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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 2, 2005.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Aubry L. Wallace, Chaplain, Chilton County Sheriff's Department, Clanton, Alabama, offered the following prayer:

Heavenly Father, I pray Your protection for this assembled body. May the brightness of Your countenance shine upon them. Keep them in Your hand and give them the assurance of Your walk with them as they go about the business of deliberating the affairs of our beloved country.

May they find in You the strength to withstand those who criticize. Give them the humility to accept aid when offered and the courage to do the right thing.

Holy Father, make them aware of Your presence as they take part in this divinely appointed experiment we call human government. Then at the end of the day let them know, all that is required of you is to love mercy, do justly, to walk only with their God, and in his Holy name we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. SHIMKUS led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

S. 167. An act to provide for the protection of intellectual property rights, and for other purposes.

The message also announced that pursuant to Public Law 93–618, as amended by Public Law 100–418, the Chair, on behalf of the President pro tempore and upon the recommendation of the Chairman of the Committee on Finance, appoints the following Members of the Committee on Finance as congressional advisers on trade policy and negotiations:

The Senator from Iowa (Mr. GRASSLEY),

The Senator from Utah (Mr. HATCH),

The Senator from Mississippi (Mr. LOTT),

The Senator from Montana (Mr. BAUCUS), and

The Senator from West Virginia (Mr. ROCKEFELLER).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will receive 10 one-minute speeches on each side.

RECOGNITION OF GUEST CHAPLAIN WALLACE

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

Mr. BACHUS. Mr. Speaker, our prayer today was offered by Pastor Aubry Wallace. Pastor Wallace is joined by his wife, Shirley. They just celebrated their 51st anniversary. Pastor Wallace and Shirley are the parents of four children. Three of them are serving our country and have served our country.

Their son was in the Navy and was deceased while serving. They have another son, who is a Marine, and another that has served in the Air Force.

He has pastored three churches in Chilton County, where he is beloved. He also serves as a chaplain for the Chilton County Sheriff's Department, and one of the things I am most proud of him is for his ministry to prisoners there in the Chilton County Jail. He has and is making a difference. He is over a 20-year veteran of the Air Force, where he served in Vietnam for 7 years.

So we are very proud of him this morning and thank him very much.

SUPPORT FOR ALBERTO GONZALES

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

Ms. ROS-LEHTINEN. Mr. Speaker, Judge Alberto Gonzales is a true American success story, an embodiment of the American dream. He deserves to be confirmed as Attorney General. He was born in Humble, Texas, to immigrant

counsel to then Governor Bush and counsel to the President of the United States.

I am truly inspired by Judge Gonzales and his outstanding contributions to our Nation. He is a highly qualified nominee who is a true American success story and a source of pride for Hispanics across the country.

I urge my colleagues across the Chamber to do what is best for America and confirm Judge Gonzales.

MISSING $9 BILLION IN IRAQ

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

Mr. KUCINICH. Mr. Speaker, the state of the Union is asleep. This administration cannot account for $9 billion it controlled in Iraq for a 9-month period ending last October. Wake up, America.

While $9 billion went unaccounted for, the administration did not have enough money for bullet-proof vests or armor-plated protection for troops. It fought against increasing the combat death benefit and cut veterans benefits. Yet, for 9 months, an average of $30 million a day, totaling $9 billion, could not be accounted for by the administration's Coalition Provisional Authority, according to the Inspector General. Do we hear a grand jury stirring?

Was the $9 billion stolen? Was it used for bribes for peace or rent-a-friend or a paid assassin program? Was it funneled elsewhere to spend money to foment chaos, disorder and violence?

The administration could not find WMDs, Osama bin Laden, and now $9 billion is unaccounted for. They want another $80 billion, while Halliburton makes a killing on overcharges. And they want us to trust them with Social Security? I do not think so.

Wake up, America. Your democracy is disappearing.

JUDGE ALBERTO GONZALES

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, the attempts to delay and derail the confirmation of Alberto Gonzales as Attorney General of the United States are wrong and objectionable.

This is the fifth time that President Bush has asked Alberto Gonzales to serve his country. As counsel to the President, as chief advisor to then Governor Bush, as a Texas Supreme Court justice, as Texas Secretary of State, Alberto Gonzales has always served his Governor, his President and his country with honor, integrity and distinction.

This man of humble beginnings who has achieved so much personifies the American dream. Hispanics throughout America are proud of him, as all Americans will be of our next Attorney General. Enough obstruction rooted in petty partisanship. It is time for the Senate to confirm Alberto Gonzales as United States Attorney General.

WOMEN AND SOCIAL SECURITY

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

Ms. SOLIS. Mr. Speaker, today I rise to denounce the phony Social Security crisis that the President is trying to sell the American public. As the new Democratic Chair of the Women's Caucus, I am especially concerned because women are the first targets to be thrown off the lifeboat. Women account for 70 percent of all Social Security beneficiaries older than 85 years of age. Women depend more on Social Security because they often live longer than their spouses, anywhere from 7 to 10 years. Many have less retirement savings because they stopped working to raise their children and to take time out to take care of a family member.

In the community I represent in East Los Angeles and the San Gabriel Valley, there are nearly 60,000 Social Security beneficiaries. Many are disabled women, widows and wives who rely very heavily on their hard-earned monthly Social Security benefits.

Democrats believe that all American workers should get the benefits they paid into. We will fight to improve the Social Security system, not dismantle it. As one of my colleagues said, ''Let's not throw grandma out with the bath water.''

IRAQI ELECTIONS

(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, 3 weeks ago, I was able to go to Amman, Jordan, with the Iraqi Women's Caucus to meet with candidates for the upcoming election. I have got a few e-mails from some of them since the election that I would like to share.

One wrote:

''My finger is still the color of ink and I'm not afraid. It is a shame to be afraid while others who couldn't walk on their legs, but they came to the ballot stations and voted and dipped their fingers in ink. I am very proud of my people. Yes, they suffered a lot and they wanted to end this suffering. The first step was their voting without fear.''

Another one said:

''We heard an explosion that was made by a suicide bomber, but I was very surprised and so proud when I saw other people who didn't yet vote go, 'Ha ha ha. It is okay. The terrorists cannot prevent us from voting and we will vote after half an hour from this explosion.'''

Another one wrote saying:

''It is a great honor for us as candidates to represent this people which proved they were true living nation in spite of mass graves which was made by the last regime and terrorists. The Iraqis which I have the honor to be one of them were braver than their leaders.''

Finally, the last e-mail I received:

''It was a big day.''

To my friends, the candidates in the Iraq election, I am very proud of you. I am very proud of the Iraqi people. I, too, agree it was a very big day, not just for Iraq but for the world.

OUSTER OF VETERANS COMMITTEE CHAIR

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

Mr. STRICKLAND. Mr. Speaker, my Republican colleagues are willing to stand on this floor in support of nominee Gonzales, but the sad fact is they were not willing to stand up and support their own colleague, the gentleman from New Jersey (Mr. SMITH).

The gentleman from New Jersey is arguably the most pro-life Member of this House, a true conservative. But that was not enough for this Republican leadership. This good man, who had been on the Committee on Veterans' Affairs for 24 years, was removed of that committee, deprived of his chairmanship, because he spoke out for veterans and their needs.

Speaker HASTERT received a letter from 10 national veterans' organizations, the American Legion, Veterans of Foreign Wars, Military Order of the Purple Heart, Paralyzed Veterans of America, Vietnam Veterans of America, Disabled American Veterans, AMVETS, Blinded Veterans Association, Jewish War Veterans and Noncommissioned Officers, all urging Speaker HASTERT to keep the gentleman from New Jersey as the chairman of the Committee on Veterans' Affairs. He was removed.

If your leadership can do it to the gentleman from New Jersey, it can do it to you, my friends.

FREE FLOW OF INFORMATION ACT

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

Mr. PENCE. Mr. Speaker, 1 month ago, we stood in this assembled Chamber and pledged ourselves to support and defend the Constitution of the United States of America. Chief among the rights enumerated in that Constitution is the freedom of the press. Unfortunately, last year almost a dozen reporters were served or threatened with jail sentences in at least three different Federal jurisdictions for refusing to reveal confidential sources. Compelling reporters to testify and, in particular, compelling them to reveal the identity of their confidential sources is a detriment to the public interest. Without the promise of confidentiality, many important conduits

dozen reporters were served or threatened with jail sentences in at least three different Federal jurisdictions for refusing to reveal confidential sources. Compelling reporters to testify and, in particular, compelling them to reveal the identity of their confidential sources is a detriment to the public interest. Without the promise of confidentiality, many important conduits of information about government activity would be shut down.

Today, 31 States and the District of Columbia have various statutes that protect reporters from being compelled to testify and disclose sources of information in court, but there is no Federal protection. Mr. Speaker, today, along with the gentleman from Virginia (Mr. BOUCHER), I will introduce the Free Flow of Information Act. This important legislation will provide reporters with protection from being compelled to disclose sources of information in any Federal criminal or civil case without meeting strict criteria.

''Our liberty cannot be guarded but by the freedom of the press, nor that be limited without danger of losing it.'' Thomas Jefferson said that, and he was right. I urge my colleagues to join us in cosponsoring the Free Flow of Information Act and press for its immediate adoption.

SOCIAL SECURITY

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

Mr. DEFAZIO. Mr. Speaker, the President talks loosely and loudly of the pending crisis, the bankruptcy of Social Security. Under pessimistic assumptions, 40 or 50 years from today, Social Security might only be able to pay 75 percent, or more, of benefits. That could be described as a possible potential future problem but certainly not an immediate crisis and a long way from bankruptcy.

So what does the President propose? Privatization which would actually make Social Security shortfall certain, precipitate the crisis. He would mandate a 40 percent cut in benefits. Think of it. To solve the problem, a possible reduction in benefits by 25 percent, he mandates up front a 40 percent cut, then would borrow $2 trillion, put that on the back of the taxpayers and future workers so people could gamble possibly to try and make up that shortfall through privatized accounts and most probably would fail.

What a deal. Let us get real about it. Let us fix Social Security, not destroy it.

MILITARY RECRUITER ACCESS TO INSTITUTIONS OF HIGHER LEARNING

(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, there are few greater causes than serving your Nation. Generations of Americans from every single walk of life have dedicated themselves to defending our Nation as part of the United States Armed Forces. They are worthy of our thanks, our praise, and over the past few days we have watched them bring great honor to our Nation.

Yet today many of our country's law schools are treating America's military with disdain and disrespect.

□ 1015

I bet there are millions of Americans who have no idea that many of the Nation's elite law schools, schools that receive tax dollars in the form of loan subsidies and grants, are refusing to allow military recruiters on campus. They allow the well-heeled law firms from New York, from Washington, Chicago on campus to recruit; but they say no to this Nation's military.

I ask all my colleagues to join the gentleman from California (Chairman HUNTER) in his efforts today to ensure that our institutions of higher learning treat the American military with the respect and the access that it deserves. I ask them to support House Concurrent Resolution 36.

EXPRESSING SADNESS UPON PASSING OF JUDGE HENRY LATIMER

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

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to express great sadness about the tragic death of my good friend, former Broward Circuit Court Judge Henry Latimer.

Known by his friends as ''Lat,'' Henry Latimer was an extraordinary gentleman who achieved great success as a teacher, lawyer, judge, and trial attorney. Growing up in Jacksonville's projects, he attended segregated schools and was initially unable to supplement scholarship offers he had received from colleges around the country. Instead, he chose to serve in the United States Marines for 3 years and went on to teach economics and history at Dillard High School in Fort Lauderdale, Florida. His achievements are too numerous to mention without great prolixity.

Many, as I, relied on him as a mentor and friend. Judge Latimer and I became close personal friends in law school and while he was serving on the bench and in our fraternity. He has been an invaluable source of support. He has made profound contributions to the legal community in Florida as exemplified by his impressive achievement. I will greatly miss his wise counsel, compassion, and unwavering personal support during the good times and the bad. As a friend, the loss is simply immeasurable.

Mr. Speaker, let me conclude by again expressing my great sadness on the behalf of the House of Representatives. I offer my deepest sympathies to Judge Latimer's family: his wife, Mildred; and his two daughters and other family members.

PRAISING THE PEOPLE OF IRAQ

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

Mr. WILSON of South Carolina. Mr. Speaker, having served as poll manager, poll watcher, county election commissioner, State ballot security coordinator, campaign manager, and candidate, I know firsthand the challenges of free elections.

In our developed democracy, we are confronted with serious problems of securing polling locations, recruiting poll workers, printing intelligible ballots, finding dedicated managers, providing current poll lists. The challenges are endless, but unlike Iraqi voters, we have rarely been asked to brave bullets, bombs, and terrorist thugs on our way to the polls.

The millions of Iraqi voters are to be commended for their bravery. I also credit the Iraqi security forces, American servicemembers, and coalition troops for securing the over-5,000 polling sites across the nation.

The success of Sunday's election is a tangible fulfillment of the vision of President George W. Bush and proves that democracy abroad is the best way to protect American families at home. Terrorist extremists cannot and will not survive in free nations.

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

THE PRESIDENT'S STATE OF THE UNION ADDRESS

(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, tonight the President will converse with the American people. And I hope that he will announce tonight, as I join and support him, the increase of the survivor benefit for those who have lost their lives in battle in the United States military to $250,000 and to those who die in the service of the military whether in battle or not, the $250,000 survivor benefit to their families. It is long overdue.

Mr. President, use the bully pulpit for that legislation to be passed immediately on behalf of America's military families. I do believe it is crucially important that the President announces to the American people the next step after the democratic elections in Iraq. Tell us the exit strategy for our troops and the strategy for rebuilding Iraq and returning our troops home to their families. Now is the time to respond to the needs of the American people as we build with the Iraqi people the next step of freedom.

And then I believe it is important to tell the American people that you are

not going to betray them by eliminating Social Security. Social Security is not a retirement benefit. It is also a survivors benefit for children and the disabled. It is time now to recognize that we invested in Social Security. Do not betray us. Tell the American people how we can move forward together.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Members are reminded to address their remarks to the Chair and not to the President.

IN SUPPORT OF ALBERTO GONZALES AS ATTORNEY GENERAL

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

Mr. WELDON of Florida. Mr. Speaker, I rise today to honor and also support the nomination of Judge Alberto Gonzales to serve as Attorney General of the United States. Judge Gonzales has served as counsel to the President, a jurist on the Supreme Court of Texas, Secretary of State and chief elections officer in Texas, as well as then-Governor Bush's chief counsel. Before joining the Governor's staff, he was one of the first two minority partners with the law firm of Vinson & Elkins in Houston. Judge Gonzales is extremely qualified to serve as our Nation's Attorney General.

Born in 1955 in San Antonio, Texas, to Maria and Pablo Gonzales, two Mexican-American migrant workers, Judge Gonzales learned firsthand the meaning of hard work, determination, and integrity at a young age. He was the first in his family to attend college, continued on to Harvard Law School, served in the United States Air Force, and later attended the U.S. Air Force Academy.

Mr. Speaker, I have full confidence that upon Senate confirmation, Judge Gonzales will help protect Americans from terrorism while also protecting our rights as the Nation's chief law enforcement officer. He will continue working to bring those who commit corporate fraud to justice, reforming the FBI, and building on the Bush administration's success in reducing crime.

It is an honor to support Judge Gonzales. He is an outstanding Mexican-American, an outstanding example of the American Dream, and we will be proud of his service to our Nation as our Attorney General.

CONGRATULATING BOZEMAN, MONTANA

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

Mr. REHBERG. Mr. Speaker, I would like to call attention to one of my favorite cities in America: Bozeman, Montana. Nestled in the scenic Bridger mountain range, Bozeman draws visitors from around the world for its first-class outdoor recreational activities. Yet it is more than a gateway to Montana's natural splendor. It is a dynamic center of commerce.

A recent study by the American Cities Business Journal named Bozeman as the best small-business market in the United States among cities with fewer than 100,000 people. This comes as no surprise since Bozeman has first-rate public schools, has become a center of science and technology in its home to Montana State University. Bozeman is the kind of community where parents can let children play in the neighborhoods and where people still wave and say hello when one passes them on the street. The experts have now discovered what many of us in Montana already knew: Bozeman is a place with everything a business needs to succeed.

I congratulate the city of Bozeman for becoming the best small business market in the country.

SOCIAL SECURITY MUST BE FIXED

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

Mr. MCHENRY. Mr. Speaker, Social Security must be fixed. It is not a question of whether to do it or how to do it. It is a question of when we do it. Because unless we act now, those workers that are 20 years old now, in their mid-20s, when they retire, the system is going to be bankrupt.

In the 1950s when current retirees were young workers, there were 16 workers supporting every one retiree. Now there are only 3.3 workers per retiree and by 2040 there are only going to be two workers per retiree.

President Bush will outline his ideas to fix Social Security tonight during his State of the Union Address. It is an issue so important to the future of America, to my grandmother as well as future generations of Americans. We must act boldly, and our President tonight will outline his strategy for a lasting solution, not a temporary fix. We must maintain our commitment to those that are at or near retirement age while allowing younger workers such as myself to get a better return on their Social Security investment.

Mr. Speaker, Social Security must be fixed, and it is this Congress and this President this year that will take on this task.

FREE ELECTIONS IN IRAQ

(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, I dipped my finger in purple ink today in symbolic unity and in support of the free election in Iraq, the first free election in the history of that country. Their actions this weekend were not about America or necessarily an endorsement of everything we are doing, although I think that was an effect of it; but their actions were really about a free country, about democracy, about choice, about self-government and self-determination, throwing off the shackles of oppression and joining the world community. A 57 percent voter turnout in the face and threat of death and destruction. Compare that to America, 61 percent just this November, and it was the highest voting turnout in 38 years. Or in my home county in Savannah, Georgia, Chatham County, the last time we elected a Governor, we had a 48 percent voter turnout and no one was threatened with death or suicide bombers or anything like that.

It took America 7 years to win the Revolutionary War and then it was not until 1789 that we threw out the Articles of Confederation and adopted our Constitution. It has taken us many, many years. For Iraq they have many struggling years ahead, but they have taken a very important first step.

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 the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

RECORD votes on postponed questions will be taken later today.

COMMENDING PALESTINIAN PEOPLE FOR HOLDING FREE AND FAIR PRESIDENTIAL ELECTION

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 56) commending the Palestinian people for conducting a free and fair presidential election on January 9, 2005, and for other purposes.

The Clerk read as follows:

H. RES. 56

Whereas on January 9, 2005, the Palestinian people elected Mahmoud Abbas as the second President of the Palestinian Authority;

Whereas this election has been hailed as free and fair and is an important and noteworthy step in advancing democracy in the Arab world;

Whereas Israel should be commended for facilitating the Palestinian election proceedings;

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

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

Whereas on June 24, 2002, President George W. Bush expressed his vision of two states living side by side in peace and security and that vision can only be fully realized when terrorism is defeated, so that a new state

may be created based on the rule of law and respect for human rights: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Palestinian people for conducting a free and fair presidential election on January 9, 2005;

(2) congratulates the new Palestinian President, Mahmoud Abbas;

(3) urges the new Palestinian leadership to continue to advance democratic ideals by reforming the Palestinian political structure, advancing human rights, and ending corruption;

(4) strongly condemns terrorism and urges President Mahmoud Abbas, who has previously disavowed terrorism, to immediately take steps to dismantle the Palestinian terrorist infrastructure, confiscate unauthorized weapons, arrest and bring terrorists to justice, consolidate and control the many Palestinian security organizations, and end the incitement to violence and hatred in the Palestinian media, educational institutions, mosques, and other institutions;

(5) urges Arab states to take active steps to encourage and assist the Palestinian Authority in bringing an end to terrorism and an end to anti-Israel incitement in their own media; and

(6) encourages all interested parties to take advantage of this historic opportunity to remove obstacles to achieving a lasting peace in the Middle East.

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

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

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days 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 gentlewoman from Florida?

There was no objection.

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

Today I rise in support of House Resolution 56, introduced by the House leadership, commending the Palestinian people for holding recent elections. This resolution is a reflection of our support for President Bush when he stated, ''The United States stands ready to help the Palestinian people realize their aspirations.''

The onus is on the Palestinian leadership to demonstrate that they are committed to moving peace forward by bringing an end to Palestinian terrorism. The election of Abu Mazen is a hopeful first step. Eight hundred international observers monitored the recent Palestinian presidential elections and agreed that the will of the Palestinians was adequately expressed. Palestinians from all walks of life participated in the elections, representing approximately 70 percent of eligible voters.

The Palestinian Central Election Commission has been recognized for facilitating a process whereby Palestinians could vote in a positive voting atmosphere. Commission representatives trained more than 16,000 electoral officials to staff the 2,800 polling sites throughout the West Bank and Gaza and conducted their operations in a professional way.

The Palestinian presidential election of January 9 of this year and the upcoming parliamentary elections scheduled for this July represent an opportunity for Palestinians to affirm their desire to end the violence and to forge a government that can respond to their needs.

We are guardedly optimistic about Abu Mazen's recent decision to ban the use of unregistered weapons by civilians.

We wish the new Palestinian leadership success in achieving a lasting peace and a prosperous future for both the Israeli and the Palestinian people and in building transparent institutions accountable to the Palestinian people.

Mr. Speaker, I commend the leadership for bringing this resolution to the floor today, and I ask my colleagues to support it.

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

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

Mr. Speaker, I rise in support of H. Res. 56, and I want to commend the bipartisan leadership for introducing this important resolution. I also want to commend the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her leadership on this issue.

I fully endorse the message of this resolution. The Palestinian people deserve our commendation for conducting a free and fair election and for electing as their leader a man who has spoken out against the use of violence.

□ 1030

I salute Mahmoud Abbas for opposing the intifada. Far too few Palestinians have had the courage to do so.

The change of Palestinian leadership has had a salutary effect on peace prospects. I am encouraged by recent steps taken by both Israel and the Palestinians, steps that have reduced the level of violence. I share the optimism of many that, for the first time in years, we now may have an opportunity to make real progress toward peace.

Mr. Speaker, I think it is desirable that this body welcome and contribute to the improved atmosphere between the parties. This resolution is an entirely appropriate way to do so. But what I would not want this body to do is to contribute to unrealistically high expectations. In that regard, I would like to make two points which bear on the subject of the resolution before us.

First of all, I respect the good intentions of the new president of the Palestinian Authority. I first met with Mr. Abbas in Ramala on the eve of his becoming Prime Minister some 2 years ago, and he emphasized to me his commitment to peace. But good intentions and commitment will not be enough to assure his success as a leader. In fact, they are barely enough to get him off the starting block.

To succeed, Mahmoud Abbas will have to show backbone that, unfortunately, he has not revealed in his previous high-level positions. As the resolution correctly suggests, he will have to take immediate and significant steps to dismantle the Palestinian terrorist infrastructure. He needs to confiscate unauthorized weapons. He needs to arrest and bring to justice the terrorists who have engaged in so much violent activity. He needs to consolidate and take charge of all Palestinian security organizations, and he needs to end anti-Israeli and anti-Semitic incitement in the Palestinian media, schools, mosques, and all other institutions.

Mr. Abbas is an intelligent man, and he surely knows that, in the long run, there is no such thing as a cease-fire with terrorists. He will control and defeat the terrorists, or he will be controlled and defeated by them. I am hopeful that he will be up to the task. I think he knows that, as the leader, he does not have the option of giving in to frustration and just walking away, as he did during the Camp David negotiations in 2000 and during his brief stint as Arafat's Prime Minister.

Although the incidence of violence has declined in recent weeks, the infrastructure of terrorism has, in many ways, grown stronger and more sophisticated. Kassam rockets that threaten Israeli civilians inside and near the Gaza Strip are becoming more accurate and gaining greater distance. In my travels to the region, I have discovered that Iran and Hezbollah are increasingly engaged with Palestinian terrorists.

Mr. Speaker, I think we must also keep in mind that there is no moral equivalence in the use of violence in this struggle. The Israelis have no interest in violence for the sake of violence but, unfortunately, some Palestinians do. If the current lull in violence breaks down, I am certain it will be because Abu Mazen could not control Palestinian terrorism.

Secondly, Mr. Speaker, we need to be realistic about the current state of the peace process and Israeli-Palestinian relations. The Israeli government which, since Prime Minister Sharon's recent coalition agreement with Labor Party leader Shimon Peres, now includes Israel's two largest parties, is preparing to take an historic action. In fact, it is the boldest, most creative act in the peace process since the outbreak of the intifada in September, 2000. The government of Israel is preparing to redeploy its forces from the Gaza Strip and to dismantle all of its Gaza settlements. This unprecedented action will pave the way for the Palestinians to govern their own contiguous territory and to demonstrate their ability to establish a free and orderly society.

Mr. Speaker, I fully identify myself with the hope and belief expressed in this resolution that a lasting peace in the Middle East is achievable and that we now have an opportunity to take steps in that direction. But we must be realistic about the time frame. Israel's decision to redeploy from Gaza is politically courageous, but it is also politically dangerous and difficult. The overwhelming majority of Israelis support it, and I fully expect it to be accomplished by the latter half of this year, as scheduled. But it will not be easy.

Then, once Israel does redeploy, the onus will be on the Palestinians to prove that they have what it takes to run the equivalent of a state. If and when they do so, I am certain both sides will move with dispatch toward a final settlement. But that agreement is certainly not going to be achieved in the next few months or even in the next year. It would be unfair to the parties to place on them such a burden of expectation. For now, let us be content that both sides are taking significant steps to create a beginning, and let us remember that it is only a beginning.

With those thoughts as context, Mr. Speaker, I would like once again to congratulate the Palestinians on their ably-conducted election. I support H. Res. 56, and I call on all of my colleagues to do likewise.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I am so pleased to yield such time as he may consume to the gentleman from Indiana (Mr. PENCE), a member of our Committee on International Relations and an original sponsor of this legislation.

Mr. PENCE. Mr. Speaker, I thank the gentlewoman from Florida for yielding me this time and, more importantly, for her extraordinary and consistent leadership as chairman of the Subcommittee on the Middle East and Central Asia.

I also want to commend the leadership in the Congress of the gentleman from Missouri (Mr. BLUNT) and the gentleman from Maryland (Mr. HOYER) for bringing this measure forward. As ever, I was deeply moved by the courage and candor of the gentleman from California (Mr. LANTOS) who preceded me and who continues to be the lone star for those of us in this Congress and in this country who cherish the dream that is Israel. It is a privilege to follow him in this discussion today.

I rise in strong support, Mr. Speaker, of H. Res. 56. Like millions of Bible-believing Christians, I pray for the peace of Jerusalem, and that refers specifically to all of the people of this torn region.

So, with the election of the second President of the Palestinian Authority, it is altogether fitting that this Congress commend the Palestinian people for conducting a free and fair presidential election on 9 January, 2005, and, in so doing, congratulating the new Palestinian President, Mahmoud Abbas, for his achievement and his leadership as H. Res. 56 does.

It is also altogether fitting, though, that in the same breath as this Congress, on behalf of the people of the United States, speaks a word of encouragement to the people of the Palestinian Authority and its new leader, we must also be willing to speak truth. And in this bipartisan measure, the American people, through this body, do just that, Mr. Speaker. In this resolution, the House of Representatives also will strongly condemn terrorism and urge President Mahmoud Abbas, who has happily previously disavowed terrorism, to immediately take steps to dismantle Palestinian terrorist infrastructure, to confiscate unauthorized weapons, arrest and bring terrorists to justice, consolidate and control the many Palestinian security organizations, and end the incitement of violence and hatred in the Palestinian media, educational institutions, mosques, and other institutions.

It may seem somewhat impolitic in what some may have expected from this Congress to have been a greeting card of congratulations to the new President of the Palestinian Authority to bring these matters up, but as this Congress in the very near future, I suspect, Mr. Speaker, will begin to talk about asking the American people to expand our participation in this region of the world, to expand our partnership with the Palestinian Authority, it is altogether fitting that we begin that discussion by expressing the expectations of the American people that the new leadership of the Palestinian Authority be about the rule of law and be about confronting terrorism within their own jurisdiction in the ways enumerated in H. Res. 56.

There can be no more important message that we send at such a time as this, a season of opportunity, as the gentlewoman from Florida (Chairman Ros-Lehtinen) described, a season of hope that we describe for the new leadership of the Palestinian Authority what attaches to that hope for the people of the United States who long for the peace and stability and democratic institutions of the people of Israel and the Palestinian people so richly deserve.

Mr. Speaker, the Old Testament promises, ''Weeping may endure for a night, but joy comes in the morning.'' For too many nights, Israeli and Palestinian families have wept for their loved ones who have fallen prey to the mindless violence that has sprung from terrorists within the Palestinian Authority. This resolution today is about expressing the profound hope of the American people that a morning of joy has come. With the election of President Mahmoud Abbas, the election of a new leader for the Palestinian people, we are come upon that new day of hope, and we will rise today as a Congress in bipartisan fashion to express that hope, with congratulations, but also with the truth, that there must be results and leadership that lead to peace and justice in the region for all of the people.

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

I thank the gentleman for his remarks, and I am so pleased that he singled out the gentleman from California (Mr. LANTOS) who, as all of us know, recently led a delegation to Auschwitz where we commemorated the 60th anniversary of the liberation of Auschwitz. The gentleman from California (Mr. LANTOS) is a Holocaust survivor who lost family members in this horrible tragedy, and we thank him for his leadership in the House throughout the years.

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

Mr. LANTOS. Mr. Speaker, I want to thank both of my colleagues for their extremely generous and kind remarks.

Mr. Speaker, I am very pleased to yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), my good friend who has been fighting for peace in that region ever since she came to this body and before.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the Ranking Member for yielding me this time.

There are many accolades that we might share regarding the gentleman from California (Mr. LANTOS) and, I might say, his wife and family, but I thank him for the steady hand and the steady interest and the persistence which has brought us to where we are today.

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Mr. Speaker, I thank the chairman of the subcommittee, the gentlewoman from Florida (Ms. ROS-LEHTINEN), and my colleagues for putting before this body H. Res. 56 to applaud what I consider to be the next opportunity, the next life-changing experience for those people who have worked, died, and prayed for peace in the Mid East.

I do want to acknowledge the election of Mahmoud Abbas and to say that I too had an opportunity to meet him in the West Bank just about 2 years ago with a number of my colleagues. His dream, I believe, has now come to reality where he is able to lead the region toward full peace. He can declare opposition in the war on terrorism and the terrorist acts that have been going on. And the Israeli people can embrace their dreams, as I heard from so many of them, desiring to live side by side in peace with the Palestinian people.

Mr. Speaker, let me acknowledge my friends and constituents in Houston, strong Palestinians who have come to me with both prayer and petition to ask for intervention and efforts on behalf of Palestinians in the Mid East. They too need to be applauded, as do my friends in the Jewish community who have recognized the importance of the survival of Israel and the standing

alongside of each of those two extremely productive and contributing nations.

I had about 2 years ago the opportunity to co-chair the Partners For Peace. We met in Oslo, Norway. We met with women from Israel and the PLO. And I was gratified even in the emotional charge of that session, women crying and outpouring of their hearts talking about the loss of their children, the violence, and sometimes the anger. We came away from there with one single challenge, to make sure that our voices would continue to be raised for peace in the Mid East.

This election as now allowed gives the opportunity to see the light at the end of the tunnel, to see the sun rising and not setting.

I also recognize that it will be upon us, the United States, to be able to take a sledge hammer to those crumbling refugee camps. It is now time for us to rebuild Palestine, to be able to have it look as we would want people to be able to live and to be educated and to worship. So I hope the world family will join with humanitarian aid to this new fledgling nation so we can build schools and we can build hospitals and that we can build institutions that will last, so we can build housing, that they will not have to live amidst the rubble.

This resolution on behalf of this Congress is a wonderful first step to acknowledge what has happened and also to bring about the free peaceful existence between Palestine and Israel. I hope that we will be part of the solution and not part of the problem. God bless all of those who have worked so hard for peace.

I rise as a strong supporter of H. Res. 56 which commends the Palestinian people for conducting a free and fair presidential election on January 9, 2005. The elections held in the Palestinian Territories are a historic occasion upon which we can build the specter of a comprehensive Middle East peace plan. I want to congratulate Mahmoud Abbas on his election victory in becoming the President of the Palestinian Authority. I also want to thank him for his public service at this vital and momentous time in the history of the Palestinian people.

The two state solution represents the only possible peace plan that can be acceptable and viable for the nation of Israel and the Palestinian people. The Palestinian elections of January 9, 2005 represent the first step in the process towards a comprehensive peace agreement. With this new leadership the Palestinian people will be able to find stability and build their national infrastructure. However, President Abbas's first task will be to take steps to dismantle the Palestinian terrorist infrastructure, confiscate unauthorized weapons, arrest and bring terrorists to justice, consolidate and control the many Palestinian security organizations, and end the incitement to violence and hatred in the Palestinian media, educational institutions, mosques, and other institutions as this resolution calls for. Certainly, this task will not be easy and its resolution will not come quickly, but we as a nation must support the Palestinian people as they stand determined and ready to build a free and peaceful nation.

If history in the Middle East has taught us anything, we know that the United States must be an active and honest broker between the Palestinians and the Israelis in moving towards a comprehensive peace agreement. I urge the Bush Administration to not relinquish this opportunity to achieve a lasting peace that can forever change the face of the Middle East. The War in Iraq has lowered our diplomatic and public standing around the world, but we have especially done poorly in the Middle East. People in the region do not trust our nation, nor do they trust our intentions. They may watch our television, listen to our music and eat our food, but they still have no love for our nation because of our actions in the Middle East that are being viewed as aggressive. Bringing the Israelis and the Palestinians together represents the best opportunity to show the people of the Middle East and the world that we can heal the rifts that divide us, instead of inflaming them. Militant Islamic organizations throughout the world continue to use the plight of the Palestinian people as one of their main recruiting tools to incite hatred and distrust of the United States. We have the ability to strike a blow at these terrorist organizations if this Administration can seize the opportunity.

This resolution also encourages all interested parties to take advantage of this historic opportunity to remove obstacles to achieving a lasting peace in the Middle East. On this front, I am pleased to report that Egypt has offered to host an Israeli-Palestinian summit next week, and Israeli Prime Minister Ariel Sharon has accepted the invitation. I want to thank the nation of Egypt for taking this important step towards achieving a comprehensive peace agreement. Egypt has served as a key regional ally which has long taken active steps towards achieving peace in the Middle East. This summit will give the Israelis and the Palestinians the chance to meet face to face and negotiate terms to bring relative peace and stability to their people. Once these key objectives are met then a comprehensive agreement is possible. Already, since the election of President Abbas, armed groups in the Palestinian Territories have openly talked about halting attacks on the Israeli people.

No doubt there will be setbacks on the both sides as we have already witnessed too often, but now unlike in the past we must show extra resolve to achieve a lasting peace. Again, I urge the Bush Administration to take an active role in bringing the Israeli and Palestinian people together and not losing this opportunity. As we have seen in the past, these opportunities are fleeting, but their potential for a lasting peace is too great to take for granted. We must take all necessary steps to achieve peace now not only for the Israeli and Palestinian children who will inherit the Middle East, but for our own children as well who will inherit the world that we have shaped.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California, (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague and friend for yielding me this time.

Mr. Speaker, January 9 was an important and historic day. For many Palestinians it was a once-in-a-lifetime event. They went to the polls and elected a new president in a contested, free, and fair election. The Palestinian election was a milestone not only for the Palestinian people but for the safety of Israel and for our own national security as well.

I was privileged to witness this remarkable event with my own eyes. From 5:30 in the morning until nearly midnight I traveled in and around Bethlehem in my capacity as an election observer for the mission co-sponsored by the National Democratic Institute and the Carter Center.

Let me first take a moment and commend President Carter, Governor Christie Todd Whitman, former Swedish Prime Minister Carl Bildt, and NDI President Ken Wollack for leading our delegation and the 80 participants from 16 different nations who did a remarkable job. With a few exceptions, what I observed in Bethlehem held true across the West Bank and Gaza. The balloting process was exceptionally well organized, in part because nearly 14,000 public school teachers were deployed as election officials.

The Israeli Government did a good job facilitating freedom of movement in the territories. There was little violence. In fact, an almost reverential quiet enveloped the polling places. It was truly moving to see Palestinian people, young and old, embracing this democratic exercise with such purpose and resolve.

Mr. Speaker, Israelis and Americans should welcome the choice of the Palestinian people. Abu Mazen is a proven leader with a long track record of negotiating for peace. He is off to a decent start. Abu Mazen cannot prevent terrorism overnight, neither can we; but he has already sent a strong and successful message to Hamas and the Islamic Jihad to halt the attacks. His security forces have deployed in Gaza. He has unequivocally condemned terrorism.

Prime Minister Sharon's response to the new President has been commendable. Israeli and Palestinian security officials and top negotiators have been meeting. Sharon has praised Abu Mazen's efforts and will meet with him shortly. Despite fierce opposition from the settler movement, Sharon is sticking firmly to his plan to withdraw from Gaza and parts of the West Bank. Fragile as it may be, a new flame of hope and optimism has been kindled in the Mid East.

That is why I am pleased that the House bipartisan leadership has brought a resolution to the floor today. The bill commends the Palestinians for conducting the elections, congratulates Abu Mazen on his victory, and encourages both sides to take steps toward peace.

Mr. Speaker, last night a similar resolution was passed in the other body that I had hoped the House could adopt as well. The language of the Senate resolution is more comprehensive and

balanced and lays out a bolder diplomatic vision to achieve Israeli-Palestinian peace. Nevertheless, it is noteworthy that both Houses of Congress are on record commending the Palestinian people and their new President. Let us all commit ourselves to seizing this historic opportunity and hastening the day when Israelis and Palestinians will live side by side in peace.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. CANTOR), the chief deputy whip.

Mr. CANTOR. Mr. Speaker, I rise to offer my congratulations to the Palestinian people who recently elected Mahmoud Abbas as the new President of the Palestinian Authority.

Mr. Abbas has been given a historic opportunity to alter the direction of the Palestinian leadership from one of terror under Yasser Arafat to one of peace. It is critical that Mr. Abbas capitalize on this opportunity to deal with Israel which has long been searching for a partner in peace and not revert to the terrorist ways of his predecessor.

Accomplishing this goal will not be easy. Mr. Abbas must actively work to dismantle the terrorist organizations that plagued the hopes of the Palestinian people, using all means of force if necessary. He must recognize and acknowledge that no progress towards peace can be made until the terrorist organizations that operate freely amongst the Palestinian population stop the killing of innocent men, women, and children on the streets of Israel.

Mr. Abbas must end incitement against Israel. Only by ending the multi-generational hate can the Palestinian Authority begin the painful path towards peace. The task that stands before Mr. Abbas may seem daunting, but these are crucial steps towards improving the life of the Palestinian people. We cannot afford to return to Palestinian leadership that one day disavows terror and the next day stands shoulder to shoulder with the terrorist organizations that carry out murder. This double standard is unacceptable.

Again, I congratulate Mr. Abbas and encourage him to tackle these problems head on and avail himself of this historic opportunity to work with the Israeli Government to improve the lives of the Palestinian people.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CARDIN), my good friend and distinguished colleague.

Mr. CARDIN. Mr. Speaker, I would like to thank the gentleman from California (Mr. LANTOS) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for bringing forward this resolution. I particularly want to acknowledge the gentleman from California (Mr. LANTOS) and his extraordinary leadership on human rights issues in this body and thank him for his continued commitment in the Middle East. I also want to thank the gentleman from Missouri (Mr. BLUNT) and the gentleman from Maryland (Mr. HOYER) for sponsoring this resolution.

I had the opportunity to travel with our distinguished whips in December to Israel and the West Bank and talk to the leaders in that region. We all have reason to be optimistic with the election of Mr. Abbas. We urge him to continue not only to speak out against violence but to take action to control the terrorists in that region.

I also want to congratulate Mr. Sharon, the Prime Minister of Israel, for his disengagement, commitment in withdrawing from the Gaza and parts of the West Bank. He is showing real leadership and commitment in that area.

Mr. Speaker, this resolution speaks to the commitment of this country to continue to be an active leader for peace in the Middle East. We know it is important not only for that region but for U.S. interests as well, and I congratulate all that are responsible for bringing this resolution forward today.

Mr. LANTOS. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California (Mr. LANTOS) has 4½ minutes remaining.

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

Mr. Speaker, it is significant that within the recent past, three areas in the Middle East have succeeded in holding free and open elections, some of them under the most difficult and dangerous circumstances. We applaud the people of Afghanistan, who not long ago suffered under the horrific yoke of the Taliban, for organizing and conducting free and open elections. And I particularly want to recognize the fact that this took place with the full participation of the women of Afghanistan.

We in this resolution are commending the Palestinian people, who have lived under an undemocratic regime for too long, for organizing and conducting fair and open elections. And, of course, this past weekend we were all thrilled as we were watching our television screens seeing the courage of the Iraqi people under the most brutal and bloody threats go to the polls and exercise their right to select their own leaders. These are very encouraging signs. And it is highly appropriate for the United States to take the lead in underscoring the obvious, that just as in every other part of the globe we have led, assisted, and cleared the coming of free and open elections, at long last we are doing so in the Middle East and adjacent territories.

So, Mr. Speaker, I believe our resolution is more than appropriate.

Mr. Speaker, I yield the balance of my time to the gentleman from Maryland (Mr. HOYER).

The SPEAKER pro tempore. The gentleman from Maryland (Mr. HOYER) has 1½ minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

The SPEAKER pro tempore. The gentleman from Maryland (Mr. HOYER) is recognized for 3½ minutes.

Mr. HOYER. Mr. Speaker, I wanted to join my colleagues and friend, the majority whip, the gentleman from Missouri (Mr. BLUNT), who I presume has already spoken, in urging Members on both sides of the aisle in supporting this important bipartisan resolution that we have offered.

Over the last half century, the Members of this body have seldom had occasion to commend those on the Palestinian side whose cause, in my opinion, was hijacked by a leadership that preached death and destruction rather than reconciliation and peace. But today we would be remiss if we did not do so.

Three weeks ago on January 9 an estimated 70 percent of the 1.1 million registered Palestinian voters turned out to cast their ballots in an election that was declared fair by most international observers.

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This strong turnout, in my judgment, not only reflects the universal appeal of democracy but also the human heart's yearning for freedom and self-determination.

This resolution commends the Palestinian people for conducting a free and fair election and congratulates the new Palestinian President, Mahmoud Abbas, who has previously disavowed terrorist activity and recently earned the praise of Israel for deploying more Palestinian security forces in Gaza to try to halt rocket and mortar attacks on Israeli citizens.

Among other provisions, this resolution urges the new Palestinian leadership to advance democratic ideals by reforming its political structure, advancing human rights and ending corruption.

It strongly condemns terrorism and urges President Abbas to immediately take steps to dismantle the Palestinian terrorist infrastructure, to bring terrorists to justice, and to end the incitement of hatred in the Palestinian media, schools, mosques, and other institutions.

It restates our Nation's strong commitment to and support, unwavering support, for the State of Israel.

Finally, Mr. Speaker, let me say that the election of President Abbas is an important opportunity and could prove to be an historical turning point in the Israeli-Palestinian conflict.

Israel has made repeated overtures over its history in an effort to speak peace, and, today, it continues to move forward with its withdrawal plan in the Gaza strip. Tragically, over the past 5 decades its efforts were consistently rebuffed by the Arafat-led Palestinian leadership.

Without question, there are great challenges ahead, but the election of President Abbas hopefully marks a new day, a day in which the Palestinian leadership becomes a serious, committed partner, a partner for peace in the Middle East.

I urge my colleagues to vote for this resolution. I thank the gentleman from California (Mr. LANTOS), a giant in the area of human rights and supporting democratic efforts throughout the world, for his leadership, and I thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her unending efforts, in concert with the rest of us, to ensure that this Nation stands by Israel but stands with those in the Palestinian population who reach out for peace and partnership and a better tomorrow for all of the people of that troubled area of the world, and I thank the gentlewoman for yielding me the additional time.

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

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this resolution and congratulate my colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), and others who are involved, the gentleman from California (Mr. LANTOS), my friend.

We want to extend, of course, congratulations to the Palestinian people. It is fascinating to see that this election is all part of sort of a regional, and really beyond the region's, success as it moves towards political pluralism, and we obviously have seen last Sunday the election in Iraq. We just weeks ago saw, the day after Christmas, the election take place in Ukraine, and we now have this free election with a new leader who offers great hope for the prospect of peace.

I also want to extend congratulations to Prime Minister Ariel Sharon, who I believe has shown strong leadership and a willingness to try and bring about a resolution to this age-old challenge of bringing peace to the region.

I also want to congratulate President Bush, who has encouraged this process all along. Without getting so deeply involved in a way that he could potentially be seen as tampering with the process, he has been a driving force at encouraging us to get to exactly where we are.

So this resolution is a very important one, letting the world know that there is going to be strong, bipartisan support, Democrats and Republicans alike, in the Congress for the encouragement of this peace process, and we all hope and pray that this now lays the groundwork for a potential resolution.

Mr. Speaker, I thank my friend for yielding me the time.

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

I have no further requests for time, but I would like to take this opportunity to highlight and commend the gentleman from Missouri (Mr. BLUNT), our majority whip, the gentleman from Maryland (Mr. HOYER), the minority whip, and all of our leadership for their efforts on this resolution.

Mr. WEINER. Mr. Speaker, today the House of Representatives voted to commend the Palestinians for holding free elections on January 9, 2005. We should congratulate the countless Palestinians who participated nonviolently in the historic event.

However, we must also hold the newly elected President and the entire Palestinian Authority accountable for publicly rebuking and bringing an end to terror and incitement. Until violence has ended, the U.S. should withhold its funding. U.S. taxpayers should know that their money is being spent fighting terror, not supporting it.

During the last 4 years, the Palestinian Authority failed to halt more than 22,000 attacks that killed over 1,030 Israelis. Yet, at the same time the United States gave more than $612 million in aid to the West Bank and Gaza. That's more U.S. aid to the Palestinians than in the previous 25 years combined.

Sadly, the recent elections have not produced a true disarming of the terrorists. In the 1 week following Abbas' election, terror attacks left 8 Israelis dead and prompted Israel's Prime Minister to express his outrage at the new Palestinian leadership for ''not lifting a finger'' to stop violent attacks. Just yesterday, the Jewish residents of Gush Katif were terrorized by mortar fire and a 50 kilogram explosive device was uncovered by the Israeli army at a border crossing in the Gaza Strip.

For many, the continuing violence is no surprise given Abbas' election campaign, in which he not only referred to Israel as ''the Zionist enemy,'' but said he would protect Palestinian terror groups that use rockets and other means to attack innocent Israelis. Yesterday, Israeli intelligence chief Aharon Ze'evi confirmed that ''the preparations for terror acts continue'' among senior Hezbollah and Hamas leaders. And last week, Hamas won 77 council seats in a landslide victory in Gaza municipal elections. The terror group now controls 7 out of the 10 councils in which elections were held. In the wake of the elections, Israeli minister Natan Sharansky has unveiled a report documenting Palestinian incitement ''of virulent hatred of Jews and Israel that mandates the killing of Jews as a religious obligation.''

These recent events deserve condemnation. While the election of a Palestinian Prime Minister may be a rare experience, the historic event worth celebrating will be a true end to Palestinian terror. Since Arafat was appointed chairman of the PLO in February 1969, more than 36 years of Palestinian terror have plagued Israelis and Palestinians alike. Violence has been the one constant, and the United States should wait until Palestinian terror ends before commending or funding an apparatus of terror.

Mr. GENE GREEN of Texas. Mr. Speaker, I would like to express my strong support of House Resolution 56.

January 9, 2005 marked a historic day for the Palestinian people. This resolution commends the Palestinian people for holding free and open elections and congratulates Mahmoud Abbas for being elected President of the Palestinian Authority. This resolution also commends Israel for its role in facilitating the election proceedings.

These elections mark a historic accomplishment for the people of Palestine and a great opportunity for the Israel-Palestine peace process to move forward.

The only way this can happen is for Mr. Abbas to act immediately to end terrorism by stopping the flow of money, equipment, and recruits to Palestinian militant groups.

Mr. Abbas has taken steps since his election to stop these groups, but these efforts must be continued and expanded to end the terrorism that has killed and injured thousands of Israelis and Palestinian people.

Mr. Abbas's election provides an excellent opportunity for the Palestinian Authority to reign in these terrorist groups and for the Palestinian people to move beyond this violence and work with Israel to create a lasting peace.

Mr. Speaker, I have traveled to Israel several times and know that the Israeli Government and the Israeli people are ready and willing to work with the Palestinians but have not had a reliable partner to negotiate with in the past.

Mr. Abbas has the opportunity to put the Palestinian Authority's past failures behind him and demonstrate to Israel and the United States that he is dedicated to the peace process by stopping terrorism and fulfilling Palestinian commitments under the roadmap.

Again, I strongly support this resolution and would like to congratulate Mr. Abbas on his January 9th election, and I am hopeful he will take this timely opportunity to work with Israel toward a peaceful resolution to the Israel-Palestine conflict.

Mr. ACKERMAN. Mr. Speaker, I rise today in support of the resolution offered by the gentleman from Missouri, Mr. BLUNT and the gentleman from Maryland, Mr. HOYER. On January 9, the world witnessed the peaceful expression of Palestinian national aspirations. By holding the freest and fairest elections in the Arab world, it is clear that the Palestinian people, like any people, want to choose their own destiny.

I hope, we all hope, that the election of Mahmoud Abbas as President of the Palestinian Authority opens a new chapter in the pursuit of Middle East peace. But as history has taught us, hope in the Middle East can be fleeting, and so our hope is accompanied by trepidation. We hope that this election will mark the beginning of a new relationship between Israelis and Palestinians, that this change in Palestinian leadership will enable the Palestinian Authority to take the courageous steps required to achieve peace that we have long argued were necessary. We hope that the change in Palestinian government will be recognized by Israel as an opportunity to achieve for themselves the secure Jewish, democratic state that has been their goal since independence. We hope that our own government sees the opportunity to again pick up the mantle of peacemaker, and support both parties in the struggle to achieve the vision of two states, living side by side, in peace, articulated by the President in his speech 2½ years ago.

But there is much work to be done. President Abbas faces many challenges but first, foremost and absolutely, he has to stop terror and the potential for its resumption. Without this step all the other necessary reforms will be for naught. To achieve this President Abbas must reform Palestinian security services; end incitement against Israel; and deliver a government free of corruption and capable of producing the economic growth and prosperity the Palestinian people are entitled to expect. The United States can, and should, help here. I am pleased that the supplemental that we will consider in the coming weeks will have additional assistance for the Palestinian people. Now is the time for U.S. leadership in support of Abu Mazen's efforts to fight terror, reform his security services, and eliminate corruption. In the coming weeks and months we

will have time to judge his efforts, but bearing in mind the potential for failure, now is the time to act in pursuit of peace.

Mr. Speaker, I would be remiss if I did not say a word commending Israel for facilitating the recent elections. Prime Minister Sharon assured me, when I was in Jerusalem last November that he would do everything possible to ensure that Palestinians could vote, and he did. That is the kind of leader he is, and he deserves our support and our trust.

Mr. Speaker, it is not yet a new day and we have not yet ''turned the corner.'' But I am certain we will be condemned by future generations if we do not do all we can to seize this moment and the opportunity it represents. I urge my colleagues to support this resolution but more importantly to remember that in the coming months we will be asked to take additional risks for peace. We should take them.

Mrs. LOWEY. Mr. Speaker, I rise in support of this resolution, which commends the Palestinian people for holding free and fair elections on January 9. I know we all hope it will be the end of the violence that has devastated so many families, and the beginning of the resumption of peaceful negotiations.

The State of Israel and many, many Palestinians want this. They want peace—to safeguard their children, to encourage economic growth, to move towards the future with optimism and a sense of purpose. The United States shares this hope, and must continue to actively support these efforts. I commend President Bush for his involvement, and I hope he will remain steadfast.

But we are not naive. We have been at such hopeful moments before. As President Bush said last summer, there are a number of concrete actions the Palestinians must take before they can be viewed as legitimate partners in the path to peace.

Free elections are one step. But now newly elected Palestinian Authority Chairman Mahmoud Abbas must do more. He must disarm Palestinian terrorist groups—not just call on them to cease attacks on Israelis. Abbas must do the hard work of dismantling the terrorist organizations. He must control and consolidate the security forces that often collaborated with terror groups. He must push for true political and economic reform, and stop the rampant corruption. And finally, he must truly engage Arab leaders in supporting true peace in the region. If he does all these things, if Abbas can demonstrate by his action that he is a serious, earnest partner in the pursuit of peace, then there is truly cause for hope.

We have waited decades for a peace that will safeguard Israel's security, and will bring about regional stability and prosperity. For those who truly seek peace, who understand that there is no choice but peace to secure the future of the Middle East, the latest developments are encouraging.

The future of the Middle East—and the ultimate security and safety of Israel—is at stake. The United States will maintain its commitment to bringing the parties back to the negotiating table, but the ultimate choice of peace is theirs to make. Chairman Abbas must not squander the opportunity to bring peace and prosperity to his people. He must show his willingness to make the tough choices, and take the risky path, that separate those who truly seek peace from those who do not.

I urge unanimous adoption of this resolution..

Mr. HYDE. Mr. Speaker, there is a very troubling development taking shape in the security policy of the European Union concerning arms sales to China. Briefly stated, the major European countries have already resumed arms sales to China and now propose to terminate altogether the long-standing embargo on arms sales that they imposed in 1989 following the Tiananmen Square massacre.

This is all part of a new ''strategic partnership'' which the European Union proclaimed at its summit meeting with China last December. Also reflected in the communiqué for that meeting is European support for China's membership in the Missile Technology Control Regime. The contrast with the policy of the United States Government could not be greater. Just a few days later, the Department of State once again imposed sanctions on several most prominent entities in China's military industrial complex for illicit sales to Iran.

Recent public comments by European authorities seek to downplay the significance of their new policy. They maintain that their arms sales to China will not result in quantitative or qualitative increases. But, this provides little assurance since the major EU member states have already doubled their arms sales in the one year period between 2002 and 2003 to $500 million. Indeed, there are no rose-colored glasses available that can soften the impact of this dangerous course of action.

The development of democracy in China would be the first casualty. Like the United States, the European Union imposed an arms embargo on China in 1989 following the Tiananmen Square massacre. While China's economic policies since then have provided the Chinese people with greater choices about consumer goods, the Communist Party remains firmly in power and permits few choices about what can be said publicly in exercise of personal liberty. A termination of the EU arms embargo would provide the Chinese leadership with an impressive propaganda coup and demoralize the pro-democracy movement.

Even more disturbing, European security policy in this area appears to be on a collision course with our country's extensive security interests in the Asia-Pacific region. Our security posture has been the decisive factor in ensuring regional stability and prosperity since the end of World War II. Our military planners and commanders are already confronting a sustained Chinese military buildup, which includes China's deployment of some 500 short range ballistic missiles across the Taiwan Strait and intercontinental missiles that can reach American shores.

The statement we make in this Resolution is twofold: First, that European policy should support the development of democracy in China, not a military buildup, by maintaining the embargo and terminating current sales. Second, that European armament cooperation with China is fundamentally inconsistent not only with our security interests in Asia, but also with transatlantic armament cooperation, which we will be duty bound to examine in a new context given the increased risks of diversion of sensitive U.S. military technology that naturally arise from EU-Chinese arms cooperation.

Mr. WAXMAN. Mr. Speaker, I rise in strong support of H. Res. 56 and join my colleagues in congratulating President Mahmoud Abbas on his election and commending the Palestinian people on their effort to restore democracy and accountability to the Palestinian Authority.

Unfortunately, the Palestinian people suffered greatly under the leadership of their previous President, Yasser Arafat. The Arafat regime was plagued by severe corruption, duplicity, a lack of respect for freedom and human rights, and worst of all a senseless campaign of terrorism that imperiled Palestinian efforts to build a state and make peace with Israel.

With the election of President Abbas, I hope the Palestinian people have embarked on a new path in a much more promising direction. Already President Abbas has made statements condemning terrorism and deployed Palestinian patrols into the areas of Gaza that have been mounting mortar attacks against Israeli communities. He has also begun to tamp down on anti-Israel and anti-Semitic incitement in the official Palestinian media and lay the groundwork to reduce tensions.

The path ahead is difficult. President Abbas's success will depend on his willingness and ability to dismantle the terrorist infrastructure of Hamas, Islamic Jihad, and other groups. His consolidation of power in Gaza will be essential for the Palestinian people to constructively take advantage of opportunity created by Israel's disengagement plan. But he must follow a path charted with hope rather than hate, and democracy instead of demagoguery.

The Roadmap for Peace set forth a vision of two states living side by side in peace and security that was indefinitely delayed because of Arafat's intransigence. Let us all hope that these elections and President Abbas's leadership will finally be a first step back in the right direction.

Mr. FARR. Mr. Speaker, I rise today in strong support of H. Res. 56, ''Commending the Palestinian people for conducting a free and fair presidential election on January 9, 2005.''

I find a quote from Harry Emerson Fosdick appropriate for talking about the historic presidential elections in Palestine: ''Democracy is based upon the conviction that there are extraordinary possibilities in ordinary people.'' Ordinary Palestinians took extraordinary steps on January 9th and voted for a presidential candidate; this was only the second time in their history that Palestinians have had the opportunity to exercise the right to vote. All Palestinians must seize the opportunity to dedicate themselves to the advancement of peace and prosperity.

This historic window of opportunity begs for the dedication and commitment of all parties who desire peace in the Middle East. I urge the new Secretary of State to be a fair and balanced broker in any future dialogue and to work tirelessly for a permanent peace.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 56.

The question was taken.

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

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

The yeas and nays were ordered.

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

URGING THE EUROPEAN UNION TO MAINTAIN ITS ARMS EMBARGO ON THE PEOPLE'S REPUBLIC OF CHINA

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 57) urging the European Union to maintain its arms embargo on the People's Republic of China.

The Clerk read as follows:

H. RES. 57

Whereas the United States and the European Union (EU) have maintained arms embargoes on the People's Republic of China since 1989, following the decision of the Chinese Government on June 4, 1989, to order an unprovoked, brutal, and indiscriminate assault on thousands of peaceful and unarmed demonstrators and onlookers in and around Tiananmen Square by units of the People's Liberation Army, which resulted in an untold number of deaths and several thousand injuries;

Whereas the People's Republic of China has yet to acknowledge and make amends for the 1989 massacre at Tiananmen Square and an estimated 2,000 Chinese citizens remain in prison as a result of their participation in those peaceful demonstrations according to the Department of State's Country Reports on Human Rights Practices for 2004;

Whereas the National Security Strategy of the United States approved by President George W. Bush on September 17, 2002, concludes that the People's Republic of China remains strongly committed to national one-party rule by the Communist Party and is not truly accountable to the needs and aspirations of its citizens, while preventing the Chinese people to think, assemble, and worship freely;

Whereas for several years the People's Republic of China has also been engaged in an extensive military buildup in its air, naval, land, and outer space systems, including the deployment of approximately 500 short range ballistic missiles near the Taiwan Strait according to the Department of Defense's Report on the Military Power of the People's Republic of China for Fiscal Year 2004;

Whereas the military buildup by the People's Republic of China and the strategic doctrines and policies that underpin such a buildup remain shrouded in secrecy and imply challenges for strategic deterrence between the United States and China, United States Armed Forces deployed in the Asia and Pacific region, United States commitments and interests related to the defense of numerous friends and allies in the region, particularly Taiwan and Japan, and regional stability more broadly;

Whereas the European Union and the People's Republic of China released a joint statement on December 8, 2004, following their seventh summit meeting at The Hague in which the two sides recognized each other as ''major strategic partners in the area of disarmament and non-proliferation'' and the EU confirmed its ''political will to continue to work towards lifting the EU arms embargo against China'';

Whereas the European Union and the People's Republic of China also released a joint declaration on non-proliferation and arms control on December 8, 2004, at The Hague in which the EU stated its support for China's entry into the Missile Technology Control Regime (MTCR);

Whereas on December 20, 2004, the Government of the United States determined that seven entities of the People's Republic of China, including several entities that play major roles in China's military-industrial complex, should be subject to sanctions under section 3 of the Iran Nonproliferation Act of 2000, which provides for penalties on entities for the transfer to Iran of certain controlled equipment and technology, reflecting a time span of more than a decade in which the United States Government has made repeated determinations regarding Chinese firms engaged in illicit transactions involving strategic technology;

Whereas on December 17, 2004, the Council of the European Union ''reaffirmed the political will to continue to work towards lifting the arms embargo'' on the People's Republic of China and invited the next Presidency of the EU ''to finalize the well-advanced work in order to allow for a decision'';

Whereas the largest member states of the European Union—France, Germany, Italy, and the United Kingdom—have steadily increased their arms sales to the People's Republic of China, such that from 2002 to 2003 the value of reported arms sales to China doubled to approximately $540,000,000, according to the most recent annual report, dated November 11, 2004, of the EU on its Code of Conduct on Arms Exports;

Whereas in order to assist member states of the European Union to close the gap in defense capabilities with the United States and to enhance the interoperability of the armed forces of such member states and United States Armed Forces, the United States has provided a framework in its laws, particularly under the Arms Export Control Act and chapters 138 and 139 of title 10, United States Code, in which the United States has pursued a policy of expanded transatlantic armament and defense industry cooperation involving increasingly sophisticated levels of sensitive United States military technology, which becomes subject to increased risks of diversion to the People's Republic of China due to armaments cooperation between the EU and China;

Whereas despite the chronically low defense spending of member states of the European Union, EU member states have decided to develop, with the participation of the People's Republic of China, a new global radio navigational satellite system, known as Galileo, at a cost of more than $3,000,000,000, which will have military applications, even though such system purports to serve civil applications already served by the United States Global Positioning Satellite (GPS) System; and

Whereas the United States has numerous national interests in the Asia and Pacific region, including the security of Japan, Taiwan, South Korea and other key areas, and United States Armed Forces which are deployed throughout the region could be jeopardized by the People's Republic of China because it is increasingly well-armed and may seek to settle long-standing territorial and political disputes in the region by the threat or use of military force: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms the United States arms embargo on the People's Republic of China and related findings and statements of policy set forth in title IX of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246);

(2) finds that policies by the United States and other countries which promote the development of democracy in the People's Republic of China, and not the development of Chinese military capabilities, will help assure a stable, peaceful, and prosperous Asia and Pacific region;

(3) deplores the recent increase in arms sales by member states of the European Union (EU) to the People's Republic of China and the European Council's decision to finalize work toward lifting its arms embargo on China, actions that place European security policy in direct conflict with United States security interests and with the security interests of United States friends and allies in the Asia and Pacific region;

(4) declares that such a development in European security policy is inherently inconsistent with the concept of mutual security interests that lies at the heart of United States laws for transatlantic defense cooperation at both the governmental and industrial levels and would necessitate limitations and constraints in these relationships that would be unwelcome on both sides of the Atlantic;

(5) requests the President in his forthcoming meetings with European leaders to urge that they reconsider this unwise course of action and, instead, work expeditiously to close any gaps in the European Union's arms embargo on the People's Republic of China, in the national export control systems of EU member states, and in the EU's Code of Conduct on Arms Exports in order to prevent any future sale of arms or related technology to China; and

(6) requests the President to inform Congress of the outcome of his discussions with European leaders on this subject and to keep Congress fully and currently informed of all developments in this regard.

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

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

GENERAL LEAVE

Mr. GALLEGLY. 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. 57, the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of this resolution that was introduced yesterday by the gentleman from Illinois (Mr. HYDE), expressing the strong concern of the House that the EU may lift its arms embargo directed at China.

In his recent inaugural address, President Bush reaffirmed America's commitment to democracy and freedom throughout the world. Yet, by selling advanced weapons systems to the People's Republic of China, the EU is directly undermining the security of one of Asia's most vibrant democracies, our close ally, Taiwan.

Over the last decade, Taiwan has moved strongly in the direction of becoming a full-fledged democracy, with free elections, a free press and respect for the rule of law. If the arms embargo is lifted, the EU would be further tilting the military equation against the

people of Taiwan at the very time they are embracing human rights and democratic values.

Furthermore, if our soldiers were ever called upon to defend Taiwan, they could potentially be facing weapons systems manufactured by our own European allies. This would be an intolerable development.

Finally, the lifting of the arms embargo would also have other negative consequences. In the past, China has demonstrated its willingness to sell weapons to nations that cannot be trusted with advanced military gear. This includes countries such as Iran that support international terrorist groups and countries such as Sudan, Burma and Zimbabwe that are among the world's worst violators of human rights. The last thing these countries need is additional weapons.

Mr. Speaker, I urge my colleagues to support this important measure. I also urge Secretary of State Rice and President Bush to raise this issue during their upcoming visit to Europe.

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

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

I want to commend my good friend, the gentleman from California (Mr. GALLEGLY), for his strong and powerful statement. I particularly want to thank the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on International Relations, my good friend, for leading us on this issue.

Mr. Speaker, I just returned from a very substantive mission to North Korea, China and Taiwan, where I met with many of the key leaders of those countries. Mr. Speaker, our Nation's security interests in the Asia-Pacific region, including the national and economic security of our friends and allies in the Asia-Pacific area, were paramount on my agenda.

While the Asia-Pacific region remains calm at the moment compared to other parts of the world, this calm can be deceiving. The United States has tens of thousands of troops deployed in Asia, and their security is directly threatened by the shortsighted and greed-driven initiative emanating from Europe. This initiative, Mr. Speaker, is the European Union's current effort to lift its ban on arms sales to the People's Republic of China.

I, therefore, commend the gentleman from Illinois (Mr. HYDE), the chairman of our full committee, for introducing this important resolution and for moving it forward so expeditiously.

Mr. Speaker, it is frightening to contemplate that American Armed Forces may one day be deployed in the Taiwan Strait to defend the island nation for a possible invasion by mainland China, and if key leaders in Paris, Berlin and Brussels have their way, our soldiers may very well be facing the latest in high-tech weaponry manufactured by our allies in Europe.

Mr. Speaker, based upon my recent meetings in China and Taiwan, I remain optimistic that tensions across the Taiwan Strait can be resolved peacefully and that the United States will not be drawn into Taiwan-related conflict.

Key policymakers in Beijing fully understand that military action against Taiwan would spark international isolation, possible military conflict with the United States and a certain boycott of the much-prized 2008 Olympics in Beijing.

Taiwan's leaders, for their part, fully understand that the increasing economic ties between Taiwan and the mainland would be threatened by provocative steps.

President Chen and Vice President Lu in Taiwan fully understand that Taiwan must negotiate with the mainland from a position of strength, which requires immediate approval by Taiwan's legislature of a supplemental defense package.

Despite these factors working in favor of peace across the Taiwan Strait, it is possible that mainland hard-liners might push for military action against Taiwan after the 2008 Olympics or that conflict in the Strait may begin because of miscalculation by either side.

It is in this context that the European Union's current deliberations on lifting its arms embargo on China are so outrageous. With enormous loss of human life, the United States liberated the Nations of Europe during World War II, including France and Germany. For the new generation of European leaders to turn their backs on American national security interests and consider opening up the floodgates of weapons sales to the People's Republic of China shows that they have truly lost their moral compass.

Europe's leaders have argued that they will continue to restrict most arms sales to Beijing, even if the ban is lifted. Mr. Speaker, I simply do not believe this assertion. If there is money to be made in a troubled part of the world through arms sales, key European arms manufacturers are the first through the door to make that sale.

Mr. Speaker, the decision by the European Union is not final, and it is my strong hope that President Bush and our new Secretary of State Condoleeza Rice will make it a top priority to convince the European Union to reverse this dangerous course. Sadly, the key reason for the imposition of the arms embargo, China's horrendous human rights record, remains unchanged, more than 15 years after the massacre at Tiananmen Square.

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Europe's leaders must understand that there will be severe ramifications for the transatlantic relationship if they fail to do what is right and just, if they fail to respect internationally recognized human rights and the national security interests of their historic liberator and their most important ally, the United States of America.

Mr. Speaker, I urge all of my colleagues to support our resolution.

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

Mr. GALLEGLY. Mr. Speaker, I yield 4 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise as a proud cosponsor of House Resolution 57 and ask my colleagues to render their strong support to this resolution.

It is unconscionable that the European Union has decided to lift its arms embargo against the People's Republic of China, a regime that is a gross human rights violator and a country of proliferation concern, given its assistance to terrorist states like Iran.

The arms embargo was implemented in response to the Chinese regime turning its tanks against peaceful demonstrators in Tiananmen Square on that fateful day of June 4, 1989. The PRC has yet to acknowledge or even make amends for this massacre. The PRC harasses, intimidates, imprisons, and tortures religious worshipers, human rights dissidents, and any who seek to exercise their fundamental freedoms and who oppose the repressive apparatus of the regime in Beijing.

For the EU to remove the ban and for its largest members to steadily increase their arms sales to the PRC is an affront to all of China's victims, particularly to the victims of Tiananmen Square. It also undermines global efforts to hold other human rights violators accountable for their deplorable practices. How can the EU's so-called human rights dialogue with Iran or its discussions with Syria, for example, have any credibility when the EU has given a pass to the PRC for this massacre?

It is critical we also look at the implications for U.S. policy priorities on other issues. As the resolution before us articulates, the United States has significant security interests in the Asia and Pacific regions, including the security of Japan, Taiwan, South Korea, and other critical areas. The EU decision could alter this delicate strategic balance in this region.

An even more daunting implication is how the EU's removal of the arms embargo on China could undermine counterproliferation efforts. Chinese entities have been sanctioned under U.S. law for transferring missile technologies to Iran. Concurrently, Iran has paraded its long-range Shahab-3 missiles that could reach and threaten U.S. allies in the Middle East and American forces stationed in the region.

Yet the EU decides to facilitate China's military buildup by lifting its arms embargo on the PRC. Within this context, is the EU complicit in the threat posed by Iranian missiles targeting U.S. interests with Chinese technology? For that matter, how will the EU respond to Iran missile threats when they reach European capitals,

thanks to Chinese technology? How can the EU be taken seriously in its efforts to halt Iran's pursuit of a nuclear capability?

This is a matter of utmost urgency. The EU's decision to lift the arms embargo on the PRC can have grave repercussions. It could trigger a domino effect that could undermine our efforts to address and curtail threats across multiple sectors. It will only serve to emboldened oppressors and proliferators. We must stand together against such threats.

As the resolution underscores, this development in European security policy is inherently inconsistent within the concept of mutual security interests. Let us, through the overwhelming adoption of the resolution of the gentleman from Illinois (Mr. HYDE), strongly urge European leaders to reconsider this unwise course of action. I ask my colleagues to render their strong support for this resolution.

Mr. LANTOS. Mr. Speaker, I am delighted to yield such time as she may consume to the gentlewoman from California (Ms. PELOSI), the Democratic leader who has long been our leader on policy with respect to China.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time, my colleague from California, and also for his distinguished service and for bringing this to the floor today. I am pleased to join our Republican colleagues. It is one area where we can work together to make the world freer, people freer, the world safer, and, hopefully, trade fairer one of these days.

Mr. Speaker, I rise in strong support of this resolution urging the European Union to maintain its arms embargo in the People's Republic of China. I commend the Committee on International Relations chairman, the gentleman from Illinois (Mr. HYDE), and our ranking member, the gentleman from California (Mr. LANTOS), for bringing this resolution to the floor. They are tremendous leaders on behalf of human rights in China and, indeed, all over the world.

Almost 16 years ago, the Chinese regime shocked the world as it unleashed its army on its own defenseless people and crushed the peaceful pro-democracy movement in Tiananmen Square. We know that the human rights situation in China has not significantly improved since the arms embargo was imposed.

At the time of the Tiananmen Square massacre, it was seared into our conscience. One of the most enduring images of the 20th century was a picture of a lone man standing before a long line of military tanks. We remember how millions of ordinary students, workers, and citizens marched in peace; how they raised the goddess of democracy, an image of our own Statue of Liberty; and how they quoted our own Founding Fathers.

The United States and the European Union imposed complementary arms embargoes as a direct response to the Tiananmen Square massacre. Civilized governments were outraged at the brutality of the Chinese regime and took a course of action to ensure our weapons would not be used to harm innocent people in China, Tibet, East Turkistan, Inner Mongolia, and Taiwan.

For a billion Chinese and Tibetans, freedom remains a dream deferred. Journalists, activists, academics, workers, and religious believers are still persecuted and tortured. Beijing is still harassing and arresting dissidents and families of the Tiananmen victims.

The most recent State Department ''Country Report on Human Rights'' states that the Chinese Government's ''Human rights record remains poor, and the government continued to commit numerous and serious abuses. There was backsliding on key human rights issues.''

The recent passing of Zhao Ziyang, the former Secretary General of China, reminds the world of the courage of the heroes of Tiananmen. Zhao dared to resist the Chinese Communist Party's decision to crush the pro-democracy movement. And I remind my colleagues that at the time he was the chairman of the Chinese Communist Party. He very courageously, just weeks before the massacre, made a very crucial appeal to the students to leave Tiananmen Square to prevent bloodshed.

With tears in his eyes and bullhorn in his hands, he apologized to them for having come too late. His courage in opposing military force resulted in his dismissal from the government, his name erased from Chinese history books, and almost 16 years under house arrest, until his recent death. The Chinese Government has tried to erase the history of Tiananmen and Zhao's legacy, but the world will remember.

For all their power, the regime is afraid of Zhao. They were afraid of him in life; they are afraid of him in death. But the more they try to suppress his message and his courage, the stronger they make him.

Today, we are once again calling on Beijing to release thousands of Tiananmen activists held to this day and all the prisoners of conscience, whose only crime was to demand their basic human rights.

I commend the Bush administration for reiterating its support of the U.S. arms embargo. The European Union has showed leadership in fighting for human rights all over the world. Now is not the time for them to abandon those principles.

I just would like to make this point, because I mentioned trade in the beginning. Since the time of the Tiananmen Square massacre, for many years we have had debate on the floor as to whether we could use economic leverage to improve the human rights situation in China; that we could use economic leverage to improve the performance of the Chinese regime in regard to fairness and in trade with our country and to stop the proliferation of weapons of mass destruction by the regime to unsafeguarded countries.

That idea was rejected by the Congress, and I may say in a bipartisan way: President Bush, President Clinton, President Bush all shared the same view. But it was wrong, and it is still wrong.

The fact is that we did not use the leverage, and everyone said economic reform is going to lead to political reform; this trade is going to enable the Chinese people to be freer. The fact is that has not worked. And the trade deficit, which we thought was giving us leverage in 1989 of $2 billion, $2 billion, this enormous amount of money we thought was going to give us leverage for human rights, improve trade relations, as well as stopping the proliferation of weapons of mass destruction, well, the trade deficit today, thanks to this policy, is now $2 billion a week, not a year, a week. Over $2 billion a week.

The point I want to make in relationship to the European Union, though, is the following: for a long time over that time the Chinese Government was very clever. They took advantage of the U.S. because we welcomed them with open arms. Just flood our markets with your products, maintain your barriers to our products going into China, and you have this. China has a huge trade surplus. And where did they spend that surplus? They spent it in Europe, and they spent it in other parts of the world using economic leverage for a political purpose: just exactly what they argued against when we wanted to do it to improve human rights, to stop the proliferation of weapons of mass destruction, and to improve the trade situation.

So it is no wonder the European Union does not have the kind of trade deficit with China that we have, because China buys from the European Union, or they did for at least long enough to get them with the program. And what the program is is a giant economic power using its economic power to suppress initiatives that make the world safer, that make people freer, and make trade fairer.

