died in a tragic plane crash off the coast of Puerto Rico. The plane was taking medical, food, and clothing supplies to earthquake stricken Nicaragua. Clemente will always be remembered as one of the greatest humanitarians of all time.

Aside from playing baseball myself over the years, the culture of identifying with star baseball players and my hometown team is an inextricable part of my boyhood. As a young boy playing and watching baseball, I learned the value of hard work, the importance of teamwork, how to deal with success and failure, how to concentrate and stay focused on a goal, and how to look beyond personal achievement to something bigger than oneself. Roberto Clemente embodied all of these virtues.

As our Nation recognizes Hispanic Heritage Month during the month of September, this is an ideal time to honor this exceptional person and personal hero and his legacy that lives on through the recipients of the Roberto Clemente Award.

IN MEMORIAM TO STATE SENATOR HENRY J. MELLO

Mrs. BOXER. Mr. President, I take this opportunity to honor the memory of one of California's dedicated public servants, California State Senator Henry Mello. Senator Mello passed away on September 4, 2004. He was 80 years old.

Senator Mello was first elected to the Santa Cruz County Board of Supervisors in 1966, where he served for 8 years. In 1976, he was elected to the California State Assembly. After serving for two terms in the assembly, Senator Mello was elected to the California State Senate, where he spent the majority of his career in public service. During his tenure as a member of the California State Legislature, Senator Mello carried a record number of bills and resolutions—727—of which 456 were signed into law. Because of his successful leadership skills and his ability to work across partisan lines, Senator Mello served as the State Senate's majority whip from 1981 to 1992, and as the majority leader from 1992 to 1996.

Whether he was championing childrens' rights or seniors' rights, environmental issues or public education, residents of the central coast knew they had an advocate in Senator Mello. Among his many accomplishments in the State legislature, Senator Mello advocated for the establishment of the Monterey Bay National Marine Sanctuary; the creation of the California

Senior Legislature, and the conversion of Fort Ord Army Base into California State University Monterey Bay. A particular highlight in his career, Senator Mello cosponsored the Mello-Roos Act, which established tax-exempt bonds and special districts for school construction and other public improvements.

Senator Mello was proud of his Portugese heritage, and regularly traveled to Washington, DC to advocate for increased foreign aid to Portugal. The King of Portugal knighted Senator Mello for his efforts. In his spare time, Senator Mello was also an avid deep-sea fisherman and jazz pianist. In 2002, Senator Mello played with the Jimmy Dorsey Orchestra at the performing arts center in Watsonville that is named after him—the Henry J. Mello Center for the Performing Arts.

Senator Mello was a deeply loved member of both the California State legislature and the central coast community, and a strong, tenacious man who championed the causes of those he represented. He will be missed by all who knew him. We take comfort in knowing that future generations will benefit from his spirit, his vision, and his leadership.

ADDITIONAL STATEMENTS

HONORING THE ACCOMPLISHMENTS OF DISHA PANCHOLI

● Mr. BUNNING. Mr. President, I wish to pay tribute to and congratulate Disha Pancholi of Louisville, KY, on being awarded a Boren Undergraduate Scholarship from the David L. Boren National Security Education Program, NSEP.

Ms. Pancholi was one of 181 applicants nationwide to receive one of these scholarships. NSEP administered within the National Defense University in the Department of Defense. It funds outstanding U.S. students to study critical languages and world regions in exchange for a commitment to seek employment with the Federal Government in the arena of national security.

Ms. Pancholi has been studying Arabic and will spend her fall term in Egypt. She attends the University of Louisville and is majoring in biology and political science.

The citizens of Jefferson County should be proud to have a women such as Disha Pancholi in their community. Her example of dedication and hard work should be an inspiration to the entire Commonwealth. She has my most sincere admiration for this work and I look forward to her continued service to the United States.●

REMEMBERING DONALD M. DOCKERY III

● Mr. COCHRAN. Mr. President, my dear friend, and neighbor for many years, Donald M. Dockery III, died on September 7. As a World War II veteran, he was pleased that he lived to watch on television the dedication of the memorial on the Mall here in Washington honoring those who served in that great conflict.

He served in Europe as a pilot in the U.S. Army Air Corps. After the war, he remained in the Reserves and retired as a Lieutenant Colonel in the U.S. Air Force.

Donald Dockery was a special friend. He and his family were our closest neighbors when I was growing up in the Byram community, 7 miles south of Jackson, MS. His wife, Stella, and their children, Donna, Kay, and Billy were also very close friends of mine, and my family.

Donald's death was like having a death in our own family. He and Stella watched after me as I grew up in the neighborhood. Donald was the personification of a good citizen, the kind who enriches our country with a strong spirit of community.

He was active in the boosters club at our school, helping children who needed money for lunch room tickets or a band uniform. He was a very successful businessman. He owned a store and was in the pulp wood and cattle business. He also got into the bottled water business; and, with his father-in-law and his son, he developed their company into a very impressive enterprise.

When my father's health began declining several years ago, Donald would visit him every day. Their friendship was steadfast and enduring for over 50 years.

It is impossible to measure the influence another person can have on one's life, but I am sure Donald Dockery helped shape my views of the role a good citizen should play in his community and the importance of being a loyal and caring friend.

My family and I will miss him very much.●

TRIBUTE TO DONALD COMLISH

● Mr. TALENT. Mr. President, I rise today to mourn the passing of Donald Comlish, who was the vice president for international affairs of the Air Transport Association. Through his years of service, Mr. Comlish helped provide great service to our airline industry as well as the traveling public, and he will be truly missed.

Mr. Comlish worked for the ATA for 22 years as the chief representative of the airline industry in the negotiation of the international agreements between the United States and foreign countries that provide the legal and operational basis for international airline flights.

He participated in the negotiation of aviation agreements with France, Germany, Japan, Thailand and many other countries during his career, helping to literally open up the world to American travelers. Mr. Comlish helped to negotiate the 1977 Bermuda II agreement, which eased restrictions on air travel between the United States and Britain. He also helped to complete a partnership between the United States and China that provided for post-World War II resumption of direct air service between the two countries.

Donald Comlish was born in Stratford, CT and enlisted in the Navy after high school. He attended the Navy School of Music in Washington and played with the Navy Band. He graduated from St. Bonaventure University in 1961, and received a law degree from Catholic University in 1965. He began his career as a law clerk for the firm of Spencer & Whalen and the Civil Aeronautics Board, and then began working for the ATA. Donald was a well-respected and accomplished attorney who was admitted and qualified as an attorney and counselor to the Supreme Court. After leaving the ATA in the mid-1990s, he remained a consultant to the airline industry until his retirement in 1999.

Shortly before he retired, he decided to once again pursue his love of music and began playing saxophone and clarinet for the Montgomery Village Community Band and the Virginia Grand Military Band. He was also a member of the International Aviation Club.

Mr. Comlish's survivors include his wife of 42 years, Carol Comlish; 6 children: Jeannie, Michael, Gregory, Matthew, Paul, and Chrissy; and 1 grandson. His efforts improved the lives of every American who travels, and he certainly left the world better than he found it.●

MESSAGE FROM THE HOUSE

At 2:18 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendment of the Senate 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 message also announced that the House has passed the following bill and joint resolution, without amendment:

S. 1301. An act 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.

S.J. Res. 41. Joint resolution commemorating the opening of the National Museum of the American Indian.

The message further announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 2663. An act 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.

H.R. 2966. An act 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.

H.R. 3257. An act to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of establishing the Western Reserve Heritage Area.

H.R. 3334. An act 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.

H.R. 3632. An act to prevent and punish counterfeiting and copyrighted copies and phonorecords, and for other purposes.

H.R. 4459. An act 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 message also announced that 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 Speaker appoints the following member on the part of the House of Representatives to the Library of Congress Trust Fund Board for a 5-year term to fill the existing vacancy thereon: Mr. J. Richard Fredericks of San Francisco, California.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2663. An act 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; to the Committee on Energy and Natural Resources.

H.R. 2966. An act 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; to the Committee on Energy and Natural Resources.

H.R. 3257. An act to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of establishing the Western Reserve Heritage Area; to the Committee on Energy and Natural Resources.

H.R. 3334. An act 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; to the Committee on Energy and Natural Resources.

H.R. 3632. An act to prevent and punish counterfeiting of copyrighted copies and phonorecords, and for other purposes; to the Committee on the Judiciary.

H.R. 4459. An act 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; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

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–9353. A communication from the Acting Assistant Director, Directives and Regulations Branch, Forest Service, transmitting, pursuant to law, the report of a rule entitled ''Sawtooth National Recreation Area-Private Lands; Increasing Residential Outbuilding Size'' (RIN0596–AC00) received on September 17, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9354. A communication from the Congressional Review Coordinator, Animal Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Citrus Canker; Quarantined Areas'' (Doc. No. 04–045–1) received on September 17, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9355. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–9356. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–9357. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–9358. A communication from the Deputy Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''31 CFR part 592, Rough Diamonds Control Regulations'' received on September 24, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–9359. A communication from the Deputy Secretary of the Treasury, Department of the Treasury, transmitting, pursuant to law, a report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1005; to the Committee on Banking, Housing, and Urban Affairs.

EC–9360. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled the ''Research and Special Programs Reorganization Act''; to the Committee on Commerce, Science, and Transportation.

EC–9361. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone (including 2 regulations): CGD001–04–099, CGD01–04–111'' (RIN1625–AA00) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9362. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations (including 3 regulations): CGD07–04–103, CGD05–04–143, CGD05–04–157'' (RIN1625–AA08) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9363. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone (Including 3 Regulations): CGDF13–04–031, CGD05–04–170, CGD05–04–172'' (RIN1625–AA00) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9364. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations (Including 4 Regulations): CGD01–04–114, CGD01–04–105, CGD08–04–031, CGD08–04–024'' (RIN1625–AA09) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9365. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Wiscasset, Maine; Demolition of Maine Yankee Former Containment Building CGD01–04–099'' (RIN1625–AA00) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9366. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation for Marine Events: Patapsco River, Inner Harbor, Baltimore, MD CGD05–04–158'' (RIN1625–AA08) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9367. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Mandatory Ballast Water Management Program for U.S. Waters USCG–2003–14273'' (RIN1625–AA52) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9368. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA CGD13–04–019'' (RIN 1625–AA87) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9369. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Notification of Arrival in U.S. Ports; Certain Dangerous Cargoes; Electronic Submission USCG–2003–16688'' (RIN 1625–AA82) received on September 21, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9370. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Generic Letter 2004–02: Potential Impact of Debris Blockage on Emergency Recirculation During Design Basis Accidents at Pressurized-Water Reactors'' received on September 17, 2004; to the Committee on Environment and Public Works.

EC–9371. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Quality Classifications for the 8-Hour Ozone National Ambient Air Quality Standards'' (FRL#7816–2) received on September 17, 2004; to the Committee on Environment and Public Works.

EC–9372. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Kentucky and Indiana: Approval of Revisions to 1-Hour Ozone Maintenance Plan for Louisville Area'' (FRL#7812–4) received on September 17, 2004; to the Committee on Environment and Public Works.

EC–9373. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; North Carolina: Raleigh/Durham Area and Greensboro/Winston-Salem/High Point Area Maintenance Plan Updates'' (FRL#7815–9) received on September 17, 2004; to the Committee on Environment and Public Works.

EC–9374. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Nevada; Las Vegas Valley Carbon Monoxide Nonattainment Area'' (FRL#7801–8) received on September 17, 2004; to the Committee on Environment and Public Works.

EC–9375. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion'' (FRL#7816–9) received on September 17, 2004; to the Committee on Environment and Public Works.

EC–9376. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Missouri; Final Approval of Missouri Underground Storage Tank Program'' (FRL#7816–1) received on September 17, 2004; to the Committee on Environment and Public Works.

EC–9377. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revision to the California State Implementation Plan, Antelope Valley Air Quality Management District'' (FRL#7812–2) received on September 17, 2004; to the Committee on Environment and Public Works.

EC–9378. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Treatment of Certain Settlement Funds as Pertaining to Purchase Price Allocations in Deemed and Actual Asset Acquisitions'' (RIN 1545–BD59) received on September 17, 2004; to the Committee on Finance.

EC–9379. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Place for Filing Returns or Other Documents'' (TD9156) received on September 17, 2004; to the Committee on Finance.

EC–9380. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—October 2004'' (Rev. Rul. 2004–96) received on September 17, 2004; to the Committee on Finance.

EC–9381. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Returns Relating to Interest Payments on Qualified Education Loans'' (Notice 2004–63) received on September 17, 2004; to the Committee on Finance.

EC–9382. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Guidance Concerning Use of 2001 CSO Tables Under Section 7702'' (Notice 2004–61) received on September 17, 2004; to the Committee on Finance.

EC–9383. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Fringe Benefits Aircraft Valuation Formula'' (Rev. Rule 2004–70) received on September 17, 2004; to the Committee on Finance.

EC–9384. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Request for Comments on Staggered Remedial Amendment Period Revenue Procedure'' (Ann. 2004–71) received on September 17, 2004; to the Committee on Finance.

EC–9385. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Electronic Filing of Duplicate Form 5472'' (TD 9161) received on September 17, 2004; to the Committee on Finance.

EC–9386. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Manufacturer's Submission of Average Sales Price Data for Medicare Part B Drugs and Biologicals (ASP)'' (RIN 0938–AN05) received on September 17, 2004; to the Committee on Finance.

EC–9387. A communication from the Regulations Coordinator, Office of the Secretary, transmitting, pursuant to law, the report of a rule entitled ''Civil Money Penalties: Procedures for Investigations Imposition of Penalties and Hearings—Extension of Expiration Date'' received on September 17, 2004; to the Committee on Finance.

EC–9388. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–9389. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles that are firearms sold commercially under a contract in the amount of $1,000,000 or more to Italy; to the Committee on Foreign Relations.

EC–9390. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Germany; to the Committee on Foreign Relations.

EC–9391. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Israel; to the Committee on Foreign Relations.

EC–9392. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Canada; to the Committee on Foreign Relations.

EC–9393. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed manufacturing license agreement for the manufacture of significant military equipment to Spain; to the Committee on Foreign Relations.

EC–9394. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed manufacturing license agreement for the manufacture of significant military equipment in Egypt; to the Committee on Foreign Relations.

EC–9395. A communication from the Deputy Secretary of State, transmitting, pursuant to law, a report relative to supporting Iraq's political transition, creating democratic institutions, and rebuilding the country's social and economic infrastructure; to the Committee on Foreign Relations.

EC–9396. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–9397. A communication from the Chairman, Commission for the Preservation of America's Heritage Abroad, transmitting, pursuant to law, a report relative to the Commission's work over the past three years; to the Committee on Governmental Affairs.

EC–9398. A communication from the Inspector General, Department of Defense, transmitting, pursuant to law, the report of the Office of Inspector General's results of our audit of undefinitized contractual actions; to the Committee on Governmental Affairs.

EC–9399. A communication from the Director, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Fire Protection in Shipyard Employment'' (RIN 1218–AB51) received on September 21, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–9400. A communication from the Director, Regulations Management, Board of Veterans' Appeal, transmitting, pursuant to law, the report of a rule entitled ''Board of Veterans' Appeals: Obtaining Evidence and Curing Procedural Defects'' (RIN 2900–AL77) received on September 21, 2004; to the Committee on Veterans' Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. McCAIN for the Committee on Commerce, Science, and Transportation.

*Jon D. Leibowitz, of Maryland, to be a Federal Trade Commissioner for a term of seven years from September 26, 2003.

*Deborah P. Majoras, of Virginia, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 2001.

Coast Guard nominations beginning Capt. Gary T. Blore and ending Capt. Joel R. Whitehead, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2004.

Mr. MCCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nomination of Kenneth W. Megan.

Coast Guard nominations beginning John B. McDermott and ending David C. Clippinger, which nominations were received by the Senate and appeared in the Congressional Record on September 10, 2004.

Coast Guard nomination of Karen W. Quiachon.

Coast Guard nominations beginning Michael H Anderson and ending Gordon K Weeks, which nominations were received by the Senate and appeared in the Congressional Record on September 10, 2004.

Coast Guard nominations beginning Scott B. Beeson and ending Needham E. Ward, which nominations were received by the Senate and appeared in the Congressional Record on September 13, 2004.

National Oceanic and Atmospheric Administration nominations beginning Jonathan W Bailey and ending Richard A Edmundson, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2004.

National Oceanic and Atmospheric Administration nominations beginning Timothy J Gallagher and ending Bernerd R Archer, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2004.

By Mr. GREGG for the Committee on Health, Education, Labor, and Pensions.

*Gerard Schwarz, of Washington, to be a Member of the National Council on the Arts for the remainder of the term expiring September 3, 2006.

*James Ballinger, of Arizona, to be a Member of the National Council on the Arts for a term expiring September 3, 2010.

*Terence Alan Teachout, of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 2010.

*Jonathan Baron, of Maryland, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

*Elizabeth Ann Bryan, of Texas, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

*James R. Davis, of Mississippi, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years.

*Frank Philip Handy, of Florida, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

*Eric Alan Hanushek, of California, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years.

*Caroline M. Hoxby, of Massachusetts, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

*Roberto Ibarra Lopez, of Texas, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years.

*Richard James Milgram, of New Mexico, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

*Sally Epstein Shaywitz, of Connecticut, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

*Joseph K. Torgesen, of Florida, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

*Herbert John Walberg, of Illinois, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

*Herman Belz, of Maryland, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*Tamar Jacoby, of New Jersey, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*Craig Haffner, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*James Davidson Hunter, of Virginia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*Harvey Klehr, of Georgia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*Thomas K. Lindsay, of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*Iris Love, of Vermont, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*Thomas Mallon, of Connecticut, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*Ricardo Quinones, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*Beverly Allen, of Georgia, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2008.

*Gail Daly, of Texas, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2008.

*Donald Leslie, of Wisconsin, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2006.

*Amy Owen, of Utah, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2008.

*Sandra Pickett, of Texas, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2005.

*Renee Swartz, of New Jersey, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2007.

*Kim Wang, of California, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2004.

*William T. Hiller, of Ohio, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2006.

*Richard Kenneth Wagner, of Florida, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2006.

*Juan R. Olivarez, of Michigan, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2006.

*Maria Otero, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2007.

*Young Woo Kang, of Indiana, to be a Member of the National Council On Disability for a term expiring September 17, 2006.

*John H. Hager, of Virginia, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

*Arden Bement, Jr., of Indiana, to be Director of the National Science Foundation for a term of six years.

Mr. GREGG. Mr. President, for the Committee on Health, Education, Labor, and Pensions I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Public Health Service nominations beginning Terence L. Chorba and ending Parmjeet S. Saini, which nominations were received by the Senate and appeared in the Congressional Record on April 8, 2004.

Public Health Service nominations beginning Daniel Molina and ending James D. Warner, which nominations were received by the Senate and appeared in the Congressional Record on May 17, 2004.

Public Health Service nominations beginning Songhai Barclift and ending Gregory Woitte, which nominations were received by the Senate and appeared in the Congressional Record on May 17, 2004.

Public Health Service nominations beginning Alvin Abrams and ending Ariel E. Vidales, which nominations were received by the Senate and appeared in the Congressional Record on May 17, 2004.

*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.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON:

S. 2827. A bill to amend the Federal Rules of Evidence to create an explicit privilege to preserve medical privacy; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself, Mr. FEINGOLD, Mr. LIEBERMAN, and Mr. SCHUMER):

S. 2828. A bill to amend the Federal Election Campaign Act of 1971 to define political committee and clarify when organizations described in section 527 of the Internal Revenue Code of 1968 must register as political committees, and for other purposes; to the Committee on Rules and Administration.

By Mr. ALLARD (for himself and Mrs. DOLE):

S. 2829. A bill to establish a grant program administered under an agreement among the Secretaries of Housing and Urban Development, Health and Human Services, and Veterans Affairs, in consultation with the U.S. Interagency Council on Homelessness, to address the goal of ending chronic homelessness through coordinated provision of housing, health care, mental health and substance abuse treatment, and supportive and other services, including assistance in accessing non-homeless specific benefits and services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SANTORUM (for himself and Mr. BAYH):

S. 2830. A bill to amend part A of title IV of the Social Security Act to promote healthy marriages and responsible fatherhood, and for other purposes; read the first time.

By Mr. SMITH (for himself, Mr. BINGAMAN, Mr. CONRAD, Mr. DASCHLE, Mr. HATCH, and Mr. THOMAS):

S. 2831. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to clarify that federally recognized Indian tribal governments are to be regulated under the same government employer rules and procedures that apply to Federal, State, and other local government employers with regard to the establishment and maintenance of employee benefit plans; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORZINE (for himself, Mr. BAUCUS, Mr. DURBIN, and Mr. DASCHLE):

S. Res. 432. A resolution expressing the sense of the Senate that Congress should reject Social Security privatization proposals, including those that require deep cuts in Social Security benefits, such as the proposals of President Bush's Social Security Commission; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. BREAUX, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 847

At the request of Mr. SMITH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 847, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low income individuals infected with HIV.

S. 1010

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1010, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1428

At the request of Mr. MCCONNELL, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1428, a bill to prohibit civil liability actions from being brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for damages or injunctive relief for claims of injury resulting from a person's weight gain, obesity, or any health condition related to weight gain or obesity.

S. 1890

At the request of Mr. ENZI, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1890, a bill to require the mandatory expensing of stock options granted to executive officers, and for other purposes.

S. 1945

At the request of Mr. MCCAIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1945, a bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

S. 2468

At the request of Ms. COLLINS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2468, a bill to reform the postal laws of the United States.

S. 2526

At the request of Mr. BOND, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2526, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 2560

At the request of Mr. LEAHY, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 2560, a bill to amend chapter 5 of title 17, United States Code, relating to inducement of copyright infringement, and for other purposes.

S. 2561

At the request of Mr. JOHNSON, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2561, a bill to amend title 38, United States Code, to provide for certain servicemembers to become eligible for educational assistance under the Montgomery GI Bill.

S. 2568

At the request of Mr. BIDEN, the name of the Senator from New Mexico (Mr. DOMENICI) 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. 2731

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2731, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 2759

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2759, a bill to amend title XXI of the Social Security Act to modify the rules relating to the availability and method of redistribution of unexpended SCHIP allotments, and for other purposes.

S. 2781

At the request of Mrs. MURRAY, her name was added as a cosponsor 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. 2794

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2794, a bill to improve elementary and secondary education.

S. 2807

At the request of Mr. CRAPO, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2807, a bill to amend the Internal Revenue Code of 1986 to exempt containers used primarily in potato farming from the excise tax on heavy trucks and trailers.

S. 2815

At the request of Mr. DEWINE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2815, a bill to give a preference regarding States that require schools to allow students to self-administer medication to treat that student's asthma or anaphylaxis, and for other purposes.

S. 2822

At the request of Mr. REID, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of 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.

S.J. RES. 31

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S.J. Res. 31, a joint resolution to provide for Congressional disapproval of certain regulations issued by the Office of the Comptroller of the Currency, in accordance with section 802 of title 5, United States Code.

S.J. RES. 32

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S.J. Res. 32, a joint resolution to provide

for Congressional disapproval of certain regulations issued by the Office of the Comptroller of the Currency, in accordance with section 802 of title 5, United States Code.

S. CON. RES. 8

At the request of Ms. COLLINS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor 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. 127

At the request of Mr. SCHUMER, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Con. Res. 127, a concurrent resolution expressing the sense of Congress that the President should designate September 11 as a national day of voluntary service, charity, and compassion.

S. CON. RES. 136

At the request of Mr. CONRAD, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Maryland (Ms. MIKULSKI), the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. Con. Res. 136, a concurrent resolution honoring and memorializing the passengers and crew of United Airlines Flight 93.

S. RES. 408

At the request of Mr. SMITH, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. Res. 408, a resolution supporting the construction by Israel of a security fence to prevent Palestinian terrorist attacks, condemning the decision of the International Court of Justice on the legality of the security fence, and urging no further action by the United Nations to delay or prevent the construction of the security fence.

S. RES. 424

At the request of Mr. CRAIG, the names of the Senator from Colorado (Mr. CAMPBELL), the Senator from Kentucky (Mr. BUNNING), the Senator from Wisconsin (Mr. KOHL), the Senator from West Virginia (Mr. BYRD) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Res. 424, a resolution designating October 2004 as ''Protecting Older Americans From Fraud Month''.

S. RES. 427

At the request of Mr. SARBANES, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. Res. 427, a resolution congratulating the citizens of Greece, the members of the Athens 2004 Organizing Committee for the Olympic and Paralympic Games, the International Olympic Committee, the United States Olympic Committee, the 2004 United States Olympic Team, athletes from around the world, and all the personnel who participated in the 2004 Olympic Summer Games in Athens, Greece.

S. RES. 431

At the request of Mrs. FEINSTEIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON:

S. 2827. A bill to amend the Federal Rules of Evidence to create an explicit privilege to preserve medical privacy, to the Committee on the Judiciary.

Mrs. CLINTON. Mr. President, today, I rise to introduce the Patients' Privacy Protection Act, legislation that will close a loophole in the Federal Rules of Evidence and ensure that every American's medical records remain confidential. I want to acknowledge my friend Congressman NADLER who is introducing the House companion to this bill today as well as Senators CORZINE, WYDEN, LAUTENBERG, BOXER, JEFFORDS, and MIKULSKI who join me as original cosponsors of this critical measure.

I began exploring this issue when I learned that Attorney General John Ashcroft had subpoenaed the confidential medical records from thousands of women around the country to defend the first-ever Federal abortion ban in Federal court. The fact that the women in question were not a party to the lawsuits did not deter him.

Such a deliberate intrusion into people's medical privacy record is deeply disturbing. Americans deserve full confidence that the government is not looking into their medical records. Without such an assurance, how will Americans trust their doctors? What procedures, discussions, and diagnoses will they avoid for fear that these records could shame them or adversely impact their future if unearthed?

At issue in this bill is what a reasonable person should expect when they walk into a doctor's office. That person expects that what they say to her doctor stays with her doctor. Only because of that confidence are people able to be honest. And only through that honesty are people able to obtain the healthcare they need.

The right to private medical records is an issue that, in rhetoric at least, has broad support on both sides of the partisan divide. In fact, it was President Bush himself who, as recently as 2001 during a statement on the Medical Privacy Rule said, ''I believe that we must protect both vital health care services and the right of every American to have confidence that his or her personal medical records will remain private.''

Even Attorney General Ashcroft has made strong statements in support of the privacy of medical records. Back in 1998, in a press release put out by his Senate office in which he is referred to as a ''consistent champion of privacy rights,'' then-Senator Ashcroft says ''We should guarantee that the federal government does not undermine an individual's fundamental right to privacy . . . Without privacy protections in place, people may be discouraged from seeking help or taking advantage of the access to health care.''

I agree. But unlike Attorney General Ashcroft, I believe preserving patient privacy entails more than issuing a press release. Patient privacy doesn't end when it conflicts with a political agenda, no matter how deeply felt that conviction.

Throughout this Administration, we have seen Attorney General Ashcroft disregard civil liberties in the name of preventing terrorism. But through this action, we see him disregarding civil rights in the name of outlawing abortion. This is a very slippery slope that, if unchecked, could affect not just women seeking reproductive healthcare, but all Americans. Over the past few months, the Department of Justice has asserted that federal law does not recognize the doctor-patient privilege, and that individuals no longer have a reasonable expectation of medical privacy. These are alarming statements.

Thankfully, Attorney General Ashcroft is not being allowed to run roughshod over our right to privacy and medical confidentiality. On March 5, 2004, a San Francisco court ruled that the Department of Justice has no right to view the records in question in the Planned Parenthood Federation of America lawsuit against the abortion ban. The decision issued by Judge Phyllis Hamilton soundly affirmed women's right to privacy. She said, ''There is no question that the patient is entitled to privacy and protection. . . . Women are entitled to not have the government looking at their records.''

Nevertheless, we cannot take a chance that once again, when it suits the political or ideological interests of this Administration or Administrations to come, the federal government will intrude upon the most personal of information. That is why I stand before you today.

The Patient Privacy Protection Act of 2004 is very simple. It states that a patient's medical records and any communication about their medical history are confidential unless a judge determines that the public interest in those records being made public significantly outweighs the patient's privilege. In the cases where a judge orders the records to be disclosed, the court shall, to the extent practicable, eliminate any and all personally identifiably information.

I am pleased to be introducing this simple, straightforward, common-sense piece of legislation. I do not believe there is a Member of either Chamber of Congress who in good faith could oppose this measure, and I look forward to working with my colleagues, Representative NADLER and others to see it enacted into law expediently.

By Mr. MCCAIN (for himself, Mr. FEINGOLD, Mr. LIEBERMAN, and Mr. SCHUMER):

S. 2828. A bill to amend the Federal Election Campaign Act of 1971 to define political committee and clarify when organizations described in section 527 of the Internal Revenue Code of 1968 must register as political committees, and for other purposes; to the Committee on Rules and Administration.

Mr. MCCAIN. Mr. President, I am pleased to be joined by my good friend and colleague from Wisconsin, Senator FEINGOLD, and our good friends who lead the campaign finance reform fight in the House, Representatives SHAYS and MEEHAN, in introducing a bill to end the illegal practice of 527 groups spending soft money on ads and other activities to influence Federal elections.

As my colleagues know, a number of 527 groups have been raising and spending substantial amounts of soft money in a blatant effort to influence the outcome of this year's Presidential election. These activities are illegal under existing laws, and yet once again, the Federal Election Commission (FEC) has failed to do its job and has refused to do anything to stop these illegal activities. Therefore, we must pursue all possible steps to overturn the FEC's misinterpretation of the campaign finance laws, which is improperly allowing 527 groups whose purpose is to influence Federal elections to spend soft money on these efforts.

Last week, we filed a lawsuit to overturn the FEC's failure to issue regulations to stop these illegal practices by 527 groups. President Bush and his campaign filed a similar lawsuit against the FEC last week as well, and I also appreciate President Bush's support for the legislative effort we begin today on 527s. We are introducing legislation that will accomplish the same result. We are going to follow every possible avenue to stop 527 groups from effectively breaking the law, and doing what they are already prohibited from doing by longstanding laws.

The bill we introduce today is simply. It would require that all 527s register as political committees and comply with Federal campaign finance laws, including Federal limits on the contributions they receive, unless the money they raise and spend is only in connection with non-Federal candidate elections, State or local ballot initiatives, or the nomination or confirmation of individuals to non-elected offices.

Additionally, this legislation would set new rules for Federal political committees that spend funds on voter mobilization efforts effecting both federal and local races and, therefore, use both a federal and a non-Federal account under FEC regulations. The new rules would prevent unlimited soft money from being channeled into Federal election activities by these Federal political committees.