So I applaud again the distinguished gentlewoman from Florida for her remarks and the leadership of the committee for their initiative in bringing this to the floor; and I would hope, I would hope that the Bush administration's statements will now be met with firmness in dealing with the EU that this is important to us. Because the trade embargo is there for a reason, and now that it is lifted, if it is lifted, the world will be a less safe place.

Mr. GALLEGLY. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

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

Rarely in human history have so many been armed by so few in a crass and cynical pursuit of profit at the expense of Asia's peace. The word should go forth that the French President is

determined to sell weapons that will be aimed at Japan and Korea and Taiwan and the Philippines and the men and women of the United States military. These weapons will be built in France and pointed directly at the people who serve in the United States Navy.

In lifting the arms embargo against China, Europe will be making an enormous mistake. Europe's short-term concern with the corporate bottom line will lead to greater conflict and increased peril for Americans serving in uniform. Since 1989, China has been almost cut off from European technology, and China's leaders have responded by a cooperative foreign policy designed to lift this embargo so they can arm to the teeth as the rising power of Asia to challenge the other powers, all democracies on her periphery.

If you are pro-U.S. Navy, you should be against this. If you are pro-Japanese, you should be against this. If you are pro-Indian, you should be against this. Because these European weapons will be directed at each of these democracies.

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This is a very short-term decision for a very few profits, and it is Jacques Chirac that is doing this. That will create greater insecurity in Asia, lay the seeds for a conflict, and maybe the death of Americans caused by French weapons sold for short-term profits.

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

I just want to make a comment about my good friend's observations. He is absolutely correct. This greed-driven policy by a Europe which was twice liberated in the 20th century by the United States, a policy which, by the way, this past year, in 2004, resulted in over a half a billion dollars of military sales already to China, with again the French leading the way. The degree of cynicism, the degree of greed displayed by some European leaders turns one's stomach.

I strongly urge all of my colleagues to vote for our resolution.

Mr. Speaker, we have no additional requests for time, and we yield back the balance of our time.

Mr. GALLEGLY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

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

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

Mr. Speaker, I rise to wholeheartedly support this common-sense resolution.

The U.S. and European Union, as we have heard, established arms embargoes against the People's Republic of China following the June, 1989, Tiananmen Square Massacre.

The U.S embargo continues today in light of the widespread human rights abuses that continue under the Communist regime. But the European Union, in a move that can only be described as reckless, is moving to lift its ban on weapons sales.

EU states are even today selling China so-called nonlethal technologies that enhance its offensive capabilities. Advanced radar systems sold to China, for example, allow its military to better target U.S. warships and aircraft.

For this reason, I introduced in the defense authorization bill last year a provision to prohibit the Defense Department from buying weapons from foreign companies that sell weapons to the People's Republic of China. My measure, which passed the House, also would have made it U.S. policy to deny China defense technology that could threaten the U.S. or destabilize the Western Pacific region.

Unfortunately, this provision was dropped in conference as a result of Senate objections. But we are here again today discussing this vitally important issue.

I strongly encourage the EU to place international security and human rights ahead of any monetary benefits from selling weapons to China, and I urge passage of this resolution.

Mr. GALLEGLY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

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

Mr. Speaker, I rise in strong support of this resolution. The European Union imposed a ban on arms sales to the People's Republic of China following the Tiananmen Square Massacre back in 1989. In recent months it has become apparent that European nations, seeing an opportunity to profit from China's large-scale military modernization program, may well be prepared to lift that embargo in the near future, and I believe that would be a terrible mistake.

In a November 30, 2004, letter to the President of the European Union, 25 Members of this body who opposed the lifting of the arms embargo stressed that such a decision would alter the current fragile military balance across the Taiwan Straits. It would rapidly tip the balance in the PRC's favor. In the last year alone, China has added more than 100 missiles to its arsenal, bringing to more than 600 the number pointed directly across the Taiwan Straits at Taiwan.

The EU's imminent decision to lift the arms embargo would further isolate that island nation and endanger its sovereignty and the safety of its citizens.

A lifting of the European arms embargo and further modernization of China's army would also create new dangers for the United States and its Asian allies. If we were ever to be called upon, and I hope this never happens, but if we were ever called upon to intervene in an Asian military crisis, the lives of our servicemen and women would be increasingly endangered.

Mr. Speaker, our European neighbors need to think long and hard about the short- and long-term negative effects of the lifting of the arms embargo. Stability in Asia is all too important to dismiss for the sake of short-term profits for European arms dealers.

I thank the chairman for bringing this important resolution to the floor in such a timely manner. I particularly thank the gentleman from California (Mr. GALLEGLY) for doing this, and I urge my colleagues to support the resolution.

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

I would like to close by thanking the gentleman from California (Mr. LANTOS) and those on the other side of the aisle for their strong support for this important issue. I ask all of my colleagues to join in strong bipartisan support of this critical resolution, H. Res. 57.

Mr. TANCREDO. Mr. Speaker, I rise today in support of House Resolution 57.

Mr. Speaker, while I support passage of this resolution, I am disappointed that events require us to debate it today. How any European leader could seriously contemplate the notion of arms sales to the regime in Beijing is, frankly, a mystery to me.

Beijing's abysmal human rights record has scarcely improved since the massacre at Tiananmen Square that prompted the EU to institute the embargo in the first place. The communist authorities in China continue to detain hundreds upon thousands of political prisoners. Torture remains widespread and systemic. Political freedom is nonexistent, as are the right to worship freely and the rule of law. The flow of information is rigidly controlled by government authorities and there is no independent media or judiciary.

And the Chinese regime has shown no signs of changing course. They have backpedaled on promises of democratic reform in Hong Kong and routinely threaten the peaceful democratic nation of Taiwan with military force. And these threats have only become louder and more belligerent in the years since the imposition of the embargo. In fact, the Chinese have become so bellicose and bold in their threats to "crush" Taiwan's self-determination that they no longer make any secret of their buildup—some 500 and counting—of missiles pointed directly at Taiwan.

So we must ask why? Why would any freedom loving European nation entertain the idea of selling weapons to a regime like the one currently ruling on the Chinese mainland? How could any nation that calls itself a friend of the United States seriously consider selling weapons to a regime whose stated goal is to annex, by force, Taiwan—a democratic ally of the United States? Perhaps most importantly, why would any European country sell weapons to the People's Liberation Army knowing that someday U.S. servicemen could be drawn into a conflict in the Taiwan straits?

Does the EU honestly believe it is in the best interests of the trans-Atlantic alliance to create a possible situation that could pit U.S. soldiers and sailors against Chinese soldiers wielding European weapons? Haven't enough U.S. soldiers been killed by European weapons in the last two World Wars? The European Union member nations should think very seriously about that last question before they decide to lift this embargo.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support H. Res. 57, which urges the European Union to maintain its arms embargo on the People's Republic of China. While I have been a supporter of increasing trade and diplomatic relations with China, I am not nearly as comfortable with the idea of lifting the arms embargo. I am also disturbed by reports that China has sold weapons to Iraq that bolstered the regime of Saddam Hussein and are now being used by insurgents who have gotten a hold of the regime's weapons stockpiles. China needs to take a giant step back in its weapons proliferation in order to become a valuable ally instead of the menacing figure it often portrays.

Again, I want to reiterate that while I have many concerns about the Chinese government, I have long recognized that trade with China has value for Americans and the people of China, which is why I voted in favor of Permanent Normal Trade Relations (PNTR) with China. My record on trade measures since coming to Congress demonstrates my willingness to evaluate each vote on its own merits, as long as worker and environmental rights are protected. In addition, I have voted for most-favored-nation status for China, while I have continued to raise my voice against the ''undemocratic'' ways of China. Unlike during the Cold War, we have unparalleled opportunities to bring the people of China and America much closer together. Trade is one way to accomplish this, however my desire to bring our two nations together is overshadowed today by my concerns about China's role in the world, especially in the form of weapons proliferation.

China's weapons exports remain the most serious proliferation threat in the world. Since 1980, China has supplied billions of dollars worth of nuclear weapon, chemical weapon and missile technology to South Asia, South Africa, South America and the Middle East. It has done so despite U.S. protests, and despite repeated promises to stop. The exports are still going on, and while they do, they make it impossible for the United States and its allies to halt the spread of weapons of mass destruction. I am especially shocked by the role of China in supplying Iraq with weapons, including chemical weapons that were used against the Kurdish people by the Saddam Hussein regime. Now many of those same weapons have fallen into the hands of insurgents who are targeting our military personnel. China must cease and desist immediately from interfering in Iraq and bring itself into the international circle of non-proliferation efforts.

I urge the European Union not to lift its Arms Embargo against China, because doing so at this time will send the wrong signal. Relations between the United States and China are a long term effort, one which cannot be handled with a singular approach. I stand for trade and diplomatic relations with China because this increases our person to person contacts that can only serve to create friendly relationships. However, lifting the Arms Embargo at this time will give the signal that proliferation of these weapons is acceptable, and it is not. Lifting the Arms Embargo will also signal that a bad human rights record is acceptable, and likewise it is not. Lifting the Arms Embargo against China will also signal to other nations who seek to gain access to weapons of mass destruction that proliferation of these weapons is acceptable, and to this point the whole world must stand up and say that it is not. I will continue to support increased relations with China because it is a key nation in the world, but I will forever refuse to turn a blind eye to weapons proliferation that threatens the security of all nations.

Ms. SOLIS. Mr. Speaker, I rise today in support of H. Res. 57, expressing the Sense of the U.S. House of Representatives that the European Union should not lift its embargo on the sale of arms to China.

After the 1989 Tiananmen Square Massacre the European Union imposed a ban on arm sales to China. I support this embargo, as I believe it helps ensure peace in the region and deters China from the use of arms against Taiwan. In the world we live in we should strive to ensure peace, liberty and democracy. I feel strongly that the European Union's lifting of the arms embargo would be detrimental to the fragile peace that we are striving to maintain, and I am proud to join my colleagues in support of the embargo.

Ms. BORDALLO. I would like to thank Chairman HYDE, Ranking Member LANTOS, Congresswoman ROS-LEHTINEN, and Congressman MCCOTTER for initiating this resolution urging the European Union to maintain its arms embargo on the People's Republic of China. I rise today to give my strong support to this resolution. The arms embargo we are discussing today was placed on the People's Republic of China in response to the massacre at the Tiananmen Square on June 4, 1989. That singular event succinctly demonstrated the oppression of those who suffer under a closed society like the PRC. They suffered on that fateful day at the hands of a brutal suppression. I urge our European friends to uphold their principled stand against arms sales as they opposed arming Eastern Germany and the Soviet Union during the Cold War. At that time it was the safety of Europe that hung in the balance. Now it is the peace and stability of the Asia-Pacific region that is at stake.

The gathering of students and peaceful protesters at Tiananmen Square that summer represented a value we in this country hold dear: the right to freely assemble. If you believe in that freedom, then don't lift the embargo. Let us remember the graphic image of the lone protester stopping a line of People's Liberation Army tanks on a Beijing highway. How will the governments of Europe explain that the next time this occurs the People's Liberation Army could be using French or German tanks to quell a protest for democracy?

One member of the PRC government recognized the plight of the Chinese people on that fateful day and had the courage to admit that the brutal suppression was a shameful tragedy. General Secretary Zhao Ziyang was then stripped of power and placed under house arrest until his recent passing. It is forbidden to discuss his heroism in China, but here on the floor of Congress we can be candid because we enjoy the right to free speech that the people of China do not. In his memory, I urge the good nations of Europe to recognize that the work begun by the protesters at Tiananmen is not done.

I admit that I have personal interest in keeping the arms embargo in place. The People's Republic of China has had a history of aggressive military acquisition. These forces may someday threaten our allies in the Asia-Pacific region. It was only recently that a Chinese submarine was detected circling our island. I urge the leaders of Europe to look beyond their own self-interest and consider the cause of freedom in making their decision concerning the arms embargo.

To this end, I ask my colleagues to vote in favor of House Resolution 57, to urge the European Union to maintain its arms embargo on the People's Republic of China.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and agree to the resolution, H. Res. 57.

The question was taken.

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

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

The yeas and nays were ordered.

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

RELATING TO FREE ELECTION IN IRAQ HELD ON JANUARY 30, 2005

Ms. ROS-LEHTINEN. Mr. Speaker, pursuant to the previous order of the House, I call up the resolution (H. Res. 60) relating to the free election in Iraq held on January 30, 2005, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The text of House Resolution 60 is as follows:

H. RES. 60

Whereas in April 2003, United States Armed Forces and other Coalition forces liberated the people of Iraq from the dictatorial regime of Saddam Hussein;

Whereas at the end of June 2004, an Interim Government of Iraq assumed sovereign authority over Iraq;

Whereas the Interim Government of Iraq called an election for January 30, 2005, to elect a Transitional National Assembly, which will choose Iraq's Transitional Presidency Council, approve Iraq's other national leaders, serve as a transitional legislature, and draft a permanent Iraqi Constitution to be submitted to a referendum;

Whereas tens of thousands of Iraqis signed petitions nominating thousands of candidates for seats in the Transitional National Assembly under rules prescribed by the Independent Electoral Commission of Iraq;

Whereas thousands of Iraqis served as poll workers or observers;

Whereas a terrorist insurgency used murder and intimidation in a desperate but ultimately fruitless attempt to prevent the people of Iraq from exercising their right to choose their own leaders;

Whereas despite the efforts of Coalition forces and Iraqi security forces, a regrettably large number of Iraqi election workers, political party volunteers, security officials, candidates, and ordinary citizens attempting to participate in the political process or who

were merely innocent bystanders were victimized by the insurgency, with some individuals having been killed while attempting to vote;

Whereas millions of Iraqis nevertheless exercised their right to vote, despite threats and actual violence directed against them;

Whereas Coalition forces, in cooperation with Iraqi security forces, continue to provide security for the people of Iraq; and

Whereas a representative democracy is more than a way to settle disputes but, most importantly, ascribes intrinsic value to every human being: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the people of Iraq, in particular those individuals who participated in the political process as voters, poll workers, observers, party workers, or candidates for the Transitional National Assembly, for having taken part in the historic and inspiring Iraqi election of January 30, 2005;

(2) expresses its thanks to the Interim Government of Iraq and the Independent Electoral Commission of Iraq, Iraqi and Coalition security forces, and the civilian United States and international partners of the Government of Iraq for their tenacious efforts to create the conditions in which a free election could be held;

(3) expresses its condolences to the families of those Iraqis who perished while attempting to exercise their right to choose their government or while protecting Iraqis who were doing so;

(4) congratulates the candidates who were elected to Iraq's Transitional National Assembly which will be, when it is formed, the newest democratically-elected legislature in the world;

(5) offers its continued support to the people and political institutions of Iraq, including the Iraqi Transitional National Assembly, as they deal with the consequences of decades of misrule by the former regime of Saddam Hussein;

(6) expresses its gratitude to the United States Armed Forces for their ongoing valiant service to their country and commitment to the highest ideals and traditions of the people of the United States;

(7) expresses its gratitude to the families of United States Armed Forces personnel, especially the families of those who have lost loved ones in Operation Iraqi Freedom, and to Armed Forces personnel wounded in the service of their country, for their sacrifices;

(8) reaffirms that—

(A) United States Armed Forces in Iraq will remain under the full authority, direction, and control of their United States commanders; and

(B) United States Armed Forces will possess all necessary authority to fulfill their mission in Iraq effectively and to provide for their operational safety;

(9) urges the people of the United States and other countries to celebrate this latest step in the restoration of freedom to the people of Iraq; and

(10) reaffirms that the world is safer when democracy replaces tyranny.

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, February 1, 2005, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

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

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 60.

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

There was no objection.

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

Mr. Speaker, I rise in support of this important resolution relating to the free elections held in Iraq on Sunday, January 30. I commend the leadership for bringing this important measure to the floor at this time.

This past Sunday, freedom permeated from all corners of Iraq. Iraqis celebrated their vote. They reveled in it and embraced it. They clearly demonstrated to the terrorists and to the world the power of the human spirit. They showed the indomitable will of a free people anxious to exercise their rights as human beings and citizens. We witnessed women in this Arab nation taking their place as free individuals alongside men, their voices and their votes given equal weight.

The Kurdish people, who have been the victims of unspeakable human rights violations under Saddam Hussein's evil regime, at long last voted to take their well-earned, equal, respected place in a new Iraq. Both Shias and Sunnis, through the ballot box, were afforded an equal opportunity to exercise their rights and a role in their future government.

Some naysayers have focused on percentages and what ethnic group voted more than others. I, however, will always remember the images of the young and old Iraqis, of men and women of all backgrounds, proudly showing their ink-stained fingers, while hugging and waving to American soldiers in a show of gratitude.

I have never been prouder to have been an American and know that we have and will continue to contribute to make these images of hope possible. It is a testament to the power of freedom that as we commemorated the liberation of Auschwitz we finished that same week with elections in a country previously shackled with decades of tyranny.

It is a victory for those of us who believe that people throughout the Middle East are not just ready but enthusiastic for democracy. It is a victory for the principle that human rights are universal and not gifts bestowed to a select few.

However, our work is by no means complete. From Iran to Libya, from Saudi Arabia to Syria and beyond, much of the Middle East remains engulfed in oppression under the iron grip of dictatorships. Only by securing a decisive shift towards democracy across the region can the misery endured by the people of the Middle East be relieved.

Simultaneously, we must encourage those governments and populations in the region who have heeded the call for political and economic reform to expand those efforts, as they will surely ensure a prosperous future for their people and a more secure and stable world for us all.

Let us congratulate and commend the courageous Iraqis for defying the terrorists in going to the polls in huge numbers. Let us honor the brave men and women of our Armed Forces and all Iraqi security forces, officials and innocent civilians who have given their lives so that all Iraqis were given the opportunity to exercise a valuable, cherished freedom.

As the great communicator, former President Ronald Reagan, said on January 20, 1981, ''No weapon in the arsenals of the world is so formidable as the will and moral courage of free men and women.'' This was clearly evident in Iraq this past Sunday.

I urge my colleagues on both sides of the aisle to overwhelmingly support this resolution.

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

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

Mr. Speaker, I rise in strong support of this resolution. I first want to commend the bipartisan leadership of this body for bringing this resolution to the floor.

Mr. Speaker, the votes are still being counted in Iraq, but it is already clear that democracy has won. The people of Iraq have cast their ballots in favor of freedom, including the right to choose their own leaders and their own fate.

We should not be surprised. We have seen people choose freedom over tyranny repeatedly during the past 15 years in country after country. But Iraqis voted in unprecedented circumstances, literally risking life and limb merely to exercise the privilege that most of us take for granted and many of us do not even exercise. Their courage inspires us, reinvigorating our own love for democracy and testifying to the power of freedom's call.

Mr. Speaker, I would like to have been a fly on the wall of those in power throughout the Arab world who watched the televised spectacle of Iraqis freely choosing their own leaders. We do not know yet who will lead the new Iraqi government, but we know that that government will be the sole representative of democracy in the halls of the Arab league. And we know that increasing numbers of Arab citizens in other Arab countries are already asking why their governments, with very limited exceptions, are chosen and perpetuated only at gunpoint.

The evident success of the election should boost the self-confidence of all concerned. Iraqis themselves organized the campaign and election. They monitored the vote, they secured the polling places, and now they are counting the ballots.

U.S. forces wisely situated themselves beyond the horizon of the polling places, but no one should lose sight of the fact that it was American and coalition soldiers who made this day possible because of their performance on

election day and for many days and weeks before.

□ 1145

Mr. Speaker, we must pay special tribute today to the bravery shown by our fighting men and women, to the commitment shown by our civilian personnel in Iraq and to the dedication and sacrifice shown by their families. I am proud that this resolution does just that.

We also acknowledge with respect those who have been wounded in the prosecution of this war, and we remember with the deepest sadness those who made the ultimate sacrifice.

Not the least of the gratifying developments on Sunday was the excellent manner in which the Iraqi armed forces acquitted themselves. We need to pay special tribute to General David Petraeus for his extraordinary work in training Iraq's military forces.

Mr. Speaker, I believe Sunday's election is an important milestone in the democratic development not only of Iraq but the entire Middle East. But it is also another battle won in the fight against the antidemocratic terrorists who opposed the election and continue their pernicious struggle. The impressive voter turnout, perhaps most impressive in the Sunni areas where antidemocratic intimidation was the most intense, is the surest sign that Iraqis as a whole are embracing the legitimacy of their new government and their new security forces.

But we must be realistic, Mr. Speaker. Democracy entails far more than a day at the polls. The major challenges are still ahead for Iraq. Can Iraqis ensure that all segments of their nation have the opportunity to be heard? Will they produce a fair and workable constitution leading to a durable democracy? Will they learn the art of compromise that will be essential to their success? Will they be moderate or will they dig in their heels on the difficult issues such as the role of religion or the disposition of the contested city of Kirkuk?

Building democracy in the Middle East will require immense patience. It surely is a multigenerational project. Even building democracy in just one nation, especially one with a complicated society such as Iraq's, is a long-term challenge. But for today, Mr. Speaker, let us recognize that the Iraqi people have just taken a first but vitally important step towards meeting that challenge, and let us affirm that they merit the admiration of all free peoples across the globe. And last, but hardly least, let us take pride in America's enormous contribution towards true Iraqi self-determination.

Mr. Speaker, I urge all of my colleagues to support this resolution.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I am very proud to yield 3 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), the vice chair of the Committee on Rules.

Mr. LINCOLN DIAZ-BALART of Florida. I thank the distinguished gentlewoman for yielding me this time.

Mr. Speaker, I rise in strong support of this resolution brought forth by our majority leader and others commemorating, celebrating the extraordinarily historic accomplishment of the Iraqi people last Sunday.

As our majority leader stated in a meeting where we were able to hear him speak just a few minutes ago, what we saw, what the world saw in Iraq on Sunday was more than an accomplishment. It was a miracle. But it was a miracle made possible by the leadership of President Bush and the Armed Forces of the United States and the coalition that have stood firmly for the security of a people who were oppressed for decades and who made it known to the entire world last Sunday that those thugs who seek to cloak themselves in some sort of sector of Islamist thought are nothing but a bunch of gangsters, thugs and gangsters who seek to intimidate through violence and through terror.

So the world was able to see on Sunday the gangsters and the thugs for what they are, a pathetic group dedicated to terror and intimidation. The world has seen and was able to see, by the courage of the millions and millions of Iraqis who, despite the threat to their own lives, stood in line and the lines refused to be broken. As our majority leader stated so eloquently in the meeting that we had, as I stated before, earlier today, the lines refused to break even when the bombs came and the attacks came and the injured were taken to hospitals and the dead were mourned. Yet the lines remained to demonstrate to the world that the Iraqi people not only seek but appreciate and will stand for their freedom and that the gangsters and the thugs are simply pathetic believers in violence.

I am a firm believer in the Bush doctrine. All people want to be free and all people deserve to be free. There are a handful of tyrannies in the world. Their day will soon come, also.

Just 90 miles from the shores of the United States there is a tyrant who for 46 years has oppressed a people, also through the same gangster tactics that these thugs in the Middle East use. Unfortunately, he has all the weapons, and his people are unarmed. His day will soon come as well.

This is a great day for history, for peace that we are celebrating today with this resolution by the gentleman from Texas (Mr. DELAY). That is why I so strongly support it.

Ms. ROS-LEHTINEN. Mr. Speaker, I am so proud to yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I thank the gentlewoman for yielding me this time.

Mr. Speaker, there have been so many images that have come out of the election in Iraq that have warmed the hearts of all who love freedom. My favorite was that of a woman holding up the victory sign accentuated by the blue ink on her finger indicating that she had voted. That victory sign stands for victory over dictatorship, for victory over terror, victory for democracy, victory for freedom.

There have also been some statements from voters showing what they think of their newfound freedoms. One voter remarked, ''I moved to mark my finger with ink. I dipped it deep as if I was poking the eyes of all the world's tyrants.''

The Iraqi people have spoken with a loud voice, and once again freedom is on the march. This is thanks to the dedication not only of the people of Iraq but certainly for all the service and the sacrifice of our brave men and women in the armed services.

So I do find it amazing that some on the other side of the aisle and throughout our Nation are calling for a quick pullout of our troops from Iraq. We all want our troops to come home, and they will, as soon as their mission is accomplished, as soon as it is completed. They will not leave early and allow dictatorship and repression to return to fill the vacuum left by their departure.

Many of these advocates of an early withdrawal were also in opposition to President Ronald Reagan when he stood strong for freedom against Soviet communism. These same detractors say that we should not overhype the election in Iraq. In 1989, were they saying that we should not overhype the fall of the Berlin Wall? Tell that to the people of the former East Germany who now live in freedom, tell it to the people of Poland, tell it to the people of the Czech Republic, tell it to the people of Hungary, or to the people of the Ukraine, all of whom live in freedom because of the steadfast determination of the American people to spread liberty.

The flag of freedom has been raised high in Iraq, and we cannot and must not leave Iraq before freedom and democracy take root. Because, just as in Europe, the idea of freedom will resonate throughout the Middle East.

Let freedom ring.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYCE), a member of the Committee on International Relations.

Mr. ROYCE. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in strong support of this resolution celebrating the free elections held in Iraq this past weekend. I think it is important that the world watched as millions of Iraqis defied the edict of Zarkawi and other terrorist leaders, defied their edict not to participate and went forward to cast what for most was the first meaningful vote in their lives.

Thousands of Iraqis served as poll workers. There were thousands of observers, as this resolution notes. The

turnout exceeded all expectations. Iraqis of all backgrounds celebrated this milestone in the history of their country, but I believe it was a milestone for the Middle East and a milestone for the world. Tyrants and dictators would have people believe that democracy is a charade. Tell that to the Iraqis celebrating in the streets throughout Iraq. They rejected Saddam Hussein in a way that they had not had an opportunity to before, and they actually rejected him with an exclamation point in this election. What we saw was yet more evidence that the yearning to shape the political life of one's community and one's nation is universal. Freedom truly is a human aspiration.

Voting, as we have heard, is a step. The ballots have not yet been counted. A constitution needs to be drafted. Democracy, if it is going to work, must respect the interests of minorities. Otherwise, it is the tyranny of the majority.

In general, everyone wants their own rights respected. The challenge is to get people to respect the next person's rights. Kurdish rights must be protected, Sunni rights must be respected, and the rights of the Iraqi down the street must be respected. As President Bush has told the American people, this will be a long struggle. Iraq is very difficult terrain.

The stars of last weekend clearly were the Iraqi people. They put their lives on the line for a better future. Some were killed. But, make no mistake about it, there was a key supporting cast. Our Nation owes a debt of gratitude to the many members of our Armed Forces, our diplomats and other Americans in Iraq who are also risking their lives and in some cases sacrificing their lives to help Iraqis and also Americans.

We have a strong national interest in seeing Iraq become a success. If this happens, when the history of this era in Iraq is written, these men and women will be widely revered.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentlewoman for yielding me this time.

Mr. Speaker, insurgents in Iraq this weekend had vowed to wash the streets in blood. Yet, despite all their threats of people who were going to get killed and places that were going to be bombed, and indeed 43 people were killed, despite all that, voters turned out, of course, in record numbers because the election itself was a record.

One voter said on Sunday that each vote was a bullet in the heart of the enemy. We are defeating the terrorists in coming here, he said proudly, as he dipped his finger in the famous purple ink. This was done in over 30,000 polling places. And now the votes are being counted.

When we look at the turnout, nearly 60 percent, we are not really sure what the turnout officially is, but compare that to the United States presidential election just this November of a 60.7 percent voter turnout. Yet no one was threatened to be killed. That was the highest turnout in the United States of America in 38 years. Indeed, in my home county in Savannah, Georgia, Chatham County had a turnout of a mere 48 percent 2 years ago when we elected the Governor of Georgia.

□ 1200

So for them under these circumstances to have a 60 percent voter turnout, it is phenomenal; but it is also a huge statement on how badly people want freedom, how badly they want to throw off the shackles of oppression, and how they value the opportunity to vote.

The U.S. Marines said that watching voters go to the polls was a spectacular and a wonderful payoff of the magnitude of the well-visualized photo of their knocking down Saddam Hussein's statue 2 years ago in Baghdad. And the people who died, the 43 lives who are no longer with us, they should all be remembered along with the other heroes who made the day possible. We owe them a debt of gratitude.

It took the United States of America 7 years to fight the Revolutionary War to win its independence from Britain, and then it was not until 1789 that we threw out the Articles of Confederation and wrote our own Constitution. And yet we fought a Civil War since then and we have had lots of struggles and lot of amendments to our Constitution. Indeed, over 200 years later, we are still fighting and working on this experiment that we call democracy, representative democracy.

What the world needs to do right now is to support Iraq in this endeavor. It is time for folks around the globe to say this did serve as a referendum and a statement; now let us reach out and do what we can to help Iraq become independent.

Mr. LANTOS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI); but before turning the microphone over to her, let me just say she has devoted her life to expanding the arena of freedom and democracy throughout the globe, and we are proud to have her represent us as our leader in this body.

Ms. PELOSI. Mr. Speaker, I thank the ranking member for his very generous remarks and commend him in turn for his leadership and the determination and dedication that he has given to human rights throughout the world and freedom throughout the world. Having just visited Auschwitz and having his own personal sad experience in the deprivation of freedom, he is an inspiration to all of us. I hope that the trip was not too painful for the gentleman from California (Mr. LANTOS), but again his courage and his determination are a lesson to all of us, and I thank him.

Mr. Speaker, Sunday was a historic day for the people of Iraq. In the face of violence and threats, millions of Iraqis made it clear that they want the future of their own country decided by the ballot, not by the bomb or the bullet. Their willingness to risk their lives to vote is compelling evidence of the depth of their aspiration for self-determination. Their courage commands our admiration and our respect.

The bravery of our military personnel cannot be praised highly enough. Without their selflessness in the face of great danger, the election could not have been held. Every American is inspired by their courage, their patriotism, and the sacrifice they are willing to make for our country.

Iraqis have demonstrated their desire to take responsibility for their country's future. Our effort now should be to use the momentum created by the election to help them realize that goal. Iraq needs to be made more secure. Let us intensify our efforts to train the Iraqi Army that can provide that security. The sooner we transfer the responsibility for security of Iraq over to the Iraqis, the better.

Iraq's future depends on improvements to its economic infrastructure. Let us accelerate the reconstruction efforts that have lagged so badly and give Iraqis a larger stake in having those efforts succeed.

Iraq's political future depends on the involvement of all Iraqis in the political process. Let us redouble our diplomatic efforts with Iraq's neighbors to help create an environment in which Iraq includes those who have thus far felt excluded.

We know that Sunday's election was but a step on the road to a stable and secure Iraq. The American people, who have sacrificed so much for Iraq, are owed a clear explanation by the President of his plan to end our presence in Iraq and of the standards by which they can judge that plan. I hope that we will hear that plan tonight in the President's State of the Union address.

In congratulating the Iraqi people on their achievement, we also need to acknowledge that the election should signal the beginning of a change in our relationship with Iraq.

Mr. LANTOS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding me this time.

Mr. Speaker, on Sunday Iraq held democratic elections to nominate legislators to write Iraq's constitution, and I want to congratulate the courageous Iraqi people who voted in the election. My congressional district, Marin and Sonoma Counties, north of San Francisco, across the Golden Gate Bridge, had an 89½ percent voter turnout in the United States the last election, 89½. Believe me, we know the importance that elections play in our democracy.

And now with Iraq's elections completed, we in the United States must ensure that the people of Iraq control their own affairs as Iraq transitions towards democracy. In fact, Sunday's election gives the United States yet another opportunity to get back on course in Iraq. We can do this by supporting the Iraqi people, not through our military but through international cooperation to help rebuild Iraq's economic and physical infrastructure. There are four components to my plan on how to do this. H. Con. Res. 35, which is co-sponsored by over two dozen other Members of the House, this plan secures Iraq for the future. It ensures that America's role in Iraq gives Iraq back to the Iraqis and actually makes America safer.

First, we need to develop and implement a plan to begin the immediate withdrawal of U.S. troops from Iraq. Second, we must develop and implement a plan for the reconstruction of Iraq's civil and economic infrastructure. Third, we need to convene an emergency meeting of Iraq's leadership and the international community to replace U.S. military forces in Iraq with an international peacekeeping force and Iraqi police and national guard forces. Finally, we need to take all steps to provide that the Iraqi people receive the opportunity they deserve to control their own internal affairs.

In conclusion, I wholeheartedly salute the Iraqi people for their courage in participating in last Sunday's elections. But if we are to succeed in Iraq, we must utilize this moment as a means to bring our troops home and a means to return power to the Iraqi people.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, only a few months ago, for the first time in history, ballot boxes were coming in from remote places like Khyber Pass in Afghanistan on the backs of mules. What a great time it is to live in this world.

And last Sunday we saw free elections in a nation whose people have been crushed and oppressed since the days their country was called Babylon. We saw young men carrying old men to the polls. We saw one gentleman whose leg had been blown off by a terrorist bomb who said, I will crawl to vote if that is what it takes. And one of Saddam Hussein's former generals said, When I voted today, it felt so good inside, like I was free.

Mr. Speaker, the United States of America has been a leader in freedom, and we have now had the privilege of becoming the unipolar superpower of the entire world. No nation on Earth can actually challenge us in military, economic, or technological terms; and truly every nation sees America now as the flagship of humanity. This Nation now possesses a greater opportunity to promote freedom in the world than we have had since the Republic began.

But it is because we have had such great victories and opportunities that more than ever before we must be deeply humble and remind ourselves that we are only briefly the temporary stewards of this God-given greatest Nation in the history of humankind. And we only have a short time to fulfill our privileged and sacred mission of making America such a beacon of liberty that the light of freedom will some day fall across the faces of every person on this planet.

Last Sunday tells me, Mr. Speaker, that this is the generation who lives in the window of time where we can firmly set the world on that course. This is freedom's day, and we must seize it while we can. And while I do not often quote Shakespeare, he said, ''There is a tide in the affairs of men, which taken at the flood, leads on to fortune; omitted'' or delayed, ''all the voyage of their lives is bound in shallows and in miseries. On such a full sea, we now find ourselves afloat, and we must take the current when it serves or lose our ventures.''

Mr. Speaker, as we take this current to freedom, let us remember that the best leverage to maintain freedom's march in the world is to make sure that its foundations are secure beneath freedom's home; and then, Mr. Speaker, let us take this tide of freedom as it serves so that one day all generations will bask in this glorious sunlight of liberty just as it has now begun to dawn on the people of Iraq.

Mr. LANTOS. Mr. Speaker, I yield 3½ minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank him for always standing first and foremost for human rights here and around the world. I am not surprised that he would come forward with the gentleman from Texas (Mr. DELAY) with this well-deserved and important resolution.

Mr. Speaker, there is nothing more gratifying to the American people than seeing people vote, and especially people vote for the first time. I feel what is happening in Iraq with great and moving nostalgia because it reminds me of the first African Americans who voted after the Civil War. It reminds me that this is the 40th anniversary of the Voting Rights Act of 1965 and what it meant for people in Alabama and Georgia to come to the polls for the first time. There is unanimous applause for the people of Iraq who risked their lives to come to the polls. They did not just vote. Many of them knew they were risking life and limb to vote.

They know, however, and we know where the risk was greatest, and that risk was greatest on the Armed Forces of the United States and their allies who made this right possible.

Mr. Speaker, I come forward to say that no people in our country more appreciate that vote on January 30 than the people in the District of Columbia. In the District of Columbia, lives were lost for the vote in Iraq. But these residents are the progeny of 2 centuries of District residents who have gone to war without a vote. Three of these young men who were on the frontlines in Iraq came to the House as the House opened and asked for the same vote for their families and for the residents of the District of Columbia as their service has given to the people of Iraq. They asked to start with the Committee of the Whole where we had the right to vote but the right was taken from us when the majority changed.

Listen to one of the young men: ''Two of my friends and I earlier this month asked for the return of the House vote of the Committee of the Whole our city won during the 103rd Congress . . . Think of what American leaders and citizens would say if one party were to nullify the legitimate vote of another party after the elections in Iraq.''

They asked to see the Speaker; the gentlewoman from California (Ms. PELOSI), leader of the Democrats. She saw him. The Speaker and a member of his staff were unable to see him. Senator LIEBERMAN and I have reintroduced the No Taxation Without Representation Act.

□ 1215

Let me leave you with the words, finally, of one of these young men.

''I was prepared in Iraq for whatever came, including service in a border breach squad charged with clearing mines and anything else that got in the way to prepare the first troops to cross the border. That was my duty and I would do it again. However, our country also has an important obligation to those who serve and to other citizens. One of the most important obligations is to ensure every citizen that his representative will have a chance to vote before that citizen goes to war for his country.''

The third young man: ''My father served in the 101st Airborne in Vietnam and I am proud to follow him by serving my country in the same manner. I want equal treatment at home. I want the same voting representation in the House and Senate as other soldiers and as the Iraqi people have in their elections this month.''

Out of the mouths of young residents of the District of Columbia who are on the frontline. I will insert their statements and a statement concerning their service from the Washington Post in the RECORD.

STATEMENT OF EMORY KOSH

First, my thanks to Congresswoman Norton and Senator Lieberman for re-introducing the No Taxation Without Representation Act. I also want to thank Mr. Shallal for his moving words addressed to men and women like me who served in Iraq and to D.C. residents. During the year I spent in Iraq, I met and spoke with many Iraqi citizens, but Mr. Shallal is the first Iraqi American I have met. His words have special meaning to me and I thank him.

When I watch television and see people in Iraq and here in the United States preparing

to vote in the Iraq elections for voting representation, I think of my time in their country. I am proud that I had some role in the voting rights Iraqis will get there on Sunday. For that reason, I deeply appreciate that Mr. Shallal has come not only to thank us, but to join us in the fight for the same voting representation here in the Nation's capital.

Two of my friends and I earlier this month asked for the return of the House vote in the Committee of the Whole our city won during the 103rd Congress that was taken from us when control of the Congress changed hands. Think of what American leaders and citizens would say if one party were to nullify the legitimate vote of another party after the elections in Iraq. Our vote in the Committee of the Whole represented the first step toward the goal of D.C. residents as expressed in the No Taxation Without Representation Act. We didn't intend to stop there when we asked that this first step be taken, and we won't stop now. We will work with the Congresswoman, the Senator, Mr. Shallal and our fellow citizens until the full voting rights we fought for in Iraq are also available here in our hometown.

REMARKS OF ISAAC LEWIS

Congresswoman Norton, Mayor Williams and fellow Americans, thank you for recognizing us today. I was born and raised in the District of Columbia and have always wanted to be in the military and when I graduated from Dunbar High School, I joined the Army Reserves. As a volunteer soldier I was prepared for the interruption of my education at Morehouse, or as it turned out at Bowie State where I was in college when I was called up. I had to withdraw in the middle of the semester and the loss of that time will delay for a year and a half the possibility of law school for me. Yet my service in the military has helped me meet my dream of a college education and I am proud to serve my country.

I was prepared in Iraq for whatever came, including service in a border breach squad charged with clearing mines and anything else that got in the way to prepare the first troops to cross the border. That was my duty and I would do my duty again. However, our country also has an important obligation to those who serve and to other citizens. One of the most important obligations is to assure every citizen that his representative will have a chance to vote before that citizen goes to war for his country. My buddies and I from the 299th did not have the benefit of that vote. I come to the Congress today to ask for that vote before we are deployed again. Congress can return the vote in Committee of the Whole that the District won fair and square in the 103rd Congress. Although this would not be the full vote other Americans have and that the Iraqis soon will have, I understand that this vote would be the maximum the House of Representatives can give at this time. The maximum is what my buddies and I are pledged to give. We believe that voting representation is not too much to ask in return.

REMARKS OF MARCUS GRAY

Congresswoman Norton, Mayor Williams and fellow citizens, thank you for honoring us here today. I am grateful to be back home in the District of Columbia where I was born and raised after almost a year in Iraq with the 299th Engineering Company out of Fort Belvoir, VA. My father served in the 101st Airborne in Vietnam and I am proud to follow him by serving my country in the same manner. I am equally proud to be a resident of the District of Columbia where I was born and raised. I am a graduate of Ballou High School and will soon graduate from Norfolk State University. I was at the University when I was called to duty. I am back at Norfolk State to resume the year and a half I lost while on active duty. I will obtain my B.A. in sociology with a concentration in Criminal Justice.

However, I could be called again this year, but being called to active duty is what every soldier in the Reserves expects could happen. We also expect equal treatment and the Army tries hard to see that all soldiers are treated equally. However, I want equal treatment at home as well. I want the same voting representation in the House and the Senate as other soldiers and as the Iraq people will have in their elections this month. Today I ask that Congress make a good start by returning to me and other citizens of the District of Columbia the vote in the Committee of the Whole we once had. This step would make me as proud as I will be to see the Iraqi people go to the polls on January 30th.

[From an article in the Washington Post on the denial of Congressional voting rights to D.C. residents]

Scanning the distant horizons looking for people craving democracy.

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma (Mr. COLE) be permitted to manage the balance of the time.

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

There was no objection.

Mr. LANTOS. Mr. Speaker, I am pleased and proud to yield the balance of our time to the distinguished gentleman from Maryland (Mr. HOYER), the democratic whip, who has been a leader in the field of expanding the arena of freedom globally.

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

I would like to acknowledge the gentleman from Oklahoma (Mr. COLE) and his leadership. We had the opportunity to travel recently to Iraq, to Amman, and to Israel. Both Israel and Iraq have now passed through two very historic elections. I had the opportunity of speaking about the Palestinian election just recently.

Despite the fact, Mr. Speaker, that we have differences over our Nation's military action in Iraq, I supported the effort and will support the funding to accomplish the objectives. But I have made valid criticisms, as others have, of the administration's administration or execution of the policy. However, Mr. Speaker, I believe that all of us are united today, hopefully, in saluting the courageous Iraqi people who turned out to vote on Sunday. I know that every Member of the body commends the bravery and sacrifice of our men and women in uniform whose patriotism and professionalism made this important day possible.

We must hope that 50 years from now a future generation of Iraqis can look back at this election, this event, as a turning point in the history of their nation and as a victory for freedom over tyranny, for democracy over despotism.

After toiling under the boot of Saddam Hussein for decades and weathering a vicious terrorist insurgency over the last 2 years, the Iraqi people said no, no to intimidation, and yes to the most basic democratic right, the right to vote.

Sunday's election, Mr. Speaker, in which millions of Iraqis cast ballots, is a stunning repudiation of those who despise freedom and democracy. Zarkawi, that criminal leader of terrorist activity and insurgency in Iraq, said it accurately for the terrorists: They despise democracy. They despise freedom. They fear the decisions of free people. That is why they tried to intimidate the Iraqi people.

Having lived under the totalitarian Saddam Hussein regime all these years, however, the Iraqi people know that the insurgents offer nothing but further repression and violence.

Last Friday, Mr. Speaker, I had the privilege of visiting the out-of-country voting station in New Carrollton, Maryland, and watched as many of these Iraqis Diaspora cast their votes freely for the first time in their lives. The joy and pride on their faces and in their hearts had to move everyone with whom they spoke. It was a moving moment, it was an historic moment, and it was a poignant reminder to all of us that our rights, while God-given, must never be taken for granted; a reminder that the cost of protecting those freedoms is sometimes high, and we must honor those with the courage and commitment even for others across the sea to protect those rights in the realization that democracies and free people are safer for us here at home than the tyrannies that have prevailed in history.

Without question, Mr. Speaker, there are difficult days ahead. The truly hard work that remains in establishing a viable, stable democracy that is capable of maintaining internal order in Iraq is not finished by far. But today, today at least, Mr. Speaker, let us celebrate the courage of the Iraqi people and express our gratitude and pride in the bravery of our Armed Forces, our men and women in uniform who made that day possible.

Mr. LANTOS. Mr. Speaker, before yielding back our time, may I just remind all of my colleagues and all of the American people that we have been debating three important policy resolutions with a degree of bipartisan unity that should fill us with pride and joy in the recognition of the fact that, despite all the commentary of deep divisions in this body, we stood together, Republicans and Democrats, supporting the same resolutions and the same policies.

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

Mr. COLE of Oklahoma. Mr. Speaker, I yield the balance of our time to the gentleman from Texas (Mr. DELAY), the distinguished Majority Leader and the original sponsor of this important resolution.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding me this time.

I just want to say the comments by the gentleman from California (Mr. LANTOS) are well taken; and it is because of his work, and particularly his work to hold us together and work together on these issues, that that kind of bipartisan support for these resolution happens. So I commend the gentleman and thank him very much for his work and his willingness to work with us.

Mr. Speaker, I yield to the gentleman from Texas (Mr. BURGESS) who came to the floor because he just returned from Iraq a couple of weeks ago and he has some very important things to say.

Mr. BURGESS. Mr. Speaker, I thank the Majority Leader for yielding.

Mr. Speaker, two Sunday mornings I was in Baghdad inside the Green Zone, an idyllic morning in the cradle of civilization, if you will. But we had a wide-ranging discussion with Prime Minister Allawi about what lay ahead for Iraq.

The Prime Minister said that what matters most is the kind of Iraq that we have at the end of this process. His feeling was that Iraq had its roots in ancient civilization. He now relished the opportunity for Iraq to spread the cause of democracy and liberty to other areas of the Middle East, which will make the cost and the risk of liberating Iraq worthwhile. Terrorism will continue after the elections because there will always be those who resist stability, but it will become more and more difficult to unravel the community.

The Prime Minister became fairly philosophical and said he had spent the best part of his life fighting for freedom for his country, and now that freedom lay at the doorstep. He would not allow those individuals, meaning the Sunnis, to distract the process. He stated that if they cannot participate now, there will be a space open for them to participate in the future.

To quote the Prime Minister, ''We don't want the radical forces to win now, nor do we want the outside forces from Syria or Iran to take over. I am a practical person. The Sunnis are changing. The process is slow, but our only hope for everyone is to engage in the process and distance ourselves from the terrorists. February 1 begins the next chapter in our country's history.'' From the Prime Minister Dr. Allawi.

Mr. DELAY. Mr. Speaker, reclaiming my time, I appreciate the gentleman from Texas entering the Prime Minister of Iraq's remarks into the RECORD. I think it is very appropriate to do at this time, particularly on this resolution.

Mr. Speaker, the central point of this resolution is the central point of America's foreign policy: that mankind is made more secure when tyranny is replaced by democracy. That is the story of the American revolution against the old world, Western Europe's liberation from Nazism, Eastern Europe and Central America's liberation from communism and despotism, and the Middle East's liberation from terrorism. The victory of human freedom over human oppression, of good over evil, Mr. Speaker, is why we are here.

Last Sunday morning, the people of Iraq showed the world that humanity's will to freedom knows no borders. When I first saw the news Sunday and saw an image of a woman in Najaf exiting her polling place alive and well with tears streaming down her proud, smiling face, I thought to myself, now, this, this is what Operation Iraqi Freedom was all about. But I was wrong. Sunday's election, Sunday's miracle of democracy, was about more than that.

I thought about the image of the elderly man in a wheelchair in Basra who, in his long years, saw revolution and war, tyranny and terror and, finally, with a joy only possible in a man who had known such pain, cast the first ballot of his life.

I thought of the image of the little girl with a ribbon in her hair, holding her mother's hand as hundreds of women in traditional hijab dress waited in line. Now, this little girl was not quite sure what was happening, only that the women knew it was important.

I thought of the image of the voters in Baghdad who ducked for cover as their polling place came under fire, yet whose lines never broke. There were bullets and bombs and mortar shells, yet their lines never broke.

These voters in Baghdad, not soldiers, but shopkeepers and homemakers, knew when they left for the polls in the morning that they might not come home. They knew that they were targeted, that their spouses would be, could be widowed and their children orphaned. Yet the lines never broke. A humble defiance of evil.

And that is when it hit me, Mr. Speaker. Just as on Sunday all free men and women were Iraqis and on Sunday the Iraqis were all free men and women. Sunday's elections are not just why we invaded Iraq. They were why we stormed Omaha Beach and took the Normandy cliffs. They are why we held Little Round Top and braved Valley Forge.

The lines that formed in Iraq on Sunday stretch not only around the world but back in time to the moment when 13 British colonies declared their independence. For the first time, at that moment, a nation declared itself endowed with an inalienable right to liberty, and in 228 years since, no nation, no nation, no people ever offered a chance at freedom refused it.

Against all odds and it seemed at times even against all hope, the Iraqi people, over 8 million of them, all marked by death by the terrorists, woke up Sunday morning and got into line.

Some people still do not get it. They still do not understand Concord and Lexington or Gettysburg or Bastogne or the Cold War, or even Flight 93.

□ 1230

They do not understand why those lines in Iraq never broke or that every man and woman who ever lived, fought, or died for freedom was standing in that line with them. They still do not know why we fight.

Last weekend that Iraqi woman in the photograph knew. After a lifetime of oppression she voted in humble defiance of evil, and then she broke down crying. And in those tears she is shedding along with the anguish of how many friends and children lost and how many wars and prisons are the hopes and dreams of all God's children who still yearn to be free.

Sunday's elections in Iraq were not an accomplishment; they were a miracle, a miracle made possible by the resilience of a liberated Iraq, the mercy of a loving God, and the moral courage of this Nation under God to stare evil in the face and make the devil blink. Eight million brave Iraqis struck terrorism a lethal blow on Sunday, replacing tyranny with democracy, and in doing so they made America and the world safer, for which it is altogether fitting and proper that we commend and thank them.

Despite the continued threat represented by terrorists and terrorism and despite the threat of disgraceful partisan rhetoric coming from many on the other side, Sunday's miracle in Iraq shows that the dead who died to free that nation have not died in vain and that even in the darkest recesses of violent oppression, all who would live in peace and liberty have yet reason to hope.

Mr. TOM DAVIS of Virginia. Mr.Speaker, I rise today to join my colleagues in offering my warm congratulations to the Iraqi people for the successful elections they held on January 30, 2005.

It is truly amazing to see the Iraqi people take their first steps toward democracy. To see a people who were once slaughtered and tormented under a brutal dictatorship take a stand and declare that enough is enough, shows their unwavering determination in deciding their own fate by the ballot instead of the bullet.

Despite the predictions of widespread terrorist attacks on election day in Iraq, 60 percent of the registered voters turned out. Moreover, the physical courage of the Iraqi people to leave their houses, walk to the polls and cast ballots under this specter of violence speaks to the power of democracy and their passion for freedom.

Sometimes in America, we take the right to vote for granted. No one who watched the moving images of Iraqi men and women proudly showing their purple-stained fingers will ever make that mistake again.

It is also important to pay homage to the thousands of brave American soldiers, some of who lost their lives, who held the line. Let

us not forget the bold sacrifices these courageous men and women made to liberate the Iraqi people. It is all of our hopes that this election marks the beginning of a new chapter for the Iraqi people, one in which they enjoy the sweet taste of the fruits of freedom, democracy and sovereignty.

Mr. Speaker, in closing I would like to commend the sponsors and leadership for bringing this important resolution to the floor and I urge an ''aye'' vote.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I join my colleagues in offering strong support for H. Res. 60, commending the free election held in Iraq last Sunday, January 30, 2005. This historic event marked progress, hope, and enthusiasm for the future of democracy in the Arab region.

Iraq held free elections for the first time in about 50 years. Millions of voters cast their ballots, and the death toll for the day was 45—lower than usual since the United States occupied the region.

I applaud this administration for the successful free elections held on Sunday under its auspices. An election with a turnout of nearly 60 percent is very encouraging for the Arab region. However, the fact remains that American troops have remained in occupation for 2 years, and the death toll continues to rise; therefore, we must proceed with caution. The positive momentum that has come from a successful election must be used as an opportunity to stop the bloodshed and the expenditure of tax dollars on this effort. I hope that the administration will use the positive momentum of this achievement as an opportunity to devise an exit plan for our troops.

Now that the election has taken place, the next step of restoring independence in Iraq is crucial and must be taken now. Along with 25 other original cosponsors, I joined Representative LYNN WOOLSEY to introduce H. Con. Res. 35, a measure to bring the troops home. It proposes to do this in a four-step process: (1) Development and implementation of a strategy to withdraw American troops from the region; (2) development and implementation of a reconstruction plan for the Iraqi civil and economic infrastructure; (3) creation of an international peacekeeping force composed of Iraqi leadership, neighbors in the Arab region, the United Nations, and the Arab League to keep Iraq secure; and (4) restoration of Iraqi officials as overseer of its internal affairs. This legislation will help restore independence in Iraq and will bring our troops home safe.

Since the beginning of the Iraq war in March 2003, 1,423 members of the United States military have died which includes 1,084 dead as a result of hostile action and 333 of nonhostile causes. Since May 1, 2003, when President Bush declared that major combat operations in Iraq had ended, 1,269 U.S. military members have died. More than 89 percent of United States casualties in Iraq have come after this announcement. The message as to our exit plan must be made clear to the Iraqi people, the American people, and to our troops.

Mr. Speaker, I support H. Res. 60, and I urge my colleagues to join me in the spirit of preserving democracy, in the spirit of instilling international trust and self-sufficiency, and in the spirit of keeping the American troops safe.

Mr. HYDE. Mr. Speaker, the right to vote—democracy itself—is more than a way to settle disputes, however petty or important.

It is, rather, the embodiment of a larger, much more important notion: the notion that every individual is worthwhile; that every individual, by virtue of his or her humanity, is worthy of consideration and respect.

What an important notion. How that notion is disregarded and abused in so many places in the world—sometimes even here at home.

Where was that notion ignored more systematically than in Saddam's brutalized Iraq? The Iraq of terror, of mass graves, of mothers and children killed by poison gas and rotting where they dropped to the ground?

Yet less than 2 years later, the Iraqi people, under the protection of an American-led Coalition and their own nascent security forces, have turned out in defiance of threats and, in some cases, even in the face of explosions and gunfire, to cast ballots.

When they did so, they affirmed that, as individuals, they were anyone's equal; they were, in essence, demanding respect from those who would govern them. And by joining together in public, each with their one vote, they were affirming their willingness to respect their neighbors and permit each of them an equal share of power.

Mr. Speaker, as has been said repeatedly, this is but one step in a long road. The election was not perfect. Elections never are. And yet, this election may turn out to be a strategic victory for freedom for Iraq and for its region.

It will, I hope prove impossible to persuade people who have understood and exercised their rights to surrender them willingly. We should have confidence that the Iraqi people will continue to defy the threats, to respond to them with force if need be, and to press fro the establishment of a state that continues to respect them as individuals.

Such a state will be a good friend of the American people, and a good neighbor to all within its crucial region.

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

Pursuant to the order of the House of Tuesday, February 1, 2005, the resolution is considered read and the previous question is ordered on the resolution and on the preamble.

The question is on adoption of the resolution.

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

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

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H. CON. RES. 36, EXPRESSING CONTINUED SUPPORT OF CONGRESS FOR EQUAL ACCESS OF MILITARY RECRUITERS TO INSTITUTIONS OF HIGHER EDUCATION

Mr. COLE of Oklahoma. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 59 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 59

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the concurrent resolution (H. Con. Res. 36) expressing the continued support of Congress for equal access of military recruiters to institutions of higher education. The concurrent resolution shall be considered as read. The previous question shall be considered as ordered on the concurrent resolution and preamble to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate on the concurrent resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. COLE) is recognized for 1 hour.

Mr. COLE of Oklahoma. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, on Tuesday the Committee on Rules met and granted a rule for House Concurrent Resolution 36, expressing congressional support for equal access of military recruiters to institutions of higher education.

The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The rule also provides for one motion to recommit.

Mr. Speaker, this concurrent resolution is an important first step in addressing a misguided ruling by the Third Circuit Court of Appeals regarding access of military recruiters to institutions of higher education.

During this time of conflict and the global war on terror, it is more important than ever to maintain the ability to recruit quality men and women for service in our military. The primary way that recruiters are able to do this is to work through those institutions which work closely with our young men and women, schools and universities.

Military recruiters need the same access to college campuses provided to other potential employers, and students deserve the right to discuss the option of a career in the United States military with the representatives of the Armed Forces.

Mr. Speaker, some ask, why the need for this concurrent resolution? Well, the answer is succinct. This concurrent resolution grows out of an egregious decision by the Third Circuit Court of Appeals overturning the power of Congress to control the purse.

This decision simply states that Congress and the Government may not as a matter of law deny funds to universities on the basis of their denial of access to recruiters and ROTC units. This decision, couched in the language of civil rights, fails to recognize the underlying inequity behind these university policies. This decision asserts the

Congress has compelled speech by these universities to the effect that they ''agree'' with the military's ''Don't ask, don't tell'' policy with respect to homosexuals in the service.

Mr. Speaker, nothing could be further than the truth.

The Solomon Amendment compelled no such thing. It simply proposed standards for the receipt of Federal funds. Setting such standards is a normal and legitimate function of the legislative branch. It is what defines the power of the purse. This is an issue that the House and Senate have revisited and affirmed in bipartisan votes in 1995, 1996, 1999, and 2002 after the enactment of the original Solomon Amendment.

Mr. Speaker, it is disappointing to note that the Reserve Officers Training Corps, or popularly known as the ROTC, has been embattled on some university and college campuses since the 1960s. This stems from what only can be described as a consistently antimilitary philosophy advocated by some, and I want to say only some, college and university professors and administrators.

The new purported reasons for not allowing ROTC on campus often serves the convenient cover for these antimilitary sentiments. Some educators now believe that they should be allowed to discriminate against students who wish to enter the military in order to please another group of students who object to the policies and procedures of the armed services, all the while soliciting and accepting Federal funds for their institutions. This is rank hypocrisy.

Why would an institution seek and use Federal funds, often from the Department of Defense, while denying representatives of the U.S. Armed Forces access to their campuses?

Mr. Speaker, the decision by the Third Circuit Court of Appeals is a classic case of judicial overreach and one that must be addressed. As a former university educator and the son of a career Air Force noncommissioned officer, I find this decision disturbing and insulting to those men and women who defend our freedom and to those who wish to join their ranks.

The very least we can do is put the courts on notice as to exactly where the Congress stands on this issue. For that reason, this concurrent resolution is necessary and timely. Hopefully, it will underscore the importance that the Congress places on military recruiters having access to the educational institutions that receive Federal funds.

During this time of war, we should insist that institutions who pride themselves on freedom of expression allow the defenders of that freedom, the United States military, to freely recruit the soldiers who protect our democracy. To that end, I urge support for the rule and the underlying bill.

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

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Oklahoma (Mr. COLE) for yielding me the customary 30 minutes. I also want to welcome him as a new member of the Committee on Rules.

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

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

Mr. Speaker, here we are at the start of a new year and a new Congress and we are considering this bill, surprise, surprise, under a closed rule. Once again, the Republican majority has decided that thoughtful debate and the ability for Members to offer amendments if they so wish is unimportant or simply too much bother.

The underlying bill, House Concurrent Resolution 36, was introduced yesterday, has not gone to committee, let alone and be reported out of committee, and was being taken up in the Committee on Rules yesterday just about the time that most Members' planes were touching down in Washington.

So once again the majority has followed its usual practice to stifle debate, prevent amendments, and ignore normal procedure to push a bill to the House floor ahead of more important issues facing the country. Apparently, the Republican leadership could not possibly start the new year out by deciding to finally help the more than one million jobless workers who have exhausted their regular unemployment benefits without receiving additional aid.

I know the majority does not like to be reminded that we still have the largest number of exhaustees in over 3 decades, but the 109th Congress begins still facing this bitter reality and obviously still doing nothing to ease the hardships facing these workers and their families.

Clearly, the Republican majority did not feel it necessary to press the President to get his supplemental request to assist the victims in nations affected by the Asian tsunami quickly before the House, so we are not taking that measure up this week. In fact, we are not likely to act on this most urgent matter until March. But a bill exhorting the White House to ignore and overturn proceedings in the Federal courts and to press higher education institutions to ignore their own policies prohibiting discrimination, well, that is a bill that gets top billing in the House of Representatives today.

Mr. Speaker, in the United States of America discrimination is wrong. Period. But here we are right out of the gate with a bill that condones it. Let us start with a little history on this bill.

In the mid-90s, Congress passed legislation to deny Defense Department funding to colleges and universities that fail to give military recruiters access to their campuses and students. Known as the Solomon Law, that legislation was passed to respond to efforts by several colleges and universities to protest the discriminatory policies of the Pentagon against gay men and women. Over time, the law was expanded to prohibit funding a university might receive from nearly every Federal agency, including the Department of Health and Human Services, the Department of Homeland Security, the Department of Transportation, and the Department of Labor.

Last year this House passed a bill that would have expanded that list to include the CIA and the National Nuclear Security Administration of the Department of Energy.

Mr. Speaker, there is an irony here. The Congress is holding hostage funds from all of these other Federal agencies to prop up discrimination by the Pentagon. Yet every one of these other Federal agencies has full access to recruitment on college campuses. Why? Because unlike the Department of Defense, no other Federal agencies have policies that encourage discrimination against gay men and women. All of them have employees on their pay rolls. All of these Federal agencies and the U.S. Government and the American people benefit from the research and development programs that take place on these campuses, some of it carried out, no doubt, by gay men and women.

So, Mr. Speaker, where does the Solomon Law stand today?

In November 2003, a U.S. district court in New Jersey upheld the constitutionality of the Solomon Law, but it also determined that the Solomon Law does not give the Pentagon any basis for asserting, as it has in regulations on implementing the Solomon Law, that universities and colleges must give military recruiters the same degree of access to campuses and students provided to other employers.

In November 2004, just this past November, the U.S. Court of Appeals for the Third Circuit overruled part of the New Jersey District Court's ruling and found the Solomon Law to be in violation of the Constitution. In an appeal brought by a number of schools, mainly graduate schools of law, the court ruled that colleges and universities had a first amendment right to exclude recruiters whose hiring practices discriminated against homosexuals.

The U.S. Department of Justice now plans to appeal the case to the U.S. Supreme Court, and it has asked the appeals court to hold off enforcing the nullification of the Solomon Law until the Supreme Court decides on whether to take up the case or not.

Mr. Speaker, let me point out another irony in this debate today. There is absolutely no lack of equal access for military recruiters and ROTC programs on America's college campuses. What the Pentagon receives is special access, pure and simple. To this day, any other employer, public or private, that fails to meet a school's nondiscrimination policies is banned from employee recruitment on campuses. So

the Pentagon receives special access to our colleges and universities.

The Solomon law is about giving the military a special right to discriminate in a way other employers may not.

This sense of Congress resolution once again reinforces and promotes the Pentagon's discriminatory policy and practices to the detriment of all other education institutions and Federal agencies. It further encourages the Federal Government in its pursuit to challenge court rulings that have upheld the first amendment rights of our colleges and universities in their efforts to end prejudice and discrimination.

Mr. Speaker, the final irony of this debate you will hear today are the arguments about the need of the military to recruit the best and brightest students that America has to offer.

□ 1245

I agree with this need, and the way to get there is for the Pentagon to end its policy of discrimination. This would end the conflict between the Pentagon and college policies against discrimination and prejudice. The Pentagon has kicked out over 26 military linguists who were fluent in Arabic or Farsi simply because they were homosexual. That is unconscionable while our military men and women are facing a deadly insurgency in Iraq and continued violence in Afghanistan.

In the past 5 years, in the Army alone, over 3,000 uniformed servicemen and women have been discharged solely because of their sexual orientation. They were munitions experts, linguists, health care workers, infantrymen, tank mechanics, radio operators and active in every field of military endeavor.

Make no mistake about it, right now gay men and women are in battle in Iraq and Afghanistan, and they have likely died in combat in Iraq and Afghanistan. They serve their Nation just as they have since the founding of the United States, bravely, patriotically and devotedly, but their superiors do not commend their service. If their sexual orientation is discovered, they are drummed out.

Mr. Speaker, there is no lack of access to for the military on America's campuses. Every university that wants an ROTC program has one. According to the Wall Street Journal, more than 52,000 college students are enrolled in ROTC programs, up from 48,000 in 2000. Many credit feelings of patriotism engendered by the September 11 attacks, and it comes as no surprise that military enlistment by college graduates has also increased since the events of September 11.

Mr. Speaker, we do not need the Solomon law. We do not need the bill before us today, and we certainly do not need to continue to insult and assault those very institutions of higher education that are leading the way to end hate and discrimination in America.

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

Mr. COLE of Oklahoma. Mr. Speaker, I yield to myself such time as I may consume.

I would like to quickly address a couple of the concerns that my colleague raised. While I certainly respect his concerns, I would like to point out that the measure in question had been on our Web site for 4 days and was not suddenly introduced yesterday. It had easy access. Frankly, on the nature of the rule itself, it is the opinion of the majority of the committee this is simply an up or down matter. It is not something we need to amend or deal with.

Let me make one other point, if I may, Mr. Speaker, in reference to the access of the military to college campuses. The military is a rather unique institution, but nothing prohibits college campuses from denying them access. All the Solomon amendment does is says, if they do, they lose some Federal funds as a consequence.

I would think that if they felt strongly, that this was a position of conviction, they would not want funds from the Department of Defense and other institutions. They would simply have nothing to do with them.

Further, I would simply like to make one additional point. The appropriate place to protest the policy, frankly, is in the political arena. This is not a policy in the Department of Defense per se. This is a policy devised by President Clinton, has been ratified repeatedly by Congress as a political avenue to address it. We should not put that burden on recruiters in the military and subject them to difficult circumstances when they are carrying out important work for our country.

Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. AKIN).

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

Mr. AKIN. Mr. Speaker, I rise in support of H. Con. Res. 36.

Once again, activist judges threaten our authority, first of all, to direct Federal fund spending; and, second of all, they attempt to create law.

We have required here in Congress at universities that receive Federal dollars to extend access to military recruiters equal to other outside groups. But in the name of free speech and association, some schools seek to deny their students access to recruiters and ROTC, obviously afraid that their students would maybe even make a wrong choice.

It is ironic that an institution whose sole function, whole reason for being, is based on the free exchange of ideas, would then boycott the Armed Forces, the very people who actively protect their academic freedom.

It is further ironic that those who are often noted for concern that low-income Americans are serving in disproportionate numbers in the Armed Forces would block many of their students born with a silver spoon access to ROTC.

My own son currently serves in Iraq. He graduated near the top of his class from the U.S. Naval Academy; and, last Sunday, he had the satisfaction of witnessing the birth of freedom in a land where for 50 years freedom has been an exotic concept.

By passing H. Con. Res. 36, we reassert our support for freedom and our disdain for those liberal, elite institutions that seek to sensor choices for their wealthy clientele.

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

Mr. Speaker, before I yield to the gentlewoman from Texas, I just want to respond to my colleague from Oklahoma.

He mentioned that this resolution has been posted on the Web site for 3 days or 4 days. I should say to him that that is not a substitute for the committee process. That is why we have committees.

Secondly, I am glad that the gentleman believes that the bill needs no amendment, but there are 434 other Members of this House that should have the opportunity to amend this bill, if they so desire.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I am wondering, based on that argument, in the interest of efficiency, whether we might not substitute chat rooms for the floor of the House, and if being on the Web site is a satisfactory way to bring a bill out. Maybe if we had chat rooms or instant messaging, we could probably save a lot more.

I would urge the majority, since this traditional kind of old-fashioned type of democracy does not seem to have much appeal, to go right ahead, might even save a little more money, by cutting back on what Thomas Jefferson or Abe Lincoln or one of those people might have thought was an appropriate way to conduct the business of democracy.

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Massachusetts for his succinct observation.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank my colleague very much for the time.

There certainly is no lack of understanding and appreciation for the United States military, particularly in the backdrop of free elections in Iraq this past Sunday. So, Mr. Speaker, this is not a debate, if you will, about the value of the military or, in fact, the necessity of giving them a far reach in their recruitment efforts in America.

Far be it from me, coming from the State of Texas, that might be one of the States that has sent the largest numbers of its sons and daughters to

the Iraq War and Afghanistan. Having just sent 3,000 National Guard and Reservists troops about a month ago from their families over to Iraq and Afghanistan, we know full well the importance of the military but, more importantly, the sacrifice that our men and women make in the United States in serving in the military.

I also am reminded that, until President Truman integrated the Armed Forces, African Americans were told, do not ask and do not apply.

So this is not a question of whether or not we allow these individuals to accept Federal funds. I would take issue with my colleague to suggest just do not take Federal funds if they are not interested.

I am disappointed that this is a closed rule, because there are important issues here, and the issues are that universities should not be forced to compromise their nondiscrimination policies. The military has been set aside as one of the most uniquely integrated and nondiscriminatory sections of our government. Just because we have do not ask and do not tell does not mean that it is right, and if Congress is really concerned about losing the best and the brightest, it should stop, if you will, discriminating against those because of their sexual orientation for any other reason.

I am disappointed that in 2005 it was reported that between 1998 and 2004 the military discharged 20 Arabic and six Farsi language speakers under the do-not-ask-and-do-not-tell policy. It is not without great admiration for our late colleague, Congressman Solomon, that I rise to just ask my colleagues, why do we close a rule when we can make this a better legislative initiative?

We needed to give the opportunity for the full discussion on discrimination. Do my colleagues believe that Americans would rise in support of discrimination? Do my colleagues realize that when we debated the 9/11 tragedy it was a gay American on one of our airplanes that engaged with others to be able to detour that airplane from the very site that I stand, to be able to save lives and to save the Capitol of the United States of America?

It seems in 2005, in the shadow of reauthorization of the Voters Rights Act of 1965, that we might not now recognize that we can do better.

I am glad that ROTC programs are still on our campuses. In fact, we know that there are more than 52,000 now enrolled in ROTC programs, up from 48,000 in 2000. That means 52,000 of our students.

This past year 70 percent of the Army's newly commissioned armies came from ROTC. In fact, the Defense Department has reported meeting all of its recruitment and retention goals in the past several years and is, in fact, actively downsizing certain specialties. But, in the backdrop of that, we also know that we need more troops, particularly if we are going to be part of a peacekeeping effort, not a running-the-government effort in Iraq.

So I would say, Mr. Speaker, the reason why I rise with great concerns about a closed rule and ask my colleagues to consider where we are going with this Solomon amendment is that we can do better and that there is some merit, great merit, to asking the military to recruit everywhere and to allow universities of free thought to be able to maintain their nondiscriminatory rules and regulations.

We can do better together, and I do not know why we discriminate against any American who wants to serve their country.

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

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

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

Mr. MCGOVERN. Mr. Speaker, I insert in the RECORD at this point two articles. One is an editorial from the New York Times entitled, ''The Price of Homophobia.'' Another is an Associate Press story entitled, ''Report: Number of gay linguists discharged higher than thought.''

[From the New York Times, Jan. 20, 2005]

THE PRICE OF HOMOPHOBIA

Don't ask, don't tell—just scream in frustration: it turns out that 20 of the Arabic speakers so vitally needed by the nation have been thrown out of the military since 1998 because they were found to be gay. It is hard to imagine a more wrongheaded rebuff of national priorities. The focus must be on the search for Osama bin Laden and his terrorist legions, not the closet door. The Pentagon's snooping after potential gays trumps what every investigative agency in the war on terror has admitted is a crucial shortage of effective Arabic translators.

After the first World Trade Center attack, in 1993, government agents revealed an alarming shortage of Arabic speakers. Key notes, videotapes and a phone call pertaining to the attack were later found in a backlog of untranslated investigative data. The shortage continued right up to and well beyond the 9/11 attacks. Three years after the towers were destroyed, the F.B.I., rife with translation problems, admitted it had an untranslated backlog of 120,000 hours of intercepts with potential value about looming threats. At the State Department, a study showed that only one in five of the 279 Arabic translators were fluent enough to handle the subtleties of the language, with its many regional dialects.

The military's experience is no more encouraging, with intelligence results muddied at times by a rush, as one inquiry put it, to recruit Arab convenience store owners and cabdrivers, who couldn't handle the task. The military is right to rely more on its language schools, but it can take several years to produce fluent graduates. The folly of using ''don't ask, don't tell'' policy against such precious national resources amounts to comfort for the enemy. When President Bush was asked last week by The Washington Post why Osama bin Laden had eluded capture, he replied, ''Because he's hiding.'' So is the Pentagon—it's hiding from reality.

[From Associated Press, January 13, 2005]

REPORT: NUMBER OF GAY LINGUISTS DISCHARGED HIGHER THAN THOUGHT

(By Kim Curtis)

SAN FRANCISCO (AP)—The number of Arabic linguists discharged from the military for violating its ''don't ask, don't tell'' policy was nearly three times as high as previously reported, according to records obtained by an advocacy group.

Between 1998 and 2004, the military discharged 20 Arabic and six Farsi speakers, according to Department of Defense data obtained by the Center for the Study of Sexual Minorities in the Military under a Freedom of Information Act request.

The military previously confirmed that seven translators who specialized in Arabic had been discharged because they were gay. The updated numbers were first reported by The New Republic magazine.

Aaron Belkin, the center's director, said he wants the public to see the real costs of ''don't ask, don't tell.''

''We had a language problem after 9/11 and we still have a language problem,'' Belkin said Wednesday.

The military's ''don't ask, don't tell'' policy allows gays and lesbians to serve in the military as long as they keep their sexual orientation private and do not engage in homosexual acts.

But Belkin and other advocates say such a policy endangers national security at a time U.S. intelligence agencies and the military say they don't have enough Arabic speakers.

''The military is placing homophobia ahead of national security,'' said Steve Ralls, spokesman for the Servicemembers Legal Defense Network, a nonprofit group which advocates for the rights of gay military members. ''It's appalling that in the weeks leading up to 9/11 messages were coming in waiting to be translated . . . and at the same time they were firing people who could've done that job.''

But others, like Elaine Donnelly of the Center for Military Readiness, a conservative advocacy group that opposes gays serving in the military, said the discharged linguists never should have been accepted at the elite Defense Language Institute in Monterey in the first place.

''Resources unfortunately were used to train young people who were not eligible to be in the military,'' she said. ''We need to recruit people who are eligible to serve.''

In the fiscal year ended Oct. 31, 2004, 543 Arabic linguists and 166 Farsi linguists graduated from their 63-week courses, according to a DLI spokesman. That was up from 377 and 139, respectively, in the previous year, reflecting the military's increased need for translators in Iraq.

Experts have identified the shortage of Arabic linguists as contributing to the government's failure to predict the Sept. 11 attacks. The independent Sept. 11 commission made similar conclusions. The government ''lacked sufficient translators proficient in Arabic and other key languages'' to adequately prepare itself against future strikes, the report said.

''It used to be this was seen as a gay rights issue, but now it's clearly a national security issue,'' said Nathaniel Frank, a senior research fellow at the Center for Study of Sexual Minorities in the Military at the University of California, Santa Barbara.

Ian Finkenbinder, a U.S. Army Arabic linguist who graduated from the Defense Language Institute in 2002, was discharged from the military last month after announcing to his superiors that he's gay. Finkenbinder, who said his close friends in the Army already knew he was gay, served eight months in Iraq and was about to return for a second tour when he made the revelation official.

''I looked at myself and said, 'Are you willing to go to war with an institution that won't recognize that you have the right to live as you want to,' '' said Finkenbinder, 22, who now lives in Baltimore, Md. ''It just got to be tiresome to deal with that—to constantly have such a significant part of your life under scrutiny.''

Finkenbinder said his commander was upset to let him go because his Arabic proficiency was at the highest possible for a nonnative speaker.

The Servicemembers Legal Defense Network last month sued the government on behalf of 12 gay former military members seeking reinstatement. They're seeking to overturn ''don't ask, don't tell'' alleging it violates their constitutional rights.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, this resolution would have us believe that a grave threat is presented to the security of this Nation by the policy of some institutions of higher learning to bar military recruiters from their campus because of the discrimination against gay and lesbian people by the military. But that, Mr. Speaker, is not the threat to our national security.

The threat to our national security is the policy of the military to refuse to use the talents and the abilities of gay people in defending our country.

One of the biggest problems we have in Iraq now is the shortage of people who know how to translate intelligence documents written in Arabic and Farsi, and yet they are dismissing linguists who can translate these documents for our use to save the lives of our troops because they are gay. This is insanity.

Our troops are paying with their lives because of the bigotry that this Congress has mandated on the military, number one.

Even that is not the real issue presented by this resolution. The real issue presented by this resolution has to do with free speech and association.

Private universities, private institutions have chosen to say, as part of their free speech, that they do not want on their campus recruiters from any organization, the military, any private company, anybody else, that discriminates against gay people and lesbian people; that engages in an unacceptable, to them, form of discrimination. It is not a question, as this resolution says, of equal access to military recruiters. All people, recruiters from all institutions that discriminate are barred from these campuses.

We should not have passed the bill that we did, but we passed a bill to say that, if they do that, if a private institution bars military recruiters and other recruiters on an equal basis, we will withhold Federal funds.

The Third Circuit Court of Appeals says that is a violation of the first amendment. This resolution says who cares what the courts say. We do not care about the first amendment. We do not care about the courts. We know better.

We encourage the executive branch to follow the doctrine of non-acquiescence and not find a decision affecting one jurisdiction to be binding on another jurisdiction.

That is not the way we ought to legislate. This decision was decided by the Third Circuit Court of Appeals. The executive branch is going to appeal to the United States Supreme Court. Let it appeal. Let us see what the Supreme Court says, if they accept the case.

The courts have to defend our liberties. It is the province of the courts, not of the Congress, to declare what the Constitution means.

□ 1300

Our liberties, the Bill of Rights, are protected from the majority. You never have to protect the majority from itself. You have to protect unpopular minorities. That is why we have a Bill of Rights and that is why we have the courts to enforce them. For Congress to come in and say the court is wrong and the executive should not enforce the order of the court is to show a disdain for the rule of law and a disdain for the spirit of liberty for which we are fighting in Iraq and for which our Armed Forces exists in the first place.

This resolution ought to be defeated on its merits.

Mr. COLE of Oklahoma. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding me this time, and today I rise in strong support of the Solomon Amendment and as a proud cosponsor of the resolution that is before us.

For the last several years, a growing number of law schools have subjected military recruiters to various degrees of harassment designed to make military recruiting difficult and to frustrate their objectives. Military recruiting on university campuses is one of the primary means by which the Armed Forces retains highly qualified new military personnel; and it is an integral, effective, and necessary part of overall military recruiting.

The Constitution gives Congress the power to attach reasonable stipulations to those who accept Federal dollars. The Solomon Law simply ensures that the military has fair access to recruited institutions of higher learning that willingly accept this Federal funding.

Mr. Speaker, every year, without fail, the military comes under a great deal of criticism for hiring too many low-income, disadvantaged young adults. However, I find it remarkably ironic that these institutions are obstructing a more balanced recruiting effort that includes a patriotic commitment from all sectors of society.

Furthermore, the point has to be made that the soldiers, sailors, airmen, and Marines that are being treated like second-class citizens at these universities are also the same brave men and women that are providing the freedom these schools enjoy.

Mr. Speaker, efforts by these universities to restrict military recruiter access can only have the harmful effect of increasing Federal spending to achieve mandated end-strength goals and ultimately compromising the readiness and performance of our military.

In conclusion, Mr. Speaker, I strongly support this resolution. I sincerely hope there will be a strong bipartisan effort of support, and I commend my good friends from Minnesota and Alabama for their leadership on this issue.

Mr. MCGOVERN. Mr. Speaker, I yield 7 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. To begin, Mr. Speaker, it is absolutely backwards to decry this policy of excluding recruiters from using the facilities of a university. Let us be clear: no university can ban a recruiter from coming to that city or that town. No university can say that students will not talk to the recruiter.

The question is not whether the recruiters can come and advertise; it is whether they can compel the university to offer its facilities involving a policy with which they disagree. But to say that that causes a problem in getting people in the military, it is the supporters of a policy that say to able-bodied men and women, we disapprove of your sexuality, and, therefore, no matter how talented you are, no matter how patriotic you are, no matter what skills you bring, you are not allowed here.

Colin Powell, when he was chairman of the Joint Chiefs of Staff, testified before this Congress that there was no argument that gay and lesbian men and women in the military were in any way deficient as members of the military. He made it clear. The only reason for excluding them was the prejudice of others. That was the only reason.

The argument was: if you let these people in, and he said they had been good soldiers and good airmen and good sailors, it would be disruptive. Well, one, that was 15 years ago when he said that. I think society has moved some. But, second, we have experience to the contrary.

I know there have been people critical of the Israeli Defense Forces in some respects. I think they deserve, on the whole, a lot of credit for a difficult job. In the Israeli Defense Forces, people serve who are openly gay and lesbian. So the argument that somehow allowing people who are honest about their sexuality, if they are gay or lesbian, to serve in the military makes you an ineffectual military, how do they explain the Israeli Defense Forces?

In fact, what we are again being told is that good people, able people, and we heard reference to the linguists. This has become the policy of ''Don't ask, don't tell, and by no means translate.'' You who support this policy are the ones, Mr. Speaker, who are depriving the armed services of able-bodied people. You are the ones who have driven thousands, literally thousands of perfectly capable men and women out of the military because you disapprove of what they do in their spare time. So then to claim that it is the universities trying to stand up for a principle that are weakening the military gets it absolutely backwards.

I was also saddened, I must say, by one of the previous speakers who said he wanted to express his disdain for the universities involved. We have universities here which are trying to express their disagreement with what they believe, and I agree, but what they believe to be an unfair prejudice that singles out some of their students. I understand disagreement with that, but disdain? Disdain because people in these positions feel that their students should not be unduly stigmatized and denied this opportunity?

If it is so important to have the opportunity, Mr. Speaker, should not people on the other side say, you cannot deny these young people the opportunity to serve in the military. Should you not say, you should not deny these young people the opportunity to serve in the military unless they are gay or lesbian. Because if they are gay or lesbian, you want to deny them the opportunity to serve in the military regardless of any fault.

Remember, this is one that says we just stigmatize you from the outset. There is nothing you can do, there is no degree of service you can perform, there is no sacrifice you can offer to make that will allow you to serve your country. And then we will complain because we do not have enough people to serve in the military. And, again, literally thousands have been turned away. The universities are not blocking recruitment. They cannot. They are asking for the right to stand up for principle.

And now we are told by one other speaker, well, if they do not agree with the policy, you would think they would not accept the money. Please. I would say to Members, one rule in parliamentary debate: try to avoid saying something that no one will believe. I mean, this notion that if you do not agree with a policy you should boycott the government, which is using your tax money, nobody believes that. People get taxed, and sometimes they agree and sometimes they disagree. We say to people, look, you can voice your opinion, but you cannot avoid paying the taxes.

And, by the way, it is not money from the military they are seeking. Typically, what we have here are law schools. It is law schools, as people have noted, who are doing this. So people have said, well, what about the poor people? We are not getting enough wealthy people to offset the number of poor people. Well, we are talking about lawyers who are being recruited. Frankly, the poor people are not being recruited for the Judge Advocate General's office. It just does not compute.

But what they are saying is, we are not going to allow our facilities to be used in this discriminatory way. And the law schools, by the way, are not themselves, and this is an important point, under the Clinton administration the ruling was that we would look at each element of a university separately. And if the law school said no military recruiting, that did not stop the medical school or the school of engineering from applying for Federal funds. What you now have is a policy that says if the law school says no, no other entity can get the money. So there is no connection there.

The key issue here is this: Have we not in this country come to the point where patriotic young gay men and lesbians who are prepared to serve their country will at least be given a chance? Can you not judge them on their merits? Can you not say, okay, we admire your willingness to do this. We will judge you. If it turns out you become disruptive, we will act. But this blanket denial of even the opportunity no matter how talented, no matter how diligent? You enforce that as a policy, and then you complain that we have people being turned away?

Mr. Speaker, I hope this resolution is not adopted, and I hope we will begin to reverse this blanket prejudicial policy that says to millions, millions of young American men and women, you need not apply to defend your country because we do not like some aspect about you, even if it is going to be entirely irrelevant to your service.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume in closing.

This Congress should be leading the way to end discrimination of any form in this country. Unfortunately, we have a resolution before us today that condones discrimination. I think it is sad we are dealing with this today. I urge my colleagues to vote ''no'' on the resolution.

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

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume; and in closing, I would like to say I think we have had a good and substantive debate today, but let us be clear: the concurrent resolution is really about ensuring those who defend our freedom and liberty the ability to have the same access to colleges and universities that is available for everyone else.

Mr. Speaker, often today others have placed this debate in the context of the ''Don't ask, don't tell'' policy. I suggest that those who would like to change that policy, that they look inward, at the political process itself. This was President Clinton's policy, and one enshrined in law that can only be changed by Congress.

If the other side of the aisle would like to make this change, they should propose it and debate it at this level. To put it in the context of the Solomon Amendment, I believe, is disingenuous and dangerous to our recruiting efforts. I urge my colleagues to support this rule and the underlying concurrent resolution.

Mr. COLE of Oklahoma. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR POSTPONEMENT OF FURTHER CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 36, NOTWITHSTANDING THE OPERATION OF THE PREVIOUS QUESTION

Mr. KLINE. Mr. Speaker, I ask unanimous consent that during considering of House Concurrent Resolution 36, pursuant to House Resolution 59, the Chair may, notwithstanding the operation of the previous question, postpone further consideration of the concurrent resolution to a time designated by the Speaker.

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

There was no objection.

EXPRESSING CONTINUED SUPPORT OF CONGRESS FOR EQUAL ACCESS OF MILITARY RECRUITERS TO INSTITUTIONS OF HIGHER EDUCATION

Mr. KLINE. Mr. Speaker, pursuant to House Resolution 59, I call up the concurrent resolution (H. Con. Res. 36) expressing the continued support of Congress for equal access of military recruiters to institutions of higher education, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The text of House Concurrent Resolution 36 is as follows:

H. CON. RES. 36

Whereas section 8 of article I of the Constitution commits exclusively to Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces;

Whereas the Nation's security interests demand high levels of military personnel readiness, which in turn demand cost-effective military recruitment programs;

Whereas military recruiting on the Nation's university campuses is one of the primary means by which the Armed Forces obtain highly qualified new military personnel and is an integral, effective, and necessary part of overall military recruitment;

Whereas a lack of cooperation by institutions of higher education with the legitimate pursuit of the Federal military recruiting function carries with it the harmful effect of increasing Federal spending to achieve the required outcome, while at the same time compromising military personnel readiness and performance, which in turn conflicts with Federal responsibilities to provide for the Nation's defense;

Whereas military recruiting will be significantly harmed if military recruiters are denied access to campuses and students that is at least equal in quality and scope to the access provided to any other employer;

Whereas on-campus recruiting and ready access to students are key components of recruiting highly qualified new employees for any enterprise and are recognized as such by

both institutions of higher education and employers and requiring the Armed Forces to rely exclusively on alternative recruiting methods would adversely affect the ability of the Armed Forces to attract the most qualified applicants;

Whereas any reduction in performance by the Armed Forces amidst the present national emergency declared by the President on September 14, 2001, operates against the national interest;

Whereas the Congress has chosen over time to appropriate funds for a variety of Government programs to be provided to institutions of higher learning, but those taxpayer funds are not an entitlement to any college or university and can be provided subject to conditions and criteria placed on those funds by Congress.

Whereas acceptance of Federal funding carries with it an expectation of support and respect for the laws of the Nation, including section 983 of title 10, United States Code, relating to the support of military recruiting and Reserve Officers Training Corps functions by certain educational institutions;

Whereas Congress has acted to legislatively craft a safeguard for military recruiting in section 983 of title 10, United States Code, by linking Federal funding of educational institutions to the willingness of those institutions to abide by a rule of access by military recruiters to campuses and students that is at least equal in quality and scope that is provided by any other employer;

Whereas the Government suffers irreparable injury any time it is prevented by a court from effectuating statutes enacted by Congress, the representatives of its people, and any obstruction against enforcement of section 983 of title 10 of the United States Code will not only divest the Department of Defense of a legislatively crafted recruiting safeguard but also will inflict grave harm on the Nation's military readiness and the military's ability to recruit sufficient numbers of high-quality personnel; and

Whereas the consequences specified in section 983 of title 10, United States Code, relating to a denial of certain Federal funding for failure to offer support of military recruiting and Reserve Officers Training Corps functions, are instrumental to the achievement of military performance in satisfaction of the national interest and the Constitutional duties of the Congress: Now, therefore, be it

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

(1) Congress remains committed to the achievement of military personnel readiness through vigorous application of the requirements set forth in section 983 of title 10, United States Code, relating to equal access for military recruiters at institutions of higher education, and will explore all options necessary to maintain this commitment, including the powers vested in it under article I, section 9, of the Constitution;

(2) it is the sense of Congress that the executive branch should aggressively continue to pursue measures to challenge any decision impeding or prohibiting the operation of section 983 of title 10, United States Code; and

(3) Congress encourages the executive branch to follow the doctrine of non-acquiescence and not find a decision affecting one jurisdiction to be binding on other jurisdictions.

The SPEAKER pro tempore. Pursuant to House Resolution 59, the gentleman from Minnesota (Mr. KLINE) and the gentleman from North Carolina (Mr. BUTTERFIELD) each will control 30 minutes.

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

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

Mr. Speaker, while the men and women of our Armed Forces serve bravely throughout the world, the ability of our U.S. military to recruit highly qualified candidates is being put in jeopardy. As was stated so eloquently by the late Representative Gerald Solomon, barring military recruiters is an intrusion on Federal prerogatives, a slap in the face to our Nation's fine military personnel, and an impediment to sound national security policy.

The legislation bearing his name, the Solomon Amendment, formerly protected the ability of the U.S. military to reach the most highly qualified candidates by denying Federal funding, denying Federal funding to colleges which refused to permit on-campus recruiting by the U.S. military. However, on November 29 of last year, the Third Circuit Court of Appeals in Philadelphia overturned this legislation, enabling universities to receive Federal funding despite barring military recruiters from campus.

This decision threatens to severely damage the ability of the military to recruit the highly qualified candidates necessary during a time of war. Harvard Law School and now Yale Law School have already implemented the unjust policy of denying the military access to their campuses for recruiting purposes. Without the threat of lost funding, sadly, many other schools are expected to follow suit. The Department of Defense intends to appeal this ruling, but in the interim the military risks losing access to a vital source of highly qualified recruits. Our desire is to ensure this does not happen.

Under Article I, section 8 of the United States Constitution, Congress has the exclusive power to raise and support armies, provide and maintain a Navy, and make the rules for the Government and regulation of the Armed Forces. Congress has not only the right but the responsibility to use its power to protect the ability of our U.S. military to recruit the best and the brightest young men and women. We cannot be silent while this ability is put in jeopardy.

The citizens of the United States, all citizens of the United States, and I would argue the world, benefit from the protection of the most highly qualified and well-trained military in the world, and I am hopeful our actions today will put an end to the injustice of banning recruiters and will restore the ability of the U.S. military to serve its citizens most effectively.

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

□ 1315

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

Mr. Speaker, I rise today in support of this resolution. The 103rd Congress determined that Federal funding should be denied to institutions of higher learning that prohibit military representatives from having student access while permitting access to other employers.

The Solomon Amendment was passed by this body in 1994 after vigorous debate by a vote of 271 to 126. The amendment was simple, ''You cannot receive Federal funds for your institution if you impair the military from recruiting on your campus, yet allow other employers access to the students.''

It is essential that our military be prepared to defend our country. Cost-effective recruiting is the key to an all-volunteer Army. Many of our institutions recognize Congress's intention and immediately complied with the intent and spirit of the Solomon Amendment. Other institutions have taken offense to the amendment by insisting that this measure offends the first amendment's provision that Congress shall make no law abridging the freedom of speech.

The question of whether the Solomon Amendment violates the first amendment is now being litigated in our courts. The District Court for the District of New Jersey denied a request for injunctive relief which permitted this law to stand. The district court was of the opinion that the plaintiffs were not likely to prove a first amendment infringement. On appeal, the U.S. Court of Appeals for the Third Circuit in a 2 to 1 decision reversed the district court and concluded that the plaintiffs demonstrated a likelihood of success on their contention that the first amendment claim had merit and directed the district court to enter a preliminary injunction which has the effect of permitting these universities to deny access to military recruiters.

Mr. Speaker, I was a trial judge in my home State of North Carolina for 13 years and a State supreme court justice for 2 years. I can tell Members there is a presumption in our law to favor congressional enactments that are intended to support our military. There is a high burden on a plaintiff to overcome this presumption. No court has ever declared unconstitutional on first amendment grounds any congressional statute designed to support the military.

If this law in any way offends the first amendment, the courts are then required to balance the interests that are involved and determine whether the violation trumps the articles relating to the spending power and support of the military.

I need not remind my colleagues of the perilous times the American people now face. Like never before, this Congress must ensure that we have the best military on the planet and this includes having unimpeded access to our colleges and universities for the purpose of recruiting.

It seems illogical to me that an institution desires Federal resources but wants to restrict access to military recruiters. Acceptance of Federal funding carries with it an expectation of support and respect for the laws of this

Nation. I therefore join with the gentleman from Minnesota (Mr. KLINE) in support of this resolution and urge its adoption. This matter needs to be put to rest. It is imperative that the executive branch take this matter to the U.S. Supreme Court to urge the court to give deference to the Congress and uphold this statute. This resolution makes it clear that the Congress intends to continue to support our military by ensuring equal access for military recruiters on college campuses, and it should be the sense of this Congress that we want judicial review of this matter by our highest court.

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

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the order of the House of today, further proceedings on this concurrent resolution will be postponed.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Reform:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 1, 2005.

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

DEAR MR. SPEAKER: I am requesting a leave of absence (effective immediately) from the House Committee on Government Reform due to my pending appointment to the House Permanent Select Committee on Intelligence.

Thank you.

Sincerely,

JOHN F. TIERNEY,
Member of Congress.

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

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON AGRICULTURE

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

HOUSE OF REPRESENTATIVES,
Washington, DC, February 1, 2005.

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

DEAR SPEAKER HASTERT: I would like to resign my seat from the Committee on Agriculture, effective immediately.

Sincerely,

BENNIE G. THOMPSON,
Member of Congress.

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

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. MENENDEZ. Mr. Speaker, I offer a privileged resolution (H. Res. 62) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 62

Resolved, That the following named Members and Delegates be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE.—Mr. Pomeroy, Mr. Boswell, Mr. Larsen of Washington, Mr. Davis of Tennessee, Mr. Chandler.

(2) COMMITTEE ON THE BUDGET.—Mr. Kind.

(3) COMMITTEE ON GOVERNMENT REFORM.—Ms. Norton.

(4) COMMITTEE ON RESOURCES.—Mr. George Miller of California, Mr. Markey, Mr. DeFazio, Mr. Inslee, Mr. Udall of Colorado, Mr. Cardoza, Ms. Herseth.

(5) COMMITTEE ON SCIENCE.—Ms. Hooley of Oregon (to rank immediately after Ms. Woolsey), Ms. Jackson-Lee of Texas, Ms. Zoe Lofgren of California, Mr. Sherman, Mr. Baird, Mr. Matheson, Mr. Costa, Mr. Al Green of Texas, Mr. Melancon.

(6) COMMITTEE ON SMALL BUSINESS.—Mr. Faleomavaega, Mrs. Christensen, Mr. Davis of Illinois, Mr. Case, Ms. Bordallo, Mr. Grijalva, Mr. Michaud, Ms. Linda T. Sánchez of California, Mr. Barrow, Ms. Bean.

(7) COMMITTEE ON VETERANS' AFFAIRS.—Mr. Strickland, Ms. Hooley of Oregon, Mr. Reyes, Ms. Berkley, Mr. Udall of New Mexico.

Mr. MENENDEZ (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING CONTINUED SUPPORT OF CONGRESS FOR EQUAL ACCESS OF MILITARY RECRUITERS TO INSTITUTIONS OF HIGHER EDUCATION

The SPEAKER pro tempore. Pursuant to the order of the House of today, proceedings will now resume on House Concurrent Resolution 36, expressing the continued support of Congress for equal access of military recruiters to institutions of higher education.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. When proceedings were postponed earlier today, 52½ minutes remained in debate. The gentleman from Minnesota (Mr. KLINE) has 27 minutes remaining, and the gentleman from North Carolina (Mr. BUTTERFIELD) has 25½ minutes remaining.

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

Mr. KLINE. Mr. Speaker, I yield 4 minutes to the gentleman from Alabama (Mr. ROGERS), the sponsor of this concurrent resolution and a member of the Committee on Armed Services.

Mr. ROGERS of Alabama. Mr. Speaker, I rise today in strong support of H. Con. Res. 36. This resolution expresses the continued support of Congress for the so-called Solomon Law, a critical piece of legislation originally passed in 1994 which has helped ensure that military recruiters have equal access on our Nation's campuses.

We are debating this resolution today only because of a recent court decision that wrongfully struck down the Solomon Law. In November of last year, a closely divided U.S. Third Circuit Court of Appeals ruled that the Solomon Law violates first amendment rights to free speech and association.

The court sided with the plaintiff arguing that ''the Solomon Amendment requires law schools to express a message that is incompatible with their educational objectives, and no compelling governmental interest has been shown to deny this freedom.''

Mr. Speaker, I cannot disagree more with this assessment. In our post-9/11 world, our Nation's military deserves, at least the same access to institutions of higher education that any other major employer might enjoy. This is certainly a modest and I believe a reasonable request, especially if the college or university accepts Federal funds.

This is not about infringing free speech; it is about ensuring our military has access to our Nation's best and brightest at a time when we face enormous challenges abroad. This resolution expresses the continued support of Congress for the Solomon Law and would help ensure that military recruiters continue to have access to college campuses and students that is at least equal in quality and scope as that provided to any other employer.

This resolution would reaffirm the commitment of Congress to explore all options, including the use of its constitutional power to appropriate funds to achieve that equal access. In adopting this resolution, we would also be urging the executive branch to aggressively challenge any decision impeding or prohibiting the operation of the Solomon Law. Also, we would be encouraging the executive branch to follow a doctrine of nonacquiescence by not finding a judicial decision affecting one jurisdiction to be binding on any other jurisdiction.

Mr. Speaker, as we debate this resolution, it is important for us to remember that the Solomon Law and its legislative updates were not designed as one-size-fits-all mandates from Washington. In fact, the law is very flexible, and it fits the needs of nearly every public-funded institution in the country. For example, the Solomon Law does not apply to colleges or universities that have a long-standing policy of pacifism based on historical religious grounds, nor does it affect any Federal student aid or financial assistance.

Of course, as those of us who are here debating this issue are aware, this is not the first challenge to this law. Prior to the November circuit court decision, on repeated occasions lower courts have consistently upheld the constitutionality of the Solomon Law, arguing that it does not infringe on any institution's right to free speech or association.

While this recent court decision is unfortunate, it is not the end to the Solomon Law. A bipartisan vote here today in support of this legislation will help send a clear message to our courts that our military recruiters deserve equal access on all of our campuses. I thank the gentleman from California (Mr. HUNTER) for his ongoing efforts on this issue, and I thank the gentleman from Minnesota (Mr. KLINE) for managing this legislation.

Mr. BUTTERFIELD. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Speaker, first I thank the gentleman from North Carolina (Mr. BUTTERFIELD) for yielding me this time to speak, time to speak in opposition to H. Con. Res. 36.

Mr. Speaker, last November a Federal court said the Federal Government cannot take away a university's funding simply because the school refuses to exempt the U.S. military from its policy, meaning the university's policy, and that on-campus recruiters not discriminate on the basis of sexual orientation.

Today we are debating a resolution in support of the Solomon amendment. If this House of Representatives votes to support that resolution, we will be putting the Congress on record as supporting absolute senseless discrimination.

The resolution says it is about equal access for military recruiters at institutions of higher education. But, in reality, it is about allowing the military to avoid the consequences of discrimination, the same consequences that any other employer would have to face if it discriminated.

Many say, and you heard it today, that our national security requires the military to engage in this discrimination, but the facts just do not support it. The court said that the Government failed to produce, and I quote, ''a shred of evidence'' that the Solomon amendment helps military recruiting, and even suggested that the hostility that the amendment causes may hurt recruiting.

It was reported in last month that since 1998, the military has discharged 20 fluent Arabic speakers and six fluent Farsi speakers under its ''Don't ask, don't tell'' policy. These are students that the military claims to be desperate to recruit.

No, Mr. Speaker, this resolution is not about military recruiting or national security. Plain and simple, it is about punishing universities for exercising their first amendment right to oppose discrimination against gays and lesbians; and I encourage my colleagues, stand up for the Constitution, oppose this resolution.

Mr. KLINE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. CONAWAY), a member of the Committee on Armed Services.

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

Mr. CONAWAY. Mr. Speaker, I rise in support of the amendment today out of a bit of a sense of confusion as to why we really need to revisit this issue one more time. It is odd that in a Nation at war that institutions of higher learning would take steps to limit the Army and the Navy, the Marine Corps, Coast Guard and other services' access to their students. I wonder what they are afraid of as to why they would take this particular position.

They pride themselves on having the brightest in America at their universities, particularly the ones in question. As an aside, I was at a university in January, excuse me, in November, at freshman orientation and saw a couple of co-eds walking across campus that obviously have impaired reading skills because they were both smoking.

Nevertheless, I wonder what they are afraid of. Why are they afraid of the message of serving one's country, of doing one's duty. We can argue that the Federal Government should or should not be in a lot of different areas, but clearly national defense and raising an army is a mission of our Founding Fathers that none of us would argue with.

I guess the point I would like to make is that if these colleges and universities feel so strongly that their students should not participate in our military, then let us do it with honor and voluntarily turn back the Federal funding that supports many of the programs that they support through their universities.

□ 1330

I would call on them and if they are really serious about limiting this, they are afraid of what our recruiters might say, that our recruiters might ask their young men and women to serve their country, to place their lives on the line, as many of the men and women who today serve our country in those Armed Forces are doing every day in Iraq and Afghanistan and other places around the world that we do not necessarily know about, but nevertheless they are serving, why they are afraid of this message? Why they do not think their students should have access to that?

I rise in support of this resolution and would ask those universities that feel strongly about this to voluntarily send back all the Federal funding that they are currently getting and allow us to use those dollars in universities that are a little more in line with the issues that we are talking about today.

Mr. BUTTERFIELD. Mr. Speaker, I yield 6 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I rise today in opposition to this resolution.

In Wisconsin, our State laws provide protections from discrimination to people that go beyond what many other States and what the Federal Government have put into law. Such protections as nondiscrimination based on age, gender, marital status, membership in the National Guard and sexual orientation are a part of Wisconsin's nondiscrimination laws. Wisconsin has chosen to provide its citizens with these greater protections because we have decided that these are in the best interests of our citizens and are good public policy.

The University of Wisconsin in Madison has a history as a leader in social justice. It adheres to State laws and has tried to apply those laws appropriately across its campus. That has included the requirement that campus organizations, departments and campus recruiters adhere to State law. Yet Federal law has intervened to block enforcement of campus policy and State law in regard to military recruiters.

The Solomon amendment was passed by a previous Congress because students, like those at the University of Wisconsin, were having success in blocking recruiters from campus if they discriminate against lesbians or gays or bisexuals in violation of State law and campus policy.

Access to and use of campus facilities to recruit students for higher educational opportunities, employment or military service should be at the discretion of the institution. Of course, public institutions should not arbitrarily discriminate against any particular recruiter. Reasonable and legitimate criteria should be evenly applied to every recruiter. The Federal Government should not use Federal funding as a weapon to force noncompliance with State law or to create special rights for military recruiters.

I believe that the court made the correct decision in invalidating the Solomon amendment. I also believe that today's resolution is unnecessary. In fact, I believe that today's debate is the wrong debate. We should be looking at ways to strengthen our military and expand our resources for winning the fight against al Qaeda and other terrorist organizations.

Mr. Speaker, when will we have the debate about the harm caused by excluding so many qualified, skilled Americans from serving in our military simply because they are gay or lesbian? When will we have a debate about the waste of resources used to discharge fully trained personnel who are serving our country honorably? When will we have the debate about how much our fight against terrorism is hurt by the discharges of Arab linguists?

The resolution before us today makes vague reference to the costs to the military in having to arrange alternative recruitment strategies to meet its goals, but it does not mention the significant cost of Don't Ask, Don't Tell to our defense budget and to our national security. Since Don't Ask, Don't Tell took effect in 1993, approximately 10,000 military personnel have been discharged. That is a huge amount of training and experience that we have lost.

In a study of discharges between 1998 and 2003, University of Santa Barbara researchers found that, of 6,273 discharges, many were in critical specialties such as 88 linguists, including many Arabic speakers, 49 WMD experts, 90 nuclear power engineers, and 150 rocket and missile specialists. To compensate for some of these discharges, the Pentagon has been calling up members of the Individual Ready Reserve. The harm to our military readiness and the cost to our security caused by Don't Ask, Don't Tell is clear. Urging the administration to try to reinstate the Solomon amendment will in no way make our country safer.

Let there be no mistake. I strongly support our men and women in uniform. I want to take this opportunity to honor the men and women in our Armed Forces who have served and continue to serve in Iraq and to the many serving our country here and around the world. Their efforts allowed the Iraqi people to vote in a free election this week. Their bravery and dedication is something all Americans should admire and honor.

Mr. Speaker, there would be no clamor for a Solomon amendment if we simply allowed all qualified Americans to serve their country in uniform. Our country would be safer, our human resources would be greater, our country would be stronger if we treated all Americans equally, regardless of their sexual orientation. It is time to repeal Don't Ask, Don't Tell. It will make our military stronger and our country stronger.

Mr. KLINE. Mr. Speaker, it gives me great pleasure to yield 4 minutes to the gentleman from Florida (Mr. MILLER), my colleague on the Committee on Armed Services.

Mr. MILLER of Florida. I thank my good friend for yielding me this time.

Mr. Speaker, I rise today in support of equal campus access for our military recruiters.

Recently, a group calling itself Freedom For Academic and Institutional Rights, FAIR, has decided that they disagree with what our military stands for; and, because of this, they have decided that the military no longer deserves access to our Nation's institutions of higher learning. They claim that granting military recruiters equal access to campuses would promote only a pro-military viewpoint and a pro-military recruiting message.

This is simply not true. The government is not asking campuses across America to endorse the war on terror, the President's policy or anything to do with the military. All we are asking for is that the military be afforded the exact same access as other organizations to the student body. That is it. That is all. Those who argue that giving equal access somehow constitutes an endorsement of the military are just plain wrong. Does giving equal access to other groups mean that each institution agrees with every idea that that organization may have? Of course not. I really think it is ridiculous to argue that point, but FAIR is arguing just that.

It is in everyone's interest to ensure that young people receive information, including military options, so they can make informed choices about their future after they finish their education. Just because a school disagrees with a career in the military, does that give them the right to deny information about that particular career to someone who might want to sign up? Is it right to deny access because you disagree with what someone says? How is that in keeping with the first amendment to the Constitution?

The position that FAIR and others have taken is nothing more than thinly veiled hypocrisy. They are masking their obvious hatred of our Nation's military by hiding behind the first amendment. I think it is wrong. I am not going to sit idly by while this so-called FAIR group trashes our military.

The Constitution in article 1, section 8, states that Congress shall have the power to raise and support armies, provide and maintain a navy and make rules for the government and regulation of the land and naval forces. It does not say that activist judges and institutions of higher education have the right to prevent Congress from going about its duty to raise and support the Armed Forces of these United States.

Were the members of the FAIR not aware that we were at war and that a state of national emergency has existed in this country since September 11 of 2001? I am sure they are happy to enjoy the rights afforded to them by the first amendment, but who allows them those rights? Perhaps they should reread the old Poem to a Soldier:

''It is the soldier, not the reporter, who has given us freedom of the press.

''It is the soldier, not the poet, who has given us freedom of speech.

''It is the soldier, not the campus organizer, who gives us freedom to demonstrate.

''It is the soldier who salutes the flag, who serves beneath the flag and whose coffin is draped by the flag who allows the protester to burn the flag.''

I urge all my colleagues to support this resolution to ensure that the military of these United States continues to have equal access to our Nation's finest young men and women.

Mr. BUTTERFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I rise in opposition to this resolution. It may seem peculiar, but, frankly, I think that the military does not need this resolution. It is not broken out there. They are having the ability to recruit. Even despite the negative news from Iraq, the recruitment numbers are up for all the services.

What this resolution does is sort of breaks this feeling in America that democracy allows divergence of opinion and that the people that own the real estate should have a voice in who can visit that real estate. We do not have any nationally owned universities, yet this resolution requires equal access for all military recruiters at institutions of higher education. I think we are getting into a really slippery area here because you are going to create within those campuses huge debates that students are going to say, we don't like this stuff being jammed down our throats. We and the faculty and the trustees of a university ought to be able to decide who can visit our campus, as they do in all other things.

For example, here in Washington, D.C., Catholic University does not allow pro-abortionist recruiters to come and talk on the campus, and here you are going to require, regardless of what the issue should be, that military recruiters have to be allowed on campus. I think it is a very slippery slope. I do not think we need to go there, because the recruitment numbers are not down. I think the military has historically stood on its own feet to do very well in recruiting without getting Congress involved mandating that they have to be on campuses. I think you are going to have a negative reaction.

I would urge Congress very carefully to think about this and to vote ''no'' until we get a better thought on how we want to mandate democracy in this country.

Mr. KLINE. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from New York (Mr. SWEENEY).

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

Mr. SWEENEY. I thank the gentleman for yielding me this time.

Mr. Speaker, I am proud to stand here in support of this resolution, a very important resolution introduced by the gentleman from Alabama (Mr. ROGERS).

I think we are at a critical period of time in this Nation's history, and it comes a couple of days after one of the more significant, what you would call victories or symbols of what the American military presence is about and what its results are. That is, that we pride ourselves in having the best educated, the best trained, the best quality of people serving in all sorts of branches, in all sorts of jobs in the United States military; and at a time when the world needs this the most from us, it is very important that we maintain that quality.

I heard the prior speaker talk about the fact that this may be a dangerous place and there are all sorts of other political ideas that may be at play where you could put a recruiter on a campus or not. What I would simply say is that that is not the same argument as here. This is an argument of fairness and equity. It is an argument that says that just because somebody's political philosophy is counter to the idea that we want to have a strong

military presence in this Nation, those school administrators, who I think are way off the board in terms of their left-wing views and their antimilitary approach, ought not to be able to ban college military recruiters from doing their job because it is in the national interest that we do it. It is really in the world's interest.

So I am here to support this resolution and say that what the Third Circuit did last November again represents the judiciary trying to legislate where it ought not to do it. My predecessor, Gerry Solomon, first introduced this amendment many years back. It was that amendment that has been struck down. I strongly urge my colleagues to vote in favor of this resolution and recognizing that what we do for the private sector in allowing them to put recruiters in law schools or on any college campus ought to be the same that we do for something so important and so critical as the recruitment of the best and the brightest into our military forces. I urge all of my colleagues to strongly support this resolution.

□ 1345

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

Mr. KLINE. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, let me thank my colleague for yielding me this time.

Mr. Speaker, today I rise in strong support of this resolution, which shows our Nation's unwavering commitment to both higher education and providing a strong national defense. At no time in recent memory has our country placed more responsibility on the shoulders of our men and women in uniform. We are fighting a war on terrorism on multiple fronts, in Afghanistan and Iraq. And it is essential that if we are to be victorious in defending our freedom and protecting our homeland that we promote military service as an option to college students across the United States.

When this Congress passed and President Bush signed into law the No Child Left Behind Act, the bill made it easier for military recruiters to inform America's high school students about their options to serve their country, while also giving parents a choice about whether or not they want their sons and daughters to be contacted individually by military recruiters.

Now in this resolution we are reiterating the choices given to institutions of higher education. The Solomon Act, originally passed in 1995, grants the Secretary of Defense power to deny Federal funding to institutions of higher learning if they prohibit military recruitment on campus. This law recognizes the importance of having a capable, educated and well-prepared military, one that is ready to defend American liberties such as freedom of speech and higher education.

If we deny Armed Forces recruiters the opportunity to actively recruit in schools, we not only disrespect the sacrifices of military men and women who have made our freedom possible; we also rob our students of the valuable opportunities that military service can be to our Nation and what they can help provide. There is no reason not to allow the Nation's armed services to make their best case to college students and to do so in the same manner as private sector employers that colleges and universities seem to relish having on campus.

Denial of access and equality to military recruiters by colleges that receive Federal funds is an insult to the taxpayers who help subsidize higher education in this country. Many nations have mandatory military service for their citizens. We do not. The very core of our system of homeland security and national defense depends on young men and women deciding that they wish to serve our country.

Successful recruitment of the best officers in our military relies heavily on our military recruiters' access to the best and the brightest. And it seems a bit disingenuous for the elite institutions of higher education, such as Harvard, Yale, Stanford, Georgetown, and New York University, to condemn the lack of the wealthy and privileged in the ranks of our military while these schools deny their students the option of even hearing about a career in our United States military.

This resolution should not be politicized. It is a straightforward reaffirmation of our Armed Forces and our students. Congress does not force colleges and universities to accept Federal funding. If an institution of higher learning wishes to bar military recruiters from recruiting, it is free to do so. But Federal funding is not an entitlement and such institutions should not expect that decision to be endorsed and subsidized by the taxpayers of the United States. The resolution reaffirms our commitment to that principle.

And I want to commend the gentleman from California (Mr. HUNTER) and I also want to thank the gentleman from Minnesota (Mr. KLINE) for bringing this resolution to the floor and urge my colleagues to support it.

Mr. KLINE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HUNTER), the distinguished chairman of the House Committee on Armed Services.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding me this time and for the distinguished way in which he has conducted the debate and also the gentleman from Alabama (Mr. ROGERS) for sponsoring this resolution.

Mr. Speaker, let us make this clear. This is not about some social issue. The real impetus for this barring of the American military from our college campuses is because of the left-wing core of administrators and professors who do not like this country. And we could substitute another protest issue for them in this thing and it would not make a bit of difference.

These are the same people who in many cases had protests in favor of the Viet Cong during the Vietnam War. Many of them protested our involvement in El Salvador, protested our bringing democracy to Nicaragua, protested our participation in the first Desert Storm in the early 1990s, and in this recent bringing of freedom to Iraq. They protested all those things. They hate all things military.

And the interesting aspect of this debate is that these same left-wing professors and administrators profess to let young people make up their own minds. Free thinking is theoretically their trademark. Let us have some free thinking. Let us allow the military to be on the campuses. Let us allow the students to have access to their information, and let us let them make up their own minds. There is no draft here. This is a volunteer military. They do not have to join the military. But the idea that the left-wing professors and administrators have to protect the students from that very military that the gentleman from Florida (Mr. MILLER) so eloquently described as the protectors of all of our freedoms including their freedoms to have academic freedoms, to protest and to speak freely, the idea that these students have to be shielded from the guarantors of our freedoms is nonsense.

Mr. KLINE. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

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

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

I want to speak certainly in favor of the Solomon Amendment and remind my colleagues that it does not apply to institutions of higher education that have had a longstanding practice of pacificism based on historic religious grounds, and it exempts Federal student financial assistance from termination. But what it does do is allow students to look at career opportunities in the Army. And as the chairman of the Committee on Armed Services said, there are so many legal issues involved in the military today and to go beyond that, to let people look at careers in, I would say, intelligence as much as anything, homeland security, there is a great opportunity for students to go into.

But we are also seeing so much pushback really from a crowd that is basically anti-American and anti-conservative. Indeed, there are so many prejudices against everyday middle-class values on college campuses, and serving in the military and being pro-American just seems to be one of them.

Students at Wells College, for example, were ridiculed by their professors

if they supported the war in Iraq. At the University of Missouri, a professor, a science professor, offered extra credit for students to protest a speech given by conservative activist David Horowitz. At the University of Richmond, a professor called President Bush a moron in his class. And at the University of Oregon, students were labeled ''neo-Nazi'' for expressing their opinion that TRENT LOTT was the victim of a double standard. And examples go on and on.

Another statistic, the Foundation for Individual Rights in Education found that over 90 percent of well-known college campuses have speech codes intended to ban or punish politically incorrect, almost always conservative speech, and that campus funds are unequally distributed to left-wing groups as opposed to conservative groups by a ratio of 50 to one.

I think the judicial attack on the Solomon Amendment is just one of a series of a trend that is against, again, anything that is pro-American, pro-conservative, pro-traditional values. And so I would submit for the RECORD an article that was an opinion in the Wall Street Journal recently and then something on the academic bill of rights that I think also touches into this same subject.

The bill would express the continued support of Congress for the so-called ''Solomon law'' in title 10, U.S. Code, which improves DOD's ability to establish and maintain ROTC detachments and to ensure military recruiters have access to college campuses and students that is at least equal in quality and scope to that provided to other employers.

The bill would:

State Congress's resolve to achieve military personnel readiness through vigorous application of the ''Solomon law'' relating to equal access for military recruits to institutions of higher education, and express Congress's commitment to explore all options, including the use of its Constitutional power to appropriate funds, to achieve that equal access.

Express the Sense of Congress that the Executive Branch should aggressively challenge any decision impeding or prohibiting the operation of the ''Solomon law.''

Encourage the Executive Branch to follow a doctrine of non-acquiescene by not finding a judicial decision affecting one jurisdiction to be binding on other jurisdictions. The so-called ''Solomon law,'' section 983, title 10, U.S. Code, named for its original proponent Representative Gerald Solomon (R–NY), is based on the principle that if a college or university accepts federal funding it must permit military recruiters and/or ROTC access to campus and to students. Enacted first in 1994, and added to by Congress in 1996, 1999 and 2002, and 2004, the ''Solomon law'' prohibits some defense-related and other federal funding from going to colleges and universities that prevent ROTC access or military recruiting on campus.

The Solomon law: (1) does not apply to institutions of higher education that have a longstanding policy of pacifism based on historical religious grounds; and, (2) exempts federal student financial assistance from termination.

The U.S. Court of Appeals for the Third Circuit, on 29 November 2004, reversed a district court decision, which had upheld the Constitutionality of the ''Solomon law,'' by ruling that the ''Solomon law'' violated the 1st Amendment rights of free speech and association held by institutions of higher education. The Third Circuit remanded the case to the district court to enter a preliminary injunction against the enforcement of the ''Solomon law.''

The acting Solicitor General has announced his intention to petition the Supreme Court for a writ of certiorari to review the decision of the Third Circuit Court. The Government also filed a motion on 14 January 2005 with the Third Circuit Court seeking to stay the Court's mandate for a preliminary injunction against the enforcement of the ''Solomon law'' until the Supreme Court decides the Government's petition. The Third Circuit granted the stay on 19 January.

H. Con. Res. 36, in expressing continued support for equal access of military recruiters to institutions of higher education, makes the following points regarding the ''Solomon law'':

Under article I, Section 8, of the Constitution, Congress exclusively has the power to raise and support armies, provide and maintain a navy, and make rules for the government and regulation of the Armed Forces.

Military recruiting on university campuses is one of the primary means by which the Armed Forces obtain highly qualified new military personnel and is an integral, effective and necessary part of overall military recruiting. Efforts by colleges and universities to restrict or prohibit military recruiter access will have the harmful effects of increasing Federal spending to achieve desired recruiting outcomes and of compromising military readiness and performance. Such harm conflicts with Federal responsibilities to provide for the Nation's defense. Any reduction in the performance by the Armed Forces amidst the present national emergency declared by the President on September 14, 2001, operates against the national interest.

The Constitution gives Congress the power to regulate spending and in that role Congress has chosen over time to appropriate funds for a variety of Government programs to be provided to institutions of higher learning. However, these funds are not an entitlement to any college or university and can be provided subject to criteria and conditions set by Congress.

The ''Solomon law'' is a legislative safeguard that links Federal funding of educational institutions to the willingness of those institutions to abide by a rule of access by military recruiters to campuses and students that is at least equal in quality and scope that is provided to any other employer.

For the last several years, a growing number of university law schools and colleges of law have treated military recruiters in ways significantly different from the recruiters of other employers. As a result, military recruiters and the persons they seek to interview have been subjected to various degrees of official and unofficial harassment or ill treatment that is designed to make military recruiting difficult, or to frustrate its objectives. The underlying reason for this differing treatment is opposition to Federal law that prohibits military service by openly gay people—the so-called ''don't ask, don't tell'' law.

Given that opposition, it is imperative that the safeguards that the ''Solomon law'' provides not only for military recruiters, but also for ROTC, be maintained. Without such safeguards, grave harm to military recruiting will result as colleges and universities move to limit or deny access to campuses and students by representatives of the Armed Forces.

ACADEMIC BILL OF RIGHTS

BACKGROUND

Hiring Practices for Professors

Faculty hiring is controlled by more senior members of the faculty itself:

As Conservative faculty forced to keep political views quiet until they achieve tenure.

Usually hire those who agree with them,

Creates a perpetual cycle.

Creates an environment where Marxists, Post-Modernists, etc. can still dominate in academic fields even while their views have been discredited:

Numbers of Liberal Professors vs. Conservative Professors

The overall ratio of Democrats to Republicans at the 32 schools studied was more than 10 to 1 (1397 Democrats, 134 Republicans).

Not a single department at a single one of the 32 schools managed to achieve a reasonable parity between the two main political parties:

In the nation at large, registered Democrats and Republicans are roughly equal in number.

The closest any school came to parity was Northwestern University—Democrats outnumbered registered Republicans by a ratio of 4–1.

Other Schools:

Brown—30–1

Bowdoin, Wellesley—23–1

Swarthmore—21–1

Amherst, Bates—18–1

Columbia, Yale—14–1

Pennsylvania, Tufts, UCLA and Berkeley—12–1

Smith—11–1

Other Schools had *ZERO* registered Republicans:

Williams—51 Democrats, 0 Republicans

Oberlin—19 Democrats, 0 Republicans

MIT—17 Democrats, 0 Republicans

Haverford—15 Democrats, 0 Republicans

Most students probably graduate without ever having a class taught by a professor with a conservative viewpoint.

Not Just a Faculty Problem But A Campus-Wide Bias

For example, the University of Pennsylvania, Carnegie Melon, and Cornell could not identify a single Republican administrator.

In the entire Ivy League, there were only 3 Republican administrators identified.

Impact on Students

Remarks belittling conservative ideas convey that these views are not accepted on campus—Grading based on these ideas reinforce this perception.

One student called a ''fascist'' for inviting Oliver North to campus.

University of Oregon—Student labeled ''neo-Nazi'' for expressing his opinion that Trent Lott was the victim of a double standard.

University of Richmond—Professor called President Bush a ''moron'' in the classroom.

University of Missouri in Columbia—Professor offered extra credit to protest a speech by David Horowitz.

Students at Wells College were ridiculed by professors for their support on Iraq war and their views on feminism.

''It didn't take long to see how liberal it was after I came here. The professors and the education I receive is excellent, but the professors seem to use class as a political soapbox,''—Kristy L. Hochenberger, a student at Wells College.

Slogan circulated by Biology professor at Wells College—''Lobotomies for Republicans: It's not just a good idea; it's the law!''.

Many students conceal what they actually think in order to protect their academic standing—a reality clearly at odds with the educational mission of the university.

Nearly all distinguished doctoral programs rely on matching students with professors who have compatible interests. Preferential treatment shown to those with similar liberal ideals.

Campus Guests, Speech Police and Commencement Speakers

Campus funds are unequally distributed to leftwing student groups as opposed to groups with conservative agendas by a ratio close to 50:1: These student groups are many times in charge of hiring campus speakers.

The Foundation for Individual Rights in Education found that over 90 percent of well-known college campuses have speech codes intended to ban and punish politically incorrect, almost always conservative, speech.

The ratio of commencement speakers on the left and right was 226–15, a ratio of over 15:1: Commencement speakers are selected through committees composed of administrative staff, faculty, and students.

Twenty-two of the thirty-two schools surveyed did not have a single Republican or conservative commencement speaker in the entire ten years surveyed: Six of the remaining schools invited only one Republican or conservative each, as compared to 38 liberals or Democrats.

Haverford, Swarthmore and UCLA, which host multiple speakers every year, did not feature a single Republican or conservative speaker as balanced against 54 liberals and Democrats.

Academic Bill of Rights

Recognizes that political partisanship by professors is an abuse of students' academic freedom.

Designed to take politics out of the university curriculum:

Does not call for more classics in curriculum,

Reading lists should provide students with dissenting viewpoints so they may form their own opinions.

Designed to protect the right of students to ''get an education rather than an indoctrination'':

Should not make professors afraid of what they say,

We defend professors' right to say anything and forbids administration from punishing them for their political opinions,

Professors should always be open to dissenting opinions.

Unequal funding of student organizations which host guest speakers is unacceptable: Calls for pluralism in selection of guest speakers.

Learning environment hostile to conservatives is wrong.

There is a lack of ''intellectual diversity'' within faculties on college campuses:

University should be ''inclusive'' to all viewpoints,

Without it, free exchange of ideas are impaired.

It is not our intention to suggest that there should be quotas based on party affiliation in the hiring process at universities:

We support removing all politics and political affiliation from the hiring process,

It is our purpose to point out the gross imbalance of liberal vs. conservative professors.

While nearly all university administrations devote extraordinary resources to defend the principle of diversity in regard to race and gender, none can be said to have shown interest in the diversity of ideas.

Universities have the privilege of being separate from the society they inhabit:

Society grants faculty protection from the influence of outside politics,

With that privilege comes a responsibility by the faculty to also safeguard the free exchange of ideas.

Correcting this should be the goal and an integral part of educational policy under the Academic Bill of Rights.

[From the Wall Street Journal, Feb. 2, 2005]

WISDOM OF SOLOMON—THE DISGRACE OF BLOCKING MILITARY RECRUITERS FROM CAMPUS

Don't ask. Don't tell. Having no desire to crash our e-mail server, we'll save discussion of gays in the military for another day. Rather, today's subject is lawyers in the military. Surely Americans of all points of view can agree that in an age of Guantanamo and Abu Ghraib, the military can use the best attorneys it can get.

So it's a disgrace that some of the nation's law schools, objecting to the Pentagon's ''discrimination policies,'' refuse to permit military recruiters to make their pitch on campus, relegating them instead to unofficial off-campus venues. Law students pondering their first career move can be wined and dined by fancy firms that set up recruitment tables at campus job fairs, but they have to stroll over to the local Day's Inn to seek out the lonely military recruiter.

To put it another way, the same liberals who object that the military includes too many lower-class kids won't let military recruiters near the schools that contain students who will soon join the upper-class elite. It's almost enough to make us contemplate restoring the draft, starting with law school students.

Needless to say, such scholastic shenanigans don't go down well with Congress, which in 1994 passed the Solomon Amendment, named for the late New York Republican, Gerald Solomon. The law requires schools that receive federal funds to provide equal access to military recruiters. Today, the House is scheduled to vote on a resolution brought by Alabama Republican Mike Rogers that would restate the House's support for the Solomon Amendment. Something similar passed the House and Senate by overwhelming margins last year and was incorporated into the Defense Authorization bill.

The impetus for Mr. Rogers's move is a November ruling by the federal appeals court in Philadelphia in favor of a group of law schools and legal scholars that had contested the Solomon law. The 2–1 opinion found that the Solomon Amendment violates the schools' First Amendment rights to free speech and association. Next stop is the Supreme Court, which is expected to take the appeal that the Justice Department plans to bring.

There are many peculiarities to this lawsuit, starting with the fact that the group that brought it—the Forum for Academic and Institutional Rights—declines to release the names of the 26 law schools and faculties that belong to its coalition. Some of the participants (New York University and Georgetown, for example) have outed themselves since the suit was brought in 2003, but others steadfastly maintain their own don't-ask-don't-tell policy.

In any event, there should be no legal question about Congress's right to put conditions on grants of federal funds to universities. It does this all the time—including requirements that colleges adhere to certain civil rights and gender standards. With a few exceptions, universities have no trouble going along and courts have no problem letting them.

If, as is likely, the Supreme Court overturns the appeals court decision, that will be the end of it. Almost all universities, public and private, take millions of dollars in federal money that would be next to impossible to give up. That's especially true of the elite schools, both public and private. Still, it would be nice to think that the nation's universities would welcome the military for reasons other than the mercenary. Patriotism, perhaps?

Mr. KLINE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. BUYER), chairman of the Committee on Veterans' Affairs.

Mr. BUYER. Mr. Speaker, I rise in full support of this resolution and urge my colleagues to support its passage. Asking the administration to appeal the third circuit is the right thing to do. What is happening on some college campuses is deja vu for those of us who attended colleges in the 1960s and the 1970s. Back then too many college administrators lacked the courage to resist pressure from then what were called left-wing student groups and other professors to ban military recruiters from their campuses. As a result, students who sought military careers were denied equal access to careers of their choice and our schools became the centers for a wide range of nonsense courses.

The student protestors of the 1960s and 1970s and those of like mind are now the administrators and professors of colleges and universities all over the country. Clearly, they have neither changed their politics nor loathing for the American military. Even at a time when our servicemen and -women are encouraged to defeat the forces of tyranny and terror, they remain the same.

In denying military recruiters equal access to campuses such as Harvard Law School, college administrators violate the most basic principles of the right to associate and free speech they so profess is precious. Despite large numbers of conservative students attending their institutions, these liberals preach tolerance; however, these liberal administrators and professors have now become the most intolerant people I know.

The following quote is from a student typical of the attitude of many of these ivory bastions: ''The day my political science department hires a Republican and I am allowed to sit in a class without a number of snickers, jeers, and/or dirty looks when President Bush's name is even mentioned is the day I will admit there is progress on today's campus.''

Mr. Speaker, Congress did not ask for special access for military recruiters. We are asking for just equal access to groups such as those seeking support for such liberal causes as abortion rights, frivolous lawsuits, same-sex marriage, elimination of the right to private property, gun control, Orwellian Big Government. Mr. Speaker, once again activist judges have clearly overstepped their authority, and it is time for the administration to stand and say that the U.S. Court of Appeals for the Third Circuit was wrong in their ruling and please seek an appeal.

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

Mr. Speaker, I do not accept the suggestion that the academic community is un-American and not in support of our military. My friends in the academic community, and I have many in North Carolina who are part of the academic community, they are good Americans and they support our military completely. I sincerely believe that these individuals have a genuine difference of legal opinion that must be resolved by our Supreme Court, and that is why I am supporting this resolution. We need a determination by our Supreme Court of this matter.

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

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

In closing, I would just say that we have heard some discussion today about policies of the United States Armed Forces for a long time. Since its inception, there have been special policies applied to our military, the ability to impose nonjudicial punishment, the ability to restrict entry by those who are too tall or too short, the ability to order its members away from home and into combat and into harm's way. But the discussion today is not about those policies and should not be about those policies. The discussion today is about keeping our military, keeping our Armed Forces, the best trained, the best led, the best equipped in the world; and that means we need the ability to recruit the best and the brightest. This is about insisting that our military recruiters have equal access to America's universities and colleges.

I urge all of my colleagues to support this resolution.

Mr. DELAY. Mr. Speaker, issues like this one—first brought to our attention with a passion and eloquence only possible in a man like Jerry Solomon—provide our democracy a valuable service: They cut through the fog of spin and force us to tell the American people exactly where we stand.

Pure and simple, this bills says our armed services—the Army, Navy, Air Force, Marines, Coast Guard, and National Guard—should have the same right to recruit at colleges and universities who receive federal funding as any other group.

Every year, thousands upon thousands of businesses, industries, non-profit groups, and even other colleges recruit underclassmen to sign up to become investment bankers and computer engineers or environmental lawyers or medical students.

And yet, some colleges—principally the elitist and elite colleges—refuse to even allow military recruiters on their campuses.

Such policies are obnoxious in times of peace, but they are simply intolerable in times of war, and the equal access of our military recruiters to federally funded colleges and universities must be protected.

But that, Mr. Speaker, is the easy part.

The hard part is understanding why facilities and administrations of these colleges don't want military recruiters on their campuses.

Because, at bottom, their opposition to the presence of veterans at their schools is not about academic freedom, or civil liberties.

It's about them not liking the military, or the values our men and women in uniform represent.

It's about many of them preferring the company of people who blame the United States for 9/11—who compare the World Trade center victims to Nazis—to the company of a soldier or a sailor or an airman or a Marine.

It's about academia feeling more sympathy for terrorists than for the women and children they murder.

It's about a fundamental misconception about the purpose of a university—the professors are there for the students, Mr. Speaker, and not the other way around.

That our military makes our academia possible, and not the other way around.

Indeed, the right of tenured academics to be publicly insufferable exists only because of the sacrifices of our servicemen and women.

The least they could offer in return is a booth in the field house on career day.

Of course, men and women who have dodged bullets and held dying comrades in their arms don't take seriously people who live by the glib professional code "publish or perish."

But those elite campuses, who claim to educate our nation's best and brightest, who claim to train our leaders of the future: how can we possibly not allow military recruiters to have the right to talk to such students?

What profession, if any in our entire society, needs the opportunity to recruit the sharpest and broadest minds of every generation more than our armed forces?

America's armed services have molded great men from all walks of life, and when given brilliant men and women, they have produced legends.

How can we let such minds pass through our top colleges without even the chance that they might bump into a veteran recruiter who could change their life?

America in the future no doubt will need its brilliant businessmen and lawyers and poets, but what good can such genius do without brilliant admirals and generals to protect them?

Mr. Speaker, it's a shame this issue was ever forced on us at all, but the vote on this bill will help to clarify exactly what we each mean when we say we support the troops.

We'll finally see who among us really believes the military deserves more than just lip service from those of us they protect.

Votes like this, after all, remind us of one of the great blessings of American democracy: that unlike college professors, congressmen don't have tenure.

Ms. MCKINNEY. Mr. Speaker, this bill is ludicrous on its face.

At a time when billboards, TV ads, radio spots, neighborhood recruiting offices, and slick brochures too numerous to count, flood our consciousness, this Sense of Congress resolution asserts that recruiting on college campuses is a necessary part of military recruitment.

According to this resolution, the Pentagon cares about cost-effectiveness; but the Pentagon has lost $2.3 trillion without explanation. It's been shameful in its award of no-bid contracts to insider corporations, and now, we're told that $9 billion of Iraq money has been "lost."

The thrust of this resolution is that it's cost effective and patriotic for the military to recruit on college campuses. Its supporters say that military recruiters ought to have the same access as businesses and corporations. But nowhere in this resolution is the one sure way to get good quality recruits ever mentioned. It's the tried and true way that businesses and corporations employ: they pay more.

In reality, the Pentagon already has access to every 18-year-old male in our country. This resolution is totally unnecessary, unwarranted, and completely fails to make a convincing case.

I urge a "no" vote on this resolution.

U.S. "LOSES" $9BN IN IRAQ

WASHINGTON.—The U.S. occupation authority in Iraq was unable to keep track of nearly $9bn it transferred to government ministries, which lacked financial controls, security, communications and adequate staff, an inspector general has found.

The U.S. officials relied on Iraqi audit agencies to account for the funds but those offices were not even functioning when the funds were transferred between October 2003 and June 2004, according to an audit by a special US inspector general.

The findings were released on Sunday by Stuart Bowen, special inspector general for Iraq reconstruction.

The official who led the CPA, L Paul Bremer III, submitted a blistering, written reply to the findings, saying the report had "many misconceptions and inaccuracies," and lacked professional judgment.

Bremer complained the report "assumes that western-style budgeting and accounting procedures could be immediately and fully implemented in the midst of a war".

The inspector general said the occupying agency disbursed $8.8bn to Iraqi ministries "without assurance the monies were properly accounted for".

U.S. officials, the report said, "did not establish or implement sufficient managerial, financial and contractual controls." There was no way to verify that the money was used for its intended purposes of financing humanitarian needs, economic reconstruction, repair of facilities, disarmament and civil administration.

Pentagon spokesperson Bryan Whitman said on Sunday the authority was hamstrung by "extraordinary conditions" under which it worked throughout it mission.

"We simply disagree with the audit's conclusion that the CPA provided less than adequate controls," Whitman said.

Turning over the money "was in keeping with the CPA's responsibility to transfer these funds and administrative responsibilities to the Iraqi ministries as an essential part of restoring Iraqi governance".

The inspector general cited an International Monetary Fund assessment in October, 2003 on the poor state of Iraqi government offices. The assessment found ministries suffered from staff shortages, poor security, disruptions in communications, damage and looting of government buildings, and lack of financial policies.

CPA staff learned that 8,206 guards were on the payroll at one ministry, but only 602 could be accounted for, the report said. At another ministry, U.S. officials found 1,417 guards on the payroll but could only confirm 642.

When staff members of the U.S. occupation government recommended that payrolls be verified before salary payments, CPA financial officials stated the CPA would rather overpay salaries than risk not paying employees and inciting violence," the inspector general said.

The inspector general's report rejected Bremer's criticism. It concluded that despite the war, ''We believe the CPA management of Iraq's national budget process and oversight of Iraqi funds was burdened by severe inefficiencies and poor management.''

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OH, NO—PENTAGON LOSES $2.3 TRILLION

(By Uri Dowbenko)

FEBRUARY 17, 2002.—The Pentagon is still the home of the highest grossing fraud on Planet Earth—fraud so lucrative that even the September 11 incident would not disturb the insider-criminals.

According to a CBS News story, the U.S. Department of Defense cannot account for $2.3 trillion of taxpayer money. [For that story, go to: <http://www.cbsnews.com/stories/2002/01/29/eveningnews/printable325985.shtml>]

On September 10, 2001, Secretary of Defense Donald Rumsfeld promised change, but the next day the World Trade Center was destroyed. Shortly thereafter, the new phony war on terrorism was inaugurated. It was another great reason for more military fraud, which would exceed all previous projections and expectations. Rumsfeld's promises of ''reform'' were quickly forgotten.

Today, despite the fact that Congress has not declared war against any enemy, Bush Administration rhetoric has produced a new ''war on terrorism,'' which has gobbled up more than $1 billion to date.

In fact, it could be said that the September 11 Incident was like the proverbial manna from heaven for beleaguered defense contractors.

George W. Bush has promoted this new war fraud by asking Congress for a fresh $48 billion in new ''defense'' spending.

And in the Pentagon, large-scale military fraud continues apace.

Rumsfeld himself has said that ''according to some estimates, we cannot track $2.3 trillion in transactions.''

This amount of $2.3 trillion amounts to $8,000 for every man, woman and child in America.

Instead of blaming Pentagon accountants, however, the American people should understand that privately held firms, which have federal contracts for so-called accounting and computer systems (which coincidentally never seem to work) are the real culprits. The liability for government fraud begins and ends with these private contractors. These ''Beltway Bandits'' with insider government connections are the most blatant unindicted white-collar criminals to date.

Public money is most likely siphoned out through companies like DynCorp, AMS, and Lockheed Martin, which control the bookkeeping for federal agencies, where fraud is rampant, unchecked and very lucrative for corporate and government insiders.

The fraud is so egregious, in fact, that the sovereignty of the nation itself can be questioned when bogus accounting systems can mask the revenue streams and expenditures of federal agencies to such an extent.

Government? What government? Like parasites which have overwhelmed the host, corrupt private contractors who control federal accounting and computer systems (as well as their bureaucratic cohorts in crime) have decimated U.S. Government agencies into a state resembling bankruptcy.

The usual suspects are a literal handful of federal contracting firms with lucrative insider deals that have become outrageously brazen in their schemes of fraud.

The amount of taxpayer monies they have stolen is mind-boggling.

Consider these facts:

1. The Department of Defense (DoD) ''lost'' $1.1 trillion in Fiscal Year 2000 and $2.3 trillion in Fiscal Year 1999.

2. The racketeers in the Pentagon refuse to publish audited financial statements, yet are asking for more taxpayer money to fund fraudulent missile systems and other sweetheart deals for their pals in the infamous Military-industrial-Medical Complex.

3. The Department of Housing and Urban Development (HUD) ''lost'' $59 billion in Fiscal Year 1999 and refuses to disclose what it ''lost'' in Fiscal Year 2000.

4. The Internal Revenue Service (IRS) has arranged contract kickbacks to its commissioner Charles O. Rossotti through so-called ''ethical waivers'' on his stock held in American Management Services (AMS), a federal contracting firm he founded and which currently holds contracts with many federal agencies including the IRS.

5. Former Pentagon insider Herbert S. ''Pug'' Winokur is a kingpin in failed energy giant Enron (he's on the board of directors), as well as Harvard University, whose Highfields Capital shorted Enron stock while it was a major shareholder, as well as the notorious DynCorp, which rakes in asset forfeiture funds in the United States, has lucrative mercenary contracts in Colombia in the bogus War on Drugs, and whose other mercenary personnel are alleged to participate in the prostitution of teenage girls as part of its ''peacekeeping'' mission in Bosnia.

Yikes. So what are we going to do?

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of our Armed Forces and in support of this nation's continued efforts to give it the additional strength and stability it needs to keep our men and women safe. The members of this House have joined their constituents in mourning the loss of life and injuries sustained in the course of America's war and subsequent occupation of Iraq for two years.

Since the beginning of the Iraq war in March 2003, 1,423 members of the U.S. military have died, which includes 1,084 as a result of hostile action and 333 of non-hostile causes. Furthermore, my District of Houston has experienced two deaths already since January; six deaths in 2004; five in 2003; and numerous injuries over the course of the nation's engagement.

No doubt, Mr. Speaker, I fully support the Armed Services. In the spirit of achieving the goal of attracting the best and brightest candidates for service, I join my colleague from California in advocating this legislation. However, we must support our troops in accordance with the U.S. Constitution and with respect for civil rights and fundamental freedoms that are the rubric of this nation.

When the House debated H.R. 3966, which would allow for the denial of federal funds for educational institutions unless military recruiters are provided access to the campuses of these institutions, I voted "yes" on passage of the measure with the understanding that no Constitutional contravention would result from its implementation.

The resolution that is before the House today, however, is controversial because the final disposition of underlying federal jurisprudence could play a major role clarifying the way we apply Constitutional principles to an act of Congress. The holding in Forum for Academic and Institutional Rights v. Rumsfeld tells us that we must be very careful in the way we regulate society so as not to violate fundamental rights. (390 F.3d 219 (3rd Cir. 2004)).

So, Mr. Speaker, I do support the intent of this legislation because I honor the men and women who serve in our Armed Services and who sacrifice their lives for us. However, I also support the upholding of the United States Constitution and the respect for jurisprudence, and I believe it seriously damages our commitment to the three branches of government to encourage the interference with judicial decisions before a final rendering of a final review by the U.S. Supreme Court.

Mr. FARR. Mr. Speaker, I come to the floor today in strong opposition to H. Con. Res. 36.

It is a standard practice for institutions of higher learning to include a non-discrimination policy as part of their mission. These policies affirm that they do not tolerate discrimination on any number of issues: race, sex, religion, age, disability, social class, and sexual orientation. These non-discrimination policies were created so that all people in our country have the opportunity to be an equal and respected member of higher education communities.

Unfortunately the military has established a discriminatory policy, Don't Ask Don't Tell. This policy unfairly excludes homosexuals from military service on the basis of their sexual orientation alone. For example, numerous military linguists who are critically needed in the Global War on Terrorism have been discharged under Don't Ask Don't Tell. Supporters of H. Con. Res. 36 say that denying military recruiters access to college campuses is a national security threat, but they are completely missing the big picture. The real national security threat is the Don't Ask Don't Tell policy that forces our military to discharge gay servicemen and servicewomen regardless of their job performance.

I strongly believe that the non-discrimination policies of colleges and universities should be respected and I urge my colleagues to vote against this resolution.

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

□ 1400

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

Pursuant to House Resolution 59, the concurrent resolution is considered read and the previous question is ordered on the concurrent resolution and on the preamble.

The question is on the concurrent resolution.

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

Mr. KLINE. 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, this 15-minute vote on agreeing to House concurrent resolution 36 will be followed by 5-minute votes on the motion to suspend the rules and agree to House Resolution 56; the motion to suspend the rules and agree to House Resolution 57; and agreeing to House Resolution 60.

The vote was taken by electronic device, and there were—yeas 327, nays 84, not voting 22, as follows:

[Roll No. 16]

YEAS—327

Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Dent
Diaz-Balart, L.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Evans
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Melancon
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—84

Abercrombie
Ackerman
Allen
Baldwin
Becerra
Berman
Blumenauer
Brady (PA)
Brown (OH)
Capps
Capuano
Clay
Conyers
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Emanuel
Engel
Farr
Fattah
Filner
Frank (MA)
Green, Al
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Holt
Honda
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kilpatrick (MI)
Kucinich
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lynch
Maloney
Markey
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Michaud
Miller, George
Mollohan
Nadler
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Rahall
Rangel
Roybal-Allard
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Scott (VA)
Serrano
Solis
Stark
Thompson (CA)
Tierney
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—22

Bilirakis
Brown, Corrine
Carson
Diaz-Balart, M.
Dingell
Eshoo
Ford
Green, Gene
Hyde
Moore (WI)
Moran (KS)
Northup
Obey
Rothman
Royce
Rush
Smith (NJ)
Spratt
Stupak
Towns
Udall (NM)
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1424

Mr. RAHALL, Mr. MEEKS of New York, Mr. ABERCROMBIE and Mr. MEEHAN changed their vote from ''yea'' to ''nay.''

Mr. DICKS and Mr. HAYES changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. CARSON of Indiana. Mr. Speaker, on rollcall No. 16, my card didn't register while I was on the floor. Had I been present, I would have voted "no."

Ms. MOORE of Wisconsin. Mr. Speaker, on rollcall No. 16, had I been present, I would have voted "no."

COMMENDING PALESTINIAN PEOPLE FOR HOLDING FREE AND FAIR PRESIDENTIAL ELECTION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 56.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 56, on which the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, the remainder of this series of votes will be conducted as 5-minute votes.

The vote was taken by electronic device, and there were—yeas 415, nays 1, not voting 17, as follows:

[Roll No. 17]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey

Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—17

Allen
Bilirakis
Brady (TX)
Brown, Corrine
Diaz-Balart, M.
Dingell
Eshoo
Green, Gene
Hyde
Moran (KS)
Northup
Rothman
Rush
Stupak
Towns
Udall (NM)
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1434

Ms. BERKLEY changed her vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BRADY of Texas. Mr. Speaker, on roll-call vote No. 17, I was inadvertently detained. Had I been present, I would have voted ''yea.''

URGING THE EUROPEAN UNION TO MAINTAIN ITS ARMS EMBARGO ON THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore (Mr. SHIMKUS). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 57.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and agree to the resolution, H. Res. 57, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 3, not voting 19, as follows:

[Roll No. 18]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
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
Dent
Diaz-Balart, L.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Markey
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

McKinney
Oberstar
Paul

NOT VOTING—19

Bilirakis
Brown, Corrine
Davis (KY)
Diaz-Balart, M.
Dingell
Eshoo
Green, Gene
Hyde
Manzullo
Moran (KS)
Northup
Rogers (MI)
Rothman
Rush
Stupak
Tiahrt
Towns
Udall (NM)
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1442

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TIAHRT. Mr. Speaker, on rollcall vote No. 18, I was inadvertently detained. Had I been present, I would have voted "yea."

Mr. ROGERS of Michigan. Mr. Speaker, on rollcall vote No. 18, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. DAVIS of Kentucky. Mr. Speaker, on rollcall vote No. 18, I was unable to cast my vote. Had I been able to vote, I would have voted "yea."

RELATING TO FREE ELECTION IN IRAQ HELD ON JANUARY 30, 2005

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 60, on which the yeas-and-nays were ordered.