Under the new rules, at least half of the funds spent on these voter mobilization activities by Federal political committees would have to be hard money from their Federal account. More importantly, the funds raised for their non-federal account would have to come from individuals and would be limited to no more than $25,000 per year per donor. Corporations and labor unions could not contribute to these non-federal accounts. To put it in simple terms, a George Soros could give $25,000 per year as opposed to $10 million to finance these activities.

Let me be perfectly clear on one point here. Our proposal will not shut down 527s, it will simply require them to abide by the same Federal regulations every other Federal political committee must abide by in spending money to influence Federal elections.

It is unfortunate that we even need to be here introducing this bill today. This legislation would not be necessary if it weren't for the abject failure of the FEC to enforce existing laws. As my colleagues well know, some organizations, registered under section 527 of the Internal Revenue Code, have had a major impact on this year's presidential election by raising and spending illegal soft money to run ads attacking both President Bush and Senator KERRY. The use of soft money to finance these activities is clearly illegal under current statute, and the fact that they have been allowed to continue unchecked is unconscionable.

The blame for this lack of enforcement does not lie with the Congress, nor with the Administration. The blame for this continuing illegal activity lies squarely with the FEC. This agency has a duty to issue regulations to properly implement and enforce the nation's campaign laws—and the FEC has failed, and it has failed miserably to carry out that responsibility. The Supreme Court found that to be the case in its McConnell decision and Judge Kollar-Kotelly found that to be the case in her recent decision overturning 15 regulations incorrectly adopted by the FEC to implement the new BCRA law. That is why a Los Angeles Times editorial today stated that, ''her decision would make a fitting obituary for an agency that deserves to die.''

It should be clear by now why we have introduced legislation to abolish the FEC and replace it with a new enforcement agency. And we will be conducting a major effort starting at the beginning of next year to enact our bill to get a new, true enforcement agency and to pass the 527 reform act we are introducing today. We are not going to allow the destructive FEC to continue to undermine the nation's campaign finance laws as it has been consistently doing for the past two decades. In the mean time, given the unmitigated failure of this agency, I believe that its Chair, Bradley Smith and its Vice Chair, Ellen Weintraub, should resign and recognize that they have failed to carry out their responsibilities as public officials.

Opponents of campaign reform like to point out that the activities of these 527s serve as proof that the Bipartisan Campaign Reform Act of 2002 (BCRA) has failed in its stated purpose to eliminate the corrupting influence of soft money in our political campaigns. Let me be perfectly clear on this. The 527 issue has nothing to do with BCRA, it has everything to do with the 194 law and the failure of the FEC to do its job and properly regulate the activities of these groups.

As further evidence of the FEC's lack of capability, let me quote from a couple of recent court decisions which highlight this agency's shortcomings. First, in its decision upholding the constitutionality of BCRA in McConnell v. FEC, the U.S. Supreme Court stated that the FEC had ''subverted'' the law, issued regulations that ''permitted more than Congress had ever intended,'' and ''invited widespread circumvention'' of FECA's limited on contributions. Additionally, just this past Saturday, a federal district court judge threw out 15 of the FEC's regulations implementing BCRA. Among the reasons for her actions were that one provision ''severely undermines FECA'' and would ''foster corruption'', another ''runs completely afoul'' of current law, another would ''render the statute largely meaningless'' and, finally, that another had ''no rational basis.''

The track record of the FEC is clear, and by their continued stonewalling, the Commission has proven itself to be nothing more than a bureaucratic nightmare, and the time has come to put an end to its destructive tactics. The FEC has had ample, and well documented, opportunities to address the issue of the 527s illegal activities, and each time they have taken a pass, choosing instead to delay, postpone, and refuse to act.

Enough is enough. It is time to stop wasting taxpayer's dollars on an agency that runs roughshod over the will of the Congress, the Supreme Court, the American people, and the Constitution. We've fought too long and too hard to sit back and allow this worthless agency to undermine the law.

So, here is the bottom line: if the FEC won't do its job, and its commissioners have proven time and time again that they won't, then we'll do it for them. The bill Senator FEINGOLD and I introduce today will put an end to the abusive, illegal practices of these 527s. And we will fight beginning next year to replace this rogue agency with a real enforcement agency.

I urge my colleagues to support swift passage of these bills and put an end to this problem once and for all.

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. 2828

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 ''527 Reform Act of 2004''.

SEC. 2. TREATMENT OF SECTION 527 ORGANIZATIONS.

(a) DEFINITION OF POLITICAL COMMITTEE.—Section 301(4)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)(A)) is amended to read as follows:

''(A) any committee, club, association, or other group of persons that—

''(i) during one calendar year, receives contributions aggregating in excess of $1,000 or makes expenditures aggregating in excess of $1,000; and

''(ii) has as its major purpose the nomination or election of one or more candidates;''.

(b) DEFINITION OF MAJOR PURPOSE FOR SECTION 527 ORGANIZATIONS.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''SEC. 325. DEFINITIONS AND RULES FOR DETERMINING ORGANIZATIONS AND DISBURSEMENTS INFLUENCING FEDERAL ELECTIONS.

''(a) MAJOR PURPOSE OF SECTION 527 ORGANIZATIONS.—For purposes of section 301(4)(A)—

''(1) IN GENERAL.—A committee, club, association, or group of persons that—

''(A) is an organization described in section 527 of the Internal Revenue Code of 1986, and

''(B) is not described in paragraph (2),

has as its major purpose the nomination or election of one or more candidates.

''(2) EXCEPTED ORGANIZATIONS.—Subject to paragraph (3), a committee, club, association, or other group of persons described in this paragraph is—

''(A) an organization described in section 527(i)(5) of the Internal Revenue Code of 1986, or

''(B) any other organization which is one of the following:

''(i) A committee, club, association, or other group of persons whose election or nomination activities relate exclusively to elections where no candidate for Federal office appears on the ballot.

''(ii) A committee, club, association, or other group of persons that is organized, operated, and makes disbursements exclusively for one or more of the following purposes:

''(I) Influencing the selection, nomination, election, or appointment of one or more candidates to non-Federal offices.

''(II) Influencing one or more State or local ballot initiatives, State or local referenda, State or local constitutional amendments, State or local bond issues, or other State or local ballot issues.

''(III) Influencing the selection, appointment, nomination, or confirmation of one or more individuals to non-elected offices.

''(IV) Paying expenses described in the last sentence of section 527(e)(2) of the Internal Revenue Code of 1986 or expenses of a newsletter fund described in section 527(g) of such Code.

''(3) SECTION 527 ORGANIZATIONS MAKING CERTAIN DISBURSEMENTS.—A committee, club, association, or other group of persons described in paragraph (2)(B) shall not be considered to be described in such paragraph for purposes of paragraph (1)(B) if it makes disbursements for a public communication that promotes, supports, attacks, or opposes a clearly identified candidate for Federal office during the period beginning on the first day of the calendar year preceding the calendar year in which the general election for the office sought by the clearly identified candidate occurs and ending on the date of the general election.''.

SEC. 3. CERTAIN EXPENSES BY MAJOR PURPOSE ORGANIZATIONS TREATED AS EXPENDITURES.

(a) IN GENERAL.—Section 301(9)(A)(i) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(A)(i)) is amended by inserting '', including any amount described in section 325(b)'' after ''office''.

(b) APPLICABLE COMMUNICATIONS.—Section 325 of the Federal Election Campaign Act of 1971 (as added by section 2(b)) is amended by adding at the end the following new subsection:

''(b) CERTAIN EXPENDITURES FOR MAJOR PURPOSE ORGANIZATIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value for—

''(A) a public communication that refers to a clearly identified candidate for Federal office or to a political party (regardless of whether a candidate for State or local office is also mentioned or identified) and that promotes, supports, attacks, or opposes a candidate for that office or a political party (regardless of whether the communication expressly advocates a vote for or against a candidate), or

''(B) voter registration activity, voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot),

shall be an expenditure under section 301(9)(A)(i) if made by, or on behalf of, a political committee (as defined in section 301(4)) or a committee, club, association, or other group of persons for which the nomination or election of one or more candidates is its major purpose.

''(2) EXCEPTION.—Any funds used for purposes described in paragraph (1) that, in accordance with allocation rules set forth in section 325(c), are disbursed from a non-Federal account shall not be treated as expenditures.''.

SEC. 4. RULES FOR ALLOCATION OF EXPENSES BETWEEN FEDERAL AND NON-FEDERAL ACTIVITIES.

Section 325 of the Federal Election Campaign Act of 1971 (as added by section 2(b) and amended by section 3) is amended by adding at the end the following:

''(c) ALLOCATION AND FUNDING RULES FOR EXPENSES OF SEPARATE SEGREGATED FUNDS AND NONCONNECTED COMMITTEES RELATING TO FEDERAL AND NON-FEDERAL ACTIVITIES.—

''(1) IN GENERAL.—In the case of any disbursements by any separate segregated fund or nonconnected committee for which allocation rules are provided under paragraph (2)—

''(A) the disbursements shall be allocated between Federal and non-Federal accounts in accordance with this subsection and regulations prescribed by the Commission, and

''(B) in the case of disbursements allocated to non-Federal accounts, may be paid only from a qualified non-Federal account.

''(2) COSTS TO BE ALLOCATED AND ALLOCATION RULES.—Disbursements by any separate segregated fund or nonconnected committee in connection with Federal and non-Federal elections for any of the following categories of activity shall be allocated as follows:

''(A) At least 50 percent of any administrative expenses, including rent, utilities, office supplies, and salaries not attributable to a clearly identified candidate shall be paid with funds from a Federal account, except that for a separate segregated fund such expenses may be paid instead by its connected organization.

''(B) At least 50 percent of the direct costs of a fundraising program or event, including disbursements for solicitation of funds and for planning and administration of actual fundraising events, where Federal and non-Federal funds are collected through such program or event shall be paid with funds from a Federal account, except that for a separate segregated fund such costs may be paid instead by its connected organization.

''(C) At least 50 percent of the expenses for public communications or voter drive activities that refer to a political party, but do not refer to any clearly identified Federal or non-Federal candidate, shall be paid with funds from a Federal account.

''(D) 100 percent of the expenses for public communications or voter drive activities that refer to a political party, and refer to one or more clearly identified Federal candidates, but do not refer to any clearly identified non-Federal candidates, shall be paid with funds from a Federal account.

''(E) At least 50 percent of the expenses for public communications or voter drive activities that refer to a political party, and refer to one or more clearly identified non-Federal candidates, but do not refer to any clearly identified Federal candidates, shall be paid with funds from a Federal account, except that this subparagraph shall not apply to communications or activities that relate exclusively to elections where no candidate for Federal office appears on the ballot.

''(F) At least 50 percent of the expenses for public communications and voter drive activities that refer to one or more clearly identified candidates for Federal office and one or more clearly defined non-Federal candidates, without regard to whether the communication refers to a political party, shall be paid with funds from a Federal account.

''(3) QUALIFIED NON-FEDERAL ACCOUNT.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified non-Federal account' means an account which consists solely of amounts—

''(i) that, subject to the limitations of subparagraphs (B) and (C), are raised by the separate segregated fund or nonconnected committee only from individuals, and

''(ii) with respect to which all other requirements of Federal, State, or local law are met.

''(B) LIMITATION ON INDIVIDUAL DONATIONS.—

''(i) IN GENERAL.—A separate segregated fund or nonconnected committee may not accept more than $25,000 in funds for its qualified non-Federal account from any one individual in any calendar year.

''(ii) AFFILIATION.—For purposes of this subparagraph, all qualified non-Federal accounts of separate segregated funds or nonconnected committees which are directly or indirectly established, financed, maintained, or controlled by the same person or persons shall be treated as one account.

''(C) FUNDRAISING LIMITATION.—No donation to a qualified non-Federal account may be solicited, received, directed, transferred, or spent by or in the name of any person described in subsection (a) or (e) of section 323.

''(4) VOTER DRIVE ACTIVITY AND FEDERAL ACCOUNT DEFINED.—For purposes of this subsection—

''(A) VOTER DRIVE ACTIVITY.—The term 'voter drive activity' means any of the following activities conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot):

''(i) Voter registration activity.

''(ii) Voter identification.

''(iii) Get-out-the-vote activity.

''(iv) Generic campaign activity.

''(B) FEDERAL ACCOUNT.—The term 'Federal account' means an account which consists

solely of contributions subject to the limitations, prohibitions, and reporting requirements of this Act. Nothing in this subsection or in section 323(b)(2)(B)(iii) shall be construed to infer that a limit other than the limit under section 315(a)(1)(C) applies to contributions to the account.''.

SEC. 5. CONSTRUCTION.

No provision of this Act, or amendment made by this Act, shall be construed—

(1) as approving, ratifying, or endorsing a regulation promulgated by the Federal Election Commission, or

(2) as establishing, modifying, or otherwise affecting the definition of political organization for purposes of the Internal Revenue Code of 1986.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall take effect on January 1, 2005.

Mr. FEINGOLD. Mr. President, I am pleased to once again be working with my partner in reform, the Senator from Arizona, Senator MCCAIN, and also with the Senator from Connecticut, Senator LIEBERMAN, who was so instrumental in getting the 527 disclosure bill passed in 2000. We are introducing today the 527 Reform Act of 2004. This bill will do what the FEC could and should do under current law, but, once again, has failed to do.

It sometimes seems like our mission in life is to clean up the mess that the FEC has made. We had to do that with BCRA, the Bipartisan Campaign Reform Act, which passed in 2002, closing the soft money loophole that the FEC created in the late '70s and expanded in the '90s. We are doing it again with the regulations that the FEC put in place after BCRA passed. Just this past weekend an extraordinary court decision came down that threw out 15 of the 19 FEC regulations challenged by Representatives SHAYS and MEEHAN in a lawsuit under the Administrative Procedures Act. That decision was an extraordinary rebuke to a Federal agency.

And now we are here to introduce a bill that will make absolutely clear that the Federal election laws apply to 527 organizations. Let me emphasize one thing. We believe that current Federal election law requires these groups to register as political committees and stop raising and spending soft money. But the FEC has failed to enforce the law, saying it is too complicated or that it is too late in the election cycle to take action. Those excuses are unacceptable, so we must act in the Congress.

This bill will require all 527s to register as political committees unless they fall into a number of narrow exceptions. The exceptions are basically for groups that Congress exempted from disclosure requirements because they are so small or for groups that are involved exclusively in State election activity.

Once a group registers as a political committee, certain activities such as ads that mention only Federal candidates will have to be paid for solely with hard money. But the FEC permits Federal political committees to maintain a non-Federal account to pay a portion of the expenses of activities that affect both Federal and non-Federal elections. Our bill sets new allocation rules that will make sure that these allocable activities are paid for with at least 50 percent hard money.

Finally, the bill makes an important change with respect to the non-Federal portion of the allocable activities. We put a limit of $25,000 per year on the contributions that can be accepted for that non-Federal account. And we prohibit corporate or union funds from being given to those non-Federal accounts. So no more will million dollar soft money contributions be used to pay for get-out-the-vote efforts in the Presidential campaign.

Nothing in this bill will affect 501(c) advocacy groups. The bill only applies to groups that claim a tax exemption under section 527. And it would be effective in the next election cycle, not this one.

The soft money loophole was opened by FEC rulings in the late '70s. By the time we started work on BCRA, the problem had mushroomed and led to the scandals we saw in the 1996 campaign. When we passed BCRA, I said we would have to be vigilant to make sure that the FEC enforced the law and that similar loopholes did not develop. That is what we have been doing for the past 2 years, and what are again doing today.

I have no doubt that if we don't act on this 527 problem now, we will see the problem explode into scandals over the next few election cycles. This time we're not going to wait.

I ask unanimous consent that the text of our bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

527 REFORM ACT OF 2004 SECTION-BY-SECTION ANALYSIS

Section 1. Short Title. The bill may be cited as the ''527 Reform Act of 2004.''

Section 2. Treatment of Section 527 Organizations. This section revises the definition of ''political committee'' in the Federal Election Campaign Act (''FECA'') to add the requirement that an organization ''has as its major purpose the nomination or election of one or more candidates.'' This language is taken from the Supreme Court's decision in Buckley v. Valeo, which added this ''major purpose'' test to the existing statutory definition that a ''political committee'' is a group that raises or spends $1,000 or more in a year in contributions or expenditures to influence federal elections. The ''major purpose'' test has not previously been codified.

This section also provides that 527 organizations have the ''major purpose'' of nominating or electing candidates, and thus satisfy that portion of the test for political committee status, unless they meet one of the following exceptions:

(1) has annual receipts of less than $25,000;

(2) is the campaign committee of a non-Federal candidate;

(3) is a state or local party committee;

(4) is devoted exclusively to election activities relating to an election where no candidate for federal office appears on the ballot;

(5) raises and spends money exclusively for the selection, nomination, election or appointment of non-Federal candidates;

(6) raises and spends money exclusively to influence state or local ballot initiatives, referenda, constitutional amendments, bond issues, or other ballot measures;

(7) raises and spends money exclusively to influence the selection, appointment, nomination, or confirmation of individuals to non-elected offices.

An organization that makes a disbursement for a public communication that promotes, supports, attacks or opposes a clearly identified candidate for Federal office during the two-year election cycle of that candidate cannot qualify for exceptions (2)–(7) above.

Section 3. Certain Expenses by Major Purpose Organizations Treated as Expenditures. This section supplements the definition of ''expenditure'' for any organization whose ''major purpose'' is the nomination or election of one or more candidates. (This goes to the other portion of the test for ''political committee'' status: whether a group with a ''major purpose'' to influence federal elections spends $1,000 in ''expenditures'' in a year.)

Payments for the following activities by ''major purpose'' organizations, which under Section 2 include 527 organizations involved in Federal elections, will be considered expenditures:

(1) public communications that promote, support, attack, or oppose a clearly identified Federal candidate or a political party;

(2) voter registration activity, voter identification, get-out the vote activity, or generic campaign activity conducted in connection with an election where a Federal candidate appears on the ballot.

Section 4. Rules for Allocation of Expenses Between Federal and Non-Federal Candidates. This section provides allocation rules for political committees (other than candidate committees or political party committees) that engage in both Federal and non-Federal election activities. If a political committee engages in activities that mention a clearly identified Federal candidate or candidates, or a political party generally, it must fund at least 50% of those activities from a Federal account that contains only hard money, even if such activities also mention, or are for the benefit of, non-Federal candidates. The other portion may be funded from a ''qualified non-Federal account.'' An activity that mentions both Federal candidates and a political party generally must be paid for entirely with hard money. These allocation rules apply to administrative expenses, the costs of fundraising programs or events, public communications, and voter drive activities, which are defined in this section as voter registration, voter identification, get out the vote, and generic campaign activities.

The section also provides that contributions to ''qualified non-Federal accounts'' used to pay the non-Federal portion of expenses that are allocated under this section must come only from individuals and may not exceed $25,000 per donor per year. ($25,000 per year is the same contribution limit that applies to contributions by individuals to national party committees.) Individuals can contribute $5,000 per donor per year to the Federal account of political committees.

Section 5. Construction. This section provides that the 527 Reform Act shall not be construed as approving, ratifying, or endorsing any regulation issued by the FEC. It therefore will have no effect on pending litigation concerning regulations issued by the FEC to implement the Bipartisan Campaign Reform Act of 2002. The Act also shall not be construed to establish, modify, or otherwise affect the definition of political organization for purposes of the Internal Revenue Code.

Section 6. Effective Date. The amendments made by the 527 Reform Act shall take effect

on January 1, 2005. They will have no effect on the 2004 elections.

Mr. LIEBERMAN. Mr. President, I rise today as a cosponsor of the legislative efforts of my friends and colleagues Senators MCCAIN and FEINGOLD to close the ''527'' loophole that threatens the health of our Federal elections by allowing unlimited amounts of soft money to dictate the terms of debate in defiance of the letter and spirit of the McCain-Feingold Bipartisan Campaign Reform Act.

These 527 groups have become nothing more than multi-million dollar megaphones advocating the special interests of wealthy individuals and groups. And it will only get worse in years to come.

527 groups have been growing since the mid-1990s thanks to loopholes resulting in part from puzzling decisions by the Internal Revenue Service and the Federal Election Commission.

The 527 groups would get tax-exempt status from the IRS by claiming they existed to influence elections. But then they would avoid election disclosure laws by denying to the Federal Election Commission they were trying to influence elections because they did not use the magic words like ''vote for'' or ''vote against.''

The result was a tax exemption for groups influencing Federal campaigns, but a lack of disclosure so voters did not know who the groups were, who they gave their money to and where they got their money from.

Congress partially closed this loophole in June 2000, by passing the first significant campaign finance reform measure in a quarter century. This legislation was passed out of the Government Affairs Committee, of which I was chairman at the time, and signed into law later that year by President Clinton.

The new law required 527 groups to give notice of their intent to claim tax-exempt status; to disclose information about their large contributors and expenditures; and to file annual informational returns along the lines of those filed by virtually all other tax-exempt organizations.

But this only partially closed this loophole. Despite the McCain-Feingold campaign finance reforms, 527s can still raise unlimited amounts of cash from just a few wealthy individuals or groups whose interests and motivations are likely unknown to the American public. The Federal Election Commission could have closed this loophole but has failed to act despite massive evidence that 527s are skirting Federal election law.

This is both an end-run around our campaign finance laws as well as a direct assault on our democracy. Elections should be determined by millions of individual voters who cast their ballots uninfluenced by the millions of dollars of advertising paid for a by a few individuals or groups with special interests.

Reform of the 527 loophole does not mean silencing these groups or taking away their right to put their message on the air. All this reform would require from 527s is to follow the same rules as other political advocacy groups when it comes to raising and spending money on federal elections. The money must come from individuals in amounts no larger than $5,000, with no contributions from corporations or unions allowed.

If the 527 groups' support is as widespread as they claim, they will have no problem getting their message out.

We started the job in 2000. We knew it was not enough. Now it's time to finish the job and get unlimited soft money out of the system.

The voices of millions of average Americans should not be reduced to a whisper because they can't afford the price of the pulpit.

And the voices of a few should not shout like thunder because they have the money to command the air waves.

By Mr. ALLARD (for himself and Mrs. DOLE):

S. 2829. A bill to establish a grant program administered under an agreement among the Secretaries of Housing and Urban Development, Health and Human Services, and Veterans Affairs, in consultation with the U.S. Interagency Council on Homelessness, to address the goal of ending chronic homelessness through coordinated provision of housing, health care, mental health and substance abuse treatment, and supportive and other services, including assistance in accessing non-homeless specific benefits and services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ALLARD. Mr. President, I rise today to introduce the Samaritan Initiative Act of 2004, and I am pleased to have Senator DOLE join me in this effort. The Samaritan Initiative would mark the beginning of a new, collaborative approach in the Federal effort to end chronic homelessness.

The Initiative would create a groundbreaking joint effort between the Department of Housing and Urban Development, the Department of Health and Human Resources, and the Department of Veterans Affairs. Each department would contribute money to a joint fund and would coordinate in the effort to end chronic homelessness. This coordinated approach will streamline the grants application process and will ensure consistent standards. It will also ensure that each department continues to provide its own particular expertise. I am hopeful that other Federal agencies will join in the effort as well.

Homeless individuals often have needs far beyond simple shelter; they may need assistance with healthcare, substance abuse, mental illness, job training, or other basics of life. Providing shelter without any supportive services may fail to address some of the underlying problems that can cause an individual to become, and remain, homeless.

By addressing the comprehensive needs of homeless individuals, the Samaritan Initiative will help reduce incidents of chronic homelessness. According to the Interagency Council on Homelessness, this 10 percent of the homeless population consumes more than half of the resources. The Samaritan Initiative will help provide the flexible resources necessary to move chronically homeless individuals into stable, permanent, supportive housing, which will in turn free up other resources.

For many years now I have been a strong advocate for the Government Performance and Results Act, which requires a focus on outcomes through clear, measurable goals. I am pleased to say that the Samaritan Initiative embodies this outcome-based focus and requires visible, measurable, quantifiable performance outcomes in reducing and ending homelessness. A focus on outcomes, rather than case management or process, also allows for new, innovative solutions to chronic homelessness. This will ensure that taxpayer dollars are spent in a responsible, effective manner.

I am proud to say that the Samaritan Initiative is supported by The U.S. Conference of Mayors, The National Association of Counties, The National League of Cities, The Enterprise Foundation, The National Alliance for the Mentally Ill, the National AIDS Housing Coalition, The National Alliance to End Homelessness, The Corporation for Supportive Housing, the Association for Service Disabled Veterans, the National Coalition for Homeless Veterans, and many other groups. I look forward to working with them, along with my colleagues in the Senate, to end chronic homelessness in America.

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. 2829

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 ''Samaritan Initiative Act of 2004''.

SEC. 2. SAMARITAN INITIATIVE.

Title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11136 et seq.) is amended by adding at the end the following:

''Subtitle H—Samaritan Initiative

''SEC. 495. PURPOSE.

''The purpose of this subtitle is to authorize competitive grants for coordinated comprehensive housing, treatment, and support services to chronically homeless persons—

''(1) to reduce the prevalence of chronic homelessness;

''(2) to support promising strategies to move chronically homeless persons in urban and rural communities from the streets to safe, permanent housing;

''(3) to provide for integrated systems of services to improve the effectiveness of programs serving chronically homeless persons;

''(4) to promote self-sufficiency and recovery among chronically homeless persons; and

''(5) to encourage programs serving chronically homeless persons to promote access to Federal, State, and local non-homeless specific programs of assistance for which such persons are eligible.

''SEC. 495A. DEFINITIONS.

''For purposes of this subtitle, the following definitions shall apply:

''(1) CHRONICALLY HOMELESS PERSON.—The term 'chronically homeless person' means an unaccompanied individual with a disabling condition who—

''(A) has been sleeping in 1 or more places not meant for human habitation, or in 1 or more emergency homeless shelters, for longer than 1 year; or

''(B) has had 4 or more periods of homelessness that, in total, have lasted more than 3 years.

''(2) DISABLING CONDITION.—The term 'disabling condition' means a diagnosable substance use disorder, serious mental illness, developmental disability, or chronic physical illness or disability, including the co-occurrence of 2 or more of such conditions, that limits the ability of an individual to work or perform one or more activities of daily living.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means a State, unit of general local government, public housing agency, local workforce investment board, or private nonprofit organization, including a faith-based or community-based organization.

''(4) ELIGIBLE VETERAN.—The term 'eligible veteran' means a person who served in the active United States military, naval, or air service, and who was discharged or released under conditions other than dishonorable.

''(5) HOMELESS MANAGEMENT INFORMATION SYSTEM.—The term 'homeless management information system' shall means a computerized data collection application maintained by an eligible entity, that—

''(A) enumerates the homeless population within the jurisdiction of the eligible entity and the number of homeless individuals that received services from the eligible entity; and

''(B) compiles information on the characteristics and service needs of homeless individuals.

''(6) HOMELESSNESS.—The term 'homelessness' means sleeping in a place not meant for human habitation or in an emergency homeless shelter.

''(7) INTERAGENCY IMPLEMENTATION AND MONITORING TEAM.—The term 'interagency implementation and monitoring team' means the interagency implementation and monitoring team established under section 495B(d).

''(8) PARTICIPATING FEDERAL AGENCY.—The term 'participating Federal agency' means the Departments of Housing and Urban Development, Health and Human Services, and Veterans Affairs, or any other Federal agency that may receive appropriations for purposes of participating under the provisions of this subtitle.

''(9) PRIVATE NONPROFIT ORGANIZATION.—The term 'private nonprofit organization' means a private organization—

''(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

''(B) that has a voluntary board; and

''(C) that has an accounting system or a designated fiscal agent in accordance with requirements established by the participating Federal agencies.

''(10) PUBLIC HOUSING AGENCY.—The term 'public housing agency' has the same meaning as in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)).

''(11) STATE.—The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, or any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive officer to act on behalf of the State with regard to provisions of this subtitle.

''(12) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government' means—

''(A) a city, town, township, county, parish, village, or other general purpose political subdivision of a State; and

''(B) any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive officer to act on behalf of the jurisdiction with regard to provisions of this subtitle.

''SEC. 495B. GRANT AUTHORITY AND ADMINISTRATION.

''(a) IN GENERAL.—The participating Federal agencies shall enter into a cooperative agreement to make and administer competitive grants to eligible entities, including faith-based and community-based organizations, in accordance with the provisions of this subtitle for the purpose of providing treatment and support services that are coordinated with the provision of housing for chronically homeless persons.

''(b) DELEGATIONS.—No provision of this subtitle shall limit the ability of the participating Federal agencies to delegate, assign, or share administrative responsibilities as the participating Federal agencies may determine to be necessary or appropriate.

''(c) COORDINATION AMONG PARTICIPATING FEDERAL AGENCIES.—The Secretary of Housing and Urban Development shall coordinate with the participating Federal agencies to implement and administer the grant program established under this subtitle.

''(d) INTERAGENCY IMPLEMENTATION AND MONITORING TEAM.—The participating Federal agencies shall establish an interagency implementation and monitoring team to review and conduct oversight of the award of grants, and the use of grant funds awarded under this subtitle. Each participating Federal agency shall appoint appropriate designees to serve on the interagency implementation and monitoring team.

''(e) COORDINATION REQUIREMENTS.—

''(1) IN GENERAL.—In carrying out this subtitle, the interagency implementation and monitoring team shall, as appropriate and to the extent feasible, establish uniform or coordinated requirements, standards, procedures, and timetables with respect to—

''(A) application procedures and grant requirements, including those providing for—

''(i) a single consolidated application form; and

''(ii) a single timetable, location, and procedure for filing of a consolidated application;

''(B) criteria for the award of grants;

''(C) a coordinated process for review and the approval or denial of the consolidated application;

''(D) the establishment of performance standards and measures of performance outcomes, including—

''(i) the requirement that the Secretary of Housing and Urban Development attempt to quantify the reduction in chronic homelessness; and

''(ii) the requirement that, where applicable, the grantees utilize a homeless management information system;

''(E) oversight, including monitoring, audits, and evaluations of grantees, and requirements for annual reports by grantees; and

''(F) such other factors that the interagency implementation and monitoring team determines are necessary or appropriate.

''(2) PERFORMANCE ASSESSMENT.—

''(A) IN GENERAL.—The interagency implementation and monitoring team shall establish such performance standards, performance measures, and annual reporting requirements, and make such performance reviews and audits as may be necessary or appropriate—

''(i) to determine whether a grantee has carried out its activities in a timely manner and in accordance with the applicable requirements of this subtitle;

''(ii) to assess the effectiveness of a grantee in accomplishing the objectives of this subtitle; and

''(iii) for other purposes as the interagency implementation and monitoring team determines significant with respect to the performance assessment of a grantee.

''(B) PROVISION OF SUPPORT AND STAFF.—The Secretary of Veterans Affairs may provide program monitoring and evaluation services and staff to participating Federal agencies. In such cases, participating Federal agencies may reimburse the Department of Veterans Affairs for the cost of such staff and services.

''(f) PROVISIONS AND REQUIREMENTS APPLICABLE TO GRANTS UNDER THIS SUBTITLE.—

''(1) IN GENERAL.—A grantee under this subtitle shall establish and operate a system of assistance to chronically homeless persons that identifies such persons and provides them access to affordable permanent housing that is coordinated with appropriate treatment and support.

''(2) REQUIRED GRANTEE ACTIVITIES.—A grantee under this subtitle shall carry out, directly or through arrangements with a network of other entities, activities relating to the housing, treatment, and support of homeless persons, which may include the following:

''(A) HOUSING ACTIVITIES.—Eligible activities specified in section 495C(a) that ensure the placement of chronically homeless persons in safe, affordable, permanent housing.

''(B) TREATMENT AND SUPPORT ACTIVITIES.—Eligible activities specified in section 495D(a) to address the multiple physical health, mental health, and substance abuse treatment needs of chronically homeless persons who are eligible for or residents in housing under section 495C(a).

''(C) SERVICE COORDINATION.—Activities, including those coordinated with local planning bodies, that promote the access of eligible chronically homeless persons to a range of services that contribute to self-sufficiency, recovery, employment, stability in housing, and access to health care.

''(D) ADMINISTRATION.—Administrative and planning activities, including the development and implementation of comprehensive plans for housing and services at the grantee level with costs not to exceed 6 percent of total costs of carrying out the program under this subtitle.

''(E) OTHER SERVICES.—Such services and activities as the participating Federal agencies may find necessary and appropriate.

''(3) CRITERIA FOR GRANT AWARD.—In awarding grants under this subtitle, the participating Federal agencies shall consider—

''(A) the extent to which the applicant demonstrates an understanding of the unique characteristics of chronically homeless persons;

''(B) the adequacy of the approach of the applicant in addressing the needs of the chronically homeless;

''(C) the capacity of the applicant to carry out and sustain required activities;

''(D) where services are to be provided through a network of entities, the adequacy of the qualifications of such entities, and the

stated willingness of such entities, to collaborate and participate in carrying out proposed activities;

''(E) the extent to which the applicant has been involved in Federal, State, or local non-homeless specific programs of assistance that could provide additional assistance to eligible chronically homeless persons;

''(F) the commitment and the demonstrated ability of the applicant to achieve the reduction in the number of chronically homeless persons; and

''(G) such additional factors as the participating Federal agencies may determine significant or necessary with respect to the potential success of the applicant in carrying out the purposes of this subtitle.

''(4) INITIAL TERM OF GRANT.—Notwithstanding any other provision of law, each grant awarded under this section shall be for an initial term of 3 years.

''(5) GRANT RENEWAL.—Upon the expiration of a grant under this section, the participating Federal agencies may award, on a competitive basis, a renewal grant under this subtitle for an additional 3-year term, subject to the continued qualification of the grantee for the grant as determined by the participating Federal agencies. The amount of a renewal grant under this paragraph may be up to 50 percent of the cost of the activities to be carried out by the grantee.

''(6) FEDERAL MATCHING.—

''(A) IN GENERAL.—A grant under this subtitle shall be available to pay the Federal share of the costs incurred by the grantee for activities under this subtitle.

''(B) FEDERAL SHARE.—For purposes of subparagraph (A), the Federal share shall be—

''(i) 75 percent of the cost of the program for the first year of the grant;

''(ii) 75 percent for the second year of the grant; and

''(iii) 50 percent for each succeeding year, including each year of a renewal grant term under paragraph (5).

''(C) NON-FEDERAL SHARE.—The non-Federal share of costs incurred by the grantee may be in cash or in-kind, as appropriate.

''(7) GEOGRAPHIC DISTRIBUTION.—The participating Federal agencies shall ensure that consideration is given to geographic distribution (such as urban and rural areas) in the awarding of grants under subsection (a).

''(8) DISCLOSURE.—Section 12(a) of the Department of Housing and Urban Development Act (42 U.S.C. 3537a(a)) shall not apply to this subtitle.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) FISCAL YEAR 2005.—There are authorized to be appropriated to carry out this subtitle $70,000,000 for fiscal year 2005, of which—

''(A) $50,000,000 is authorized to be appropriated to the Department of Housing and Urban Development;

''(B) $10,000,000 is authorized to be appropriated to the Department of Health and Human Services; and

''(C) Not more than $10,000,000 is authorized from the amounts to be appropriated to the Department of Veterans Affairs for treatment of homeless veterans under medical care to carry out section 495D.

''(2) FISCAL YEARS 2006, 2007, AND 2008.—There are authorized to be appropriated to carry out this subtitle such sums as may be necessary for each of fiscal years 2006, 2007, and 2008.

''(h) AUTHORITY TO CONSOLIDATE FUNDS.—

''(1) IN GENERAL.—For purposes of carrying out this subtitle, and in accordance with the agreement under subsection (a), the participating Federal agencies are authorized to transfer to the Secretary of Housing and Urban Development funds appropriated for use under this subtitle, and the Secretary of Housing and Urban Development may receive such funds.

''(2) RULE OF CONSTRUCTION.—Notwithstanding subsection (g), in the event that funds are not appropriated for use in accordance with this subtitle to one or more participating Federal agencies in any fiscal year, paragraph (1) shall not be construed to require a participating Federal agency that has been provided with budget authority pursuant to subsection (g) in a fiscal year to use such budget authority to fund grants for activities that are not in accordance with the primary mission of such participating Federal agency.

''(i) TECHNICAL ASSISTANCE AND SUPPORT.—In addition to funds otherwise provided for agency administrative costs, not more than 2 percent of amounts appropriated for the activities under this subtitle may be used by the participating Federal agencies for administrative costs, including costs associated with—

''(1) providing technical assistance to applicants and grantees; and

''(2) providing support and assistance in selecting and assessing projects to carry out this subtitle, including any preparation necessary for such selection and assessment.

''SEC. 495C. HOUSING ACTIVITIES.

''(a) ELIGIBLE HOUSING ACTIVITIES.—Subject to section 495B, a grant under this subtitle shall be used for activities in support of permanent housing for chronically homeless persons, including the following:

''(1) PROVISION OF HOUSING.—

''(A) ACQUISITION.—The acquisition of occupancy-ready real property.

''(B) REHABILITATION.—The minor rehabilitation of real property for housing.

''(C) OPERATING COSTS.—The costs of operating a housing project, including salaries and benefits, maintenance, insurance, utilities, replacement reserve accounts, and furnishings.

''(D) LEASING.—Leasing of an existing structure or structures, or portions thereof to provide housing.

''(E) HOUSING COUNSELING.—The costs of counseling and advice services with respect to property maintenance, financial management, and other such matters as may be appropriate to assist chronically homeless persons in obtaining housing.

''(2) RENTAL ASSISTANCE.—Project-based or tenant-based rental assistance for chronically homeless persons, which assistance shall be provided to the extent practicable, and administered in the manner provided under the rules and regulations governing the provision of assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

''(3) OTHER ACTIVITIES.—Such other activities as the Secretary of Housing and Urban Development determines to be appropriate.

''(b) PROGRAM REQUIREMENTS FOR HOUSING ACTIVITIES.—

''(1) REQUIREMENTS CONCERNING REAL PROPERTY.—

''(A) USE RESTRICTION.—Each grantee under this subtitle shall ensure that permanent housing for chronically homeless persons that are acquired or rehabilitated with grant amounts under this subtitle is used for such persons for not less than 10 years.

''(B) HOUSING QUALITY.—Each grantee under this subtitle shall ensure that housing assisted with grant amounts provided under this subtitle is decent, safe, and sanitary, and complies with all applicable State and local housing codes, building codes, and licensing requirements in the jurisdiction in which the housing is located.

''(C) PREVENTION OF UNDUE BENEFIT.—Subject to section 495B(e), the Secretary of Housing and Urban Development may prescribe such terms and conditions as the Secretary considers necessary to prevent grantees from unduly benefiting from the sale or other disposition of projects, other than a sale or other disposition resulting in the use of a project for the direct benefit of chronically homeless persons.

''(2) HOMELESS MANAGEMENT INFORMATION SYSTEM.—Each grantee shall be required to provide such information to the appropriate administrator of the local homeless management information system, as is necessary for the implementation and operation of homeless management information systems.

''SEC. 495D. TREATMENT AND SUPPORT SERVICES.

''Subject to section 495B, a grant under this subtitle shall be used to provide treatment and support services, which may include the following:

''(1) PRIMARY HEALTH SERVICES.—Primary health services, including the following:

''(A) PHYSICIAN AND OTHER SERVICES.—Health services related to family medicine, internal medicine, pediatrics, obstetrics, or gynecology that are furnished by physicians and where appropriate, physicians' assistants, nurse practitioners, or nurse midwives.

''(B) DIAGNOSTIC SERVICES.—Diagnostic laboratory and radiological services.

''(C) PREVENTIVE SERVICES.—Preventive health services.

''(D) EMERGENCY SERVICES.—Emergency medical services.

''(E) ACCESS TO PHARMACEUTICAL SERVICES.—Access to pharmaceutical services.

''(2) ALCOHOL AND DRUG ABUSE SERVICES.—Services or activities designed to prevent, deter, reduce, or eliminate substance abuse or addictive behaviors, including a comprehensive range of personal and family counseling methods, early interventions, methadone treatment for opiate abusers, or detoxification for alcohol and other drug abusers, and treatment services such as intake and assessment, behavioral therapy and counseling, clinical and case management, pharmacotherapies, and self-help and peer support activities.

''(3) MENTAL HEALTH AND COUNSELING SERVICES.—Mental health and counseling services, including services and activities that apply therapeutic processes to personal, family, or situational problems in order to bring about a positive resolution of the problem or improved individual functioning or circumstances, including crisis interventions, individual supportive therapy, and prescription of psychotropic medications or explanations about the use and management of medications.

''(4) OUTREACH AND ENGAGEMENT.—Outreach services including extending services or help to homeless persons to develop a relationship of trust and engage such persons into appropriate service programs.

''(5) INFORMATION AND REFERRAL.—Services or activities designed to provide information about services and assistance provided through public and private programs, including Federal, State and local non-homeless targeted programs that provide or financially support the provision of medical, social, educational, or other related services, and a brief assessment of client needs to facilitate appropriate referrals.

''(6) CASE MANAGEMENT.—Case management services and activities, including the arrangement, coordination, monitoring, and delivery of services to meet the needs of individuals who are homeless, including individual service plan development, counseling, monitoring, securing and coordinating services.

''(7) OTHER SERVICES.—Such other services as the Secretary of Health and Human Services determines appropriate.

''SEC. 495E. VETERANS' BENEFITS.

''Subject to section 495B, the Secretary of Veterans Affairs is authorized to provide eligible veterans with case management services.

''SEC. 495F. AUTHORITY OF OTHER FEDERAL AGENCIES TO PARTICIPATE UNDER THIS SUBTITLE.

''Federal agencies other than the participating Federal agencies may participate in the grant program established under this subtitle to the extent that funds are appropriated for such purpose to each agency.''.

By Mr. SMITH (for himself, Mr. BINGAMAN, Mr. CONRAD, Mr. DASCHLE, Mr. HATCH, and Mr. THOMAS):

S. 2831. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to clarify that federally recognized Indian tribal governments are to be regulated under the same government employer rules and procedures that apply to Federal, State, and other local government employers with regard to the establishment and maintenance of employee benefit plans; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to speak about the need to clarify the legal status of employee benefit plans offered by Indian tribal governments.

In the past, the pension and welfare benefit plans of Indian tribal governments enjoyed the same status as granted to state and local governments. However, in recent years, a legal cloud has developed over the status of these plans. Confusion has arisen regarding whether or not the existing definition of a governmental plan includes plans sponsored by Indian tribal governments. In part, this has been a result of the Internal Revenue Service's lack of guidance to tribal governments on this issue; the inconsistent practice of granting governmental plan status to plans sponsored by Indian tribal governments; and finally a January ''no ruling'' position by the Internal Revenue Service that places many plans in the status of operating without a current determination letter recognizing the legality of their plan. As a result, many tribal governments have limited their offering of such welfare and retirement benefits to employees.

Today, I am introducing legislation—the Government Pensions Equalization Act—to remove this legal uncertainty by amending the definition of a governmental plan to explicitly include plans offered by Indian tribal governments. Indian tribes, like all employers, require legal certainty regarding the status of their employee benefit under the Internal Revenue Code and ERISA. Moreover, Indian tribes should be afforded the same sovereignty status given state and local governments.

Governmental plans are relieved from many of the requirements governing the operation of tax qualified pension and welfare benefit plans. There are several reasons for this relief. Governments exist for the benefit of their citizens and are not subject to the profit and loss pressures affecting the private sector. Governments offer redress for grievances under their own judicial systems. Elected officials who are responsible for government benefit programs are directly accountable to their constituents via the ballot box. Governments often offer more generous benefit plans for key officers, such as judges, legislators, and key executive personnel as a means to gain the valuable services of these skilled individuals. They also offer special pensions for public safety officers who can retire at a relatively young age and short period of service. This flexibility is impossible without the special relief provided governmental plans.

Indian tribal governments meet all the special protections, conditions, and needs I have described. This legislation clarifies once and for all that they should be afforded the same treatment as their state and local government counterparts.

Passage of this legislation is an important step in the fight to protect the sovereignty of Indian country and to foster the ability of tribal governments to provide retirement security to their employees and nation. I look forward to President Bush signing this legislation into law. I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed ion the RECORD, as follows:

S. 2831

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 ''Governmental Pension Plan Equalization Act of 2004''.

SEC. 2. CLARIFICATION OF "GOVERNMENTAL PLAN" DEFINITIONS.

(a) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 414(d) of the Internal Revenue Code of 1986 (definition of governmental plan) is amended by adding at the end thereof the following new sentence: ''The term 'governmental plan' also includes a plan established or maintained for its employees by an Indian tribal government (as defined in section 7701(a)(40)), a subdivision of an Indian tribal government (determined in accordance with section 7871(d)), an agency or instrumentality of an Indian tribal government or a subdivision thereof, or an entity established under tribal, Federal, or State law which is wholly owned or controlled by any of the foregoing.''.

(b) AMENDMENT TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 3(32)of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(32)) is amended by adding at the end the following new sentence: ''The term 'governmental plan' also includes a plan established or maintained for its employees by an Indian tribal government (as defined in section 7701(a)(40) of the Internal Revenue Code of 1986), a subdivision of an Indian tribal government (determined in accordance with section 7871(d) of such Code), an agency or instrumentality of an Indian tribal government or subdivision thereof, or an entity established under tribal, Federal, or State law which is wholly owned or controlled by any of the foregoing.''.

SEC. 3. EXTENSION TO ALL GOVERNMENTAL PLANS OF CURRENT MORATORIUM ON APPLICATION OF CERTAIN NON-DISCRIMINATION RULES APPLICABLE TO STATE AND LOCAL PLANS.

(a) IN GENERAL.—

(1) Subparagraph (G) of section 401(a)(5) and subparagraph (H) of section 401(a)(26) of the Internal Revenue Code of 1986 are each amended by striking ''section 414(d))'' and all that follows and inserting ''section 414(d)).''.

(2) Subparagraph (G) of section 401(k)(3) of such Code and paragraph (2) of section 1505(d) of the Taxpayer Relief Act of 1997 are each amended by striking ''maintained by a State or local government or political subdivision thereof (or agency or instrumentality thereof)''.

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 401(a)(5)(G) of such Code is amended to read as follows:

''(G) GOVERNMENTAL PLANS.—''.

(2) The heading for section 401(a)(26)(H) of such Code is amended to read as follows:

''(H) EXCEPTION FOR GOVERNMENTAL PLANS.—''.

(3) Section 401(k)(3)(G) of such Code is amended by inserting ''GOVERNMENTAL PLAN.—'' after ''(G)''.

SEC. 4. CLARIFICATION THAT TRIBAL GOVERNMENTS ARE SUBJECT TO THE SAME DEFINED BENEFIT PLAN RULES AND REGULATIONS APPLIED TO STATE AND OTHER LOCAL GOVERNMENTS, THEIR POLICE AND FIREFIGHTERS.

(a) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) POLICE AND FIREFIGHTERS.—Subparagraph (H) section 415(b)(2) of the Internal Revenue Code of 1986 (defining participant) is amended—

(A) in clause (i) by inserting '', Indian tribal government (as defined in section 7701(a)(40)),'' after ''State'', and

(B) in clause (ii)(I) by inserting '', Indian tribal government,'' after ''State'' both places it appears.

(2) STATE AND LOCAL GOVERNMENT PLANS.—

(A) IN GENERAL.—Subparagraph (A) of section 415(b)(10) of such Code (relating to limitation to equal accrued benefit) is amended by inserting '', Indian tribal government (as defined in section 7701(a)(40)),'' after ''State''.

(B) CONFORMING AMENDMENT.—The heading for section 415(b)(10) of such Code is amended to read as follows:

''(10) SPECIAL RULE FOR STATE, INDIAN TRIBAL, AND LOCAL GOVERNMENT PLANS.—''.

(3) GOVERNMENT PICK UP CONTRIBUTIONS.—Paragraph (2) of section 414(h) of such Code (relating to designation by units of government) is amended by inserting '', Indian tribal government (as defined in section 7701(a)(40)),'' after ''State''.

(b) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 4021(b)of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1321(b)) is amended—

(1) in paragraph (12), by striking ''or'' at the end;

(2) in paragraph (13), by striking ''plan.'' and inserting ''plan; or''; and

(3) by adding at the end the following new paragraph:

''(14) established and maintained for its employees by an Indian tribal government (as defined in section 7701(a)(40) of the Internal Revenue Code of 1986), a subdivision of an Indian tribal government (determined in accordance with section 7871(d) of such Code), an agency or instrumentality of an Indian tribal government or subdivision thereof, or an entity established under tribal, Federal, or State law which is wholly owned or controlled by any of the foregoing.''.

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply to years beginning before, on, or after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 432—EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD REJECT SOCIAL SECURITY PRIVATIZATION PROPOSALS, INCLUDING THOSE THAT REQUIRE DEEP CUTS IN SOCIAL SECURITY BENEFITS, SUCH AS THE PROPOSALS OF PRESIDENT BUSH'S SOCIAL SECURITY COMMISSION

Mr. CORZINE (for himself, Mr. BAUCUS, Mr. DURBIN, and Mr. DASCHLE) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 432

Whereas Social Security is based on a promise to the American people: if you work hard and contribute to Social Security, you will be able to retire and live in dignity;

Whereas Social Security is the primary source of income for two-thirds of American seniors;

Whereas Social Security benefits for retired workers average only about $900 per month;

Whereas $900 per month is insufficient to maintain a decent standard of living in many parts of the United States, especially for seniors with relatively high health care costs;

Whereas in 2001, President George W. Bush created the President's Commission to Strengthen Social Security (referred to in this resolution as the ''Bush Social Security Commission''), naming as Commission members only those who advocated Social Security privatization, and mandating that the proposals put forward by the Commission include privatization of Social Security;

Whereas the Bush Social Security Commission produced Social Security privatization proposals that required deep cuts in Social Security benefits;

Whereas the Bush Social Security Commission's proposed changes could reduce Social Security benefits to future retirees by as much as 46 percent;

Whereas under the Bush Social Security Commission's proposal, the cuts in Social Security benefits would apply to all seniors, not just those seniors who choose to participate in privatized accounts;

Whereas the cuts in Social Security benefits could be even deeper if individuals do shift funds to privatized accounts;

Whereas privatization advocates attempt to justify cuts in Social Security benefits by pointing to future projected shortfalls in the Social Security trust fund, but diversion of payroll tax revenues from the trust fund into privatized accounts would substantially accelerate the date by which the Social Security trust fund becomes insolvent;

Whereas in order to avoid accelerating the insolvency of the Social Security trust fund, the Bush Social Security Commission was forced to propose that the Federal Government incur as much as $4,700,000,000,000 in Federal debt (in today's dollars) by 2041;

Whereas in response to the Bush Social Security Commission's report, 50 members of the Senate wrote to President Bush, urging him to reject the Commission's proposed cuts in Social Security benefits;

Whereas the President has not complied with the request of the Senators and instead has reiterated his intention to move toward the privatization of Social Security; and

Whereas the deep cuts in Social Security benefits proposed by the Bush Social Security Commission could jeopardize the financial security of millions of Americans: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should reject Social Security privatization proposals, including those that require deep cuts in Social Security benefits, such as the proposals of President Bush's Social Security Commission.

Mr. CORZINE. Mr. President, today, along with Senator DASCHLE, Senator BAUCUS and Senator DURBIN, I am submitting a resolution that calls on the Congress to reject Social Security privatization plans, including those that require deep cuts in guaranteed benefits, such as the proposals by President Bush's Social Security Commission.

For nearly 70 years, Social Security has reflected the best of America's values. Social Security promises Americans that if you work hard, pay your taxes, and play by the rules, you will be able to retire and live in dignity.

Social Security benefits are far from lavish. The average retiree receives only about $900 a month. That doesn't go far in many parts of the country—certainly not in New Jersey. Unfortunately, even the benefits promised under current law are now at risk.

President Bush says he wants to move toward privatization. But what he does not say is that shifting funds from the Social Security Trust Fund into privatized accounts almost inevitably leads to deep cuts in guaranteed benefits.

To appreciate the depth of the cuts that flow from privatization, one need only consider the privatization plans developed by President Bush's own Social Security Commission. That commission included only proponents of privatization selected by President Bush, and it developed privatization plans that call for deep benefits cuts. According to the nonpartisan actuaries at the Social Security Administration, those cuts would exceed 25 percent for some current workers. In the future, seniors could face a 45 percent cut in benefits.

The President likes to argue that privatization is about choice. But there would be no choice about these cuts—they would harm every senior. In fact, those who chose to participate in privatized accounts would see their benefits cut even deeper.

That is why, in response to the Bush Commission's report, 50 members of the Senate wrote to President Bush, urging him to reject the Commission's proposed cuts in benefits. Unfortunately, we have yet to receive a response.

Privatization advocates try to justify cuts in Social Security by pointing to future projected shortfalls in the Trust Fund. But diverting payroll taxes from the Trust Fund only makes matters worse, and would substantially accelerate the date by which the Fund would become insolvent. That is why privatization almost inevitably leads to deep cuts in benefits.

It is critical that this issue be fully discussed now—before the election. So I will be looking for an opportunity to bring this resolution before the Senate before the end of the year. I hope we can kill this radical idea before it has a chance to get off the ground.

We must never accept any plan that takes the security out of Social Security.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held Wednesday, September 29, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 2378, to provide for the conveyance of certain public land in Clark County, NV, for use as a heliport; S. 2410, to promote wildland firefighter safety; H.R. 1651, to provide for the exchange of land within the Sierra National Forest, CA, and for other purposes; H.R. 2400, to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam; H.R. 3874, to convey for public purposes certain Federal lands in Riverside County, CA, that have been identified for disposal; H.R. 4170, to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior; and Senate Resolution 387, a resolution commemorating the 40th Anniversary of the Wilderness Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510–6150.

For further information, please contact Dick Bouts at 202–224–7545, Frank Gladics at 202–224–2878, or Amy Miller at 202–224–8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 22, 2004, at 2 p.m., to conduct a hearing on ''Examination and

Oversight of the Condition and Regulation of the Insurance Industry.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be authorized to meet on Wednesday, September 22, 2004, at 9:30 a.m., on pending committee business.

AGENDA

1. S. 2541, NASA Authorization Act of 2004, Floyd DesChamps/Jean Toal Eisen;
2. S. 2393, A bill to improve transportation security, Robert Chamberlin/Chris Bertram/Sam Whitehorn/Gael Sullivan;
3. S. 1798, American Home Fire Safety Act, Ken Nahigian/David Strickland/Cathy McCullough;
4. S. , Public Safety Spectrum Proposal, Bill Bailey/James Assey/Rachel Welch;
5. S. 1963, Wireless 411 Privacy Safety Act, Bill Bailey/Paul Martino/James Assey/Rachel Welch;
6. S. 1380, Rural Universal Service Equity Act of 2003, Bill Bailey/James Assey/Rachel Welch;
7. S. 2145, The Spy Block Act, Paul Martino/James Assey/Rachel Welch;
8. S. 2647, National Ocean Policy and Leadership Act, Drew Minkiewicz/Margaret Spring;
9. S. 2489, Coastal and Ocean Mapping Integration Act, Drew Minkiewicz/Margaret Spring;
10. S. 480, Training for Realtime Writers Act of 2003, Bill Bailey/James Assey/Rachel Welch;
11. Nomination of Deborah P. Majoras, PN 1899, of Virginia, to be a Commissioner of the Federal Trade Commission, Pablo Chavez/Ken Nahigian/Virginia Pounds/David Strickland/Cathy McCullough;
12. Nomination of Jon D. Leibowitz, PN 1898, of Maryland, to be a Commissioner of the Federal Trade Commission, Pablo Chavez/Ken Nahigian/Virginia Pounds/David Strickland/Cathy McCullough; and
13. Nominations for Promotion in the U.S. Coast Guard, PNs 1953, 1919, 1918, 1917, 1876, 1856, Drew Minkiewicz/Virginia Pounds/Amy Fraenkel.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 22, 2004, at 2 p.m., to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, September 22, 2004, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a business meeting on pending Committee matters, to be followed immediately by an oversight hearing on the Contributions of Native American Code Talkers in American Military History.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, September 22, 2004, at 9:30 a.m. on ''A review of Counter-Terrorism Legislation and Proposals, including the USA Patriot Act and the SAFE Act'' in the Dirksen Senate Office Building Room 226.

Witness List:

Panel I: The Honorable Larry Craig, United States Senator, R–ID and The Honorable Richard Durbin, United States Senator, D–IL.

Panel II: The Honorable James Comey, Deputy Attorney General, United States Department of Justice, Washington, DC.

Panel III: The Honorable Bob Barr, R–GA, former Member, United States House of Representatives and Daniel Collins, Esq., Munger, Tolles & Olson, LLP, Los Angeles, CA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, September 22, 2004, at 3:30 p.m. on ''Judiciary Nominations'' in the Dirksen Senate Office Building Room 226.

Witness List:

Panel I: Senators.

Panel II: Christopher Boyko, to be United States District Judge for the Northern District of Ohio.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—S. 2273

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 536, which is S. 2273, at a time to be determined by the majority leader, in consultation with the Democratic leader, but no later than Friday, October 1, and that the measure be considered under the following limitations: There be 30 minutes equally divided and controlled in the usual form for debate on the bill and the committee-reported amendments; that the only amendments in order other than the committee-reported amendment be a Reed-Sarbanes transit amendment, the text of which is S. 2453; that there be 1 hour for debate on the amendment; that the time be equally divided and controlled between the bill managers and the amendment sponsors or their designees; that upon the use or yielding back of the time on that amendment without further intervening action or debate the Senate proceed to a vote with respect to the amendment; that upon disposition of the Reed-Sarbanes amendment all time be yielded back, the committee amendments be agreed to, the bill, as amended, be read a third time, and the Senate vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, and I will have to object because there is objection on our side, we are prepared to pass the Rail Safety Act, S. 2273, without amendment, but I am not at liberty to agree to taking up the bill in the context that was suggested by my good friend from Nevada. Therefore, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. MCCONNELL. Mr. President, consistent with what I just said, I am going to propose a unanimous-consent agreement to which I am sure my good friend will then object. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 536, S. 2273, the rail safety bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Yes, I object.

The PRESIDING OFFICER. The objection is heard.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 709, S. 2826, the District of Columbia appropriations bill; that the bill be read a third time; that the Appropriations Committee then be discharged from further consideration of H.R. 4850, the House-passed DC appropriations bill, and the Senate proceed to its consideration.

I further ask unanimous consent that all after the enacting clause of H.R. 4850 be stricken; the text of S. 2826 be inserted in lieu thereof; the bill, as amended, be read a third time and passed; and the motion to reconsider be laid upon the table.

I ask unanimous consent that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on behalf of the Senate.

Finally, I ask unanimous consent that S. 2826 then be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I thank the Senator from Louisiana, Ms. LANDRIEU, the ranking member on the DC Appropriations Subcommittee, for her hard work and efforts in helping to

draft the appropriations bill before us today. This bill provides $560 million in Federal funds for the District of Columbia and includes the city's own local budget of $6.2 billion.

The funds in this bill focus on a number of key priorities for the District of Columbia: First, improving the lives and opportunities for children in the District; second, reducing and preventing crime in the District; and third, increasing security in our Nation's capital.

The bill continues an initiative we began last year to help improve the city's long-troubled foster care system by providing funds for intensive intervention when children first enter care; providing resources for early and continued mental health services for all children in foster care; providing incentives to retain qualified social workers and foster parents; and funding a new computer tracking system for children in foster care.

The bill also focuses on children by enhancing educational opportunities for inner-city students. We are continuing to provide a total of $40 million for three interrelated educational components: $13 million to promote excellence in traditional public schools; $13 million to expand choice through high quality charter schools; and $13 million for opportunity scholarships for low-income students in failing schools.

The second priority that this bill funds crime fighting in the District. The federal government entirely funds the D.C. Courts and the Court Services and Supervision Agency. The committee is providing a total of $337 million for these agencies, which is $55 million more than the fiscal year enacted level. Most of these additional resources are for renovations and repairs to the City's 4th oldest building, the Historic Old Courthouse, which will make it habitable once again and provide much-needed courtroom capacity. The bill also provides additional resources to enhance supervision of high-risk sex offenders, offenders with mental health problems, and domestic violence offenders.

With this bill, we are beginning an important federal investment in a new forensics lab for the District of Columbia. Currently, the city must rely on the generosity of the FBI's crime lab. Because of its own heavy workload, the Bureau limits the amount of evidence that it can process for the city. With so many unsolved rape, murder, and other violent crime cases in the District, a new crime lab is a crucial need.

The sobering fact is that, as the seat of our Nation's capital, the District of Columbia is a target of bioterrorism attacks. And, those attacks must be investigated. Indeed, the anthrax attacks of 2001 and the ricin scare of 2004 have shown that a forensics lab is vital to public safety in the District and deserving of federal support.

The final priority in this bill is improving security in the District. As the seat of the federal government and as a symbol of our democracy, the District of Columbia faces increased risks of terrorist attacks. Therefore, the bill includes security funding, including resources to complete a Unified Communications Center, which will be the center for coordinated multi-agency responses in the event of regional and national emergencies. The bill also continues to provide funds to reimburse the city for increased police, fire, and emergency personnel costs associated with events that occur in the District because of the presence of the Federal Government.

I take this opportunity to recognize the city's leadership in improving the financial condition of the District. Recently, the District received a vote of confidence from Wall Street when its bonds were upgraded two steps from ''BBB+'' to ''A''. Despite this good news about the city's short-term financial performance, I am well aware that the city faces a long-term economic structural imbalance. This imbalance represents a gap between the District's ability to raise revenue at reasonable tax rates and its ability to provide services of reasonable quality to its residents.