The Clerk read the title of the resolution.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 9, answered ''present'' 3, not voting 18, as follows:

[Roll No. 19]

YEAS—404

Abercrombie	Capuano	English (PA)
Ackerman	Cardin	Etheridge
Aderholt	Cardoza	Evans
Akin	Carnahan	Everett
Alexander	Carson	Farr
Allen	Carter	Fattah
Andrews	Case	Feeney
Baca	Castle	Ferguson
Bachus	Chabot	Filner
Baird	Chandler	Fitzpatrick (PA)
Baker	Chocola	Flake
Baldwin	Clay	Foley
Barrett (SC)	Cleaver	Forbes
Barrow	Clyburn	Ford
Bartlett (MD)	Coble	Fortenberry
Barton (TX)	Cole (OK)	Fossella
Bass	Conaway	Foxx
Bean	Conyers	Frank (MA)
Beauprez	Cooper	Franks (AZ)
Becerra	Costa	Frelinghuysen
Berkley	Costello	Gallegly
Berman	Cox	Garrett (NJ)
Berry	Cramer	Gerlach
Biggert	Crenshaw	Gibbons
Bishop (GA)	Crowley	Gilchrest
Bishop (NY)	Cubin	Gillmor
Bishop (UT)	Cuellar	Gingrey
Blackburn	Culberson	Gohmert
Blumenauer	Cummings	Gonzalez
Blunt	Cunningham	Goode
Boehlert	Davis (AL)	Goodlatte
Boehner	Davis (CA)	Granger
Bonilla	Davis (FL)	Graves
Bonner	Davis (IL)	Green (WI)
Bono	Davis (KY)	Green, Al
Boozman	Davis (TN)	Grijalva
Boren	Davis, Jo Ann	Gutierrez
Boswell	Davis, Tom	Gutknecht
Boucher	Deal (GA)	Hall
Boustany	DeFazio	Harman
Boyd	DeGette	Harris
Bradley (NH)	Delahunt	Hart
Brady (PA)	DeLauro	Hastert
Brady (TX)	DeLay	Hastings (FL)
Brown (OH)	Dent	Hastings (WA)
Brown (SC)	Diaz-Balart, L.	Hayes
Brown-Waite, Ginny	Dicks	Hayworth
Burgess	Doggett	Hefley
Burton (IN)	Doolittle	Hensarling
Butterfield	Doyle	Herger
Buyer	Drake	Herseth
Calvert	Dreier	Higgins
Camp	Duncan	Hinchey
Cannon	Edwards	Hinojosa
Cantor	Ehlers	Hobson
Capito	Emanuel	Hoekstra
Capps	Emerson	Holden
	Engel	Holt
	Eshoo	Honda
	Etheridge	Hooley
	Evans	Hostettler
	Everett	Hoyer
	Farr	Hulshof
	Fattah	Hunter
	Feeney	Inglis (SC)
	Ferguson	Inslee
	Filner	Israel
	Fitzpatrick (PA)	Issa
	Flake	Istook
	Foley	Jackson (IL)
	Forbes	Jackson-Lee (TX)
	Ford	Jefferson
	Fortenberry	Jenkins
	Fossella	Jindal
	Foxx	Johnson (CT)
	Frank (MA)	Johnson (IL)
	Franks (AZ)	Johnson, E. B.
	Frelinghuysen	Johnson, Sam
	Gallegly	Jones (NC)
	Garrett (NJ)	Jones (OH)
	Gerlach	Kanjorski
	Gibbons	Kaptur
	Gilchrest	Keller
	Gillmor	Kennedy (MN)
	Gingrey	Kennedy (RI)
	Gohmert	Kildee
	Gonzalez	Kilpatrick (MI)
	Goode	Kind
	Goodlatte	King (IA)
	Granger	King (NY)
	Graves	Kingston
	Green (WI)	Kirk
	Green, Al	Kline
	Grijalva	Knollenberg
	Gutierrez	Kolbe
	Gutknecht	Kuhl (NY)
	Hall	LaHood
	Harman	Langevin
	Harris	Lantos
	Hart	Larsen (WA)
	Hastert	Larson (CT)
	Hastings (FL)	Latham
	Hastings (WA)	LaTourette
	Hayes	Leach
	Hayworth	Levin
	Hefley	Lewis (CA)
	Hensarling	Lewis (KY)
	Herger	Linder
	Herseth	Lipinski
	Higgins	LoBiondo
	Hinchey	Lofgren, Zoe
	Hinojosa	Lowey
	Hobson	Lucas
	Hoekstra	Lungren, Daniel E.
	Holden	Lynch
	Holt	Mack
	Honda	Maloney
	Hooley	Manzullo
	Hostettler	Marchant
	Hoyer	Markey
	Hulshof	Marshall
	Hunter	Matheson
	Inglis (SC)	McCarthy
	Inslee	McCaul (TX)
	Israel	McCollum (MN)
	Issa	McCotter
	Istook	McCrery
	Jackson (IL)	McGovern
	Jackson-Lee (TX)	McHenry
	Jefferson	McHugh
	Jenkins	McIntyre
	Jindal	McKeon
	Johnson (CT)	McMorris
	Johnson (IL)	McNulty
	Johnson, E. B.	Meehan
	Johnson, Sam	Meek (FL)
	Jones (NC)	Meeks (NY)
	Jones (OH)	Melancon
	Kanjorski	Menendez
	Kaptur	Mica
	Keller	Michaud
	Kennedy (MN)	Millender-McDonald
	Kennedy (RI)	Miller (FL)
	Kildee	Miller (MI)
	Kilpatrick (MI)	Miller (NC)
	Kind	Miller, Gary
	King (IA)	Miller, George
	King (NY)	Mollohan
	Kingston	Moore (KS)
	Kirk	Moore (WI)
	Kline	Moran (VA)
	Knollenberg	Murphy
	Kolbe	Murtha
	Kuhl (NY)	Musgrave
	LaHood	Myrick
	Langevin	Nadler
	Lantos	Napolitano
	Larsen (WA)	Neal (MA)
	Larson (CT)	Neugebauer
	Latham	Ney
	LaTourette	Norwood
	Leach	Nunes
	Levin	Nussle
	Lewis (CA)	Oberstar
	Lewis (KY)	Obey
	Linder	Olver
	Lipinski	Ortiz
	LoBiondo	Osborne
	Lofgren, Zoe	Otter
	Lowey	Oxley
	Lucas	Pallone
	Lungren, Daniel E.	Pascrell
	Lynch	Pastor
	Mack	Pearce
	Maloney	Pelosi
	Manzullo	Pence
	Marchant	Peterson (MN)
	Markey	Peterson (PA)
	Marshall	Petri
	Matheson	Pickering
	McCarthy	Pitts
	McCaul (TX)	Platts
	McCollum (MN)	Poe
	McCotter	Pombo
	McCrery	Pomeroy
	McGovern	Porter
	McHenry	Portman
	McHugh	Price (GA)
	McIntyre	Price (NC)
	McKeon	Pryce (OH)
	McMorris	Putnam
	McNulty	Radanovich
	Meehan	Rahall
	Meek (FL)	Ramstad
	Meeks (NY)	Rangel
	Melancon	Regula
	Menendez	Rehberg
	Mica	Reichert
	Michaud	Renzi
	Millender-McDonald	Reyes
	Miller (FL)	Reynolds
	Miller (MI)	Rogers (AL)
	Miller (NC)	Rogers (KY)
	Miller, Gary	Rogers (MI)
	Miller, George	Rohrabacher
	Mollohan	Ros-Lehtinen
	Moore (KS)	Ross
	Moore (WI)	Roybal-Allard
	Moran (VA)	Royce
	Murphy	Ruppersberger
	Murtha	Ryan (OH)
	Musgrave	Ryan (WI)
	Myrick	Ryun (KS)
	Nadler	Sabo
	Napolitano	Salazar
	Neal (MA)	Sánchez, Linda T.
	Neugebauer	Sanchez, Loretta
	Ney	Sanders
	Norwood	Saxton
	Nunes	Schakowsky
	Nussle	Schiff
	Oberstar	Schwartz (PA)
	Obey	Schwarz (MI)
	Olver	Scott (GA)
	Ortiz	Scott (VA)
	Osborne	Sensenbrenner
	Otter	Serrano
	Oxley	Sessions
	Pallone	Shadegg
	Pascrell	Shaw
	Pastor	Shays
	Pearce	Sherman
	Pelosi	Sherwood
	Pence	Shimkus
	Peterson (MN)	Shuster
	Peterson (PA)	Simmons
	Petri	Simpson
	Pickering	Skelton
	Pitts	Slaughter
	Platts	Smith (NJ)
	Poe	Smith (TX)
	Pombo	Smith (WA)
	Pomeroy	Snyder
	Porter	Sodrel
	Portman	Solis
	Price (GA)	Souder
	Price (NC)	Spratt
	Pryce (OH)	Stearns
	Putnam	Strickland
	Radanovich	Sullivan
	Rahall	Tancredo
	Ramstad	Tanner
	Rangel	Tauscher
	Regula	Taylor (MS)
	Rehberg	Taylor (NC)
	Reichert	Terry
	Renzi	Thomas
	Reyes	Thompson (CA)
	Reynolds	Thompson (MS)
	Rogers (AL)	Thornberry
	Rogers (KY)	Tiahrt
	Rogers (MI)	Tiberi
	Rohrabacher	Tierney
	Ros-Lehtinen	Turner
	Ross	Udall (CO)
	Roybal-Allard	Upton
	Royce	Van Hollen
	Ruppersberger	Velázquez
	Ryan (OH)	Visclosky
	Ryan (WI)	Walden (OR)
	Ryun (KS)	Walsh
	Sabo	Wamp
	Salazar	Wasserman Schultz
	Sánchez, Linda T.	Watt
	Sanchez, Loretta	Waxman
	Sanders	Weiner
	Saxton	Weldon (FL)
	Schakowsky	Weller
	Schiff	Westmoreland
	Schwartz (PA)	Wexler
	Schwarz (MI)	Whitfield
	Scott (GA)	Wicker
	Scott (VA)	Wilson (NM)
	Sensenbrenner	Wilson (SC)
	Serrano	Wolf
	Sessions	Wu
	Shadegg	Wynn
	Shaw	Young (AK)
	Shays	Young (FL)
	Sherman	
	Sherwood	
	Shimkus	
	Shuster	
	Simmons	
	Simpson	
	Skelton	
	Slaughter	
	Smith (NJ)	
	Smith (TX)	
	Smith (WA)	
	Snyder	
	Sodrel	
	Solis	
	Souder	
	Spratt	
	Stearns	
	Strickland	
	Sullivan	
	Tancredo	
	Tanner	
	Tauscher	
	Taylor (MS)	
	Taylor (NC)	
	Terry	
	Thomas	
	Thompson (CA)	
	Thompson (MS)	
	Thornberry	
	Tiahrt	
	Tiberi	
	Tierney	
	Turner	
	Udall (CO)	
	Upton	
	Van Hollen	
	Velázquez	
	Visclosky	
	Walden (OR)	
	Walsh	
	Wamp	
	Wasserman Schultz	
	Watt	
	Waxman	
	Weiner	
	Weldon (FL)	
	Weller	
	Westmoreland	
	Wexler	
	Whitfield	
	Wicker	
	Wilson (NM)	
	Wilson (SC)	
	Wolf	
	Wu	
	Wynn	
	Young (AK)	
	Young (FL)	

NAYS—9

Kucinich	McKinney	Waters
Lee	Paul	Watson
McDermott	Stark	Woolsey

ANSWERED ''PRESENT''—3

Lewis (GA)	Owens	Payne

NOT VOTING—18

Bilirakis	Green, Gene	Rush
Brown, Corrine	Hyde	Stupak
Diaz-Balart, M.	Kelly	Sweeney
Dingell	Moran (KS)	Towns
Eshoo	Northup	Udall (NM)
Gordon	Rothman	Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1452

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. NORTHUP. Mr. Speaker, due to a death in my family, I was unable to participate in today's votes. Had I been present, I would have voted "yea" on all four of today's recorded votes.

PERSONAL EXPLANATION

Mr. HYDE. Mr. Speaker, on the afternoon of February 1 and February 2, 2005, I was absent for several votes and regret missing them. Had I been present, I would have voted: Vote No. 14, Honoring the contributions of Catholic Schools—"yea"; No. 15, Dalip Singh Saund Post Office Building Designation—"yea"; No. 16, Expressing the continued support of Congress for equal access of military recruiters to institutions of higher education—"yea"; No. 17, Commending the Palestinian people for conducting a free and fair presidential election—"yea"; No. 18, Expressing the strong concern of the House of Representatives that the European Union may end its embargo against the Peoples Republic of China—"yea"; and No. 19, Relating to the free election in Iraq held on January 30, 2005—"yea."

GENERAL LEAVE

Mr. KLINE. 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 House Concurrent Resolution 36, previously passed in this series of votes.

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

There was no objection.

LEGISLATIVE PROGRAM

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

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

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

Mr. HOYER. Mr. Speaker, I would be pleased to yield to my friend, the gentleman from Texas, the majority leader, for the purposes of informing us of the schedule.

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

Mr. Speaker, the House will convene on Tuesday at 2 p.m. for legislative

business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of the week. Any votes called on those measures will be rolled until 6:30 p.m.

On Wednesday and Thursday, the House will convene at 10 a.m. We likely will consider additional legislation under suspension of the rules, as well as H.R. 418, the Real ID Act of 2005.

Finally, I would like to remind Members that we do not plan, do not plan, to have votes next Friday, February 11.

And I thank the gentleman for yielding to me, and I would be happy to answer any questions he may have.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman for the schedule.

With reference to the Real ID bill, Mr. Leader, can you tell us at this point in time the type of rule that that will be considered under; and, in particular, what amendments, not necessarily specific amendments, but whether amendments will be allowed, motions to recommit, and items of that nature.

Mr. DELAY. Mr. Speaker, if the gentleman will continue to yield, I would assume that the Committee on Rules would follow a process similar to the one that they followed for the rest of the 9/11 Commission's recommendations, and that is to have a structured rule that allows for a variety of amendments. But I will let the chairman of the Committee on Rules make announcements on that and reserve decisions for the committee on what those amendments will be.

I can tell the gentleman that we are contemplating, although actions by the Committee on Rules will need to be taken, contemplating a rule that would merge the border security bill into another bill, another must-pass piece of legislation, not knowing what that would be. But, obviously, the supplement could be a candidate for that.

Mr. HOYER. Mr. Speaker, reclaiming my time once again, I presume the gentleman is talking about merged at some later date. Obviously, the must-pass bill would not be available next week. Am I correct?

Mr. DELAY. That is correct.

Mr. HOYER. So the gentleman is talking about merging it at some time in the future after passage?

Mr. DELAY. That is correct.

Mr. HOYER. Mr. Leader, with respect to the energy bill, it is my understanding that there is some discussion that the energy bill may proceed not next week but the week following. Can you tell me whether that is a reasonable possibility, or probability?

Mr. DELAY. We are contemplating several major pieces of legislation that we would hope to complete before the Easter break, and we are also contemplating several bills that we contemplate completing prior to the Presidents' Day district work period.

The comprehensive energy bill, which we passed in the last Congress and in the 107th Congress, is a very high priority for this year. There is a good chance that we could consider a national energy policy bill before the Presidents' Day district work period.

Mr. HOYER. Mr. Leader, I might say that I think all of us understand the importance of energy legislation. All of us understand the necessity to become energy independent. I would suggest, in that framework, that I think personally that we can pass an energy bill. Obviously, there are some items that are in the energy bill or that are proposed for the energy bill that have significant opposition on one side of the aisle or the other.

I would hope, Mr. Leader, if we could, in working with the various committee Chairs, and I suppose most primarily the gentleman from Texas (Mr. BARTON) and the gentleman from Michigan (Mr. DINGELL) in this respect, to come to as bipartisan an agreement on the substance of that bill so that we could see it not just pass through the House of Representatives, which may be interesting in terms of the political claim that we passed it, but which does nothing for our energy independence, which is, I think, our objective.

So I would hope that we could deal with this in as bipartisan a fashion as possible so that when we send it to the other body that we may have more success there, more success out of conference, and send a bill to the President that will facilitate both energy independence and the effective and efficient discovery, development, and delivery at retail to the consumer of energy options. I do not know whether you want to say anything.

Mr. DELAY. Well, Mr. Speaker, if the gentleman will continue to yield, I would just say that the gentleman is right. We will try our best to reach out and make this bill as bipartisan as possible.

I would just remind the gentleman that this bill, this energy package, has passed, I cannot recall every time, but many times in the last Congress; and it even passed this House as a conference report. Each time that the energy bill has gone through this House, whether it be the House bill or in the conference report, it has enjoyed a very large Democrat vote.

So, yes, I would hope that the chairmen of the respective committees that have a piece of this bill, and I would also remind the gentleman that the Committee on Ways and Means has a very big piece of this bill, would reach out to their ranking members and work to put together as bipartisan a bill as possible.

Mr. HOYER. Mr. Speaker, I thank the gentleman for referencing the Committee on Ways and Means, but I certainly agree with him that having the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) work closely together, and perhaps their respective Chairs of the subcommittees that might deal with that work together, would be very, very useful to accomplishing an objective as opposed to simply passing a bill that then languishes in the Congress and never gets to the President.

If, in fact, we consider that, and it sounds to me like we certainly do not have enough information to determine whether or not the week after next the energy bill might be on the floor, but if and when it comes to the floor, Mr. Leader, would you contemplate the possibility of having an open rule on that piece of legislation, given its importance and scope?

I am happy to yield to the gentleman for a response, Mr. Speaker.

Mr. DELAY. I appreciate the gentleman yielding to me, Mr. Speaker.

We have not discussed any rule. Actually, we are discussing with the relevant committee chairmen whether we can get it that quickly or not. But I would imagine that the Committee on Rules would have the same sort of rule that we have had on this bill for the last couple of years. So I would not see anything changing.

Mr. HOYER. Mr. Speaker, I would hope on that bill, because of its great importance to the security of the Nation and to all of our consumers of energy, which is to say all of us, that we would have as broad a consideration of it as possible so that we could get everybody's ideas put on the floor, voted up or down, and move the bill with as big a consensus as we can accomplish.

Mr. Speaker, I thank the majority leader.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

CONDITIONAL ADJOURNMENT TO FRIDAY, FEBRUARY 4, 2005

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Friday, February 4, 2005, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 39, in which case the House shall stand adjourned pursuant to that concurrent resolution.

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

There was no objection.

□ 1500

SOCIAL SECURITY TELE-SCARE TACTICS

(Mrs. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. GINNY BROWN-WAITE of Florida. Mr. Speaker, I have repeatedly stated I will oppose any cut in Social Security benefits to retirees or near retirees. However, many groups are using this debate to once again bully Americans. The most recent examples are the telephone scare calls that were made anonymously throughout Florida that began actually in my congressional district. Why my district? Because I have the highest number of people on Social Security. These people who hide behind anonymity have no courage. It reminds me of the Wizard of Oz and hiding behind the great curtain.

The bottom line is, under the bill that I introduced, H.R. 266, it will stop any proposal to reduce benefits dead in its track. I recommit my promise in that bill that I introduced, H.R. 266, the Social Security Protection Act. Congress would not even be able to consider a bill that reduces benefits to retirees.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tonight when the two Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance that is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

The practice of reserving seats prior to the joint session by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now recognize Members for special orders not beyond 5 p.m., at which time the Chair will declare the House in recess.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana. addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. FILNER. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Oregon (Mr. DEFAZIO).

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

There was no objection.

GRANT EQUITY TO FILIPINO WWII VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, as a member of the House of Representatives Committee on Veterans Affairs, I rise to urge my colleagues to support the gentleman from California (Mr. CUNNINGHAM) and myself who have reintroduced H.R. 302, the Filipino Veterans Equity Act. This bill addresses a 60-year-old injustice which has cut to the heart of each and every Filipino American in this Nation and which was acknowledged in the last congressional session by over 200 cosponsoring Members of Congress, many veterans service organizations, religious organizations and many State and local officials in addition.

Sixty years ago, Filipino soldiers living in the Philippines, which was a territory of the United States, were drafted into service during World War II by an executive order of President Franklin D. Roosevelt. Under the command of General Douglas MacArthur, Filipino soldiers fought side by side with forces from the United States mainland, defending the American flag in the now-famous battles of Bataan and Corrigidor.

Thousands of Filipino prisoners of war died, both on the Bataan Death March and in prisoner of war camps, at the rate of 50 to 200 a day. They endured 4 long years of occupation by the Japanese. The soldiers fortunate enough to escape capture, together with other Filipino citizens, fought guerilla war against the occupation forces. These guerilla attacks foiled the plans of the Japanese for a quick takeover of the region and allowed the United States the needed time to regroup to defeat the invading army.

After the liberation of the Philippines, the United States used the strategically located Commonwealth of the Philippines as a base from which to launch the final efforts to win the war in the Pacific.

With their vital participation so evident, one would assume that the United States would be grateful to their Filipino comrades, so it is hard to believe that soon after the war ended Congress voted in the 1946 Rescissions Act to take away the benefits and recognition that many Filipino World War II veterans were promised.

These veterans are now in their eighties and in need of health care. Many are dying each year. Their last wish is to be recognized as honored veterans of the United States Armed Forces. Please support H.R. 302 to restore the rescinded benefits to Filipino World War II veterans, many of whom have now become citizens of the United States. Please cosponsor H.R. 302 to restore the dignity of Filipino World War II veterans for their defense of our common democratic ideals.

The SPEAKER pro tempore (Mr. CULBERSON). Under a previous order of the House, the gentleman from Pennsylvania (Mr. MURPHY) is recognized for 5 minutes.

(Mr. MURPHY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SMART SECURITY AND THE CASE FOR LEAVING IRAQ, PART 4

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, first, I want to congratulate the courageous Iraqi people who participated in last Sunday's election to nominate legislators to write Iraq's Constitution.

My congressional district gets it when it comes to the importance of elections to our democracy. In November's Presidential election, a record 89.5 percent of registered voters in Marin and Sonoma Counties turned out to vote.

The problem is that irresponsible behavior has been a guiding principle of the administration's behavior in leading the Nation to war in Iraq. This has been a dishonest war from the word go. The President said he had heard evidence of weapons of mass destruction in Iraq, yet to date no weapons of mass destruction have been found. President Bush himself has officially called off the hunt for weapons of mass destruction.

The Iraq invasion has made the Middle East a more violent and unstable

place, and it has made America less secure at home by creating a terrorist breeding ground in a country that was not a haven for terrorist organizations like al Qaeda before we invaded it. The sad irony is that after our Nation was attacked on 9/11 by al Qaeda, the Bush administration's response was to bomb and kill civilians in one of the few countries in the Middle East that was inhospitable to al Qaeda.

Mr. Speaker, there is no justice in an operation based purely on ideological reasons, reasons that caused the deaths of more than 1,400 Americans and untold thousands of Iraqis, not to mention well more than 10,000 American troops injured and very, very severely wounded.

So now that Iraq's elections are completed, we in the United States must ensure that the people of Iraq control their own affairs as Iraq transitions toward democracy. In fact, Sunday's election in Iraq gives the United States yet another opportunity to get back on track in Iraq. We can do this by supporting the Iraqi people, not through our military but through international cooperation to help rebuild Iraq's economic and physical infrastructure. We owe this to the people of Iraq, people who are being killed by the thousands, and to our troops who are sitting ducks for terrorists.

Last week, I introduced H. Con. Res. 35 with 24 original cosponsors, legislation that will help secure Iraq for the future and ensure that America's role in Iraq actually does make America safer. My plan for Iraq is part of a larger, smarter security strategy, which is a sensible multilateral, American response to terrorism that will ensure America's security by relying on smarter policies.

The withdrawal plan I have proposed includes four major components.

First, develop and implement a plan to begin the immediate withdrawal of U.S. troops from Iraq. The soldiers who have died in Iraq leave behind grieving loved ones whose lives will never be the same because of the war in Iraq. The best way to support our troops is to remove them from harm's way.

Second, develop and implement a plan for the reconstruction of Iraq's civil and economic infrastructure. The United States has a moral responsibility to clean up the mess we made in Iraq, but that responsibility needs to be fulfilled not by our military but by humanitarian groups and companies that will help rebuild Iraq's infrastructure, and not through no-bid contracts to companies like Halliburton and Bechtel.

Third, convene an emergency meeting of leadership, Iraq's neighbors, the United Nations, and the Arab League to create an international peacekeeping force in Iraq and to replace U.S. military forces with Iraqi police and National Guard forces to ensure Iraq's security.

Iraq's security problems are still the most serious cause for concern in the country, and Iraq requires an international peacekeeping force to address this problem, not the United States military. A peacekeeping force supported by Iraq's neighbors and the global community will provide real legitimacy to a conflict that has flown in the face of international law from its very beginning.

Fourth, take all steps to provide the Iraqi people with opportunity to control their internal affairs. The Iraqi people cannot truly control their own affairs until the United States military has ceded back authority to the Iraqi people. That is why it is essential for Iraq's police and National Guard forces to manage Iraq's security, not the United States military.

Mr. Speaker, let me be clear. We should not abandon Iraq. There is still a critical role for the United States in providing the developmental aid that can help create a robust civil society, build schools and water processing plants and ensure that Iraq's economic infrastructure becomes fully viable.

In the end, this is the smarter option and we must begin always taking the smarter path if we are to succeed in Iraq.

PUBLICATION OF THE RULES OF THE COMMITTEE ON ARMED SERVICES 109TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, in accordance with clause 2 of rule XI of the Rules of the House of Representatives, I am submitting the Rules of the Committee on Armed Services for printing in the CONGRESSIONAL RECORD.

These rules were adopted on Wednesday, January 26, 2005 at a public meeting of the full committee, with a quorum being present.

RULES GOVERNING PROCEDURE OF THE COMMITTEE ON ARMED SERVICES

RULE 1. APPLICATION OF HOUSE RULES

The Rules of the House of Representatives are the rules of the Committee on Armed Services (hereinafter referred to in these rules as the ''Committee'') and its subcommittees so far as applicable.

RULE 2. FULL COMMITTEE MEETING DATE

(a) The Committee shall meet every Wednesday at 10:00 a.m., and at such other times as may be fixed by the chairman of the Committee (hereinafter referred to in these rules as the ''Chairman''), or by written request of members of the Committee pursuant to clause 2(c) of rule XI of the Rules of the House of Representatives.

(b) A Wednesday meeting of the Committee may be dispensed with by the Chairman, but such action may be reversed by a written request of a majority of the members of the Committee.

RULE 3. SUBCOMMITTEE MEETING DATES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it. Insofar as possible, meetings of the Committee and its subcommittees shall not conflict. A subcommittee chairman shall set meeting dates after consultation with the Chairman, the other subcommittee chairmen, and the ranking minority member of the subcommittee with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

RULE 4. SUBCOMMITTEES

Pursuant to the authority granted by Section 3(b), relating to Separate Orders, of H. Res. 5 as adopted by the House of Representatives on January 4, 2005, the Committee shall be organized to consist of six standing subcommittees with the following jurisdictions:

Subcommittee on Tactical Air and Land Forces: All Army and Air Force acquisition programs (except strategic weapons and lift programs, special operations and information technology accounts). In addition, the subcommittee will be responsible for all Navy and Marine Corps aviation programs, National Guard and Army and Air Force reserve modernization, and ammunition programs.

Subcommittee on Readiness: Military readiness, training, logistics and maintenance issues and programs. In addition, the subcommittee will be responsible for all military construction, installations and family housing issues, including the base closure process.

Subcommittee on Terrorism, Unconventional Threats and Capabilities: Department of Defense counter proliferation and counter terrorism programs and initiatives. In addition, the subcommittee will be responsible for Special Operations Forces, the Defense Advanced Research Projects Agency, information technology and programs, force protection policy and oversight, and related intelligence support.

Subcommittee on Military Personnel: Military personnel policy, reserve component integration and employment issues, military health care, military education and POW/MIA issues. In addition, the subcommittee will be responsible for Morale, Welfare and Recreation issues and programs.

Subcommittee on Strategic Forces: Strategic Forces (except deep strike systems), space programs, ballistic missile defense and Department of Energy national security programs (except non-proliferation programs).

Subcommittee on Projection Forces: Navy and Marine Corps programs (except strategic weapons, space, special operations and information technology programs), deep strike bombers and related systems, and strategic lift programs.

RULE 5. COMMITTEE PANELS

(a) The Chairman may designate a panel of the Committee consisting of members of the Committee to inquire into and take testimony on a matter or matters that fall within the jurisdiction of more than one subcommittee and to report to the Committee.

(b) No panel so appointed shall continue in existence for more than six months. A panel so appointed may, upon the expiration of six months, be reappointed by the Chairman.

(c) No panel so appointed shall have legislative jurisdiction.

RULE 6. REFERENCE AND CONSIDERATION OF LEGISLATION

(a) The Chairman shall refer legislation and other matters to the appropriate subcommittee or to the full Committee.

(b) Legislation shall be taken up for a hearing or markup only when called by the Chairman of the Committee or subcommittee, as appropriate, or by a majority of those present and voting.

(c) The Chairman, with approval of a majority vote of a quorum of the Committee, shall have authority to discharge a subcommittee from consideration of any measure or matter referred thereto and have such measure or matter considered by the Committee.

(d) Reports and recommendations of a subcommittee may not be considered by the Committee until after the intervention of three calendar days from the time the report is approved by the subcommittee and available to the members of the Committee, except that this rule may be waived by a majority vote of a quorum of the Committee.

RULE 7. PUBLIC ANNOUNCEMENT OF HEARINGS AND MEETINGS

Pursuant to clause 2(g)(3) of rule XI of the Rules of the House of Representatives, the Chairman of the Committee or of any subcommittee or panel shall make public announcement of the date, place, and subject matter of any committee or subcommittee hearing at least one week before the commencement of the hearing. However, if the Chairman of the Committee or of any subcommittee or panel, with the concurrence of the respective ranking minority member of the Committee, subcommittee or panel, determines that there is good cause to begin the hearing sooner, or if the Committee, subcommittee or panel so determines by majority vote, a quorum being present for the transaction of business, such chairman shall make the announcement at the earliest possible date. Any announcement made under this rule shall be promptly published in the Daily Digest, promptly entered into the committee scheduling service of the House Information Resources, and promptly posted to the internet web page maintained by the Committee.

RULE 8. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Clause 4 of rule XI of the Rules of the House of Representatives shall apply to the Committee.

RULE 9. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(a) Each hearing and meeting for the transaction of business, including the markup of legislation, conducted by the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority being present, determines by record vote that all or part of the remainder of that hearing or meeting on that day shall be in executive session because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance no fewer than two members of the Committee or subcommittee, may vote to close a hearing or meeting for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. If the decision is to proceed in executive session, the vote must be by record vote and in open session, a majority of the Committee or subcommittee being present.

(b) Whenever it is asserted by a member of the committee that the evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, or it is asserted by a witness that the evidence or testimony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness, notwithstanding the requirements of (a) and the provisions of clause 2(g)(2) of rule XI of the Rules of the House of Representatives, such evidence or testimony shall be presented in executive session, if by a majority vote of those present, there being in attendance no fewer than two members of the Committee or subcommittee, the Committee or subcommittee determines that such evidence may tend to defame, degrade or incriminate any person. A majority of those present, there being in attendance no fewer than two members of the Committee or subcommittee, may also vote to close the hearing or meeting for the sole purpose of discussing whether evidence or testimony to be received would tend to defame, degrade or incriminate any person. The Committee or subcommittee shall proceed to receive such testimony in open session only if the Committee or subcommittee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade or incriminate any person.

(c) Notwithstanding the foregoing, and with the approval of the Chairman, each member of the Committee may designate by letter to the Chairman, a member of that member's personal staff with Top Secret security clearance to attend hearings of the Committee, or that member's subcommittee(s) (excluding briefings or meetings held under the provisions of committee rule 9(a)), which have been closed under the provisions of rule 9(a) above for national security purposes for the taking of testimony. The attendance of such a staff member at such hearings is subject to the approval of the Committee or subcommittee as dictated by national security requirements at that time. The attainment of any required security clearances is the responsibility of individual members of the Committee.

(d) Pursuant to clause 2(g)(2) of rule XI of the Rules of the House of Representatives, no Member, Delegate, or Resident Commissioner may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee, unless the House of Representatives shall by majority vote authorize the Committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members, Delegates, and the Resident Commissioner by the same procedures designated in this rule for closing hearings to the public.

(e) The Committee or the subcommittee may vote, by the same procedure, to meet in executive session for up to five additional consecutive days of hearings.

RULE 10. QUORUM

(a) For purposes of taking testimony and receiving evidence, two members shall constitute a quorum.

(b) One-third of the members of the Committee or subcommittee shall constitute a quorum for taking any action, with the following exceptions, in which case a majority of the Committee or subcommittee shall constitute a quorum:

(1) Reporting a measure or recommendation;

(2) Closing committee or subcommittee meetings and hearings to the public;

(3) Authorizing the issuance of subpoenas;

(4) Authorizing the use of executive session material; and

(5) Voting to proceed in open session after voting to close to discuss whether evidence or testimony to be received would tend to defame, degrade, or incriminate any person.

(c) No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee is actually present.

RULE 11. THE FIVE-MINUTE RULE

(a) The time any one member may address the Committee or subcommittee on any measure or matter under consideration shall not exceed five minutes and then only when the member has been recognized by the Chairman or subcommittee chairman, as appropriate, except that this time limit may be exceeded by unanimous consent. Any member, upon request, shall be recognized for not to exceed five minutes to address the Committee or subcommittee on behalf of an amendment which the member has offered to any pending bill or resolution. The five-minute limitation shall not apply to the Chairman and ranking minority member of the Committee or subcommittee.

(b) Members present at a hearing of the Committee or subcommittee when a hearing is originally convened shall be recognized by the Chairman or subcommittee chairman, as appropriate, in order of seniority. Those members arriving subsequently shall be recognized in order of their arrival. Notwithstanding the foregoing, the Chairman and the ranking minority member will take precedence upon their arrival. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of either party.

(c) No person other than a Member, Delegate, or Resident Commissioner of Congress and committee staff may be seated in or behind the dais area during Committee, subcommittee, or panel hearings and meetings.

RULE 12. POWER TO SIT AND ACT; SUBPOENA POWER

(a) For the purpose of carrying out any of its functions and duties under rules X and XI of the Rules of the House of Representatives, the Committee and any subcommittee are authorized (subject to subparagraph (b)(1) of this paragraph):

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold hearings, and

(2) to require by subpoena, or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents, including, but not limited to, those in electronic form, as it considers necessary.

(b)(1) A subpoena may be authorized and issued by the Committee, or any subcommittee with the concurrence of the full Committee Chairman, under subparagraph (a)(2) in the conduct of any investigation, or series of investigations or activities, only when authorized by a majority of the members voting, a majority of the Committee or subcommittee being present. Authorized subpoenas shall be signed only by the Chairman, or by any member designated by the Chairman.

(2) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives, compliance with any subpoena issued by the Committee or any subcommittee under subparagraph (a)(2) may be enforced only as authorized or directed by the House of Representatives.

RULE 13. WITNESS STATEMENTS

(a) Any prepared statement to be presented by a witness to the Committee or a subcommittee shall be submitted to the Committee or subcommittee at least 48 hours in advance of presentation and shall be distributed to all members of the Committee or subcommittee at least 24 hours in advance of presentation. A copy of any such prepared statement shall also be submitted to the Committee in electronic form. If a prepared statement contains national security information bearing a classification of secret or higher, the statement shall be made available in the Committee rooms to all members of the Committee or subcommittee at least 24 hours in advance of presentation; however,

no such statement shall be removed from the Committee offices. The requirement of this rule may be waived by a majority vote of the Committee or subcommittee, a quorum being present.

(b) The Committee and each subcommittee shall require each witness who is to appear before it to file with the Committee in advance of his or her appearance a written statement of the proposed testimony and to limit the oral presentation at such appearance to a brief summary of his or her argument.

RULE 14. ADMINISTERING OATHS TO WITNESSES

(a) The Chairman, or any member designated by the Chairman, may administer oaths to any witness.

(b) Witnesses, when sworn, shall subscribe to the following oath:

''Do you solemnly swear (or affirm) that the testimony you will give before this Committee (or subcommittee) in the matters now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?''

RULE 15. QUESTIONING OF WITNESSES

(a) When a witness is before the Committee or a subcommittee, members of the Committee or subcommittee may put questions to the witness only when recognized by the Chairman or subcommittee chairman, as appropriate, for that purpose.

(b) Members of the Committee or subcommittee who so desire shall have not to exceed five minutes to interrogate each witness or panel of witnesses until such time as each member has had an opportunity to interrogate each witness or panel of witnesses; thereafter, additional rounds for questioning witnesses by members are discretionary with the Chairman or subcommittee chairman, as appropriate.

(c) Questions put to witnesses before the Committee or subcommittee shall be pertinent to the measure or matter that may be before the Committee or subcommittee for consideration.

RULE 16. PUBLICATION OF COMMITTEE HEARINGS AND MARKUPS

The transcripts of those hearings and mark-ups conducted by the Committee or a subcommittee that are decided by the Chairman to be officially published will be published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. Any requests to correct any errors, other than those in transcription, or disputed errors in transcription, will be appended to the record, and the appropriate place where the change is requested will be footnoted.

RULE 17. VOTING AND ROLLCALLS

(a) Voting on a measure or matter may be by record vote, division vote, voice vote, or unanimous consent.

(b) A record vote shall be ordered upon the request of one-fifth of those members present.

(c) No vote by any member of the Committee or a subcommittee with respect to any measure or matter shall be cast by proxy.

(d) In the event of a vote or votes, when a member is in attendance at any other committee, subcommittee, or conference committee meeting during that time, the necessary absence of that member shall be so noted in the record vote record, upon timely notification to the Chairman by that member.

RULE 18. COMMITTEE REPORTS

(a) If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives timely notice of intention to file supplemental, minority, additional or dissenting views, that member shall be entitled to not less than two calendar days (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such days) in which to file such views, in writing and signed by that member, with the staff director of the Committee. All such views so filed by one or more members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter.

(b) With respect to each record vote on a motion to report any measure or matter, and on any amendment offered to the measure or matter, the total number of votes cast for and against, the names of those voting for and against, and a brief description of the question, shall be included in the committee report on the measure or matter.

RULE 19. POINTS OF ORDER

No point of order shall lie with respect to any measure reported by the Committee or any subcommittee on the ground that hearings on such measure were not conducted in accordance with the provisions of the rules of the Committee; except that a point of order on that ground may be made by any member of the Committee or subcommittee which reported the measure if, in the Committee or subcommittee, such point of order was (a) timely made and (b) improperly overruled or not properly considered.

RULE 20. PUBLIC INSPECTION OF COMMITTEE ROLLCALLS

The result of each record vote in any meeting of the Committee shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition and the names of those members present but not voting.

RULE 21. PROTECTION OF NATIONAL SECURITY INFORMATION

(a) Except as provided in clause 2(g) of Rule XI of the Rules of the House of Representatives, all national security information bearing a classification of secret or higher which has been received by the Committee or a subcommittee shall be deemed to have been received in executive session and shall be given appropriate safekeeping.

(b) The Chairman of the Committee shall, with the approval of a majority of the Committee, establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any national security information received classified as secret or higher. Such procedures shall, however, ensure access to this information by any member of the Committee or any other Member, Delegate, or Resident Commissioner of the House of Representatives who has requested the opportunity to review such material.

RULE 22. COMMITTEE STAFFING

The staffing of the Committee, the standing subcommittees, and any panel designated by the Chairman shall be subject to the rules of the House of Representatives,

RULE 23. COMMITTEE RECORDS

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule VII of the Rules of the House of Representatives. The Chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of rule VII, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

RULE 24. HEARING PROCEDURES

Clause 2(k) of rule XI of the Rules of the House of Representatives shall apply to the Committee.

PUBLICATION OF THE RULES OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, 109TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, in accordance with clause 2(a) of Rule XI of the Rules of the House, I am submitting for printing in the RECORD a copy of the Rules of the Committee on Transportation and Infrastructure for the 109th Congress, adopted on February 2, 2005.

Rules of the Committee on Transportation and Infrastructure

United States House of Representatives

109th Congress

(Adopted February 2, 2005)

RULE I. GENERAL PROVISIONS.

(a) APPLICABILITY OF HOUSE RULES.—

(1) IN GENERAL.—The Rules of the House are the rules of the Committee and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the Committee and its subcommittees.

(2) SUBCOMMITTEES.—Each subcommittee is part of the Committee, and is subject to the authority and direction of the Committee and its rules so far as applicable.

(3) INCORPORATION OF HOUSE RULE ON COMMITTEE PROCEDURE.—Rule XI of the Rules of the House, which pertains entirely to Committee procedure, is incorporated and made a part of the rules of the Committee to the extent applicable.

(b) PUBLICATION OF RULES.—The Committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

(c) VICE CHAIRMAN.—The Chairman shall appoint a vice chairman of the Committee and of each subcommittee. If the Chairman of the Committee or subcommittee is not present at any meeting of the Committee or subcommittee, as the case may be, the vice chairman shall preside. If the vice chairman is not present, the ranking member of the majority party on the Committee or subcommittee who is present shall preside at that meeting.

RULE II. REGULAR, ADDITIONAL, AND SPECIAL MEETINGS.

(a) REGULAR MEETINGS.—

(1) IN GENERAL.—Regular meetings of the Committee shall be held on the first Wednesday of every month to transact its business unless such day is a holiday, or the House is in recess or is adjourned, in which case the Chairman shall determine the regular meeting day of the Committee for that month.

(2) NOTICE.—The Chairman shall give each member of the Committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice of such meeting and the matters to be considered at such meeting.

(3) CANCELLATION OR DEFERRAL.—If the Chairman believes that the Committee will not be considering any bill or resolution before the full Committee and that there is no other business to be transacted at a regular meeting, the meeting may be canceled or it may be deferred until such time as, in the judgment of the Chairman, there may be matters which require the Committee's consideration.

(4) APPLICABILITY.—This paragraph shall not apply to meetings of any subcommittee.

(b) ADDITIONAL MEETINGS.—The Chairman may call and convene, as he or she considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other committee business. The Committee shall meet for such purpose pursuant to the call of the Chairman.

(c) SPECIAL MEETINGS.—If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the Committee shall notify the Chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the Committee shall notify all members of the Committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) PROHIBITION ON SITTING DURING JOINT SESSION.—The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

RULE III. MEETINGS AND HEARINGS GENERALLY.

(a) OPEN MEETINGS.—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a subcommittee shall be open to the public, except as provided by clause 2(g) of Rule XI of the Rules of the House.

(b) MEETINGS TO BEGIN PROMPTLY.—Each meeting or hearing of the Committee shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

(c) ADDRESSING THE COMMITTEE.—A Committee member may address the Committee or a subcommittee on any bill, motion, or other matter under consideration—

(1) only when recognized by the Chairman for that purpose; and

(2) only for 5 minutes until such time as each member of the Committee or subcommittee who so desires has had an opportunity to address the Committee or subcommittee.

A member shall be limited in his or her remarks to the subject matter under consideration. The Chairman shall enforce this subparagraph.

(d) PARTICIPATION OF MEMBERS IN SUBCOMMITTEE MEETINGS AND HEARINGS.—All members of the Committee who are not members of a particular Subcommittee may, by unanimous consent of the members of such Subcommittee, participate in any subcommittee meeting or hearing. However, a member who is not a member of the Subcommittee may not vote on any matter before the Subcommittee, be counted for purposes of establishing a quorum, or raise points of order.

(e) BROADCASTING.—Whenever a meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4 of Rule XI of the Rules of the House. Operation and use of any Committee internet broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of Rule XI of the Rules of the House and all other applicable rules of the Committee and the House.

(f) ACCESS TO THE DAIS AND LOUNGES.—Access to the hearing rooms' daises and to the lounges adjacent to the Committee hearing rooms shall be limited to Members of Congress and employees of Congress during a meeting or hearing of the Committee unless specifically permitted by the Chairman or ranking minority member.

(g) USE OF CELLULAR TELEPHONES.—The use of cellular telephones in the Committee hearing room is prohibited during a meeting or hearing of the Committee.

RULE IV. POWER TO SIT AND ACT; POWER TO CONDUCT INVESTIGATIONS; OATHS; SUBPOENA POWER.

(a) AUTHORITY TO SIT AND ACT.—For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House, the Committee and each of its subcommittees, is authorized (subject to paragraph (d)(1))—

(1) to sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings; and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary.

(b) AUTHORITY TO CONDUCT INVESTIGATIONS.—

(1) IN GENERAL.—The Committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X of the Rules of the House and (subject to the adoption of expense resolutions as required by Rule X, clause 6 of the Rules of the House) to incur expenses (including travel expenses) in connection therewith.

(2) MAJOR INVESTIGATIONS BY SUBCOMMITTEES.—A subcommittee may not begin a major investigation without approval of a majority of such subcommittee.

(c) OATHS.—The Chairman of the Committee, or any member designated by the Chairman, may administer oaths to any witness.

(d) ISSUANCE OF SUBPOENAS.—

(1) IN GENERAL.—A subpoena may be issued by the Committee or subcommittee under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Such authorized subpoenas shall be signed by the Chairman of the Committee or by any member designated by the Committee. If a specific request for a subpoena has not been previously rejected by either the Committee or subcommittee, the Chairman of the Committee, after consultation with the ranking minority member of the Committee, may authorize and issue a subpoena under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, and such subpoena shall for all purposes be deemed a subpoena issued by the Committee. As soon as practicable after a subpoena is issued under this rule, the Chairman shall notify all members of the Committee of such action.

(2) ENFORCEMENT.—Compliance with any subpoena issued by the Committee or subcommittee under paragraph (a)(2) may be enforced only as authorized or directed by the House.

(e) EXPENSES OF SUBPOENAED WITNESSES.—Each witness who has been subpoenaed, upon the completion of his or her testimony before the Committee or any subcommittee, may report to the offices of the Committee, and there sign appropriate vouchers for travel allowances and attendance fees. If hearings are held in cities other than Washington, D.C., the witness may contact the counsel of the Committee, or his or her representative, before leaving the hearing room.

RULE V. QUORUMS AND RECORD VOTES; POSTPONEMENT OF VOTES

(a) WORKING QUORUM.—One-third of the members of the Committee or a subcommittee shall constitute a quorum for taking any action other than the closing of a meeting pursuant to clauses 2(g) and 2(k)(5) of Rule XI of the Rules of the House, the authorizing of a subpoena pursuant to paragraph (d) of Committee Rule IV, the reporting of a measure or recommendation pursuant to paragraph (b)(1) of Committee Rule VII, and the actions described in paragraphs (b), (c) and (d) of this rule.

(b) QUORUM FOR REPORTING.—A majority of the members of the Committee or a subcommittee shall constitute a quorum for the reporting of a measure or recommendation.

(c) APPROVAL OF CERTAIN MATTERS.—A majority of the members of the Committee or a subcommittee shall constitute a quorum for approval of a resolution concerning any of the following actions:

(1) A prospectus for construction, alteration, purchase or acquisition of a public building or the lease of space as required by section 3307 of title 40, United States Code.

(2) Survey investigation of a proposed project for navigation, flood control, and other purposes by the Corps of Engineers (section 4 of the Rivers and Harbors Act of March 4, 1913, 33 U.S.C. 542).

(3) Construction of a water resources development project by the Corps of Engineers with an estimated Federal cost not exceeding $15,000,000 (section 201 of the Flood Control Act of 1965).

(4) Deletion of water quality storage in a Federal reservoir project where the benefits attributable to water quality are 15 percent or more but not greater than 25 percent of the total project benefits (section 65 of the Water Resources Development Act of 1974).

(5) Authorization of a Natural Resources Conservation Service watershed project involving any single structure of more than 4,000 acre feet of total capacity (section 2 of P.L. 566, 83rd Congress).

(d) QUORUM FOR TAKING TESTIMONY.—Two members of the Committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(e) RECORD VOTES.—A record vote may be demanded by one-fifth of the members present.

(f) POSTPONEMENT OF VOTES.—

(1) IN GENERAL.—In accordance with clause 2(h)(4) of Rule XI of the Rules of the House, the Chairman of the Committee or a subcommittee, after consultation with the ranking minority member of the Committee or subcommittee, may—

(A) postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment; and

(B) resume proceedings on a postponed question at any time after reasonable notice.

(2) RESUMPTION OF PROCEEDINGS.—When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

RULE VI. HEARING PROCEDURES.

(a) ANNOUNCEMENT OF HEARING.—The Chairman, in the case of a hearing to be conducted by the Committee, and the appropriate subcommittee chairman, in the case of a hearing to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of such hearing at least one week before the hearing. If the Chairman or the appropriate subcommittee chairman, as the case may be, with the concurrence of the ranking minority member of the Committee or subcommittee as appropriate, determines there is good cause to begin the hearing sooner, or if the Committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman shall make the announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) WRITTEN STATEMENT; ORAL TESTIMONY.—So far as practicable, each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee or subcommittee, at least 2 working days before the day of his or her appearance, a written statement of proposed testimony and shall limit his or her oral presentation to a summary of the written statement.

(c) MINORITY WITNESSES.—When any hearing is conducted by the Committee or any subcommittee upon any measure or matter, the minority party members on the Committee or subcommittee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) SUMMARY OF SUBJECT MATTER.—Upon announcement of a hearing, to the extent practicable, the Committee shall make available immediately to all members of the Committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman shall make available to the members of the Committee any official reports from departments and agencies on such matter.

(e) QUESTIONING OF WITNESSES.—The questioning of witnesses in Committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority member and all other members alternating between the majority and minority parties. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority nor the members of the minority. The Chairman may accomplish this by recognizing two majority members for each minority member recognized.

(f) PROCEDURES FOR QUESTIONS.—

(1) IN GENERAL.—A Committee member may question a witness at a hearing—

(A) only when recognized by the Chairman for that purpose; and

(B) subject to subparagraphs (2) and (3), only for 5 minutes until such time as each member of the Committee or subcommittee who so desires has had an opportunity to question the witness.

A member shall be limited in his or her remarks to the subject matter under consideration. The Chairman shall enforce this paragraph.

(2) EXTENDED QUESTIONING OF WITNESSES BY MEMBERS.—The Chairman of the Committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit a specified number of its members to question a witness for longer than 5 minutes. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and minority party and may not exceed one hour in the aggregate.

(3) EXTENDED QUESTIONING OF WITNESSES BY STAFF.—The Chairman of the Committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit committee staff for its majority and minority party members to question a witness for equal specified periods. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and minority party and may not exceed one hour in the aggregate.

(4) RIGHT TO QUESTION WITNESSES FOLLOWING EXTENDED QUESTIONING.—Nothing in subparagraph (2) or (3) affects the right of a Member (other than a Member designated under subparagraph (2)) to question a witness for 5 minutes in accordance with subparagraph (1)(B) after the questioning permitted under subparagraph (2) or (3).

(g) ADDITIONAL HEARING PROCEDURES.—Clause 2(k) of Rule XI of the Rules of the House (relating to additional rules for hearings) applies to hearings of the Committee and its subcommittees.

RULE VII. PROCEDURES FOR REPORTING BILLS, RESOLUTIONS, AND REPORTS.

(a) FILING OF REPORTS.—

(1) IN GENERAL.—The Chairman of the Committee shall report promptly to the House any measure or matter approved by the Committee and take necessary steps to bring the measure or matter to a vote.

(2) REQUESTS FOR REPORTING.—The report of the Committee on a measure or matter which has been approved by the Committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure or matter. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chairman of the Committee notice of the filing of that request.

(b) QUORUM; RECORD VOTES.—

(1) QUORUM.—No measure, matter, or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(2) RECORD VOTES.—With respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the Committee report on the measure or matter.

(c) REQUIRED MATTERS.—The report of the Committee on a measure or matter which has been approved by the Committee shall include the items required to be included by clauses 2(c) and 3 of Rule XIII of the Rules of the House.

(d) ADDITIONAL VIEWS.—If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than two additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views in accordance with clause 2(1) of Rule XI of the Rules of the House.

(e) ACTIVITIES REPORT.—

(1) IN GENERAL.—The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the Committee under Rules X and XI of the Rules of the House during the Congress ending on January 3 of such year.

(2) CONTENTS.—Such report shall include separate sections summarizing the legislative and oversight activities of the Committee during that Congress.

(3) OVERSIGHT SECTION.—The oversight section of such report shall include a summary of the oversight plans submitted by the Committee pursuant to clause 2(d) of Rule X of the Rules of the House, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the Committee, and any recommendations made or actions taken thereon.

(f) OTHER COMMITTEE MATERIALS.—

(1) IN GENERAL.—All Committee and subcommittee prints, reports, documents, or other materials, not otherwise provided for under this rule, that purport to express publicly the views of the Committee or any of its subcommittees or members of the Committee or its subcommittees shall be approved by the Committee or the subcommittee prior to printing and distribution and any member shall be given an opportunity to have views included as part of such material prior to printing, release, and distribution in accordance with paragraph (d) of this rule.

(2) DOCUMENTS CONTAINING VIEWS OTHER THAN MEMBER VIEWS.—A Committee or subcommittee document containing views other than those of members of the Committee or subcommittee shall not be published without approval of the Committee or subcommittee.

(3) DISCLAIMER.—All Committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the Committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report: ''This report has not been officially adopted by the Committee on (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members.''.

RULE VIII. ESTABLISHMENT OF SUBCOMMITTEES; SIZE AND PARTY RATIOS.

(a) ESTABLISHMENT.—There shall be 6 standing subcommittees. These subcommittees, with the following sizes (including delegates) and majority/minority ratios, are:

(1) Subcommittee on Aviation (48 Members: 26 Majority and 22 Minority).

(2) Subcommittee on Coast Guard and Maritime Transportation (20 Members: 11 Majority and 9 Minority).

(3) Subcommittee on Economic Development, Public Buildings, and Emergency Management (11 Members: 6 Majority and 5 Minority).

(4) Subcommittee on Highways, Transit, and Pipelines (57 Members: 31 Majority and 26 Minority).

(5) Subcommittee on Railroads (28 Members: 15 Majority and 13 Minority).

(6) Subcommittee on Water Resources and Environment (36 Members: 20 Majority and 16 Minority).

(b) EX OFFICIO MEMBERS.—The Chairman and ranking minority member of the Committee shall serve as ex officio voting members on each subcommittee.

(c) RATIOS.—On each subcommittee there shall be a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the full Committee. In calculating the ratio of majority party members to minority party members, there shall be included the ex officio members of the subcommittees.

RULE IX. POWERS AND DUTIES OF SUBCOMMITTEES.

(a) AUTHORITY TO SIT.—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

(b) CONSIDERATION BY COMMITTEE.—Each bill, resolution, or other matter favorably reported by a subcommittee shall automatically be placed upon the agenda of the Committee. Any such matter reported by a subcommittee shall not be considered by the Committee unless it has been delivered to the offices of all members of the Committee at least 48 hours before the meeting, unless the Chairman determines that the matter is of such urgency that it should be given early consideration. Where practicable, such matters shall be accompanied by a comparison with present law and a section-by-section analysis.

RULE X. REFERRAL OF LEGISLATION TO SUBCOMMITTEES.

(a) GENERAL REQUIREMENT.—Except where the Chairman of the Committee determines, in consultation with the majority members of the Committee, that consideration is to be by the full Committee, each bill, resolution, investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee established in Committee Rule VIII referred to or initiated by the full Committee shall be referred by the Chairman to all subcommittees of appropriate jurisdiction within two weeks. All bills shall be referred to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee.

(b) RECALL FROM SUBCOMMITTEE.—A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of a majority of the members of the Committee voting, a quorum being present, for the Committee's direct consideration or for reference to another subcommittee.

(c) MULTIPLE REFERRALS.—In carrying out this rule with respect to any matter, the Chairman may refer the matter simultaneously to two or more subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or make such other provisions as he or she considers appropriate.

RULE XI. RECOMMENDATION OF CONFEREES.

The Chairman of the Committee shall recommend to the Speaker as conferees the names of those members (1) of the majority party selected by the Chairman, and (2) of the minority party selected by the ranking minority member of the Committee. Recommendations of conferees to the Speaker shall provide a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the Committee.

RULE XII. OVERSIGHT.

(a) PURPOSE.—The Committee shall carry out oversight responsibilities as provided in this rule in order to assist the House in—

(1) its analysis, appraisal, and evaluation of—

(A) the application, administration, execution, and effectiveness of the laws enacted by the Congress; or

(B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation; and

(2) its formulation, consideration, and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate.

(b) OVERSIGHT PLAN.—Not later than February 15 of the first session of each Congress, the Committee shall adopt its oversight plans for that Congress in accordance with clause 2(d)(1) of Rule X of the Rules of the House.

(c) REVIEW OF LAWS AND PROGRAMS.—The Committee and the appropriate subcommittees shall cooperatively review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Committee and the appropriate subcommittees shall cooperatively review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the Committee.

(d) REVIEW OF TAX POLICIES.—The Committee and the appropriate subcommittees shall cooperatively review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the Committee.

RULE XIII. REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS.

(a) ENSURING ANNUAL APPROPRIATIONS.—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved.

(b) REVIEW OF MULTI-YEAR APPROPRIATIONS.—The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) VIEWS AND ESTIMATES.—In accordance with clause 4(f)(1) of Rule X of the Rules of the House, the Committee shall submit to the Committee on the Budget—

(1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions; and

(2) an estimate of the total amount of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) BUDGET ALLOCATIONS.—As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) RECONCILIATION.—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE XIV. RECORDS.

(a) KEEPING OF RECORDS.—The Committee shall keep a complete record of all Committee action which shall include—

(1) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved; and

(2) a record of the votes on any question on which a record vote is demanded.

(b) PUBLIC INSPECTION.—The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(c) PROPERTY OF THE HOUSE.—All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman of the Committee; and such records shall be the property of the House and all members of the House shall have access thereto.

(d) AVAILABILITY OF ARCHIVED RECORDS.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The Chairman shall notify the ranking minority member of the Committee of any decision, pursuant to clause 3(b)(3) or clause 4(b) of such rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

(e) AUTHORITY TO PRINT.—The Committee is authorized to have printed and bound testimony and other data presented at hearings held by the Committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the Committee shall be paid as provided in clause 1(c) of Rule XI of the House.

RULE XV. COMMITTEE BUDGETS.

(a) BIENNIAL BUDGET.—The Chairman, in consultation with the chairman of each subcommittee, the majority members of the Committee, and the minority members of the Committee, shall, for each Congress, prepare a consolidated Committee budget. Such budget shall include necessary amounts for staff personnel, necessary travel, investigation, and other expenses of the Committee.

(b) ADDITIONAL EXPENSES.—Authorization for the payment of additional or unforeseen Committee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(c) TRAVEL REQUESTS.—The Chairman or any chairman of a subcommittee may initiate necessary travel requests as provided in Committee Rule XVII within the limits of the consolidated budget as approved by the House and the Chairman may execute necessary vouchers thereof.

(d) MONTHLY REPORTS.—Once monthly, the Chairman shall submit to the Committee on House Administration, in writing, a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount budgeted to the Committee. Such report shall show the amount and purpose of such expenditure and the budget to which such expenditure is attributed. A copy of such monthly report shall be available in the Committee office for review by members of the Committee.

RULE XVI. COMMITTEE STAFF.

(a) APPOINTMENT BY CHAIRMAN.—The Chairman shall appoint and determine the remuneration of, and may remove, the employees of the Committee not assigned to the minority. The staff of the Committee not assigned to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he or she determines appropriate.

(b) APPOINTMENT BY RANKING MINORITY MEMBER.—The ranking minority member of the Committee shall appoint and determine the remuneration of, and may remove, the staff assigned to the minority within the budget approved for such purposes. The staff assigned to the minority shall be under the general supervision and direction of the ranking minority member of the Committee who may delegate such authority as he or she determines appropriate.

(c) INTENTION REGARDING STAFF.—It is intended that the skills and experience of all members of the Committee staff shall be available to all members of the Committee.

RULE XVII. TRAVEL OF MEMBERS AND STAFF.

(a) APPROVAL.—Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee members and staff. Travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel shall be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(1) The purpose of the travel.

(2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made.

(3) The location of the event for which the travel is to be made.

(4) The names of members and staff seeking authorization.

(b) SUBCOMMITTEE TRAVEL.—In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the chairman of such subcommittee in writing setting forth those items enumerated in subparagraphs (1), (2), (3), and (4) of paragraph (a) and that there has been a compliance where applicable with Committee Rule VI.

(c) TRAVEL OUTSIDE THE UNITED STATES.—

(1) IN GENERAL.—In the case of travel outside the United States of members and staff of the Committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the Committee or pertinent subcommittee, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee from the subcommittee chairman and the Chairman. Before such authorization is given there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) The purpose of the travel.

(B) The dates during which the travel will occur.

(C) The names of the countries to be visited and the length of time to be spent in each.

(D) An agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of Committee jurisdiction involved.

(E) The names of members and staff for whom authorization is sought.

(2) INITIATION OF REQUESTS.—Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the Committee.

(3) REPORTS BY STAFF MEMBERS.—At the conclusion of any hearing, investigation, study, meeting, or conference for which travel has been authorized pursuant to this rule, each staff member involved in such travel shall submit a written report to the Chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(d) APPLICABILITY OF LAWS, RULES, POLICIES.—Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel, and by the travel policy of the Committee.

STATE VETERANS CEMETERY FAIRNESS ACT OF 2005

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. CASE) is recognized for 5 minutes.

Mr. CASE. Mr. Speaker, let me begin by completely embracing and endorsing the comments of the gentleman from California (Mr. FILNER) earlier today in support of H.R. 302, a continuation of a long fight for justice for our Filipino veterans. I say, as the representative from the district out of 435 in our entire country containing and holding the largest number of Filipino Americans, this is exactly what we must do to bring justice and conclusion to this sorry story in our history.

But I rise here today to highlight another issue which goes as well to the very heart of our collective obligation to our Nation's veterans, whether they be members of our greatest generation, like Hawaii's own 100th Battalion and 442nd Regimental Combat Team, or those lost tragically in the deserts and streets of Iraq and Afghanistan, and that is our promise that our fallen be buried with their comrades in our great national cemeteries, be they Arlington or my own National Cemetery of the Pacific.

Despite this most elemental undertaking, increasing numbers of veterans are facing a dire situation. Currently, 11 States do not have a national cemetery operated by the Department of Veterans Affairs, and an additional six States, including Hawaii, have national cemeteries that no longer accept casket remains.

To assist with this indefensible shortfall, a number of States, including Hawaii, have worked with the VA to construct and operate State veterans cemeteries. Established in 1978 to complement the VA's National Cemetery Administration, the State Cemetery Grants Program assists States in providing grave sites for veterans in those areas where VA's national cemeteries cannot fully satisfy their burial needs. On most of the neighbor islands of Hawaii, my district, we have State cemeteries operated under this program.

Specifically, grants from the State Cemetery Grants Program may be used only for the purpose of establishing, expanding or improving veterans cemeteries that are owned and operated by a State or U.S. territory. Aid can be granted only to States or U.S. territories, not to private organizations, counties, cities or other government agencies.

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VA can now provide up to 100 percent of the development cost for an approved project. For establishment of new cemeteries, VA can provide for operating equipment. VA cannot and does not provide for the acquisition of land so that the States are solely responsible for providing locations for such cemeteries.

State cemeteries operated and established under the grant program must conform to the standards and guidelines pertaining to site selection, planning and construction set forth by VA. Cemeteries must be operated solely for the burial of service members who die on active duty, veterans and their eligible spouses and dependent children.

Any cemetery assisted by a VA grant must be maintained and operated according to the operational standards and measures of the National Cemetery Administration. After construction, the administration, operation and maintenance of a State's veterans cemetery is solely the responsibility of the State government, and the National Cemetery Administration has no further financial obligation to the State for the burial of veterans, with one important exception, which is the nub of this speech.

Currently, the Secretary of Veterans Affairs is authorized to pay a plot or interment allowance up to $300 per burial to a State for expenses incurred by the State for the burial of eligible veterans in a cemetery owned and operated by the State if the burial is performed at no cost to the veteran's next of kin. This benefit is administered by the Veterans Benefit Administration, and the State must apply to VBA to receive it. A great program, a great supplement to the assistance by our States of the national obligations to our veterans.

But despite the $300 currently provided to State governments for each veteran buried in a State veterans cemetery, the true cost is as much as $750 per burial and rising. Thus, even with the partial reimbursements provided by the VA, State governments with no available Federal cemeteries pay millions of dollars to fulfill our Federal commitment to provide a final resting place for our veterans.

This shortfall is particularly painful during the current budget difficulties faced by many States across our Nation and has the inevitable result, as it has in Hawaii, of inexcusable shortfalls in available State veterans cemeteries, both in burial plot availability and especially in operation and maintenance of existing facilities. This is certainly again the case in Hawaii which operates several State veterans cemeteries through VBA assistance that are stretched way beyond their means. I could go down the list, but the one that comes to mind most quickly is the West Hawaii Veterans Cemetery on my home island of Hawaii.

The bill I introduce today proposes a simple modification in an otherwise solid Federal program, to raise the Federal reimbursement for veteran burials in State cemeteries where there is no Federal VA option from $300 to $750 per burial. The price, a minimal $5 million annually as priced last year by the CBO. This is fair and necessary and will enable us to fulfill this most basic obligation. I ask for my colleagues' support.

Mahalo.

INTRODUCTION OF CONCURRENT RESOLUTION HONORING THE SECOND CENTURY OF BIG BROTHERS BIG SISTERS

The SPEAKER pro tempore (Mr. CULBERSON). Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, yesterday the gentleman from Nebraska (Mr. OSBORNE) and I introduced H. Con. Res. 41 to honor Big Brothers Big Sisters, the oldest and largest youth mentoring organization in the United States which celebrated its 100th anniversary last year. In recognition of this milestone, we encourage our colleagues to cosponsor the resolution which celebrates the centennial of Big Brothers Big Sisters and encourages the organization as it works toward its goal of serving one million children annually. A Senate companion to this legislation is being introduced by Senators ENSIGN and DODD.

The gentleman from Nebraska and I both know firsthand the importance of mentoring, and we have both experienced its many rewards. I have been a Big Brother now for over 18 years. Beginning in 1986 when I was a relatively young lawyer, I walked into the Big Brothers Big Sisters of Greater Los Angeles and volunteered to become a Big Brother. I was given three Little Brother applications, each of whom had been on a waiting list for years. I was also asked how I would feel about having a minority Little Brother, to which I responded I thought it would be an even better experience for me and I hoped for my Little Brother as well.

I was paired ultimately with David, then 7 years old, who had been on the waiting list for 2 years; and we were Big Brothers for a day. It was a test run. We went to the beach. We survived the beach, and we decided we were the survivors, and now 18 years later we are still the survivors in a brotherhood that has lasted for almost two decades. Over that time, we went to the movies, we went to the park, we threw a ball around, we did all the kind of things brothers do. We each became part of each other's family. I cannot say what kind of a difference I may have made in his life, but I can tell you he has made a wonderful difference in mine.

I had the opportunity some years ago to go to David's graduation from Yale University. I like to say, when people ask me whether I think that without my influence in his life David would have gone to Yale, I say, no, he would have gone to Harvard. There is more than a little truth in that. He is an extraordinary not-so-young man now.

I also had a wonderful opportunity to watch him graduate from USC film school, and I am looking forward one day to going to the premiere of one of his films.

It has been a fabulous experience for me, and I know it has been a fabulous experience for my colleague from Nebraska, who has long been a champion of mentoring, having established a successful program at the University of Nebraska. We join with many Americans in recognizing the significant contributions to our Nation's children that Big Brothers Big Sisters have been making since 1904 through mentoring, creating and nurturing one-to-one relationships between adults and children.

Through the 454 local agencies that make up this life-changing organization, Big Brothers Big Sisters serves more than 220,000 children ages 5 through 18 in 5,000 communities across the United States.

Research shows that Big Brothers Big Sisters one-to-one mentoring helps at-risk youth overcome the myriad of challenges they face. Little Brothers and Little Sisters are less likely to begin using illegal drugs or consuming alcohol, skip school and classes or engage in acts of violence. They have greater self-esteem, more confidence in their performance at school and are able to get along better with their friends and families.

The organization works closely with parents and guardians to match every child with appropriate Big Brothers and Big Sisters. Each potential volunteer is screened, trained and supervised to ensure that the mentor-child relationship will be a safe and rewarding experience for everyone involved. I can attest to that. My interview, I think, was several hours long.

Partnering with Big Brothers Big Sisters benefits America's most important national treasure, our children. Major private investments have enabled the organization to be a pioneer in volunteerism and developing new ways to reach different populations of at-risk kids. As a result, Mr. Speaker, Big Brothers Big Sisters is an ideal Federal partner as Congress strives to provide a better future for America's children.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. SANDERS) is recognized for 5 minutes.

(Mr. SANDERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from Texas will be recognized to speak in place of the gentleman from Vermont (Mr. SANDERS).

There was no objection.

EDUCATING THE WORLD'S CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, over the last couple of months, or at least almost 2 months, we have been listening to the very sad stories that have come out of the tsunami region. Those of us who have had

the opportunity to visit that region recognize that there are no words to describe the devastation experienced both in terms of physical structures but also in terms of the emotional loss.

However, as I visited Sri Lanka, let me appreciate and acknowledge the wonderful spirit of the Sri Lankan people as well as those in the other devastated regions who realize there is still hope. But also let me say to the American people that one disaster stood out more than others. And when I say ''disaster,'' one impact of the disaster stood out more than others and that is the impact on children.

First of all, it is important to note that the largest number of victims for the tsunami disaster were children in Indonesia, Sri Lanka, India, Thailand and Somalia and other places. Waves 15 feet and more swept away thousands of children, and whole generations have now been lost. When teachers returned to schools in Sri Lanka, one teacher acknowledged that she had lost her four children. They had been swept away. A classroom that had previously held 30 students now held six.

I rise today to raise the consciousness of the world on the plight of the world's children, not America's children but the world's children. We find out that in the world we now have still large numbers of those children who are either forced into being child soldiers, children who are forced into child slavery, children who are forced into sexual trafficking. Children have been abused, and we have not responded to the call.

Let me thank organizations like UNICEF and Save the Children and other world-focused organizations who focus on the needs of children, but I would say that the need is greater than we have responded to. It is time now for a Marshall Plan that deals with the education of the world's children. It is time for us to raise an outcry, an outrageous outcry, to demand the cessation of using children in child labor camps, in sexual trafficking and as child soldiers.

It was noted that, in the tsunami disaster, rebel groups are beginning to recruit orphan children in Sri Lanka and Indonesia to engage in rebel fighting, innocent children who before the tsunami had mothers and fathers and grandparents, children who had restful places to sleep and places to play and to be children. It is well known of the terrible tragedy of children in many parts of South America and particularly Brazil, but it is not well known that if we took a mere $8 billion we could guarantee a primary education for every child in the world.

Mr. Speaker, I am calling upon this Congress, and I will be working with the Congressional Children's Caucus which I am a cochair of. We will take on as our issue a Marshall Plan for educating the world's children, a Marshall Plan that will demand of the world, demand of the United Nations, demand of nations both free and unfree that their children must come first.

We must minimally provide for a primary education for the world's children. What kind of world are we to say that we sit idly by to allow our children, orphaned or not, to be sexually abused, to be lacking in education, to have no homes to go to, to be used in human trafficking, to be sexual slaves and as well child slaves and to be used in war. I believe that we will not as a collective world force, as a family of humanity, be able to stand up and acknowledge our own humanness by sending to the worst plight our children in this world. There should be an outcry. A mere $8 billion can promise the primary education of all of the world's children.

It will be the challenge of the Congressional Children's Caucus to hold hearings on this issue. I invite Save the Children, UNICEF, other United Nations NGOs, world NGOs to join us, celebrities and others, to join us and put our collective effort behind the idea of really saving the world's children. It is a big task, but it can be done. We can spend $80 billion and more in a supplemental to help the military in Iraq. We can minimally provide $8 billion that will guarantee every single child in the world today a primary education.

Mr. Speaker, the challenge is enormous, but in seeing the devastation in the tsunami region I cannot imagine that we can minimally provide for the children of the world.

OUSTER OF VETERANS COMMITTEE CHAIR

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, on January 3 of this year, 10 national veterans organizations wrote a letter to Speaker HASTERT. Those 10 organizations were the American Legion, the Veterans of Foreign Wars, the Military Order of the Purple Heart, the Paralyzed Veterans of America, the Vietnam Veterans of America, the Disabled Veterans, the AMVETS, the Blinded Veterans Association, the Jewish War Veterans, and the Noncommissioned Officers.

Why did these 10 groups write a letter to Speaker HASTERT? They wrote this letter because they were concerned that rumors were spreading throughout this Chamber and across Capitol Hill that the chairman of the House Committee on Veterans' Affairs, a Republican, the chairman of the Committee on Veterans' Affairs that had been there for 4 years, this man had served on the Committee on Veterans' Affairs for 24 years, the gentleman from New Jersey (Mr. SMITH), the rumor was spreading that Chairman SMITH was going to be replaced as the Chair of the VA Committee and that someone else would be put in that position.

These veterans groups were terribly concerned because, as they said in the letter, the Nation's leading veterans organizations representing over 5 million members are writing to ''urge that Congressman Chris Smith remain chairman of the House Committee on Veterans' Affairs.''

□ 1530

They also said in the letter, ''Over the past 4 years, Chairman SMITH's national reputation as the foremost congressional expert and advocate on veterans' issues has continued to grow.'' They further said in their letter, ''In our view, it would be a tragedy if Chris Smith left the chairmanship'' of the Committee on Veterans' Affairs.

The Speaker of this House and the leadership of this House ignored all of these 10 national veterans organizations, and they not only removed the gentleman from New Jersey (Mr. SMITH) as the chairman of the Committee on Veterans' Affairs; they removed him from the committee entirely, a committee that he had served on for 24 years. Why did they do this? They did it because the gentleman from New Jersey (Mr. SMITH) is an advocate for veterans. He had the gall to speak up and to speak out and say we should do what we have promised to do and provide our veterans with the health care they need. And the leadership of this House would not tolerate that kind of insubordination. So this good man was stripped of the Chair's position and removed from the committee.

Let me say something about the gentleman from New Jersey (Mr. SMITH), the person. In my judgment, he is the most pro-life advocate in this House of Representatives. I do not agree with the gentleman from New Jersey (Mr. SMITH) on every issue, but I can tell the Members that he is a true conservative. He is an advocate for the unborn. He is an advocate for human rights not only here in this country but around the world. And if this Republican leadership would do this to their own, one can only imagine how they may respond to others who would challenge anything the leadership may want them to do.

We are elected to come here by about 630,000 people. At least I think I have 631,000 constituents in my district of Ohio. We are elected to come here as independently elected representatives of the people that vote for us, and our responsibility is to speak up and to speak out. Benjamin Franklin has said, If you act like sheep, the wolves will eat you. And I would just like to say to my Republican colleagues who sat by and let the gentleman from New Jersey (Mr. SMITH) be treated the way he was treated by their leadership, if they can do it to the gentleman from New Jersey (Mr. SMITH), they can do it to any one of them. And if they act like sheep, if they go along to get along or to protect themselves or to keep from being punished by their leadership, they will lose the ability to be an effective advocate for the people who sent them here to represent them.

THE PRESIDENT'S STATE OF THE UNION ADDRESS AND SOCIAL SECURITY

The SPEAKER pro tempore (Mr. CULBERSON). Under a previous order of the House, the gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Virginia. Mr. Speaker, tonight is another historic opportunity for the President to give direction to this country through the State of the Union address. I know we will all be watching, and we will all be hoping that he provides the kind of direction that we need, both internationally and domestically.

Internationally he certainly deserves credit for the kind of turnout that was experienced in Iraq. It was at least equal to, if not more than, most people expected. He still needs to reassure us that there is a timetable for withdrawal from Iraq and that, in fact, he has plans to make this a safer world by dealing with truly critical situations in North Korea, in Russia in terms of its retreat to greater control of the economy and the society through a more repressive attitude. And particularly in light of the fact that there are still thousands of nuclear warheads in Russia, we need to make sure through programs such as the Nunn-Lugar bill that those nuclear warheads will never be accessible to terrorist groups.

There are a great many challenges internationally. Hopefully, he will rise to the occasion and provide leadership in the Israeli-Palestinian crisis, which is still the prism through which most Arabs and Muslims really throughout the world view our willingness and determination to provide balanced, just, and effective leadership in bringing about the kind of economic and social interdependence that will stabilize that part of the world and protect Israel from its enemies and enable Israel to continue to be a true democracy and, in fact, a model for the other regimes in that area in terms of full democratic participation.

These are all important objectives internationally, and we trust that the President will provide the kind of leadership we need, and I am confident that the Democrats will hold him fully accountable for the results in 4 years.

But we start out now with a President that has just been elected with a clear majority, something that did not happen 4 years ago. We need to work together. And what we are told on the domestic front is that the emphasis is going to be upon deficit reduction and primarily upon reforming the Social Security system. This is not where the emphasis needs to be in terms of the Social Security program.

Clearly, the budget deficit is in a crisis situation. We need leadership to lead us out of that crisis situation. We are currently spending 20 percent of the gross domestic product and bringing in only 16.8 percent in revenue. The President needs to show us where he is going to be able to come up with the kind of revenue to match the spending. The President, we suspect, if past is prologue, is going to identify a number of domestic programs; but all told those domestic programs, if we would eliminate all of them with the exception of the defense budget, they do not equal the amount of the annual deficits. So we need some clear plans on how we are going to reduce this deficit, hopefully through a PAYGO plan that requires offsets against tax cuts as well as spending increases.

But I want to emphasize particularly the Social Security program. The President is going to suggest it is in crisis. Mr. Speaker, it is not in crisis. In fact, he needs to reassure the American people that there is plenty of money currently in the Social Security system to take us out at least to the year 2052, according to the Congressional Budget Office; and there is enough to provide 73 percent of the benefits for another 40-plus years.

Right now we have about $1.7 trillion in reserves. That amount is going to go up by hundreds of billions each year so that we will have over $4 trillion in reserves by 2015. By 2018 it starts to tip as my generation, the baby boom generation, starts to retire, and then we need to make some plans for the future. But let me suggest that the tax cuts that we have enacted in 2001 and 2003 total 2 percent of the gross domestic product. The Social Security system needs only 4/10 of 1 percent to cover the shortfall for the next 75 years. Even the taxes just on the top 1 percent are 6/10 of 1 percent more than we need to cover the Social Security shortfall.

That is where the emphasis needs to be. We trust that the President will provide that kind of leadership this evening.