I recognize that the structural imbalance is driven by expenditure requirements and revenue restrictions which are mostly beyond the control of the District's leadership. Clearly, the city's revenue capacity would be larger without Federal constraints on its taxing authority, such as its inability to tax Federal property or the income of nonresidents.

I agree that the city faces a troubling problem in the long-term. I want to help close the financial gap and help ensure the long-term economic health of our Nation's capital. This is a Federal enclave, established by the Constitution, and it must live by the constraints imposed on it by the Federal Government. I believe that the Federal Government must recognize the costs it places on the city and the burden it places on the city's infrastructure, all the while limiting the ability of the city to raise revenue. Indeed, many of the problems facing the District result from it being the seat of the Federal Government.

This bill takes two small steps to begin to address the structural imbalance. First, we are providing $4 million to assist the city with its annual operating payment to the Washington Metropolitan Transit Authority, commonly referred to as the ''Metro''.

The District's share of the Metro operating subsidy is $208 million. Whereas the State governments of Maryland and Virginia both help subsidize the Metro, the District does not have a State to help share the burden of this cost. In addition, many Federal workers use the Metro system to travel between Federal buildings throughout the workday.

Second, the bill provides $10 million for a combined sewer overflow system. The current system was constructed in 1890 and overflows 60 to 70 times each year, dumping raw sewage into the Anacostia River. Clearly, the Federal Government places a heavy burden on this system and should help share the cost of upgrading it. I believe these small Federal contributions for infrastructure are important, but clearly the Federal Government must do more to help eliminate this structural imbalance that it has helped create.

I again thank Senator LANDRIEU. She and I share the same concerns for the children and residents who live in the District of Columbia, as well as the millions of visitors who come here every year to see America's seat of government. She and I have worked as close partners in writing this bill. Together, we have put together a bill that focuses on improving the well-being of the District's children and protecting the safety of all who live and work here. I thank the Senator from Louisiana, and I turn to her now for her remarks.

Ms. LANDRIEU. Mr. President, I am pleased to join Chairman DEWINE in presenting the bipartisan fiscal year 2005 District of Columbia appropriations bill to the Senate. The bill totals $560 million, which is an increase of $18.3 million from fiscal year 2004. The chairman and I moved this bill through the full Appropriations Committee on Tuesday, September 21 by a near-unanimous vote with no controversial amendments. During our 3-year chairman and ranking membership of the D.C. subcommittee, we have met many policy and partisan challenges and remained great friends. This year is truly an achievement of the chairman's bipartisan lead of this bill. We continue to marry our interests in strengthening education and child welfare in the District.

Great communities need great schools. This bill includes $26 million for public education in support of the committee's goal to improve education in the District. Fifty years after the landmark Brown v. the Board of Education decision of the Supreme Court, 3 years after enactment of the significant No Child Left Behind Act, we are still working to shape the two-sided face of public education, excellence and failure, into a more equal experience for children. The District's schools have been mired in years of changing superintendents, management and oversight challenges. A new superintendent has been hired, Dr. Clifford Janey, we are excited about his energy to reform and improve and want to support his efforts as strongly as possible. This bill includes certain tools to, hopefully, contribute to Dr. Janey's work.

In our public schools we must recognize and reward excellence. We must acknowledge and eliminate failure. This bill directs a total of $7 million for a new incentive grant program for public education improvement in both traditional public schools and public charter schools. These grants will be

awarded to the principal of high performing or significantly improved public schools to reward their good work. A reward is a powerful incentive to build on success and meet some of the areas which can make their school thrive. These grants could be for a specialized librarian, new books, and bonuses for excellent teachers, or even to support sports and recreation with a new basketball court. It is entirely up to the principal to decide. In addition, the bill includes $5 million to support the very successful D.C. program to reconstitute the schools designated as in need of improvement by the standards of the No Child Left Behind Act. The Transformation School Initiative has successfully breathed new life into 15 of the lowest performing public schools in the District with innovative ways to reinvigorate teachers, reinvest parents, and get kids exciting about going to school and excited about learning. We are very pleased to support these programs with $13 million for public schools as part of the $40 million School Improvement Fund created last year.

The second prong of the School Improvement Fund, $13 million for public charter school, is supported by robust support to strengthen the chartering system. With 41 charters granted to date, the District has achieved the distinction of having the highest number of charter schools per capita. As such, the District is in a position to serve as leader in the effort to use charter schools to spur system-wide improvement from within our system of public education. Senator DEWINE and I maintain our commitment to serve as a full and equal partner in this endeavor.

It is important to note that while the primary reason for the rapid growth in the number of charter schools was the unmet desire of education reformers to find a way to ''step out of the box'' that had become our public school system, charter schools are by definition independent public schools. With their relative autonomy, charter schools are a way to provide greater educational choice and innovation while not abandoning the public school system. Recent studies show that the existence of a charter school in a district not only increases the quality of education available to the students served directly by the charter school but in all surrounding public schools. In addition, charter schools provide a healthy dose of competition into the public school system and have the effect of accelerating reforms and improvements in traditional public schools.

Despite the increased challenge of educating students with the greatest need, objective surveys and reports show that the academic progress among charter schools students outpacing that of their cohorts in traditional public schools. Those successes included gains in reading and math performances; test scores higher than district, state and neighborhood schools; increased parental involvement; and higher attendance and fewer disciplinary problems.

Strengthening charter schools, which were created in the D.C. by Congress in the 1995 School Reform Act, is a primary tenant of our work to improve education. Pursuant to Section 120 of P.L. 106–522, the Fiscal Year 2001 DC Appropriations Act, the local government is prohibited from amending the School Reform Act. Therefore, Congress has continued our oversight responsibility of the charter school law this year. The bill fortifies the environment where strong, accountable, academically excellent charter schools flourish.

This bill includes language which will encourage public schools to convert to charter schools. The 1996 School Reform Act allows for traditional public schools to petition to convert to a public charter school, if the teachers and parents in the community want a more responsive and engaging school. However, to date, only one school, Paul Junior High, has exercised that option. We are not trying to say that every public school should be a charter school, but we support if the community of a particular school sees a benefit in becoming a charter school and can gain a majority consensus of that community, a conversion is possible.

In addition, we toughen oversight of chartering boards to better screen applications and strengthen oversight of existing schools. We think this will make a stronger public charter school community, and should not create any additional bureaucracy which would tamp down reform. Finally, we included language which will improve access to facilities for charter schools, which can be their greatest challenge. The buildings in which children learn are just as critical as the other tools available to make these kids a success.

Under the kind leadership of Chairman DEWINE, we have also invested in the welfare of the most vulnerable children in the District, those in the custody of the abuse and neglect welfare system. Just in the last week, the District has suffered the loss of another child, Angel Fleming, who was put in the custody of the Child and Family Services Agency.

The bill supports our priority of reforming child welfare by providing the tools necessary to the foster care system with $5 million. We are funding for early intervention services to try to keep kids with relatives, rather than send them to temporary foster care homes. The bill also continues to ensure that all kids in foster care get mental health assessments and services. Finally, Senator DEWINE has ensured that an area often forgotten, foster parents, receive the respite services necessary and promote grassroots foster parent recruiting and training efforts.

This bill meets our Federal responsibility to the criminal justice system and infrastructure investments requested by the mayor and council. The new family court, which embraces the ideal of one family-one judge, is fully funded and we continue to provide for their new building. In addition, the bill initiates a new investment in the administration of justice in the District by contributing $8 million to the construction of a new forensics lab. This laboratory will alleviate contract pressure D.C. imposes on other Federal agencies, such as the FBI, to complete local forensic work. The bill also contributes to security and emergency preparedness in the Nation's capital with $22 million to bolster the police and first responders. In addition to all of the important initiatives in the District this bill invests in, there is $13 million for cleaning up the Anacostia River and providing recreation for the entire region and $5 million for transportation improvements.

I want to thank the mayor of the District, Anthony Williams, the entire council, particularly the Chair Linda Cropp, and the D.C. Delegate to Congress ELEANOR HOLMES NORTON for their many contributions and advice in developing this bill. They are great partners for Chairman DEWINE and I to ensure the bill meet the needs of the District. I appreciate the chairman's consideration and our ability to work together on this bill.

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

The bill (H.R. 4850), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

The Chair appointed Mr. DEWINE, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. STEVENS, Ms. LANDRIEU, Mr. DURBIN, and Mr. INOUYE conferees on the part of the Senate.

MEASURE READ THE FIRST TIME—S. 2830

Mr. MCCONNELL. Mr. President, I understand that S. 2830 is at the desk. I ask its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 2830) to amend part A of title IV of the Social Security Act to promote healthy marriages and responsible fatherhood, and for other purposes.

Mr. MCCONNELL. I ask for its second reading, and in order to place the bill on the calendar in accordance with rule XIV, I object to my own request.

The PRESIDING OFFICER. The bill will be read the second time on the next legislative day.

RESPONDING TO CONDITIONS IN BURMA UNDER THE ILLEGITIMATE RULE OF THE STATE PEACE AND DEVELOPMENT COUNCIL

Mr. MCCONNELL. I ask unanimous consent the Foreign Relations Committee be discharged from further consideration of S. Res. 431 and the Senate

proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 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.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 431) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 431

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.

APPOINTMENT OF COMMITTEE TO ESCORT HIS EXCELLENCY AYAD ALLAWI, PRIME MINISTER OF THE INTERIM GOVERNMENT OF THE REPUBLIC OF IRAQ

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join a like committee on the part of the House of Representatives to escort His Excellency Ayad Allawi, Prime Minister of the Interim Government of the Republic of Iraq, into the House Chamber for the joint meeting tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—S. 2823

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk that is due for its second reading.

The PRESIDING OFFICER. The clerk will read the bill for a second time by title.

The assistant legislative clerk read as follows:

A bill (S. 2823) 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.

Mr. MCCONNELL. Mr. President, I object to further proceedings on the measure at this time in order to place the bill on the calendar under the provisions of rule XIV.

The PRESIDING OFFICER. The bill will be placed on the calendar.

ORDERS FOR THURSDAY, SEPTEMBER 23, 2004

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m. on Thursday, September 23. I further ask unanimous consent that following the prayer and pledge the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business for up to 30 minutes with the first 15 minutes under the control of the Democratic leader or his designee and the final 15 minutes under the control of the majority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Mr. President, for the information of all Senators, tomorrow morning there will be a joint meeting of Congress to receive a speech from Prime Minister Allawi of Iraq. We will convene following that speech for a short period of morning business. Following morning business, we hope to consider the Foreign Operations appropriations bill. We have been working on an agreement and we hope to have that language worked out by tomorrow morning. We would like to finish that legislation and consider the family friendly tax bill when that conference report becomes available sometime tomorrow. Therefore, Senators can expect votes throughout the day.

Mr. REID. Mr. President, on the Foreign Operations bill, we are anxious and ready and willing to have an agreement. We think the bill can be resolved very quickly, and we want the RECORD to reflect our willingness to go to the bill tonight, tomorrow, anytime. We think it is very important that we get as many appropriations bills completed as possible. We are not in any way standing in the way of this. There is no objection on our side to going to this bill.

I also say that this Friday is the most holy of all holidays for those of the Jewish faith, Yom Kippur. We have a number of Senators who must travel west that day to prepare for the holiday. They cannot make their transportation arrangements unless they can leave here at 10:20 on Friday morning. The leader has spoken to some of the Jewish Members of the Senate and he recognizes the problem. We have this tax bill of which we know the importance. But we have to let the high holy day take precedence over what has to be done here on Friday.

I hope the two leaders and my distinguished friend on the floor now and the Republican leader will take that into consideration. It has been brought to my attention by several Senators this afternoon.

Mr. MCCONNELL. Mr. President, let me say that there are Members on both sides of the aisle for whom Friday is an exceedingly important day. We are certainly aware of that. That is another good reason for finishing the family friendly tax bill tomorrow night. We will press on and try to complete both Foreign Operations and the family friendly tax bill tomorrow night.

ADJOURNMENT UNTIL 11 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 6:33 p.m., adjourned until Thursday, September 23, 2004, at 11 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate September 22, 2004:

CENTRAL INTELLIGENCE

PORTER J. GOSS, OF FLORIDA, TO BE DIRECTOR OF CENTRAL INTELLIGENCE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

A PROCLAMATION THANKING PRIVATE FIRST CLASS RYAN A. MARTIN FOR HIS SERVICE TO OUR COUNTRY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. NEY. Mr. Speaker, we hereby offer our heartfelt condolences to the family, friends, and community of Private First Class Ryan A. Martin upon the death of this outstanding soldier; and

Whereas, Private First Class Ryan A. Martin was a member of the 216th Engineer Battalion of the Army National Guard serving his great nation in the country of Iraq. He was a leader in his unit and is to be commended for the honor and bravery that he displayed while serving our nation in this time of war; and

Whereas, Private First Class Ryan A. Martin will be remembered for his unsurpassed sacrifice of self while protecting others. His example of strength and fortitude will be remembered by all those who knew him.

Therefore, we join with the family, friends and the citizens of our great nation in thanking Private First Class Ryan A. Martin of the United States Army for his service to our country. Your service has made us proud.

HONORING FRED HATMAKER

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. DAVIS of Tennessee. Mr. Speaker, Fred Hatmaker of LaFollette and Knoxville, TN, recently passed away at the early age of 63.

Fred was a good friend not only to me, but many within the community. He can best be characterized as one who loved to be in the middle of things. Fred was always there for a laugh, a serious discussion, a game of cards, and was more than willing to take a good humored poke at someone whenever an appropriate occasion arose.

Fred was an educator, banker, and businessman. He was as devoted to his professions as he was to his friends and family. He was restless in every venture he undertook. I think this came from his need to find his place in the world. This I can say for sure, he brought an unending amount of energy with him and will forever be remembered for his storytelling. You can rest assured that he probably never believed what he said himself.

Fred will be missed very much by all who knew him.

COMMENDING CHARLES A. COHEN, AN OUTSTANDING CITIZEN OF INDIANAPOLIS, INDIANA AND RECIPIENT OF THE NEW JERUSALEM AWARD

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Ms. CARSON of Indiana. Mr. Speaker, it is with profound pleasure and privilege that I rise to commend to the nation, Charles A. (Chuck) Cohen, an outstanding American and citizen of Indianapolis, Indiana.

Mr. Cohen will be honored October 17, with the New Jerusalem Award at the Indiana-Israel Dinner of State. Chuck is an active community leader, a prominent attorney and a longtime supporter of Israel Bonds.

State of Israel Bonds/Development Corporation for Israel is an international organization offering securities issued by the government of Israel. Since the first bond was sold in 1951, Israel Bonds has secured close to $26 billion in investment capital for the development of every aspect of Israel's economy, including agriculture, commerce and industry.

Charles Cohen was born in Greenville, KY, and graduated from Greenville High School as the salutatorian. He received a B.S. degree in Accounting in 1963 and a J.D. degree in 1966 at Indiana University-Bloomington. At school, Chuck was commissioned a 2nd Lieutenant in the U.S. Army and made the Law Review.

After completing his education, the honoree served with the U.S. Army in the Medical Service Corps. His display of leadership earned him the Bronze Star for meritorious service in a combat zone and the rank of Captain.

In 1971, Chuck moved to Indianapolis and co-founded the firm of Garelick & Cohen, (now Cohen, Garelick & Glazier). He is currently the managing partner.

Mr. Cohen is an active member of the Jewish Community Center of Indianapolis, serving as a life board member and past president. He is also active with the Jewish Federation of Greater Indianapolis and has served in numerous positions including president and campaign chairman, as well as chairman of the Benefits Committee, the Israel Emergency Campaign, and currently serves as chairman of the Long Term Endowment Campaign and the Overseas Committee.

In addition, he is a member of the board of directors of America's Voices in Israel and an intermediate cities representative on the United Jewish Communities board of trustees.

Mr. Cohen is the recipient of the L.L. Goodman Young Leadership Award, the Liebert Mossler Award, the Martin L. Larner Leadership Award, the Endowment Achievement Award, and the Hasten Hebrew Academy HAI-Life Award.

Chuck and his wife, Karen, are the parents of three children: Brad, Amy Kaissar, and Danielle Bautista.

Mr. Speaker, I ask that you and my colleagues in the People's House join in commending Charles Cohen for his life of service, civic stewardship and commitment to Indianapolis and Israel Bonds.

He has exhibited outstanding leadership qualities that deserve high praise.

PAYING TRIBUTE TO FBI DEPUTY DIRECTOR BRUCE GEBHARDT

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to Deputy Director Bruce Gebhardt for his 30 years of distinguished service to the Federal Bureau of Investigation. His breadth of knowledge and experience in national security, terrorism and intelligence issues have made America markedly safer in the wake of September 11, 2001.

Mr. Gebhardt entered on duty as a Special Agent with the Bureau on July 7, 1974, and began his career investigating organized crime and narcotics. Mr. Gebhardt was the recipient of the FBI Medal of Valor as a result of action taken during an airplane hijacking event in Denver, Colorado in 1976. More recently as a Special Agent in Charge, Mr. Gebhardt oversaw numerous operational success in organized crime, counterintelligence, counterterrorism, cyber crimes and white collar crimes. But today, more than ever, America owes a debt of gratitude to Bruce Gebhardt for his work to retool and reshape the FBI after September 11, 2001.

In August 2002, Mr. Gebhardt was appointed by Director Mueller to serve as Deputy Director for the FBI and for the last 2 years he has been responsible for restructuring the FBI into a counterterrorism and intelligence focused agency. As Deputy Director, Mr. Gebhardt has made important contributions to the national security of the United States and more fully prepared the Federal Bureau of Investigation to fight terrorism both at home and abroad.

Mr. Speaker, I would like to offer my best personal regards to Deputy Director Gebhardt on his retirement from the FBI and wish him all the best in the future. I would also like to ask my colleagues to join me in thanking him on behalf of the American people for his service and commitment to our collective security.

IN OUR THOUGHTS AND PRAYERS

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. DAVIS of Tennessee. Mr. Speaker, the 278th Armored Cavalry Regiment having been activated and mobilized as the 278th Regimental Combat Team has some of Tennessee's finest soldiers. They are currently

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

training in Camp Shelby, Mississippi, before moving to the National Training Center in Ft. Irwin, California, for additional training. Before departing for their duty location in Northern Iraq they will return to Tennessee where they will appropriately have a sendoff on Veterans Day.

Headquartered in Knoxville, the 278th is the only enhanced Armored Cavalry Regiment in the National Guard and one of only two in the United States Army. The 278th is the largest unit in the Tennessee Army National Guard, with units stretching from one end of Tennessee to the other. A large portion of the 278th's soldiers live in the 4th Congressional District.

While visiting the 278th at Camp Shelby I talked with soldiers from across the 4th District. Every soldier I talked with expressed a devotion to family and country. Our troops have the energy and patriotism needed to encourage democracy abroad by promoting strong American values and ideals. The families should know that their loved ones are receiving world class training and equipment.

In a State that claims Sgt. Alvin York as its native son no one should be surprised that Tennessee is appropriately named the Volunteer State. This largest callup of Tennessee National Guardsmen only further demonstrates our commitment to country. I would like to ask everyone to pray for our brothers and sisters who will shortly be put in harm's way. May God look after our troops and their families.

IN MEMORY OF AIR NATIONAL GUARDSMAN FIRST LIEUTENANT JAMES O. CONWAY

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. CAPUANO. Mr. Speaker, I rise today to remember the brave actions of a hero. First Lieutenant (1/LT) James O. Conway will be memorialized this weekend in East Boston, Massachusetts where he gave his own life half a century ago to save the lives of many neighborhood residents. On October 2, 1954, 1/LT Conway, a member of the Air National Guard, 101st Fighter Interceptor Squadron, flew his jet into an embankment after it had lost power upon take-off at Logan Airport. This undaunted act of courage was done in an effort to save the neighborhood of East Boston from the trauma, damage and potential loss of life that more than likely would have resulted from the crash landing of a military jet in a densely populated residential area.

The residents of East Boston have long recognized 1/LT Conway as a hero. This Saturday, the East Boston community will formally memorialize this act of heroism in a dedication ceremony. This ceremony comes at a time when thousands of men and women in the National Guard are serving our country in its latest time of need. These modern-day heroes carry on a tradition of selflessness that was exemplified by 1/LT Conway a generation ago.

Mr. Speaker, I ask my colleagues to join me in expressing our solemn gratitude to 1/LT James O. Conway, his family and all of the men and women who have made the supreme sacrifice protecting our Nation at home and abroad.

THE HENRY FORD COMMEMORATIVE CELEBRATION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. DINGELL. Mr. Speaker, I rise today to honor the contributions of the late Henry Ford as the ''Father of Industrial Education'' and to express my deep gratitude for his enormous contributions to education, particularly technical training.

Henry Ford was a strong advocate of providing educational opportunities. At Highland Park, where the Model T was produced, he organized English classes for newly hired immigrants, which assisted them in receiving their first citizenship papers. In 1930, Henry Ford announced that he would spend $100 million and devote the remainder of his life promoting and supporting educational concepts. Of the some 60 schools supported by Henry Ford, the one that brought him the greatest satisfaction and pride was the Henry Ford Trade School.

The Henry Ford Trade School, established in Highland Park in 1916 with one instructor and a class of six disadvantaged students, quickly emerged as a pioneer of the modern concept of combining vocational training with related formal classroom instruction. Upon its move to the Rouge Complex in Dearborn in 1931, the school continued to offer educational opportunities to young men through the year 1952. At its peak, there were more than 2,800 students, aged 13–17, and 135 instructors. A hot lunch was furnished without charge and for their effort, students were awarded a weekly cash scholarship and a monthly stipend to deposit in a bank savings account until they left school.

The training offered at Henry Ford Trade School took on new meaning with the advent of World War II and the technical skills of the graduates were employed and challenged in various capacities to support the war effort. Many students also served in the military.

In order to properly acknowledge the inspiration and guidance of Henry Ford, the members of the Henry Ford Trade School Alumni Association, some 400 strong, will perpetuate his memory with the unveiling of a life-size bronze statue to be displayed at the welcome center for guests touring the factory at the newly reopened Rouge Complex.

Mr. Speaker, I ask that you and all of my colleagues rise and join me in honoring the members of the Henry Ford Trade School Alumni Association on the occasion of their celebration, and to pay tribute and recognize the commitment and dedication of the late Henry Ford.

RECOGNIZING MR. GREG HALL

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Ms. SOLIS. Mr. Speaker, I rise to recognize Mr. Greg Hall for his life-long contributions to the city of El Monte. Mr. Hall has been an active and loyal employee for the city of El Monte. He has worked as a Park Caretaker for 6½ years, Water Systems Operator for 2 years, Senior Water Systems Operator for 1½ years, Maintenance Supervisor for 7 years, and held his current position as Public Works Maintenance Superintendent for 16 years.

Exemplifying the best in humanitarian leadership, Mr. Hall was awarded Volunteer of the Year for all greater Los Angeles for his contributions to build the Saint Harriet's Children's Home. He was also awarded Kiwanian of the Year in 1984, 1990, and 1992. He was also president of the Kiwanis Club from 1989–1990, secretary from 1992–1993 and lieutenant governor in 2002. Mr. Hall has also served in the U.S. Navy for 3 years and is a Vietnam veteran.

Mr. Hall has served on many committees over the years, such as Maintenance Superintendents Association for 16 years, Traffic Control Supervisors Association for 22 years, and the American Water Works Association for 26 years.

Mr. Hall's involvement with the Hazmat Drop-Off/Intake building for El Monte residents, the modernization of the Public Works Maintenance Division offices as well as the Water Department, are just some of his many accomplishments. Mr. Hall leaves behind a leadership model of teamwork. His leadership style has improved the reputation of the Maintenance Division and brought all the members of the Maintenance Yard closer together.

Please join me in wishing Mr. Greg Hall, maintenance superintendent, Public Works Maintenance Division good luck and a happy retirement.

HONORING ROBERT AND COLLEEN GOODALE, 2004 ANGELS IN ADOPTION

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. COOPER. Mr. Speaker, I have the privilege today of recognizing Robert and Colleen Goodale, an extraordinary couple from Nashville, TN, who have opened their home and their hearts to children in foster care.

I am proud to announce that the Goodales are this year's Angels in Adoption from the Fifth District of Tennessee. As many of my colleagues know, Angels in Adoption is an annual award sponsored by the Congressional Coalition on Adoption Institute to honor families such as the Goodales who are among the nation's heroes of adoption.

The Goodales have a story that is nothing short of amazing. After raising four biological children of their own, the Goodales decided to fill their empty nest by adopting children out of foster care. The first of these children was Richard, who came to the Goodales' home at the age of 2 for what was intended to have been a 2-week stay. Richard, who is severely mentally disabled, was in the process of being institutionalized at a local facility when he came to the Goodales' home. Richard, however, never left their care, and instead became their first adopted son. Now 18, Richard is still severely developmentally delayed and cannot speak. He also suffers from emphysema, and requires round-the-clock supervision and assistance. As nurses by profession, the Goodales have provided Richard with the ideal loving home.

Shortly after Richard's adoption, the Goodales adopted two brothers, Jonathan and Christopher, who were 11 and 9 at the age of their adoption and are now 24 and 23. They then adopted another group of siblings, James, Tracy, Jerome, and Lorri. Now also grown, these children were 7, 5, 4 and 2 when they joined the Goodale family.

The Goodales, who are white, are blessed with a diverse, multiracial family. Richard is African-American, Jonathan and Christopher are white, and the remaining four are biracial. Despite their commitment and perseverance, the Goodales have had to battle skepticism from caseworkers who initially believed these diverse placements to be inappropriate. Eventually, the Goodales even moved into an all-black neighborhood to demonstrate their respect for their children's racial heritage.

The Goodales are a truly remarkable family, and I am privileged to have been witness to the strength of this family's love.

IN RECOGNITION OF THE HEROISM OF BETTY ONG

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to Betty Ong, a native daughter of San Francisco's Chinatown and a hero for our Nation on September 11, 2001.

On that tragic day, Betty Ong was a flight attendant on American Airlines Flight 11 from Boston bound for Los Angeles. Flight 11 left Boston's Logan Airport at 7:59 a.m. with Mohammed Atta and four other terrorists on board. From the time the terrorists took over the plane until she lost contact, Betty remained calm and professional. For 23 minutes, she relayed vital information to her colleagues on the ground. The information Betty provided in that horrifying situation later allowed the FBI to discern the identity of the terrorists onboard Flight 11.

In January of this year, the 9/11 Commission heard a tape of Betty's urgent message. In its report, the Commission confirmed that Betty was indeed the first person to report the hijacking. 9/11 Commission Chairman Thomas Kean declared, ''Betty Ong is a true American hero.''

On September 21, 2001, a memorial service for Betty was held in San Francisco's Chinatown where Betty was born and maintained strong family and community ties. At that time Mayor Willie Brown proclaimed September 21 to be ''Betty Ong Day.'' This year, the Chinatown Community Development Center is again honoring her.

It is with pride and sadness that I join in paying tribute to Betty's courage and her heroism. I hope it is a comfort to her family that so many people remember and honor her heroic acts.

CALLING FOR TAIWANESE REPRESENTATION AT THE UNITED NATIONS

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. DEUTSCH. Mr. Speaker, the Republic of China (Taiwan) has once again tried to return to the United Nations this fall. In recent years, Taiwan has repeatedly expressed its strong desire to participate in the United Nations and other international organizations. I am pleased that the United States has pledged to support Taiwan's bid to become an observer in the World Health Organization and to obtain OAS (Organization of American States) observership for Taiwan. Many of us in this body have long supported that. In fact, in our Taiwan Policy Review of September 1994, we declared the intent to build stronger and more active support for Taiwan's participation in appropriate international organizations. The United Nations is such an appropriate organization.

The United States has supported Taiwan's membership in the Asian Development Bank and the World Trade Organization and its admission to the Asian-Pacific Economic Cooperation Group; Supporting Taiwan's bid to return to the United Nations is the next logical step for the United States. In doing so, we will demonstrate to the world that the United States supports democracy and freedom in Taiwan. We will prove, yet again, that the United States is on the side of free and democratic people.

It is indeed grossly unfair to see Taiwan and its 23 million people excluded from the activities of the United Nations year after year. When SARS hit Taiwan in the spring of 2003, Taiwan, without United Nations membership, was denied the World Health Organization's expertise and assistance for weeks. Taiwan's doctors had difficulty obtaining information about SARS, and as a result, Taiwanese SARS patients suffered and waited.

Taiwan's immense population is also worth noting. Its 23 million people constitute a population that's larger than those of two-thirds of UN member states. Small states such as Andorra (population 54,000) and San Marino (population 23,000) have UN membership while Taiwan is denied?

Furthermore, Taiwan's exclusion from the UN clearly violates the UN principle of universality. The UN's mission is to ''reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women, and of nations large and small.'' What of the rights of the 23 million people on Taiwan? Don't we believe that the Taiwanese populace counts?

Taiwan is a democracy. It endorses the UN's ideals of peace, human rights, and development. It has been a responsible global citizen, contributing to aid projects like relief supplies for Afghan refugees, AIDS prevention in Africa, and the dispatch of a rescue team following earthquakes to El Salvador in 2001.

If Taiwan were allowed to return to the United Nations, reconciliation and rapprochement between Taiwan and the People's Republic of China would help to stabilize the entire Asia-Pacific region for generations to come, while making the United Nations a much more representative body.

Mr. Speaker, Taiwan's exclusion from the United Nations is unjust. We must speak up for Taiwan, our friend and ally, this year and every other until this injustice is corrected.

INTRODUCTION OF THE 527 REFORM ACT

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. SHAYS. Mr. Speaker, I am pleased to join with Congressman MARTY MEEHAN and Senators JOHN MCCAIN and RUSS FEINGOLD to introduce the 527 Reform Act, which will close an election law loophole created by the Federal Election Commission's (FEC) failure to enforce the 1974 Federal Election Campaign Act (FECA).

This failure on the part of the Commission is a long-standing tradition underscored by federal judge Colleen Kollar-Kotelly's September 18 decision in Shays v. FEC, which struck down 15 poorly-drafted rules promulgated by the FEC that undermined, rather than enforced, the Bipartisan Campaign Reform Act.

Our legislation will require 527 groups to register as political committees with the FEC—as they should have been doing all along. It also establishes new, effective allocation rules to ensure groups primarily focused on impacting federal races are regulated accordingly.

For too long, the FEC has looked the other way as 527 groups have channeled soft money into federal elections, clearly violating the letter and the spirit of the campaign finance law.

The 527 Reform Act does the job the FEC has failed to do—it brings 527 groups under the same set of rules as every other political committee.

In doing so, it ensures all groups acting primarily to influence federal elections play by the rules Congress and the Supreme Court intended, rather then allowing some to exist in a parallel world of election law anarchy.

The bottom line is, groups that are in the business of influencing federal elections should be regulated by federal election law, and, by overriding the FEC's long-standing misinterpretation of the 1974 Federal Election Campaign Act, that is exactly what this legislation will accomplish.

WELCOME HOME 1175TH

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. DAVIS of Tennessee. Mr. Speaker, I am happy to welcome back the 1175th Transportation Company of the Tennessee National Guard. The soldiers, who deployed to Fort Knox, Kentucky in February 2003, had been in Kuwait and Iraq since April 2003. When they returned home in mid-May 2004 they were surrounded by loved ones who hadn't seen them in over a year.

The transportation company was involved in various aspects of transportation, convoy operations and supply missions. Within the first

96 hours of arriving in Kuwait they pulled their first mission—not an easy feat. Often, they drove Humvees mounted with .50 caliber machine guns, escorting vital equipment throughout Iraq. The unit logged some 2.3 million miles in the 13 months they were overseas.

I am very proud of the safety and performance record of the 1175th. They served with distinction by implementing the largest track vehicle movement since World War II not once, but twice in the matter of a few months, while training in the U.S. They also had the best safety record and operational readiness status of the other 15 plus transportation companies working in Iraq/Kuwait.

Iraq is hot, dry, and dusty. Sometimes temperatures reached upwards of 135 to 140 degrees. Knowing the numerous dangers and environment it surprised me to read and hear statements from soldiers such as Sergeant Tommy Adcock say, ''Our Country has taken care of us, now it's payback time.''

It is sad that the 1175th lost two of its own. Staff Sergeant Nathan Jerome Bailey and Staff Sergeant David Leroy Lyod lost their lives defending a country they cared so deeply about. We need to remember that our countrymen are making the ultimate sacrifice in defense of this country. These men and women have served honorably and with distinction. What makes our country so great are all of the brave Americans that step up and defend this great nation. For that I say thank you and God Bless.

PERSONAL EXPLANATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. BLUMENAUER, Mr. Speaker, had I been present for the following votes on Tuesday, September 21, 2004, I would have voted as follows:

Rollcall vote 457: 1 would have voted ''yea'' on the Van Hollen amendment, which prevents OMB from spending any funds to implement the A–76 rewrite changes that were finalized on May 29 regarding federal employees and contractors.

Rollcall vote 458: I would have voted ''yea'' on the Sanders amendment. This amendment prohibits the use of funds to assist in overturning Cooper v. IBM—on July 31, 2003, a federal court ruled that IBM's cash balance pension plan violates federal anti-age discrimination law. This amendment protects U.S. workers who have been negatively impacted by age-discrimination cash balance pension conversions.

Rollcall vote 459: I would have voted ''yea'' on the Norton amendment. This amendment prohibits the use of funds in the bill to enter into or renew any contract for a high deductible health plan under the federal employees health benefit plan that does not require enrollees to remain enrolled in such plan for at least 3 consecutive years from the date of initial enrollment.

Rollcall vote 460: I would have voted ''yea'' on the Davis (FL) amendment, which would prohibit the use of funds in the bill to enforce new restrictions on travel to Cuba for the purpose of visiting relatives.

RECOGNIZING THE ACCOMPLISHMENTS OF WOMEN ATHLETES AT THE 2004 SUMMER OLYMPICS

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Ms. SLAUGHTER. Mr. Speaker, I rise today to honor the amazing achievements of the women athletes at the 2004 Olympics in Athens, Greece. In particular, I want to celebrate the success of the United States Women's Soccer Team, who made us proud by winning a gold medal at the 2004 Olympics in Athens, Greece, beating Brazil 2–1 in overtime, on August 26, 2004.

These women have become some of the most famous athletic role models on earth. They have taught our children that if you work hard and you believe in yourself, you can accomplish anything. Indeed, these women are helping to fundamentally change perceptions about athletics. It is no surprise that our little girls look up to these strong, motivated women for inspiration. But to also see little boys wearing jerseys emblazoned with the names of their favorite women players is a wonderful sight.

I would especially like to recognize Abby Wambach, who is from my district in Rochester, New York. When she scored the goal that secured the gold medal, nowhere in the world cheered louder than Rochester. In addition, every other woman on the Olympic soccer team also deserves our recognition and congratulations: Shannon Boxx, Brandi Chastain, Joy Fawcett, Julie Foudy, Mia Hamm, Angela Hucles, Kristine Lilly, Kristin Luckenbill, Kate Markgraf, Heather Mitts, Heather O'Reilly, Cindy Parlow, Christie Rampone, Cat Reddick, Briana Scurry, Lindsay Tarpley, and Aly Wagner.

As a testament to the power of these women, their fan appreciation tour, which kicks off in Rochester, on September 25, sold out all 14,000 seats in just minutes. I have introduced a resolution in Congress, H. Res. 373, which supports the reestablishment of the Women's United Soccer Association (WUSA). Hopefully, some day the WUSA will return, to give these amazing female athletes the professional athletic opportunities in the United States they so deeply deserve.

Thank you to all the women Olympic athletes for transforming the lives and attitudes of today's young women, and for those of generations to come. We all know that girls who compete in sports perform better in school, are physically healthier and have a stronger self-esteem. Our girls have learned that sweat is sexy, brawn is beautiful and a little dirt never hurt anyone. You have truly given us all a whole lot more to celebrate, work hard for and dream about.

HONORING TOM VIOLANTE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. LEVIN. Mr. Speaker, I rise to honor Mr. Tom Violante, founder and owner of Holiday Market in Royal Oak, Michigan in a celebration of the Market's fifty years as a community landmark.

When Holiday Market opened in 1954, it was a small store up the street from its present location and in some respects it was like many other small grocers so common in those days. It sold the basics and had a meat counter with a very few employees.

But there was from the beginning a major difference: the owner, Tom Violante. He took a personal interest in every customer who walked through the door. He wanted every customer to be satisfied with service, price, and quality. Those who stopped at that small business place can remember Tom at the meat counter, friendly and eager to meet a customer's wishes. In these efforts he was actively joined by his wife Janet.

He also possessed a strong business acumen. When opportunities arose to move down the street and expand into much larger quarters, he took the leap. Today Holiday Market provides an adventure in shopping for an imaginative variety of quality products.

The next generation of his family has taken an increased interest. They have sustained the Violante touch of warm friendliness and superior service.

As busy as Tom Violante was, whether as the cog in a small operation and later as his enterprise grew, and no matter how involved he and his wife Janet were in raising their growing family, Tom and Janet have possessed a strong community and civic involvement.

Tom's community interest was exemplified in his service on the Oak Park Board of Education, the Oak Park Citizens School Finance Committee, President of the Frost Elementary School PTA, and the Oak Park Boosters Club. Many have been the beneficiaries of Tom and Janet Violante's civic interest. Their support of local charitable organizations include the Royal Oak Lions Club, the Royal Oak Boys and Girls Club, William Beaumont Hospital's Speech Therapy Program and Leader Dogs for the Blind and Hearing Impaired, among others.

Mr. Speaker, as Tom Violante is ''roasted'' at the celebration on September 23, in Royal Oak, Michigan, I add my personal gratitude to a remarkable man who has given so much to make his community a better place for all of us. I ask my colleagues to join in congratulating Holiday Market on its golden anniversary and in wishing Tom Violante, his wife Janet, their five children and fourteen grandchildren good health and happiness, and continued success.

75TH ANNIVERSARY TRIBUTE TO THE CALIFORNIA MARITIME ACADEMY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in honoring the California Maritime Academy as it celebrates its 75th anniversary.

The California Maritime Academy was founded in 1929 under the name of the ''California Nautical School'' and was located in Tiburon, and is the third oldest active maritime

academy in the United States. In 1936 the U.S. Congress passed the Merchant Marine Act, which directed the creation and maintenance of an adequate merchant marine to support U.S. international and domestic commerce and to meet the needs for national defense. Responding to this mandate, the federal government and the California state legislature began contributing matching funds in support of the school's mission. In these early days, only three-year deck and engineering programs were offered.

In 1939 the school changed its name to the California Maritime Academy. In 1940, with war looming, the academy was relocated to San Francisco. During World War II, the course of study was accelerated to 17 months and many graduates served in the war. A new permanent site for the academy was found on a 67-acre site at Morrow Cove in Vallejo; in 1943 campus construction was completed, making the site the academy's permanent home.

In 1973 Cal Maritime became the first maritime academy to enroll women in a licensed maritime program, the first of whom graduated in 1976. In 1974 the curriculum was expanded to a four-year undergraduate program, laying the groundwork for accreditation by the Western Association of Schools and Colleges. Nautical industrial technology and marine engineering technology were the four-year majors offered at this time. In the late 1980's, two new majors in mechanical engineering and business administration were added, and the nautical industrial technology program was replaced by marine transportation. Cal Maritime currently offers bachelor's degrees in business administration, facilities engineering technology, global studies and maritime affairs, marine engineering technology, marine transportation, and mechanical engineering. A program of intellectual learning, applied technology, and leadership development prepares graduates for positions of significant responsibility in the areas of maritime, business, logistics, inter-modal transportation, and engineering.

In addition to earning a bachelor's degree, students earn professional licensing in one of several areas: Third Mate or Third Assistant Engineer, U.S. Coast Guard; Certified Plant Engineer-in-Training, Association for Facilities Engineering; or professional certification in transportation, management, or international business and logistics. The curriculum further expanded during the fall of 2003, when Cal Maritime introduced a major in global studies and maritime affairs—the first new major to be accepted after the academy's full transition into the CSU system. Also in the fall of 2003, Cal Maritime dedicated its new Technology Center.

In 1995, Cal Maritime became a campus of The California State University (CSU), which opened new opportunities for educational and institutional enhancement. By 1996 Cal Maritime expanded beyond its maritime curriculum, introducing a facilities engineering technology major. A new science and engineering lab building was completed in 1999. Cal Maritime is one of only seven degree-granting maritime academies in the United States, and the only one on the West Coast.

For the last several years, Cal Maritime students have enjoyed a nearly 100% job placement rate upon graduation and starting salaries above the national average. In addition, Cal Maritime's completion and time to degree rates are some of the best of any public institution in the state. At Cal Maritime, students benefit from a small student-to-teacher ratio and small class sizes—with an average of 18 students per class. Each student at Cal Maritime has the opportunity to participate in at least one 60-day international training cruise aboard the Training Ship *Golden Bear*. While at sea, students apply the skills learned during the school year and visit domestic and international ports of call.

As Cal Maritime celebrates its 75th anniversary, the future looks bright with applications for enrollment at an all-time high. The academy's strategic plan calls for growth to 750–800 students in the next few years and Cal Maritime is well on its way to meeting that goal.

Mr. Speaker, it is appropriate that we congratulate the California Maritime Academy for its 75 years of contributions to the maritime industry of our great nation.

SALUTE TO ROBIN STONE AND THE D.C. CHILDREN'S ADVOCACY CENTER FOR COMBATING CHILD SEXUAL ABUSE

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Ms. NORTON. Mr. Speaker, I rise today to salute accomplished journalist and author Ms. Robin D. Stone for her courageous and thoughtful efforts to bring light to darkness by educating and raising public awareness about the heinous crime of child sexual abuse. I also want to acknowledge the outstanding work of my constituent Safe Shores—the D.C. Children's Advocacy Center in its front line work to support physically and sexually abused children and thank the Center for bringing Ms. Stone to the District of Columbia to give the plenary address at its second annual multidisciplinary conference: ''Safe Childhoods: Strengthening D.C.'s Clinical Response to Childhood Trauma.''

Safe Shores is the coordinating agency for the District of Columbia's multidisciplinary team for child abuse investigation and prosecution, which is known as the MDT. As a not-for-profit organization Safe Shores works in a unique public-private partnership with the agencies that comprise the District's MDT, which are the Metropolitan Police Department, Child and Family Services Agency, the Office of the Attorney General for the District of Columbia, the U.S. Attorney's Office for the District of Columbia, and Children's National Medical Center. Safe Shores—The D.C. Children's Advocacy Center was founded for the express purpose of reducing the trauma of child victims of abuse during the investigative and prosecutorial processes. Safe Shores operates pursuant to the children's advocacy center developed back in the late 1980's by our esteemed colleague Representative ROBERT ''BUD'' CRAMER of Alabama when he was a prosecutor.

As part of its work, Safe Shores provides training and education on child abuse prevention and treatment for local professionals. It is in this context that Robin Stone has brought her vital message to my hometown, Washington DC, to shine light on what some would like to keep hidden in the shadows, child sexual abuse. Bravely using her own personal history of abuse as a catalyst for her journalistic treatment of this issue, Ms. Stone is the author of No Secrets, No Lies: How Black Families Can Heal from Sexual Abuse, published by Doubleday/Broadway Books earlier this year.

Ms. Stone brings an illustrious professional history to this important cause. She is a 2004 Casey Fellow, one of 30 journalists sponsored by the Casey Journalism Center on Children and Families to attend its five-day seminar ''Condition Critical: Covering Children's Health.'' A 2002–03 Kaiser Media Fellow, she was one of six journalists selected by the Kaiser Family Foundation to research and report on health issues. Her fellowship project was sexual abuse in Black families. Ms. Stone was founding editor in chief of essence.com, the interactive version of the premiere African-American women's magazine, Essence. She joined the magazine in September 1997 as a senior editor and ultimately was appointed executive editor. Before joining Essence, Ms. Stone was deputy editor of The Living Section at The New York Times. She came to The Times from The Boston Globe, where she was an editor in the living/arts department.

I commend Ms. Stone for the courage and eloquence she has shown in bringing this issue before the American people. We know she has performed an invaluable public service in so doing. Indeed, Dr. Alvin F. Poussaint, preeminent child psychiatrist and professor at Harvard Medical School, has commented that ''No Secrets, No Lies breaks the silence about sexual abuse within the Black community . . . [and] Robin Stone makes a major contribution to the well-being of Black children and families.''

Robin Stone's professional success and her personal fulfillment as a wife and mother exemplify that child sexual abuse does not have to determine the life course of those who are victims of this vile crime. Indeed, there is tremendous power, triumph and inspiration to be found in the survivor's story. So, it behooves those of us who make and shape the laws and who care about building a safer and saner society to listen, learn and heed the lessons from these survivors and the professionals who seek to help them heal and move beyond the pain. Paying attention to the issues raised in No Secrets, No Lies is our challenge and responsibility if we are to keep our promises to children, that is, to protect every child from abuse and ensure that all children—regardless of what family they are born to—have a safe, healthy and happy childhood.

IN RECOGNITION OF DAVID POLLOCK'S SERVICE AS PRESIDENT OF THE CALIFORNIA SCHOOL BOARD ASSOCIATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. GALLEGLY. Mr. Speaker, I rise to recognize David Pollock, a school board member for the Moorpark Unified School District in my district, for his service as the 2003–2004 president of the California School Boards Association.

David Pollock has served on Moorpark's board of education since 1994 and was board president in 1998–1999. He also served as president of the Ventura County School Boards Association from 1999–2002. He represented Region 11 as a member of the California School Boards Association's Delegate Assembly and served as a member and chair of the California School Boards Association's Nominating Committee from 1999–2002.

He has also served on the Legislative Committee, the Federal Issues Council, the Collective Bargaining Task Force and as a governmental relations chair and Golden Bell onsite validator. As president-elect, David Pollock served as chair of the Legislative Committee, a board member of the CCS Partnership and a delegate to the National School Boards Association.

David Pollock completed his undergraduate work at Pepperdine University and earned a master's in business administration from the University of California, Los Angeles. He holds a commercial pilot's license and is the manager of market planning for Rocketdyne, a business unit of The Boeing Company.

Mr. Speaker, I know my colleagues will thank David Pollock for his service to the Moorpark, Ventura County and California school board associations and congratulate him for his year as president of the California School Boards Association.

CONGRATULATING KIT CARSON ELEMENTARY SCHOOL

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mrs. MUSGRAVE. Mr. Speaker, today, I rise to congratulate Kit Carson R–1 Elementary School in Kit Carson, Colorado for being chosen as a No Child Left Behind Blue Ribbon School of 2004. The Blue Ribbon Schools program honors public and private K–12 schools that are academically superior in their states or have demonstrated dramatic gains in student achievement.

Schools chosen for the Blue Ribbon are meeting the mission of ensuring every child is learning and achieving. Blue Ribbon recipients are national models of excellence from which other schools can learn. I am proud of Kit Carson R–1 Elementary School for serving as a model in the great state of Colorado, and throughout the entire nation.

The Blue Ribbon Schools program requires schools to meet specific assessment criteria. It recognizes schools that have at least 40 percent of their students from disadvantaged backgrounds that dramatically improve student performance in accordance with state assessment systems. The program also rewards schools that score in the top 10 percent on state assessments.

Kit Carson's 37 students scored in the top 10 percent nationwide in math and reading. Additionally, Kit Carson Elementary is only one of 27 rural schools in the nation that received the Blue Ribbon title.

It is an honor to announce this award and it is a testament to the exceptional students of rural Colorado. It proves that a quality education is obtainable when teachers, parents, and students strive for achievement. Compared to other elementary schools around the nation, Kit Carson may be small in size, but it is prominent in its standing.

Mr. Speaker, I am pleased to offer my warmest congratulations to Kit Carson Elementary for this achievement.

IN HONOR OF THE MEMORY OF CESAR HERNANDEZ

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mrs. WILSON of New Mexico. Mr. Speaker, I rise today to honor the memory of Cesar Hernandez.

Cesar died on July 5th of this year at age 61. His contribution to New Mexico lives on. Cesar was publisher of the Spanish language newspaper, La Razon.

With a circulation of 17,000 copies, Cesar's newspaper is a major source of news and information for the substantial Spanish-speaking population of New Mexico.

This newspaper's importance to the population it serves is difficult to over-emphasize. We live in an era of news up-to-the minute and always available, but to a person who reads or understands primarily Spanish, the sources of information are often rare or incomplete. La Razon fills that gap and offers its readers valuable, practical information for their day-to-day lives.

Cesar's family will never forget the day they became New Mexicans, because it was September 11, 2001. Cesar started his newspaper one week later. Cesar logged decades of experience in radio and newspaper, and got his start in Chicago, Illinois. Today, his work goes on in New Mexico under the direction of his wife, Antoinette, and his family.

In three years, Cesar contributed much to his adopted state, New Mexico. As his daughter Leslie put it, "My father loved the newspaper." We're proud to recognize Cesar Hernandez, and we honor his memory and contribution to New Mexico.

TRIBUTE TO ORANGE "BUDDY" HAYS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. MEEK of Florida. Mr. Speaker, it is with deep sorrow that I rise to inform my colleagues of the passing of Orange "Buddy" Hays, one of Miami-Dade County's most quietly effective and dignified patriarchs and a community leader and mentor who had the ability to transform the lives of everyone he met.

Mr. Hays death on Sunday, September 12, 2004, has cast a veil of deep sadness over our community. The funeral services to celebrate his life were held Saturday, September 18, at Mt. Olive Primitive Baptist Church in Miami, Florida.

Buddy Hays was a good and decent man who contributed greatly to our community, professionally, as a City of Miami police officer and as the District Manager of HUD for more than 30 years. But I knew him, much more closely and at a young age, as someone who was wise, and strong, and fair—a great role model.

He was like a father and mentor to me, and I've been blessed and inspired by the good words and magnificent examples of this ordinary human being who went about quietly helping youngsters in our community, simply because of his great goodness and the fact that there were youngsters out there who needed his help. My friend, State Rep. Dorothy Bendross-Mindingall described Mr. Hays as someone who ". . . will be missed by so many. He was steadfast and relentless in his mission to make this community a better place, and he did."

Buddy Hays was a delicately drawn character of quiet demeanor and dignified commitment to the well-being and growth of the neediest and most vulnerable in our community. He projected a vision of service and faith. His passing is a terrible loss, but the legacy of his caring and love lives on, and I am part of that legacy.

The world is a better place because of Orange "Buddy" Hays. It would be a high goal for anyone to set to follow the path that he blazed.

RECOGNIZING REPRESENTATIVE JAMES T. SEIGFREID

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. SKELTON. Mr. Speaker, Missouri State Representative James T. Seigfreid, a dedicated public servant, will be leaving the Missouri House of Representatives. He is retiring after eight years of serving the people of the 26th district.

After graduating from Warrensburg High School in 1963, he attended Central Missouri State University where he received Bachelor of Science in Business Administration in 1972. He served in the United States Navy from 1968 to 1974.

During his tenure, Mr. Seigfreid had many legislative accomplishments, one of which was the passage of an election reform bill. He also worked tirelessly for the improvement of Missouri's state roads.

In addition to his dedication to public service, Jim is a member of the First Christian Church of Marshall, the State Corn Husking Committee, Marshall Chamber of Commerce, Optimist Club, and Saline County Unit, American Cancer Society.

Mr. Speaker, Jim Seigfreid has served the people of the 26th District for eight years. As he prepares for the next stage in his life, I am certain that my colleagues will join me in wishing him all the best.

HONORING DR. ARIE HALACHMI, PROFESSOR AT TENNESSEE STATE UNIVERSITY'S INSTITUTE OF GOVERNMENT

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. COOPER. Mr. Speaker, I rise today to recognize the remarkable achievements of Dr.

Arie Halachmi, who has earned a global reputation for his work at Tennessee State University's Institute of Government.

Over the last three decades, Dr. Halachmi has become one of the world's leading experts on public sector performance and productivity—an expertise that I know here in Congress cannot be valued too highly. During his distinguished career, Dr. Halachmi has served as a consultant to government agencies in more than a dozen countries around the world. Among the many nations that the worldwide demand for his services has taken him to are the Netherlands, China, Korea, Israel, Germany and Greece. He has received numerous national and international awards, including the Don Stone, Donato Pugliese, and Harold Lasswell awards, and is on the editorial board of nine different academic journals.

Dr. Halachmi was recently honored by his colleagues when he received a Faculty Showcase Award from TSU for his outstanding service to his institution and community. He has also received a "Goodwill Ambassador Award" from the governor of my State, Tennessee. I am proud to add my voice to the many others who have recognized the importance of Dr. Halachmi's work.

The worldwide reputation of scholars such as Dr. Halachmi is testament to the strength of Tennessee State University and to the strength of our Nation's academic institutions. We in Congress have an obligation to ensure that universities such as TSU remain adequately funded, and that our country's colleges and universities continue to lead the world in scholarship and expertise. My State is fortunate to have a wealth of leading academic institutions, including TSU, and I am proud to say that I am committed to maintaining their excellence.

On behalf of the citizens of the Fifth District of Tennessee, I congratulate Dr. Halachmi on his many contributions to American scholarship.

CELEBRATING CONSTITUTION WEEK AND CIVIC EDUCATION

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. MCNULTY. Mr. Speaker, this November millions of young people will take part in one of our most cherished American traditions, a cornerstone of citizenship, when they exercise their right to vote. As we celebrate Constitution Week, I'd like to encourage the members of this body, and teachers and parents everywhere to promote quality civic education. I am particularly encouraged by one national effort that seeks to promote that very goal in our schools.

Around this time last year, the first annual Congressional Conference on Civic Education was launched, sponsored by the Alliance for Representative Democracy and co-hosted by the four leaders of this and the other body.

The conference established delegations that returned to their states to enact specific policies to restore the oft-overlooked civic mission of our schools. I commend Russell Sage College Professor Stephen Schechter, and the other members of the New York State delegation, for their leadership to improve civic education in our state.

Our state delegation has joined with the New York State Education Department to convene a series of Civics Summits to identify our most pressing needs in civic education. They have brought together a consortium of over 25 governmental and nongovernmental organizations to determine how best to meet these needs, designed an action plan focusing on the importance of teacher training, and sought out funding from the private sector to begin their important work.

Mr. Speaker, I am proud of the New York State civic education delegation and wish them continued success when they participate in the Second Annual Congressional Conference on Civic Education in December.

HONORING JOAN LYNCH ON HER 80TH BIRTHDAY

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mrs. MUSGRAVE. Mr. Speaker, when I was in fourth grade, my family moved back to Galeton, Colorado. Soon after starting school, I met a little girl named Cynthia Lynch. We quickly became best friends, and I grew to love her family as my own. I have always had a special place in my heart for her dear mother, Joan. Today, with love and gratitude, I honor Joan on the occasion of her 80th birthday.

Joan Lynch was born on October 12, 1924 in Greeley, Colorado, and is the third of five children. There was some confusion about her name. She was raised on the Colorado prairie by William and Kathryn Nelson who farmed northeast of Ault. In the depression and dustbowl days of the 1930s, her family temporarily left the prairie to find work but did eventually return to the homestead her father had settled in 1915. She has always considered the prairie her home.

She has always had a passion for books and learning, especially history. She speaks of her education in the one-room school at "North Victor" as her favorite school experience. Her sisters and she walked a mile and a half to and from school each day, across an open prairie. She later graduated from Central City Colorado High School in 1942, and attended the Teacher's College in Greeley.

Joan and "Corky" Lynch, were married in 1946 and lived on the East Coast while he was stationed there in the Navy. I've seen pictures of them in those early days. What a goodlooking couple!

They returned to Colorado in 1947 and farmed in the Milliken area before moving in 1956 to the ranch where Joan continues to live today, northeast of Ault, and only a few miles from the homestead where she grew up. As teenagers, Cindy and I would always giggle and be slightly embarrassed when Corky would leave for work and give Joan a big kiss on his way out of the house. Really, though, we loved it.

Corky passed away in 1999 from cancer. He and Joan celebrated 53 years together. I am so thankful I was able to go and see him before he passed away. I told him how much I appreciated all he and Joan had done for me growing up. We both cried. The older he got, the more tender-hearted he became. He was 75 years old when he passed away.

I love Joan and I will never forget what she has done for me. As a young girl, she gave me lunch money when I needed it, and she put up with my frequent visits to spend the night. That love and support helped me get through the tough times and I will always hold that love in my heart. The way she has lived life has been a constant inspiration to me and her Christian example has always been present for all of us to see. May God bless her today as her family and friends celebrate her birthday. I love her dearly and cherish her as a second mother to me. I am pleased to honor a precious lady on this occasion of her 80th birthday.

PROCLAMATION THANKING LIEUTENANT CHARLES L. WILKINS III FOR HIS SERVICE TO OUR COUNTRY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. NEY. Mr. Speaker:

We hereby offer our heartfelt condolences to the family, friends, and community of Lieutenant Charles L. Wilkins III upon the death of this outstanding soldier; and

Whereas, Lieutenant Charles L. Wilkins III was a member of the 216th Engineering Battalion of the Ohio National Guard serving his great nation in the country of Iraq. He was a leader in his unit and is to be commended for the honor and bravery that he displayed while serving our nation in this time of war; and

Whereas, Lieutenant Charles L. Wilkins III will be remembered for his unsurpassed sacrifice of self while protecting others. His example of strength and fortitude will be remembered by all those who knew him.

Therefore, we join with the family, friends and the citizens of our great nation in thanking Lieutenant Charles L. Wilkins III of the United States Army for his service to our country. Your service has made us proud.

COMMENDING CARL G. STOECKLIN

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. OXLEY. Mr. Speaker, I would like to commend the attention of the U.S. House of Representatives to Carl G. Stoecklin upon the completion of his term as President of the National Association of Professional Insurance Agents (PIA).

Carl Stoecklin is a pillar of the insurance community in the State of Ohio. As President of the Broze Insurance Agency of Cincinnati, he has spent his entire professional career advising consumers about obtaining the best insurance coverage for their needs.

He has been honored as Professional Agent of the year by PIA of Ohio in 1995, and was the recipient of the prestigious Dow Reichley Award from PIA of Ohio in 1985.

Carl has served in many positions of responsibility in PIA for the past quarter century, including as President of the Ohio affiliate of the PIA and for the last year as the President of the national association.

His dedication to the highest standards of professionalism as an insurance agent has earned Carl the respect of his friends, associates, and business colleagues, and of the insurance industry as a whole.

As Chairman of the House Financial Services Committee, I recognize the essential and irreplaceable function that insurance provides in our economy.

Carl G. Stoecklin deserves our commendations for his dedicated service to his consumers, profession, and community.

IN RECOGNITION OF JUDITH BERSTEIN-BAKER, A 2004 RECIPIENT OF THE MARY PHILBROOK PUBLIC INTEREST AWARD

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. ANDREWS. Mr. Speaker, I rise today to recognize and congratulate Judith Berstein-Baker as a 2004 recipient of the Mary Philbrook Public Interest Award. This award is given annually by the Women's Law Caucus and the Association for Public Interest Law, in cooperation with the Rutgers University Law School and its Alumni Association, to acknowledge gifted, dedicated individuals who contribute outstanding work on behalf of social justice and equality.

Ms. Bernstein-Baker currently serves as the Executive Director at the Hebrew Immigrant Aid Society and Council Migration Service of Philadelphia, which works to ensure the protection and fair treatment of immigrants and refugees, to assist such persons in their efforts to become productive members of society, and to educate the larger community about the positive ways in which new Americans contribute to society. She brings to this position a lifelong commitment to fighting poverty and prejudice. Born to a Jewish immigrant who had fled Poland to avoid persecution, she worked first as a social worker helping to organize communities and improve neighborhoods. Ms. Bernstein-Baker went on to graduate from Temple University Law School, as well as to serve as Counsel to the Support Center for Child Advocates and to found the nationally-known Public Service Program at the University of Pennsylvania Law School. She continues to contribute valuable leadership in the field and has done notable federal appellate work as well.

Mary Philbrook, for whom the award is named, was the first woman admitted to the New Jersey Bar and a founder of the state's first statewide legal aid society, as well as an eminent leader in the efforts for women's suffrage and the passage of the Equal Rights Amendment. It is in this tradition that the award is given each year, and it is clear that Ms. Bernstein-Baker's work has made her more than worthy of this recognition. She truly has demonstrated the difference that one person can make in the lives of others, and I offer her my congratulations and best wishes in her future endeavors.

HONORING JOHN R. OLIVAS, JR.

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mrs. MUSGRAVE. Mr. Speaker, I rise to pay tribute to the memory of John R. Olivas, Jr., an outstanding young man from Johnstown, Colorado, who tragically lost his life at a young age.

John was born Aug. 23, 1985, in Loveland to his loving parents, John R. Olivas, Sr., and Christine T. "Tina" (Quintana) Olivas.

John graduated from Roosevelt High School, where he was on the student council and he was a four-year letterman on the varsity wrestling team, and won the State Championship in 2003. He was currently attending the University of Northern Colorado in Greeley, and he was also a member of the UNC wrestling team. He was also currently working for Affordable Painting in Fort Collins.

John loved being with his family and they loved being with him. John lived a full life and he enjoyed fishing, spending time with his friends, clubs, watching movies, snowboarding, and wrestling. He had one sister, Danielle, 16, who is currently attending Roosevelt High School. She is very active in volleyball.