ELECTION OF MEMBERS TO COMMITTEE ON THE BUDGET

Mr. PUTNAM. Mr. Speaker, I offer a resolution (H. Res. 64) and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 64

Resolved, That the following Members be and are hereby elected to the following standing committee of the House of Representatives:

Committee on the Budget: Mr. Crenshaw to rank after Mr. Ryun of Kansas; Mr. Wicker to rank after Mr. Putman and Ms. Ros-Lehtinen to rank after Mr. Hensarling.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

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

Accordingly (at 3 o'clock and 41 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1650

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 4 o'clock and 50 minutes p.m.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. CANTOR. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 65) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 65

Resolved, That the following Members be and are hereby elected to the following standing committee of the House of Representatives:

Committee on Standards of Official Conduct: Mr. Hastings of Washington, Chairman; Mrs. Biggert; Mr. Smith of Texas; Ms. Hart and Mr. Cole.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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

Mr. CANTOR. Mr. Speaker, I offer a resolution (H. Res. 66) and ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 66

Resolved, That the following Members be and are hereby elected to the following standing committees of the House of Representatives:

Committee on Education and the Workforce: Mr. Souder to rank after Mr. Johnson of Texas.

Committee on Financial Services: Mr. Pearce to rank after Mr. Gerlach.

Committee on International Relations: Mr. Barrett of South Carolina to rank after Mr. Boozman.

Committee on Small Business: Ms. Shuster to rank after Mr. Akin; Mr. Bradley of New Hampshire to rank after Mrs. Musgrave and Mr. Keller to rank after Mr. McCotter.

Committee on Veterans' Affairs: Mr. Nunes to rank after Ms. Brown-Waite and Mr. Turner.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess until approximately 8:40 p.m. for the purpose of receiving in joint session the President of the United States.

Accordingly (at 4 o'clock and 53 minutes p.m.), the House stood in recess until approximately 8:40 p.m.

□ 2045

AFTER RECESS

The recess having expired, the House was called to order at 8 o'clock and 45 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 20 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The Speaker of the House presided.

The Deputy Sergeant at Arms, Mrs. Kerri Hanley, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Texas (Mr. DELAY);

The gentleman from Missouri (Mr. BLUNT);

The gentlewoman from Ohio (Ms. PRYCE);

The gentleman from Arizona (Mr. SHADEGG);

The gentlewoman from California (Ms. PELOSI);

The gentleman from Maryland (Mr. HOYER);

The gentleman from New Jersey (Mr. MENENDEZ); and

The gentleman from South Carolina (Mr. CLYBURN).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from Tennessee (Mr. FRIST);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Pennsylvania (Mr. SANTORUM);

The Senator from Texas (Mrs. HUTCHISON);

The Senator from Arizona (Mr. KYL);

The Senator from North Carolina (Mrs. DOLE);

The Senator from Utah (Mr. HATCH);

The Senator from Wyoming (Mr. THOMAS);

The Senator from Nevada (Mr. REID);

The Senator from Illinois (Mr. DURBIN);

The Senator from Michigan (Ms. STABENOW);

The Senator from New York (Mr. SCHUMER);

The Senator from North Dakota (Mr. DORGAN); and

The Senator from New York (Mrs. CLINTON).

The Deputy Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, His Excellency Roble Olhaye, Ambassador of the Republic of Djibouti.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Deputy Sergeant at Arms announced the Associate Justice of the Supreme Court.

The Associate Justice of the Supreme Court entered the Hall of the House of Representatives and took the seat reserved for him in front of the Speaker's rostrum.

The Deputy Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 5 minutes p.m., the Sergeant at Arms, the Honorable Wilson Livingood, announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

(Applause, the Members rising.)

THE STATE OF THE UNION ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Mr. Speaker, Vice President CHENEY, Members of Congress, fellow citizens:

As a new Congress gathers, all of us in the elected branches of government share a great privilege: we have been placed in office by the votes of the people we serve. And tonight that is a privilege we share with newly elected leaders of Afghanistan, the Palestinian territories, Ukraine, and a free and sovereign Iraq.

Two weeks ago, I stood on the steps of this Capitol and renewed the commitment of our Nation to the guiding ideal of liberty for all. This evening I will set forth policies to advance that ideal at home and around the world.

Tonight, with a healthy, growing economy, with more Americans going back to work, with our Nation an active force for good in the world, the state of our Union is confident and strong. Our generation has been blessed by the expansion of opportunity, by advances in medicine, by the security purchased by our parents' sacrifice. Now, as we see a little gray in the mirror, or a lot of gray, and we watch our children moving into adulthood, we ask the question: What will be the state of their Union?

Members of Congress, the choices we make together will answer that question. Over the next several months, on issue after issue, let us do what Americans have always done, and build a better world for our children and our grandchildren.

First, we must be good stewards of this economy and renew the great institutions on which millions of our fellow citizens rely.

America's economy is the fastest growing of any major industrialized nation. In the past 4 years, we have provided tax relief to every person who pays income taxes, overcome a recession, opened up new markets abroad, prosecuted corporate criminals, raised homeownership to its highest level in history; and in the last year alone, the United States has added 2.3 million new jobs. When action was needed, the Congress delivered, and the Nation is grateful.

Now we must add to these achievements. By making our economy more flexible, more innovative, and more competitive, we will keep America the economic leader of the world.

America's prosperity requires restraining the spending appetite of the Federal Government. I welcome the bipartisan enthusiasm for spending discipline. I will send you a budget that holds that growth of discretionary spending below inflation, makes tax relief permanent, and stays on track to cut the deficit in half by 2009. My budget substantially reduces or eliminates more than 150 government programs that are not getting results, or duplicate current efforts, or do not fulfill essential priorities. The principle here is clear: taxpayer dollars must be spent wisely, or not at all.

To make our economy stronger and more dynamic, we must prepare a rising generation to fill the jobs of the 21st century. Under the No Child Left Behind Act, standards are higher, tests scores are on the rise, and we are closing the achievement gap for minority students. Now we must demand better results from our high schools so every high school diploma is a ticket to success.

We will help an additional 200,000 workers to get training for a better career by reforming our job training system and strengthening America's community colleges. And we will make it easier for Americans to afford a college education, by increasing the size of Pell grants.

To make our economy stronger and more competitive, America must reward, not punish, the efforts and dreams of entrepreneurs. Small business is the path of advancement, especially for women and minorities, so we must free small businesses from needless regulations and protect honest job

creators from junk lawsuits. Justice is distorted and our economy is held back by irresponsible class actions and frivolous asbestos claims, and I urge Congress to pass legal reforms this year.

To make our economy stronger and more productive, we must make health care more affordable and give families greater access to good coverage and more control over their health decisions. I ask Congress to move forward on a comprehensive health care agenda with tax credits to help low-income workers buy insurance, a community health center in every poor county, improved information technology to prevent medical errors and needless costs, association health plans for small businesses and their employees, expanded health savings accounts, and medical liabilities reform that will reduce health care costs, and make sure patients have the doctors and care they need.

To keep our economy growing, we also need reliable supplies of affordable, environmentally responsible energy. Nearly 4 years ago, I submitted a comprehensive energy strategy that encourages conservation, alternative sources, a modernized electricity grid, and more production here at home, including safe, clean nuclear energy. My Clear Skies legislation will cut power plants pollution and improve the health of our citizens. And my budget provides strong funding for leading-edge technology from hydrogen fueled cars, to clean coal, to renewable sources such as ethanol. Four years of debate is enough. I urge Congress to pass legislation that makes America more secure and less dependent on foreign energy.

All these proposals are essential to expand this economy and add new jobs, but they are just the beginning of our duty. To build the prosperity of future generations, we must update institutions that were created to meet the needs of an earlier time. Year after year, Americans are burdened by an archaic, incoherent Federal tax codes. I have appointed a bipartisan panel to examine the tax codes from top to bottom. And when their recommendations are delivered, you and I will work together to give this Nation a tax code that is pro-growth, easy to understand, and fair to all.

America's immigration system is also outdated, unsuited to the needs of our economy and to the values of our country. We should not be content with laws that punish hardworking people who want only to provide for their families, and deny businesses willing workers and invite chaos at our border. It is time for an immigration policy that permits temporary guest workers to fill jobs Americans will not take, that rejects amnesty, that tells us who is entering and leaving our country, and that closes the border to drug dealers and terrorists.

One of America's most important institutions, a balance of the trust between generations, is also in need of wise and effective reform. Social Security was a great moral success of the 20th century, and we must honor its great purposes in this new century. The system, however, on its current path, is headed toward bankruptcy. And so we must join together to strengthen and save Social Security.

Today, more than 45 million Americans receive Social Security benefits, and millions more are nearing retirement; and for them the system is sound and fiscally strong. I have a message for every American who is 55 or older. Do not let anyone mislead you. For you the Social Security system will not change in any way.

For younger workers, the Social Security system has serious problems that will grow worse with time. Social Security was created decades ago, for a very different era. In those days people did not live as long, benefits were much lower than they are today, and a half century ago, about 16 workers paid into the system for each person drawing benefits.

Our society has changed in ways the founders of Social Security could not have foreseen. In today's world, people are living longer and therefore drawing benefits longer, and those benefits are scheduled to rise dramatically over the next few decades. And instead of 16 workers paying in for every beneficiary, right now it is only about 3 workers; and over the next few decades that number will fall to just two workers per beneficiary. With each passing year, fewer workers are paying ever higher benefits to an ever larger number of retirees.

So here is the result: 13 years from now, in 2018, Social Security will be paying out more than it takes in. And every year afterward will bring a new shortfall, bigger than the year before. For example, in the year 2027, the government will somehow have to come up with an extra $200 billion to keep the system afloat. And by 2033, the annual shortfall would be more than $300 billion. By the year 2042, the entire system would be exhausted and bankrupt. If steps are not to avert that outcome, the only solutions would be dramatically higher taxes, massive new borrowing, or sudden and severe cuts in Social Security benefits or other government programs.

I recognize that 2018 and 2042 may seem a long way off. But those dates are not so distant, as any parent will tell you. If you have a 5-year-old, you are already concerned about how you will pay for college tuition 13 years down the road. If you have got children in their twenties, as some of us do, the idea of Social Security collapsing before they retire does not seem like a small matter. And it should not be a small matter to the United States Congress.

You and I share a responsibility. We must pass reforms that solve the financial problems of Social Security once and for all. Fixing Social Security permanently will require an open, candid review of options. Some have suggested limiting benefits for wealthy retirees. Former Congressman Tim Penny has raised the possibility of indexing benefits to prices rather than wages. During the 1990s, my predecessor, President Clinton, spoke of increasing the retirement age. Former Senator John Breaux suggested discouraging early collection of Social Security benefits. The late Senator Daniel Patrick Moynihan recommended changing the way benefits are calculated.

All of these ideas are on the table. I know that none of these reforms would be easy. But we have to move ahead with courage and honesty because our children's retirement security is more important than partisan politics. I will work with Members of Congress to find the most effective combination of reforms. I will listen to anyone who has a good idea to offer. We must, however, be guided by some basic principles. We must make Social Security permanently sound, not leave that task for another day.

We must not jeopardize our economic strength by increasing payroll taxes. We must ensure that lower-income Americans get the help they need to have dignity and peace of mind in their retirement. We must guarantee that there is no change for those now retired or nearing retirement. And we must take care that any changes in the system are gradual, so younger workers have years to prepare and plan for their future.

As we fix Social Security, we also have the responsibility to make the system a better deal for younger workers. And the best way to reach that goal is through voluntary personal retirement accounts. Here is how the idea works. Right now, a set portion of the money you earn is taken out of your paycheck to pay for the Social Security benefits of today's retirees. If you are a younger worker, I believe you should be able to set aside part of that money in your own retirement account, so you can build a nest egg for your own future.

Here is why the personal accounts are a better deal. Your money will grow over time at a greater rate than anything the current system can deliver, and your account will provide money for retirement over and above the check you will receive from Social Security.

In addition, you will be able to pass along the money that is accumulating in your personal account if you wish to your children or grandchildren. And best of all, the money in the account is yours, and the Government can never take it away.

The goal here is greater security in retirement, so we will set careful guidelines for personal accounts. We will make sure the money can only go into a conservative mix of bonds and stock funds. We will make sure that your earnings are not eaten up by hidden Wall Street fees. We will make sure there are good options to protect

your investments from sudden market swings on the eve of your retirement. We will make sure a personal account cannot be emptied all at once, but rather paid out over time, as an addition to traditional Social Security benefits. And we will make sure this plan is fiscally responsible, by starting personal accounts gradually and raising the yearly limits on contributions over time, eventually permitting all workers to set aside 4 percentage points of their payroll taxes in their accounts.

Personal retirement accounts should be familiar to Federal employees, because you already have something similar called the Thrift Savings Plan, which lets workers deposit a portion of their paychecks into any of five different broadly based investment funds. It is time to extend the same security and choice and ownership to young Americans.

Our second great responsibility to our children and grandchildren is to honor and to pass along the values that sustain a free society. So many of my generation, after a long journey, have come home to family and faith and are determined to bring up responsible, moral children. Government is not the source of these values, but government should never undermine them.

Because marriage is a sacred institution and the foundation of society, it should not be redefined by activist judges. For the good of families, children, and society, I support a constitutional amendment to protect the institution of marriage.

Because a society is measured by how it treats the weak and vulnerable, we must strive to build a culture of life. Medical research can help us reach that goal by developing treatments and cures that save lives and help people overcome disabilities, and I thank the Congress for doubling the funding of the National Institutions of Health. To build a culture of life, we must also ensure that scientific advances always serve human dignity, not take advantage of some lives for the benefit of others. We should all be able to agree on some clear standards.

I will work with Congress to ensure that human embryos are not created for experimentation or grown for body parts and that human life is never bought or sold as a commodity. America will continue to lead the world in medical research that is ambitious, aggressive, and always ethical.

Because courts must always deliver impartial justice, judges have a duty to faithfully interpret the law, not legislate from the bench. As President, I have a constitutional responsibility to nominate men and women who understand the role of courts in our democracy and are well qualified to serve on the bench, and I have done so. The Constitution also gives the Senate a responsibility: every judicial nominee deserves an up-or-down vote.

Because one of the deepest values of our country is compassion, we must never turn away from any citizen who feels isolated from the opportunities of America. Our government will continue to support faith-based and community groups that bring hope to harsh places. Now we need to focus on giving young people, especially young men in our cities, better options than apathy or gangs or jail. Tonight I propose a 3-year initiative to help organizations keep young people out of gangs and show young men an ideal of manhood that respects women and rejects violence. Taking on gang life will be one part of a broader outreach to at-risk youth, which involves parents and pastors, coaches and community leaders, in programs ranging from literacy to sports. I am proud that the leader of this nationwide effort will be our First Lady, Laura Bush.

Because HIV/AIDS brings suffering and fear into so many lives, I ask you to reauthorize the Ryan White Act to encourage prevention and provide care and treatment to the victims of that disease. And as we update this important law, we must focus our efforts on fellow citizens with the highest rates of new cases, African American men and women.

Because one of the main sources of our national unity is our belief in equal justice, we need to make sure Americans of all races and backgrounds have confidence in the system that provides justice. In America we must make doubly sure no person is held to account for a crime he or she did not commit, so we are dramatically expanding the use of DNA evidence to prevent wrongful conviction. Soon I will send to Congress a proposal to fund special training for defense counsel in capital cases, because people on trial for their lives must have competent lawyers by their side.

Our third responsibility to future generations is to leave them an America that is safe from danger and protected by peace. We will pass along to our children all the freedoms we enjoy, and chief among them is freedom from fear.

In the 3½ years since September 11, 2001, we have taken unprecedented actions to protect Americans. We have created a new Department of government to defend our homeland, focused the FBI on preventing terrorism, begun to reform our intelligence agencies, broken up terror cells across the country, expanded research on defenses against biological and chemical attack, improved border security, and trained more than a half million first responders. Police and firefighters, air marshals, researchers and so many others are working every day to make our homeland safer, and we thank them all.

Our Nation, working with allies and friends, has also confronted the enemy abroad with measures that are determined, successful, and continuing. The al Qaeda terror network that attacked our country still has leaders, but many of its top commanders have been removed. There are still governments that sponsor and harbor terrorists, but their number has declined. There are still regions seeking weapons of mass destruction, but no longer without attention and without consequence. Our country is still the target of terrorists who want to kill many, and intimidate us all; and we will stay on the offensive against them until the fight is won.

Pursuing our enemies is a vital commitment of the war on terror, and I thank the Congress for providing our servicemen and -women with the resources they have needed. During this time of war, we must continue to support our military and give them the tools for victory.

Other nations around the globe have stood with us. In Afghanistan, an international force is helping provide security. In Iraq, 28 countries have troops on the ground, the United Nations and the European Union provided technical assistance for the elections, and NATO is leading a mission to help train Iraqi officers. We are cooperating with 60 governments in the Proliferation Security Initiative to detect and stop the transit of dangerous materials.

We are working closely with the governments in Asia to convince North Korea to abandon its nuclear ambitions. Pakistan, Saudi Arabia, and nine other countries have captured or detained al Qaeda terrorists. In the next 4 years, my administration will continue to build the coalitions that will defeat the dangers of our time.

In the long term, the peace we seek will only be achieved by eliminating the conditions that feed radicalism and ideologies of murder. If whole regions of the world remain in despair and grow in hatred, they will be the recruiting grounds for terror, and that terror will stalk America and other free nations for decades.

The only force powerful enough to stop the rise of tyranny and terror, and replace hatred with hope, is the force of human freedom. Our enemies know this, and that is why the terrorist Zarqawi recently declared war on what he called the evil principle of democracy. And we have declared our own intention: America will stand with the allies of freedom to support democratic movements in the Middle East and beyond, with the ultimate goal of ending tyranny in our world.

The United States has no right, no desire, and no intention to impose our form of government on anyone else. That is one of the main differences between us and our enemies.

They seek to impose and expand an empire of oppression, in which a tiny group of brutal, self-appointed rulers control every aspect of every life. Our aim is to build and preserve a community of free and independent nations, with governments that answer to their citizens, and reflect their own cultures. And because democracies respect their own people and their own neighbors, the advance of freedom will lead to peace.

That advance has great momentum in our time, shown by women voting in

Afghanistan, and Palestinians choosing a new direction, and the people of Ukraine asserting their democratic rights and electing a president. We are witnessing landmark events in the history of liberty. And in the coming years, we will add to that story.

The beginnings of reform and democracy in the Palestinian territories are now showing the power of freedom to break old patterns of violence and failure. Tomorrow morning, Secretary of State Rice departs on a trip that will take her to Israel and the West Bank for meetings with Prime Minister Sharon and President Abbas. She will discuss with them how we and our friends can help the Palestinian people end terror and build the institutions of a peaceful, independent democratic state. To promote this democracy, I will ask Congress for $350 million to support Palestinian political, economic, and security reforms. The goal of two democratic states, Israel and Palestine, living side by side in peace is within reach; and America will help them achieve that goal.

To promote peace and stability in the broader Middle East, the United States will work with our friends in the region to fight the common threat of terror, while we encourage a higher standard of freedom. Hopeful reform is already taking hold in an arc from Morocco to Jordan to Bahrain. The government of Saudi Arabia can demonstrate its leadership in the region by expanding the role of its people in determining their future. And the great and proud nation of Egypt, which showed the way toward peace in the Middle East, can now show the way toward democracy in the Middle East.

To promote peace in the broader Middle East, we must confront regimes that continue to harbor terrorists and pursue weapons of mass murder. Syria still allows its territory, and parts of Lebanon, to be used by terrorists who seek to destroy every chance of peace in the region. You have passed, and we are applying, the Syrian Accountability Act; and we expect the Syrian government to end all support for terror and open the door to freedom.

Today, Iran remains the world's primary state sponsor of terror, pursuing nuclear weapons while depriving its people of the freedom they seek and deserve. We are working with European allies to make clear to the Iranian regime that it must give up its uranium enrichment program and any plutonium reprocessing, and end its support for terror. And to the Iranian people, I say tonight: as you stand for your own liberty, America stands with you.

Our generational commitment to the advance of freedom, especially in the Middle East, is now being tested and honored in Iraq. That country is a vital front in the war on terror, which is why the terrorists have chosen to make a stand there. Our men and women in uniform are fighting terrorists in Iraq, so we do not have to face them here at home. The victory of freedom in Iraq will strengthen a new ally in the war on terror, inspire democratic reformers from Damascus to Tehran, bring more hope and progress to a troubled region, and thereby lift a terrible threat from the lives of our children and grandchildren.

We will succeed because the Iraqi people value their own liberty, as they showed the world last Sunday. Across Iraq, often at great risk, millions of citizens went to the polls and elected 275 men and women to represent them in a new transitional national assembly. A young woman in Baghdad told of waking to the sound of mortar fire on election day and wondering if it might be too dangerous to vote. She said, ''Hearing those explosions, it occurred to me, the insurgents are weak, they are afraid of democracy, they are losing. So I got my husband, and I got my parents, and we all came out and voted together.'' Americans recognize that spirit of liberty, because we share it. In any nation, casting your vote is an act of civic responsibility. For millions of Iraqis, it was also an act of personal courage, and they have earned the respect of us all.

One of Iraq's leading democracy and human rights advocates is Safia Taleb al-Suhail. She says of her country, ''We were occupied for 35 years by Saddam Hussein. That was the real occupation. Thank you to the American people who paid the cost, but most of all to the soldiers.'' Eleven years ago, Safia's father was assassinated by Saddam's intelligence service. Three days ago in Baghdad, Safia was finally able to vote for the leaders of her country, and we are honored that she is with us tonight.

The terrorists and insurgents are vitally opposed to democracy and will continue to attack it. Yet the terrorists' most powerful myth is being destroyed. The whole world is seeing that the car bombers and assassins are not only fighting coalition forces; they are trying to destroy the hopes of Iraqis, expressed in free elections. And the whole world now knows that a small group of extremists will not overturn the will of the Iraqi people.

We will succeed in Iraq because Iraqis are determined to fight for their own freedom, and to write their own history. As Prime Minister Allawi said in his speech to Congress last September, ''Ordinary Iraqis are anxious to shoulder all the security burdens of our country as quickly as possible.'' That is the natural desire of an independent nation, and it is also the stated mission of our coalition in Iraq.

The new political situation in Iraq opens a new phase of our work in that country. At the recommendation of our commanders on the ground, and in consultation with the Iraqi government, we will increasingly focus our efforts on helping prepare more capable Iraqi security forces, forces with skilled officers, and an effective command structure. As those forces become more self-reliant and take on greater security responsibilities, America and its coalition partners will increasingly be in a supporting role. In the end, Iraqis must be able to defend their own country; and we will help that proud, new nation secure its liberty.

Recently an Iraqi interpreter said to a reporter, ''Tell America not to abandon us.'' He and all Iraqis can be certain: while our military strategy is adapting to circumstances, our commitment remains firm and unchanging. We are standing for the freedom of our Iraqi friends and freedom in Iraq will make America safer for generations to come. We will not set an artificial timetable for leaving Iraq because that would embolden the terrorists and make them believe they can wait us out.

We are in Iraq to achieve a result: a country that is democratic, representative of all its people, at peace with its neighbors, and able to defend itself. And when that result is achieved, our men and women serving in Iraq will return home with the honor they have earned.

Right now, Americans in uniform are serving at posts across the world, often taking great risks on my orders. We have given them training and equipment, and they have given us an example of idealism and character that makes every American proud. The volunteers of our military are unrelenting in battle, unwavering in loyalty, unmatched in honor and decency, and every day they are making our Nation more secure. Some of our servicemen and -women have survived terrible injuries, and this grateful Nation will do everything we can to help them recover. And we have said farewell to some very good men and women who died for our freedom and whose memory this Nation will honor forever.

One name we honor is Marine Corps Sergeant Byron Norwood of Pflugerville, Texas, who was killed during the assault on Fallujah. His mom, Janet, sent me a letter and told me how much Byron loved being a Marine, and how proud he was to be on the front line against terror. She wrote, ''When Byron was home the last time, I said that I wanted to protect him like I had since he was born. He just hugged me and said: 'You have done your job, Mom. Now it is my turn to protect you.''' Ladies and gentlemen, with grateful hearts, we honor freedom's defenders, and our military families, represented here this evening by Sergeant Norwood's mom and dad, Janet and Bill Norwood.

In these 4 years, Americans have seen the unfolding of large events. We have known times of sorrow, and hours of uncertainty, and days of victory. In all this history, even when we have disagreed, we have seen threads of purpose that unite us. The attack on freedom in our world has reaffirmed our confidence in freedom's power to change the world. We are all part of a great venture: to extend the promise of freedom in our country, to renew the values that sustain our liberty, and to spread the peace that freedom brings.

As Franklin Roosevelt once reminded Americans: ''Each age is a dream that is dying, or one that is coming to birth.'' And we live in the country where the biggest dreams are born. The abolition of slavery was only a dream, until it was fulfilled. The liberation of Europe from Fascism was only a dream, until it was achieved. The fall of Imperial Communism was only a dream, until, one day, it was accomplished. Our generation has dreams of its own, and we also go forward with confidence. The road of Providence is uneven and unpredictable, yet we know where it leads: it leads to freedom.

Thank you, and may God bless America.

(Applause, the Members rising.)

At 10 o'clock and 4 minutes p.m. the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Deputy Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Associate Justice of the Supreme Court.

The Acting Dean of the Diplomatic Corp.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 10 o'clock and 5 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. BLUNT. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

PERMISSION FOR MEMBER TO REVISE AND EXTEND REMARKS ON THIS LEGISLATIVE DAY.

The SPEAKER. Without objection, the gentleman from California (Mr. DREIER) is permitted to revise and extend and insert extraneous material on this legislative day.

There was no objection.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 418, REAL ID ACT OF 2005

Mr. DREIER. Mr. Speaker, the Rules Committee may meet the week of February 7th to grant a rule which could limit the amendment process for floor consideration of H.R. 418, the REAL ID Act of 2005.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H–312 of the Capitol by 12 noon on Tuesday, February 8, 2005. Members should draft their amendments to the bill as introduced on January 26, 2005.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

RESIGNATION AS MEMBER OF COMMITTEE ON RESOURCES

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

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 2, 2005.

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

DEAR SPEAKER HASTERT: I am writing to inform you of my resignation from the Resources Committee, effective today, Wednesday, February 2, 2005.

Sincerely,

MARK SOUDER
Member of Congress.

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

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 2, 2005.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 2, 2005 at 5:30 p.m.:

That the Senate agreed to without amendment H. Con. Res. 39.

Wish best wishes, I am.

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

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 Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. CASE, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. JENKINS) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, February 8.

Mr. YOUNG of Alaska, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. MORAN of Virginia, for 5 minutes, today.

SENATE BILLS 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. 167. An act to provide for the protection of intellectual property rights, and for other purposes; to the Committee on the Judiciary; 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.

ADJOURNMENT

Ms. FOXX. Mr. Speaker, pursuant to House Concurrent Resolution 39, 109th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 39, 109th Congress, the House stands adjourned until 2 p.m. on Tuesday, February 8, 2005.

Thereupon (at 10 o'clock and 8 minutes p.m.), pursuant to House Concurrent Resolution 39, the House adjourned until Tuesday, February 8, 2005, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

523. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Exempting Organic Producers From Assessment by Research and Promotion Programs [Docket No. PY-02-006] (RIN: 0581-AC15) received January 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

524. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Delegation of Authority [Docket No. 04-120-1] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

525. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Peanuts, Tree Nuts, Milk, Soybeans, Eggs,

Fish, Crustacea, and Wheat; Exemption from the Requirement of a Tolerance [OPP-2005-0001; FRL-7694-5] received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

526. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 01-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

527. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02-03, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

528. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. military personnel and U.S. individual civilians retained as contractors involved in supporting Plan Colombia, pursuant to Public Law 106—246, section 3204 (f) (114 Stat. 577); to the Committee on Armed Services.

529. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Free Trade Agreements — Chile and Singapore [DFARS Case 2003-D088] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

530. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Firefighting Services Contracts [DFARS Case 2003-D107] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

531. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Construction and Architect-Engineer Services [DFARS Case 2003-D035] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

532. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Competition Requirements [DFARS Case 2003-D017] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

533. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contract Period for Task and Delivery Order Contracts [DFARS Case 2003-D097/2004-D023] received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

534. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Free Trade Agreements — Australia and Morocco [DFARS Case 2004-D013] received January 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

535. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting approval of Colonel William A. Chambers, United States Air Force, to wear the insignia of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

536. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a report on the mobilization during FY 2002 and 2003 of members of the reserve components, as required by Section 517(a) of the National Defense Authorization Act for FY 2004; to the Committee on Armed Services.

537. A letter from the Inspector General, Department of Defense, transmitting the semiannual report of the Inspector General for the period April 1, 2004-September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Armed Services.

538. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; DoD Pilot Mentor-Protege Program [DFARS Case 2003-D013] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

539. A letter from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting the Department's final rule — Deferment of Service Obligations of Midshipmen Recipients of Scholarships or Fellowships [Docket No. MARAD 2004-17759] (RIN: 2133-AB58) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

540. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule — Waiver of the Requirement to Use Weighted Averages in the National School Lunch and School Breakfast Programs (RIN: 0584-AD63) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

541. A letter from the Director, Child Nutrition Division, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule — National School Lunch Program: Requirement for Variety of Fluid Milk in Reimbursable Meals (RIN: 0584-AD55) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

542. A letter from the Director, Child Nutrition Division, FNS, Department of Agriculture, transmitting the Department's final rule — Waiver of the Requirement to Use Weighted Averages in the National School Lunch and School Breakfast Programs — received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

543. A letter from the Assistant Secretary, EBSA, Department of Labor, transmitting the Department's final rule — Mental Health Parity (RIN: 1210-AA62) received January 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

544. A letter from the Acting Director, Directorate of Standards and Guidance, Department of Labor, transmitting the Department's final rule — Standards Improvement Project-Phase II [Docket No. S-778-A] (RIN: 1218-AB81) received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

545. A letter from the Senior Regulatory Officer, Wage & Hour Division, ESA, Department of Labor, transmitting the Department's final rule — Child Labor Regulations, Orders and Statements of Interpretation; Child Labor Violations—Civil Money Penalties (RIN: 1215-AA09) received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

546. A letter from the Director, Corporate Policy and Research Dept., Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

547. A letter from the Secretary, Department of Health and Human Services, transmitting the fourth report, ''Infertility and Sexually Transmitted Diseases,'' as required by Section 318A(o)(2) of the Public Health Service Act; to the Committee on Energy and Commerce.

548. A letter from the Secretary, Department of Transportation, transmitting the Department's Fiscal Year 2004 annual report as required by the Superfund Amendments and Reauthorization Act (SARA) of 1986, as amended, pursuant to 42 U.S.C. 9620; to the Committee on Energy and Commerce.

549. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Bernalillo County, New Mexico; Negative Declaration [R06-OAR-2004-NM-0001; FRL-7858-5] received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

550. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the City of Weirton Including the Clay and Butler Magisterial Districts SO2 Nonattainment Area and Approval of the Maintenance Plan [R03-OAR-2004-WV-0002; FRL-7852-8] received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

551. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Idaho; Revised Format for Materials Being Incorporated by Reference [ID-04-002; FRL-7842-3] received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

552. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Leak Repair Requirements for Appliances Using Substitute Refridgerants [FRL-7858-7] (RIN: 2060-AM05) received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

553. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

554. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report of the national emergency with respect to Liberia that was declared in Executive Order 13348 of July 22, 2004; to the Committee on International Relations.

555. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule — Cuban Assets Control Regulations; Sudanese Sanctions Regulations; Iranian Transactions Regulations — received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

556. A letter from the Secretary, Department of Commerce, transmitting the Department's 2005 Report on Foreign Policy-Based

Export Controls, prepared by the Department's Bureau of Industry and Security (BIS), as required by Section 6 of the Export Administration Act of 1979, as amended; to the Committee on International Relations.

557. A letter from the Secretary, Department of Commerce, transmitting consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997 and Executive Order 13346, certification for calendar year 2004 that interests of the United States are not being harmed significantly by the limitations of the Convention; to the Committee on International Relations.

558. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Implementation of the Understandings Reached at the June 2004 Australia Group (AG) Plenary Meeting and Through a Subsequent AG Intersessional Decision; Clarifications to the Scope of ECCNs 1A004, 1A995, and 2B351; Corrections to Country Group D and ECCNs 1C355, 1C395, and 1C995; Additions to the List of States Parties to the Chemical Weapons Convention [Docket No. 041221359-4359-01] (RIN: 0694-AD25) received January 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

559. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Encryption Export and Reexport Controls Revisions [Docket No. 041022290-4290-01] (RIN: 0694-AD19) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

560. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revision of Export Control Classification Number (ECCN) 2B351 to Conform with the Australia Group (AG) ''Control List of Dual-Use Chemical Manufacturing Facilities and Equipment and Related Technology'' [Docket NO. 041123328-4328-01] (RIN: 0694-AD16) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

561. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 804 of the PLO Commitments Compliance Act of 1989 (title VIII, Foreign Relations Authorization Act, FY 1990 and 1991 (Pub. L. 101-246)), and Sections 603-604 (Middle East Peace Commitments Act of 2002) and 699 of the Foreign Relations Authorization Act, FY 2003 (Pub. L. 107-228), as well as a Presidential Determination waiving sanctions as such waiver is in the national security interests of the United States, pursuant to Sections 603-604 of the FY 2003 Foreign Relations Authorization Act (Pub. L. 107-228); to the Committee on International Relations.

562. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification for a Drawdown under section 506(a)(2) of the Foreign Assistance Act of 1961, as amended, to support the Philippines; to the Committee on International Relations.

563. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department's final rule — Privacy Act of 1974; Implementation — received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

564. A letter from the Acting Assistant Administrator, Environmental Protection Agency, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Agency's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

565. A letter from the Executive Associate Director, Office of Management and Budget, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Office's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

566. A letter from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting the Office's final rule — Federal Employee Health Benefits Program: Modification of Two-Option Limitation For Health Benefits Plans and Continuation of Coverage for Annuitants Whose Plan Terminates an Option (RIN: 3206-AK48) received January 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

567. A letter from the Secretary, Smithsonian Institution, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Institution's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

568. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Colorado Butterfly Plant (RIN: 1018-AJ07) received January 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

569. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Mariana Fruit Bat (Pteropus mariannus mariannus): Reclassification from Endangered to Threatened in the Territoty of Guam and Listing as Threatened in the Commonwealth in the Northern Mariana Islands (RIN: 1018-AH55) received January 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

570. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered Species Act Incidental Take Permit Revocation Regulations (RIN: 1018-AT64) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

571. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Establishment of an Additional Manatee Protection Area in Lee County, Florida (RIN: 1018-AT65) received December 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

572. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Regulation for Nonessential Experimental Populations of the Western Distrinct Population Segment of the Gray Wolf (RIN: 1018-AT61) received January 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

573. A letter from the Director, Office of Surface Mining, Department of Interior, transmitting the Department's final rule — Kentucky Regulatory Program [KY-247-FOR] received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

574. 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; Groundfish of the Bering Sea and Aleutian Islands Management Area [Docket No. 031124287-4060-02; I.D. 1020904D] received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

575. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Trade Restrictive Measures [Docket No. 040421127-4322-02; I.D. 051403A] (RIN: 0648-AR10) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

576. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2005 and 2006 Summer Flounder Specifications; 2005 Scup and Black Sea Bass Specifications [Docket No. 041110317-4364-02; I.D. 100404B] (RIN: 0648-AR51) received January 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

577. 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 Northeastern United States; Final 2005, 2006, and 2007 Fishing Quotas for Atlantic Surfclams, Ocean Quahogs, and Maine Mahogany Ocean Quahogs [Docket No. 041108311-5001-02; I.D. 110204B] (RIN: 0648-AR52) received January 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

578. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish FIshery; Biennial Specifications and Management Measures [Docket No. 040830250-4342-02; I.D. 081304C] (RIN: 0648-AS27) received January 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

579. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Adjustment of Civil Monetary Penalties for Inflation (RIN: 3038-AC13) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

580. A letter from the Federal Registrar Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Centralized Offset of Federal Payments to Collect Nontax Debts Owed to the United States (RIN: 1510-AA65) received Jnuary 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

581. A letter from the Senior Paralegal, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule — Rules of Practice and Procedure in Adjudicatory Proceedings; Civil Money Penalty Inflation Adjustments [No. 2004-51] (RIN: 1550-AB95) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

582. A letter from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Changes in Fees for Filing Applications for Trademark Registration [Docket No. 2004-T-051] (RIN: 0651-AB83) received January 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

583. A letter from the Deputy Secretary, Department of Education, transmitting the Department's final rule — Adjustment of Civil Monetary Penalties for Inflation — received January 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

584. A letter from the Director, Regulatory Management Division, Department of Homeland Security, transmitting the Department's final rule — Execution of Removal Orders; Countries to Which Aliens May Be Removed [EOIR No. 146F; AG Order No. 2746-2004] (RIN: 1125-AA50) received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

585. A letter from the Rules Administrator, Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Over-The-Counter (OTC) Medications; Technical Correction [BOP-1129-I] (RIN: 1120-AB29) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

586. A letter from the Assistant Secretary, Employment and Training Administration, Department of Labor, transmitting the Department's final rule — Labor Certification for the Permanent Employment of Aliens in the United States; Implementation of New System (RIN: 1205-AA66) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

587. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Civil Monetary Penalty Inflation Adjustments — received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

588. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting a report to Congress on the extent to which the implementation by the United States Coast Guard of regulations issued or enforced, or interpretations or guidelines established, pursuant to Public Law 104–55, carry out the intent of Congress and recognize and provide for the differences in the physical, chemical, biological, and other properties, and in the environmental effects, of the classes of fats, oils, and greases described under that law, pursuant to Public Law 104–324, section 1130(b); to the Committee on Transportation and Infrastructure.

589. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, ''Buckle Up America: The National Initiative for Increasing Safety Belt Use, Seventh Report To Congress and Fifth Report to the President'' June 2004, as required by House Report 105-188 and Executive Order 13043, highlighting activities from January 1, 2003, through December 31, 2003; to the Committee on Transportation and Infrastructure.

590. A letter from the Administrator, FAA, Department of Transportation, transmitting a report on the foreign aviation authorities to which the Federal Aviation Administration provided services for Fiscal Year 2004, pursuant to Public Law 103–305, section 202; to the Committee on Transportation and Infrastructure.

591. A letter from the Regulatiations Coordinator, Federal Highway Administration, Department of Transportation, transmitting the Department's final rule — National Bridge Inspection Standards [FHWA Docket No. FHWA-2001-8954] (RIN: 2125-AE86) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

592. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Ocean Dumping; Designation of Sites Offshore Palm Beach Harbor, Florida and offshore Port Everglades Harbor, Florida [FRL-7861-7] received January 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

593. A letter from the Deputy Chief Acquisition Officer, Director for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Final Scientific and Technical Reports — SBIR and STTR Contracts (RIN: 2700-AD04) received January 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

594. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Government Contracting Programs; Subcontracting (RIN: 3245-AF12) received January 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

595. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Regulations; Government Contracting Programs; HUBZone Program (RIN: 3245-AE66) received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

596. A letter from the Chief, Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule — Increase in Rates Payable Under the Montgomery GI Bill—Active Duty (RIN: 2900-AM08) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

597. A letter from the Federal Register Certifying Officer, Financial Management Service, Deparment of the Treasury, transmitting the Department's final rule — Offset of Tax Refund Payments to Collect State Income Tax Obligations (RIN: 1510-AA78) received January 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

598. A letter from the Assistant Chief, Regulations & Procedures Division, Alcohol & Tobacco Tax & Trade Bureau, Deparment of the Treasury, transmitting the Department's final rule — Establishment of the McMinnville Viticultural Area (2002R-217P) [TTB T.D.-22; Re: Notice No. 12] (RIN: 1513-AA63) received January 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

599. A letter from the Assistant Chief, Regulations & Procedures Division, Alcohol & Tobacco Tax & Trade Bureau, Department of the Treasury, transmitting the Department's final rule—Productions of Dried Fruit and Honey Wines (2001R-136P) [T.D. TTB-23; Ref. Notice No. 13] (RIN: 1513-AC21) received January 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

600. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2005-8) received January 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

601. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Look-through rule for assets held through certain investment companies, partnerships, or trusts (Rev. Rul. 2005-7) received January 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

602. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2005-5) received January 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

603. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting two reports as required by Section 105(d)(2) of the Foreign Service Act of 1980, 22 U.S.C. 3905(d)(2), as amended, describing the Department's Federal Equal Opportunity Recruitment Program (FEORP) Accomplishment Report and the Disabled Veterans Affirmative Action Program (DVAAP) Accomplishment Report for FY 2004; jointly to the Committees on International Relations and Government Reform.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BOEHNER (for himself and Mr. MCKEON):

H.R. 507. A bill to amend and extend the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. MCKEON (for himself and Mr. BOEHNER):

H.R. 508. A bill to make changes to the Higher Education Act of 1965 incorporating the results of the FED UP Initiative, and for other purposes; to the Committee on Education and the Workforce.

By Mr. TIBERI (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. WILSON of South Carolina, Mr. HOEKSTRA, and Mr. HINOJOSA):

H.R. 509. A bill to amend and extend title VI of the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. TIBERI (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. EHLERS, Mr. WILSON of South Carolina, Mr. HOEKSTRA, and Mr. HINOJOSA):

H.R. 510. A bill to amend and extend title VII of the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. KELLER (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. NORWOOD, Mr. TIBERI, and Mr. WILSON of South Carolina):

H.R. 511. A bill to provide enhanced Pell Grants for State Scholars; to the Committee on Education and the Workforce.

By Mr. POMBO:

H.R. 512. A bill to require the prompt review by the Secretary of the Interior of the longstanding petitions for Federal recognition of certain Indian tribes, and for other purposes; to the Committee on Resources.

By Mr. SHAYS (for himself and Mr. MEEHAN):

H.R. 513. A bill to amend the Federal Election Campaign Act of 1971 to 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. SHAYS (for himself and Mr. TOWNS):

H.R. 514. A bill to prohibit the Department of Defense from requiring members of the Armed Forces to receive the anthrax and smallpox immunizations without their consent, to correct the records of servicemembers previously punished for refusing to take these vaccines, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, 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. EVANS (for himself, Mr. FILNER, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. MICHAUD, Mr. STRICKLAND, Ms. HOOLEY, Mr. REYES, Ms. BERKLEY, Mr. UDALL of New Mexico, Mrs. DAVIS of California, Mr. RYAN of Ohio, Ms. HERSETH, Mr. SERRANO, Mr. SANDERS, Mr. HOLT, Mr. VAN HOLLEN, Mr. LEVIN, Mr. SCOTT of Georgia, Mr. KIND, Mr. MEEHAN, Mrs. MALONEY, Mr. CHANDLER, Mr. MARKEY, Mr. BROWN of Ohio, Mr. CASE, Mr. KILDEE, Mr. BLUMENAUER, Mr. HOLDEN, Mr. DEFAZIO, Mr. ISRAEL, Mr. GENE GREEN of Texas, Mr. BOSWELL, Ms. JACKSON-LEE of Texas, Mr. LARSEN of Washington, Mr. TOWNS, Mr. KENNEDY of Rhode Island, Mr. OBERSTAR, Mr. MCINTYRE, Mr. PALLONE, Mr. MCGOVERN, Mrs. CAPITO, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Mr. DELAHUNT, Mr. LYNCH, Mr. SMITH of Washington, Mr. HONDA, Mr. CRAMER, Mr. FRANK of Massachusetts, Ms. CARSON, Mr. KUCINICH, Mr. PETERSON of Minnesota, Mr. ABERCROMBIE, Mr. DOYLE, Mr. DOGGETT, Mr. STARK, Mr. LARSON of Connecticut, Ms. SLAUGHTER, Mr. GORDON, Mr. WALDEN of Oregon, Mr. SCHIFF, Ms. ZOE LOFGREN of California, Mr. PAYNE, and Ms. DELAURO):

H.R. 515. A bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care; to the Committee on Veterans' Affairs.

By Mr. GOODLATTE (for himself, Mr. BOUCHER, Mr. SENSENBRENNER, Mr. SMITH of Texas, Mr. DELAY, Mr. BLUNT, Mr. CANTOR, Ms. PRYCE of Ohio, Mr. DREIER, Mr. MANZULLO, Mr. KINGSTON, Mr. FEENEY, Mr. COBLE, Mr. CHABOT, Mr. FORBES, Mr. PENCE, Mr. ISSA, Mr. KELLER, Mr. BACHUS, Mr. HOSTETTLER, Mr. GALLEGLY, Mr. DANIEL E. LUNGREN of California, Mr. FLAKE, Mr. BRADLEY of New Hampshire, Mr. CARTER, Mr. SESSIONS, Mr. ROGERS of Michigan, Mr. KUHL of New York, Ms. HART, Mr. NORWOOD, Mr. PEARCE, Mr. GILCHREST, Mr. CHOCOLA, Mr. HENSARLING, Mr. BAKER, Mrs. BIGGERT, Mr. KENNEDY of Minnesota, Mr. BURGESS, Mr. GINGREY, Mr. COX, Mr. DENT, Mr. WICKER, Mr. CANNON, Mr. CUNNINGHAM, Mr. MILLER of Florida, Mr. FITZPATRICK of Pennsylvania, Mr. MCCRERY, Mr. STEARNS, Ms. FOXX, Mr. CONAWAY, Mr. MORAN of Virginia, Mr. MATHESON, Mr. HOLDEN, Mr. BOYD, Mr. TANNER, Mr. COOPER, Mr. CRAMER, Mr. SCOTT of Georgia, Mr. DAVIS of Tennessee, Mr. MOORE of Kansas, Ms. GINNY BROWN-WAITE of Florida, and Mr. BOREN):

H.R. 516. A bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes; to the Committee on the Judiciary.

By Mr. WALDEN of Oregon (for himself, Mr. DEFAZIO, Mr. HERGER, Mr. BOYD, Mr. GOODLATTE, Mr. PETERSON of Minnesota, Mr. POMBO, Mr. RAHALL, Mr. HASTINGS of Washington, Mr. UDALL of New Mexico, Mr. REHBERG, Mr. ROSS, Miss MCMORRIS, Mr. BERRY, Mr. BOOZMAN, Ms. HOOLEY, Mr. HAYES, Mr. THOMPSON of California, Mr. OBERSTAR, Mr. SPRATT, and Mr. BAIRD):

H.R. 517. A bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, 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. KIND (for himself and Mr. GILCHREST):

H.R. 518. A bill to require the Secretary of the Interior to refine the Department of the Interior program for providing assistance for the conservation of neotropical migratory birds; to the Committee on Resources.

By Mr. BRADY of Texas (for himself, Mr. BAIRD, Mr. DELAY, Ms. BERKLEY, Mrs. BLACKBURN, Mrs. CUBIN, Mr. FORD, Mr. SAM JOHNSON of Texas, Mr. SHAW, Mr. WAMP, Mr. GENE GREEN of Texas, Mr. GORDON, Mr. HASTINGS of Washington, Ms. GINNY BROWN-WAITE of Florida, Mr. DAVIS of Tennessee, Ms. HARRIS, Mr. BOYD, Mr. MCCAUL of Texas, Mr. BURGESS, Ms. HERSETH, Mr. HALL, Mr. BONILLA, Mr. INSLEE, Mr. FEENEY, Ms. GRANGER, Mr. REYES, Mr. STEARNS, Mr. BARTON of Texas, Mr. JENKINS, Mr. CARTER, Mr. SESSIONS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GIBBONS, Mr. DUNCAN, Ms. CORRINE BROWN of Florida, Mr. SMITH of Texas, Mr. CULBERSON, Miss MCMORRIS, Mr. PAUL, Mr. NEUGEBAUER, Mr. EDWARDS, Mr. GOHMERT, Mr. MARCHANT, Mr. POE, Ms. JACKSON-LEE of Texas, Mr. COOPER, Mr. PUTNAM, Mr. FOLEY, Mr. HASTINGS of Florida, Mr. GONZALEZ, Mr. MILLER of Florida, Mr. DICKS, Mr. MACK, Mr. HENSARLING, Mr. LARSEN of Washington, Mr. CRENSHAW, Mr. ORTIZ, Mr. CUELLAR, Mr. AL GREEN of Texas, and Mr. KELLER):

H.R. 519. A bill to amend the Internal Revenue Code of 1986 to make the allowance of the deduction of State and local general sales taxes in lieu of State and local income taxes permanent; to the Committee on Ways and Means.

By Mr. GREEN of Wisconsin:

H.R. 520. A bill to amend title 38, United States Code, to revise the effective date for payment of lump sums to persons awarded the Medal of Honor who are in receipt of special pension pursuant to section 1562 of such title, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SHERWOOD (for himself, Mr. OBEY, Mr. MCHUGH, Mr. SIMMONS, Ms. BALDWIN, Mr. GOODE, Mr. HOLDEN, Mr. LARSEN of Washington, Mr. ETHERIDGE, Mr. MCNULTY, Ms. SLAUGHTER, Ms. WOOLSEY, Mr. MCGOVERN, Mr. SHUSTER, Mr. OBERSTAR, Mr. RAHALL, Mr. LEWIS of Kentucky, Mr. COSTELLO, Mr. SANDERS, Mr. NUNES, Mr. MCINTYRE, Mr. PITTS, Mr. WELDON of Pennsylvania, Mr. KILDEE, Mr. STRICKLAND, Mr. FILNER, Mr. CARDOZA, Mr. BOUCHER, Mr. ABERCROMBIE, Mr. DUNCAN, Ms. MCCOLLUM of Minnesota, Mr. PETRI, Ms. HART, Mr. BUTTERFIELD, Mr. SWEENEY, Mr. WILSON of South Carolina, Mr. JINDAL, Mr. GRIJALVA, Mr. KIND, Mr. WALSH, Mr. BOEHLERT, Mr. PETERSON of Pennsylvania, Mr. KUHL of New York, Mrs. KELLY, Mr. STUPAK, Mr. SENSENBRENNER, Mr. HALL, Mrs. JOHNSON of Connecticut, Mr. GRAVES, Mr. DOYLE, Mr. ENGLISH of Pennsylvania, Mr. TAYLOR of Mississippi, Mr. GERLACH, Mr. KANJORSKI, Mr. DENT, Mr. ENGEL, Mr. FARR, Mr. GALLEGLY, Mr. MURTHA, Mr. REHBERG, and Mr. SAXTON):

H.R. 521. A bill to impose tariff-rate quotas on certain casein and milk protein concentrates; to the Committee on Ways and Means.

By Mr. BAKER (for himself, Mr. JEFFERSON, Mr. MCCRERY, Mr. BOUSTANY, Mr. JINDAL, Mr. ALEXANDER, and Mr. MELANCON):

H.R. 522. A bill to establish the Atchafalaya National Heritage Area, Louisiana, and for other purposes; to the Committee on Resources.

By Mr. BARRETT of South Carolina:

H.R. 523. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits through fiscal year 2010, to extend paygo for direct spending, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, 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 Ms. BERKLEY:

H.R. 524. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the conservation of water; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself, Ms. VELÁZQUEZ, Mr. BOEHNER, Mr. WYNN, Mr. KENNEDY of Minnesota, Mr. WESTMORELAND, Mr. BRADLEY of New Hampshire, Mr. SESSIONS, Mr. PLATTS, Mr. CARTER, Mr. MCINTYRE, Mr. SHAYS, Mr. DAVIS of Tennessee, Mrs. BONO, Mr. GRAVES, Mrs. MILLER of Michigan, Mr. TIBERI, Mr. WILSON of South Carolina, Mr. THORNBERRY, Mr. GILLMOR, Mr. BONILLA, Mr. MCHENRY, Mr. AKIN, Mr. MCHUGH, Mr. MARCHANT, Mr. FORTUÑO, Mr. BRADY of Texas, Mrs. CUBIN, Mr. COX, Mr. NEUGEBAUER, Mr. PETERSON of Pennsylvania, Mr. FITZPATRICK of Pennsylvania, Mr. COOPER, Mr. PETRI, Mrs. BIGGERT, Mr. SHADEGG, Mr. MANZULLO, Mr. MCCAUL of Texas, Mr. WELLER, Mr. JINDAL, Ms. FOXX, Mr. CANTOR, Mr. GERLACH, Mr. CULBERSON, Mr. KING of Iowa, Mrs. DRAKE, Mr. CHABOT, Mr. KLINE, Mr. CUNNINGHAM, Mrs. KELLY, Mr. RYAN of Wisconsin, Mrs. EMERSON, Ms. PRYCE of Ohio, and Mr. CASE):

H.R. 525. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees; to the Committee on Education and the Workforce.

By Ms. BERKLEY:

H.R. 526. A bill to redirect the Nuclear Waste Fund established under the Nuclear Waste Policy Act of 1982 into research, development, and utilization of risk-decreasing technologies for the onsite storage and eventual reduction of radiation levels of nuclear waste, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Pennsylvania:

H.R. 527. A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a vocational and technical entrepreneurship

development program; to the Committee on Small Business.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. GENE GREEN of Texas, and Ms. SLAUGHTER):

H.R. 528. A bill to amend the Missing Children's Assistance Act to extend the applicability of such Act to individuals determined to have a mental capacity of less than 18 years of age; to the Committee on Education and the Workforce.

By Mr. BUTTERFIELD:

H.R. 529. A bill to authorize States, in the event of inadequate Federal funding under part B of the Individuals with Disabilities Education Act, to waive certain requirements of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON of Texas (for himself, Mr. FLAKE, Mr. FEENEY, Mr. OTTER, Mr. WILSON of South Carolina, Mr. BARTLETT of Maryland, Mr. CANNON, Mr. BURTON of Indiana, and Mr. CARTER):

H.R. 530. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide for enhanced retirement security in the form of an Individual Social Security Investment Program; to the Committee on Ways and Means.

By Mr. CASE (for himself, Mr. EVANS, Mr. PALLONE, Mr. BRADLEY of New Hampshire, Mr. BASS, Mr. STRICKLAND, Mr. ABERCROMBIE, Ms. CARSON, Mr. FARR, and Mr. ALLEN):

H.R. 531. A bill to amend title 38, United States Code, to increase the allowance for burial expenses of certain veterans; to the Committee on Veterans' Affairs.

By Mr. COBLE (for himself, Mr. CONYERS, Mr. HYDE, and Mr. FRANK of Massachusetts):

H.R. 532. A bill to modify the application of the antitrust laws to permit collective development and implementation of a standard contract form for playwrights for the licensing of their plays; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mrs. JONES of Ohio, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. VAN HOLLEN, Mr. MCDERMOTT, Mr. PAYNE, Mr. KUCINICH, Mr. FRANK of Massachusetts, Ms. WATERS, Ms. WOOLSEY, Mr. WEINER, Mr. CLAY, Mr. OWENS, Mr. FATTAH, Mr. JACKSON of Illinois, Ms. ZOE LOFGREN of California, Ms. DELAURO, Ms. CORRINE BROWN of Florida, Mr. CUMMINGS, Ms. NORTON, Mr. OBERSTAR, Ms. CARSON, Mr. THOMPSON of Mississippi, Mr. BUTTERFIELD, and Mrs. CAPPS):

H.R. 533. A bill to amend the Help America Vote Act of 2002 to protect voting rights and to improve the administration of Federal elections, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COX (for himself, Mr. MURTHA, Mr. KIRK, Mrs. BIGGERT, Ms. GINNY BROWN-WAITE of Florida, Mr. FRELINGHUYSEN, Mr. BOEHLERT, Ms. GRANGER, Mr. GRAVES, Mr. HAYES, Mr. LEWIS of Kentucky, Mrs. JOHNSON of Connecticut, Mr. OTTER, Mr. PETERSON of Pennsylvania, Mr. KNOLLENBERG, Mr. SESSIONS, Mr. GILLMOR, Mr. ROGERS of Michigan, Mr. CHOCOLA, Mr. TIBERI, Mr. TAYLOR of Mississippi, Mr. SHUSTER, Mr. PETERSON of Minnesota, Mr. STEARNS, Mrs. NORTHUP, Mr. SOUDER, Mr. CANTOR, Mr. SHAYS, Mr. MCHUGH, Mr. BRADLEY of New Hampshire, Mr. KLINE, Mr. GINGREY, Mr. KING of Iowa, Mr. RADANOVICH, Mr. PITTS, Mr. WILSON of South Carolina, Mr. TURNER, Mr. MANZULLO, Mr. PLATTS, Mr. WELLER, Mr. KENNEDY of Minnesota, Mr. WAMP, Mr. KINGSTON, Mr. HOLDEN, Mr. BARTLETT of Maryland, Mr. SAXTON, Mr. SHAW, Mr. GALLEGLY, Mr. DENT, Mr. CUNNINGHAM, Mr. MCHENRY, Mr. WOLF, Mr. MCCAUL of Texas, Mr. SHIMKUS, Mr. AKIN, Mr. PENCE, Mr. HAYWORTH, Mr. FEENEY, Mr. HENSARLING, Mr. BASS, Mr. DREIER, Mr. WELDON of Florida, Mr. GERLACH, Mr. FORTUÑO, Mr. HASTINGS of Washington, Mr. PORTMAN, Mr. ROGERS of Alabama, Ms. HARRIS, Mrs. BLACKBURN, Mr. GARRETT of New Jersey, Mr. TANCREDO, Mr. PORTER, Mr. WALSH, Mr. WICKER, Mrs. CAPITO, Mr. PEARCE, Mr. COLE of Oklahoma, Mrs. JO ANN DAVIS of Virginia, Mrs. MUSGRAVE, Mr. LATOURETTE, Mr. BROWN of South Carolina, Mr. SIMPSON, Mr. SMITH of Texas, Mr. BEAUPREZ, Mr. ROYCE, Mr. SWEENEY, Mr. REGULA, Mr. ISSA, Mr. BRADY of Texas, Mr. EHLERS, Mr. CHABOT, Mr. GARY G. MILLER of California, Mr. SAM JOHNSON of Texas, Mr. FERGUSON, Mr. LAHOOD, Mr. FOSSELLA, Mr. KELLER, Mr. LEACH, Mr. JONES of North Carolina, Mr. WESTMORELAND, Mr. FORBES, Mr. THOMAS, Mr. MATHESON, Mr. MILLER of Florida, Mrs. CUBIN, Mr. POE, Mr. EVERETT, Mrs. MYRICK, Mr. CANNON, Mrs. KELLY, Mr. HOSTETTLER, Mr. CRENSHAW, Mr. TAYLOR of North Carolina, Mr. LOBIONDO, Mr. BISHOP of Utah, Mr. HERGER, Mr. ROHRABACHER, Mr. RENZI, Mr. SMITH of New Jersey, Ms. FOXX, Mr. NEUGEBAUER, Mr. NEY, Mr. LATHAM, Mr. NUNES, Ms. HART, and Mr. FOLEY):

H.R. 534. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, 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. DAVIS of California (for herself, Mr. MORAN of Virginia, Mr. HONDA, Ms. WOOLSEY, Mr. REYES, Mr. BACA, Ms. WATSON, Ms. MILLENDER-MCDONALD, Mr. BECERRA, Mr. SCHIFF, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 535. A bill to redesignate the facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, as the ''Cesar E. Chavez Post Office''; to the Committee on Government Reform.

By Mrs. DAVIS of California:

H.R. 536. A bill to eliminate the unfair and disadvantageous treatment of cash military compensation other than basic pay under the supplemental security income benefits program; to the Committee on Ways and Means.

By Mr. DEAL of Georgia (for himself and Mr. NORWOOD):

H.R. 537. A bill to ensure the continuation of successful fisheries mitigation programs; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, 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. FLAKE (for himself, Mr. HAYWORTH, Mr. GRIJALVA, Mr. FRANKS of Arizona, Mr. KOLBE, Mr. PASTOR, Mr. SHADEGG, and Mr. RENZI):

H.R. 538. A bill to require the release of the reversionary interest retained by the United States in connection with the conveyance of portions of former Williams Air Force Base, Arizona, to Arizona State University and Maricopa County Community College District; to the Committee on Education and the Workforce.

By Mr. FORTUÑO (for himself, Ms. ROS-LEHTINEN, Mr. SERRANO, Ms. VELÁZQUEZ, and Mr. GUTIERREZ):

H.R. 539. A bill to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System; to the Committee on Resources.

By Mr. GIBBONS:

H.R. 540. A bill to authorize the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District; to the Committee on Resources.

By Mr. GIBBONS:

H.R. 541. A bill to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries; to the Committee on Resources.

By Mr. GIBBONS:

H.R. 542. A bill to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada; to the Committee on Resources.

By Mr. GILLMOR:

H.R. 543. A bill to amend the Securities and Exchange Act of 1934 to require improved disclosure of corporate charitable contributions, and for other purposes; to the Committee on Financial Services.

By Mr. GILLMOR:

H.R. 544. A bill to amend the Federal Deposit Insurance Act with respect to municipal deposits; to the Committee on Financial Services.

By Mr. GENE GREEN of Texas:

H.R. 545. A bill to improve computer access for members of the United States Armed Forces serving in combat zones designated in connection with Operation Enduring Freedom and Operation Iraqi Freedom so that such members can use electronic mail to communicate with family members and other persons; to the Committee on Armed Services.

By Ms. HERSETH:

H.R. 546. A bill to revise the boundary of the Wind Cave National Park in the State of South Dakota; to the Committee on Resources.

By Mr. HINOJOSA (for himself, Mr. GENE GREEN of Texas, Mr. MCGOVERN, Mr. VAN HOLLEN, Mr. MENENDEZ, Mr. FILNER, Mrs. DAVIS of California, Mr. WEINER, Mr. GONZALEZ, Mr. ANDREWS, Mr. OWENS, Ms. LEE, Mrs. MCCARTHY, Mrs. NAPOLITANO, Mr. SCHIFF, Mr. KUCINICH, Mr. ORTIZ, Mr. BECERRA, Mr. GUTIERREZ, Mr. GRIJALVA, Mr. PAYNE, Ms. LINDA T. SÁNCHEZ of California, Ms. MILLENDER-MCDONALD, Mr. CARDOZA, Ms. MCCOLLUM of Minnesota, Mr. DELAHUNT, Mr. ABERCROMBIE, Mr. CLEAVER, Mr. REYES, Mr. ACKERMAN, Mr. DOGGETT, Ms. WATSON, Mr. PALLONE, Mr. UDALL of New Mexico, Mr. HONDA, Mr. WEXLER, Mr. NADLER, Mr. SERRANO, Mr. FATTAH, Mr. ETHERIDGE, Mr. RUSH, Mr. DAVIS of Illinois, Ms. VELÁZQUEZ, Mr. BACA,

Mr. HOLT, Mr. RANGEL, Mr. STARK, Ms. WOOLSEY, Mr. PASTOR, Mr. NEAL of Massachusetts, Mr. PASCRELL, Mr. WU, Mr. GEORGE MILLER of California, Ms. SOLIS, Mrs. JONES of Ohio, Mr. CASE, Mr. EMANUEL, Mr. HOYER, Mr. CUELLAR, Mr. SALAZAR, Mr. FRANK of Massachusetts, Ms. ROYBAL-ALLARD, Mr. TAYLOR of North Carolina, Mr. SCOTT of Virginia, Mr. KIND, Mrs. CAPPS, Ms. JACKSON-LEE of Texas, Mr. ENGEL, and Mr. EDWARDS):

H.R. 547. A bill to improve graduation rates by authorizing the Secretary of Education to make grants to improve adolescent literacy, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HOBSON (for himself, Mr. BOEHNER, Mr. BROWN of Ohio, Mr. CHABOT, Mr. GILLMOR, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KUCINICH, Mr. LATOURETTE, Mr. NEY, Mr. OXLEY, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. REGULA, Mr. RYAN of Ohio, Mr. STRICKLAND, Mr. TIBERI, and Mr. TURNER):

H.R. 548. A bill to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the ''Tony Hall Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. HOLT (for himself, Mr. HEFLEY, Mr. KENNEDY of Rhode Island, and Mr. PALLONE):

H.R. 549. A bill to amend the basic pay provisions of title 37, United States Code, to ensure pay equity for enlisted members of the reserve components who are selected to attend the United States Military Academy Preparatory School, the United States Naval Academy Preparatory School, or the United States Air Force Academy Preparatory School; to the Committee on Armed Services.

By Mr. HOLT (for himself, Mr. CONYERS, Mr. DICKS, Ms. ESHOO, Mr. FARR, Mr. HASTINGS of Florida, Mrs. JONES of Ohio, Mr. KIND, Mr. LANTOS, Ms. LEE, Mrs. MALONEY, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. MOORE of Kansas, Mr. NADLER, Ms. SCHAKOWSKY, Mr. VAN HOLLEN, Mr. WEXLER, Ms. WOOLSEY, Mrs. CAPPS, Mr. TOM DAVIS of Virginia, Mr. OBERSTAR, Mr. PAYNE, Mr. SCOTT of Virginia, Mr. SHERMAN, Mr. BAIRD, Mr. ALLEN, Ms. BALDWIN, Mr. KUCINICH, Ms. LORETTA SANCHEZ of California, Mr. DEFAZIO, Mr. WU, Ms. KILPATRICK of Michigan, Ms. KAPTUR, Mr. COLE of Oklahoma, Mr. PRICE of North Carolina, Mr. WAXMAN, Mr. SABO, Mr. COOPER, Mr. BERMAN, Mr. ABERCROMBIE, Mr. HINCHEY, Mr. FILNER, Mr. SCHIFF, Mr. MOLLOHAN, Mr. PASCRELL, Mr. OBEY, Mr. CASE, Mr. CLAY, and Ms. MCKINNEY):

H.R. 550. A bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent paper record or hard copy under title III of such Act, and for other purposes; to the Committee on House Administration.

By Mr. HONDA:

H.R. 551. A bill to amend the Elementary and Secondary Education Act of 1965 to direct local educational agencies to release secondary school student information to military recruiters if the student's parent provides written consent for the release, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HUNTER (for himself, Mr. SHIMKUS, Mr. KINGSTON, Mr. BARTLETT of Maryland, Mr. TIAHRT, Mr. WICKER, Mr. SMITH of New Jersey, Mrs. MYRICK, Mr. TANCREDO, Mr. WHITFIELD, Mr. DOOLITTLE, Mr. GARRETT of New Jersey, Mr. AKIN, Mr. FRANKS of Arizona, Mr. RENZI, Mrs. JO ANN DAVIS of Virginia, Mr. RYUN of Kansas, Mr. KING of Iowa, Mr. MCCOTTER, Mr. PEARCE, Mr. NEY, Mr. JOHNSON of Illinois, Mr. NEUGEBAUER, Mr. SOUDER, Mr. GINGREY, Mr. LEWIS of Kentucky, Mr. JONES of North Carolina, Mr. WAMP, Mr. WILSON of South Carolina, Mr. PITTS, Ms. FOXX, Mr. CHABOT, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. GREEN of Wisconsin, Mr. GARY G. MILLER of California, and Mr. LAHOOD):

H.R. 552. A bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person; to the Committee on the Judiciary.

By Mr. KANJORSKI:

H.R. 553. A bill to authorize certain States to prohibit the importation of solid waste from other States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KELLER (for himself, Mr. DELAY, Mr. BLUNT, Ms. PRYCE of Ohio, Mr. SENSENBRENNER, Mr. NEY, Mr. TIBERI, Mr. BOEHNER, Mr. GARRETT of New Jersey, Mr. KENNEDY of Minnesota, Mr. SMITH of New Jersey, Mr. HENSARLING, Mr. FOLEY, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. JONES of North Carolina, Mr. CARTER, Mr. SMITH of Texas, Mr. BACHUS, Mr. PENCE, Mr. SIMPSON, Mrs. CUBIN, Mr. AKIN, Mr. NORWOOD, Mr. OTTER, Mr. STEARNS, Mr. BRADLEY of New Hampshire, Mr. COX, Mrs. BLACKBURN, Mr. FRANKS of Arizona, Mr. MACK, Mr. CALVERT, Mr. PETRI, Mr. KIRK, Mrs. JO ANN DAVIS of Virginia, Mr. GREEN of Wisconsin, Mr. MCHUGH, Mr. HASTINGS of Washington, Mr. GILCHREST, Mr. PETERSON of Pennsylvania, and Ms. BERKLEY):

H.R. 554. A bill to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity; to the Committee on the Judiciary.

By Mr. KILDEE (for himself and Mr. VAN HOLLEN):

H.R. 555. A bill to establish additional safeguards on schools acting as lenders under the Federal Family Education Loan Program; to the Committee on Education and the Workforce.

By Mr. KING of New York (for himself, Mr. WELDON of Pennsylvania, Mr. LATOURETTE, Mr. GRIJALVA, Mr. TURNER, Mr. MCDERMOTT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SIMMONS, Mr. SERRANO, Mrs. MALONEY, Mr. GARRETT of New Jersey, Mr. WYNN, Mr. BASS, Mr. FOSSELLA, Mr. BROWN of Ohio, Mr. HOLDEN, Mr. OWENS, Mr. WOLF, Mrs. JO ANN DAVIS of Virginia, Mr. BAIRD, Mr. FERGUSON, Mr. COOPER, Mr. ISSA, Mr. RYUN of Kansas, Mr. INSLEE, Mrs. MCCARTHY, Mr. FRANK of Massachusetts, Mr. STRICKLAND, Mr. ACKERMAN, Mr. MCHUGH, Mr. HASTINGS of Florida, Mr. WEINER, Mr. TOWNS, Mr. ISRAEL, Ms. VELÁZQUEZ, Mr. KENNEDY of Rhode Island, Mr. BISHOP of New York, Mr. CUNNINGHAM, Mr. UDALL of New Mexico, Mr. DOOLITTLE, Mr. ENGEL, Mr. STUPAK, Mr. BRADLEY of New Hampshire, Mrs. KELLY, Mr. DICKS, Mr. GUTIERREZ, Mr. PASCRELL, Mr. MCNULTY, Mr. CROWLEY, Mr. KILDEE, Mr. PALLONE, Mrs. CAPITO, Mr. BLUMENAUER, Mr. SESSIONS, Mr. FORD, Mr. BRADY of Texas, Mr. PLATTS, Mr. SOUDER, Mr. PRICE of North Carolina, Mrs. BIGGERT, Mr. PAYNE, Ms. KAPTUR, Mr. SCOTT of Virginia, Mr. GILLMOR, Mr. DAVIS of Illinois, Mrs. LOWEY, Mr. GINGREY, Mr. HOLT, Mr. SMITH of New Jersey, Mr. PASTOR, Mr. BAKER, Mr. CANNON, Mr. RADANOVICH, Mr. ROTHMAN, Mr. GENE GREEN of Texas, Mr. DOYLE, Mr. HALL, Mr. MARIO DIAZ-BALART of Florida, Mr. CASTLE, Mr. SHAYS, Mr. MCGOVERN, Mr. LOBIONDO, Mr. ALLEN, Mr. SWEENEY, Mr. KUCINICH, Mr. CONYERS, Mr. EHLERS, Ms. ROS-LEHTINEN, Mr. BISHOP of Georgia, Mr. RYAN of Ohio, Mr. ANDREWS, Mr. GARY G. MILLER of California, Ms. WOOLSEY, Mr. RUPPERSBERGER, Mr. LARSEN of Washington, Ms. SCHAKOWSKY, Mr. GONZALEZ, Mr. BOUCHER, Mr. CLAY, Ms. WATSON, Mr. LANGEVIN, and Ms. DELAURO):

H.R. 556. A bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes; to the Committee on Government Reform.

By Mr. KOLBE (for himself, Mr. BERMAN, Mrs. DAVIS of California, Mr. FARR, Mr. FLAKE, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. ISSA, Ms. ZOE LOFGREN of California, Mr. ORTIZ, Mr. PASTOR, Mr. PEARCE, Mr. REYES, Ms. LINDA T. SÁNCHEZ of California, Mr. SCHIFF, Mr. SHADEGG, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, and Ms. WATSON):

H.R. 557. A bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

By Mr. LATHAM (for himself, Mr. WILSON of South Carolina, Mr. BARTLETT of Maryland, Mr. TAYLOR of Mississippi, Mr. CANNON, Mr. MCGOVERN, Mr. GREEN of Wisconsin, Mr. KIND, Mr. MCCOTTER, Mr. STUPAK, Mr. LYNCH, Mr. SCHWARZ of Michigan, Mr. BOUCHER, Mr. BAKER, Mrs. CAPITO, Mr. NORWOOD, Mr. GOODE, Mr. SHAW, Mr. ROSS, Mr. GORDON, Mr. BLUNT, Mr. SIMPSON, Mrs. MCCARTHY, and Mr. FORD):

H.R. 558. A bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes; to the Committee on Armed Services.

By Ms. LEE:

H.R. 559. A bill to amend the Elementary and Secondary Education Act of 1965 to direct the Secretary of Education to make grants to States for assistance in hiring additional school-based mental health and student service providers; to the Committee on Education and the Workforce.

By Ms. LEE:

H.R. 560. A bill to provide for the issuance of a semipostal to benefit the Peace Corps; to the Committee on Government Reform, 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. LEVIN (for himself, Mr. VAN HOLLEN, Mr. TURNER, Mr. LATOURETTE, Mr. MCCOTTER, Mr. ROGERS of Michigan, Mr. STRICKLAND, Mr. KNOLLENBERG, Mrs. MILLER of Michigan, Mr. KUCINICH, Mr. LEWIS of Georgia, and Ms. KILPATRICK of Michigan):

H.R. 561. A bill to waive time limitations specified by law in order to allow the Medal of Honor to be awarded to Gary Lee McKiddy, of Miamisburg, Ohio, for acts of valor while a helicopter crew chief and door gunner with the 1st Cavalry Division during the Vietnam War; to the Committee on Armed Services.

By Mr. LEVIN (for himself, Mr. KILDEE, Mr. GUTIERREZ, Mr. PAYNE, Mr. WELDON of Pennsylvania, Ms. KAPTUR, Mr. GRIJALVA, Mr. BERMAN, Ms. SLAUGHTER, Mr. KNOLLENBERG, Mr. LANGEVIN, Mr. DOGGETT, Mr. DAVIS of Illinois, and Mr. MCNULTY):

H.R. 562. A bill to authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the manmade famine that occurred in Ukraine in 1932-1933; to the Committee on Resources.

By Mr. LYNCH:

H.R. 563. A bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate and disclose lowest possible prices for prescription drug prices for Medicare beneficiaries, and, with respect to the Federal Food, Drug, and Cosmetic Act, to provide waivers that permit such beneficiaries to import prescription drugs from Canada; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. SERRANO, Mr. WYNN, Ms. WOOLSEY, and Mr. JACKSON of Illinois):

H.R. 564. A bill to amend title 13, United States Code, to provide for a just apportionment of Representatives in Congress for all States; to the Committee on Government Reform.

By Mrs. MALONEY (for herself, Mr. NADLER, Mr. BISHOP of New York, Mr. OWENS, Mrs. MCCARTHY, and Mr. SERRANO):

H.R. 565. A bill to extend the time for filing certain claims under the September 11th Victim Compensation Fund of 2001, and for other purposes; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself, Mr. SHAYS, Mr. NADLER, Mr. OWENS, Mr. KIND, Mr. MCDERMOTT, Mrs. MCCARTHY, and Mr. HINCHEY):

H.R. 566. A bill to provide protections and services to certain individuals after the terrorist attack on September 11, 2001, in New York City, in the State of New York, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, 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. MARKEY (for himself, Mrs. JOHNSON of Connecticut, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Ms. BALDWIN, Mr. BASS, Mr. BECERRA, Ms. BERKLEY, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOUCHER, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CARDIN, Mr. CLAY, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DOGGETT, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. EVANS, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOLT, Mr. HONDA, Ms. HOOLEY, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. KUCINICH, Mr. LANGEVIN, Mr. LANTOS, Ms. LEE, Mr. LEVIN, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MENENDEZ, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. OBEY, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASTOR, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. RYAN of Ohio, Mr. SABO, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Mr. SAXTON, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. WASSERMAN SCHULTZ, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Ms. SOLIS, Mr. SPRATT, Mrs. TAUSCHER, Mr. TIERNEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Mr. VISCLOSKY, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, Mr. WYNN, Ms. WATSON, Ms. WATERS, and Ms. PELOSI):

H.R. 567. A bill to preserve the Arctic coastal plain of the Arctic National Wildlife Refuge, Alaska, as wilderness in recognition of its extraordinary natural ecosystems and for the permanent good of present and future generations of Americans; to the Committee on Resources.