He was known as a "good kid" who did a lot of favors for people and he asked for no recognition. He loved to play with kids, including his cousins and young wrestlers. The younger kids that wrestled looked up to John, and saw him as a hero. It was nothing for him to stop by their house to make them feel special. John was a very selfless person and would do anything for anybody.

Wrestling was one of John's passions, and he had dreams of becoming a wrestling coach some day. Many shared that dream with him and knew he would be able to inspire many wrestlers and help them excel. John began wrestling at the young age of five. His dad used to wrestle and was a volunteer coach. His dad got him involved, taking him to wrestling matches, and he began to really like it. From that time on, wrestling was a big part of his life. John's parents were supportive of this and attended match after match and basked in their son's extraordinary talent and discipline.

Survivors are his parents, John R. and Tina Olivas of Johnstown; a sister, Danielle Olivas of Johnstown; his grandparents, Felix and Viola Quintana of Johnstown and Mary Martinez of Loveland, step-grandfather Joe Martinez of Loveland; and numerous aunts, uncles and cousins. The loss his friends and family feel is tremendous and he will be sorely missed. John will always be present in their hearts.

It is my honor to pay tribute to John Olivas, Jr.'s life on the floor of the United States House of Representatives. May God bless all those who mourn his passing. May God comfort them in the days and years to come.

PROCLAMATION RECOGNIZING DANIEL W. SWONGER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. NEY. Mr. Speaker:

Whereas, Daniel W. Swonger has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Daniel W. Swonger has shared his time and talent with the community in which he resides; and

Whereas, Daniel W. Swonger has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Daniel W. Swonger must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with Troop 86 and Daniel's family and friends in congratulating Daniel W. Swonger as he receives the Eagle Scout Award.

RECOGNIZING THE PHI DELTA KAPPA INTERNATIONAL OREGON STATE TEACHER OF THE YEAR

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Ms. HOOLEY of Oregon. Mr. Speaker, it is my honor and privilege today to honor an outstanding educator from my district who was recently selected as Oregon's State Teacher of the Year by Phi Delta Kappa International.

Meg Greiner is a physical education teacher at Independence Elementary School in Independence, Oregon. Ms. Greiner has been a pioneer in innovative physical education programs that get students interested in physical activity by making them fun. Every morning, all students and staff members at Independence Elementary go to the gym to participate in Together Everyone Achieves More Time, or TEAM. Greiner leads a variety of movement exercises and dances that feature team-building activities and music. Through these daily sessions that involve exciting and novel activities, students have learned more than 50 dances and five sign language songs.

Greiner's innovative approach during TEAM Time as well as during regular PE classes creates an inviting environment in which students feel safe enough to participate and take risks, which fosters interest in a lifetime of physical activity. But these classes do much more than teaching children about being physically active. In addition to learning new physical skills and activities, students learn positive behavior and character traits such as teamwork, responsibility, respect, and problem-solving.

Ms. Greiner's excellent work and the support she has received from school officials and the community has shown that physical education can be a vital part of the educational curriculum that helps students in their physical as well as their social, mental, and academic development. Schools across the country could benefit by modeling the approach Independence Elementary has implemented with Ms. Greiner's leadership. As a former teacher, I am excited to see Ms. Greiner receive the recognition she deserves.

COMMENDING DICK STRAHM

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. OXLEY. Mr. Speaker, I would like to commend to the attention of the U.S. House of Representatives the achievements of Dick Strahm, a great football coach, civic figure, and role model for our young people.

Dick Strahm's accomplishments as the head football coach at the University of Findlay were formally recognized in August when he was inducted into the National Football Foundation College Hall of Fame in South Bend, Indiana.

Simply put, Dick Strahm is Findlay football. In his 24 years as head coach for the Findlay Oilers, he compiled a record of 183–64–5 that included four National Association of Intercollegiate Athletics (NAIA) championships. His fourth and final national title came in 1997 when the Oilers were a perfect 14–0. During one remarkable ten-year run, his teams won nine Hoosier-Buckeye Conference championships. The team's record in the 1990s was the best in the country for NAIA schools.

Dick is a 12-time NAIA District 22 Coach of the Year and four-time National Coach of the Year. With his induction into the National Football Foundation Hall of Fame, he joins such coaching legends as Woody Hayes, Knute Rockne, and Amos Alonzo Stagg.

But while my hometown of Findlay is proud of Dick Strahm's record on the football field, it has even greater respect for the influence that he has had on the lives of the young men in his program and in his community.

Because they do not receive athletic scholarships, those who attend NAIA schools truly are students first and athletes second. Dick Strahm always recognized that. He insisted that his players be as diligent in the classroom as they were on the field. By teaching the importance of commitment, discipline, and perseverance, Dick Strahm has prepared countless young men to become successful businessmen, public servants, and husbands and fathers.

Dick Strahm will be honored at a dinner at the University of Findlay on Saturday, September 25. Findlay continues to look to Coach Strahm for advice and guidance. We are glad that the nation now knows what we've known all along: our community is blessed to have such a great teacher and leader in our midst.

RECOGNIZING DR. LINDA PENDERGAST

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. JOHN. Mr. Speaker, I rise today to recognize Dr. Linda Pendergast from Baton Rouge, Louisiana—my nominee for the 2004 Angels in Adoption Award.

Dr. Pendergast is a reunited birthmother who has devoted a large part of her life in volunteer service to the adoption community of Louisiana. As a member of the Catholic Community Services Adoption Advisory Board, she has provided prenatal education and support to pregnant teens in residence at Sanctuary House, a ministry of Catholic Services in Baton Rouge. She also has conducted behavioral/temperament assessments of infants placed for adoption through Catholic Community Services as a post-adoption strategy to foster family cohesiveness, parental satisfaction with the parenting role and optimal infant development.

Dr. Pendergast is a coordinator and facilitator of a search and support group for adult adoptees, birthparents, and adoptive parents. She also serves as an advisor to Louisiana Adoption Advocates—a legislative group dedicated to adoption reform. A member of the Louisiana Adoption Advisory Bd. Inc., Dr. Pendergast has served 4 years as Board secretary and is in her second term as Vice Chair in addition to numerous other involvements in scholarship and volunteer programs.

Her fight for Louisiana's children is a personal one. The happiness of her reunited family is a bright example of her commitment. It is individuals like Dr. Pendergast and her colleagues on the Louisiana Adoption Advisory Board who are truly making a difference in our communities.

This week the Congressional Coalition on Adoption Institute is honoring Linda and hundreds of devoted volunteers like her in ceremonies in Washington, DC. I am proud to honor Dr. Pendergast as one of Louisiana's Angels in Adoption.

HONORING HAWTHORNE POLICE CHIEF JOHN L. SHANNON, JR.

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. ROTHMAN. Mr. Speaker, I rise today to honor Police Chief John L. Shannon, Jr. of Hawthorne, New Jersey. Chief Shannon retires at the end of September, concluding a nearly 36 year career in law enforcement. In fact, Chief Shannon has spent much of his life bravely serving our country—first as a decorated soldier in the United States Air Force stationed in Vietnam and later as a committed member and leader of Hawthorne's Police Force. I commend Chief Shannon for his dedication to our nation and its ideals of justice and freedom, both at home and abroad; Chief Shannon's lifetime of service is befitting a true patriot.

Since first joining the Hawthorne Police Department in 1968, and with each position he has held between Patrolman and Police Chief, Chief Shannon has continually worked to improve the safety and quality of life for Hawthorne residents by involving them in Police Department decisions and programs. Chief Shannon was a leader in the development of the Cops in Schools program in Hawthorne to ensure that, while in school, students can concentrate on achievement and not be distracted by concerns for their safety. He established a School Emergency Response Plan, implemented a Junior Police Academy, created a traffic unit to focus on motorcycles and drunk and aggressive driving, and worked with seniors and business owners to create targeted crime prevention programs. Chief Shannon introduced the community policing concept to Hawthorne and thus encouraged residents and police to work together to improve their shared community.

Judging by the unanimous vote that allowed Chief Shannon to serve for 3 terms as the President of the Passaic County Chiefs Association, his Vice Presidency and role as State Delegate of the Hawthorne PBA Local 200, and his membership in the New Jersey, National and International Police Chiefs Associations, Chief Shannon is clearly admired and respected by his peers. The impact of his leadership will be seen for years to come in Hawthorne and Passaic County.

Mr. Speaker, I thank Chief Shannon for his estimable service and wish him well in his much deserved retirement.

IN RECOGNITION OF CAROLE WOOD, A 2004 RECIPIENT OF THE MARY PHILBROOK PUBLIC INTEREST AWARD

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. ANDREWS. Mr. Speaker, I rise today to recognize and congratulate Carole Wood as a 2004 recipient of the Mary Philbrook Public Interest Award. This award is given annually by the Women's Law Caucus and the Association for Public Interest Law, in cooperation with the Rutgers University Law School and its Alumni Association, to acknowledge gifted, dedicated individuals who contribute outstanding work on behalf of social justice and equality.

Ms. Wood currently serves as the Immigration Coordinator at the Camden Center for Law and Social Justice. She has spent much of her career as a devoted advocate for indigent immigrants, beginning first with her work as a VISTA volunteer following her graduation from Chicago-Kent College of Law. From there, she went on to serve as supervising immigration attorney at Community Legal Services in Philadelphia, where she not only represented clients, but also trained attorneys and assisted community groups in their efforts. In addition to her current role at the Camden Center, which includes working with clients, training attorneys, and supervising students at the Rutgers Immigration Pro Bono Project, Ms. Wood is the Southern Regional Coordinator for the New Jersey Immigration Policy Network and the regional representative on statewide committees, a Lead Trainer for the Immigrant Legal Resource Center, an extremely active member in the National Catholic Legal Immigration Network, Inc. (CLINIC), and a member of the Diocese of Camden's Racial Justice Committee.

I have also had the honor and privilege of working with Ms. Wood personally. She has proved extremely responsive in the context of emergency constituent cases with which my district office has dealt and has been more than willing to share her vast knowledge of immigration law with my staff in their efforts to aid my constituents. Additionally, over the past several years, she has proved invaluable in her efforts to assist my district office with the process of restructuring our immigration casework system. She has devoted considerable time to reviewing our existing system and meeting with the relevant staff in my office to

modify the casework procedures to meet the new standards of the United States Bureau of Citizenship and Immigration Services. Her suggestions and expertise were also instrumental in assisting my efforts to dramatically expand the BCIS presence in South Jersey; now, individuals needing the agency's services do not have to travel long distances to other parts of the state to have access to them. It is this dedication and assistance on the part of Ms. Wood that demonstrated to me why she was worthy of my personal nomination for this award.

Mary Philbrook, for whom the award is named, was the first woman admitted to the New Jersey Bar and a founder of the state's first statewide legal aid society, as well as an eminent leader in the efforts for women's suffrage and the passage of the Equal Rights Amendment. It is in this tradition that the award is given each year, and it is clear that Ms. Woods' work has made her more than worthy of this recognition. She truly has demonstrated the difference that one person can make in the lives of others, and I offer her my congratulations and best wishes in her future endeavors.

PROCLAMATION RECOGNIZING WILLIAM DAVID THARP

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. NEY. Mr. Speaker:

Whereas, William David Tharp has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, William David Tharp has shared his time and talent with the community in which he resides; and

Whereas, William David Tharp has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, William David Tharp must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award;

Therefore, I join with William's Boy Scout Troup and his family and friends in congratulating William David Tharp as he receives the Eagle Scout Award.

HONORING SISTER M. SAMUEL CONLAN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Sister M. Samuel Conlan, who died July 11, 2004, at the age of 77. Sister Samuel served Dominican University of California in San Rafael in many capacities, including president, for many years. Her association with the school dates back to 1944 when she enrolled as a freshman.

Sister Samuel was born Patricia Conlan in 1927 and took the name of her father, Samuel Leo Conlan Jr., when she entered the religious life with the Dominican Sisters of San Rafael in 1949. She taught for five years while earning a master's degree in English literature from Catholic University of America, then joined the faculty as an English professor. In 1963, she earned her doctorate from Stanford University.

From 1968 to 1980 she served Dominican University as dean of students, academic dean, and eventually president. She is remembered for admitting male undergraduates to the all-girls college during her tenure, but to all who knew her, her contributions were so much greater. She inspired by bringing out the best in people, teaching by her example of faith and service. Her community work, which earned her an induction into the Marin County Women's Hall of Fame in 1995, included championing the needs of children in special education.

Retired from teaching in 1997, Sister Samuel continued to serve Dominican University in various capacities until her death, including fundraising for a new chapel to be built on the campus.

Mr. Speaker, Sister Samuel was a mentor and role model to generations of students and friends. Her guiding light will be missed in our community even as we know her spirit lives on in so many around the world.

RECOGNIZING MARILYN HURT

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. KIND. Mr. Speaker, I rise today to recognize the good works of Marilyn Hurt, who has served as supervisor of the School Nutrition Program for the school district of La Crosse, Wisconsin for 27 years. Mrs. Hurt has been dedicated to improving the lives of children and child nutrition, and I would like to thank her for all her hard work upon her retirement.

Over the years, Marilyn has been an active member on numerous community boards, including the American School Food Service Association and the Wisconsin School Food Service Association. Marilyn has found good public policy to be her passion, which she has illustrated by serving as a legislative chair on Wisconsin's executive board, six times, and, in 1984, she was appointed as regional Representative on ASFSA's public policy and legislative committee. Further, in July of 2000, Marilyn was installed as president of ASFSA. To better serve her community, she was mayor of Dakota, Minnesota for two terms, participates in rotary international, and is part of the La Crosse area hunger task force.

Her relentless commitment to improving the lives of those around her has earned Marilyn several honors. In 1994, she was the first recipient of the WSFSA Director of the year award. The Massachusetts school food service association selected Marilyn to receive the Thomas O'Hearn award, and most recently, she was the recipient of the prestigious silver plate award, bestowed by the International Food Service Manufactorers Association in 2000.

Marilyn has nourished the lives of countless children, and I am proud to have had the opportunity to have worked with such a committed and devoted person. Marilyn's dedication has satisfied more than the grumbling stomachs of young children. Her efforts have improved the food service program in numerous schools across Wisconsin.

Marilyn has played an instrumental role in the lives of children and their families and her selfless desire to improve the nutrition of children will be remembered not only by the children who walked through the lunch line everyday, but by the entire La Crosse community. She will be missed, and we are grateful for the work she has done over the past 27 years.

PILOT POINT SELECTED AS A PRESERVE AMERICA COMMUNITY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. BURGESS. Mr. Speaker, it is my great honor to rise today to recognize the Town of Pilot Point, Texas as a Preserve America Community. Pilot Point, located in my North Texas District, was one of 26 Texas cities to receive this prestigious designation.

The Preserve America Community program recognizes communities for their dedication to protecting and celebrating America's cultural heritage; for using their historic assets for increased economic growth and community revitalization; and for promoting history education and historical tourism.

The Preserve America Community program is part of the White House's Preserve America Initiative. This initiative is dedicated to preserving our country's heritage, increasing awareness of what as well as who we are as a nation, and keeping our legacy enhanced, and intact, for future generations. Since the formation of the program, First Lady Laura Bush has recognized more than 100 communities with the Preserve America honor.

Other components of the program include a History Teacher of the Year Award, educational outreach, and grants to assist communities in preserving their cultural and natural resources.

I would like to commend Mayor Jerry Alford and the City Council, as well as all those who participated in the Main Street project, for this distinction.

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. HONDA. Mr. Speaker, on Tuesday September 21, I was unavoidably detained for rollcall votes that day.

Had I been present I would have voted the following:

Rollcall 457, on the Van Hollen amendment prohibiting any funds in H.R. 5025—Transportation, Treasury, and Independent Agencies Appropriations Act for FY 2005, from being used to implement the administration's ''OMB Circular A–76'' contracting out/privatization initiative, I would have voted ''yea'', rollcall 458, on the Sanders-Miller amendment prohibiting funds in H.R. 5025 from being used to overturn a 2003 judicial ruling, which held that cash-balance pension conversions violate anti-

age discrimination statutes, I would have voted ''yea'', and on rollcall 459, on the Norton Amendment prohibiting Federal Employee Health Plans from offering high deductible plans that do not require at least a 3-year minimum enrollment, I would have voted ''yea''.

PROCLAMATION IN MEMORY OF STAFF SERGEANT DONALD N. DAVIS

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. NEY. Mr. Speaker, I hereby offer my heartfelt condolences to the family, friends, and community of SSG Donald N. Davis upon the death of this outstanding soldier.

SSG Davis was a member of the 660th Transportation Company, U.S. Army Reserve, Zanesville, Ohio serving our great Nation in the country of Iraq. He was a determined man and a loving husband. SSG Davis did his best to make his country a better place to live.

SSG Davis will be remembered for his unsurpassed sacrifice of self while protecting others. His example of strength and fortitude will be remembered by all those who knew him.

While words cannot express our grief during the loss of such a courageous soldier, I offer this token of profound sympathy to the family, friends, and colleagues of SSG Donald N. Davis.

HONORING STEVE McNAMARA OF MILL VALLEY, CALIFORNIA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Steve McNamara of Mill Valley, California, for his 39 years as editor and publisher of the award-winning and innovative weekly newspaper, the Pacific Sun. Steve purchased the paper in 1966, and developed it into a newsweekly known for its quality writing, environmental advocacy, commitment to journalistic integrity, and strong relationships with the communities it serves.

The Pacific Sun, under Steve's leadership, set a national standard for how local newspapers can influence the fabric of a community. The paper told stories about local people and took positions on important social issues, fulfilling its mission ''to cover events of ongoing significance with clarity, intelligence, style, and wit.''

The Sun was an influential player in opposing unfortunate environmental projects such as building a nuclear power plant at Bodega Bay on the San Andreas Fault and filling in Richardson Bay for Los Angeles style marinas. Steve also promoted the creation of Point Reyes National Seashore, preserving the beautiful Marin county coast as a jewel of the national park system rather than home to thousands of commercial and residential sites. He successfully championed the building of a new civic center designed by Frank Lloyd Wright, now the pride of Mann County, and was prophetic, though unsuccessful, in encouraging development of a solar village at Hamilton Air Force Base.

Steve has always believed that the written word should be celebrated. More importantly, he has always stuck to the notion that ideas and activities should be reported on what he calls the ''human scale''—focusing on small, tangible issues and activities to which people can relate. During his career at the Sun, he was passionate about reporting local events, local politics and social issues, and local people. Steve was able to bring these elements together, and by doing so, he helped make up the fabric of the community.

Prior to purchasing the Sun in 1966, Steve was the Sunday editor of the San Francisco Examiner and Chronicle. He had also been the executive sports editor of The Examiner, a writer covering Grand Prix auto racing in Europe for Car and Driver Magazine, and a reporter and editor at The Miami Herald and Winston-Salem Journal. Steve became the first president of the National Association of Alternative Newsweeklys (now AAN), which has nearly 130 member papers and was a founding president of the California Association of Alternative Newsweeklies (Cal–AAN), president of the California Society of Newspaper Editors and a member of the board of the California Newspapers Association. After 50 years in journalism, 39 of them at the Pacific Sun, Steve made his decision to sell the Pacific Sun and move on to other projects at the age of 70.

Steve is proud to have been a resident of Mill Valley for so many years. His five children, and especially his wife Kay, all had an active role in the paper at some point in their lives. With his family's help, Steve made the Pacific Sun a success, its reputation as the conscience of Marin County often contrasting with the area's daily newspaper.

Mr. Speaker, Steve McNamara's record social activism, ethical reporting, and community leadership embodies the idea of living and working on the human scale, and as a result, Steve has become an important part of so many lives in the North Bay. I have enjoyed working with Steve and wish him luck in his new endeavors.

RECOGNIZING SAN DIEGO LOCAL HEROES

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mrs. DAVIS of California. Mr. Speaker, I rise today in honor of Hispanic Heritage Month, which commemorates the extraordinary contributions that Latinos have made to our country throughout history. During this one-month period of celebration and tribute, we honor the culture and achievements of the Hispanic community, all of which have played a historic role in our Nation.

I am proud, honored and privileged to represent California's 53rd district in Congress. My district is extraordinarily diverse and home to many citizens who are of Latino background.

To commemorate Hispanic Heritage Month 2004, I would like to highlight the remarkable accomplishments of six San Diego residents who have been named local heroes as part of the Union Bank of California and KPBS Hispanic Heritage Month Local Hero Awards, a program honoring outstanding members of the Hispanic community.

These individuals were selected for their exceptional commitment and contribution to San Diego through community activism, the arts, business, education and social services.

The 2004 honorees are Sylvia Galvez, Jovita Juarez, Beatrice Fernandez, Mario Aguilar and Beatrice Zamora Aguilar, and Lupe Ortega.

Sylvia Galvez: Sylvia Galvez opened a group home in 1995 to help troubled female teens who had no place to stay, and is now operating two six-bed, 24-hour licensed treatment facilities in San Diego. Sylvia was inspired to help these girls because she felt she could relate to them. She herself dropped out of high school when she was 16 and pregnant with her first child. By the age of 21, she had given birth to three children and was working as a painter for both the Navy Public Works Department and the painting company of Mr. Willie Davis. It was Mr. Davis who helped her return to school at the age of 28. She graduated from City College in 1991 with an A.A. in Liberal Arts and transferred to National University where she earned B.A. and M.A. degrees in Human Behavior. Recently, she and her husband purchased an eight-unit apartment complex to help foster teens after they turn 18 years old.

Jovita Juarez: Jovita Juarez is a Prevention Specialist and Community Organizer for the North City Prevention Coalition and an activist working with SAY San Diego. She uses her leadership skills to provide guidance for new prevention professionals, helping them become more productive and successful. Jovita is also the chairperson of two countywide prevention efforts: the statewide organization Latinos and Latinas for Health and Justice, where she is the Southern Chair, and the San Diego Cinco de Mayo Con Orgullo Coalition, where she has been chair for the past four years. Jovita has volunteered with many organizations throughout the years, including the National Council on Alcoholism & Drug, Hispanic Advisory Council-MADD Pass Las Llaves and Youth Access to Alcohol Policy Panel, to name a few. She is now writing a book, God's Transforming Power, which will provide a framework for early leadership development.

Bea Fernandez: Bea Fernandez has worked for San Diego City Schools for 20 years. She is currently the program coordinator for the San Diego District's San Diego Parent University, a four year program designed to help parents become involved in their children's education as academic coaches. Fernandez was also the Chair of the Board of MANA, a National Latina Organization. She began her service in 1995 in the San Diego chapter of MANA, the largest chapter in the nation, and was named MANA Member of the Year in 1995 for her activism, community service and commitment to the organization. Fernandez was born in Calexico, CA and the first in her family to graduate from college, earning a B.A. and M.A. in Education, and an administrative credential from San Diego State University.

Mario Aguilar and Beatrice Zamora-Aguilar: Mario Aguilar is Assistant Director of the Early Academic Outreach Program at University of California, San Diego. Beatrice Zamora-

Aguilar is Interim Dean of the School of Counseling and Personal Development at Southwestern College. In 1975, Mario became involved with the ancient indigenous dance tradition called Danza Azteca. In 1980 he and Beatrice were married and together they formed their own dance circle, Danza Mexicayotl. Their dance circle was recognized on December 12, 1980 in Mexico City at the Basilica of Our Lady of Guadalupe at a traditional dance ceremony. Since that time, Mario and Beatrice have consistently offered free dance classes to the communities of San Ysidro and Sherman Heights. Danza Mexicayotl has gained status as a non-profit, 501(c)(3) organization and has as its mission, "To preserve and teach the indigenous traditions of Mexico and the Southwestern U.S." Danza Mexicayotl has become an active and well established dance tradition known throughout San Diego, California, the United States and in Mexico. Under the leadership of Mario and Beatrice, many other dance groups have formed throughout California and the Southwestern United States. Together, these groups help proliferate the songs, dance and spiritual movement of this ancient tradition from Mexico.

Lupe Ortega: Lupe Ortega is the Business Manager for O'Day Consultants, a civil engineering firm in North County, where she uses her bicultural background and bilingual skills as assets in her job. She is also a licensed real estate agent operating under Lupe Ortega Enterprises/PMT Companies, a public notary and member of the San Diego Association of Realtors. Ortega strongly agrees with giving back to the community and she donates her time, talents and skills by serving as a director on a number of boards and committees. She is also a skilled photographer and had some of her work published in Photographers Forum Best Photography Annual 1999.

Today, with an estimated Hispanic population of over 39 million in our country, we must also recognize that our efforts to commemorate Hispanic culture should not be limited merely to a one-month period. This is an outlook that each of the six San Diego Local Heroes embodies. These community leaders have used their skills and experiences to empower others. Their time and efforts are truly changing the lives of those around them.

I hope you, Mr. Speaker, and all of my colleagues will join me in honoring these unsung heroes and their accomplishments for the Latino community.

HONORING DIANE REHM FOR 25 YEARS OF RADIO BROADCASTING

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. STARK. Mr. Speaker, I rise to congratulate Diane Rehm, who today enters her 25th year of hosting her WAMU radio show, The Diane Rehm Show. Her show is a true public service and she deserves our thanks and recognition for her efforts.

In this era of 30-second soundbites, style over substance, and reporters interviewing other reporters, The Diane Rehm Show offers two hours per day of thoughtful, balanced examination of the issues. In fact, 1.4 million listeners on NPR and Sirius satellite radio enjoy Ms. Rehm's refuge from the typical talking head radio hosts who don't listen.

While she has hosted the biggest names in public life, some of Ms. Rehm's most fascinating conversations are with callers or guests who are being interviewed for the first time. As she says, "It's crucial we hear not only the voices of policymakers and experts, but that everyone has a chance to offer their opinions and ask questions." Topics on the show range from the war in Iraq to the art of landscape design.

Ms. Rehm is also part of a tradition of public figures who turn adversity into a public service. In 1998, her career nearly came to a halt because of a mysterious speech problem. She took a leave of absence from the show until she was diagnosed and treated for spasmodic dysphonia, a neurological disorder. Not one to be defeated, she returned to the show and made a point of bringing attention to the condition by writing a book and speaking out about her disease. Shortly after her return to radio in 2000, she interviewed President Clinton and became the first radio talk show host to interview a sitting President in the Oval Office.

I'm sure I join many of my colleagues and the American public in thanking Ms. Rehm for 25 thought-provoking years. Again, we congratulate her and we look forward to many more years of The Diane Rehm Show to come.

2004 TEXAS HONOR SCHOOL BOARD FOR LEWISVILLE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. BURGESS. Mr. Speaker, today I would like to congratulate one of my hometown school districts for its outstanding achievements and recently being named the 2004 Texas Honor School Board by the Texas Association of School Administrators.

Among the factors that resulted in the recognition of the Lewisville School Board were its vision, commitment, and leadership as policy makers; commitment to the improvement of student performance and evidence of academic achievement; evidence of strong community support for the district; cooperation among board members and the superintendent; and evidence of successful school-business partnerships.

Congratulations to the following members of the Lewisville district school board: Mark Shaw, Fred Placke, Carol Kyer, Anita Nelson, Tom Kim, Mike McDaniel, and Tom Ferguson for the honor.

I am delighted that your award-winning performance has garnered you this recognition. Your work is greatly appreciated.

The Lewisville school district has a history of outstanding distinction throughout the state of Texas and continues to pursue educational excellence. Every member is vital to the overall goal and performance of the board.

PROCLAMATION RECOGNIZING JARED BLOOM

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. NEY. Mr. Speaker:

Whereas, Jared Bloom has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Jared Bloom has shared his time and talent with the community in which he resides; and

Whereas, Jared Bloom has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Jared Bloom must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award.

Therefore, I join with the residents of Rayland, the entire 18th Congressional District, Jared's family and friends in congratulating Jared Bloom as he receives the Eagle Scout Award.

HONORING TYLER HAMILTON'S GOLD MEDAL IN THE MEN'S CYCLING TIME TRIALS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. UDALL of Colorado. Mr. Speaker, I rise today to congratulate a constituent of my district, Tyler Hamilton, who won the gold medal in the Men's Cycling Time Trials in Athens last month. Tyler finished the time trials with a time of 57 minutes and 37.74 seconds.

Many of you in this chamber may remember Tyler in last year's Tour de France, when he finished fourth after he broke his collarbone in the first stage of the race. However, Tyler's athletic career did not begin with cycling. He began skiing competitively with the University of Colorado ski team in the early 1990s. However, after a mountain biking injury ended his ability to continue to ski competitively he turned to cycling. Within a year Tyler became the NCAA cycling champion. He has continued to compete in a series of stage and one-day races, including becoming the first American to win the Liege-Bastogne-Liege, an annual 165 mile race held in Belgium.

Tyler is also actively involved with the Tyler Hamilton Foundation which works with the National Multiples Sclerosis Society and Junior Cycling. His foundation helps to provide care management for people affected by MS as well as promotes ways for people with MS to relieve social isolation and provides tools to live a fulfilling life while living with the disease.

Tyler is also working to promote the sport of cycling in the United States so that young aspiring cyclists can make it over the many hurdles to reach success in the sport. His foundation is working to broaden exposure to the sport of cyclists and expand organized cycling for the youth of America.

Tyler has made more than just a name for himself in the cycling world; he has made a name for the sport of cycling in the United States. I am sure I join many people in our

Nation as I express pride and appreciation for all Tyler has done for the sport of cycling and particularly his admirable representation of our nation in the 2004 Summer Olympics Games.

TRIBUTE IN HONOR OF GREGORY MOORE OF EMMETT TOWNSHIP, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor the achievements of a good friend. Mr. Gregory Moore of Emmett Township, Michigan, was recently elected the Chairman of the Calhoun County, Michigan Board of Commissioners.

A Western Michigan University alumnus and graduate fellow of the prestigious Michigan Political Leadership Program, Greg has accomplished many good deeds with his extensive local, civic and political involvement. For 14 years, he worked in the Radiology Department in the Battle Creek Health System. He also co-owned and operated a small recycling business in Calhoun County. Greg is currently serving his third term on the Calhoun County Board of Commissioners and his 10th year as a member of the Emmett Township Planning Commission. He is a former neighborhood council president and George Award honoree for outstanding service to the community. Greg currently serves on a number of local boards and committees including: Character Unlimited, International Festival of Lights, Battle Creek Area International Relations Committee and the Substance Abuse Council of Greater Battle Creek, just to name a few. He has also been a Congressional District Director for five years.

He has been married for 15 years to his wonderful wife, Becky. Mr. Speaker, I am proud to call Greg Moore a great American.

MY ANGELS IN ADOPTION: ANTONIO AND MARTHA GOMEZ

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. FILNER. Mr. Speaker, I rise today to recognize two residents of my Congressional District, Antonio and Martha Gomez, who I have selected as my nominees for the sixth annual Angels in Adoption Award.