By Mrs. MCCARTHY:

H.R. 568. A bill to authorize the Secretary of Health and Human Services and the Secretary of Education, acting jointly, to make grants for community outreach programs to empower patients and health care consumers, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCNULTY:

H.R. 569. A bill to authorize the President to award the Medal of Honor posthumously to Henry Johnson for acts of valor during World War I; to the Committee on Armed Services.

By Mr. MCNULTY:

H.R. 570. A bill to amend title 10, United States Code, to authorize Army arsenals to undertake to fulfill orders or contracts for articles or services in advance of the receipt of payment under certain circumstances; to the Committee on Armed Services.

By Mr. MCNULTY:

H.R. 571. A bill to amend title 49, United States Code, to grant the State of New York authority to allow tandem trailers to use Interstate Route 787 between the New York State Thruway and Church Street in Albany, New York; to the Committee on Transportation and Infrastructure.

By Mr. MORAN of Kansas (for himself, Mr. PETERSON of Minnesota, Mr. SIMPSON, Mr. CARDOZA, Mr. LAHOOD, Mr. OTTER, Mr. MARSHALL, Mr. BERRY, and Mr. POMBO):

H.R. 572. A bill to amend the National Highway System Designation Act of 1995 concerning the applicability of hours of service requirements to drivers operating commercial motor vehicles transporting agricultural commodities and farm supplies; to the Committee on Transportation and Infrastructure.

By Mr. NADLER:

H.R. 573. A bill to repeal the per-State limitation applicable to grants made by the National Endowment for the Arts from funds made available for fiscal year 2005; to the Committee on Education and the Workforce.

By Mr. NADLER:

H.R. 574. A bill to amend the Internal Revenue Code of 1986 to provide for regional cost of living adjustments; to the Committee on Ways and Means.

By Mr. NADLER:

H.R. 575. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for direct-to-consumer advertisements of prescription drugs; to the Committee on Ways and Means.

By Mr. NEY:

H.R. 576. A bill to amend chapter 8 of title 5, United States Code, to establish the Joint Committee on Agency Rule Review; to the Committee on Rules, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASCRELL (for himself, Mr. ENGLISH of Pennsylvania, Mr. MCHUGH, Mr. PALLONE, Mr. MEEHAN, Ms. ROS-LEHTINEN, Mr. WEXLER, Ms. LORETTA SANCHEZ of California, Mr. SAXTON, Mr. RUSH, Mr. ALLEN, Ms. HARRIS, Mr. WELDON of Pennsylvania, Mr. HOLDEN, Mr. SOUDER, Mr. LOBIONDO, Mr. PAYNE, Mr. REYES, Mr. JEFFERSON, Mr. HINCHEY, Mr. PAUL, Mr. BROWN of Ohio, Ms. BORDALLO, Ms. LEE, and Ms. KILPATRICK of Michigan):

H.R. 577. A bill to amend the Internal Revenue Code of 1986 to provide a credit to businesses whose employees teach at community colleges; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 578. A bill to amend the Internal Revenue Code of 1986 with respect to the purchase of prescription drugs by individuals who have attained retirement age, and to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs and the sale of such drugs through Internet sites; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 579. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Energy and Commerce, the Judiciary, Financial Services, Government Reform, and Agriculture, 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. PAUL (for himself and Mr. JONES of North Carolina):

H.R. 580. A bill to provide greater health care freedom for seniors; to the Committee on Ways and Means, and in addition to the

Committee on Energy and Commerce, 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. PENCE (for himself and Mr. BOUCHER):

H.R. 581. A bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media; to the Committee on the Judiciary.

By Mr. PETRI (for himself and Mr. ANDREWS):

H.R. 582. A bill to protect employees from invasion of privacy by employers by prohibiting certain video monitoring and audio monitoring of employees by their employers, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform, 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. PICKERING (for himself, Mr. BOSWELL, Mr. KUCINICH, Mr. HOLDEN, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. MCNULTY, Mrs. CHRISTENSEN, Mr. MATHESON, Ms. SCHAKOWSKY, Mr. WAXMAN, Mr. HALL, Mr. GRAVES, Mr. NORWOOD, Mr. HINCHEY, Mr. DAVIS of Alabama, Mr. OWENS, Mr. SCHIFF, Mr. MOORE of Kansas, Mr. ROGERS of Alabama, Mr. ENGEL, Ms. ZOE LOFGREN of California, Mr. KILDEE, and Mr. UPTON):

H.R. 583. A bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; to the Committee on Energy and Commerce.

By Mr. POMBO:

H.R. 584. A bill 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; to the Committee on Resources.

By Mr. RADANOVICH:

H.R. 585. A bill to require Federal land managers to support, and to communicate, coordinate, and cooperate with, designated gateway communities, to improve the ability of gateway communities to participate in Federal land management planning conducted by the Forest Service and agencies of the Department of the Interior, and to respond to the impacts of the public use of the Federal lands administered by these agencies, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, 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. RADANOVICH:

H.R. 586. A bill 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 Resources, and in addition to the Committee on Agriculture, 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. WEINER:

H.R. 587. A bill to improve the safe operation of aircraft; to the Committee on Transportation and Infrastructure.

By Mr. REYNOLDS (for himself, Mr. CANTOR, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ENGEL, Mr. FOSSELLA, Mr. FRANKS of Arizona, Mr. HOLDEN, Mrs. KELLY, Mr. KING of Iowa, Mr. KIRK, Mr. LINDER, Mrs. MCCARTHY, Mr. MCNULTY, Mr. MANZULLO, Mr. NORWOOD, Mr. PALLONE, Mr. PORTER, Mr. ROTHMAN, Mr. SAXTON, Mr. SESSIONS, Mr. SHADEGG, Mr. SHAYS, Mr. SHIMKUS, Mr. SOUDER, Mr. TERRY, and Mr. WAMP):

H.R. 588. A bill to take certain steps toward recognition by the United States of Jerusalem as the capital of Israel; to the Committee on International Relations.

By Mr. REYNOLDS:

H.R. 589. A bill to permit States to place supplemental guide signs relating to veterans cemeteries on Federal-aid highways; to the Committee on Transportation and Infrastructure.

By Mr. REYNOLDS:

H.R. 590. A bill to provide for the Secretary of Veterans Affairs to conduct a pilot program to determine the effectiveness of contracting for the use of private memory care facilities for veterans with Alzheimer's Disease; to the Committee on Veterans' Affairs.

By Mr. REYNOLDS (for himself, Mrs. MALONEY, Mr. FOLEY, and Mr. MCGOVERN):

H.R. 591. A bill to amend title 38, United States Code, to allow the sworn affidavit of a veteran who served in combat during the Korean War or an earlier conflict to be accepted as proof of service-connection of a disease or injury alleged to have been incurred or aggravated by such service; to the Committee on Veterans' Affairs.

By Mr. REYNOLDS (for himself, Mr. SERRANO, Mr. WEINER, Mrs. MCCARTHY, Mr. ACKERMAN, Mrs. MALONEY, Mr. MCGOVERN, Mr. BISHOP of New York, Mr. ENGEL, Mr. SMITH of New Jersey, and Mr. LYNCH):

H.R. 592. A bill to amend title XVI of the Social Security Act to provide that annuities paid by States to blind veterans shall be disregarded in determining supplemental security income benefits; to the Committee on Ways and Means.

By Mr. ROGERS of Michigan (for himself, Mr. CAMP, Mr. MCCOTTER, Mr. KNOLLENBERG, Mrs. MILLER of Michigan, Mr. HOEKSTRA, Mr. UPTON, and Mr. SCHWARZ of Michigan):

H.R. 593. A bill to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SANDERS (for himself, Mr. KILDEE, Mr. MEEHAN, Ms. LEE, Ms. WOOLSEY, Mr. HINCHEY, Ms. SOLIS, Mr. OLVER, Mr. NADLER, Mr. CUMMINGS, Mr. LEWIS of Georgia, Mr. DEFAZIO, Mr. ABERCROMBIE, Mr. KUCINICH, Mr. DAVIS of Illinois, Ms. WATSON, Mr. GUTIERREZ, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 594. A bill to amend titles XIX and XXI of the Social Security Act to provide for expanded dental coverage under Medicaid and State children's health insurance programs and to provide for funding for expanded community oral health services; to the Committee on Energy and Commerce.

By Ms. SLAUGHTER (for herself, Mrs. CAPITO, Ms. GINNY BROWN-WAITE of Florida, Ms. SOLIS, Ms. ROS-LEHTINEN, Mrs. CAPPS, Mrs. BIGGERT, Mr. BOEHLERT, Mr. SHAYS, Mr. SIMMONS, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. CONYERS, Ms. DELAURO, Mr. DOGGETT, Mr. ENGEL, Mr. GRIJALVA, Ms. HARMAN, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Mr. KENNEDY of Rhode Island, Mr. KUCINICH, Mr. LARSON of Connecticut, Ms. LEE, Mrs. MALONEY, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. OWENS, Mr. PAYNE, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. STRICKLAND, Mr. UDALL of Colorado, Mr. VAN HOLLEN, Ms. WATSON, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 595. A bill to amend the Elementary and Secondary Education Act of 1965 to direct certain coeducational elementary and secondary schools to make available information on equality in school athletic programs, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SMITH of New Jersey (for himself, Mr. DAVIS of Alabama, Mrs. MYRICK, Mr. TOWNS, Mr. NORWOOD, Mrs. CHRISTENSEN, Mr. WAMP, Mr. CUMMINGS, Mr. BURGESS, Ms. MILLENDER-MCDONALD, Mrs. JO ANN DAVIS of Virginia, Ms. ESHOO, Mr. LEWIS of Kentucky, Mr. RYUN of Kansas, Mr. MARSHALL, Mr. KENNEDY of Minnesota, Mr. RANGEL, Mr. WELDON of Florida, and Mr. BARTLETT of Maryland):

H.R. 596. A bill to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support peer-reviewed research using such cells; to the Committee on Energy and Commerce.

By Mr. SULLIVAN (for himself and Mr. BOREN):

H.R. 597. A bill to amend the Internal Revenue Code of 1986 to permanently extend the Indian employment credit and the depreciation rules for property used predominantly within an Indian reservation; to the Committee on Ways and Means.

By Mr. TERRY (for himself, Mr. SKELTON, Mr. HAYES, Mr. PAUL, Mr. ETHERIDGE, Mr. SAXTON, Mr. RUPPERSBERGER, Mr. GRIJALVA, Mr. RYUN of Kansas, Mr. MENENDEZ, Mr. COSTELLO, Mr. CASE, Mr. PALLONE, and Mrs. BLACKBURN):

H.R. 598. A bill to amend the Impact Aid program under the Elementary and Secondary Education Act of 1965 to improve the distribution of school construction payments to better meet the needs of military and Indian land school districts; to the Committee on Education and the Workforce.

By Mr. UDALL of Colorado (for himself and Mr. TANCREDO):

H.R. 599. A bill to provide a source of funds to carry out restoration activities on Federal lands under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, 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. UDALL of New Mexico (for himself, Mrs. WILSON of New Mexico, and Mr. PEARCE):

H.R. 600. A bill to clarify issues of criminal jurisdiction within the exterior boundaries of Pueblo lands; to the Committee on Resources.

By Mr. UDALL of New Mexico (for himself, Mr. CASE, Mrs. CHRISTENSEN, Mr. COLE of Oklahoma, Mr. EVANS, Mr. FILNER, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KUCINICH, Ms. LEE,

Mr. MCDERMOTT, Mr. MATHESON, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. PALLONE, Mr. RENZI, Mr. REYES, Mr. TOWNS, Mr. UDALL of Colorado, and Mr. WYNN):

H.R. 601. A bill to amend title 38, United States Code, to provide for the eligibility of Indian tribal organizations for grants for the establishment of veterans cemeteries on trust lands; to the Committee on Veterans' Affairs.

By Mr. VAN HOLLEN (for himself, Mr. EDWARDS, Mr. MILLER of Florida, and Mr. CUNNINGHAM):

H.R. 602. A bill to restore health care coverage to retired members of the uniformed services, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Government Reform, Ways and Means, and Energy and Commerce, 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 Ms. WATSON:

H.R. 603. A bill to improve safety and reduce traffic congestion at grade crossings; to the Committee on Transportation and Infrastructure.

By Mr. WEINER:

H.R. 604. A bill to halt the issuance of visas to citizens of Saudi Arabia until the President certifies that the Kingdom of Saudi Arabia does not discriminate in the issuance of visas on the basis of religious affiliation or heritage; to the Committee on the Judiciary.

By Mr. WHITFIELD (for himself and Ms. BEAN):

H.R. 605. A bill to authorize the President to award the Medal of Honor posthumously to Garlin Murl Conner for acts of valor during World War II; to the Committee on Armed Services.

By Ms. WOOLSEY (for herself, Ms. LEE, Mr. CASE, Mr. ABERCROMBIE, Mr. MCDERMOTT, Mr. OWENS, Mr. HONDA, Mr. SOUDER, Mr. SHERMAN, Ms. PELOSI, Mr. CROWLEY, Mr. FARR, Ms. SOLIS, and Mr. WU):

H.R. 606. A bill to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California; to the Committee on Resources.

By Mr. GREEN of Wisconsin:

H. Con. Res. 43. Concurrent resolution expressing the sense of the Congress that Social Security reform measures should not force State and local government employees into Social Security coverage; to the Committee on Ways and Means.

By Mr. BACA (for himself, Mr. CONYERS, Mr. DOGGETT, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINOJOSA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LANTOS, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. OWENS, Ms. LINDA T. SÁNCHEZ of California, Mr. SERRANO, Mr. UDALL of New Mexico, Ms. LEE, and Mr. PASTOR):

H. Con. Res. 44. Concurrent resolution recognizing the historical significance of the Mexican holiday of Cinco de Mayo; to the Committee on International Relations.

By Mr. COOPER (for himself and Mr. CUNNINGHAM):

H. Con. Res. 45. Concurrent resolution recognizing the benefits and importance of school-based music education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MENENDEZ:

H. Res. 62. A resolution electing Members and Delegates to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. GOODLATTE (for himself, Mr. GOODE, Mr. BOUCHER, Mr. WOLF, Mr. CANTOR, Mr. TOM DAVIS of Virginia, Mr. MORAN of Virginia, Mrs. JO ANN DAVIS of Virginia, Mrs. DRAKE, Mr. SCOTT of Virginia, and Mr. FORBES):

H. Res. 63. A resolution congratulating the James Madison University Dukes football team for their outstanding and historic victory in the National Collegiate Athletic Association Division I-AA Championship Game; to the Committee on Education and the Workforce.

By Mr. PUTNAM:

H. Res. 64. A resolution electing Members and Delegates to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. CANTOR:

H. Res. 65. A resolution electing Members and Delegates to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. CANTOR:

H. Res. 66. A resolution electing Members and Delegates to certain standing committees of the House of Representatives; considered and agreed to.

By Ms. WOOLSEY (for herself, Mr. WEINER, Ms. BALDWIN, Mr. CASE, Mr. SERRANO, Mrs. MALONEY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. DELAURO, Mr. BROWN of Ohio, Mr. PAYNE, Mr. MEEHAN, Mr. FARR, Ms. MILLENDER-MCDONALD, Mr. GONZALEZ, Mr. ABERCROMBIE, Ms. WATSON, Mr. UDALL of New Mexico, Ms. KILPATRICK of Michigan, Mr. GRIJALVA, Mr. INSLEE, Ms. SLAUGHTER, Mr. WAXMAN, Mr. CAPUANO, Mr. PALLONE, Mr. GUTIERREZ, Mr. MCDERMOTT, Mr. OWENS, Mr. WEXLER, Mr. KUCINICH, Mr. OLVER, Mrs. JONES of Ohio, Ms. SOLIS, Ms. MCCOLLUM of Minnesota, Mr. ENGEL, Mr. MILLER of North Carolina, Mr. ALLEN, Mr. MARKEY, Mr. FILNER, Mr. PASCRELL, Ms. BERKLEY, Ms. LEE, Mrs. DAVIS of California, Mr. STARK, Mr. UDALL of Colorado, Ms. CARSON, and Mr. HONDA):

H. Res. 67. A resolution expressing the sense of the House of Representatives that the Senate should ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII,

5. The SPEAKER presented a memorial of the General Assembly of the State of Ohio, relative to Senate Concurrent Resolution No. 26 memorializing the United States Congress to provide for a national entity to establish and enforce mandatory national electronic transmission reliability standards and to ensure federal oversight of that entity and federal authority to require transmission owner participation in a regional transmission organization; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the followingtitles were introduced and severally referred, as follows:

By Mr. BACA:

H.R. 607. A bill to extend the patent numbered RE 38,014 (BIEBERSTEIN) for a period of 2 years; to the Committee on the Judiciary.

By Ms. LEE:

H.R. 608. A bill for the relief of Geert Botzen; 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. 11: Mr. BOUCHER and Mr. MILLER of Florida.

H.R. 13: Mr. FOLEY.

H.R. 27: Mr. HALL, Mrs. CAPITO, and Mrs. DRAKE.

H.R. 29: Mr. SAM JOHNSON of Texas.

H.R. 32: Mr. FLAKE and Mr. GERLACH.

H.R. 64: Mr. ROHRABACHER, Mr. GINGREY, and Ms. BERKLEY.

H.R. 68: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RADANOVICH, Mr. BAIRD, Mr. BAKER, Ms. BALDWIN, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. BUYER, Mr. CANNON, Mrs. CAPITO, Mr. CHOCOLA, Mr. CLYBURN, Mrs. CUBIN, Mr. DEFAZIO, Mr. DENT, Mrs. EMERSON, Mr. FERGUSON, Mr. FOLEY, Mr. GALLEGLY, Mr. HAYWORTH, Mr. HOSTETTLER, Mr. ISSA, Ms. JACKSON-LEE of Texas, Mr. LEWIS of California, Mr. MENENDEZ, Mr. MILLER of North Carolina, Mr. REYNOLDS, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mr. RYAN of Wisconsin, Ms. LINDA T. SÁNCHEZ of California, Mr. SAXTON, Mr. SKELTON, Mr. SNYDER, Mr. STEARNS, Mr. TERRY, Mr. WALSH, Mr. WAMP, Mrs. WILSON of New Mexico, Mr. JEFFERSON, Mrs. JOHNSON of Connecticut, and Mr. SULLIVAN.

H.R. 69: Mr. GARRETT of New Jersey, Mr. BOOZMAN, Mr. KING of Iowa, Mr. BURTON of Indiana, Ms. ROS-LEHTINEN, Mr. SMITH of New Jersey, Mr. WICKER, Mr. BARTLETT of Maryland, Mr. PAUL, Mr. BROWN of South Carolina, Mr. SIMPSON, Mr. AKIN, Mr. PITTS, Mr. SESSIONS, Mr. BRADY of Texas, Mr. WILSON of South Carolina, and Mr. WOLF.

H.R. 72: Mr. BARRETT of South Carolina, Mr. SOUDER, Mr. FRANKS of Arizona, Mr. KLINE, Mr. SESSIONS, Mr. BARTLETT of Maryland, Mr. WILSON of South Carolina, Mr. ALEXANDER, Mr. KING of Iowa, Mr. HOSTETTLER, and Mr. LEWIS of Kentucky.

H.R. 114: Mr. PASCRELL and Mr. MARKEY.

H.R. 147: Mr. SHIMKUS, Mr. HINOJOSA, Mr. SHUSTER, Mr. SMITH of New Jersey, Mr. DICKS, Mr. FOLEY, Mr. LOBIONDO, Mrs. NAPOLITANO, Ms. HOOLEY, Mr. BLUMENAUER, Mr. FRANK of Massachusetts, Ms. WATSON, Mr. DOOLITTLE, Mr. DOYLE, Mr. YOUNG of Florida, and Mrs. CAPITO.

H.R. 181: Mr. JONES of North Carolina.

H.R. 184: Mr. WELDON of Pennsylvania.

H.R. 188: Mr. JEFFERSON, Mr. AL GREEN of Texas, Ms. CARSON, Mr. WATT, Mr. MCDERMOTT, Mr. SCOTT of Georgia, Mr. ETHERIDGE, Mr. LEWIS of Georgia, Ms. WATSON, Ms. MILLENDER-MCDONALD, Mr. MCNULTY, Mr. MEEK of Florida, Ms. HARMAN, Mr. EMANUEL, Ms. WATERS, Mr. OWENS, Mr. KUCINICH, Mr. BISHOP of Georgia, Ms. ROS-LEHTINEN, Mr. SCHWARZ of Michigan, Mr. GUTIERREZ, and Mr. BORDALLO.

H.R. 215: Mr. BACHUS.

H.R. 223: Mr. GINGREY.

H.R. 226: Mr. RANGEL.

H.R. 227: Mr. OWENS, Mr. MCNULTY, Mr. KING of New York, and Mr. RANGEL.

H.R. 274: Mr. HOLDEN, Mr. GOODE, Mr. EHLERS and Mr. MORAN of Virginia.

H.R. 284: Mr. NEAL of Massachusetts, Mr. CONYERS, and Ms. WATSON.

H.R. 292: Mr. BONNER, Mr. OXLEY, Mr. SOUDER, Mr. TIAHRT, Ms. WATERS, Mr. BRADY of Pennsylvania, Mr. SERRANO, Mr. PASCRELL, Mr. CASE, Mr. BROWN of Ohio, Mr. SHAW, Mr. CARTER, Mr. BAIRD, Mr. MCGOVERN, Mr. PASTOR, Ms. WOOLSEY, Mrs. CAPPS, Mr. BUTTERFIELD, Mr. HASTINGS of Florida, Mr. LANGEVIN, Mr. WAXMAN, Mr. OBEY, Ms. MILLENDER-MCDONALD, Mr. COSTA, Mr. ROHRABACHER, Mr. DAVIS of Florida, Mr. MARSHALL, Mr. DAVIS of Alabama, Mr. MARKEY, Mr. LIPINSKI, Ms. HARMAN, Mr. MENENDEZ, Mr. MOLLOHAN, Ms. LINDA T. SÁNCHEZ of

California, Mr. UDALL of Colorado, Mrs. LOWEY, Mr. LARSON of Connecticut, Mr. LARSEN of Washington, Mr. LANTOS, Mr. RYAN of Ohio, Mr. CARDIN, Mr. DICKS, Mr. MANZULLO, Mr. REYNOLDS, Mr. TIERNEY, Mr. WELDON of Pennsylvania, Mr. OBERSTAR, Mr. BOREN, and Mr. LINDER.

H.R. 302: Ms. PELOSI.

H.R. 310: Mr. BLUNT, Mr. GILLMOR, Mr. SHIMKUS, Mr. WHITFIELD, Mr. FERGUSON, Mrs. WILSON of New Mexico, Mr. EHLERS, Mrs. JO ANN DAVIS of Virginia, Mr. SMITH of Texas, Mr. KNOLLENBERG, Mr. CAMP, Mr. HOEKSTRA, Mr. ROGERS of Michigan, Mr. GARY G. MILLER of California, Mr. NEUGEBAUER, Mr. BONNER, Mr. AKIN, and Mr. FORBES.

H.R. 311: Ms. PELOSI, Ms. DEGETTE, Ms. BALDWIN, Mrs. DAVIS of California, Ms. MOORE of Wisconsin, Ms. HERSETH, Mr. BOSWELL, Mrs. MALONEY, Ms. LINDA T. SÁNCHEZ of California, Ms. MCCOLLUM of Minnesota, Ms. ZOE LOFGREN of California, Ms. CORRINE BROWN of Florida, Ms. LEE, Ms. SOLIS, and Mr. ORTIZ.

H.R. 312: Mr. ISRAEL, Mr. FITZPATRICK of Pennsylvania, Mr. DICKS, Ms. DEGETTE, Ms. BEAN, Ms. MOORE of Wisconsin, Ms. PELOSI, Ms. LORETTA SANCHEZ of California, Ms. HERSETH, Mr. BOSWELL, Ms. LINDA T. SÁNCHEZ of California, Ms. MCCOLLUM of Minnesota, Ms. ZOE LOFGREN of California, Ms. CORRINE BROWN of Florida, Ms. LEE, Ms. SOLIS, Mr. ORTIZ, Mr. SHERMAN, Mr. MCINTYRE, Mr. BERMAN, Mr. CHANDLER, Mr. SCOTT of Georgia, Mr. REYES, and Mr. STARK.

H.R. 313: Mr. DEFAZIO, Mr. GRAVES, Mr. TIAHRT, Mr. KING of Iowa, Mr. ROGERS of Michigan, and Mr. LEWIS of Kentucky.

H.R. 314: Mr. BOSWELL and Mr. FOLEY.

H.R. 328: Mr. MCNULTY, Mrs. MCCARTHY, Mr. OLVER, Mr. FLAKE, Mr. BASS, Mr. CARNAHAN, Mr. KANJORSKI, and Mr. BUTTERFIELD.

H.R. 342: Mr. MCNULTY, Ms. KILPATRICK of Michigan, Mr. JEFFERSON, and Mr. CLAY.

H.R. 357: Mr. BOUCHER, Mr. FORBES, Mr. GALLEGLY, and Mr. KELLER.

H.R. 358: Mr. SKELTON, Mr. UDALL of Colorado, Ms. BERKLEY, Mr. ROHRABACHER, Ms. ZOE LOFGREN of California, Mr. PLATTS, Ms. BALDWIN, Mr. BLUMENAUER, Mr. KIND, Mrs. KELLY, Mr. RAMSTAD, Mr. BRADY of Texas, Ms. WOOLSEY, Mr. PASTOR, Mr. DICKS, Mr. SCOTT of Virginia, Mr. WU, Mr. KENNEDY of Rhode Island, Ms. WATERS, Mr. CONYERS, Mr. NADLER, Ms. KAPTUR, Mr. ORTIZ, Mr. EVANS, Mr. HALL, Mr. DAVIS of Tennessee, Mr. CRAMER, Mr. GONZALEZ, Ms. CARSON, Mr. OLVER, Mr. CASE, Mr. HONDA, Mr. LEWIS of Kentucky, Mrs. JO ANN DAVIS of Virginia, Mr. ENGEL, Mr. ALEXANDER, Mrs. WILSON of New Mexico, Mr. STEARNS Mr. HINOJOSA, Mrs. BONO, Mr. BACA, Mr. ETHERIDGE, Mr. DAVIS of Florida, Mr. HINCHEY, Mr. MEEK of Florida, Mr. CHANDLER, Mr. SANDERS, Mr. EMANUEL, Ms. HARMAN, Mr. COOPER, Mr. MILLER of North Carolina, Mr. TIERNEY, Ms. LEE, Mr. LYNCH, Mr. PALLONE, and Mr. WYNN.

H.R. 373: Mr. EVANS, Mr. DELAHUNT, Mr. LYNCH, Mrs. CAPPS, Mr. SCOTT of Georgia, Mr. GRIJALVA, Ms. WATSON, Mr. SANDERS, Mr. BROWN of Ohio, Mr. OWENS, Ms. WOOLSEY, and Ms. ESHOO.

H.R. 376: Mr. SCOTT of Virginia, Mr. BOSWELL, Ms. BERKLEY, Mr. MURTHA, Mr. SCHIFF, Mr. GUTKNECHT, and Mr. CLAY.

H.R. 380: Mr. BERMAN, Mr. MARIO DIAZ-BALART of Florida, and Mr. CRENSHAW.

H.R. 396: Mr. MCDERMOTT and Mr. PAYNE.

H.R. 397: Mr. MCDERMOTT and Mr. PAYNE.

H.R. 418: Mr. BEAUPREZ, Mr. HAYES, Mr. INGLIS of South Carolina, Mrs. MILLER of Michigan, Mr. PENCE, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. THORNBERRY, Mr. WICKER, and Mr. WOLF.

H.R. 420: Mr. ROHRABACHER and Mr. LEWIS of Kentucky.

H.R. 425: Mr. STARK.

H.R. 444: Mr. WEXLER, Mr. DOOLITTLE, Mr. BUTTERFIELD, and Mrs. BONO.

H.R. 459: Mr. TAYLOR of Mississippi, Mr. CONYERS, Mr. WEXLER, Mr. TOWNS, Mr. LYNCH, Mr. OLVER, and Ms. SCHAKOWSKY.

H.R. 472: Mr. FRELINGHUYSEN.

H.R. 496: Ms. WOOLSEY, Mr. JACKSON of Illinois, and Mr. KIND.

H.J. Res. 10: Mr. POMEROY, Mr. HOSTETTLER, and Mr. YOUNG of Florida.

H. Con. Res. 18: Mr. MCNULTY, Mr. KENNEDY of Minnesota, Mr. KING of New York, and Mr. KIRK.

H. Con. Res. 25: Mr. RANGEL, Mr. HASTINGS of Florida, Ms. ROS-LEHTINEN, Ms. MCKINNEY, Ms. WATSON, Mr. FILNER, Mrs. JONES of Ohio, Mr. DENT, Mr. OWENS, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. PASTOR, Ms. WATERS, Ms. MCCOLLUM of MINNESOTA, MS. NORTON, Ms. LEE, Mr. FRANK of Massachusetts, Mrs. MALONEY, Mr. DAVIS of Alabama, Ms. CORRINE BROWN of Florida, Mr. JACKSON of Illinois, Mr. HAYES, Mr. SCOTT of Georgia, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. JONES of North Carolina, Ms. KILPATRICK of Michigan, Ms. LINDA T. SÁNCHEZ OF CALIFORNIA, MR. PAYNE, Mr. JEFFERSON, MR. ROSS, Mr. DAVIS of Illinois, and Mr. GENE GREEN of Texas.

H. Con. Res. 26: Mr. WELDON of Pennsylvania, Mrs. JONES of Ohio, and Mr. BARROW.

H. Con. Res. 30: Mr. SCOTT of Virginia and Mr. LEWIS of Georgia.

H. Con. Res. 32: Mr. CROWLEY, Mr. SOUDER, Mr. BRADLEY of New Hampshire, Mr. FOLEY, Mr. HASTINGS of Florida, and Mr. NORWOOD.

H. Con. Res. 35: Mr. PAYNE, Mrs. JONES of Ohio, and Mr. HONDA.

H. Res. 14: Mr. SOUDER.

H. Res. 38: Mr. SOUDER, Mr. KING of New York, Mr. PALLONE, Mr. KIND, Mr. FOLEY, Mr. HASTINGS of Florida, Mr. CHABOT, and Mr. WILSON of South Carolina.

H. Res. 46: Mr. SCHIFF, Mrs. BIGGERT, Ms. WOOLSEY, Mr. FORD, Mr. GRIJALVA, Mr. SIMPSON, Mr. VAN HOLLEN, Mr. BOOZMAN, Mr. OWENS, Ms. ESHOO, Mr. RUSH, Mrs. TAUSCHER, Mr. COSTELLO, Mr. UDALL of New Mexico, Mr. DOYLE, Mrs. JONES of Ohio, Mr. BOSWELL, Mr. NEAL of Massachusetts, Mr. MARSHALL, Mr. LAHOOD, Ms. MILLENDER-MCDONALD, Mr. DAVIS of Illinois, Mr. CRENSHAW, and Mr. PLATTS.

H. Res. 54: Mr. SHIMKUS, Mr. CROWLEY, Mr. SOUDER, Mr. KING of Iowa, Mr. BRADLEY of New Hampshire, Mr. OWENS, Mr. BURTON of Indiana, Mr. PALLONE, Mr. FOLEY, Mrs. JO ANN DAVIS of Virginia, Mr. WEINER, and Mr. NORWOOD.

H. Res. 57: Mr. RYAN of Ohio, Mr. BERMAN, Mr. HOSTETTLER, Mr. GALLEGLY, Mr. CHABOT, Mr. KIRK, Mr. HUNTER, and Mr. SESSIONS.

H. Res. 61: Ms. MOORE of Wisconsin and Ms. EDDIE BERNICE JOHNSON of Texas.

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Senate

The Senate met at 9:15 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Ever loving and eternal God, source of light that never dims and of the love that never fails, life of our life, parent of our spirits, draw near to us. You are so high that the heaven of heavens cannot contain You, yet You dwell with those who possess a contrite and humble spirit. Thank You for Your kindness and mercy, for showering compassion on all creation. Today, we ask for a special blessing for our Senators. Open their minds to the counsels of eternal wisdom; breathe into their souls the peace which passes understanding. Increase their hunger and thirst for righteousness and feed them with the bread of heaven. Give them the grace to seek first Your kingdom and help them to grow as You add unto them all things needful. Hasten the day when all people shall pay due homage to You, the King of kings. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance as follows:

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

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning at 9:30, we will resume consideration of the nomination of Alberto Gonzales to be Attorney General of the United States. Yesterday, we were able to lock in an agreement on the nomination. We will debate the nomination throughout the course of the morning and the afternoon.

As we all know, at 9 p.m. tonight, the President will deliver the State of the Union Address. Therefore, we will recess at approximately 4:30 this afternoon to accommodate arrangements for that address. I do want to remind our colleagues that we will assemble in the Chamber at 8:30 so we can proceed at 8:40 sharp to the Hall of the House of Representatives.

Tomorrow, we will continue debate on the Gonzales nomination as the order provides, with the vote occurring Thursday afternoon or evening.

WISHES FOR POPE JOHN PAUL'S QUICK RECOVERY

Mr. FRIST. Mr. President, a couple of comments before we return to the Gonzales nomination. Yesterday, it was reported that Pope John Paul has been hospitalized or had been hospitalized. He had fallen ill with the flu apparently on Sunday. I, along with the American people, wish him a swift and full recovery.

TORT REFORM

Mr. FRIST. Mr. President, I will close by making a few very brief remarks on Judge Alberto Gonzales. The opportunity is being provided for all Senators to express themselves on this very important nomination. I am confident that the nomination will be confirmed tomorrow afternoon or tomorrow evening. The debate is important, and I encourage all of our colleagues to keep it civil and nonpartisan, as much as practically possible, over the next 48 hours.

I will talk very briefly about a topic the President will speak to tonight, I am quite certain, and that is restoring commonsense balance to our legal system and to our tort system. I mention that because as the Democratic leader and I have agreed, we will be coming to an important aspect of class action reform next week.

I think of Dr. Chet Gentry of the Cumberland Family Care Clinic in Sparta, TN, who does not deliver babies anymore, does not practice obstetrics anymore. When one asks him why, without any hesitation, crystal clear, it is because his insurance premiums grew too high. Simply, he could not afford to deliver babies, and by dropping obstetrics he cut the insurance premiums he has to pay for this privilege of practicing medicine by two-thirds, down from $38,000 a year to $14,000 a year. So by not delivering babies, he cuts his insurance premiums down that dramatically. There is an incentive to not take care of moms when they are going through this wonderful process of giving birth.

In a rural community as small as Sparta—and it has a relatively small population, only 5,000 people—losing Dr. Gentry's services for families is a huge blow. Eighteen months ago, that town had five family physicians. Today, there are three doing obstetrics, delivering babies, and only two of them will perform C-sections.

Dr. Gentry—again, I use him as an example—warns:

In this small community of Sparta, which serves several surrounding rural counties, the cost of malpractice insurance is affecting access to care. It's already difficult to recruit physicians to rural areas, and the malpractice crisis threatens to make it worse.

The issue is not just cost, it is not just money, it is access to care, whether it is trauma care or finding an obstetrician who will take care of you through the 9 months of pregnancy and deliver your baby. It is an access issue.

This out-of-control litigation is reaching a crisis point in Tennessee. In

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

29 other States it has already reached a crisis point. Seventy percent of doctors who have practiced in Tennessee for more than 10 years have had a claim filed against them. Does that mean that 7 out of 10 doctors in one State are conducting malpractice, bad health care? No, of course not.

If one looks at the studies of obstetrics, OB/GYN, 92 percent have had a claim against them. That is 9 out of every 10 doctors who have been delivering babies for more than 10 years. For cardiac surgeons, heart surgeons, not a higher risk but in some ways a higher risk field, one of the more common operations done across the country today is cardiac surgery—92 percent out of the physicians, 9 out of 10 physicians who have practiced more than 10 years, have had a suit filed against them.

Average malpractice insurance premiums have increased, so it is a problem, but it is a problem that is getting worse. Look over the last 5 years; these premiums have increased by 84 percent. The premiums go up because when the frivolous lawsuits increase, it creates a heavier burden and that is passed on, of course, to physicians. In Tennessee, OB/GYNs can expect to pay $60,000 a year in insurance premiums; heart surgeons, about $55,000; and general surgeons, $40,000. All of that is high. That is just to pay for the insurance. Remember, Tennessee is not yet a crisis State. If a doctor is in Pennsylvania, Ohio, or down in Florida, they are paying two to three times that. Some neurosurgeons, trauma surgeons, are having to pay insurance of $300,000, some even $400,000, a year for the privilege of taking care of people in the event there is an accident.

Dr. Martin Olsen, chair of OB/GYN division at East Tennessee State University, reports that their clinic in the rural town of Mountain City, TN, had to shut down because of unaffordable insurance costs. Cocke County meanwhile has lost 7 of its 12 doctors who deliver babies.

The problem is not limited to Tennessee. It is not even limited to the practice of medicine. I use that as an example because the impact these litigations costs and frivolous lawsuits have on medicine and health care is so dramatic to me as a physician, as I look at my physician colleagues.

Across the country, American businesses, doctors, plaintiffs, court systems, and taxpayers, are all being victimized by frivolous litigation, by out-of-control litigation. Now is the time to change that. That opportunity is before us.

In 2003, the tort system cost about $250 billion overall. Much of that, maybe half of that—I do not even know what the figure is—is obviously well spent. What we want to do is squeeze the waste, the frivolous lawsuits, out of the system. That figure of $250 billion means of an unnecessary tax of about $850 for every man, woman, and child. So it is bad now. At the current rate of increase, which outpaces the growth of our GDP, gross domestic product, it is estimated that per capita cost will go above $1,000 by 2006. That means for a family of 4, there is a tort tax of about $4,000.

The tort system accounts for about 2.23 percent of our GDP. That is equal to the entire economy of the State of Washington or more than that of the State of Tennessee, my own State. Where does all that money go? Unfortunately, less than half of it gets to the victims, the people who have been victimized and hurt. They need to be fully compensated. We all agree with that. The problem is, less than half of the money goes to the victims, which is the purpose of the tort system, and the other half of it goes to administrative costs and, of course, to the trial lawyers, the personal injury lawyers.

There are lots of different examples. Take the case of the Coca-Cola apple juice dispute. It is really on the apple juice end of this, that the plaintiffs' lawyers charged that the drink company was improperly adding sweeteners to its apple juice. So as compensation, the attorneys managed to secure a 50-cent coupon for each of the apple juice victims while at the same time the lawyers walked away with $1.5 million for themselves.

The system is out of balance. We will bring it back into balance. Small businesses get dragged into this irrational tort system. There is example after example that we all have. The system clearly needs to be reformed. Cherry-picking favorable counties to land billion-dollar settlements undermines the core principles of our legal system. Those principles are fairness and equity. These are the sorts of issues that the Judiciary Committee will be addressing tomorrow in committee and that we will be addressing on the floor of the Senate next week.

As our distinguished colleague from New York, Senator SCHUMER, has explained on the Senate floor, too many lawsuits are filed in local courts that have no connection to the plaintiff, the defendant, or the conduct at issue. If the case affects the Nation as a whole, it should be heard in a Federal court.

We have other areas of litigation that need to be addressed and hopefully will be addressed in the near future. Asbestos litigation has bankrupted 70 companies; 18 companies have been bankrupted in the last 24 months. It means job losses—60,000 jobs have been lost, with billions of dollars taken out of our economy without the patients or individuals with cancer being adequately compensated in a timely way. So squeeze the waste and abuse and in some cases the fraud out of the system—that is our goal—and return these systems back into systems of integrity.

I am very excited about where we are going in terms of addressing the tort issues in a balanced, bipartisan way. We will justly compensate those who have been injured by careless or reckless actions, and we want to hold those who commit these actions to account.

Since our country's founding, the tort system often has been a force of justice and positive change, but today that justice is being junked by trial attorneys looking for these multimillion-dollar windfalls, and that is what we need to address. We will take action to end the abuse in these lawsuits on the floor of the Senate. It will be done for the sake of true victims who deserve fair compensation, for the prosperity and health of our people, and for the integrity of our Government.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF ALBERTO R. GONZALES TO BE ATTORNEY GENERAL

The PRESIDENT pro tempore. Under the previous order, the Senate will resume executive session for the consideration of Executive Calendar No. 8, which the clerk will report.

The bill clerk read the nomination of Alberto R. Gonzales, of Texas, to be Attorney General.

The PRESIDENT pro tempore. Under the previous order, the time until 4:30 p.m. shall be equally divided for debate between the Senator from Pennsylvania, Mr. SPECTER, and the Senator from Vermont, Mr. LEAHY, or their designees.

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, the division basically is going to be from 9:30 we will have Republican speakers and from 10:30 to 11:30 there will be Democratic speakers and then we will be going back and forth.

I am pleased to be able to open today's discussion on the nomination of my friend, Alberto Gonzales. I am pleased because I know Alberto Gonzales personally and have been able to work with him both during the time he was a distinguished supreme court justice in my home State of Texas, and as White House Counsel.

As the senior Senator from Texas and formerly the junior Senator from Texas, I have had a lot of commerce with Alberto Gonzales. I can tell the American public without reservation: He is honest. He is a straight shooter. He has told me some things I didn't want to hear on more than one occasion. But I was absolutely assured that he was doing what he said he was going to do and that he had reasons for what he did.

On the other hand, I have been able to persuade him on issues where our views differed, because he listened. He is not rigid and impenetrable, as some people have described him. Again, he is a person who listens, who is thoughtful, who is a straight shooter, and someone for whom I have the utmost respect.

I am proud to be able to start the floor debate today on Alberto Gonzales, who was nominated and is to be confirmed as Attorney General of the United States.

Alberto Gonzales is the American story. He is the American dream. He is the American dream, not because he wants his piece of the pie. He is the American dream because he worked hard, never complained. Without many advantages growing up, he persevered, maintained a positive spirit, and it is fair to say, Alberto Gonzales made it. He made it on his own because he prepared himself and because he didn't act like a victim. He understood that this country is filled with opportunities and he took responsibility and seized that opportunity.

He grew up in Humble, TX. Alberto Gonzales was one of seven siblings living in a two-bedroom house that was built by his father and his uncles. His father was a migrant worker, as was his mother. They did not have an education beyond elementary school. But Judge Gonzales learned through his parents' example that, with dreams and commitment and hard work, you can be rewarded in this country.

He excelled in the public schools around Houston, TX. He was a star. He was a star on his own merit because he studied, worked hard, and was always looking for that extra thing he could do to make himself better. Because of that, he was accepted into one of our Nation's most prestigious universities, Rice University in Houston, TX.

He was not only a graduate of a great university, he was the first person in his family to graduate from college and from a great university such as Rice. From there he went on to Harvard Law School, where he earned his law degree. He served in the Air Force. He was a partner at Vinson & Elkins, a prestigious international law firm. He then became general counsel to Governor George W. Bush, and that is where they came to have the bond that has been so important in their relationship through the years.

Then-Governor Bush appointed Alberto Gonzales to be secretary of state of Texas. The secretary of state is the person in charge of running elections, making sure we have fair elections in Texas and that the elections are well publicized so we would have a strong voter turnout. He also served as Governor Bush's liaison to Mexico.

It has become a tradition of Governors in our State to have a secretary of state who will work on border issues and issues with Mexico, because that is such an important bilateral relationship for our State as well as our Nation.

Then Governor Bush appointed Alberto Gonzales to the Supreme Court of Texas. He had a distinguished career. He gained experience and respect every step of the way. When the George W. Bush became the President, he brought Alberto Gonzales with him to Washington to be his White House Counsel.

As White House Counsel, the President wanted someone he could trust and someone who knew the law, someone he knew was smart, would do thorough research, would not shoot from the hip. He wanted someone who could be a steady hand at the wheel in the White House Counsel's Office. So, Alberto Gonzales came to the White House with the President and did an outstanding job as White House Counsel, and adviser to the President. He made sure the President knew all of the options and his perspective, but also provided him with the views and perspectives of others. This is very important.

I think Alberto Gonzales sometimes, because he is so fair-minded, would give the President options even though he personally disagreed with some of them. That is what made him such a trusted lawyer for the President. He wanted the President to make the decisions and he wanted the President to make the decisions with the best possible information he could have—whether he believed in that particular option or not. His loyalty to the President was, of course, absolute.

Judge Gonzales answered a very important question about his service as White House Counsel as opposed to the different role he would have as Attorney General. I think it is important because I think some of the criticism that has been made in the Senate Judiciary Committee and on the floor has revolved around the role of a White House Counsel and the very different role that the Attorney General of the United States would play. Alberto Gonzales understands the difference. He knows there is a difference. He agrees that there is a difference.

As White House Counsel he had one role, loyal adviser to the President of the United States, and he fulfilled that role superbly. He gave the advice; he gave different options; he let the President make the decisions. But he knows that the Attorney General of the United States is not just loyal to the President. Of course, he is in the President's Cabinet. Of course, he will be loyal to the President. But that is not his primary function. I want to read his response because it addresses exactly what the Attorney General's role should be, in my opinion. I agree with Alberto Gonzales, and I think he is right on the mark.

> I do very much understand that there is a difference in the position of Counsel to the President and that of the Attorney General of the United States. . . . As Counsel to the President, my primary focus is on providing counsel to the White House and to White House staff and the President. I do have a client who has an agenda, and part of my role as counsel is to provide advice so that the President can achieve that agenda lawfully. It is a much different situation as Attorney General, and I know that. My first allegiance is going to be to the Constitution and the laws of the United States.

Judge Gonzalez in a written response later said: ''All government lawyers should always provide an accurate and honest appraisal of the law, even if that will constrain the Administration's pursuit of desired policies.''

Judge Gonzales said if he becomes Attorney General, he will no longer represent only the White House, he will represent the American people. He is absolutely right on that point. That is what all of us expect and that is what he intends to deliver.

I think it is the most important point.

As we look at history and as we look at past Attorneys General, sometimes the impression is that an Attorney General is only loyal to the President. Of course, the Attorney General will be loyal to the President, but that will not override his loyalty to the Constitution, the law, and the American people.

Of course, the President too wants to do what is right for the American people. But the Attorney General is the one who will make the determination if something is lawful. And I know that Judge Gonzales will do a great job in representing the law and the American people.

I am disappointed some have suggested that maybe Judge Gonzales has not been responsive enough in his confirmation hearings about his role as White House Counsel. He was at the committee hearings for over 6 hours of questioning, and 450 questions were submitted to him after the hearings. He answered all of them—over 200 pages of single-spaced responses to Senators.

To put this in context, President Clinton's nominee, Janet Reno, received 35 questions. Alberto Gonzales received 450 questions.

I think it is a very important point to make that Judge Gonzales has been forthcoming. He has answered every question, either in the open forum, or in 6 hours of hearings, or in the 200 pages of written answers to questions that were submitted after the hearings by Senators. No one can claim this man has not been forthcoming.

In an article in the December 25, 2004, Christmas Day, Houston Chronicle entitled, ''A Dem on Gonzalez,'' a Democrat and former colleague of Judge Gonzales, Lynne Liberato, now a partner in the Houston office of Haynes and Boone wrote: '' . . . in the back of my mind [over the past four years] I have taken solace in the fact that the President had an adviser like Al. Certainly, I wish he were a Democrat, appointed by a Democratic President. But we lost. This President has the right to appoint the attorney general, and I do not think the President could have done better.''

In addition, I have to say how very impressed I am with the new Senator SALAZAR from Colorado, who I am told made a speech in his caucus yesterday in which he said, Please vote for Alberto Gonzales. I do not know firsthand what he said or exactly what his words were, but Senator SALAZAR has taken a position on principle. He took a position on principle on behalf of Dr. Condoleezza Rice and has done so with Alberto Gonzales. I must say I respect and admire his willingness to step up to the plate and talk about the record

and the principle of giving the President his nominee, and I commend Senator SALAZAR for that bipartisan effort.

I hope my colleagues will not use this debate to continue to attack the President. I hope today is filled with speeches about Alberto Gonzales, about his qualifications, and about his background. I hope we will stay on the issue of Attorney General of the United States. I have seen the rhetoric go in a different direction, both for Secretary of State Dr. Condoleezza Rice and for our nominee for Attorney General, Alberto Gonzales. I don't think this is the time to be attacking the President. There is plenty of opportunity to disagree with the President of the United States. Our duty today in this body is to give advice and consent on the nomination of Judge Alberto Gonzales to be Attorney General of the United States.

I am very hopeful we will be able to take this opportunity to do the right thing, to confirm Judge Gonzales as Attorney General of the United States, the first Hispanic American who will hold the office of Attorney General. He is a remarkable leader. He has shown great strength and resolve during a difficult time for our country. Furthermore, he has a record of public service over years that shows his remarkable character. He is a man who will be a great Attorney General of the United States.

I think it is going to be a very important vote that we will see tomorrow.

I hope during the debate yesterday the Democratic colleagues decided they will say their peace, hopefully on the merits or whatever they think of the qualifications of Judge Gonzales, and I hope the vote will come soon. We need to allow the President to fill his Cabinet so they can take over in a reasonable time frame.

I hope we can have the full debate today. It would be my hope we would have an early vote tomorrow. If people do not have anything else to say, let us have a vote. Let us allow Alberto Gonzales to be confirmed and take the oath of office and get about the business of our country.

There is no reason to hold him up. He is going to be confirmed. I think it was a mistake to hold Condoleezza Rice for hours and hours and hours. It was not the right thing for our country. I hope that for Alberto Gonzales we realize there is going to be a huge responsibility on his shoulders and he needs to be able to start. He needs to put a deputy in place, to see what is happening in the Department and have the time to make the appropriate adjustments. The Attorney General of the United States is essential to an efficient Justice Department. There are many issues he faces. The sooner he gets started, the better.

I hope the President's State of the Union speech tonight will allow him to lay out his case for the future of our country, and then I hope we can early tomorrow confirm Alberto Gonzales to be Attorney General of the United States.

I am very pleased one of our new Senators from the State of Florida has arrived on the floor. He is certainly a person, having served in the President's Cabinet, who knows how important it is to have a fair discussion and then go forward.

I would like to yield the floor to Senator MARTINEZ.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, good morning.

I ask unanimous consent to deliver a portion of my remarks in Spanish, and that a copy of my speech in English and in Spanish appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, I rise today in support of the nomination of Judge Alberto Gonzales to be our next Attorney General of the United States.

As a freshman Senator, I was frankly hoping to wait a little longer before speaking for the first time on the Senate floor. It is a privilege I take very seriously. However, I could not fail to speak in defense of Judge Gonzales. I am disappointed that he has been the subject of such partisan attack, and today I rise in the defense of a good man and a good friend.

Al Gonzales is a very dedicated public servant and exceptionally qualified to serve our Nation as our next Attorney General.

In January of 2001, President Bush chose Judge Gonzales to be Counsel to the President, and he has served his Nation well in that position.

Judge Gonzales was appointed to the Texas Supreme Court in 1999, and from December of 1997 to January of 1999, he served as Texas's 100th Secretary of State.

I am so proud.

Judge Gonzales also has received a number of awards. He was inducted into the Hispanic Scholarship Fund Alumni Hall of Fame in 2003, and he was honored with the Good Neighbor Award from the United States-Mexico Chamber of Commerce.

I was honored when he and I both received the President's awards from the United States Hispanic Chamber of Commerce and from the League of United Latin American Citizens, probably the largest Hispanic organization in America.

These are just a handful of many professional accolades Judge Gonzales has been awarded over the course of his very distinguished career.

I know a lot has been said about Judge Gonzales's life story. It is a story of the fulfillment of the American dream. It is a story that resonates with all Americans, but especially with Hispanic Americans. We view his story with pride and many view it with hope for their own lives.

As a fellow Hispanic American, I want to put this nomination of Judge Alberto Gonzales in a very specific perspective. Our Hispanic community has broken key racial barriers in both Government and industry. I am so proud to have been part of that progress, thanks to the help of many who have opened doors and others who have been enlightened enough to make opportunities available to Hispanic people in America.

I was honored to serve as this Nation's twelfth Secretary of Housing and Urban Development. I am thrilled to represent the great State of Florida as our Nation's first Cuban-American Senator. It is a wonderful honor, but I also feel a tremendous weight of responsibility from that very important opportunity.

In the case of Attorney General, no Hispanic American has ever been in the position of Government at that level. No Hispanic American has ever served in one of the four premier Cabinet positions. I have sat at that Cabinet table, and I know what an immense privilege it is to sit in with the Counsel of the President of the United States. But I also know very well that there are four seats at that Cabinet table that have never before been occupied by a Hispanic. They are the Secretary of State, Secretary of the Treasury, Secretary of Defense, and Attorney General. These are the original Cabinet positions. These are the positions that are at the heart of the most important positions of our Government. Never in the history of our Nation has the Hispanic American or Latino had the opportunity to occupy that seat. Judge Gonzales will be the first Hispanic American to serve in one of the Cabinet's top four positions when he becomes our next Attorney General. This is a breakthrough of incredible magnitude for Hispanic Americans and should not be diluted by bipartisan politics.

Judge Gonzales is a role model for the next generation of Hispanic Americans in this country—a role model to our young people who, frankly, have too few.

Just this past weekend, Congresswoman SUE KELLY was relating a story to me of something that happened with her recently at a school she was visiting in her district. She told me of something that I know to be a fact; it has happened in my own life. She said, While I was visiting there, one of the young people came to me, a Latino, a Hispanic, a young person, and said to me, Do you know we now have our own Senator. That young person was speaking of me or perhaps of Senator SALAZAR from Colorado. But this young person knew and took pride in the fact that we were here as role models for them, as someone who could signal the opportunities that lie ahead in their own life. Attorney General Gonzales will resonate through the Hispanic community just as he has resonated throughout our community; that he has been the President's lawyer—not an insignificant thing for him to have done.

He is already and will continue to be an inspiration to these young students.

There will be Hispanic boys and girls across the country who will now aspire to be lawyers because of Judge Gonzales's example of what is possible and how it is possible that someone with his very humble beginnings could achieve all he has achieved if only they dare to dream in our great Nation.

And to Hispanic Americans throughout our Nation:

Y a los Hispano-Americanos a lo largo y ancho de esta gran nacion: tanto a nuestros niños, como a nuestros estudiantes de Derecho y los padres y abuelos que han venido a America a crear una vida mejor para ellos y sus familias, hoy les tengo un mensaje:

El Juez Gonzales es uno de nosotros. El representa todos nuestros sueños y esperanzas para nuestros hijos. Debemos reconocer la importancia de este momento—sobre todo para nuestra juventud. No podemos permitir que la politiquería nos quite este momento que nos enorgullece a todos. Apoyemos a Alberto Gonzales.

From our schoolchildren, to law students, to parents and grandparents who came to America to create a better life for themselves and their families in the United States, I have this message for you today: Judge Gonzales is one of us. He represents all of our hopes and dreams for our children and for all of us as Hispanic Americans. Let us acknowledge the importance of this moment, especially for our young people. We cannot allow petty politicking to deny this moment that fills all with such pride. Let us all support Alberto Gonzales.

I am honored to have my first remarks on the Senate floor be in praise of a friend, Alberto Gonzales, to be our next and I think exceptional Attorney General. Not only have I known Mr. Gonzales as a colleague in government service where I have known of his incredible dedication, the incredibly long hours he has put in, the very difficult days we all faced in the days following the tragic moments after September 11 when our Nation was attacked, the tremendous weight of responsibility that fell on him in the months and years that came after that, but I look forward to casting my vote in the Senate for our Nation's first, and in this historic moment, our next Attorney General, the first Hispanic to occupy that office.

I urge my colleagues to vote in favor of Judge Gonzales's nomination. I urge them to rise above the moment to see the greatness of this opportunity, to not lose this moment that we can all make history.

We can all make history. I look forward to being a part of that with my vote for Judge Gonzales.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. I congratulate our new colleague, Senator MARTINEZ, on his initial speech in the Senate. I bet the Senator will be cited by Senator BYRD who is an encyclopedia of statistics. I am sure this is the first time we have had a bilingual speech in the Senate.

I say to my colleagues, the Senator could not have picked a more important topic upon which to first speak on the Senate floor. We are grateful he is here. We listened carefully to every word, and we thank you for what you are doing for the nominee.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, while the Senator from Florida is still in the Senate Chamber, I congratulate him for his first speech in the Senate. I have come to know him as an exceptional public servant. It is fitting he should speak to this issue, the nomination of Judge Alberto Gonzales to be Attorney General of the United States in his first speech. Frankly, I am honored to follow his remarks. They will be not nearly as eloquent, but I hope, nevertheless, persuasive in support of Judge Gonzales's nomination.

This is a historic opportunity for America, and especially for me and the constituents in my State, so many of whom are Spanish, are Hispanic, and can understand how significant it is for a young man to rise literally from Humble, TX, where Alberto Gonzales grew up, to reach the pinnacles of power in American Government. They know it does not come easy. Many of them have suffered the same kind of background that could limit a person like Alberto Gonzales but in his case did not because of the support and love of his family and the strength and fortitude that he characterizes and the hard work that enabled him to progress from these humble beginnings, literally in Humble, TX, all the way through our finest educational institutions into one of the finest law firms of this country, and eventually into government when then-Governor George Bush discovered this fine young lawyer and asked him to fill a number of appointed positions in the State of Texas.

I was struck by one of the stories that has probably been repeated. It bears repeating. Senator SALAZAR, in introducing Alberto Gonzales to the Judiciary Committee, on which I sit, for his hearing, related the story of how Judge Gonzales had recalled in his upbringing the fact that during his high school years he never asked his friends to come over to his house because, he said: Even though my father poured his heart into that house, I was embarrassed that 10 of us lived in a cramped space with no hot running water or telephone.

That is the situation in which this young man grew up. Yet, as I said, he was the first person in his family to go to college. He ended up graduating from Rice. As a young man he sold pop in the grandstands, dreaming one day of attending that university and graduated from Harvard Law School. After joining a prestigious law firm in Texas, he caught the eye of George Bush, who appointed him general counsel and then secretary of state, and eventually to the Supreme Court of the State of Texas and, of course, as counsellor to the President of the United States when he was elected President.

President Bush has had the opportunity to take the measure of this man and to work with him over many years and to appreciate the talents he can bring to the Department of Justice of the United States. Frankly, it is for that reason I think even though some on the other side of the aisle have reservations about Judge Gonzales, they certainly ought to give this man the benefit of the doubt. If anyone deserves the benefit of the doubt it is a person like Alberto Gonzales.

Is he perfect? No; none of us are. It seems to me the President, having known this man for so long and having relied upon him personally, would be given some deference in the selection of his nominee, especially given the fact that against great odds Alberto Gonzales has achieved so much in his life.

One word about some of the opposition. I don't think people who are watching should be overly concerned about the attacks relating to the subject of terror with respect to Judge Gonzales. They have nothing to do with Judge Gonzales. Their way of articulating frustration and opposition to the President's policies with respect to the war in Iraq—and it is unfortunate that sometimes these political statements and opposition are reflected in the context of a nominee for office—this is an opportunity for members of the opposition to make their case against the President when they have an opportunity to speak to the Secretary of State's nomination or the Attorney General's nomination or other public officials.

But it is too bad for those public officials because, as I said in the case of Alberto Gonzales, most of what has been said has nothing to do with him. He is accused in one case of offering advice to the President with respect to a treaty, and that advice was absolutely correct. In the other case, he is accused regarding the content of a memo he did not author, and therefore it is not his responsibility.

Do not be deceived by some of these discussions that might cause you to wonder what does this subject of terror have to do with Judge Gonzales. In this case, the answer is essentially nothing.

Back to the point that was the central theme of the Senator from Florida, there are a lot of people in this country who are qualified to be Attorney General of the United States—a relatively small number but nevertheless a lot of people the President could have chosen. It is significant he chose Alberto Gonzales. He is clearly qualified. When someone is qualified and has the confidence of the President, as Alberto Gonzales does, it seems to me those in this body—unless there is some highly

disqualifying factor brought to our attention—should accede to the President's request for his nomination and confirm the individual.

There is an extra special reason this is meaningful to me. That is because of the number of Hispanics in my State of Arizona and their aspirations and their pride at the achievements they have accomplished.

As the Senator from Florida pointed out, it is important for this country to recognize the kind of talent Alberto Gonzales represents and to hold that up as an inspiration to young people to let them know, regardless of their race or ethnicity, if they work hard, even when they come from humble beginnings, this country offers opportunities that are not available in any other country, and regardless of their background they have the opportunity to become the Attorney General of the United States of America.

That is a tremendous testament to this country. It is a testament to the Senate which has allowed people like Alberto Gonzales to have an opportunity, to the President for his perspicacity in nominating such an individual for Attorney General. It would be a very strong message not only around this country but around the world for the Senate to confirm the nomination of Alberto Gonzales as Attorney General of the United States.

Mrs. HUTCHISON. Mr. President, I thank the distinguished Senator from Arizona, a member of the Judiciary Committee, who has done a wonderful job on that committee. It is a tough committee, but he has done a terrific job. That was an outstanding statement on behalf of Alberto Gonzales.

Looking at this man's incredible background and how far he has come clearly shows the great country that America is and the great perseverance and intellect that Alberto Gonzales has.

I yield the time he may consume to the Senator from New Hampshire, Mr. GREGG.

Mr. GREGG. Mr. President, it is a pleasure to rise today in support of a native son of Texas. The Senator represents Texas so well in this Chamber.

Alberto Gonzales, as has been outlined by many of the speakers, is an American success story. What an incredible story. There is no point in plowing ground that has already been plowed numerous times, but still it is nice to see this happen. It is nice to see someone of such extraordinary capability rise to such success. It is the American way to reward ability. We as a nation open our arms to people who are productive, concerned citizens who are willing to give of themselves not only to produce a better life for them and their family but also to produce a better life for their fellow citizenry, which is exactly what Judge Gonzales has done.

With his talent he could have simply gone out and made a huge amount of money. The dollars that might have been available to him in private practice, it is hard to anticipate how much that would be, but it would have been considerable. Instead, at considerable financial sacrifice, I suspect, he has been willing to participate in public service. He has excelled at it both as a judge in Texas and as a counsel to the President in Washington.

Now he has been put forth as the nominee of the President to serve as Attorney General. I think it is an unfortunate reflection of the partisanship on the other side, to be very honest, that his character has been impugned, that his purposes have been impugned, that his integrity has been questioned, and that his record of commitment to public service has been brought into question, not necessarily, I think, because of what he has done, because what he has done has been as an extraordinarily successful public servant and exceptional justice, an exceptional counsel to the President, but simply because I believe Members on the other side wish to highlight their political differences, using Judge Gonzales as their stalking-horse to accomplish that, and have been willing to attempt to undermine such an American success story for the purposes of promoting what amounts to petty political gain.

It is unfortunate, unfortunate indeed, because the office of Attorney General has a tradition in this Nation, and especially in the post-World War II period, of being an office which has always had appointed to it high-quality individuals who have been very close to the Presidency. That also is a logical choice.

I think it is important to focus on that fact, that the Attorney General's position, in the post-World War II period at least, has been a position which has come to play a little different role than maybe it has historically played in the sense that it has been a position where Presidents have chosen people who they have had absolute personal confidence in, not people who necessarily are chosen because they balance a political ticket or political theme or regional need. The importance of having an Attorney General in whom a President has confidence has been the critical element of choosing that individual.

I guess the best example of that, of course, is the Presidency of John Kennedy, when he chose his brother Robert Kennedy, who clearly had very little experience. He had, of course, been counsel for hearings here in the Senate dealing with corruption and labor corruption issues involving the Teamsters Union, but he had not had a great breadth of experience. He was a fresh face, to be kind, in the area of public policy. He was chosen by President Kennedy, which was a choice of significant implications in that the President of the United States would actually choose his brother to serve as Attorney General.

It turned out to be a great choice. Robert Kennedy was probably one of the strongest and most effective Attorneys General, certainly of that period, who drove a great deal of the important issues that were decided in the area of civil rights and in the area of fighting corruption, especially organized crime, organized crime in labor union activity.

The reason that Robert Kennedy is sort of the prototypical appointment in the post-World War II period is because it reflected the fact that the President, President John Kennedy, felt so strongly that he needed in the Attorney General's position someone in whom he had absolutely unequivocal confidence and who was going to be there as an assistant and as a force to carry forward his policies.

That attitude has moved forward throughout this period. Attorney General Reno, who I had the opportunity to work with extensively during her term in office, initially started out in that role also, I believe. Certainly John Ashcroft has had that position. Now, in sort of a restatement, in a way, of the Robert Kennedy role, President Bush has chosen his closest legal adviser, Alberto Gonzales, who has a much stronger résumé than Robert Kennedy had but who has the same historic position in that he is going to be able to carry forth the decisions of this President and operate as a confidant of this President in a manner which is uniquely important to the Attorney General's role.

Obviously, the Attorney General has an obligation to be the law enforcement officer of our Nation, to be a fair arbiter, to be a spokesperson who has integrity on issues, and to speak clearly to the administration of what is right and wrong, and how it should move forward effectively on issues, in a way that does not compromise the administration. Judge Gonzales has done that. He has done that time and time again in his role as White House Counsel. He understands his new role as Attorney General in that context.

But the attacks on Judge Gonzales do not go to this role, they go more to a disagreement which people from the other side have over this administration's policy relative to Iraq in an attempt to bootstrap Judge Gonzales's nomination into a major confrontation on the issues of whether we are doing correct things in Iraq. That, to me, is inappropriate relative to the confirmation process.

There is no question we should debate Iraq. That should be a matter of open and continuous debate in this Senate. It is the most important international policy issue we have going on today. I have no hesitation about debating it. But I do not believe we should use an individual who is a nominee for a major office within the Cabinet as a stalking-horse for the purposes of making attacks on the Presidency, unless there is some clear relationship there. In this case there is none that is so substantive and appropriate that it rises to the level of opposition of the

Attorney General nominee, in my opinion.

The individual we have before us as a nominee, Judge Gonzales, is such a unique and extraordinary success story, who so eloquently defines the American dream, as we all love to profess to our different constituencies, to talk about how people succeed in attaining the American dream. Whenever I go into a classroom, especially an elementary or middle school classroom, I talk about how you can be anything. All you have to do is work hard, stay in school, study hard, and make a commitment to being an honest person, a person who has high values, and a person who is committed to working hard, and you can accomplish just about anything.

That is what we say to our youth in this country. That is what we say to people who come to our land as immigrants. Judge Gonzales personifies that statement. For some Members of this Senate to be taking such a negative approach in addressing his nomination, and defining his individual characteristics as not fulfilling those concepts of the American dream is, I think, a disservice to the people who, like Judge Gonzales, have succeeded in America.

This is a unique person whom we are very fortunate to have as a nominee to be Attorney General of the United States. His confirmation will stand as a statement of opportunity to tens of thousands, hundreds of thousands, potentially millions of Americans, especially Americans who have come here from Hispanic cultures, that America is a land of opportunity, that the American dream does exist for you, that if you work hard, that if you are a person of integrity, that if you commit yourself to your goals, you can succeed, and America will reward you in that success and acknowledge it.

So I believe very strongly that the choice of Judge Gonzales is an extraordinarily strong one, that it is consistent with the tradition of Attorney General choices in the post-World War II period, and that, more importantly, it is a statement by this President that he understands the American dream is personified in Judge Gonzales, and that it should be rewarded and should be respected.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I yield the remainder of the Republican time to the distinguished Senator from Georgia, Mr. CHAMBLISS, and I ask unanimous consent that he be allowed to speak until 10:32 or until the Democrats arrive.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I thank the Senator from Texas for her great leadership on this issue, particularly organizing the support on the floor this morning for Judge Gonzales.

I do rise in support of Alberto Gonzales to be confirmed as the next Attorney General for the United States. I had the pleasure of serving on the Judiciary Committee for the past 2 years, having gone off at the beginning of this session. But during the course of my 2 years as a member of the Judiciary Committee, I had the opportunity to be involved in the hearings, the discussions, and the review of a number of issues to which Judge Gonzales has spoken during the course of his confirmation process.

One of those issues is the administration's policy on torture, for which the judge has been unduly criticized by folks who are in opposition to his nomination. I want to respond to some of the ridiculous accusations of those who are opposed to this confirmation, and talk about some of the actual facts involved, which seem to be missing from the conversations on the floor coming from his critics and from those who are opposed.

I do not think Judge Gonzales nor could the administration be more clear than they have been on the policy and the subject of torture. As President Bush stated at his January 26, 2005, press conference:

> Al Gonzales reflects our policy, and that is we don't sanction torture.

In all of his statements and responses, Judge Gonzales has emphasized that there is a distinct difference between what the law would allow and what the administration policy is. No matter how the obligations of the United States under the Constitution, treaties, and various statutes have been interpreted, the President has said he would never order or condone torture. That is the policy. That is what Alberto Gonzales has represented and does represent today.

President Bush's February 7, 2002, memorandum to, among others, the Vice President, the Secretary of State, the Secretary of Defense, the Attorney General, and the Director of Central Intelligence unequivocally required those detained by the U.S. Armed Forces to be treated humanely. The President stated:

> Of course, our values as a Nation, values that we share with many nations in the world, call for us to treat detainees humanely, including those who are not legally entitled to such treatment. Our Nation has been and will continue to be a strong supporter of Geneva and its principles. As a matter of policy, the United States Armed Forces shall continue to treat detainees humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva. . . . I hereby reaffirm the order previously issued by the Secretary of Defense to the United States Armed Forces requiring that the detainees be treated humanely and, to the extent appropriate and consistent with military necessity, consistent with the principles of Geneva.

It could not be clearer. It absolutely could not be clearer. And it is not something that he said which is the subject of interpretation; it is something which the President committed to writing and for which Judge Gonzales stands.

Judge Gonzales has unmistakably, forcefully, and consistently made clear before, during, and after his confirmation hearing that it is not the policy of the United States to condone torture and that he personally does not condone torture.

At a June 22, 2004, press briefing, before his confirmation hearing—indeed, well before he was even a nominee—Judge Gonzales stated:

> The administration has made clear before, and I will reemphasize today that the President has not authorized, ordered or directed in any way any activity that would transgress the standards of the torture conventions or the torture statute, or other applicable laws.

He continued later:

> [I]f there still remains any question, let me say that the U.S. will treat people in our custody in accordance with all U.S. obligations including federal statutes, the U.S. Constitution and our treaty obligations. The President has said we do not condone or commit torture. Anyone engaged in conduct that constitutes torture will be held accountable.
>
> The President has not directed the use of specific interrogation techniques. There has been no presidential determination of necessity or self-defense that would allow conduct that constitutes torture. There has been no presidential determination that circumstances warrant the use of torture to protect the mass security of the United States.

I have several more pages of statements that were made by Judge Gonzales in his confirmation hearing that directly apply to this issue. They have been consistent. They have been very clear. They have been concise to the effect that Judge Gonzales has never condoned the use of torture. It is not the administration policy to condone torture. Why in the world folks on the other side continue to criticize this man for something he has not said or has not condoned should be pretty obvious to the American people. There is a reason for it, but the reason simply doesn't hold water.

Who is this man? That is the more important question. Who is Alberto Gonzales? Is he qualified to become Attorney General of the United States? Judge Gonzales grew up as a humble man. He is a Hispanic American who grew up, interestingly enough, in a two-bedroom house in Humble, TX, that his father and uncle built and where his mother still resides. His parents were never educated beyond elementary school, and he was the first person in his family to go to college. He is a graduate of Texas public schools, Rice University, and Harvard Law School.

Judge Gonzales served in the U.S. Air Force between 1973 and 1975 and attended the U.S. Air Force Academy between 1975 and 1977. He is married and has three sons. While his family lived in Houston, TX, he practiced with one of the best firms in America, and having practiced law for 26 years myself

and having associated with the firm of which he was a member, not knowing that in fact he was, I am very familiar with the firm. It is not just one of the best firms in Texas; it is one of the best firms in America. They don't hire lawyers who are not competent and capable to get the job done. That is exactly what Judge Gonzales is—competent and capable.

He was commissioned as Counsel to President George W. Bush in January of 2001, obviously showing what kind of confidence the President of the United States has in the man. Prior to serving in the White House, he served as a justice of the Supreme Court of Texas. Before his appointment to the Texas Supreme Court in 1999, he served as Texas's 100th secretary of state; that being from December of 1997 to January of 1999.

Among his many duties as secretary of state, he was a senior adviser to then-Governor Bush, chief elections officer, and the Governor's liaison on Mexico and border issues.

Simply stated, this man, unlike a lot of folks coming out of the same kinds of conditions in which he grew up, made a decision that he wanted to improve the quality of life for himself and for his family. He worked hard. He studied hard. He became a lawyer, something that nobody else in his family could ever do before him. He practiced law in one of the largest States in our country with one of the largest law firms in that particular State. He was a dadgum good lawyer. Obviously the President of the United States has confidence in him from the standpoint of looking to him for legal advice.

All of the criticisms directed at him have nothing to do with his ability to operate and practice as a lawyer, and in his capacity as Attorney General, he will be the No. 1 lawyer in the country. I submit to all of my colleagues that he is qualified for this job. I ask for their support of Judge Gonzales to be confirmed as the next Attorney General of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, after every war, history is written. There are stories of courage, compassion, and glory, and stories of cruelty, weakness, and shame.

When history is written of our war on terrorism, it will record the millions of acts of heroism, kindness, and sacrifice performed by American troops in Iraq, Afghanistan, and other nations. And it will record as well the stunning courage of Iraqi men and women standing in line last Sunday, defying the terrorist bullets and bombs to vote in the first free election of their lives.

But sadly, history will also recall that after 9/11, and after the invasion of Iraq, some in America concluded our Nation could no longer afford to stand by time-honored principles of humanity, principles of humane conduct embodied in the law of the land and respected by Presidents of both political parties for generations.

Next to the image of Saddam Hussein's statue dragged from its pedestal to the dirt below will be the horrifying image of the hooded prisoner at Abu Ghraib, standing on a makeshift pedestal, tethered to electrical wires.

Alberto Gonzales is a skilled lawyer. His life story is nothing short of inspiring. I have the greatest respect for his success, for what he has achieved, and for the obstacles he has overcome.

But this debate is not about Mr. Gonzales's life story. This debate is about whether, in the age of terrorism, America will continue to be a nation based on the rule of law, or whether we, out of fear, abandon time-tested values. That is what is at issue.

The war in Iraq is more dangerous today because of the scandal at Abu Ghraib prison. Our conduct has been called into question around the world. Our moral standing has been challenged, and now we are being asked to promote a man who was at the center of the debate over secretive policies that created an environment that led to Abu Ghraib.

What happened at Abu Ghraib? What continues to happen at Guantanamo? What happened to the standards of civilized conduct America proudly followed and demanded of every other nation in the world?