The Awards are an opportunity to honor dedicated constituents for their efforts in helping children, as well as an opportunity to raise awareness about adoption. Members of Congress are asked by the Congressional Coalition on Adoption Institute to select an individual, couple or organization from their district who has made a difference in the lives of children, either through adoption, foster care or child welfare advocacy.

I selected Antonio and Martha as my Angels in Adoption because for the past eight years, they have provided a safe and loving home to a dozen foster children, ranging in age from 2 weeks to eighteen years. Their entry into the world of foster parenting was inspired by their daughter who had a friend who was a foster child. Because of her interest, Antonio and Martha decided to become foster parents, and they have never looked back.

Two years ago, they adopted one of their foster children who is now a happy five-year old who loves and is loved by his family, including the biological children of his parents—his 16 year old brother and 23 year old sister.

Besides being a foster parent and adoptive parent, Antonio has served as President of the Imperial Valley Foster Parents Association, and he is currently serving as Facilitator, arranging weekly training meetings for the foster parents in Imperial County, California. Martha is now President of the Association which works in cooperation with Imperial Valley College and the State Department of Social Services.

A celebratory banquet is being held tomorrow evening, Thursday, September 23rd, to honor all the nominated Angels in Adoption. Attending the celebration will be actress Jane Seymour, PGA golfer Kirk Triplett, and General Manager and Senior Vice President of the Orlando Magic, Pat Williams. My Angels, Antonio and Martha, will be joining me in attending the banquet, with travel arrangements the courtesy of Southwest Airlines and Pardee Construction Company.

I am sincerely proud of Antonio and Martha, because they have given of themselves for the benefit of the lives of so many children. Through their example, they are an inspiration to other foster and adoptive parents in the community in which they live.

It is an honor to recognize their significant contributions and to designate them as my Angels in Adoption.

OAK GROVE UNION SCHOOL DISTRICT CELEBRATES 150TH ANNIVERSARY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the Oak Grove Union School District on the occasion of its 150th anniversary. Established in 1854, the school district is the second oldest continuing school district in the state of California.

Wm. M. Rider, the first teacher FOR whom records are available, in 1857 had a daily attendance of 18 students. By 1858, attendance grew to 32 children. Currently, the district has over 650 students in grades K–8 supported by the two schools in the district: Oak Grove Elementary and Willowside School.

For one hundred and fifty years, the Oak Grove School District has educated numerous generations in Graton. This excellence would not have been possible without the support and efforts of the teachers, parents and community.

The community supports and benefits from the environmental friendly program at the Oak Grove School. The school has reduced its landfill waste by nearly 90 percent. Students enjoy fresh vegetables and fruit grown from their own classroom gardens prepared by a volunteer teacher.

The Oak Grove School District is integral to the community. The community shares in the learning experiences of the students as they test new ideas and understands that we must all work together to prepare our students to be our nation's future leaders.

Mr. Speaker, I am honored to recognize the Oak Grove School District for its commitment to extend education beyond the classroom and into the community for one hundred and fifty years.

PROCLAMATION RECOGNIZING MS. NICOLE HARDESTY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. NEY. Mr. Speaker:

Whereas, Ms. Nicole Hardesty is a student at Utica High School in Utica, Ohio; and

Whereas, Ms. Nicole Hardesty is the recipient of the Best Buy Scholarship, a nationwide program that awards students on the basis of exceptional community service and solid academic performance; and

Whereas, Ms. Nicole Hardesty must be commended for her dedication and devotion to her community and academia; and

Whereas, Ms. Nicole Hardesty has demonstrated a willingness to be a leader and a role model for the students of Utica High School.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Ms. Nicole Hardesty and the Best Buy Children's Foundation for her outstanding accomplishment.

PERSONAL EXPLANATION

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. TANCREDO. Mr. Speaker, I was out of town on official business yesterday, and missed Rollcall Vote numbers 457, 458, 459, and 460. Had I been present, I would have voted ''no'' on rollcall 457, ''no'' on rollcall 458, ''no'' on rollcall 459, and ''no'' on rollcall 460.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. GALLEGLY. Mr. Speaker, on Wednesday, September 15, I was unable to vote on the Hefley amendment (rollcall 455) and on the Moran amendment (rollcall 456) to H.R. 5025, the Transportation, Treasury and Independent Agencies Appropriations Act for FY 2005. Had I been present, I would have voted ''no'' on both amendments.

HONORING DEDE BARRY SILVER MEDAL IN THE WOMEN'S CYCLING TIME TRIALS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor one of my constituents, Dede Barry of Boulder, Colorado. Dede represented our country in the Summer Olympic Games in Greece last month. While there she won the silver medal in the Women's Cycling Time Trials, a 14.9 mile road race, with a finishing time of 31 minutes and 35.62 seconds.

Dede at a young age showed talent as an athlete not only in cycling but speed skating, which was her first sport. At the age of 13 she qualified for the Junior National Team in speed skating. As part of her cross training she began cycling in the summer and eventually competing during the summer when she was not skating. In 1989, she won the Junior World Cycling Championships.

Eventually she chose to focus strictly on cycling. Since that time she has won two gold medals at the Pan American Games, two world championship medals and six national championship titles. By winning the silver medal in Women's Cycling Time Trials she became only the fourth road cycling medal won by an American woman cyclist.

The sport of cycling has recently received increase exposure to the American public. However, most of that exposure has been in Men's cycling. Dede's silver medal win has opened doors to increase exposure to women's cycling and encouraging young girls to take up the sport.

Again, I would like to congratulate Dede on her silver medal and thank her for so proudly representing our Nation and the State of Colorado in the Olympic Games.

HONORING MR. DONALD R. MANUEL

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. WILSON of South Carolina. Mr. Speaker, Mr. Donald R. Manuel has distinguished himself by exceptionally meritorious achievements in public service to this Nation by serving the United States Army for over 39 years. After being drafted in 1964, Mr. Manuel received his commission as a Second Lieutenant, Field Artillery. Demonstrating keen expertise and artillery skills, he moved through various positions in the units at Fort Sill, Oklahoma and the US Army Engineer Supply Center, St. Louis, Missouri.

In 1968, Mr. Manuel began his superior career as a United States Army Civilian employee as Program Manager for Value Engineering, Methods and Standards, and Commercial Activities. Because of his demonstrated abilities, in 1980 he was moved to his current position as the Assistant for General Engineering in the Office of the Deputy Assistant Secretary of the Army (Installations and Housing), Assistant Secretary of the Army (Installations and Environment). Currently Mr. Manuel is the Army's primary policy person dealing with base closure and realignment actions.

Throughout his career, Mr. Manuel has provided outstanding leadership, advice, and sound professional judgment on significant issues that affected both the Army and the Congress. His actions and counsel were invaluable to Army leaders and Members of Congress as they considered the impact of important issues. Mr. Manuel's dedication to accomplishing the Army's mission has been extraordinary. He has been a truly outstanding career civil servant and will be missed by the United States Army.

HONORING RICHARD M. LEVY, Ph.D.

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Ms. ESHOO. Mr. Speaker, it is a privilege to recognize Richard M. Levy, Ph.D., my constituent from the 14th Congressional District of California and Chairman, President and CEO of Varian Medical Systems, who will be awarded the AeA 2004 Medal of Achievement on October 7, 2004. Dr. Levy will join a very select group of high-tech leaders who have received this honor, including William Hewlett and David Packard of Hewlett Packard, Ross Perot of Electronic Data Systems, Thomas J. Watson, Jr. of IBM, and Gordon Moore and Andrew Grove of Intel.

The AeA Medal of Achievement is presented annually to recognize an individual who makes significant contributions to the advancement of and service to their community, the high-tech industry, and humankind. It is the highest award presented by AeA, the Nation's largest hightech trade association.

Varian Medical Systems was created in 1999 when Varian Associates, Inc., a company Dr. Levy joined in 1968, was divided into three separate companies. It provides high energy radiation machines and associated hardware and software for treating cancer, and x-ray tubes for imaging in medical, scientific and industrial applications. With over 2,500 radiotherapy systems in place delivering treatments to more than one million cancer patients per year, including over 50 percent of all cancer patients in the U.S., the company holds a clear leadership position in this technology. Varian Medical Systems also ranks as the world's largest merchant supplier of x-ray tubes, including products for use in CT scanners, mammography units, and other diagnostic systems.

Dr. Levy earned his bachelor's degree from Dartmouth College and his doctorate in Nuclear Chemistry from the University of California at Berkeley. He began his business career at the Monsanto Company where he applied his scientific background as a research specialist and project manager in both basic and applied research. Within Varian, prior to assuming management and CEO duties, he gained experience in sales, marketing, service, R&D, and various corporate functions as well as managing the corporate Quality Program. Dr. Levy served as senior vice president from 1989 to 1992, and executive vice president until 1999, when Varian Medical Systems was formed and he was named CEO.

Dr. Levy is a member of the Board of Trustees of the Palo Alto Medical Foundation and the Boards of Directors of Pharmacyclics, Inc. and the California Healthcare Institute. He is a past Chairman of the Board of Directors of AeA, and served on the Board of Directors of the Diagnostic Imaging and Therapy Systems Division of the National Electrical Manufacturers Association.

I ask my colleagues to join me in recognizing the extraordinary leadership and contributions of Dr. Richard M. Levy as he receives the AeA Medal of Achievement Award.

PROCLAMATION RECOGNIZING MS. LESLIE FEHRMAN

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. NEY. Mr. Speaker:

Whereas, Ms. Leslie Fehrman is a student at Utica High School in Utica, Ohio; and

Whereas, Ms. Leslie Fehrman is the recipient of the Best Buy Scholarship, a nationwide program that awards students on the basis of exceptional community service and solid academic performance; and

Whereas, Ms. Leslie Fehrman must be commended for her dedication and devotion to her community and academia; and

Whereas, Ms. Leslie Fehrman has demonstrated a willingness to be a leader and a role model for the students of Utica High School.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Ms. Leslie Fehrman and the Best Buy Children's Foundation for her outstanding accomplishment.

TRIBUTE TO CHILDREN'S HOSPITAL AND RESEARCH CENTER IN OAKLAND, CALIFORNIA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Ms. LEE. Mr. Speaker, I am grateful for the opportunity today to pay tribute to the Children's Hospital & Research Center at Oakland for its outstanding research in the area of childhood obesity—a growing epidemic among children—as well as for the superior care it provides its young hospital patients.

A biomedical center of international renown, the Children's Hospital & Research Center at Oakland is Northern California's premier resource for children's health and has been a center of excellence in pediatric healthcare, research, child advocacy, and medical training since 1912.

The Children's Hospital houses the Bay area's only pediatric Emergency Unit—treating over 54,000 young patients a year, Northern California's only Pediatric Trauma Center—treating more than 6,000 critically injured children a year, as well as California's busiest pediatric Intensive Care Unit. In its dedication to address the epidemic of childhood obesity, the Children's Hospital offers weight and nutritional programs for children and their families

to help promote healthy habits. The Hospital's new ''Healthy Eating, Active Living'' Clinic provides nutritional and physical training as well as counseling services for overweight children.

Researchers at the Hospital and Research Center have pioneered advances in the diagnosis, prevention, and treatment of childhood obesity. In the Research Center, over 300 basic and clinical investigators come together in an environment that fosters collaboration and an exchange of ideas for saving and improving lives.

I ask my colleagues in the House of Representatives/Senate to join me in paying tribute to the Children's Hospital & Research Center at Oakland for the excellent care it provides its young patients as well as for the outstanding strides it has made in the research of childhood obesity.

THE ASSAULT ON THE INDEPENDENCE OF THE FEDERAL JUDICIARY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. CONYERS. Mr. Speaker, I must inform you that Congress in general, and the House of Representatives in particular, is engaged in an unprecedented assault on the Judiciary, the crown jewel of our constitutional system.

In the last 2 years, Congress has undertaken a series of discrete, but interrelated actions that undermine our constitutional framework. By hamstringing, harassing, and weakening the Judicial Branch, these actions threaten to rob the Judiciary of its independence. The House has pushed unconstitutional legislation to prevent the courts from reviewing legislation, to take away the ability of judges to issue fair sentences in criminal cases, and to intimidate judges into following politically conservative beliefs when making rulings.

If enacted, these bills would, for the first time, prevent federal courts from reviewing the constitutionality of federal laws:

First, H.R. 3313 (Marriage Protection Act) prevents federal courts and the Supreme Court from reviewing challenges to the Defense of Marriage Act. It passed the House this past July by a vote of 233–194.

Second, H.R. 2028 (Pledge Protection Act of 2003), which prevents courts created by Congress and the Supreme Court from reviewing First Amendment challenges to the Pledge of Allegiance. This will be on the House floor on Thursday, September 23, 2004.

Finally, H.R. 3799 (Constitution Restoration Act of 2004) is a response to anger at two federal court decisions that cited foreign law and found certain governmental invocations of God to violate the First Amendment. H.R. 3799 would strip federal courts of jurisdiction to hear such cases. And here's the kicker: H.R. 3799 declares it an impeachable offense for a judge to decide that H.R. 3799 violates the Constitution. In one fell swoop, Congress would overturn the centuries-old principle that judges have the ultimate power to decide if our laws violate the Constitution.

Aside from their political attack of the judiciary, these bills are unconstitutional in that they violate separation of powers, equal protection, due process, and the supremacy clause. Congress is challenging Justice John Marshall's famous pronouncement from Marbury v. Madison that it is the province of the courts to ''say what the law is.''

On top of that, permitting state courts to be the final arbiters of federal constitutional law will bring disarray to the Nation, also in violation of the Constitution. The Supremacy Clause of article VI states that the Constitution shall be the supreme law of the land, but dividing our Nation into fifty different legal regimes is the antithesis of this sacred principle. Enacting these proposals would constitute an undesirable precedent and lead to further assaults on the Judiciary.

Considering that the highest court in our land has not issued a single opinion undermining the Pledge or the Defense of Marriage Act, it is inexcusable to attack the judiciary to score political points.

The irony is that the House is celebrating Justice John Marshall by authorizing a commemorative coin in his honor, at the same time that it is passing the Pledge Protection Act and the Marriage Protection Act. These bills are entirely inconsistent with Marbury v. Madison, Justice Marshall's seminal opinion. At a time when it is more important than ever that our Nation stand out as a beacon of freedom, we should not countenance bills that undermine the very protector of those freedoms—our independent judiciary.

These unprecedented court stripping bills are nothing more than modern day versions of ''court packing.'' Just as President Franklin Roosevelt's efforts to control the outcome of the Supreme Court by packing it with loyalists was rejected by Congress in the 1930s, thereby preserving the independence of the federal judiciary, so too must this modern day effort to show the courts ''who is boss'' fail as well.

Last year, Congress undertook another line of attack against the Judiciary through the controversial ''Feeney amendment.'' This misguided legislation eliminated most of the discretion judges had when making sentencing determinations.

If we have learned anything over the years, it is that mandatory minimum sentences are counterproductive. They do not reduce crime. They punish the smaller players and their families. They distract from dealing with the real problems. And they waste precious resources.

Moreover, the amendment's imposition of burdensome reporting requirements, combined with Congress's demonstrated willingness to investigate the sentencing practices of specific judges, represent a shameless attempt to intimidate judges.

Last, but not least, I am concerned that by failing to provide judges with annual cost of living adjustments over the last decade, federal judges have faced the equivalent of a $77,000 reduction in salary. In the last 30 years, while average pay has increased 12 percent for most workers, it has decreased 25 percent for judges. This has made it increasingly difficult for the judiciary to attract and retain talented lawyers to its ranks.

That is why I joined my colleagues in introducing a bill, H.R. 2118, to increase the salaries of all federal judges by 16.5 percent.

In the short history of our Republic, the political branches of government have all too frequently ridden the prevailing political breeze to constitutional excess.

An independent judiciary is all that protects our constitutionally guaranteed rights against the depredations of the political branches. If the judiciary is too cowed or disabled to protect us, each citizen will be at the mercy of the evershifting political winds.

PASTOR CARL KRUEGER CELEBRATES THREE ANNIVERSARIES ON OCTOBER 1, 2004

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. KLECZKA. Mr. Speaker, on Friday, October 1, 2004 a celebration at St. John's Lutheran Church in Cudahy, Wisconsin will be held to honor Pastor Carl Krueger. This special occasion will acknowledge three anniversaries for Pastor Krueger. The celebration will mark his 30th year of ordination in the ministry, 25 years that he has faithfully served the parishioners of St. John's Church in Cudahy and 20 years of exemplary service as Chaplain of the Wisconsin Air National Guard's 128th Refueling Wing from which he is retiring.

Reverend Krueger was born and raised in River Rouge, Michigan, in a ''down river'' area of Detroit. He received a B.A. degree from the University of Michigan, Ann Arbor, and a Master of Divinity Degree from Concordia Seminary, Springfield, IL. Reverend Krueger then served as a vicar at Redeemer Lutheran Church in Marquette, Michigan.

It is apparent that Reverend Krueger is a man who is revered by his church members, respected by his military associates and highly regarded by those in the community who are familiar with the volunteer work that he has done over the years in supporting issues regarding the elderly and public health.

Pastor Krueger is a family man, having been married to his wife Dianne since 1971. He and his wife have five children, including two sets of twins.

Combining parish work and chaplain work has provided diverse challenges and opportunities for Reverend Krueger. He is well loved by the many members of the church that he has served over the past 25 years and has distinguished himself in the military by receiving a number of awards including the Air Force Commendation Medal, the Air Force Achievement Medal and the Air Force Outstanding Unit Award.

Reverend Krueger, it is with great pleasure that I extend my best wishes to you on the three anniversaries that you celebrate today and send my congratulations on your lifelong achievements and contributions to your church, community and to your country.

PROCLAMATION HONORING BOBBY D. YOUNG ON HIS 80TH BIRTHDAY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

Mr. NEY. Mr. Speaker:

Whereas, Bobby D. Young was born in Perry County, Ohio on October 29, 1924;

Whereas, Bobby D. Young is celebrating his 80th Birthday; and

Whereas, Bobby D. Young has exemplified a love for his family, and must be commended for his dedicated service to the community as a family practitioner in Zanesville, and for his service with the Tenth Army Air Corp in Burma during World War II.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in congratulating Bobby D. Young as he celebrates his 80th Birthday.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2004

The House in Committee of the Whole House on the State of the Union 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.

Mr. POMEROY. Mr. Chairman, I rise today to say that I will be voting for H.R. 5006, the fiscal year 2005 Labor, Health and Human Services, Education Appropriations bill, but doing so with some reluctance. While I support many of the funding provisions in this legislation, I also believe that this bill shortchanges many important needs in education and health care.

Almost three years after the historic No Child Left Behind legislation was passed into law, I remain concerned about Congress' ongoing failure to commit the resources promised to our Nation's teachers, parents and students. While I support the intentions of the education reform promise to leave no child behind, I am also convinced that the success of this new law will be determined in part by the investment made in this historic reform effort. I am deeply disappointed that this funding plan falls more than $7.2 billion short of the resources promised for low-income and disadvantaged districts, thereby making up the vast majority of the total $9.5 billion NCLB shortfall contained in the bill.

Not only does this bill fall short on critical funding for education, but it also makes cuts to the Rural Hospital Flexibility and Outreach grant programs, important resources to North Dakota health care providers. It is my understanding that Chairman REGULA has committed to work to restore this funding in conference, and I intend to actively support those efforts.

Certainly, this bill includes many provisions that I applaud. While I was pleased that the Rural Education Achievement Program once again received funding to help rural districts manage the No Child Left Behind Act's new accountability requirements, I strongly believe this program merits an increase in funding. I was also pleased that this bill restores the federal overtime protections to six million workers who saw their overtime pay threatened by the Department of Labor's new rules.

Ultimately, I cast my vote in favor of this legislation in order to ensure that the appropriations process could move forward. I remain hopeful that the Senate will include higher funding levels for these programs and that we can work on a bipartisan basis to develop a fiscally responsible funding plan that provides adequate resources to strengthen our schools, address our public health needs, and support our Nation's workers.

COMMEMORATING THE OPENINGS OF THE NATIONAL MUSEUM OF THE AMERICAN INDIAN

SPEECH OF

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. KENNEDY of Rhode Island. Mr. Speaker, the National Mall is home to memorials in honor of our founding fathers, our nation's veterans and leaders who have shaped the course of the United States. The Mall is also home to wonderful museums that explore subjects from our natural history here on Earth, to travels to the moon and beyond. However, even with the diverse exhibits, there was always a piece of our history missing from the Mall, and on September 21, 2004, that hole was finally filled.

It is my honor to celebrate the long awaited opening of the National Museum of the American Indian on the National Mall. This museum stands as a monument not only to the past generations of Native Americans, but to the present and the future. I am hopeful that the prominent placement of this museum will help to educate our nation on the true history of Native Americans, told by their perspective and through their eyes. The museum will be home to artifacts and exhibits, but will also serve as a classroom with live performances and demonstrations. It truly is a magnificent addition to the Mall, and I look forward to visiting the museum often.

As we celebrate this joyous occasion, and visit with the thousands of Native Americans who have traveled from across the country to join in this event, Members of Congress must not forget that our relationship with Native Americans goes far beyond the museum. Preserving the past and ensuring the future of Native Americans is celebrated in the museum, but it is only through the adequate funding of education, healthcare, and other initiatives critical to our Native American communities that illustrates our true commitment. I will continue to work with several of my colleagues to fight for essential programs to give Native Americans the resources they need.

I am proud to have the opportunity to welcome so many Native Americans to Washington, D.C. this week, and to welcome the National Museum of the American Indian.

COMMEMORATING THE OPENING OF THE NATIONAL MUSEUM OF THE AMERICAN INDIAN

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. HOYER. Mr. Speaker, ''with the opening of the National Museum of the American Indian today, the sun shines a bit brighter on the National Mall. This long overdue addition to the Smithsonian is both an architectural and cultural feat achieved through hard work, imagination and perseverance of Native communities across the country. With its combination of traditional materials and state-of-the-art technological exhibits the museum is a true testament to native communities' commitment to moving forward while honoring the traditions of the past.

''Potomac is Algonkin for 'where something is brought.' Therefore, it is fitting that today on the banks of the Potomac River the Native community brings our great nation the gift that is the National Museum of the American Indian. By meeting adversity with strength and a renewed commitment to the health, welfare and prosperity of their people and traditions, the Native community is an inspiration to all Americans.''

''While we celebrate the opening of the museum we must also take the time to recommit ourselves, our nation and our resources to helping Native communities across the country. The challenges of providing adequate housing, health care and education in Indian Country must be met with our full dedication and vigor. We must recommit ourselves to providing full ballot access to all of Indian country in this fall's election and support the efforts of the legal teams of the Native Vote 2004: Election Protection.

''In addition to dedicating ourselves to addressing the needs of the Native community, my Democratic colleagues and I are steadfastly committed to protecting tribal sovereignty and protecting the trust rights of all in Indian Country. The government-to-government relationship between the Federal government and Indian tribes must be protected as we legislate and direct funds in Congress. We must honor our nation's responsibility to protect the land and resources of Native Americans fully and to the benefit of all in Indian Country.''

''It is a brighter day in our nation and in all of Indian Country on this opening day of the National Museum of the American Indian.''

COMMEMORATING THE OPENING OF THE NATIONAL MUSEUM OF THE AMERICAN INDIAN

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. UDALL of Colorado. Mr. Speaker, I am very pleased to join in support of this resolution.

The resolution notes that 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. It points out this 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. And it officially recognizes that the new museum officially opens today.

By its passage, 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.

Mr. Speaker, this day has been a long time coming—and passage of this resolution will make clear that it is all the more welcomed by all Americans. The resolution comes to us from the Senate, where it was introduced by Colorado's senior Senator, BEN NIGHTHORSE CAMPBELL.

Senator CAMPBELL deserves our thanks, not only for this resolution but even more for his leadership in making this day a reality. He has earned the praise extended in two editorials that I am attaching for the information of our colleagues;

[From the Rocky Mountain News Sept. 21, 2004]

CAMPBELL'S LEGACY

Kudos to Sen. Ben Nighthorse Campbell for helping create the Smithsonian's spectacular new National Museum of the American Indian, which celebrates its grand opening today on the Washington Mall.

While serving in the U.S. House 15 years ago, Campbell was asked to be a prime sponsor of the bill that authorized the museum. He was more than willing, but on one condition: the Smithsonian must first agree to return the remains of about 18,500 Native Americans to their tribes for burial, and other museums nationwide must do the same.

The museums resisted, but Campbell prevailed.

He also helped procure the $214 million needed to build the museum and fill it with artifacts. He deserves the place of honor he will enjoy at today's ceremonies.

[Editorial—the Pueblo Chieftain]

A TRIBUTE TO SEN. CAMPBELL

When the Colorado Republican started off as a Democrat in the U.S. House, one of his first bills was to build a museum to honor the Native Americans who peopled the Americas long before the first Europeans arrived. A grand opening ceremony for the National Museum of the American Indian in Washington, D.C., will be held today, and it will be the capstone of Sen. Ben Nighthorse Campbell's service in Congress.

The monument to a largely ignored set of cultures sits on the last vacant spot on the National Mall, in the shadow of the U.S. Capitol, as the centerpiece of the Smithsonian Institution's 18 museums and galleries. The five-story, curvilinear building with limestone facade was designed as if the building itself were a natural formation carved by rain and snow over the centuries, as if it had always been there. Yet, it almost wasn't there at all.

This museum is Sen. Campbell's pride and joy. When the Colorado Republican started off as a Democrat in the U.S. House, one of his first bills was to build a museum to honor the Native Americas who peopled the Americas long before the first Europeans arrived.

In the years since, Sen. Campbell chaired the museum's fund-raising committee, leading the effort to raise more than $100 million in private financing to turn an idea into brick and mortar. He hopes the museum will erase the myths characterizing Indians as ''savages that were raping and pillaging.'' The life, languages, literature, history and arts of the native people of the Western Hemisphere will be the focus of every exhibit.

Sen. Campbell, who once made his living as a designer of Indian jewelry, will showcase some of his own artwork in an opening show that will continue for six months.

When he first ran for Congress in 1986, Sen. Campbell emphasized that his political career would be about non-Indian issues as much as it would be about Indian issues. Today, the 71-year-old Cheyenne tribal chief cites numerous accomplishments that have nothing to do with that background and everything to do with making a difference, including doing his best to protect Arkansas River water from the devastating water diversions by Aurora and Colorado Springs, the funding of bullet-proof vests for the nation's police officers, pushing for a national law enforcement museum and upgrading two Colorado attractions—the Great Sand Dunes and the Black Canyon of the Gunnison—to national park status.

Today, he will stand just north of the site where the Indian Removal Act of 1830 was signed—''where the museum now sits''—and address a crowd expected to include thousands of fellow American Indians. The irony of putting the museum on the site where Congress acted to forcibly relocate Indians will make the day all the sweeter.

Sen. Campbell is retiring from Congress the end of this year. The museum he shepherded to reality will in some small measure be a tribute to this adopted Coloradan.

EXPRESSING GRAVE CONCERN OF CONGRESS REGARDING CONTINUING GROSS VIOLATIONS OF HUMAN RIGHTS AND CIVIL LIBERTIES OF SYRIAN PEOPLE BY GOVERNMENT OF SYRIAN ARAB REPUBLIC

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 2004

Mr. HASTINGS of Florida. Mr. Speaker, last fall, the Syrian Accountability Act was overwhelmingly approved. That bill required the President to impose a number of economic and diplomatic sanctions against Syria if the Syrian government failed to end its support for various terrorist organizations, refuses to eliminate its weapons of mass destruction, and fails to withdraw its troops from Lebanon. Correctly, the President invoked such sanctions earlier this summer.

Since the passage of that act, Syria continues to host terrorist headquarters in Damascus, it maintains 17,000 Syrian troops in Lebanon, it supports the terrorist organization Hezbollah, and it continues its vicious anti-American propaganda on government-controlled media.

The Syrian regime is one that not only supports and facilitates terrorist attacks against innocent civilians throughout the world, but also engages in a widespread campaign of terror against its own people.

In 2003, the United Nations Commission on Human Rights classified Syria as one of the world's most oppressive regimes.

According to Human Rights International, in 2003 the Syrian Government used its vast powers to prevent any organized political opposition, continued grave abuses including the use of torture in detention and arbitrary arrests, and allowed violence and societal discrimination against women.

Unfortunately, the gross violations of human rights are not limited to Syria's immediate borders. The repressive regime also extends into neighboring Lebanon, which Syria continues to occurpy. This fact was recently acknowledged by the international community through the adoption of United Nations Security Council Resolution 1559, calling on all foreign troops to withdraw without delay from Lebanon and to stop meddling in the country's November elections.

For all these reasons, I support wholeheartedly House Concurrent Resolution 363, which condemns the continuing gross violations of human rights and civil liberties by the Syrian dictatorship.

Mr. Speaker, H. Con. Res. 363 details and condemns the persistent repression of the people of Syria and Lebanon by the dictatorial Syrian government. It articulates our support for Syria's human rights and pro-democracy activists and calls on free and democratic nations to take a unified stance and condemns the deplorable and heinous human rights record of the Syrian government. Also, it calls for the United States to assist Syrian dissidents in their efforts to help bring freedom to Syria.

I take this opportunity to speak directly to the President and urge him to take these instructions seriously. With respect to Syria, the United States must encourage greater openness, democratization, and economic reform, and to do so it must engage with civil society.

As president of the Organization for Security and Cooperation in Europe (OSCE PA) I am intimately aware of the success of the Organization in motivating the Soviet Union and Eastern European countries to sigh on to progressive standards of human rights and internal goverance. The United States should use a similar strategy of encouraging civil society activists in Syria.

The people of Syria struggle daily from freedom, respect for human rights and civil liberties, democratic self-governance, and the establishment of the rule of law against an authoritarian and tyrannical regime. I support them in their great effort, and denounce the oppressive government of Syria.