Some dismiss these horrible acts as the demented conduct of only a few, the runaway emotions of renegade night shift soldiers, the inevitable passions and fears of men living in the charnel house of war. But we now know that if there was unspeakable cruelty in those dimly lit prison cells, there was also a cruel process underway in the brightly lit corridors of power in Washington.

At the center of this process, at the center of this administration's effort to redefine the acceptable and legal treatment of prisoners and detainees was Alberto Gonzales, Counsel to President George W. Bush. And with the skill that only lawyers can bring, Mr. Gonzales, Assistant Attorney General Jay Bybee and others found the loopholes, invented the weasel words and covered the whole process with winks and nods.

At the very least, Mr. Gonzales helped to create a permissive environment that made it more likely that abuses would take place. You can connect the dots from the administration's legal memos to the Defense Department's approval of abusive interrogation techniques for Guantanamo Bay, to Iraq and Abu Ghraib, where those tactics migrated.

Blaming Abu Ghraib completely on night shift soldiers ignores critical decisions on torture policy made at the highest levels of our Government, decisions that Mr. Gonzales played a major role in making. If we are going to hold those at the lowest levels accountable, it is only fair to hold those at the highest levels accountable as well.

Let's review what we know.

First, Mr. Gonzales recommended to the President that the Geneva Conventions should not apply to the war on terrorism. In a January 2002 memo to the President, Mr. Gonzales concluded that the war on terrorism ''renders obsolete'' the Geneva Conventions. This is a memo written by the man who would be Attorney General.

Colin Powell and the Joint Chiefs of Staff objected strenuously to this conclusion by Alberto Gonzales. They argued that we could effectively prosecute a war on terrorism while still living up to the standards of the Geneva Conventions.

In a memo to Mr. Gonzales, Secretary of State Colin Powell pointed out that the Geneva Conventions would allow us to deny POW status to al-Qaida and other terrorists and that they would not limit our ability to question a detainee or hold him indefinitely. So, contrary to the statements by some of my colleagues on the other side of the aisle, complying with the Geneva Conventions does not mean giving POW status to terrorists. Colin Powell knew that. The Joint Chiefs of Staff knew that. Alberto Gonzales refused to accept that.

In his memo to Mr. Gonzales, Secretary Powell went on to say that if we did not apply the Geneva Conventions to the war on terrorism, ''it will reverse over a century of U.S. policy and practice . . . and undermine the protections of the law of war for our own troops . . . It will undermine public support among critical allies, making military cooperation more difficult to sustain.''

The President rejected Secretary Powell's wise counsel and instead accepted Mr. Gonzales's counsel. He issued a memo concluding that ''new thinking in the law of war'' was needed and that the Geneva Conventions do not apply to the war on terrorism.

And then what followed? Mr. Gonzales requested, approved, and disseminated this new Justice Department torture memo. This infamous memo narrowly redefined torture as limited only to abuse that causes pain equivalent to organ failure or death, and concluded that the torture statute which makes torture a crime in America does not apply to interrogations conducted under the President's Commander in Chief authority. That was the official Government policy for 2 years.

Then relying on the President's Geneva Conventions determination and the Justice Department's new definition of torture, Defense Secretary Rumsfeld approved numerous abusive interrogation tactics for use against prisoners in Guantanamo Bay, even as he acknowledged that some nations may view those tactics as inhumane. These techniques have Orwellian names such as ''environmental manipulation.''

The Red Cross has concluded that the use of these methods at Guantanamo

was more than inhumane. It was, in the words of the Red Cross, ''a form of torture.''

We have recently learned that numerous FBI agents who observed interrogations at Guantanamo Bay complained to their supervisors about the use of these methods, methods which began at the desks of Alberto Gonzales and the Department of Justice, moving through the Department of Defense to Guantanamo Bay. In one e-mail that has been released under the Freedom of Information Act, an FBI agent complained that interrogators were using what he called ''torture techniques.'' This is not from a critic of the United States who believes that we should not be waging a war on terrorism. These are words from the Federal Bureau of Investigation.

Let me read the graphic language in an e-mail written by another FBI agent about what he saw:

On a couple of occasions, I entered interview rooms to find a detainee chained hand and foot in a fetal position to the floor, with no chair, food or water. Most times they urinated or defecated on themselves, and had been left there for 18–24 hours or more. On one occasion, the air conditioning had been turned down so far and the temperature was so cold in the room, that the barefooted detainee was shaking with cold. . . . On another occasion, the [air conditioner] had been turned off, making the temperature in the unventilated room well over 100 degrees. The detainee was almost unconscious on the floor, with a pile of hair next to him. He had apparently been literally pulling his hair out throughout the night. On another occasion, not only was the temperature unbearably hot, but extremely loud rap music was being played in the room, and had been since the day before, with the detainee chained hand and foot in the fetal position on the tile floor.

These are the words of an agent of the Federal Bureau of Investigation, who viewed the interrogation techniques at Guantanamo, techniques that flowed from the memo that came across Mr. Gonzales's desk to the Department of Defense down to these dimly lit cells. And the Red Cross and the FBI agree that they are torture.

I asked Mr. Gonzales: Of the 59 clemency cases he coordinated, how many times did he either recommend clemency, a stay of execution, or further investigation to resolve any doubts about a condemned inmate's guilt?

He replied that he could not recall what advice he may have given then-Governor Bush on any of the 59 cases.

He also said he never once recommended clemency because he believed that he and the Governor were obligated to follow the recommendations of the State Board of Pardons and Paroles.

Relying so heavily on the Texas Board of Pardons and Paroles might not be troubling if the board's record itself was not so troubling. Between 1973 and 1998, the Texas Board of Pardons and Paroles received more than 70 appeals of clemency denials. In all those cases, the board never once—not one time—ordered an investigation or held a hearing or even conducted a meeting to try to resolve any possible doubts about a case.

In fact, according to a 1998 civil suit, some board members do not even review case files or skim correspondence they are required to read before voting on clemency petitions. U.S. District Court Judge Sam Sparks, who presided over that lawsuit, found, in his words:

There is nothing, absolutely nothing—that the Board of Pardons and Paroles does where any member of the public, including the Governor, can find out why they did this. I find that appalling.

Typically, Mr. Gonzales presented a clemency memo to Governor Bush on the day that the inmate was scheduled to be executed. Mr. Gonzales would spend about 30 minutes at some point during the day briefing the Governor before this person was led to execution—30 minutes.

Let me tell you about 2 of the 59 people whose clemency requests Mr. Gonzales handled.

Irineo Tristan Montoya was a Mexican national executed in 1997. In 1986, in police custody, Mr. Montoya signed what he thought was an immigration document. In fact, it was a murder confession. Mr. Montoya could not read a word of it. He spoke no English.

Under the Vienna Convention of Consular Affairs, which the U.S. ratified in 1969 and accepted as our law of the land, Mr. Montoya should have at least been told that he had the right to have a Mexican consular officer contacted on his behalf. He was never informed of this right.

Mr. Gonzales's clemency memo mentioned none of these facts—not one. News accounts say Mr. Montoya was convicted almost entirely on the strength of this confession, a confession which he signed that he could not read or understand.

Then there is the case of Carl Johnson. It has become infamous. Mr. Gonzales's memo on Mr. Johnson's clemency request neglected to mention that Mr. Johnson's lawyer had literally slept through much of the jury selection.

Mr. Gonzales claims that omission of critical facts such as these do not matter because ''it was quite common that I would have numerous discussions with the Governor well in advance of a scheduled execution.''

However, Governor Bush's logs generally show one, and only one, 30-minute meeting for each execution. Thirty minutes for each life. And that meeting generally took place on the scheduled day of the execution.

At the Judiciary Committee hearing, Mr. Gonzales said: If I were in talking to the Governor about a particular matter and we had an opportunity, I would say, ''Governor, we have an execution coming up in 3 weeks. One of the bases of clemency I'm sure that will be argued is, say, something like mental retardation. These are the issues that have to be considered.''

The Texas death house was a busy place when Mr. Gonzales was general counsel. In the 6 days from December 6 to December 12, 1995, for example, there were four executions. In the 9 days from May 13 to May 22, 1997, there were six executions. In the 8 days from May 28 to June 4, 1997, there were five executions. In the week from June 11 to June 18, 1997, there were four executions. And during one 5-week period from May 13 to June 18, 1997, in the State of Texas, there were 15 executions.

Even if Mr. Gonzales found an opportunity, as he says, to mention critical details of upcoming executions during meetings on other topics, is that an appropriate or sufficient way to provide a Governor with information he needs to make a life-or-death decision?

Did Mr. Gonzales really expect the Governor to be able to keep track of these details that were discussed weeks in advance of a decision on clemency? Is that reasonable when a person's life is hanging in the balance?

Regardless of how one feels about the death penalty, no one—absolutely no one—wants to see an innocent person executed. That is not justice.

Over 2,000 years ago, Roman orator Cicero said: Laws are silent in time of war. The men and women who founded this great Nation rejected that notion. They understood that freedom and liberty are not weaknesses; they are, in fact, our greatest strengths.

In times of war or perceived threat, we have sometimes forgotten that basic truth. And when we have, we have paid dearly for it.

In the late 1700s, a war with France seemed imminent. Congress responded by passing the Alien and Sedition Acts. These patently unconstitutional laws empowered the President to detain and deport any non-citizen with no due process and made it illegal to publish supposedly ''scandalous and malicious writing'' about our Government.

President Lincoln, whom I regard as the greatest of all American Presidents, suspended the great writ of habeas corpus during the Civil War.

The first red scare during World War I accelerated into the Palmer raids after a series of bombings on Wall Street and in Washington, DC. Palmer, the U.S. Attorney, ordered roundups of suspected ''reds'' and summarily deported thousands of aliens, often with little evidence of wrongdoing and no due process.

We all know the tragic story of Japanese immigrants and U.S. citizens of Japanese ancestry being rounded up and placed in internment camps during World War II.

Another moment that I recall, as I stand here today, is when I served in the House of Representatives and heard two of my colleagues who were Congressmen at the time, Japanese Americans, come forward to explain what happened to them, how they were literally told the night before in their homes in California by their parents to pack up their little belongings, put them in a suitcase, and be prepared to

get on a train in the morning. Bob Matsui was one of those. He just passed away a few weeks ago.

Bob Matsui understood what discrimination could really be. What was his sin? He was born of Japanese American parents. That is a fact of life, and it was a fact that changed his life dramatically. He and others were taken off to internment camps without a trial, without a hearing, simply because they were suspected of being unpatriotic.

During the Cold War, our Nation, fearful of communism, descended into a red scare of McCarthyism, witch hunts, and black lists that destroyed the lives of thousands of decent people.

In the 1960s, the Government infiltrated many organizations and compiled files on its own citizens simply for attending meetings of civil rights or antiwar organizations.

Some on the other side of the aisle have compared Mr. Gonzales to one of our great Attorneys General, Robert Kennedy. With all due respect to Mr. Gonzales, he is no Robert Kennedy. Unlike Mr. Gonzales, Robert Kennedy understood the importance of respecting the rule of law to America's soul and our image around the world.

Listen to this quote from a speech that Robert Kennedy gave at the height of the Cold War and the civil rights movement. This is what he said:

> We, the American people, must avoid another Little Rock or another New Orleans. We cannot afford them. It is not only that such incidents do incalculable harm to the children involved and to the relations among people, it is not only that such convulsions seriously undermine respect for law and order and cause serious economic and moral damage. Such incidents hurt our country in the eyes of the world. For on this generation of Americans falls the burden of proving to the world that we really mean it when we say all men are created equal and are equal before the law.

Those were the words of Robert Kennedy, and if you replace Little Rock and New Orleans with Abu Ghraib and Guantanamo, those words ring true today. Mr. Gonzales does not seem to understand, as Robert Kennedy did, the impact such scandals have on America's soul and image.

Today is a critical moment for our Nation. Overseas, our Nation's actions and character are being questioned by our critics and our enemies. Here at home, we want to feel safer and more secure.

There are some who want to repeat the mistakes of our past. They think the best way to protect America is to silence the law in this time of war.

Let me tell you about one man who disagrees. His name is Fred Korematsu. More than 60 years ago, Mr. Korematsu was a 22-year-old student and was one of the 120,000 Japanese-American citizens and immigrants who was forced from their homes into these prison camps, internment camps.

After Pearl Harbor, Mr. Korematsu tried everything he could think of to be accepted as American. He changed his name to Clyde, and even had two operations to make his eyes appear rounder. He was still forced into Tule Lake, an internment camp in California.

He challenged his detention, taking his case all the way to the U.S. Supreme Court. In a decision that remains one of the most infamous decisions in the Court's history, the Supreme Court rejected Mr. Korematsu's claim and failed to find the internment of Japanese Americans unconstitutional.

It would be another 40 years until an American President, Ronald Reagan, officially apologized for that terrible miscarriage of justice and offered small restitution to its victims.

Today, Mr. Korematsu is nearly 85 years old. He is recovering from a serious illness, but he still loves America and is deeply concerned that we not again abandon our most cherished principles and values. So he has raised his voice, warning his fellow Americans we should not repeat the mistakes of the past.

I respect and admire Alberto Gonzales for his inspiring life story and the many obstacles he has overcome. Some of my colleagues suggested his life story embodies the American dream. But there is more to the American dream than overcoming difficult circumstances to obtain prominence and prosperity. We also must honor Fred Korematsu's dream that our country be true to the fundamental principle upon which it was founded: the rule of law.

Some of my colleagues have suggested that the opposition to Al Gonzales's nomination is all about partisan politics. That could not be further from the truth. This is about our ability to win the war on terrorism while respecting the values that our Nation represents.

I cannot in good conscience vote to reward a man who ignored the rule of law and the demands of human decency and created the permissive environment that made Abu Ghraib possible.

When the history of these times are recorded, I believe that Abu Ghraib and Guantanamo will join the names of infamous Japanese-American internment camps such as Manzanar, Heart Mountain, and Tule Lake where Fred Korematsu and over thousands of others were detained. I cannot in good conscience vote to make the author of such a terrible mistake the chief law enforcement officer of our great Nation and the guardian of our God-given and most cherished rights.

So, Mr. President, I will vote no on the nomination of Alberto Gonzales to serve as Attorney General of the United States. I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today to oppose the nomination of Alberto Gonzales to be the next United States Attorney General.

It is disappointing to have to oppose this nomination, but based on his record, I believe there is no other choice.

Judge Gonzales's life story is a shining example of the American dream.

From humble beginnings he rose to serve on the Texas Supreme Court, become counsel to the President of the United States, and has now been nominated for one of the three highest Cabinet positions in the United States.

His life story is compelling and admirable, but that alone is not enough to support someone for the position of Attorney General of the United States.

The Attorney General is the chief law enforcement officer of the Federal Government, and serves as the face for truth and justice in this country.

This individual should and must be committed to the sanctity of the law, protecting the rights and liberties of all people, and ensuring that the laws are obeyed.

I believe Judge Gonzales's work as counsel to the President shows him to be unfit to perform the duties of the Attorney General.

My concern centers on three events during Judge Gonzales's tenure as counsel to the President.

His actions during these times cause me to question whether he can fulfill the duties of the Attorney General as I just outlined.

The first event involves Judge Gonzales asking the United States Department of Justice to prepare a legal opinion on acceptable interrogation standards that would be allowed under the Convention Against Torture.

This memo became the basis for the standards developed by the Defense Department's working group on detainee interrogation, which subsequently have been used in Afghanistan, Guantanamo Bay, and Iraq.

The Justice Department memo ignores significant contrary case law, a plain reading of the statute, and the legislative history of the law.

In doing so, the memo created such a narrow definition of torture that only actions that cause ''equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death'' would be considered torture.

The analysis included in the memo has been called weak and reckless by other lawyers, human rights groups, former officials from this administration, military officers, and military lawyers.

However, it appears that Judge Gonzales had no misgivings with the memorandum at the time.

In fact, it appears that Judge Gonzales continues to have no concerns with the conclusions of this memo, even though prior to his Senate Judiciary Committee hearing, the Department of Justice issued another superseding memorandum that reaches a much different conclusion.

According to the new memorandum, torture is defined as physical suffering ''even if it does not involve severe physical pain.''

Second, in a memo Judge Gonzales wrote to the President, he advised that the Geneva Conventions did not apply to captured members of al-Qaida and the Taliban.

This was a reversal of longstanding United States policy and practice of adhering to the Geneva Conventions.

This conclusion is a misstatement and misinterpretation of the Geneva Conventions.

The Geneva Conventions require humane treatment of all captives, whether soldiers, insurgents, or civilians.

Additionally, Judge Gonzales also requested a memo concerning the Geneva Conventions' effect on the transfer of protected persons from occupied territory.

This memo led to the creation of the ''ghost detainee program'' in Iraq, a practice that is against the spirit, plain reading, and any interpretation of the Geneva Conventions.

Finally, and most disturbingly, Judge Gonzales has advised the President that if a legal statute infringes on the authority of the President as the Commander-In-Chief, then that statute should be considered unconstitutional and the President could refuse to comply with the law.

Such a position is contrary to settled separation of powers case law, and has most recently been repudiated by the United States Supreme Court in its decision last year on the rights of detainees.

These events lead me to question the willingness of Judge Gonzales to, as required, protect the sanctity of the law; protect the rights and liberties of all people, not just some, but all; ensure that Federal laws are obeyed, and, effectively perform the duties of Attorney General of the United States.

I am truly saddened to have to oppose the nomination of an Attorney General for the first time in my career.

However, the Nation's chief law enforcement officer must be required to show, beyond any doubt, the utmost respect for the law and an unwavering determination to defend the law.

Instead, Judge Gonzales's record as counsel to the President points to repeated attempts to skirt the law rather than uphold it.

I must conclude that given the record before us, Judge Gonzales is not qualified for the job.

Following the Iraq prison scandal, Secretary Rumsfeld stated that people should not base their opinion of the United States on the events that occurred there, but on the actions we take thereafter.

Therefore, what will be the world's opinion of the United States if we elevate one of the architects of the policies that led to the Iraq prison abuses to the position of chief law enforcement officer of our country?

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, this morning we have heard many excellent speeches. I commend my colleague from Vermont, Mr. JEFFORDS, for his statement. Yesterday I listened to Senators FEINSTEIN, SCHUMER, KENNEDY, MIKULSKI, DAYTON and STABENOW on our side, and I thought their statements were very good. Both Senator DURBIN of Illinois and I were at a hearing this morning and left to come over here. I think his statement was straightforward and comprehensive and compelling. I appreciate what has been said.

I have also listened to the statements of those who support this nominee, most from the other side. I would say one thing, I am glad that none of them are defending torture. I never expected they would. None of them defend what happened at Abu Ghraib. I didn't expect they would. None of them are defending the Bybee memorandum, with its narrow legalistic interpretation of the torture statute. I never thought any of them would.

None of them defend the outrageous claim that the President of the United States is above the law. I don't know how anybody could defend that position. One of the things we have learned, from the first George W., George Washington, to the current President, is that no President is above the law, not even this one. None of us are. Senators are not. Judges are not. Nobody is.

In fact, some of the people who have spoken have been explicitly critical of the Bybee memo. Unfortunately, the nominee has not joined in that criticism. Instead, he told me at his hearing that he agreed with its conclusions. We know that for at least 2 years he did not disagree with the secret policy of this administration.

Water flows downhill and so does Government policy in this administration. Somewhere in the upper reaches of this administration a process was set in motion that rolled forward until it produced scandalous results.

We may never know the full story. The administration circled the wagons. They stonewalled requests for information from both Republicans and Democrats. What little we do know, we know because the press has done a far, far, far better job of oversight than the Congress itself. We know it from international human rights organizations because they have done a far better job of oversight than Congress has. We owe it to a few internal Defense Department investigations, and of course the Freedom of Information Act litigation. Thank goodness we have the Freedom of Information Act, because Congress, this Congress especially, both bodies, has fallen down for years on their oversight responsibility. It failed, actually refused, to do oversight of an administration of their own party. It is fortunate the Freedom of Information Act is there.

Every administration, Democrat and Republican, will tell you all the things they believe they have done right. None will tell you the things they believe they have done wrong. Normally it is the job of the Congress to root that out. We have not been doing our job. Fortunately the press and others, through the Freedom of Information Act, have.

Despite repeated requests both before and during and after judge Gonzales's confirmation hearing, there is much we still do not know. We gave this nominee every possibility before, during, and after his hearing to clarify this. I even sent to him and to the Republicans on the committee, well in advance of the hearing, a description of the types of questions I would ask on this particular matter so there would be no surprises and so that he would have a chance to answer them. He didn't.

We do know that he was chairing meetings and requesting memos and checking up on those memos as various Government agencies were being tasked with eroding long-established U.S. policy on torture.

Just this week, the New York Times reported the Justice Department produced a second torture memo to address the legality of specific interrogation techniques proposed by the CIA. So much for the proponents' argument that these memoranda were research memos with little real-world impact.

That second torture memo, which the administration refused to provide to the Judiciary Committee, reportedly used the very narrow and thus permissive interpretation of the torture statute outlined in the first memorandum. The administration will not come clean from behind the stone wall it has constructed to deter accountability for its actions. Does anyone believe this memo was generated without knowledge of the White House, without its approval?

The President said he chose Judge Gonzales because of his sound judgment in shaping the administration's terrorism policies. But the glimpses we have seen of secret policy formulations and legal rationales that have come to light show that his judgements have not been sound.

Look at his role with respect to the Bybee memo. This is the memo that noted legal scholar Dean Koh of the Yale Law School called, ''perhaps the most clearly erroneous legal opinion I have ever read.'' He went on to say it is ''a stain upon our law and our national reputation.''

In remarks yesterday, Republican Senators, quite correctly in my view and the view of many others who studied it, said the Bybee memo was ''erroneous in its legal conclusions. . . .'' They call the memo's interpretation of what constitutes torture ''very, very extreme . . . certainly not a realistic or adequate definition of torture which would withstand legal analysis or legal scrutiny.''

I commend them for doing that. I commend them for saying the memorandum was ''extreme and excessive in its statement and articulation of executive power.'' I would feel far better if

the man who they are supporting for Attorney General had taken the same position, as have many of my colleagues in the Senate, on both sides of the aisle.

Even supporters of Judge Gonzales distance themselves from the Bybee memo's conclusion that the President has authority to immunize those who violate the law knowing that ''certainly is not lawful.''

These are the statements of Republican Senators, but they should not be confused with the statements of Judge Gonzales, who has refused to criticize its legalistic excuses for recalibrations of decades of law and practice.

I ask unanimous consent to have printed in the RECORD a number of newspaper articles and editorials that bear on this nomination, including one that appears in today's Rutledge Herald, a prize-winning newspaper in Vermont.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rutland Herald, Feb. 2, 2005]

NO ON GONZALEZ

One of the best ways the U.S. Senate could assure the world that the United States is serious about democracy and human rights would be to reject the nomination of Alberto Gonzalez as attorney general.

The Democrats on the Senate Judiciary Committee were united in opposing Gonzalez, who received a vote of 10–8 from the committee. Sen. Patrick Leahy, ranking Democrat on the committee, was firm in opposition to Gonzalez. Democrats have flirted with the idea of a filibuster to block Gonzalez's confirmation, but on Tuesday they rejected that idea.

It is a difficult to understand how the Arab world or anyone else could take seriously President Bush's high-flown rhetoric on behalf of freedom or democracy if Gonzalez became part of his cabinet. Gonzalez has become known as Mr. Torture. His low-key, equable manner before the committee should not disguise the fact that during long hours of testimony he refused to say that it was illegal for the president to authorize torture of prisoners in the hands of the U.S. military.

It is well known that Gonzalez was the author of memos defining the ways that it was permissible for U.S. troops to torture their captives. He was behind numerous policies since ruled unconstitutional and illegal, such as the detention of prisoners without charge and without access to a lawyer. He was behind the military tribunals established to deal with prisoners at the Guantanamo naval base, which have also been thrown out by the courts.

Continuing revelations reveal that torture and other mistreatment were the work of more than a few miscreants at Abu Ghraib in Iraq. The International Red Cross has charged that torture of prisoners is widespread. New reports continue to emerge, such as that describing the sexual taunting of prisoners by female interrogators. It is degrading for the prisoners and for the U.S. military, and it shows the world a face of the United States that ought to shame all Americans.

Is Alberto Gonzalez responsible for these violations? Yes. He is not alone, of course. President Bush bears ultimate responsibility, and Secretary of Defense Donald Rumsfeld is culpable as well. But Gonzalez was responsible for the twisted interpretations that gave a legal gloss to policies that spread from Guantanamo to Iraq and Afghanistan.

Gonzalez is likely to win approval from the Senate. As Leahy noted at the time of Gonzalez's nomination, the present Senate would probably give the nod to Attila the Hun. But a strong voice of disapproval by senators concerned about the way that Gonzalez and Bush have abused our democratic ideals would remind the world that America is not unanimous in support of the inhumane policies of the Bush administration.

Bush has pledged his support for democratic movements all around the world. A no vote on the Gonzalez nomination would show the world the United States, too, is struggling to be a democracy.

[From the Wall Street Journal, Nov. 26, 2002]

GONZALES REWRITES LAWS OF WAR

(By Jeanne Cummings)

WASHINGTON.—Most people assume Attorney General John Ashcroft is the Bush appointee responsible for legal decisions that critics say place national security above civil liberties. But the real architect of many of those moves is someone most Americans have never heard of: White House Counsel Alberto Gonzales.

Since the Sept. 11 attacks, the former commercial-real-estate attorney from Texas has been rewriting the laws of war. From his corner office in the White House, he developed the legal underpinnings for presidential orders creating military commissions, defining enemy combatants and dictating the status and rights of prisoners held from Afghanistan battles. And he may well hold the most sway in President Bush's coming decision on whether to begin appointing military commissions to prosecute Afghanistan war prisoners.

He believes he is striking the right balance between American security and personal liberties. But his methods have evoked outrage from the State Department and even the Pentagon, which say they resent being cut out of the process.

Career Pentagon lawyers in the Judge Advocate General's Office were furious that they read first in news reports that Mr. Gonzales had devised the legal framework for military commissions. National Security Council legal advisers unsuccessfully tried in January to stall his controversial decision asserting that the Geneva Convention didn't apply to Afghanistan detainees. And Secretary of State Colin Powell launched an intense internal campaign to undo that decision.

''Essentially, a bunch of strangers are deciding the issues and you're outside the door not being heard,'' complains retired Rear Adm. John Hutson, who served as the Navy's judge advocate general until 2000 and who remains close to his former colleagues at the Pentagon.

The 47-year-old Harvard Law School graduate remains secure in his post mainly for one reason: President Bush. ''I love him dearly'' was how Mr. Bush introduced his former Texas chief counsel last year. Because of that bond, Mr. Gonzales is considered a likely candidate for nomination to the U.S. Supreme Court.

What makes the San Antonio native's role remarkable is his willingness to go toe-to-toe against Defense Secretary Donald Rumsfeld's department lawyers and Mr. Powell himself—to try to bend powerful insiders to the will of his client, Mr. Bush. Mr. Gonzales is the president's final sounding board on issues that in previous administrations were largely handled by experts in the National Security Council or the departments of State and Defense. ''There is a reason you have trusted aides in key positions. It's to get their judgment after hearing everyone else's judgment,'' says Dan Bartlett, the president's communications director.

The way Mr. Gonzales sees it, the war on terrorism requires a re-examination of the conventional rules, and it is his job to push Congress, the courts, and the international community to do that. ''Some of these principles have never been addressed in a court of law,'' says Mr. Gonzales. ''People think it is obvious that an American citizen, for example, would have a right to counsel if detained as an enemy combatant. But that's not so obvious.''

Before Sept. 11, Mr. Gonzales's only brush with the Geneva Conventions was in death-penalty appeals, such as the 1997 case of Mexican native Tristan Montoya. Under the Geneva agreement, Mr. Montoya had a right to contact his consulate office, but Texas authorities failed to inform him of that right. Mr. Gonzales argued that omission wasn't significant enough to overturn Mr. Montoya's murder-robbery conviction. He asserted Texas was under no obligation to enforce the agreement anyway since the state wasn't a party in ratifying it. Mr. Montoya was executed and the U.S. State Department sent a letter of apology to Mexico for the agreement's violation.

After the terrorist attacks, Mr. Gonzales took a new look at those agreements. The reference book ''The Laws of War'' is the newest addition to his research shelf. It was given to him by John Yoo, a former University of California, Berkeley professor now serving in the Justice Department's Office of Legal Council. Mr. Yoo built a formidable reputation in elite international law academic circles—the ''academy'' as they call themselves—for his provocative writings asserting profound presidential powers during time of war. He quickly became the White House counsel office's ''go to guy,'' says Mr. Gonzales.

But the Gonzales team's first venture into the international-law arena was a rocky one. On Nov. 13, 2001, Mr. Bush announced his intention to revive World War II-style military commissions. He released a framework that excluded explicit assurances of unanimous verdicts, rights to appeal, public trials, and a standard of proof beyond a reasonable doubt. The legal community—particularly military experts—exploded.

Over the next four months, Pentagon attorneys, who had complained about being kept out of the loop, wrote regulations for the commissions that guaranteed most of those rights. Still lacking, critics say, is the right to appeal to an outside court. ''Our political leaders just can't have the ultimate say on guilt and innocence,'' says Tom Malinowski, a Washington advocate and director of Human Rights Watch.

Mr. Gonzales was ''surprised'' by the sharp reaction to the commission ruling, but acknowledged it may have been written and released too hastily. He says he conducts wide-ranging consultations, but that there are times when others within the administration just don't agree with his final recommendation for action.

Two months after the commission order, Mr. Gonzales was readying another critical wartime recommendation—that the president deny Geneva Convention coverage to detainees housed in a makeshift prison in Cuba's Guantanamo Bay Naval Base. National Security Council lawyers tried to slow the order, but, on Jan. 18, Mr. Bush adopted that stand. ''They are not going to become POWs,'' Mr. Gonzales said.

The move immediately drew objections from the State Department. Mr. Powell, fearing captured U.S. servicemen or spies could face reprisals, demanded the president

reconsider the ruling. The secretary's discomfort was compounded by a Jan. 25 memo written by Mr. Gonzales that misstated Mr. Powell's position and concluded that the secretary's arguments for ''reconsideration and reversal are unpersuasive.''

Mr. Powell argued that while the detainees didn't deserve prisoner-of-war status, the administration must use the Geneva Conventions to reach that conclusion. After two intense NSC meetings, Mr. Bush opted to reverse course—but, for Mr. Gonzales, it was only a technical loss.

Today, federal judges are grappling with Mr. Gonzales's interpretation of the rights of U.S. citizens, the ''enemy combatants,'' who have been held for months without charges or access to attorneys. That is an issue that is unlikely to be resolved until it reaches the Supreme Court.

Mr. Gonzales readily admits the White House might lose some ground in those court cases. While being ''respectful'' of constitutional rights, the administration's job ''at the end of the day'' is ''to protect the country,'' he says. ''Ultimately, it is the job of the courts to tell us whether or not we've drawn the lines in the right places.''

[From the National Journal, Nov. 13, 2004]

OPENING ARGUMENT—THE PROBLEM WITH ALBERTO GONZALES

(By Stuart Taylor Jr.)

White House Counsel Alberto Gonzales is an amiable man with an inspiring personal story. One of eight children of uneducated Mexican-American immigrants, he grew up in a Texas house with no hot water or telephone. He would be the first Hispanic attorney general. He has the complete trust of the president, whom he has loyally served for four years in Washington, and in Texas before that. He is far less divisive and confrontational than the departing John Ashcroft.

The problem with Gonzales is that he has been deeply involved in developing some of the most sweeping claims of near-dictatorial presidential power in our nation's history. These claims put President Bush literally above the law, allowing him to imprison and even (at least in theory) torture anyone in the world, at any time, for any reason that Bush associates with national security. Specifically:

Gonzales played a central role in developing Bush's claim of unlimited power to seize suspected ''enemy combatants''—including American citizens—from the streets or homes of America or any other nation, for indefinite, incommunicado detention and interrogation, without meaningful judicial review or access to lawyers.

He presided over the preparation of the poorly drafted November 2001 Bush order establishing ''military commissions'' to try suspected foreign terrorists for war crimes.

He signed the January 25, 2002, memo to the president arguing that the 1949 Geneva Conventions offer no protection to any prisoners seized in Afghanistan; the memo dismissed some of the Geneva provisions as ''quaint.'' This memo signaled Bush's break—over vigorous objections from Secretary of State Colin Powell—with the generous interpretation of the Geneva Conventions used under every president from Harry Truman through Bill Clinton. It also led to Bush's refusal to provide the individual hearings required, both by Geneva and by Army regulations, for the hundreds of alleged ''unlawful combatants'' at his Guantanamo Bay prison camp.

He was the addressee of, and apparently had a role in vetting, the August 1, 2002, Justice Department memo asserting that the commander-in-chief has virtually unlimited power to authorize indiscriminate use of torture in wartime interrogations—tearing off fingernails, branding prisoners' genitals with red-hot pokers, you name it.

Here is how these profoundly unwise claims have worked out:

The no-due-process ''enemy combatant'' policy brought Bush an 8–1 rebuff from the Supreme Court on June 28, in Hamdi v. Rumsfeld. The majority asserted that ''a state of war is not a blank check for the president.'' Antonin Scalia, the justice whom Bush has said he most admires, stressed in a concurrence that ''the very core of liberty secured by our Anglo-Saxon system of separated powers has been freedom from indefinite imprisonment at the will of the executive.''

The ''military commissions'' have been a fiasco in practice (as detailed in my September 11, 2004, column) and were held to be unlawful in important respects on November 8 by Judge James Robertson of the U.S. District Court for the District of Columbia. (The administration plans to appeal.)

Bush's spurning of the Geneva Conventions and refusal to provide hearings for Guantanamo detainees probably explain his 6–3 defeat in another June 28 Supreme Court decision, Rasul v. Bush, which rejected Bush's claim of power to detain non-Americans at Guantanamo without answering to any court. And Judge Robertson wrote that the administration ''has asserted a position starkly different from the positions and behavior of the United States in previous conflicts, one that can only weaken the United States' own ability to demand application of the Geneva Conventions to Americans captured during armed conflicts abroad.''

The Justice Department torture memo, together with a similar Pentagon memo in March 2003 and the Abu Ghraib photos, have brought the United States worldwide opprobrium for authorizing torture as official policy (which Bush did not do) while making the CIA and the military newly wary of using even mild, legally defensible forms of coercion to extract information from captured terrorists.

If Senate Democrats (and Republicans) are not too cowed by Bush's election victories to do their jobs, the confirmation proceeding for Gonzales will drag us more deeply than ever through the torture memos, Abu Ghraib, the evidence of torture and killing of prisoners by U.S. forces in Afghanistan, and all that. Will that be good for Gonzales? For Bush? For the country?

At the very least, Democrats should demand a full accounting of Gonzales's role in the development of these torture memos. And when Bush claims confidentiality, the answer should be: If you must cloak in secrecy your counsel's role in shaping your own grandiose claims of power, then don't ask us to confirm him.

Here is a far-from-complete history of the torture memos, as reconstructed from anonymous sources and news reports:

The CIA began using various forms of duress to extract information from captured Qaeda leaders overseas in late 2001 and early 2002. But agency officials were concerned that they might be prosecuted by some future administration or independent counsel, and that the CIA itself might be attacked for abusing its powers, as it was during the 1970s. So CIA Director George Tenet requested a legal memo assuring interrogators and their superiors sweeping presidential protection from any future prosecution under an anti-torture law that Congress had adopted in 1994 to comply with the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

The task was assigned to the Justice Department's Office of Legal Counsel. The Bush-appointed head of OLC, Jay Bybee, now a federal judge, and some other Justice Department and White House lawyers were reluctant to make such a bold and unprecedented claim of presidential power. But under apparent pressure from their superiors, Bybee and his staff produced the August 1, 2002, memo, addressed to Gonzales. Earlier drafts had been carefully vetted by the offices of Gonzales, Ashcroft, and David Addington, Vice President Cheney's counsel.

I have been unable to determine how deeply Gonzales was involved in the details. The Senate should demand to know.

Aside from the OLC memo's indefensible claims of presidential power to order torture, it also claims that rough treatment of prisoners does not even fit the definition of torture unless ''equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death.''

There is no evidence that the administration ever approved ''torture,'' as thus defined, as a matter of policy. It did approve a number of highly coercive, still-classified interrogation methods, such as feigning suffocation and subjecting prisoners to sleep deprivation and ''stress positions,'' which apparently helped extract valuable information from Qaeda leaders. And in 2003, the Pentagon adopted the Justice Department's analysis—initially devised for CIA interrogations of a few high-level terrorists—to justify coercive interrogations of prisoners at Guantanamo and, later, in Iraq. This came despite strong objections from top military lawyers, based on their long-standing view that rough interrogation methods are ineffective, arguably illegal, and likely to become indiscriminate and excessive.

How much all of this had to do with bringing about the now-documented torture, abuses, and killings of prisoners in Iraq and Afghanistan is in dispute. What's clear is that the leaked torture memos, as well as the Abu Ghraib photos, disgraced our nation—so much so that Gonzales and other White House officials, at a June 22 news conference, sought to blame the OLC lawyers for what Gonzales called their memo's ''overbroad'' and ''unnecessary'' passages. The Senate should now explore whether (as has been suggested to me) the OLC lawyers had only been following orders from the same White House officials who later ran for cover.

This is not to deny the difficulty of the issues presented to Gonzales and his colleagues by the unprecedented magnitude of the terrorist threat. Nor is it to deny the need for judicious use of preventive detention and coercive interrogation techniques (short of torture) to prevent mass murders. But the torture memos are emblematic of a Bush White House that has consistently failed to strike a wise balance between the demands of security and of liberty.

Gonzales's role in all of this appears to be to tell Bush what Bush wants to hear. With the dubious benefit of such advice, Bush has not only shown little appreciation for civil liberties but also provoked a judicial and international backlash that has hurt the war on terrorism. Gonzales does have many fine qualities. But is this the attorney general we need?

[From the Washington Times, Jan. 24, 2005]

ABU GHRAIB ACCOUNTABILITY

(By Nat Hentoff)

Although there was considerable media coverage of Alberto Gonzales's confirmation hearing for attorney general, a look at the full transcript still raises, for me, serious questions about his fitness to be our chief law enforcement officer.

At the start, Mr. Gonzales told the senators and the rest of us: ''I think it is important to stress at the outset that I am and will remain deeply committed to ensuring that the United States government complies with all of its legal obligations as it fights the war on terror, whether those obligations arise from domestic or international law. These obligations include, of course, honoring Geneva Conventions whenever they apply.''

Sen. Ted Kennedy asked the nominee if the media reports were accurate that Mr. Gonzales had chaired meetings that covered specific ways to make detainees talk. For example, having them feel they were about to be drowned or buried alive. Mr. Gonzales answered: ''I have a recollection that we had some discussions in my office.'' But, he said, ''it is not my job to decide which types of methods of obtaining information from terrorists would be most effective. That job falls to folks within the agencies.''

So, ''the agencies,'' including the CIA, can do whatever they consider effective; and Mr. Gonzales suggests that he had no role as to the lawfulness of those methods when he was counsel to the president, our commander in chief? Should he not have told the president that the Geneva Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment forbids ''any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession''? And should he not have been interested in trying to find out how many of those detainees had been sufficiently screened when captured in order to indicate whether they actually were terrorists or suspects or indiscriminately rounded up?

Sen. Russ Feingold asked Mr. Gonzales whether the president has ''the authority to authorize violations of the criminal law under duly enacted statutes (by Congress) simply because he's commander in chief.'' Mr. Gonzales said: ''To the extent that there is a decision made to ignore a statute, I consider that a very significant decision, and one that I would personally be involved with . . . with a great deal of care and seriousness.'' ''Well,'' Mr. Feingold said, ''that sounds to me like the president still remains above the law.'' When Mr. Kennedy asked the same question, Mr. Gonzales said it was ''a very, very difficult question.'' So, what does he believe about the separation of powers?

Another question from Mr. Kennedy: ''Do you believe that targeting persons based on their religion or national origin rather than specific suspicion or connection with terrorist organizations is an effective way of fighting terrorism? And can we get interest from you [that[, as attorney general, you'd review the so-called anti-terrorism programs that have an inordinate and unfair impact on Arab and Muslim?'' Mr. Gonzales responded: ''I will commit to you that I will review it. As to whether or not it's effective will depend on the outcome of my review.'' But Mr. Gonzales didn't answer the first crucial part of the question: Is targeting people based on religion, without specific suspicion, effective? And, I would add, isn't it broadly discriminatory?

Asked by Sen. Patrick Leahy about increasing reports of abuse of detainees in Iraq and Guantanamo Bay, Mr. Gonzales said: ''I categorically condemn the conduct that we see reflected in these pictures at Abu Ghraib.

''I would refer you to the eight complete investigations of what happened at Abu Ghraib and Guantanamo Bay, and there are still three ongoing,'' he added. But none of the investigations have gone so far up the chain of command as the Defense Department and the Justice Department to determine the accountability of high-level policymakers there.

As The Washington Post noted in a lead editorial on Jan. 7, ''The record of the past few months suggests that the administration will neither hold any senior official accountable nor change the policies that have produced this shameful record.'' Nor did the senators ask themselves about Stuart Taylor's charge in the Jan. 8 National Journal that ''Congress continues to abdicate its constitutional responsibility to provide a legislative framework'' for the treatment of detainees. The White House strongly resists Congress' involvement.

''No longer,'' Mr. Taylor insisted, ''should executive fiat determine such matters as how much evidence is necessary to detain such suspects (and) how long they can be held without criminal charges.'' As U.S. attorney general, will Mr. Gonzales move to reinstate the constitutional separation of powers to prevent further shame to the United States for the widespread abuses of detainees under the executive branch's parallel legal system of which Alberto Gonzales was a principal architect?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I rise this morning to speak about a man whose life and career embody principles that are uniquely, and proudly, American. He is the grandson of immigrants who overcame language and cultural barriers to carve out an existence through manual labor and faith. Through his commitment to education, his firm belief in the law, and a dedication to public service, he has risen to the top of his profession and now seeks to serve his country at the highest level. Mr. President, I rise this morning to speak about Alberto Gonzales and to urge bipartisan support for his confirmation as Attorney General of the United States.

Alberto Gonzales's qualifications speak for themselves. He is a graduate of Harvard Law. He served as Secretary of State for the State of Texas and as a justice on Texas' Supreme Court before being named White House Counsel by President Bush in 2001. Mr. Gonzales was recently inducted into the Hispanic Scholarship Fund Alumni Hall of Fame and has been honored with the Good Neighbor Award from the United States-Mexico Chamber of Commerce.

Henry Cisneros, the former Secretary of Housing and Urban Development, calls Alberto Gonzales a person of sterling character and says that Mr. Gonzales's confirmation by this body will be part of America's steady march toward liberty and justice for all.

It is a march that, for Alberto Gonzales, started in a two-bedroom house shared by ten people with no hot running water or telephone. But what Alberto Gonzales and his family lacked in comfort they made up for in vision and hard work.

Alberto was the first person in his family to go to college. He served in the United States Air Force and attended the United States Air Force Academy.

But Alberto Gonzales is about more than an impressive résumé. Each experience in his life has prepared him for the great honor of serving as the next Attorney General of the United States—a job he is extremely qualified for and a job that I know he will perform with honor and dignity.

As the Nation's chief law enforcement officer, Alberto Gonzales will take the lessons from his positions as Counsel to the President, Texas Supreme Court Justice, Texas Secretary of State, and General Counsel to the Governor and work to protect Americans from terrorism while protecting our Constitutional rights. He will also work to reduce crime, reform the FBI, and protect Americans from discrimination.

Alberto Gonzales has come a long way since his days growing up in Humble, Texas. He has accomplished so much, but he has never forgotten from where he came. He has been committed to the Latino community throughout his career, and they have recognized him for his community service and the impact he has made. Today, many of the largest national Latino organizations are standing in staunch support of his nomination and looking forward with great anticipation to the swearing-in of the first Latino Attorney General for the United States.

For Alberto Gonzales, the march toward liberty and justice started in Humble, TX, and continued through many ambitious goals. Alberto Gonzales has defied the odds and surpassed expectations time and time again. His successes have created a foundation that will serve our Nation well and inspire a new generation to aspire and conquer.

I urge my colleagues to join me as we continue the march toward liberty and justice by voting to confirm Alberto Gonzales as the next Attorney General of the United States.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Nevada for his fine comments about Judge Gonzales.

We have gotten to know Judge Gonzales over the years. He is a good and decent man, a fine lawyer who respects the rule of law, who is proud to be an American. He wants to see our country strong and free. He led the effort in the fight against terrorism. He did the things we wanted him to do.

He has a background that excites our pride. We are pleased to see how much he has achieved. He went to Harvard and was hired by one of America's great law firms. He served the Governor of Texas, was a judge in Texas—and all of his credential are wonderful.

We know he is a good, decent, honorable, and honest man.

If you listen to the comments made here today, by some Democrats, about him, you would not recognize the man we know.

It is not right. What has been done here is wrong.

If you have a disagreement with the policy of the President of the United States, OK, we will talk about it and

we will see what the differences are. But it is not right to demean and mischaracterize the nature of Judge Gonzales. I feel strongly about that.

I served in the Department of Justice for 15 years. I would like to share a few thoughts to give us some perspective about the role Judge Gonzales has played.

Judge Gonzales was legal counsel to the President. He was the President's lawyer. Of course, everyone who is a lawyer—I am a lawyer and a good number in this body are lawyers—knows that lawyers protect the legal prerogatives of their clients. You do not want to in memorandum and public statements make statements that constrict the ultimate power of the institution of the Presidency of the United States. That is a fundamental thing. That is what you have to do. That is what you are there for.

When 9/11 happened and we were taken aback by the viciousness of the attacks, we were worried, rightly, that throughout this country there would be terrorist cells continuing to plot as they were perhaps in Arizona, or in other places, as we have learned. We wanted to be sure we were defending this country well. We had to make some decisions.

We went after al-Qaida in Afghanistan. A lot of legal questions arose.

I serve on the Judiciary Committee. We had hearing after hearing regarding these issues.

Let me tell you what I think Judge Gonzales did not do. Not I think; I know he did not do. He did not approve of torture. He has always steadfastly opposed it. His position has consistently been that we comply with the laws of the United States and our treaty obligations. I will talk about that in a minute.

But that was not his call at that point in time. He did not privately tell the President, or call up the Secretary of Defense, or call the guard at Abu Ghraib and say torture these prisoners. He sought a formal legal opinion concerning the powers and responsibilities of the President of the United States as a lawyer for the President. He made that request of the Office of Legal Counsel, a senatorial-confirmed position of the U.S. Department of Justice, a position that is given the responsibility to opine on matters of this kind. They are not to set policy. They are not to say what torture is other than what the law says. They do not express their own views. But he asked them what the legal responsibilities and powers of the President were. They researched the law. They sent back a memo. That is the memo being complained of, a memo not written by Judge Gonzales, a memo written by the Office of Legal Counsel of the U.S. Department of Justice and their staff that worked on it at some great length. We have had complaints about it.

Judge Gonzales later on said: There have been complaints about this memorandum. You need to redo it.

He suggested that, I guess, on behalf of the President, and they rewrote it. They constricted the issues they discussed. They didn't speculate on what the ultimate powers of the President might be. They did that less in the second memorandum than they did in the first.

That is how this came about. It was their opinion, not his. They say he circulated it. Well, do you want him to circulate his personal views? Do you want him to circulate some politician's views? Or do you want him to circulate the duly drafted opinion of the Office of Legal Counsel of the U.S. Department of Justice which researched our history, the treaties, the Constitution, and the court cases of the United States?

We need to get our mind in the right perspective and remember the circumstances we are operating under. I will repeat, Judge Gonzales has never supported torture. We have Members who have said Judge Gonzales advised the President of the United States that torture was acceptable. That is false, inaccurate, and wrong. Anyone who said that ought to apologize for it. Do we have no sense of responsibility in what we say? Are we irresponsible, that we can attack this fine man, a son of immigrants who worked his way up through the entire legal system to be now nominated to that great office of Attorney General of the United States? He deserves a fair shake. He has not been getting it.

They say he abandoned the rule of law. He did not do that. He sought a legal opinion from the duly constituted Office of Legal Counsel which is supposed to render those opinions. He disseminated those opinions and now they blame him for it. It is not the right thing to do. As President Bush said on more than one occasion, but on the eve of the G–8 summit in June of last year:

> The authorization I issued was that anything we did would conform with United States law and would be consistent with international treaty obligations.

That has been the position. In a letter to Senator LEAHY, Assistant Attorney General Will Moschella in the legislative affairs division of the Justice Department rejected categorically ''any suggestion that the Department of Justice has participated in developing policies that would permit unlawful conduct.''

In a special piece submitted to USA Today, Judge Gonzales, in his capacity then as White House Counsel, stated ''in all aspects of our Nation's war on terror, including the conflict in Iraq, it is the policy of the United States to comply with the governing laws and treaty obligations.'' I will talk more about that because it is important legally to understand what has been occurring.

We as a nation do not approve of torture. We reject it. We prosecute and discipline those who are participating in it or carry it out and we have been committed to that as a country. We ought to ask ourselves, has this Congress stated any position on terrorism? What did they say?

I remember not too many months ago when Attorney General John Ashcroft was before the Judiciary Committee. They were bombarding him with the allegations that he was responsible for Abu Ghraib, he was responsible for any misbehavior throughout our entire command, and that he had approved torture, and they quoted things they said he approved. In frustration, Attorney General Ashcroft, looking at his former colleagues, said ''Well, the problem I have with you, Senator, is, it is not my definition of torture that counts. It's the one you enacted into law.''

Do you know we have a law that defines torture and sets forth what it amounts to and how it should be defined? It is that definition that was made a part of the OLC, Office of Legal Counsel memorandum, and it is that memorandum and that language our colleagues across the aisle are complaining about, and some of them were here when that statute passed and they voted for it.

Let's take a look at that. This statute, part of the United States Code, says:

> Torture means an act specifically intended to inflict severe physical or mental pain or suffering upon another person. Severe mental pain or suffering means the prolonged mental harm caused by or resulting from the intentional infliction or threatened infliction of severe physical pain or suffering. The threat of imminent death or the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or procedures calculated to disrupt profoundly the senses or personality.

These words were used—and I know the Presiding Officer is a skilled JAG officer from South Carolina—those were the words discussed in the OLC memorandum. They used those kinds of words. The same kind of words passed by a number of Democrat Members in this body. The authors of the OLC memo simply discussed the meaning of these words passed by the Congress. Now some are arguing that because of this memo we approve these horrible things.

I suppose a person could misinterpret deliberately some of that and carry out things that are not legitimate. I suppose some of these things would be legitimate. We said they were when we passed the statute, or at least we did not prohibit them when we passed the statute.

Who defines torture? The Office of Legal Counsel? Judge Gonzales? The President of the United States? Or the U.S. Congress? We have enacted a definition of torture, the one I just read. It might offend some people, but as it is, that is the definition of torture, I submit, and I don't see how it can be disputed.

We did have activities that occurred. This memorandum fundamentally was

advice to the President on what his ultimate powers were. But the President's orders, the policies of the U.S. military, were much more constrained than possibly would have been allowed under this statutory definition. Not that the President ultimately did not have that power. But we have not utilized that power or approved it. In fact, we have disciplined people who have not followed those rules and regulations.

First, it is always going to be the President's fault, during an election year. Then it was Secretary Rumsfeld, and then Condoleezza Rice. At some point they decided to quit blaming Secretary of State Rice during her confirmation proceedings and start blaming it all on Judge Gonzales. So now we have been through the President, the Secretary of State, National Security Adviser, the Secretary of Defense, and now we are down on Judge Gonzales. It is all his fault. Now he cannot be confirmed because somebody at Abu Ghraib violated policy. They have been tried. Some have already been convicted. They have been removed from office.

We had the situation—do you remember it?—when a full colonel in the Army, in the heat of battle, concerned for the safety of his troops, fired a gun near the head of an Iraqi terrorist to induce him to give information that would protect the lives of his soldiers. And we drummed him out of the service for it long before a lot of this happened.

Remember, it was the military that brought forth the abuses at Abu Ghraib. They recognized that some had violated the laws of the United States and that those activities should not be allowed. They have disciplined people systematically since. They are continuing to do so. If anybody higher up is implicated, these lower guys are going to tell about it. They are going to pursue that, I have absolute confidence. And we will pursue that.

But I think it is unhealthy for our country, dangerous to our troops, undermining of our mission to suggest that it was the policy of the U.S. Government to do this. How can that help us gain respect in the world when Senators in this body allege that the President's own counsel is approving what went on in Abu Ghraib, that his policies legitimized what was going on in Abu Ghraib? I do not believe that is true. It is not true. We should not be saying it. We had a big enough, bad enough problem in Abu Ghraib. It was an embarrassment to us. We were painfully hurt by it. And it should not have occurred. But I will say, with confidence, that Judge Gonzales does not bear the blame for that.

Discipline in war is hard to maintain. I mentioned the example of how a highly decorated colonel was removed from the service for his failure of discipline, even in a tough time. I remember back in the Pacific, in those island campaigns, neither side took prisoners. It was a battle to the death. We are facing an enemy unlike enemies we have faced before. They are a ferocious, suicidal, murderous, sneaky bunch that for most of them, hopefully not all, but for most of them they simply have to be defeated, they have to be captured, they have to be killed, they have to be restrained because they will not stop. If we are successful in doing that, I believe the glory that some of these terrorists have attained will be diminished, and it will be seen that they represent a small, backward, insular, violent mentality, not conducive to progress, peace, and democracy in the Middle East or anyplace else in the world.

I think we are going to make progress on that. We need to hold our standards high. I certainly agree with that. But war is a difficult thing. People do make mistakes. We have abuses in the Federal prison systems and in State prison systems. Senator KENNEDY and I offered legislation to prohibit sexual abuse in prisons by guards and prisoners, and to investigate it, to identify it, and stop it. But we know we have abuses in our prisons, and we need attention from the top and discipline from the top.

I will note a recent article about Abu Ghraib. Soldiers were interviewed in a Washington Post article, and they all said this was unacceptable behavior; it should have never occurred. It is clear that the soldiers who are there today fully understand their responsibilities to treat these people humanely, and that they will do so.

I want to mention one more thing about some of the details of this issue. First, I think it is indisputable that al-Qaida and such terrorists who are about and loose in the world today do not qualify under the Geneva Conventions. They simply are not covered by it because they are not the kind of lawful combatants the Geneva Conventions protect.

Now, the President says we are going to treat them humanely in any case, and we are going to treat them fairly. In many instances he says we are going to provide them the protections of the Geneva Conventions even though they are not entitled to them.

For example, it is the position of the White House that no detainee should be subjected to sleep deprivation. Now, I think under the torture statutes, sleep deprivation, at least to some degree, would not qualify as a severe kind of pain or the psychological impairments that were referred to in the statute Congress passed defining torture. But the President said that we would not deprive them of sleep anyway. Nor should they be deprived of food and water during any period of interrogation. Soldiers and interrogators were even prohibited from the act of pointing a finger at the chest of a detainee. That was declared an unacceptable technique by Secretary of Defense Rumsfeld 2 years ago, January 15, 2003. Well, we have gone a pretty good ways in trying to ensure that our behavior is good. We have prosecuted people at Abu Ghraib. We have disciplined a lot of people in Iraq and Afghanistan who have exceeded their authority. In the course of furthering our intense war against terrorism, we have tried to maintain control over our decency and our morality. I do not think Members of this body should be suggesting that we do not or that it is our policy to violate international law or the rights under our own statutes concerning torture and other rules.

I heard it pointed out we all have things that do not work out right in our lives. We do things we thought were right at the time and justified them, and they maybe turn out to be wrong. Nobody who ever comes before this body for confirmation is perfect. I know my colleague, Senator DURBIN, has stated that Judge Gonzales is no Robert Kennedy. And they are different people in different times. Robert Kennedy was appointed Attorney General by his brother. How much closer can you be than that? But we now know from many of the histories that have been written that on a number of occasions Robert Kennedy, as Attorney General, clearly violated the legal and constitutional rights of people he was investigating for criminal activities. I do not think that is disputed.

Well, let me tell you, what would have happened if that had been true of Judge Gonzales? How far would he get along in this process? He would not get to first base.

I would say this: Judge Gonzales was at the right hand of the President of the United States when we were deliberately attacked by an al-Qaida organization that had announced they were at war with the United States, that they were authorized and empowered, and it was legitimate for them to attack and murder civilians of the United States. We needed to respond to that. We did not need the legitimate power of the President to be constrained by some politically correct memorandum, a memorandum that he requested from the Department of Justice, which was written by them and which represented a statement of policy of the United States with regard to the powers of the Presidency and those in the military.

I think, all in all—there have been bumps in the road—but, all in all, our Government, from the President throughout the executive branch, including the military, has done its best to fight this vicious, despicable, violent enemy, an enemy that does not meet the standards of a lawful combatant but is clearly, in fact, unlawful combatants not entitled to the protections of the Geneva Conventions. We have treated them humanely, with a number of exceptions for which discipline has been applied. And we have striven in every way possible to tighten up since the beginning of this war our discipline with regard to our soldiers and our policies to make sure we have the least possible errors that

would occur in this process of fighting this war on terrorism. I believe that deeply.

Soldiers have placed their lives at risk. They have placed the lives of their associates and comrades at risk, adhering to the highest ideals of American values of life. They have not pulled triggers, subjecting themselves to risk, because they were not sure. They have held back and shown restraint time and time again. That has not been sufficiently appreciated. We have spent almost all of our time having Members of the Congress attack and blame the whole Government for failures in these hostilities of a few.

I believe Judge Gonzales is not the person to blame for all this. I do not believe the Counsel to the President is responsible for Abu Ghraib. He is not responsible for an opinion written by an independent agency of the Government, legally empowered and directed by this Congress to write it.

He is a good man, a decent man, a man we have seen up close and personal for quite a number of years. I find in him the highest standards of Americanism and decency. He is a superb lawyer. He has had a ringside seat on how the Justice Department works without being a part of it. It will allow him to move into it with a fresh look and be able to do good things.

I believe strongly he should be confirmed. I am disappointed in the nature of the attacks put on him. I believe they have been unfair and do not do justice to his character and the effectiveness of his service.

It is a pleasure to speak on behalf of this fine American. He will make a great Attorney General. I look forward to his confirmation and all of us working with him.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, I believe it is important that we discuss more carefully what our responsibilities are as a nation under the Geneva Conventions. We have had a lot of things said here, smeared over, slopped over, vague allegations of misconduct on behalf of this President and our country. Our soldiers are out fighting for us. We need to understand what it is.

They have alleged repeatedly that all this is in violation of the Geneva Conventions, all this amounts to torture. I previously have gone into some depth about what the congressional act was that prohibited torture and how this Congress defined torture and what it meant. It does not mean someone can't be deprived of some sleep or have an interrogator raise his voice during questioning. That is not torture.

I would make clear this basic fact—it is so basic we often don't think about it—this group al-Qaida has declared war on the United States. Not only have they declared it in a traditional lawful manner of nation states that they have done over the years, at least quasi-lawful; they have done it as a group of unlawful combatants, and they have done it in a way that is not justified under the Geneva Conventions or international law of any kind, shape, or form. When our soldiers go out and they are engaging al-Qaida, they don't give them a trial. They don't read them their Miranda rights. They don't sit down and see what they can do to ask them if they would change their heart. They shoot them. We are at war with them. They are a hostile enemy, and we do that.

When you capture a hostile enemy who a few moments before, you could have killed lawfully as a soldier of the United States executing the policy of the United States against a person who has declared war against you and has publicly stated they are justified in killing innocent American civilians, men, women and children, if you can do that, if you capture them, they don't then become entitled to every right that an American citizen has when he is tried in the U.S. district court for tax evasion or bank robbery or drug dealing. It is not the same. Everybody knows that, if they have given any thought to war and treaties over the years.

What is a controlling authority with regard to international agreements? It is the Geneva Convention. There have been a series of them. They have been amended over the years. The most pertinent one in this area is the Third Geneva Convention. This is in addition to the original Convention.

It provides strict requirements—four, to be exact—that must be fulfilled by an individual should he seek the protections afforded by the treaty.

In other words, everybody is not entitled to protection under the treaty. You have to do certain things, and you have to be what we have come to refer to as a lawful combatant.

What are those requirements? He must be commanded by a person responsible for his subordinates. He should have a chain of command. He cannot be a single murdering bomber and claim he is a lawful combatant, having no authority in a chain of command and not acting on orders from some lawful entity.

No. 2: He must, the exact words are, have a ''fixed, distinctive sign recognizable at a distance.'' What does that mean? It means you wear a uniform, basically. That is what it has always meant traditionally. So if you catch somebody in your country sneaking around not in uniform, they are spies, and they are hung. That is what happened historically. The Geneva Convention never changed that fundamentally.

Carrying arms openly—the treaty considers that lawful combatants, such as a member of the U.S. Army, will carry their arms openly. They will have a distinctive uniform, and they will carry their arms openly, evidence of the fact that they are soldiers. This is important for a lot of reasons.

One reason is that the people who are fighting against our soldiers are supposed to direct their fire at soldiers, not innocent civilians. So if they are wearing a uniform and carrying their arms openly, they know the target at which they are firing. The whole goal of the Geneva Conventions is to eliminate the loss of life of innocent people and to minimize loss of life in general and minimize the horror of war as much as possible.

If they are to be considered as one who has the protections of the Geneva Conventions, they must be conducting their operations in accordance with the laws and customs of war. Sneaking around, hijacking airplanes, flying them into buildings, putting explosive devices under vehicles, throwing them at people in line to vote—those actions are not consistent with the laws and customs of war, for Heaven's sake.

So there is no doubt whatsoever in my view that al-Qaida and the terrorist groups who do not wear uniforms, who go around bombing innocent people, are not acting according to the rules of war, who do not wear a uniform, who are not carrying their arms openly—they do not qualify for the protections of the Geneva Conventions. No counsel to the President, no counsel in the U.S. Department of Justice should render an opinion that says otherwise.

The President can say: We are going to give the protections, anyway, which he has done, and we are going to treat the people in Iraq according—I think he said we will treat them according to the Geneva Conventions. I do not think we said that explicitly with regard to Afghanistan and al-Qaida, but these Iraqi guys who sneak around and bomb are not much different to me. We have provided more protections, I would say with absolute certainty, than international law or U.S. statutes provide.

Al-Qaida is not a nation state. It has not signed the treaties of the Geneva Convention. Members of al-Qaida have no uniforms or distinctive signs. Al-Qaida has declared war on us, however, and they are quite capable through their sneaky, devious, murderous activities of sneaking into our country and killing Americans right now. If they are able to do so, they will.

One reason they have not been able to do so is because we have been hunting them down with the finest military the world has ever known, that is using discipline, humanity, and the proper execution of violence against these people. That is just the way it is. We have gone after them. We have put them on the run. If they could have attacked us in our election, if they could have attacked us any time since 9/11, I submit they would have. We have had an Attorney General, John Ashcroft,

who utilized the powers and laws provided to this country and our leadership to go after them.

These people are entitled to certain rights, but not the same rights that exist for an American citizen. They represent a different kind of threat. They are unlawful combatants. They are an unlawful enemy which rejects and despises law. They reject our Constitution. They reject democracy. They see it as a threat. They want to rule their people according to their narrow definition of law. They want to oppress women. They do not want progress. They do not want freedom. They do not want the things the whole world needs. And those societies and that kind of mentality are what cause wars, not democracies.

I feel strongly about this. It is important for us to be clear: We as a nation do not support, justify, or condone torture. We are disciplining people who have done so. We are putting people in jail who have done so. Guardsmen who came out of our communities, went to Iraq, worked midnight to 6 a.m., were away from home, lost their discipline and conducted themselves in ways that brought disrepute on the United States and violated our rules and standards of the military are being tried and convicted and put in jail, as they should be. It is sad we see that happen, and I know we will continue to punish those who violate our standards. As a result of those prosecutions and those actions, our military will show even greater discipline.

I see the Senator from Idaho in the Chamber. I am sure he wishes to speak. I want to yield to him because I respect his insight on these matters.

I will say, I am disappointed—deeply disappointed—in the unfair attacks that have been placed on Judge Gonzales. He is being blamed for every single thing about which people have complaints in the war against terrorism. They are saying he is responsible for everything that may have gone wrong, some of which was wrong, some of which probably was not wrong, but is being characterized as wrong. It is not right. He was counsel to the President. He did his duty. He sought the opinion from the proper people to give legal opinions on terrorism and war, and he conducted himself consistent with those principles. He steadfastly and continuously has condemned torture. He should be confirmed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I associate myself with the remarks of the Senator from Alabama. Over the last several years, I have had the privilege of serving with Senator SESSIONS on the Judiciary Committee. I have gained such phenomenal respect for his keen intellect and bright legal mind. When one listens to him, as those who might be watching today have, they get the truth, direct, clear, understandable, and unvarnished. That is what it is all about.

The obfuscation of the truth sometimes finds its way to the Senate floor, and my guess is that it is finding its way to the Senate floor in the debate on the nomination of Alberto Gonzales.

I rise in support of the nomination of Alberto Gonzales to be our next Attorney General. It seems to me that some of our colleagues are interested in not the true man and his qualifications but more in what they perceive to be the politics and the policies of this administration.

In the last Congress, I had the privilege of serving as a member of the Senate Judiciary Committee and I witnessed this tactic used against judicial nominees time and time again, a tactic of equating a lawyer's performance as legal counsel with his likely performance to the very different role of being a judge. We saw that argued time and time again for a political purpose, not a reasonable analysis of the character of the individual and how he or she might perform in the new role in which they were being asked to participate.

Likewise, in this debate some have argued we should evaluate Judge Gonzales's fitness for the post of Attorney General, the Nation's top cop, based on a politically driven examination of his work product as the President's Counsel. I urge my colleagues to abandon that tactic, reject that argument, and look at the lifetime achievement of the nominee if my colleagues truly want to understand who Judge Gonzales is and what he is qualified to do in the role he is now being asked to play by our President.

I feel strongly that the Senate should vote to confirm this man. I had the privilege of getting to know Judge Gonzales and work with him firsthand while I served on the Judiciary Committee and in a variety of other settings.

First, Judge Gonzales's past experiences have prepared him for the position to serve honorably in that position, in my opinion, without question. As Counsel to the President, he has been instrumental in coordinating our Nation's law enforcement in the heightened security environment. Following 9/11, as Senator SESSIONS has just referred to, while serving as Counsel to the President, Judge Gonzales paid particular attention to protecting our Nation from terrorism, while not forgetting the importance of doing so under the Constitution, in order to safeguard our rights as free citizens.

Also, President Bush has acknowledged the great help Judge Gonzales has been to him in helping to select the best nominees for our Federal courts during the past few years. Before serving as White House Counsel, Judge Gonzales was distinguished as a justice of the supreme court of the State of Texas, at which time he was known as a careful jurist who was opposed to judicial activism and who recognized the limited role that the judiciary plays in our unique system of government.

Additionally, Judge Gonzales advised then-Governor Bush as his chief counsel in Texas. Judge Gonzales served there as both a secretary of state and chief elections officer of that great State. Furthermore, Judge Gonzales had a successful career in the private legal sector prior to entering public service. What combination do we need to get the very best top cop in the country? He has not only a keen legal mind but is one who has had administrative experience, one who has worked with large systems of government and one who knows the limit of the law and the limit and the capacity of the position in which he is now being asked to serve.

Finally, Judge Gonzales has led a life filled with many other activities and honors that helped to prepare him to be an outstanding Attorney General, and I will name just a few of them. Judge Gonzales served his country as a member of the U.S. Air Force from 1973 to 1975. He was also elected to the American Law Institute in 1999 and he served on the board of trustees of the Texas Bar Foundation for several years and as the president of the Houston Hispanic Bar Association from 1990 to 1991. Later in 1999, Judge Gonzales was chosen as the Latino Lawyer of the Year by the Hispanic National Bar Association.

As a number of my colleagues have pointed out, when Judge Gonzales is confirmed, he will be this great Nation's first Hispanic Attorney General. Through all of this, Judge Gonzales has found time to help the less fortunate of our country. He served on the board of directors of the United Way of the Texas Gulf Coast, and finally in 1997 he received the Presidential Citation from the State Bar of Texas for his work in addressing the legal needs of indigent citizens.

Clearly, Alberto Gonzales is an accomplished practitioner of the law and he is unquestionably qualified to be our Nation's No. 1 law enforcement officer.

The second reason I support Judge Gonzales, and the nomination that we are arguing in his behalf today, is the man himself and his views on issues facing our country and what our country needs and what his role is. He is very realistic, honest, and straightforward about it.

In the last Congress when I served on the Judiciary Committee, I participated in debates on many of these issues that we see reignited by this nomination. Those experiences convinced me that Judge Gonzales has the necessary outlook to protecting our country from all of those who would do us and our citizens harm.

I will talk a little bit about his views on some of these important issues regarding the war on terror. Judge Gonzales recognized that after the attacks of September 11, the United States was at war, a new and unique and different kind of war that we had

never experienced before. As Senator SESSIONS said, a war of ideas but a war of violence, a war in which al-Qaida was the enemy but in a way that we had never experienced before. It was a unique and different legal paradigm in which Judge Gonzales found himself, dealing with terrorists and not recognizing them merely as criminals.

That is why we had to change the character of some of our laws. We do not wait until after the fact and go out and collect the evidence and decide who may or may not have caused the violence or perpetrated a crime. It is too late then, and we all know it is too late. We act before, and we act decisively, as our President did.

Judge Gonzales advised our President in that, and the constitutional consequences, and how we work our way through and the reasonable nature and character of protecting human rights and being fair and responsible, while all the time recognizing we were dealing with an enemy who in no way would deal that way or comprehend that they had any responsibility to deal with us as we might deal with them.

Judge Gonzales has also worked to ensure that those detained in war as terrorists were treated humanely. While that allegation goes forth today, working to keep the principles of the Geneva Convention were clearly understood and all of that was well sought after.

My time is about up. My colleagues on the other side have gathered to speak to this nomination.

In closing, I support Judge Alberto Gonzales's nomination to be our next Attorney General because of his lifetime of hard work and his accomplishments. There is no question this man is qualified. That really is not the debate today. Others are trying to divert us off into a debate of policy or a debate of issues well beyond the character of the man and his ability to serve in the role that this President has cast him into as nominee for Attorney General of the United States.

I believe he will be confirmed, and I believe he will serve honorably in that position. I strongly support this nomination. I ask my colleagues to step beyond the politics of the day, look at the reality of who we place in these key roles of Government to be effective administrators on behalf of all of the people, to be an Attorney General that is fair, who understands the role of the Constitution and the boundaries we placed on law enforcement and the legal community in the character of building and sustaining a civil society of the kind that we as Americans have come to know and appreciate, and that which we would hope the rest of the world can understand.

Judge Gonzales understands it. Judge Gonzales will make a great Attorney General. I support him strongly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I am only going to take a few moments. I have colleagues on this side of the aisle who wish to speak during the hour.

I hear so many of the statements on the other side speak of Judge Gonzales's personality, his upbringing, and his inspirational life story. If we were just voting on his personality, his upbringing, and his life story, I would vote for him with wholehearted support. However, we are not voting on the life, we are voting on the record. It is an enormous difference. Equally important, we are not voting on an Attorney General to serve only the President, we are voting on the Attorney General for the United States.

So many of the supporters of Judge Gonzales have said that they abhor the idea of torture. They say that they believe the Bybee memo was wrong. They say that these policies are wrong.

Of course they are wrong, but these are the policies that were held in place by the administration for as long as they remained secret. The Bybee memo was sought by Judge Gonzales. It was agreed to by him. He apparently still takes the position that there are circumstances where the President of the United States is above the law.

I don't want someone to serve as Attorney General who will be a good soldier for the President. I would have said the same thing, whether it was a Democratic President or Republican President. I want someone for Attorney General who will be independent, who will give the best possible advice and protect the rights of all of Americans.

I am the parent of a former Marine. My son has now fulfilled his duty for the Marines, but if he were serving, I would worry for him as I worry for all the thousands of men and women serving overseas. The torture policies of this administration did nothing to enhance the security of our Americans fighting bravely. In fact, the policies put soldiers and civilians in greater danger.

The truth is that the Bybee memo was disavowed only when the press found out about it. Unfortunately, the people at the center of the development of these policies, who could have disavowed the memo upon its publication, who could have stopped it, including Judge Gonzales, did nothing.

I see the distinguished Senator from Louisiana and the distinguished Senator from Rhode Island. I don't know which one seeks recognition, but I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, every 4 years an individual chosen by the American people steps forward to assume the awesome responsibilities as President of the United States. His first act is to take this oath:

> I do solemnly swear that I will faithfully execute the office of the President of the United States and I will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.

George W. Bush took this oath on January 20, 2001, and again a few days ago on January 20, 2005. His overarching responsibility is to preserve, protect, and defend the Constitution. In order to protect, preserve, and defend the Constitution, you must understand what it says. As such, a President must rely on the advice of his legal counsel.

Alberto Gonzales has served as President Bush's legal counsel since 2001. In this capacity, he has provided advice to him that, in my view, ignores both the letter and spirit of the Constitution and the President's critical responsibility to preserve, protect, and defend it. Through his advice, he has set in motion policies that have harmed our interests at home and abroad.

Our Nation was founded by men and women fleeing severe political and religious persecution. Wary of authoritarian government or religious leaders, they created a nation by and for the people, a nation committed to the rule of law and the notion that every person has certain inalienable rights. Our Founding Fathers very deliberately did not create a new monarchy. They did not crown a king. Instead, they created a new system of government that relied on the rule of law that was agreed upon by representatives of the people.

As article VI of the Constitution states so eloquently:

> This Constitution, and the Laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land. . . .

The Constitution is the supreme law, not the word of the President. I would also emphasize the language here includes all treaties, including the Geneva Conventions and the Convention Against Torture.

They are not extrajudicial. They are part of the Constitution. They are part of the responsibility of all of us to defend.

In the United States of America, the Constitution, our Federal laws and our treaty obligations are the means by which we as a people, in this grand experiment we call democracy, have agreed to rule ourselves.

The President, all Senators, all Representatives, the members of our state legislatures, and all executive and judicial officers, both of the United States and the individual states, are bound by an oath to support our Constitution.

This oath to defend and support our Constitution was also taken by Judge Gonzales in his current position as counsel to the President.

Now, Judge Gonzales is being considered to serve as the Attorney General of the United States, the chief law enforcement officer of the United States.

It is Judge Gonzales's failure to defend and support our Constitution, our federal laws, and our treaty obligations that leads me to believe he does not have the wisdom or judgment to be our next Attorney General.

Our Nation's Attorney General must ensure that no person is above the law—including the President of the United States—and that no person is outside the law, whether that person is deemed an enemy combatant, or held outside the United States.

Judge Gonzales's record does not justify such an appointment.

I recognize that much of the advice that Judge Gonzales gave was in the aftermath of the attacks of 9/11 and the emergence of the al-Qaida network as a grievous threat to the United States. Small terrorist cells dispersed worldwide and committed to suicide attacks producing mass casualties represented a new and disturbing threat to our country. The possibility that al-Qaida or other terrorist cells might acquire weapons of mass destruction, including nuclear devices, added an even more frightening element to the dangers we faced. We had to face this threat realistically. The policies of deterrence that served us well in the Cold War are difficult, if not impossible, to apply to these ruthless groups of terrorists. With respect to al-Qaida, we had to take preemptive action. And, we did in Afghanistan.