Therefore, I ask my colleagues to support this important resolution.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 23, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 24

9 a.m.
Environment and Public Works
Fisheries, Wildlife, and Water Subcommittee
To hold oversight hearings to examine State and private programs for sage grouse conservation.
SD–406

9:30 a.m.
Foreign Relations
To hold hearings to examine the Protocol Amending the Convention Between the United States of America and the Kingdom of the Netherlands for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (including exchange of notes with attached Understanding), signed at Washington on March 8, 2004 (the ''Protocol'') (Treaty Doc. 108–25), and the Second Protocol Amending the Convention Between the United States of America and Barbados for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income Signed on December 31, 1984, signed at Washington on July 14, 2004; including an exchange of notes with attached Understandings (Treaty Doc. 108–26).
SD–419

SEPTEMBER 28

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine media ownership issues.
SR–253

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine policies to enforce the Bank Secrecy Act and to prevent money laundering in money services businesses and the gaming industry.
SD–538

Aging
To hold hearings to examine combating influenza in order to keep senior citizens alive.
SD–628

2:30 p.m.
Foreign Relations
To hold hearings to examine how to combat corruption in the multilateral development banks.
SD–419

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine the effectiveness of media ratings systems.
SR–253

SEPTEMBER 29

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by an oversight hearing on lobbying practices involving Indian tribes.
SH–216

2 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine the controversy over embryonic stem cell research.
SR–253

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 2410, to promote wildland firefighter safety, H.R. 1651, to provide for the exchange of land within the Sierra National Forest, California, S. 2378, to provide for the conveyance of certain public land in Clark County, Nevada, for use as a heliport, H.R. 2400, to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam, H.R. 3874, to convey for public purposes certain Federal lands in Riverside County, California, that have been identified for disposal, H.R. 4170, to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior, and S. Res. 387, commemorating the 40th Anniversary of the Wilderness Act.
SD–366

SEPTEMBER 30

2:30 p.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold oversight hearings to examine the security of Internet Root Servers and the Domain Name System (DNS).
SR–253

OCTOBER 5

9:30 a.m.
Foreign Relations
To hold hearings to examine the progress of the Millennium Challenge Corporation.
SD–419

Daily Digest

HIGHLIGHTS

Senate passed H.R. 4850, District of Columbia Appropriations.

The House passed H.R. 5025, Transportation, Treasury, and Independent Agencies Appropriations Act for Fiscal Year 2005.

House Committees ordered reported 16 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S9471–S9538

Measures Introduced: Five bills and one resolution were introduced, as follows: S. 2827–2831, and S. Res. 432. **Pages S9524–25**

Measures Passed:

District of Columbia Appropriations: Committee on Appropriations was discharged from further consideration of H.R. 4850, 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 the bill was then passed, after striking all after the enacting clause and inserting in lieu thereof the text of S. 2826, Senate companion measure. **Pages S9535–37**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees: Senators DeWine, Hutchison, Brownback, Stevens, Landrieu, Durbin, and Inouye. **Page S9535**

Subsequently, S. 2826 was returned to the Senate Calendar. **Page S9535**

Burma Human Rights: Committee on Foreign Relations was discharged from further consideration of S. Res. 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, and the resolution was then agreed to. **Pages S9537–38**

Escort Committee—Agreement: A unanimous-consent agreement was reached providing that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency, Ayad Allawi, Prime Minister of the Interim Government of the Republic of Iraq, into the House Chamber for the joint meeting on Thursday, September 23, 2004. **Page S9538**

Nominations Confirmed: Senate confirmed the following nomination:

By 77 yeas to 17 nays (Vote No. Ex. 187), Porter J. Goss, of Florida, to be Director of Central Intelligence. **Page S9518**

Messages From the House: **Pages S9521–22**

Measures Referred: **Page S9522**

Measures Placed on Calendar: **Page S9522**

Measures Read First Time: **Page S9537**

Executive Communications: **Pages S9522–23**

Executive Reports of Committees: **Pages S9523–24**

Additional Cosponsors: **Pages S9525–26**

Statements on Introduced Bills/Resolutions: **Pages S9526–34**

Additional Statements: **Page S9521**

Notices of Hearings/Meetings: **Page S9534**

Authority for Committees to Meet: **Pages S9534–35**

Record Votes: One record vote was taken today. (Total—187) **Page S9518**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:33 p.m., until 11 a.m., on Thursday, September 23, 2004. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on Page S9538.)

Committee Meetings

(Committees not listed did not meet)

9/11 COMMISSION RECOMMENDATIONS

Committee on Appropriations: Committee concluded a hearing to examine the 9/11 Commission intelligence recommendations, focusing on the quality of analysis, effective information-sharing among agencies, protecting civil liberties, assuring clarity of authority for clandestine operations, and reforming Congressional oversight, after receiving testimony from Richard A. Posner, Judge of the Court of Appeals, 7th Circuit; John J. Hamre, Center For Strategic and International Studies, Washington, D.C., former Under Secretary of Defense; and Dale Watson, former Executive Director of Terrorism and Counter-Intelligence, Federal Bureau of Investigation, Department of Justice.

INSURANCE INDUSTRY

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the condition and regulation of the insurance industry, after receiving testimony from Gregory Serio, New York Department of Insurance, Albany, on behalf of the National Association of Insurance Commissioners; Arthur F. Ryan, Prudential Financial, Newark, New Jersey, on behalf of the American Council of Life Insurers; William H. McCartney, United Services Automobile Association Group, San Antonio, Texas; J. Robert Hunter, Consumer Federation of America, and Brian K. Atchinson, Insurance Marketplace Standards Association, both of Washington, D.C.; Alan F. Liebowitz, OMNIA (Bermuda), Ltd., Purchase, New York, on behalf of the American Bankers Insurance Association; Albert R. Counselman, Riggs, Counselman, Michaels, Downes, Inc., Baltimore, Maryland, on behalf of the Council of Insurance Agents and Brokers; Thomas B. Ahart, Ahart, Frinzi, and Smith Insurance, Phillipsburg, New Jersey, on behalf of the Independent Insurance Agents and Brokers of America, Inc.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

S. 2541, to reauthorize and restructure the National Aeronautics and Space Administration, with amendments;

S. 2393, to improve aviation security, with an amendment;

S. 1798, to provide for comprehensive fire safety standards for upholstered furniture, mattresses, bedclothing, and candles, with an amendment in the nature of a substitute;

S. 2820, 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, with amendments;

S. 1963, to amend the Communications Act of 1934 to protect the privacy right of subscribers to wireless communication services, with an amendment in the nature of a substitute;

S. 1380, to distribute universal service support equitably throughout rural America;

S. 2145, to regulate the unauthorized installation of computer software, to require clear disclosure to computer users of certain computer software features that may pose a threat to user privacy, with an amendment in the nature of a substitute;

S. 2647, to establish a national ocean policy, to set forth the missions of the National Oceanic and Atmospheric Administration, to ensure effective interagency coordination, with an amendment in the nature of a substitute;

S. 2489, to establish a program within the National Oceanic and Atmospheric Administration to integrate Federal coastal and ocean mapping activities, with an amendment in the nature of a substitute;

S. 480, to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996; and

The nominations of Deborah P. Majoras, of Virginia, and Jon D. Leibowitz, of Maryland, both to be Federal Trade Commissioners, sundry nominations for promotion in the U.S. Coast Guard and the National Oceanic and Atmospheric Administration.

NOMINATION

Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of Lloyd O. Pierson, an 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, after the nominee, who was introduced by Representative Royce, testified and answered questions in his own behalf.

BUSINESS MEETING

Committee on the Governmental Affairs: Committee ordered favorably reported an original bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following business items:

S. 2686, to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act, with an amendment in the nature of a substitute;

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, with an amendment in the nature of a substitute;

S. 2283, to extend Federal funding for operation of State high risk health insurance pools, with an amendment in the nature of a substitute;

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, with an amendment in the nature of a substitute;

S. 2815, to give a preference regarding States that require schools to allow students to self-administer medication to treat that student's asthma or anaphylaxis;

S. 2526, to reauthorize the Children's Hospitals Graduate Medical Education Program, with an amendment in the nature of a substitute;

S. Res. 389, expressing the sense of the Senate with respect to prostate cancer information; and

An original bill entitled "Elder Justice Act"; and

The nominations of Jonathan Baron, of Maryland, Elizabeth Bryan, of Texas, James R. Davis, of Mississippi, Frank H. Handy, of Florida, Eric Hanushek, of California, Caroline Hoxby, of Massachusetts, Roberto Lopez, of Texas, Richard Milgram, of New Mexico, Sally Shaywitz, of Connecticut, Joseph Torgesen, of Florida, Herbert Walberg, of Illinois, each to be a Member of the Board of Directors of the National Board for Education Sciences, Herman Belz, of Maryland, Craig Haffner, of California, James Hunter, of Virginia, Tamar Jacoby, of New Jersey, Harvey Klehr, of Georgia, Thomas Lindsay, of Texas, Iris Love, of Vermont, Thomas Mallon, of Connecticut, and Ricardo Quinones, of California, each to be a Member of the National Council on the Humanities, Beverly Allen, of Georgia, Gail Daly, of Texas, Donald Leslie, of Wisconsin, Amy Owen, of Utah, Sandra Pickett, of Texas, Renee Swartz of New Jersey, and Kim Wang, of California, each to be a Member of the National Museum and Library Services Board, James Ballinger, of Arizona, Gerald Schwarz, of Washington, and Terence Teachout, of New York, each to be a Member of the National Council on the Arts, Maria Otero, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace, John Hager, to be an Assistant Secretary of Education for Special Education and Rehabilitative Services, Young Woo Kang, of Indiana, to be a Member of the National Council on Disability, Juan Olivarez, William Hiller, and Richard Wagner, of Florida, each to be a Member of the National Institute for Literacy Advisory Board, Arden Bement, Jr., of Indiana, to be Director of the National Science Foundation, and sundry nominations for promotion in the Public Health Service.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following bills:

S. 556, to amend the Indian Health Care Improvement Act to revise and extend that Act, with an amendment in the nature of a substitute;

S. 1438, to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam, with an amendment in the nature of a substitute; and

S. 2605, to direct the Secretary of the Interior and the heads of other Federal agencies to carry out an agreement resolving major issues relating to the adjudication of water rights in the Snake River Basin, Idaho, with an amendment in the nature of a substitute.

Also, Committee approved the issuance of various subpoenas pursuant to the In re Tribal Lobbying Matters, et al. investigation.

NATIVE AMERICAN CODE TALKERS

Committee on Indian Affairs: Committee concluded an oversight hearing on the contributions of Native American code talkers in American military history, after receiving testimony from Gordon H. Mansfield, Deputy Secretay of Veterans Affairs; Brigadier General John S. Brown, USA (Ret.), U.S. Army Center of Military History; Clarence Wolf Guts, and John Yellow Bird Steele, both of the Oglala Sioux Tribe, Pine Ridge, South Dakota; Don Loudner, American Indian Veterans of the United States, Mitchell, South Dakota; Robin Roberts, USMC (Ret.), Sac Fox Tribe, and Samson Keahna, Sac and Fox Tribe of the Mississippi in Iowa, both of Tama, Iowa; Gregory E. Pyle, Choctaw Nation of Oklahoma, Durant; Melvin Kerchee, Jr., Comanche Nation, Lawton, Oklahoma; and William C. Meadows, Southwest Missouri State University Department of Sociology and Anthropology, Springfield.

COUNTER-TERRORISM

Committee on the Judiciary: Committee concluded a hearing to examine counterterrorism legislation and proposals, including the USA PATRIOT ACT (P.L. 107–56), and S. 1709, to amend the USA PATRIOT ACT to place reasonable limitations on the use of surveillance and the issuance of search warrants, (the SAFE Act), after receiving testimony from Senators Craig and Durbin; former Representative Bob Barr; James B. Comey, Deputy Attorney General, Department of Justice; and Daniel P. Collins, Munger, Tolles, and Olson, LLP, Los Angeles, California, former Associate Deputy Attorney General, Department of Justice.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of Christopher A. Boyko, to be United States District Judge for the Northern District of Ohio, who was introduced by Senator DeWine and Representative LaTourette, and Beryl A. Howell, of the District of Columbia, who was introduced by Senator Leahy, to be a Member of the United StatesSentencing Commission, after the nominees testified and answered questions in their own behalf.

House of Representatives

Chamber Action

Measures Introduced: 10 public bills, H.R. 5119–5128; and; 11 resolutions, Con. Res. 495–496, and H. Res. 784, 786–793 were introduced.

Pages H7442–43

Additional Cosponsors: **Page H7443**

Reports Filed: Reports were filed today as follows:

H.R. 4555, to amend the Public Health Service Act to revise and extend provisions relating to mammography quality standards, amended (H. Rept. 108–694); and

H. Res. 785, 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. 108–695). **Pages H7441–42**

Chaplain: The prayer was offered today by Rev. Austin DeLoach, Jr., Pastor, Southside Baptist Church in Lakeland, Georgia. **Page H7331**

Transportation, Treasury, and Independent Agencies Appropriations Act for FY05: The House passed H.R. 5025, making appropriations for the Departments of Transportation and Treasury, and Independent agencies for the fiscal year ending September 30, 2005, by a yea and nay vote of 397 yeas to 12 nays, Roll No. 465. The bill was also considered on Tuesday, September 14, Wednesday, September 15, and Tuesday, September 21.

Pages H7336–51

Agreed Tuesday, September 14, to limit further amendments offered and the time for debate on such amendments.

The unanimous consent agreement was amended on Wednesday, September 15 to strike any provision for the amendment by Representative Flake regarding Cuba.

A separate vote was demanded on the 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, which was agreed to yesterday, September 21, by a voice vote (agreed to by a recorded vote of 404 ayes to 8 noes, Roll No. 463); **Pages H7348–49**

Rejected the Obey motion to recommit the bill to the Committee on Appropriations with instructions to report it back to the House promptly with an amendment, by a yea and nay vote of 201 yeas to 210 nays, Roll No. 464. **Pages H7349–50**

Agreed to:

Lee amendment that prohibits the use of funds to implement, administer, or enforce the amendments made to the Code of Federal Regulations relating to specific licenses for U.S. academic institutions;

Pages H7337–39

Waters amendment (no. 12 printed in the Congressional Record of September 15) that prohibits the use of funds to implement any sanction imposed by the U.S. on private commercial sales of agricultural commodities, medicine, or medical supplies to Cuba (agreed to by voice vote, after agreeing to vitiate the request for a recorded vote); and

Pages H7336–37

Olver amendment prohibits the use of funds to issue or implement the proposed regulation entitled Parts and Accessories Necessary for Safe Operation; Certification of Compliance With Federal Motor Vehicle Safety Standards, published in the Federal Register on March 19, 2002 (by a recorded vote of 339 ayes to 70 noes, Roll No. 462).

Pages H7340–46, H7347–48

Rejected:

Rangel amendment that sought to prohibit the use of funds to implement, administer, or enforce the economic embargo of Cuba (by a recorded vote of 188 ayes to 225 noes, Roll No. 461).

Pages H7339–40, H7346–47

H. Res. 770, the rule providing for consideration of the bill was agreed to on Tuesday, September 14.

Suspensions: The House agreed to suspend the rules and pass the following measures:

Civil War Sesquicentennial Commission Act: H.R. 2449, amended, to establish a commission to commemorate the sesquicentennial of the American Civil War; **Pages H7351–54**

Hudson-Fulton-Champlain 400th Commemoration Commission Act of 2003: H.R. 2528, amended, to establish the Hudson-Fulton-Champlain 400th Commemoration Commission; **Pages H7354–57**

Supporting the goals and ideals of National Preparedness Month: H. Con. Res. 489, supporting the goals and ideals of National Preparedness Month; **Pages H7357–59**

Supporting the goals and ideals of National Long-Term Care Residents' Rights Week: H. Res. 772, supporting the goals and ideals of National Long-Term Care Residents' Rights Week and recognizing the importance to the Nation of residents of long-term care facilities, including senior citizens and individuals living with disabilities; **Pages H7359–60**

Expressing the sense of Congress that the President should designate September 11 as a national day of voluntary service, charity, and compassion: H. Con. Res. 473, amended, expressing the sense of Congress that the President should designate September 11 as a national day of voluntary service, charity, and compassion; **Pages H7360–61**

Agreed to amend the title so as to read: expressing the sense of Congress that it is appropriate to annually observe Patriot Day, September 11, with voluntary acts of service and compassion. **Page H7361**

Eva Holtzman Post Office Building Designation Act: H.R. 5039, to designate the facility of the United States Postal Service located at United States Route 1 in Ridgeway, North Carolina, as the "Eva Holtzman Post Office"; **Pages H7362–63**

United States Postal Service Henry Johnson Annex Redesignation Act: H.R. 480, to redesignate the facility of the United States Postal Service located at 747 Broadway in Albany, New York, as the "United States Postal Service Henry Johnson Annex"; **Pages H7363–64**

Congratulating Lance Armstrong on his record-setting victory in the 2004 Tour de France: H. Res. 761, congratulating Lance Armstrong on his record-setting victory in the 2004 Tour de France; **Pages H7364–66**

Recognizing the outstanding efforts of those who assisted the North Platte Canteen in Nebraska during WWII from December 25, 1941 to April 1, 1946: H. Con. Res. 161, amended, 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; **Pages H7366–68**

Recognizing military unit family support volunteers for there service: 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; **Pages H7368–70**

Commending the National Oceanic and Atmospheric Administration: H. Con. Res. 488, amended, commending the National Oceanic and Atmospheric Administration and its employees for its dedication and hard work during Hurricanes Charley and Frances; **Pages H7370–73**

Agreed to amend the title so as to read: commending the National Oceanic and Atmospheric Administration and its employees for its dedication and hard work during Hurricanes Charley, Frances, and Ivan. **Page H7373**

Justin W. Williams United States Attorney's Building Designation Act: H.R. 3428, to designate a portion of the United States courthouse located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the "Justin W. Williams United States Attorney's Building"; **Pages H7373–74**

Joe Skeen Federal Building Designation Act: H.R. 3734, to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the "Joe Skeen Federal Building"; **Pages H7374–76**

Calling for the suspension of Sudan's membership on the United Nations Commission on Human Rights: S. Con. Res. 137, calling for the suspension of Sudan's membership on the United Nations Commission on Human Rights; **Pages H7381–86**

Condemning the terrorist attack in Jakarta, Indonesia, that occurred on 9/9/04: H. Res 767, amended, condemning the terrorist attack in Jakarta, Indonesia, that occurred on September 9, 2004; **Pages H7386–88**

Encouraging the International Olympic Committee to select New York City as the site of the 2012 Olympic Games: H. Con. Res. 475, encouraging the International Olympic Committee to select New York City as the site of the 2012 Olympic Games; **Pages H7388–90**

Supporting the goals of National Farm Safety and Health Week: H. Con. Res. 494, 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; **Pages H7390–91**

Pine Springs Land Exchange Act: H.R. 4806, amended, to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico; **Pages H7395–96**

Authorizing a feasibility study with respect to the Mokelumne River: H.R. 4045, amended, to authorize the Secretary of the Interior to prepare a feasibility study with respect to the Mokelumne River; and **Pages H7396–97**

Creating the Office of Chief Financial Officer for the Government of the Virgin Islands: H.R. 3589, amended, to create the Office of Chief Financial Officer of the Government of the Virgin Islands. **Pages H7397–99**

Suspension—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further consideration will continue tomorrow, September 23.

Adoption Tax Relief Guarantee Act: H.R. 1057, to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs. **Pages H7376–81**

Pledge Protection Act of 2004—Rule for Consideration: The House agreed to H. Res. 781, the rule 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, by voice vote. **Pages H7391–95**

Tax Relief, Simplification, and Equity Act of 2003—Motion to Instruct Conferees: The House debated the Moore 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. Further proceedings on the motion were postponed. **Pages H7399–H7404**

Senate Message: Message received from the Senate today appears on page 7331.

Senate Referral: S. 2279 was referred to the Committee on Transportation and Infrastructure. **Page H7440**

Quorum Calls—Votes: Two yea and nay votes and three recorded votes developed during the proceedings of today and appear on pages H7346–47, H7347, H7349, H7350, H7351. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 12 p.m.

Committee Meetings

REPAIRING THE 21ST CENTURY CAR

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing entitled "Repairing the 21st Century Car: Is Technology Locking the Consumer Out?" Testimony was heard from public witnesses.

E–RATE PROGRAM INVESTIGATION

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled "Problems with the E-rate Program: Waste, Fraud, and Abuse Concerns in the Wiring of Our Nation's Schools to the Internet." Testimony was heard from the following officials of the FCC: H. Walker Feaster, III, Inspector General; and Jeffrey Carlisle, Chief, Wireline Competition Bureau; and public witnesses.

In refusing to give testimony at the hearing, the following individuals: Judy Green, former E-rate Consultant and Salesperson, Video Network Communications, Inc., and Quentin R. Lawson, National Alliance of Black School Educators, invoked Fifth Amendments privileges.

9/11 COMMISSION RECOMMENDATIONS

Committee on Financial Services: Held a hearing entitled "Legislative Proposals to Implement the Recommendations of the 9/11 Commission." Testimony was heard from the following officials of the Department of the Treasury: Stuart A. Levey, Under Secretary, Office of Terrorism and Financial Intelligence; and Brian C. Roseboro, Under Secretary, Domestic Finance.

DRUG TREATMENT ACCESS

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing entitled "Access to Recovery: Improving Participation and Access in Drug Treatment."

Testimony was heard from Charles G. Curie, Administrator, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services; Michael Passi, Associate Director, Department of Family and Community Services, City of Albuquerque, NM; and a public witness.

DIETARY SUPPLEMENTS

Committee on Government Reform: Subcommittee on Human Rights and Wellness held a hearing entitled "Dietary Supplements: Nature's Answer to Cost Effective Preventative Medicine." Testimony was heard from Paul Coates, Director, Office of Dietary Supplements, NIH, Department of Health and Human Services; and public witnesses.

COMBATING TERRORISM: 9/11 RECOMMENDATIONS AND NATIONAL STRATEGIES

Committee on Government Reform: Subcommittee on National Security, Emerging Threats and International Relations held a hearing entitled "Combating Terrorism: The 9/11 Commission Recommendations and the National Strategies." Testimony was heard from the following members of the 9/11 Commission: Slade Gorton; and Richard Ben-Veniste; Norman Rabkin, Managing Director, Homeland Security and Justice Team, GAO; Raphael Perl, Senior Policy Analyst, CRS, Library of Congress; and a public witness.

IDENTITY THEFT

Committee on Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census held an oversight hearing entitled "Identity Theft: The Causes, Costs, Consequences, and Potential Solutions?" Testimony was heard from Orson Swindle, Commissioner, FTC; Steven Martinez, Deputy Assistant Director, Cyber Division, FBI, Department of Justice; Larry Johnson, Special Agent in Charge, Criminal Investigative Division, U.S. Secret Service, Department of Homeland Security; Patrick O'Carroll, Acting Inspector General, SSA; and public witnesses.

ASIA'S ENVIRONMENTAL CHALLENGES

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing on Asia's Environmental Challenges. Testimony was heard from public witnesses.

LIBYA'S WMD DISARMAMENT

Committee on International Relations: Subcommittee on International Terrorism, Nonproliferation and Human Rights held a hearing on Disarmament of Libya's Weapons of Mass Destruction. Testimony was heard from Representative Weldon (PA); and the following officials of the Department of State: Paula A. DeSutter, Assistant Secretary, Bureau of Verification and Compliance; Philo Dibble, Deputy Assistant Secretary, Bureau of Near Eastern Affairs; and Kurt Kessler, Acting Deputy Director, Bureau of Nonproliferation.

JUSTICE FOR ALL ACT; BALANCED BUDGET AMENDMENT

Committee on the Judiciary: Ordered reported H.R. 5107, Justice For All Act of 2004.

The Committee began consideration of H. J. Res. 22, Proposing a balanced budget amendment to the Constitution of the United States.

CIVIL RIGHTS COMMISSION SUBPOENA

Committee on the Judiciary: Subcommittee on the Constitution approved a motion to authorize the issuance of a subpoena to Custodian of Records, United States Commission on Civil Rights.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported 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, amended, Indian Health Care Improvement Act; H.R. 3176, amended, Ojito Wilderness Act; H.R. 3283, amended, Federal Lands Recreation Enhancement Act; H.R. 3391, amended, Provo River Project Transfer Act; H.R. 4593, amended, Lincoln County Conservation, Recreation, and Development Act; H.R. 4650, Wichita Project Equus Beds Division Authorization Act of 2004; H.R. 4683, amended, Gullah/Geechee Cultural Heritage Act; H.R. 4887, amended, Cumberland Island Wilderness Boundary Adjustment Act of 2003; H.R. 4908, amended, 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. 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, amended, Rim of the Valley Corridor Study Act.

WATER LEGISLATION

Committee on Resources: Subcommittee on Water and Power held a 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. Testimony was heard from Mark Limbaugh, Deputy Commissioner, Bureau of Reclamation, Department of the Interior; and public witnesses.

SAME-DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Committee on Rules: Committee granted, by voice vote, a rule 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 23, 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.

NATURAL GAS PRICES IMPACT

Committee on Small Business: Subcommittee on Rural Enterprise, Agriculture and Technology held a hearing entitled "The Impact of High Natural Gas Prices on Small Farmers and Manufacturers." Testimony was heard from Representatives King (IA), and Peterson (PA); and public witnesses.

HAITI TRADE PREFERENCES

Committee on Ways and Means: Subcommittee on Trade held a hearing on Trade Preferences for Haiti. Testimony was heard from Senators Dewine and Graham (FL); and public witnesses.

CYBER ISSUES BRIEFING

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Cyber Issues. The Committee was briefed by departmental witnesses.

EMERGENCY WARNING SYSTEMS

Select Committee on Homeland Security: Subcommittee on Emergency Preparedness and Response held a hearing entitled "Emergency Warning Systems: Ways to Notify the Public in the New Era of Homeland Security." Testimony was heard from Reynold N. Hoover, Director, National Security Coordination, Department of Homeland Security; James Dailey, Director, Homeland Security, FCC; and public witnesses.

Joint Meetings

HEALTH INSURANCE

Joint Economic Committee: Committee concluded a hearing to examine consumer choice and addressing "adverse selection" concerns with regard to health care and health insurance, focusing on ways insurance markets might use pooling and pricing of risks to resolve coverage issues, after receiving testimony from Mark V. Pauly, University of Pennsylvania Wharton School, Philadelphia; James H. Cardon, Brigham Young University Department of Economics, Provo, Utah; Jeffrey M. Closs, BENU, Inc., San Mateo, California; and Linda J. Blumberg, Urban Institute, Washington, D.C.

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 23, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine National Labor Relations Board issues, 9:30 a.m., SD–192.

Committee on Armed Services: to hold hearings to examine the Global Posture Review of United States military forces stationed overseas, 2:30 p.m., SH–216.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine the role of prescription drug monitoring programs, 2 p.m., SD–430.

Select Committee on Intelligence: closed business meeting to consider pending intelligence matters, 4 p.m., SH–219.

Special Committee on Aging: to meet to discuss the new Medicare-approved prescription drug cards and transitional assistance programs for seniors, 2:30 p.m., SD–628.

House

Committee on Agriculture, to consider the following measures: H. Res. 261, Expressing the support of the House of Representatives for the efforts of organizations such as Second Harvest to provide emergency food assistance to hungry people in the United States, and encouraging all Americans to provide volunteer services and other support for local antihunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; H. Res. 481, Recognizing the establishment of Hunters for the Hungry programs across the United States and the contributions of those programs to

efforts to decrease hunger and help feed those in need; H.R. 2119, To provide for the use by the State of North Carolina of Federal lands, improvements, equipment, and resource materials at the Oxford Research Station in Granville County, North Carolina; H.R. 2984, To amend the Agricultural Adjustment Act to remove the requirement that processors be members of an agency administering a marketing order applicable to pears, H.R. 3372, To designate the facility of the Agriculture Research Service of the Department of Agriculture located at State Highway 26 West in Poplarville, Mississippi, as the "Thad Cochran Southern Horticultural Laboratory;" H.R. 3514, Pennsylvania National Forest Improvement Act of 2003; S. 33, To authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Ozark-St. Francis and Ouachita National Forests and to use funds derived from the sale or exchange to acquire, construct, or improve administrative sites; H.R. 4569, To provide for the development of a national plan for the control and management of Sudden Oak Death, a tree disease caused by the fungus-like pathogen Phytophthora ramorum; H.R. 4620, To confirm the authority of the Secretary of Agriculture and the Commodity Credit Corporation to enter into memorandums of understanding with a State regarding the collection of approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans; H.R. 4918, To provide for the conveyance of certain Federal land administered by the Department of Agriculture in the City of Bastrop, Louisiana, to the City to permit the City to establish and operate a regional emergency services training center for firefighters, police, and EMS personnel serving rural communities in northeast Louisiana, southern Arkansas, and western Mississippi; H.R. 5042, To amend the Department of Agriculture Organic Act of 1944 to ensure that the dependents of employees of the Forest Service stationed in Puerto Rico receive a high-quality elementary and secondary education; and S. 1814, To transfer federal lands between the Secretary of Agriculture and the Secretary of the Interior, 1 p.m., 1300 Longworth.

Committee on Education and the Workforce, Subcommittee on 21st Century Competitiveness, hearing entitled "Current Safeguards Protecting Taxpayers Against Diploma Mills," 11 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Environment and Hazardous Materials, to mark up H.R. 4940, Municipal Solid Waste Responsibility Act of 2004, 12 p.m., 2322 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled "FDA's Role in Protecting the Public Health: Examining FDA's Review of Safety and Efficacy Concerns in Anti-Depressant Use by Children," 11 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Oversight and Investigations, hearing entitled "Encouraging Small Business Growth and Access to Capital," 11 a.m., 2128 Rayburn.

Committee on Government Reform, hearing entitled "Intellectual Property Piracy: Are We Doing Enough to Protect U.S. Innovation Abroad?" 11 a.m., 2154 Rayburn.

Committee on International Relations, hearing on United States Security Policy in Afghanistan on the Eve of National Elections, 1 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security, to mark up the following measures: H.R. 4547, Defending America's Most Vulnerable Safe Access to Drug Treatment and Child Protection Act of 2004; S. 1194, Mentally Ill Offender Treatment and Crime Reduction Act of 2003; and H.R. 4264, Animal Fighting Prohibition Enforcement Act of 2004, 9 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, oversight hearing on the Upcoming Thirteenth Regular Meeting of the Conference of the Parties (COP13) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 2 p.m., 1324 Longworth.

Committee on Ways and Means, September 23, Subcommittee on Select Revenue Measures, hearing on Select Tax Issues, 11:30 a.m., 1100 Longworth.

Next Meeting of the **SENATE**

11 a.m., Thursday, September 23

Senate Chamber

Program for Thursday: After the transaction of morning business (not to extend beyond 30 minutes), Senate hopes to begin consideration of the Foreign Operations Appropriations bill for fiscal year 2005 and the Conference Report to accompany H.R. 1308, Tax Relief, Simplification and Equity Act.

(At approximately 9:30 a.m., Senators will meet in the Senate Chamber to proceed to the House of Representatives for a Joint Meeting of Congress, to begin at 10 a.m., to receive an address from His Excellency Ayad Allawi, Prime Minister of the Interim Government of the Republic of Iraq.)

Next Meeting of the **HOUSE OF REPRESENTATIVES**

9 a.m., Thursday, September 23

House Chamber

Program for Thursday: Joint Meeting to Receive His Excellency Ayad Allawi, Interim Prime Minister of the Republic of Iraq.

Consideration of H.R. 2028, Pledge Protection Act of 2004 (structured rule, one hour of debate).

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