But the nature of this threat did not relieve us of our responsibilities to the Constitution and the structure of international treaties embodied in the Constitution. This is not being naive or sentimental. The durability of the Constitution testifies to both its strength and its wisdom. The structure of international treaties reflects hard won agreements based on experience. The Constitution requires careful and sincere interpretation when new challenges arise. It cannot be ignored or trivialized.

When it comes to the issue of the conduct of war, legal guidance must be particularly clear and it must recognize that the fury of war too often brings out the worst.

Ages ago, Thucydides wrote:

> War, depriving people of their expected resources, is a tutor of violence, hardening men to match the conditions they face . . . Suspicion of prior atrocities drives men to surpass report in their own cruel innovations, either by subtlety of assault or extravagance of reprisal.

Shakespeare captured the essence of this visceral violence in his immortal phrase, ''Cry Havoc, and let slip the dogs of war.''

Abraham Lincoln understood the passions and emotions that grip the warrior. Writing to a friend in the midst of our Civil War, President Lincoln declared:

> Thought is forced from old channels into confusion. Deception breeds and thrives. Confidence dies, and universal suspicion reigns. Each man feels an impulse to kill his neighbor, lest he be first killed by him. Revenge and retaliation follow. And all this, as before said, may be among honest men only. But this is not all. Every foul bird comes abroad, and every dirty reptile rises up.

Yet, the guidance provided by this Administration was confused at best and relied on the fine parsing of legal terms which may pass muster in the contemplative chambers of a judge but fails miserably in the crucible of war. This advice was a disservice to the men and women of the Armed Forces.

It is clear that as White House counsel, Judge Gonzales has been one of the architect's of the Administration's post 9/11 policies. In particular, he has helped craft or agreed to policies regarding the treatment of individuals captured and detained in the wars in Afghanistan and Iraq. These policies have denied detainees the protections of the Geneva Conventions, permitted them to be interrogated under a dramatically narrowed definition of torture, and denied them access to counsel or judicial review.

In at least one memorandum, Judge Gonzales apparently agreed that the President has the ability to override the U.S. Constitution and immunize acts of torture.

Although supporters of Judge Gonzales will point out that only one of five memoranda discussed at his nomination hearing were written by Judge Gonzales, he clearly acquiesced to the conclusions in the other memos.

As White House counsel, Judge Gonzales's role was to decide what legal advice was needed from the Department of Justice and then to weigh and distill that advice before giving his opinion to the President.

It is clear from the record that Judge Gonzales either agreed with the legal advice dispensed in these memoranda, or allowed poor legal advice to be passed onto the President.

Either way, I believe Judge Gonzales has been deeply involved in policies that have undermined our standing in the world and our historic commitment to the rule of law.

I think we must first put these memos and decisions in historical context.

The issue of the treatment of detainees in war is not a new one and an extensive legal framework has been developed to guide a nation's behavior during conflict.

The most well known and comprehensive are the Geneva Conventions, created in 1948, to mitigate the harmful effects of war on all persons who find themselves in the hand of a belligerent party. 192 countries, including the United States and Afghanistan ratified the treaty.

The Geneva Conventions were created in the aftermath of World War II and the Nuremberg Trials, by a world which had just experienced warring armies, the systematic rounding up and extermination of millions of innocent civilians, squalid POW camps, death marches, resistance movements and the aftermath of two nuclear bombs. Those who drafted the Geneva Conventions had pretty much seen it all, and they accounted for all of it in the Conventions.

The United States clearly took the Conventions seriously and made them the part of the law of our land by incorporating them as part of our legal system.

The War Crimes Act, passed by Congress and signed by the President in 1996, makes ''a grave breach'' of the Geneva Conventions a crime punishable by prison and even the death penalty.

Adding to this legal structure, the United States ratified the United Nation's International Covenant on Civil and Political Rights in 1992. The ICCPR prohibits arbitrary detention and ''cruel, inhuman or degrading treatment.'' The United States notified the UN that it interprets ''cruel, inhuman or degrading treatment or punishment'' to mean cruel and unusual treatment or punishment prohibited by the First, Eighth and/or Fourteenth Amendment to the Constitution.

Furthermore, in 1998, the United States ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Convention requires parties to take measures to prevent torture from occurring within any territory under their jurisdictions, regardless of the existence of ''exceptional circumstances'' such as a war or threat of war, internal political instability or other public emergency. The U.S. Congress implemented the treaty by enacting 18 U.S.C. sections 2340–2340A. Torture is defined in this statute as ''an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering upon another person within his custody or control'' outside the United States. Offenders can be subject to imprisonment and the death penalty.

The laws of warfare are also an integral part of military training and conduct. The Uniform Code of Military Justice, or UCMJ, was a law enacted by Congress in 1950. The mistreatment of prisoners may be punishable as a crime under article 93, UCMJ, which forbids a soldier to act with ''cruelty toward, or oppression or maltreatment of, any persons subject to his orders.'' Article 97 prohibits the arrest or confinement of any person except as provided by law. The UCMJ also punishes ordinary crimes against persons such as assault, rape, sodomy, indecent assault, murder, manslaughter, and maiming. Article 134 also punishes ''all disorders and neglects to the prejudice of good order and discipline in the armed forces'' and ''all conduct of a nature to bring discredit upon the armed forces.''

The Army also has regulations implementing the laws of war, including regulation 190–08, which implements the Geneva Conventions. All soldiers are expected to abide by Army regulations and if a soldier violates a regulation, he or she is subject to punishment under the Uniform Code of Military Justice.

Despite the Constitution's clear prohibition on cruel and unusual punishment, despite law after law, treaty after treaty prohibiting torture, the President's chief counsel, Judge

Gonzales, requested a series of legal memos regarding the applicability of treaty provisions and permissible interrogation techniques in the war on terrorism.

One of these memos, the August 1, 2002, Bybee Memorandum, was apparently written to explore what coercive tactics U.S. officials could use without being held criminally liable.

This memo created a new and radically narrow definition of torture. It stated that torture would require interrogators to have specific intent to cause physical pain that ''must be equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function or even death.'' Mental torture is defined in the statute but the Justice Department memo states that mental torture must result in ''significant psychological harm lasting for months or even years.''

According to Harold Koh, Dean of the Yale Law School, former Assistant Secretary of State for Democracy, Human Rights and Labor, and an international law expert, this memo is ''the most clearly erroneous legal opinion'' he has ever read. In testimony before the Judiciary Committee he stated:

> In sum, the August 1, 2002 OLC memorandum is a stain upon our law and our national reputation. A legal opinion that is so lacking in historical context, that offers a definition of torture so narrow that it would have exculpated Saddam Hussein, that reads the Commander-in-Chief power so as to remove Congress as a check against torture, that turns Nuremberg on its head, and that gives government officials a license for cruelty can only be described—as my predecessor Eugene Rostow described the Japanese internment cases—as a ''disaster.''
>
> One would have expected the Counsel to the President to have immediately repudiated such an opinion. Judge Gonzales did not.

Instead, this memo was endorsed by Judge Gonzales as the legal opinion of the Justice Department on the standard for torture.

Now, over 30 years ago, the U.S. Navy vessel USS *Pueblo* was sent on an intelligence mission off the coast of North Korea. On January 23, 1968, it was attacked by North Korean naval and air forces. Eighty-one surviving crewmembers of the USS *Pueblo* were captured and held captive for 11 months. One survivor, Harry Iredale, related his experiences with a North Korean interrogator named, ''The Bear:''

> The Bear proceeded to yell at me to confess. He had me kneel on the floor while two guards placed a 2-inch diameter pole behind my knees and other guards jumped on each end of it several times. Then the Bear picked up a hammer handle and proceeded to smash it onto my head, completely encircling my head with lumps as I screamed in pain.

I think most of us would consider this graphic description one of torture. But under the Bybee memorandum's definition, this would not constitute organ failure or death, so it would not be considered torture.

More importantly, perhaps, is that the North Korean regime still exists and thousands of American soldiers line the border. Our soldiers could still be captured. And now we cannot hold the North Koreans to a higher standard of conduct, because ours is the same.

The August Bybee memorandum also enumerated reasons that American officials could not be held criminally liable for coercive interrogation tactics that fell outside of this new narrow definition of torture.

It also posits that officials can invoke ''necessity'' or ''self-defense'' as a defense against prosecution for such acts, despite the fact the Convention Against Torture clearly states there are no ''exceptional circumstances'' that may be invoked as justification for torture.

Although the torture provisions of the August 2002 Bybee memo were rescinded and replaced four weeks ago by a new December 30, 2004 memo, the Bybee memo was Administration policy for almost 2½ years and has had extremely harmful effect on both our military and intelligence communities.

If this memo with its narrow definition of torture was so wrong on its face that it had to be rescinded, why didn't Judge Gonzales know it was wrong at the time he requested and endorsed it?

One of the most disturbing parts of the August Bybee memorandum is the suggestion that the President and other executive officials can escape prosecution for torture on the ground that ''they were carrying out the President's Commander-in-Chief powers.''

By adopting the doctrine of ''just following orders'' as a valid defense for United States soldiers and officials, the opinion undermines the very underpinnings of individual criminal responsibility set forth after World War II, and now embodied in the basic instruments of international criminal law.

This memorandum basically puts the President, and his subordinates, above the law, as it states, ''any effort to regulate the interrogation of battlefield combatants would violate the Constitution's sole vesting of the Commander-in-Chief authority in the President.''

This is antithetical to everything we know about our founding document and the rule of law.

It ignores the fact that the Convention Against Torture and other treaties have been approved by Congress, elucidated by statute and become the law of the land.

The Bybee memo's reading of the President's powers as Commander-in-Chief essentially would allow him to ignore or order that the criminal prohibition against torture in the United States code be set aside. The President could trump Congress' power under Article I, section 8, clause 10 to ''define and punish . . . offenses against the law of nations'' such as torture.

Interestingly, nowhere does the August Bybee memorandum mention the landmark Youngstown Steel & Tube Co. v. Sawyer decision in which the Supreme Court explained why the President's Commander-in-Chief or inherent executive power were not enough to allow him to take over the American steel industry during a time of crisis. In his concurring opinion, Justice Jackson eloquently discussed the limits on such Presidential powers, especially when the ''President takes measures incompatible with the express or implied will of Congress.''

In fact, Bybee cites no precedent for his unique enhancement of the President's Commander-in-Chief power other than:

> In light of the President's complete authority over the conduct of war, without a clear statement otherwise, we will not read a criminal statute as infringing on the President's ultimate authority in these areas. We have long recognized, and the Supreme Court has established a canon of statutory construction that statues are to be construed in a manner that avoids constitutional difficulties so long as a reasonable alternative construction is available.

This is nonsense. There are statutes on the book outlawing torture. There is no precedent cited because scant precedent exists, it any.

Now if this Commander in Chief override exists, if the President can exercise his Commander-in-Chief power to ask his subordinates to engage in torture to protect the national security of our country, how would this be done? One would think the Commander-in-Chief would have to order his subordinates to engage in such conduct for it to be legal. So where are the orders? And if there are no orders, aren't U.S. soldiers and intelligence officers still subject to the supreme law of our land—our Constitution, our statutes and our treaty obligations—and can they not be prosecuted for violations of this law? How would Judge Gonzales approach this dilemma, created by his own legal reasoning, if he is nominated-confirmed Attorney General? Would he prosecute subordinates of the President who engaged in what most rational people would consider torture during the past 2½ years and then defend themselves with the reasoning in the Bybee memorandum?

In addition, at this time there are over 20,000 private contractors in Iraq. Many of them are engaging in ''military functions'' in support of U.S. forces. These civilians are currently liable for prosecution in U.S. courts for various offenses, under the U.S. laws implementing the Convention on Torture. In addition, persons who are ''employed by or accompanying the armed forces'' may be prosecuted under the Military Extraterritorial Jurisdiction Act. Now, many such offenses are permitted by the Bybee memorandum but are prohibited by other U.S. law.

Again, would Judge Gonzales vigorously prosecute violations of law that, either through his advice or the legal reasoning he deemed were acceptable practices activities?

Now the creation of this so-called Commander-in-Chief override power has created some consternation in

legal circles. But neither Judge Gonzales nor the Justice Department has backed away from it.

The December 30, 2004, memo declares that it supersedes the August 2002 Bybee memo in its entirety. However, the Office of Legal Counsel has not yet clearly and specifically renounced the parts of the August 2002 memorandum concerning the Commander in Chief's power stating:

Consideration of the bounds of any such authority would be inconsistent with the President's unequivocal directive that United States persons not engage in torture.

Judge Gonzales's own public statements have also urged a broad view of the President's power to conduct the war on terror. In a June 2004 speech before the American Bar Association's Standing Committee on Law and National Security, Judge Gonzales stated:

[The President] has not had to—as I indicated, in terms of what he has done or has not done, he has not exercised his Commander-in-Chief override, he has not determined that torture is, in fact, necessary to protect the national security of this country.

But it seems that Judge Gonzales's statement is at least providing for a situation in which the President could make that determination, but under what constitutional principle I do not know.

Furthermore, Judge Gonzales was unwilling to repudiate the Commander in Chief override power when asked directly about it during his confirmation hearing, saying that it was a hypothetical question about a hypothetical situation and he was ''not prepared in this hearing to give you an answer to such an important question.''

Now, I always assumed the purpose of a hearing to confirm a Cabinet official was that he would answer, after preparation, important questions involving his proposed responsibilities. Apparently, Judge Gonzales did not believe that was the role of the hearing. He provided no answer.

In addition, in responding to a followup question submitted by Senator LEAHY, Judge Gonzales refused to answer in the affirmative that the President could not override the Convention Against Torture and any implementing legislation and immunize the use of torture under any circumstances, stating again:

[T]he President does not intend to use any authority he might conceivably have to authorize the use of torture.

I guess it is one of those situations where torture is in the eye of the beholder. Much of what seems to have happened to those crew members of the Pueblo looks to us as torture, but I guess it was not torture under the Bybee memorandum.

As Attorney General, Judge Gonzales will be responsible for enforcing the laws of our land. But he himself created an exception to these laws for the President. He not only allowed torture to be redefined, he also agreed to a new, unchecked power for the President that no President before ever had.

Now, I would like to discuss two memoranda Judge Gonzales requested from the Department of Justice Office of Legal Counsel regarding U.S. treaty obligations in the war in Afghanistan. Specifically, he asked if treaties forming part of the laws of armed conflict applied to conditions of detention and procedures for trials of members of al-Qaida and the Taliban militia. He also asked that if the Geneva Conventions did apply in Afghanistan, would the Taliban, the military force of Afghanistan, qualify for prisoner-of-war status.

As I noted earlier, after World War II, the United Nations drafted, and most of the world, including the United States and Afghanistan, ratified the Geneva Conventions. There are four conventions. The third convention defines six classes of persons who, if captured, should be considered as prisoners of war. The most protected class under the Geneva Conventions is the prisoner-of-war category. Civilians and spies are protected as other classes in the fourth Geneva Convention. Running through all of these conventions is common article 3, which prohibits:

[O]utrages upon personal dignity, in particular, humiliating and degrading treatment.

Most experts would agree this is the minimum standard for the treatment of all detainees.

As I stated in the beginning of my remarks, September 11 did usher in a new era. It was reasonable for Judge Gonzales to wonder if perhaps a group such as al-Qaida was one of those categories of individuals or groups that was not authorized automatic protection under the Geneva Convention. However, the Geneva Conventions maintain if the status of a captured individual is in doubt, a competent tribunal must decide that status. Furthermore, the Geneva Conventions are only one part of the law of armed conflict. The Convention Against Torture and the assurance of basic human rights remain in place at all times.

On January 22, 2002, the Justice Department sent a memo to Judge Gonzales regarding treaty obligations. Also signed by Jay Bybee, the Assistant Attorney General, the memo analyzed the War Crimes Act and the Geneva Conventions and concluded:

[N]either the federal War Crimes Act nor the Geneva Conventions would apply to the detention conditions of al-Qaida prisoners. We also conclude that the President has the plenary constitutional powers to suspend our treaty obligations toward Afghanistan during the period of conflict.

A memo sent 2 weeks later concluded that the Taliban did not qualify for prisoner-of-war status.

Now, legal experts can and have disagreed about the conclusions reached by the Department of Justice. But what I find deeply disturbing is the questionable judgment and cavalier attitude Judge Gonzales used outlining his recommendations as White House legal counsel.

On January 25, 2002, Judge Gonzales drafted a memorandum to the President agreeing with the January Bybee memorandum. He states two positive aspects of this decision. First, he finds that suspending these treaty obligations ''preserves flexibility,'' which, I would note, is not a legal conclusion. He then states that the war on terrorism is a new kind of war, a ''new paradigm that renders obsolete Geneva's strict limitation on questioning of enemy prisoners and renders quaint some of its provisions.'' A second positive aspect Judge Gonzales concluded is that since the Geneva Conventions do not apply to al-Qaida and the Taliban, it ''substantially reduces the threat of domestic criminal prosecution under the War Crimes Act.''

Judge Gonzales then goes on to list seven negative points about suspending the War Crimes Act and the Geneva Conventions in these circumstances, including:

The U.S. had abided by the Geneva Conventions since their creation in 1948.

The U.S. could then not invoke the Geneva Conventions for U.S. forces captured or mistreated in Afghanistan.

The War Crimes Act could not be used against the enemy.

The position would ''likely provoke widespread condemnation among our allies and in some domestic quarters.''

In the future, other countries may look for ''loopholes'' to avoid complying with the Geneva Conventions.

The determination ''could undermine U.S. military culture which emphasizes maintaining the highest standards of conduct of combat, and could introduce an element of uncertainty in the status of adversaries.''

Remarkably, after weighing the pros and cons, Judge Gonzales found the negatives of such a decision by the President were ''unpersuasive.'' He concurred in the Justice Department's decision that the Geneva Convention did not apply to al-Qaida and the Taliban.

On January 26, 2002, Secretary of State Powell objected to the presentation and conclusions in the Gonzales memo. Secretary Powell sent his own memo to Gonzales, stating:

I am concerned that the draft does not squarely present to the President the options that are available to him. Nor does it identify the significant pros and cons of each option.

Secretary Powell lists as cons, in his words:

It will reverse over a century of U.S. policy and practice in supporting the Geneva Conventions and undermine the protections of the law of war for our troops; it is a high cost in terms of negative international reaction, with immediate adverse consequences for our conduct of foreign policy; it will undermine public support among critical allies, making military cooperation more difficult to sustain; and Europeans and others will likely have legal problems with extradition.

At a February 4, 2002, National Security Council meeting to decide this issue and make recommendations to the President, the Department of State, the Department of Defense, and

the Chairman of the Joint Chiefs of Staff were in agreement that all detainees would get the treatment they are or would be entitled to under the Geneva Conventions.

Now Judge Gonzales was faced with two opposing opinions: one, from the Department of Justice, which offered a new and untried approach to international law; and the other which was supported by decades of precedent and the entire military establishment, which was actually going to be on the front lines of the conflict. Judge Gonzales had to choose what he was going to advise the President.

On February 7, 2002, President Bush, presumably following the legal advice of his counsel, issued a memorandum stating that the Geneva Conventions did not apply to al-Qaida, and that while the Taliban were covered by the Geneva Conventions, they did not qualify for POW status. The fact that the third Geneva Convention requires a competent tribunal to determine this fact was ignored. Furthermore, President Bush stated that the Geneva Conventions' common article 3, the minimum standard of human rights for noncombatants, including prisoners, did not apply to either al-Qaida or the Taliban.

Mr. President, these questionable decisions of Judge Gonzales have profound effects. What he found unpersuasive was the most correct statement in his memo—that his advice would, in his words, ''undermine U.S. military culture which emphasizes maintaining the highest standards of conduct in combat and could introduce an element of uncertainty in the status of adversaries.''

In January 2004, the Pentagon announced that they were investigating reports of abuse of prisoners in Iraq. In May 2004, the world was horrified when pictures of some of the abuses at Abu Ghraib prison became public. Now for many months, DOD officials have maintained that such abuses were the acts of a few depraved, low-ranking individuals, but reports of abuses in other prisons, such as Guantanamo and the Adhamiya Palace in Baghdad, are coming to light.

To date, the Pentagon has initiated several investigations into these abuses. Only some of the investigations have been completed, and they all concern Abu Ghraib. However, they have startlingly similar findings. President Bush's February 7, 2002, memorandum set new policy that conflicted with longstanding Army doctrine based on established laws of war, and this conflict caused confusion and ultimately a corrosion of standards.

The Schlesinger report, released on August 24, 2004, was written by an independent panel chaired by the former Secretary of Defense, Jim Schlesinger, to review DOD detention operations. In fact, the report was essentially commissioned by the present Secretary of Defense, Mr. Rumsfeld. Dr. Schlesinger pointedly blamed the administration for confusion in the ranks. The Schlesinger report found ''Lieutenant General Sanchez signed a memo authorizing a dozen interrogation techniques beyond standard Army practice, including five beyond those applied at Guantanamo . . . using reasoning from the president's memo of February 7, 2002.''

Another report, completed by Lieutenant General Jones, stated that confusion over different standards for detainee treatment and interrogation, dictated by the administration and followed through by the Army, led to ''a permissive and compromising climate for soldiers.''

In order to overcome these problems, the Schlesinger report recommended that ''the United States should further define its policy applicable to both the Department of Defense and other Government agencies, on the categorization and status of all detainees as it applies to various operations and theories. It should define their status and treatment in a way consistent with U.S. jurisprudence and military doctrine and with the [United States] interpretation of the Geneva Conventions.''

It is a fact of life that there are always going to be abuses of human rights in time of war. But the abuses I have discussed above, and that are still, unfortunately, coming to light, are systemic. I would argue that they are the result of a corrosive trend started by the President's February 7 memo, which was based on advice given by Judge Gonzales in consultation with the Department of Justice. This is not the type of legal thinking and judgment that I find suitable for the Office of Attorney General.

There is one final issue that needs to be mentioned. That is the deeply disturbing issue of ''ghost detainees.'' The Bush administration has always maintained that the Geneva Conventions are in force in Iraq. Article 49 of the fourth Geneva Convention prohibits ''individual or mass forcible transfers, as well as deportations of protected persons from occupied territory . . . regardless of their motive.''

Yet an October 24, 2004, Washington Post story states that a confidential March 19, 2004, Justice Department memorandum granted permission to the CIA to take Iraqis out of their country to be interrogated for a ''brief but not indefinite period.'' It also said the CIA can permanently remove ''illegal aliens.'' Other reports state that as many as a dozen detainees were moved under this policy.

In addition, the third and fourth Geneva Conventions maintain that international organizations such as the Red Cross must have access to prisoners. Two generals investigating the abuses of Abu Ghraib, Major General Taguba and General Kern, noted in their reports that the U.S. hid prisoners from Red Cross teams. General Kern stated that the number of ghost detainees ''is in the dozens, perhaps up to 100.''

The role of Judge Gonzales in the production and approval of this memo is yet unknown. But given his participation in other decisions made about the wars in Iraq and Afghanistan, it is not irrational to assume that he had some participation.

The existence of ghost detainees is a violation of the Geneva Convention. Someone is responsible for this decision and must be held accountable. If Judge Gonzales is confirmed as Attorney General, will he pursue these types of investigations and potential prosecutions?

Some of my colleagues will likely state that opposition to Judge Gonzales is partisan politics. But we are not alone in opposing this nomination. Twelve retired admirals and generals sent a letter to the Judiciary Committee expressing deep concerns about the nomination of Judge Gonzales. This letter includes the following statement:

> During his tenure as White House Counsel, Judge Gonzales appears to have played a significant role in shaping U.S. detention and interrogation operations in Afghanistan, Iraq, Guantanamo Bay, and elsewhere. Today it is clear that these operations have forced a greater animosity towards the [United States], undermined our intelligence gathering efforts, and added to the risks facing our troops serving around the world.

These are the words of distinguished general officers who have served their country in uniform upwards of 30 or more years.

A group of 17 religious leaders and organizations also sent a letter to the Judiciary Committee expressing concern about Judge Gonzales's nomination and his role, in their words, in ''sanctioning torture.'' Another group of more than 200 religious leaders sent a letter to Judge Gonzales stating:

> We fear that your legal judgments have paved the way to torture and abuse.

Even his colleagues in the legal community have doubts. A group of 329 prominent lawyers sent a letter to the Judiciary Committee stating that Judge Gonzales's purported role in deciding the treatment of detainees ''raises fundamental questions about Judge Gonzales's fidelity to the rule of law, about his views concerning the responsibility of a government lawyer, and about the role of the Department of Justice.''

Much has been made and much should be made about Judge Gonzales's rise from very humble beginnings. There is no disputing this fact. There is no disputing that the nomination of a Latino to such an August position is a significant, notable moment in our Nation's history. Indeed, there are many people in my State who see their deepest hopes and dreams for their children and grandchildren in the story of Judge Gonzales's rise. Such a sense of pride is no small thing. But our duty as Senators is to advise and consent on the fitness and skills of nominees. And there are few positions in the Cabinet that are as sensitive and important as that of Attorney General.

As heartening as Judge Gonzales's personal story is, like the congressional Hispanic caucus and a number of civil rights groups such as the Mexican American Legal Defense Fund, I believe that Judge Gonzales has left too many important questions unanswered.

Indeed, as The congressional Hispanic caucus has pointed out:

[T]he Latino community continues to lack clear information about how the nominee, as Attorney General, would influence policies on such important topics as the Voting Rights Act, affirmative action, protections for persons of limited English proficiency, due process rights of immigrants, and the role of local police in enforcing federal immigration laws.

The right to vote, protection from discrimination, and assistance for those who have yet to master the English language are issues of great importance to Latinos in my State, and they deserve real answers. Despite Judge Gonzales's superb academic credentials and his record of achievement, I have too many concerns about his decisions made on legal matters, particularly in his role of the past 4 years as White House Counsel, to vote for his confirmation.

The genius of our Founding Fathers was not to allow power to be concentrated in the hands of a few. They were particularly concerned about a concentration of power in the President. Although they made the President the Chief Executive Officer of our Government and the Commander in Chief, the Founding Fathers constrained the President through the very structure of our Government, through both law and treaty. The Attorney General has a duty not just to serve the President but, also and ultimately, to support, protect, and defend the constitutional commitment to a system of checks and balances. I do not feel comfortable with Judge Gonzales's ability to do this.

After studying his record, I do not believe that Judge Gonzales has demonstrated the judgment necessary to perform the duties of the highest law enforcement officer of our land.

Mr. President, I ask unanimous consent to have printed in the RECORD a number of articles bearing on Judge Gonzales's role in torture policies, as well as recent statements by the Leadership Conference on Human Rights and the Center for Constitutional rights opposing this nomination.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LCCR OPPOSES GONZALES CONFIRMATION: VOTE ''NO'' FEBRUARY 2, 2005

Dear Senator: On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest and most diverse civil and human rights coalition, we write to express our opposition to the confirmation of White House Counsel Alberto R. Gonzales as United States Attorney General. The Leadership Conference recognizes the historic significance of Mr. Gonzales's appointment as the first Hispanic American to serve as Attorney General, and so the action we urge today is not undertaken lightly. Regrettably, however, Mr. Gonzales's failure to properly address concerns with his past record and clearly explain his positions on critical civil and human rights issues compels us to urge the Senate to reject his confirmation.

Earlier this month, LCCR sent the Senate Judiciary Committee a letter, signed by more than four dozen national civil and human rights leaders, that expressed numerous concerns with Mr. Gonzales's record and urged close scrutiny. Despite a day-long hearing before the Committee, the submission of written questions by Committee members, and numerous inquiries by the press and the public, Mr. Gonzales and the Administration have not yet provided the Senate either with the critical information on his record or with the commitment to accountability and transparency that are prerequisites to the Senate exercising its constitutional duty of advise and consent on this nomination. We remain unconvinced that Mr. Gonzales would independently enforce the law, rather than continue to simply rationalize it, as he did while serving then-Governor George W. Bush.

MR. GONZALES HAS NOT ADDRESSED SERIOUS CONCERNS INVOLVING THE USE OF THE DEATH PENALTY

The Leadership Conference on Civil Rights opposes the death penalty under all circumstances, but recognizes that it is the law of the land in many states and at the federal level. As the ultimate—and the only irreversible—sanction for criminal conduct, capital punishment must never be administered if a government has not exercised every reasonable precaution at its disposal to avoid putting an innocent person to death. A failure to ensure that every death penalty case receives fair and balanced treatment can easily lead to severe miscarriages of justice.

As General Counsel to then-Governor George W. Bush from 1995 to 1997, Mr. Gonzales advised the Governor on pending clemency petitions in death penalty cases. While Governor Bush exercised ultimate authority to grant or deny a clemency petition, his decision in each case was based on the information he received from Mr. Gonzales. It was Mr. Gonzales's legal responsibility to present the Governor with a full and balanced summary of each case, including any and all significant mitigating factors.

To date, the only known physical records that document the information that Mr. Gonzales provided to Mr. Bush regarding clemency petitions are brief memoranda, ranging from one-and-a-half to seven pages in length. Most of these memoranda were dated either the day before or the day of a scheduled execution.

The clemency memoranda are, in many cases, extremely troubling. A number of them omit evidence that was presented in clemency petitions such as outstanding claims of innocence, allegations that a jury had failed to consider material evidence, signs of mental impairment, and personal mitigating factors such as severe childhood abuse. For example, in the case of Carl Johnson, the clemency memorandum prepared by Mr. Gonzales does not even refer to the fact that Mr. Johnson had claimed he received ineffective assistance of counsel because his lawyer slept through portions of his trial. In the case of Terry Washington, a mentally retarded 33-year-old, Mr. Gonzales barely mentioned that Mr. Washington's limited mental capacity (and the failure of his counsel to raise it during trial) formed the central basis of his thirty-page clemency petition. Instead, Mr. Gonzales referred the issue of Mr. Washington's mental capacity only as a piece of ''conflicting information'' about Mr. Washington's background.

Mr. Gonzales has claimed, during questioning before the Committee, that the memoranda were only ''summaries'' of the death penalty cases he handled for Governor Bush, and that they were typically provided at the end of a ''rolling series of discussions'' about each case. Yet to date, Mr. Gonzales has produced no tangible evidence of such discussions or any other communications with the Governor about any death penalty case, leaving serious and very troubling questions remaining about whether, under Mr. Gonzales's tenure, justice was properly administered in every case.

Mr. Gonzales's responses to questions about how he would handle death penalty cases as Attorney General, if confirmed, also cause significant concern. When asked about a recent Justice Department report that revealed striking racial and ethnic disparities in the imposition of the federal death penalty, Mr. Gonzales expressed only a ''vague knowledge'' of the problem. While he stated a willingness to examine the application of the death penalty if he were convinced that such disparities existed, he did not commit to address already-documented concerns at the federal level. In addition, while Mr. Gonzales was unfamiliar with Attorney General Ashcroft's policy of overriding decisions by federal prosecutors to not seek the death penalty, which in itself is not indicative of a problem, he failed to commit to formally review the practice, including its potential for racial disparities.

In sum, as evidenced by both his past record and his answers to questions about what he would do if confirmed as Attorney General, Mr. Gonzales has clearly failed to assure the Senate and ultimately the American people that he will administer death penalty cases fairly and in accordance with the law.

MR. GONZALES HAS FAILED TO FULLY ANSWER IMPORTANT QUESTIONS ABOUT CIVIL RIGHTS AND LIBERTIES

In his confirmation hearing, Mr. Gonzales testified that civil rights enforcement would be among his top priorities. Yet while some of his responses to questions reflect some level of consultation with the Justice Department (see response #5 to Senator Biden, p. 2; response #3 to Senator Durbin, p. 20), we are very troubled that his responses to questions on many extremely important civil rights issues were vague and were neither well-informed nor well-developed. For example:

In response to questions about Title VI of the Civil Rights Act, which prohibits racial and gender discrimination in federally funded programs and activities, Mr. Gonzales failed to commit to the enforcement of the Title VI regulations, as distinguished from the Title VI statute itself. This is troubling given the longstanding recognition that the regulations have a scope and application that extend beyond the limits of the statute itself. Because the Supreme Court in Sandoval prohibited individuals from bringing private actions to enforce the Title VI regulations, the government was left as the only entity with the capacity to do so. Important protections against discrimination in the areas of language rights, educational discrimination, environmental justice, and others will be entirely lost unless the Administration commits itself to bring enforcement actions. However, Mr. Gonzales's failure to make such a commitment suggests a substantial narrowing of the historic reach of one of our fundamental civil rights laws.

Mr. Gonzales responded to questions by Senator Kennedy about mandatory minimum sentencing by stating simply that ''mandatory minimums provide a clear deterrent and have been effective.'' His answers

on this topic ignore evidence, including statements from many current and former judges such as Supreme Court Justice Anthony Kennedy, that mandatory minimum sentences, by depriving judges of their traditional discretion to tailor a sentence based on the culpability of the defendant and the seriousness of the crime, render our nation's criminal justice system unjust, unfair, and counter-productive. And, as Justice Kennedy also observed, mandatory minimum sentencing has its most disproportionate impact on communities of color.

Mr. Gonzales was asked about the disparity in sentences for defendants convicted of crack vs. powder cocaine offenses. Under current law, draconian statutory and guideline penalties are triggered by possession or sale of a small amount of crack cocaine—one hundred times less than the amount of powder cocaine that triggers the same penalties. Because African Americans almost exclusively have been targeted by federal authorities for crack cocaine offenses, they and other racial and ethnic minorities serve far longer prison sentences for drug dealing than whites convicted of similar offenses involving powder cocaine. The U.S. Sentencing Commission has twice concluded that there is no empirical basis for the 100 to 1 ratio, but it persists. Yet after being presented with this information in written questions following his hearing, Mr. Gonzales failed to even acknowledge the racial disparities that the current policies have produced.

Mr. Gonzales played a critical role in shaping the administration's ''enemy combatants'' policy, which places individuals beyond the reach of the law and subjects them to indefinite, incommunicado detention. He publicly argued that the President's authority was constrained not so much by the rule of law but ''as a matter of prudence and policy''—a view so radical that it was eventually rejected by an 8–1 majority of the U.S. Supreme Court. In his responses to questions about this policy, following the ruling, Mr. Gonzales has still not made it clear that he, as Attorney General, would be fully committed to respecting the time-honored and vital role of judicial review of executive actions—a matter of grave concern to citizens and noncitizens alike.

MR. GONZALES HAS FAILED TO CLARIFY HIS ROLE IN POLICIES REGARDING TORTURE, INTERROGATION AND DETENTION

As White House Counsel, Mr. Gonzales oversaw the development of detention, interrogation, and torture policies for handling prisoners in Afghanistan, Iraq, and elsewhere. He wrote a 2002 memorandum disparaging the Geneva Conventions and arguing that they do not bind the United States in the war in Afghanistan. He urged the President to reject warnings by U.S. military leaders that such policies would undermine respect for the law in the military, with catastrophic results. He requested and reviewed legal opinions that radically altered the definition of torture and claimed U.S. officials were not bound by laws prohibiting torture. He even made the radical suggestion that the President has the power to disregard Congressional enactments. Changes made as a result to long-established U.S. policy and practices appear to have paved the way for the recent horrific incidents at Abu Ghraib and Guantanamo.

The Administration continues to withhold critical documents that could show the extent of Mr. Gonzales's involvement in setting the above policies. We believe that all relevant documents should be disclosed to the American people, and that the President should clarify or waive any purported claims of privilege. We strongly believe that the Senate cannot meet its constitutional obligations in this nomination without full disclosure and review of these materials.

CONCLUSION

In sum, the record before you regarding the Alberto Gonzales nomination is woefully incomplete, at best, in spite of repeated efforts by the Committee and other stakeholders to obtain all relevant information. At worst, it raises profound questions about Mr. Gonzales' commitment to civil and human rights and the rule of law.

The record is very troubling because nowhere is the Senate's constitutional role in reviewing a presidential cabinet nominee more important than in the case of a prospective Attorney General. It is even more troubling because Mr. Gonzales, in response to questions by Chairman Specter and other members of the Judiciary Committee during his recent confirmation hearing, had repeatedly pledged far greater cooperation with the Committee than his predecessor had extended. Mr. Gonzales and the Administration have utterly failed to deliver on this promised level of cooperation, leaving numerous questions remaining about his suitability for the position of Attorney General and about the impact his tenure would have on civil and human rights in this country and elsewhere. For this reason, we must urge you to not confirm Mr. Gonzales. Please note that LCCR intends to include how Senators vote on this issue in the upcoming 109th Congress LCCR Voting Record.

Thank you for your consideration. If you have any questions, please feel free to contact LCCR Deputy Director Nancy Zirkin at (202) 263–2880, or LCCR Policy Analyst Rob Randhava at (202) 466–6058.

Sincerely,

DR. DOROTHY I. HEIGHT,
Chairperson.
WADE HENDERSON,
Executive Director.

CCR OPPOSES THE NOMINATION OF ALBERTO GONZALES

SYNOPSIS

''The best way for the American people to send a message to the Bush administration and the world that 'we the people' of the United States do not condone torture is to mobilize to reject the nomination of Alberto Gonzales.''—Ron Daniels, Executive Director, the Center for Constitutional Rights

DESCRIPTION AND STATUS

The Center for Constitutional Rights (CCR) strongly opposes the nomination of White House Counsel Alberto Gonzales for the office of Attorney General of the United States. While we applaud the effort of recent Presidents to achieve greater diversity in their Cabinets and would be delighted to see the first person of Latino descent be elevated to this high office, the issue at hand is not about diversity, it is about the conduct of someone who has fundamentally aided and abetted efforts by those in the White House to disregard the rule of law.

We believe that at the behest of President Bush, Mr. Gonzales knowingly and willingly provided counsel and advocated policies calculated to evade or circumvent domestic and international laws prohibiting the use of torture to extract information from soldiers or detainees held in U.S. custody. We believe that the person entrusted to be the highest law enforcement officer in our country must not be someone who has shown such blatant disdain for the rule of law as Chief Counsel to the President of the United States. To confirm Mr. Gonzales would send the wrong signal to the nation and the world. It would be tantamount to condoning torture.

The evidence of Mr. Gonzales's efforts to evade or circumvent domestic and international laws dealing with the use of torture is overwhelming. As White House counsel, he has consistently treated the law as an inconvenient obstacle to be ignored whenever it conflicted with the wishes of the President. Mr. Gonzales is the author of a leaked memo, dated January 25, 2002, that justified the suspension of the Geneva Conventions in the war in Afghanistan, calling these universally recognized international laws ''obsolete'' and ''quaint.''

In the same year, Mr. Gonzales requested a memo from the Justice Department, inquiring as to whether the Bush Administration could evade current treaties and laws in its treatment of Al Qaeda and Taliban detainees without being open to prosecution for war crimes. Moreover, he drafted the original military commission order signed by President Bush on November 14, 2001, which would have allowed suspects apprehended in the global campaign against terrorism to be charged, tried, and even executed without the most basic due process protections. Gonzales also argued that U.S. citizens could be held incommunicado and stripped of the right to counsel and the right to challenge their detention in a court of law for as long as the President deemed necessary. [CCR successfully challenged this position in the milestone case Rasul v. Bush, where the Supreme Court ruled that the detainees at Guantanamo have a right to challenge their detention in U.S. courts.]

Furthermore, Mr. Gonzales and his colleagues approved the use of dogs, hooding, and extreme sensory deprivation, all forbidden by Geneva Convention and International Covenant Against Torture. They redefined torture to limit it to only those actions that lead to organ failure, death or permanent psychological damage. They justified this relaxed definition of torture on the grounds that in a time of war, interrogators need to extract information from prisoners quickly to save American lives. However, it has long been established by experts in the field that torture leads to false confessions and bad intelligence. None of this seems to have mattered to Mr. Gonzales and the higher ups in the White House. Indeed, there is little doubt that the memos written and commissioned by Gonzales paved the way for the abuse and torture of detainees at Guantanamo Bay, Abu Ghraib, Bagram Air Force base, and elsewhere—many of whom are represented by the Center for Constitutional Rights.

The verdict is clear; there is no question but that there is a causal link between the memoranda and other directives devised by Mr. Gonzales and the terrible infractions committed by officers and functionaries in the field. The images and information about the horrific acts committed against prisoners at Abu Ghraib, (80% of were innocent of any crimes according to the International Red Cross), has severely damaged the reputation of the U.S. in the world as a standard bearer for justice and the rule of law. The arrogance that abounds in the White House is such that they seem impervious to world opinion. But ''we the people'' have the opportunity, obligation and power to let the President and the world know that we will not tolerate intolerable acts committed in our name!

Many organizations and members of Congress are content to simply ask ''tough questions'' of Mr. Gonzales but not oppose his nomination. At the Center for Constitutional Rights, we firmly believe that a man who helped destroy our nation's moral standing in the eyes of the world, endangered our troops and dismantled centuries of carefully developed international standards of law must not be rewarded with a promotion. Tough questions are not enough. We have a

duty to save the soul of our country. Accordingly, we call upon Americans of all political persuasions who oppose torture and are eager to restore our nation's good name in the world to join in a massive mobilization to stop the confirmation of Alberto Gonzales as Attorney General of the United States.

MORE ON GONZALES:

According to Newsweek, Mr. Gonzales convened a series of meetings with Defense Department General Counsel William Hayes, Vice Presidential Counsel David Addington, and counsel from the CIA and the Justice Department, where they discussed specific torture techniques they deemed acceptable for use against Al Qaeda leadership, including mock burial, ''water boarding''—where the victim is made to feel that they are drowning—and the threat of more brutal interrogations at the hands of other nations. Indeed, the latter, a practice known as ''extraordinary rendition'' has sent many suspects to countries like Egypt, Jordan and Syria, previously far more experienced in the techniques of torture than the U.S.

The Center for Constitutional Rights has seen the effects of Mr. Gonzales's policies in all too much detail. We represent many of the men, women and children held and tortured at the hands of U.S. personnel at Abu Ghraib, Guantanamo Bay, and elsewhere. In addition, the U.S. has an unknown number of ghost detainees, hidden from the International Red Cross, at spots around the globe: we can only imagine the treatment they are receiving.

In their scathing critique of Mr. Gonzales's writings, The Washington Post linked him directly to the tortures at Abu Ghraib and called his legal positions ''damaging and erroneous.'' Making Alberto Gonzales the Attorney General of the United States would be a travesty. It would mean taking one of the legal architects of an illegal and immoral policy and installing him as the official who is charged with protecting our constitutional rights.

[From the Washington Post, Oct. 24, 2004]

MEMO LETS CIA TAKE DETAINEES OUT OF IRAQ

(By Dana Priest)

At the request of the CIA, the Justice Department drafted a confidential memo that authorizes the agency to transfer detainees out of Iraq for iterrogation—a practice that international legal specialists say contravenes the Geneva Conventions.

One intelligence official familiar with the operation said the CIA has used the March draft memo as legal support for secretly transporting as many as a dozen detainees out of Iraq in the last six months. The agency has concealed the detainees from the International Committee of the Red Cross and other authorities, the official said.

The draft opinion, written by the Justice Department's Office of Legal Counsel and dated March 19,2004, refers to both Iraqi citizens and foreigners in Iraq, who the memo says are protected by the treaty. It permits the CIA to take Iraqis out of the country to be interrogated for a ''brief but not indefinite period.'' It also says the CIA can permanently remove persons deemed to be ''illegal aliens'' under ''local immigration law.''

Some specialists in international law say the opinion amounts to a reinterpretation of one of the most basic rights of Article 49 of the Fourth Geneva Convention, which protects civilians during wartime and occupation, including insurgents who were not part of Iraq's military.

The treaty prohibits ''[i]ndividual or mass forcible transfers, as well as deportations of protected persons from occupied territory . . . regardless of their motive.''

The 1949 treaty notes that a violation of this particular provision constitutes a ''grave breach'' of the accord, and thus a ''war crime'' under U.S. federal law, according to a footnote in the Justice Department draft. ''For these reasons,'' the footnote reads, ''we recommend that any contemplated relocations of 'protected persons' from Iraq to facilitate interrogation be carefully evaluated for compliance with Article 49 on a case by case basis.'' It says that even persons removed from Iraq retain the treaty's protections, which would include humane treatment and access to international monitors.

During the war in Afghanistan, the administration ruled that al Qaeda fighters were not considered ''protected persons'' under the convention. Many of them were transferred out of the country to the naval base in Guantanamo Bay, Cuba, and elsewhere for interrogations. By contrast, the U.S. Government deems former members of Saddam Hussein's Baath Party and military, as well as insurgents and other civilians in Iraq, to be protected by the Geneva Conventions.

International law experts contacted for this article described the legal reasoning contained in the Justice Department memo as unconventional and disturbing.

''The overall thrust of the Convention is to keep from moving people out of the country and out of the protection of the Convention,'' said former senior military attorney Scott Silliman, executive director of Duke University's Center on Law, Ethics and National Security. ''The memorandum seeks to create a legal regime justifying conduct that the international community clearly considers in violation of international law and the Convention.'' Silliman reviewed the document at The Post's request.

The CIA, Justice Department and the author of the draft opinion, Jack L. Goldsmith, former director of the Office of Legal Counsel, declined to comment for this article.

CIA officials have not disclosed the identities or locations of its Iraq detainees to congressional oversight committees, the Defense Department or CIA investigators who are reviewing detention policy, according to two informed U.S. Government officials and a confidential e-mail on the subject shown to The Washington Post.

White House officials disputed the notion that Goldsmith's interpretation of the treaty was unusual, although they did not explain why. ''The Geneva Conventions are applicable to the conflict in Iraq, and our policy is to comply with the Geneva Conventions,'' White House spokesman Sean McCormick said.

The Office of Legal Counsel also wrote the Aug. 1, 2002, memo on torture that advised the CIA and White House that torturing al Qaeda terrorists in captivity abroad ''may be justified,'' and that international laws against torture ''may be unconstitutional if applied to interrogations'' conducted in the war on terrorism. President Bush's aides repudiated that memo once it became public this June.

The Office of Legal Counsel writes legal opinions considered binding on federal agencies and departments. The March 19 document obtained by The Post is stamped ''draft'' and was not finalized, said one U.S. official involved in the legal deliberations. However, the memo was sent to the general counsels at the National Security Council, the CIA and the departments of State and Defense.

''The memo was a green light,'' an intelligence official said. ''the CIA used the memo to remove other people from Iraq.''

Since the Sept. 11, 2001, attacks, the CIA has used broad authority granted in a series of legal opinions and guidance from the Office of Legal Counsel and its own general counsel's office to transfer, interrogate and detain individuals suspected of terrorist activities at a series of undisclosed locations around the world.

According to current and former agency officials, the CIA has a rendition policy that has permitted the agency to transfer an unknown number of suspected terrorists captured in one country into the hands of security services in other countries whose record of human rights abuse is well documented. These individuals, as well as those at CIA detention facilities, have no access to any recognized legal process or rights.

The scandal at Abu Ghraib, and the investigations and congressional hearings that followed, forced the disclosure of the Pentagon's behind-closed-doors debate and classified rules for detentions and interrogations at Guantanamo Bay and in Afghanistan and Iraq. Senior defense leaders have repeatedly been called to explain and defend their policies before Congress. But the CIA's policies and practices remain shrouded in secrecy.

The only public account of CIA detainee treatment comes from soldier testimony and Defense Department investigations of military conduct. For instance, Army Maj. Gen. Antonio M. Taguba's report on Abu Ghraib criticized the CIA practice of maintaining ''ghost detainees''—prisoners who were not officially registered and were moved around inside the prison to hide them from Red Cross teams. Taguba called the practice ''deceptive, contrary to Army doctrine and in violation of international law.''

Gen. Paul J. Kern, who oversaw another Army inquiry, told Congress that the number of CIA ghost detainees ''is in the dozens, to perhaps up to 100.''

The March 19, 2004, Justice Department memo by Goldsmith deals with a previously unknown class of people—those removed from Iraq.

It is not clear why the CIA would feel the need to remove detainees from Iraq for interrogation. A U.S. Government official who has been briefed on the CIA's detention practices said some detainees are probably taken to other countries because ''that's where the agency has the people, expertise and interrogation facilities, where their people and programs are in place.''

The origin of the Justice Department memo is directly related to the only publicly acknowledged ghost detainee, Hiwa Abdul Rahman Rashul, nicknamed ''Triple X'' by CIA and military officials.

Rashul, a suspected member of the Iraqi Al-Ansar terrorist group, was captured by Kurdish soldiers in June or July of 2003 and turned over to the CIA, which whisked him to Afghanistan for interrogation.

In October, White House counsel Alberto R. Gonzales asked the Office of Legal Counsel to write an opinion on ''protected persons'' in Iraq and rule on the status of Rashul, according to another U.S. Government official involved in the deliberations.

Goldsmith, then head of the office, ruled that Rashul was a ''protected person'' under the Fourth Geneva Convention and therefore had to be brought back to Iraq, several intelligence and defense officials said.

The CIA was not happy with the decision, according to two intelligence officials. It promptly brought Rashul back and suspended any other transfers out of the country.

At the same time, when transferring Rashul back to Iraq, then-CIA Director George J. Tenet asked Defense Secretary Donald H. Rumsfeld not to give Rashul a prisoner number and to hide him from International Red Cross officials, according to an account provided by Rumsfeld during a June 17 Pentagon news conference. Rumsfeld complied.

As a ''ghost detainee,'' Rashul became lost in the prison system for seven months.

Rumsfeld did not fully explain the reason he had complied with Tenet's request or under what legal authority he could have kept Rashul hidden for so long. ''We know from our knowledge that [Tenet] has the authority to do this,'' he said.

Rashul, defense and intelligence officials noted, had not once been interrogated since he was returned to Iraq. His current status is unknown.

In the one-page October 2003 interim ruling that directed Rashul's return, Goldsmith also created a new category of persons in Iraq whom he said did not qualify for protection under the Geneva Conventions. They are non-Iraqis who are not members of the former Baath Party and who went to Iraq after the invasion.

After Goldsmith's ruling, the CIA and Gonzales asked the Office of Legal Counsel for a more complete legal opinion on ''protected persons'' in Iraq and on the legality of transferring people out of Iraq for interrogation. ''That case started the CIA yammering to Justice to get a better memo,'' said one intelligence officer familiar with the interagency discussion.

Michael Byers, a professor and international law expert at the University of British Columbia, said that creating a legal justification for removing protected persons from Iraq ''is extraordinarily disturbing.''

''What they are doing is interpreting an exception into an all-encompassing right, in one of the most fundamental treaties in history,'' Byers said. The Geneva Convention ''is as close as you get to protecting human rights in times of chaos. There's no ambiguity here.''

Mr. REED. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUNNING. 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. BUNNING. Mr. President, I rise to support the nomination of Judge Alberto Gonzales to be Attorney General of the United States.

Judge Gonzales is a dedicated public servant and a legal professional who has earned the trust of the President, and he deserves to be confirmed. I have worked personally with Judge Gonzales since he joined the administration, and I have a great deal of respect for him.

In 2001 and 2002, Kentucky had an urgent need to fill several district court vacancies in the eastern district of Kentucky, and Judge Gonzales was very helpful and worked with Senator MCCONNELL and myself to quickly fill those vacancies. This ensured that our courts in Kentucky continued to function and serve the people well.

Judge Gonzales has an impressive and broad legal and public service background. After a distinguished academic career, including a degree from Harvard Law School, Judge Gonzales joined one of Houston's most reputable law firms. His hard work and intelligence helped him quickly to become a partner in that law firm. That feat is even more impressive because he was one of the first two minority lawyers to become a partner in that firm.

He also took time from his private practice to teach law classes at the University of Houston. Judge Gonzales then left behind a well-paying private practice to become general counsel to President Bush when he was Governor of Texas. As general counsel, Judge Gonzales earned the trust and confidence of the Governor, who then appointed him secretary of state. After serving as secretary of state, Judge Gonzales was appointed to the supreme court of the great State of Texas. He heard cases on that court until Governor Bush was elected President and asked Judge Gonzales to serve him as White House Counsel, one of the most important legal jobs in this Nation. That job as White House Counsel became even more important after September 11 when our Government had to rethink our approach to fighting terrorism and terrorists and securing the homeland.

It is clear that Judge Gonzales has strong experience in all legal areas. As a practicing lawyer, he learned the private side of the justice system and what it was like to deal with the Government on a regular basis. As secretary of state and general counsel to the Governor of Texas, he received executive experience and learned management skills that will serve him well as head of the Department of Justice. As a judge, he learned the workings of the third branch of the Government and what the Department will have to confront when dealing with the courts.

Finally, as White House Counsel, Judge Gonzales participated in the creation of our strategies for fighting terrorism and terrorists at home and abroad, and he will carry that vision and experience into our Nation's top law enforcement job.

This is the unique part of the Judge Alberto Gonzales story. It is not just his legal experience and public service; it is also a story of hard work and living the American dream.

Judge Gonzales is the first Hispanic nominated to be Attorney General. This is noteworthy and a great accomplishment, and it reveals not just the greatness of Judge Gonzales's life, but it also reveals the opportunities our country provides to those willing to work hard and dare to achieve.

He was raised as one of eight children of migrant workers who barely spoke English. His parents did not graduate from high school. He began working at age 12 to help the family get by.

College seemed like a distant dream in his youth, so he joined the Air Force. He was then accepted to the Air Force Academy and then moved to Rice University. After that came law school and his distinguished career.

The fact that young Alberto was able to raise himself out of such underprivileged beginnings is a testament to his hard work and values he learned as a child.

It is not easy to graduate from one of America's most admired law schools, even for the children of wealthy or middle-class families. It is also not easy to become a partner in a law firm or to serve in high-ranking Government positions, no matter what your background happens to be. But Judge Gonzales overcame all the hurdles in his past and achieved what few have achieved.

I hope that his story is noticed by all who want to achieve great things in our country. In America, opportunities are boundless, and Alberto Gonzales is proof of that.

I am glad to support Judge Gonzales's nomination to be Attorney General. I may not agree with him on every issue in the future, but I am confident that President Bush has chosen an honorable and distinguished lawyer and public servant whom he can trust to be our Nation's top law enforcement officer.

This is a critical and opportunistic time for America. We need the best of the best to serve in this Cabinet, particularly at the Attorney General level as the chief law enforcement officer in these United States. Judge Alberto Gonzales is that person. I urge my colleagues to support his nomination.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENSIGN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. 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. HATCH. Mr. President, I have been listening closely to my colleagues, and I fear that sometimes in this debate we may just be missing the forest for the trees. By focusing almost exclusively on allegations regarding the Convention Against Torture, which is an important issue, to be sure, Judge Gonzales's critics seem to have forgotten that we are debating a nomination for the position of Attorney General of the United States of America.

One would think, for example, that all of my colleagues would join me in being supportive of the prospect of our Nation's civil rights laws being enforced by a citizen who grew up on the wrong side of the tracks and has worked his way up the hard way. I am one of many who is pleased at the prospect of Judge Gonzales enforcing our civil rights laws.

It was not that long ago that we did not even have a Civil Rights Division at Justice. Today, the public servants there do very important work. Whether they are working to guarantee the right to vote, protecting the freedom of worship, or preventing human trafficking, the 21st century version of slavery, these career lawyers are determined to extend the principle of equality under the law to all Americans regardless of race, creed, or color.

Alberto Gonzales shares that commitment to the principle of equal justice under the law. Instead of launching unfounded accusations that Judge

Gonzales in some attenuated fashion somehow supports the inhumane treatment of prisoners, one would think we would join together to support Judge Gonzales as the enforcer of our Nation's civil rights laws.

As a child of immigrants, the diversity of experience that he would bring to this position is remarkable. His personal story is a testament to the opportunity afforded in this great country by the guarantees of freedom and equality.

Through his role in the judicial nominations process as White House Counsel, Judge Gonzales has made it clear that diversity in Government is a desirable goal. I worked with him for 4 years on judicial nominations, so I know firsthand of his thoughts and actions on bringing diversity to our Federal bench. When working on behalf of the American people, a personal appreciation of their everyday trials and dreams can only make one a better public servant. For that reason, I suppose, he explained at the National Hispanic Leadership Summit, that we must ''go the extra mile'' when seeking diversity in public service. Certainly this administration has been doing that, and he has been a pivotal part of that.

There is no doubt that Judge Gonzales will bring these experiences to bear at his new job. Lynne Liberato, a partner in the Houston office of Haynes & Boone, and a former president of the State bar of Texas and the Houston Bar Association has said that Judge Gonzales:

> . . . has always been a person of good judgment, kindness, and moderation. He has experienced the prejudice endured by Mexican Americans. These experiences enhanced his judgment and fueled his compassion.

Now this is not lost on groups representing Hispanic Americans. It is certainly not lost on LULAC, the League of United Latin American Citizens, which has strongly supported Judge Gonzales and believes that he will uphold the 1965 Voting Rights Act making certain that all Americans can fully participate in the Democratic process. To me, that is the most important civil rights act in history.

Listening to Judge Gonzales's personal story, one discovers a person committed to the idea that if people are only treated equally, the opportunities afforded by America are boundless. His father built their house with his own hands. My dad did ours. His dad worked any job that was available to him in order to support his family. So did my dad. He picked crops as a migrant worker, worked in construction, as my dad did, and was part of a maintenance crew at a rice mill.

One gets the sense from listening to Judge Gonzales that his father did these things knowing that if only he and his family were given a fair shake they would find success in America. Let me just say that my father never met Judge Gonzales's father but it sounds to me that they would have had a lot in common given their belief and faith in the American dream. So it was hardly a surprise when Judge Gonzales defended the rights of labor even in the face of the Supreme Court's 2002 decision in Hoffman Plastics Compounds, Inc., v. NLRB.

The Court held that employees who present false documents to their employers in order to establish employment eligibility are not entitled to the remedy of backpay when their employers violate Federal labor law. Yet Judge Gonzales insisted that the decision:

> . . . will not prevent the administration from fully enforcing core labor protections against employers, regardless of the status of their employees.

When he made this statement at a meeting of MALDEF, the Mexican American Legal Defense and Education Fund, I am told that one could sense the passion of a person with a genuine appreciation of the noble sacrifice and the hard labor of the working poor.

Judge Gonzales is going to lead the Justice Department.

His personal commitment to justice is deeply rooted. I know the time pressures that attorneys face and yet Judge Gonzales has never let the demands of his profession or his career stand in the way of his voluntary service to his community.

Somehow, in the midst of building a successful law practice and second career as a public servant, he found time to serve as director of Catholic Charities and of Big Brothers Big Sisters. As Lynne Liberato explained in the Houston Chronicle:

> As a young lawyer, Al was committed to the education of minority kids. While a young associate at Vinson & Elkins he was instrumental in establishing the Vinson & Elkins Minority Scholarship. When asked by local Hispanic leaders to work on a committee to address the issue of the large number of Hispanic dropouts, Al devoted his time to the establishment of the Hispanic Career and Education Day. Both of these programs are still helping kids.

Judge Gonzales is committed to civil rights and the establishment of justice for all of our citizens, and so it is unfortunate that some of my colleagues have allowed their opposition to the President's prosecution of the war on terror to cloud their judgment in this case. Judge Gonzales will be our Nation's chief law enforcement officer. As such, he will be called upon to enforce our civil rights statutes and his long track record leaves no doubt that he will do so vigorously. His nomination is a milestone in American history and his confirmation will be remembered in our Hispanic communities for generations.

As a proud member of the party of Abraham Lincoln, I remain committed to a serious civil rights agenda. I wish my friends across the aisle would put partisanship aside and recognize that Judge Gonzalez would make a historic contribution to our Nation's continuing struggle to be a more just political community.

Some Senators on the other side of the aisle are desperately searching, fishing, and hunting to find something, anything, with which to attack Judge Alberto Gonzales. I reviewed some of the issues yesterday, including their attempt to hold Judge Gonzales responsible for a memo that he did not write, prepared by an office he did not run, in a Department in which he did not work, that provided legal advice that President Bush did not follow. That argument is a very thin brew. But some of my friends across the aisle are still throwing political spaghetti at the wall hoping something will stick.

The senior Senator from New York, for example, wants to drag Judge Gonzales into our internal Senate debate over filibusters of majority-supported judicial nominations. In the Judiciary Committee hearing on January 6 and the markup on January 26 and again on this floor yesterday, the distinguished Senator from New York has demanded to know Judge Gonzales's opinion on whether these filibusters are constitutional.

Senator SCHUMER says the answer will ''weigh heavily in my decision whether to support his confirmation.'' Judge Gonzales's answer has been clear and consistent, and it is both clearly and consistently correct. He said in the hearing that this issue is ''an internal Senate matter.''

Now, that is the right answer, because it is what the Constitution says. In article 1, section 5, the Constitution gives each House of the Congress the power to ''determine the rules of its proceedings.''

Judge Gonzales did not remind us of the at least four instances where the constitutional option was utilized in the Senate to stop an unjust, unconstitutional filibuster. No, he did not do that. He just said it is up to the Senate; the Senate should set its rules. That is what the Constitution says.

As the Supreme Court unanimously held more than a century ago, in exercising this authority we may not ignore constitutional restraints. That is a given. But both the authority to determine our rules and our responsibilities to meet constitutional standards are entirely ours so long as our rules do not contravene another constitutional requirement.

The House of Representatives has nothing to say about our rules in the Senate, and the executive branch does not either, and Alberto Gonzales recognized these principles.

Judge Gonzales is not like the professors who opined in hearings on this issue. Nor does he work for the Senate legal counsel or for the Parliamentarian waiting in the wings to give his opinion on any issue any Senator might raise. He is Counsel to the President of the United States of America. He comes before us wearing that hat. He has been nominated to be the next Attorney General of the United States of America. Both positions are in the executive branch, which has no role

whatsoever in determining how the Senate sets its internal procedural rules.

So Judge Gonzales's answer was not only correct on its face, but it demonstrated his respect for the fundamental principle of the separation of powers. In my view, he correctly believes it is not appropriate to accept any invitation that comes along to speculate and postulate about issues that the Constitution expressly removes from his jurisdiction.

In his January 6 hearing, Senator SCHUMER asked Judge Gonzales about the filibusters, after insisting that the words of the Constitution should be our standard on such issues. Keep in mind these are the first filibusters of judges, of Federal judges, in the history of this country in over 200 years.

If the words of the Constitution matter, then nothing could be more compelling than the Constitution's assignment of rulemaking authority right here in the Senate. Judge Gonzales's answer was grounded correctly in the text of the Constitution. For this reason, I was more than a little surprised yesterday to hear the distinguished Senator from New York, Mr. SCHUMER, say on this floor that Judge Gonzales's principled answer to this politically motivated question suggests that he would not be independent as Attorney General.

Give me a break. Frankly, as one who believes that my colleagues across the aisle are using the current rules of the Senate to filibuster judicial nominations in an unwise, unfair, unprecedented, and unconstitutional manner, there may have been some short-term political benefits to have the next Attorney General publicly side with me on this important issue. But Judge Gonzales wisely did not join in this fray, even though it could have been politically advantageous to the President and Republican Senators if he just came out on our side.

I asked those who questioned his independence and his ability to separate himself from the political interests of the President, what could be more independent than insisting that the constitutional separation of powers takes precedence over the politics of the moment?

This is an odd way to look at independence. On the one hand, Senator SCHUMER wants Judge Gonzales as Attorney General to be independent from the President at whose pleasure any Cabinet member serves. Then on the other side, Senator SCHUMER objects when Judge Gonzales, as Counsel to the President, shows a little independence from Senator SCHUMER by refusing to be pulled into a political dispute entirely outside the jurisdiction of the executive branch.

What is even more disheartening to me is that even though the distinguished Senator from New York has worked closely and cooperatively with Judge Gonzales in resolving their differences with respect to filling judicial vacancies in New York, he somehow finds Judge Gonzales to be unfit for the office of Attorney General. Selecting judges has been one of the most vexatious issues that any President and any Senate face. Judge Gonzales has a proven track record of working effectively with Senator SCHUMER on New York judicial vacancies.

I think it is fair to call Senator SCHUMER one of the most energetic Members of the Senate with respect to judicial nominations, whether you agree with him or not. It seems to me that Judge Gonzales's ability to work with my friend from New York so successfully on these contentious issues bodes well for his abilities to continue to work closely with the Senate once he is confirmed.

Several of my colleagues have stood on this floor and suggested—sometimes even flatly asserted—that Judge Gonzales lacks or will lack the necessary independence from the White House if he were to become Attorney General of the United States of America.

I cannot reach into the hearts and minds of those making these statements, but to me this suggestion is unadulterated bunk, sheer hokum. It is asking us to disprove a negative. It is the type of argument that is made when meritorious arguments are unavailable.

The charge that Judge Gonzales will not exercise his best judgment on behalf of the American public is groundless. Judge Gonzales is an accomplished lawyer, one recognized by the alumni association at his alma mater, the Harvard Law School, one of the greatest law schools in the country. He practiced at one of the most prestigious and respected law firms in the United States of America, Vinson and Elkins. He was a partner there.

As many speakers before me have noted, including Senator SPECTER and Senator SESSIONS, a good lawyer is one who knows who his client is and represents him well. What is it about Judge Gonzales that makes some people believe that he is somehow incapable of making the simple distinctions, distinctions made by lawyers every day? Is it prejudice? Is it a belief that a Hispanic American should never be in a position like this—because he will be the first one ever in a position like this? Is it a belief that only liberal Hispanics should be confirmed? Or is it because he has been an effective Counsel to the President of the United States, who many on the other side do not like? Or is it because he is constantly mentioned for the Supreme Court of the United States of America? Or is it that they just don't like Judge Gonzales? I find that that is not possible because you can't help but like him. He is a fine, enjoyable, friendly man.

I do not agree with those who insinuate that he cannot handle this job or that he will not do it in the best possible manner. I believe every Hispanic in America who is interested in this country and who understands what is going on here is watching this with a great deal of interest. It is amazing how some can be so in favor of minorities and yet whenever the minority might be—in this case moderate, but representing a conservative President—that for some reason or other, they are just not worthy to hold these positions?

It was explained in the Judiciary Committee, Judge Gonzales understands the differences between the role of the White House Counsel and the role of Attorney General. Over the course of our history there have been several individuals who have been close advisers and friends of the President and have gone on to serve successfully as Attorney General. In President Reagan's administration, Attorney General Meese wore both hats with great distinction. Earlier than that, Robert Kennedy, brother of the President of the United States, proved capable of separating his role of serving the American people from his unique relationship with his brother, President John F. Kennedy.

Frankly, I doubt that any Attorney General was closer to the President than Attorney General Robert Kennedy was to President John F. Kennedy. The historical record reveals that this issue was a matter of debate and concern by some prior to the confirmation of Attorney General Kennedy. In the same way that Robert Kennedy did not allow his closeness to the President to interfere with his legal judgment, I am fully confident, and I think everybody who knows Alberto Gonzales is confident, that Alberto Gonzales's relationship with President Bush will not impede his ability to serve as a fair and effective Attorney General of the United States of America.

In fact, that Judge Gonzales has the President's ear and full confidence can only help achieve the Department of Justice's priorities in the same way that the Department of Justice played a prominent role in the Kennedy administration.

I am quite confident that Judge Gonzales will serve the American public and enforce the law in a fair manner for all of our citizens. I am not certain why anybody would suggest that Judge Gonzales is somehow incapable of distinguishing his role as Attorney General of the United States from his role as Counsel to the President. He made it quite clear in his confirmation hearing that he understood the obligations of his new office. Here is what he said:

I do very much understand that there is a difference in the position of counsel to the President and that of Attorney General of the United States. . . . As counsel to the President, my primary focus is on providing counsel to the White House and to the White House staff and the President. I do have a client who has an agenda and part of my role as counsel is to provide advice that the President can achieve that agenda lawfully. It is a much different situation as Attorney General, and I know that. My first allegiance

is going to be to the Constitution and to the laws of the United States.

You know, I think he ought to be taken at his word. We have done it for countless others whom we have confirmed here in this body. But for some reason some on the other side actually believe that he might not be capable of doing this job. Or if he is, then he might not do it properly. Or, if he doesn't do that, then he might be so much in his President's pocket that he won't uphold the law, which he has always done.

It is ridiculous. What is the reason for this opposition? I don't know what it is. But I have listed a few things it could be. Judge Gonzales's service on the Texas Supreme Court should prove to anyone interested his ability to be independent from then-Governor and now-President Bush.

In response to questions for the record from Senator KENNEDY, the distinguished Senator from Massachusetts, Judge Gonzales stated that he ''would enforce the law fairly and equally on behalf of all Americans.''

Senator KENNEDY raised all of these torture memoranda as though Judge Gonzales wrote them.

He wasn't in the Justice Department. He wasn't in the office of legal counsel. He wasn't the person who wrote them. He didn't represent the Justice Department. But he did have a relationship to the February 7, 2002, memorandum where the President said that all prisoners, whether or not they were subject to the Geneva Conventions, had been treated ''humanely.''

People can have different views on the Bybee memoranda, and other memoranda that have been quoted here as though Judge Gonzales had anything to do at all with them, but Judge Gonzales's opinion, which he gave the President, was that they should be treated humanely.

Why do they insist on these points? Why has torture become the big point of debate on the floor of the Senate? There is only one reason: to undermine the President of the United States.

Just think about it. Why would we do that publicly as Senators? Why would we do that, especially since we all know that these were rogue elements who have done these awful things? We all condemn them. But why would we do this? Some people think that these statements are so bad, that they give comfort to the enemy. I do not go that far. But why have they used distortions to try to stop Judge Gonzales? Why would they do that?

He is a moderate man. He is an accomplished man. He is a decent man. We have had 4 years of experience with him. He has done a great job down there as White House Counsel. He has been up here before every Senator on the Judiciary Committee, eight of whom voted against him, and he accommodated them in every way he possibly could. Sometimes he couldn't do what they wanted him to do, but the fact is he was always accommodating. He was always reasonable, he was always moderate in his approach, and he always listened—exactly what we would hope the Attorney General of the United States would be like.

Further, during his opening statement at his confirmation hearing, Judge Gonzales indicated that ''[with] the consent of the Senate, [he] w[ould] no longer represent only the White House; [he] w[ould] represent the United States of America and its people.''

Knowing Judge Gonzales, he meant that.

Finally, Judge Gonzales explained at his hearing that his responsibility as Attorney General would be to ''pursue justice for the all the people of our great Nation, to see the laws are enforced in a fair and impartial manner for all Americans.'' I believe it is clear that Judge Gonzales understands the obligations associated with the position of Attorney General of the United States, and he is uniquely qualified to follow in the footsteps of the able and distinguished men and women who have preceded him.

I know the other side does not want any Republican on the Supreme Court of the United States of America. I cannot blame them for that. We do not share the same philosophy, by and large, as the liberal philosophy they espouse. On the other hand, in times past Republicans have confirmed liberals to the U.S. Supreme Court without putting them through these types of machinations that have despoiled their character. We have supported the President of the United States. We have not filibustered judges. We did not smear great legal intellectuals like Robert Bork. I can name many others, including the current Chief Justice of the United States, one of the finest men who ever served in the judiciary of this country, who had a distinguished public service record before his nomination but was smeared during the Judiciary Committee hearings and on the floor of the Senate. My party did not resort to these tactics. I would be disappointed if we did.

Here we have a chance to confirm a man who is a decent man, who is of Hispanic origin, the first Hispanic ever to be nominated to one of the big four Cabinet positions. Why can't my friends who oppose him recognize that and recognize the historic nature of this nomination, recognize his great ability, recognize his decency, recognize his fairness in working with them, and recognize that this man will make a difference for all Americans, as he has as White House Counsel?

Is the hatred for the President so bad they transfer it to somebody as decent as Judge Gonzales after years of complaints about John Ashcroft? He has been a wonderful Attorney General, in my eyes. After years of complaining about him because he is too conservative, all of a sudden you have a moderate Hispanic man who has a distinguished public service record, who has a distinguished career as a lawyer, who came from poverty to the heights of strength and success in this greatest of all nations, and he too gets treated like dirt. And I personally resent it.

Let me conclude these remarks by restating my support for Alberto Gonzales. He has the education, he has the experience, and he has the character to be the next Attorney General of the United States, and he deserves the support of the Senate.

I believe that those who vote against him—I hope nobody does, I would be so pleased if nobody did, but those who vote against him, I believe people throughout this country have to look at what they have done with disdain, with concern, and with intelligent eyes and determine why they voted against somebody of this quality. Why would they make some of these arguments that are clearly fallacious with regard to Judge Gonzales?

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. ALLARD. Mr. President, it is with great pride that I rise today in support of the President's nominee for Attorney General, Judge Alberto R. Gonzales. Judge Gonzales is an honorable man who will bring great integrity to the office of Attorney General. Few nominees have come before this body who have demonstrated the intelligence, commitment, and virtue of Judge Alberto Gonzales.

The biography of Judge Alberto Gonzales reads like a blueprint of the true American success story. He was born August 4, 1955 in San Antonio, TX. The second of eight children, a young Alberto was raised in a warm, family environment. His parents, a scant 8 years of formal education between them, taught their kids the value of hard work and persistence. It was in Humble, TX, a small town north of Houston, that Alberto Gonzales watched his father Pablo, a migrant worker, and two of his uncles build the two-bedroom house in which he and his siblings grew up. It is the same house in which his mother resides today.

Gonzales graduated from public high school in Houston in 1973. Having never considered college a realistic possibility and full of desire to learn and see the world, Alberto Gonzales enlisted in the Air Force. He was assigned to Ft. Yukon, AK, where he became inspired to apply for an appointment to the United States Air Force Academy. Special arrangements were made for Gonzales to take his ACT and the Academy's required physical examination while still stationed in Alaska. Gonzales was rewarded with orders to report to the Academy at Colorado

Springs, CO in 1975 to pursue his dream of becoming a pilot in the United States Air Force.

Alberto Gonzales excelled in his first year at Colorado Springs but found he was more interested in politics and law than the engineering and science curriculum required by the Academy. After much deliberation and consideration of the effort put forth to earn his appointment to the Academy, he decided to pursue a career in the law. Gonzales started at Rice University his junior year of college, graduating from Rice in 1979. After Rice, Gonzales attended Harvard Law School where he graduated in 1982. Gonzales returned to Houston as an associate at the law firm of Vinson & Elkins where he later became one of the firm's first two minority partners. While in private practice, Gonzales also taught as an adjunct law professor at the University of Houston Law Center and was actively involved in numerous civic organizations.

It was at a meeting of Houston area minority leaders in 1994 that Alberto Gonzales first met President George W. Bush during the President's first gubernatorial campaign. Several weeks after being elected Governor, Bush asked Gonzales to join his administration as his General Counsel, where he served for 3 years. On December 2, 1997, Gonzales was appointed Texas' 100th Secretary of State, serving as chief elections officer, the State's leading liaison on Mexico and border issues, and senior adviser to the Governor. Gonzales was appointed to the Texas State Supreme Court in 1999, and was elected to a full 6-year term on the court in 2000 with 81 percent of the vote. In January of 2001, Alberto Gonzales again heeded President Bush's call to service and was commissioned as counsel to the President.

This is an incredible journey from Humble, TX, to Ft. Yukon, AK, to the Air Force Academy in Colorado to the Ivy League. From private business and civil leadership in Texas to being recruited to serve in the administration of President Bush, Alberto Gonzales has led a life full of challenge, accomplishment, and great success. As if this weren't enough, Alberto Gonzales has given back to his community and his fellow Americans along the way.

Alberto Gonzales was a trustee of the Texas Bar Foundation from 1996 to 1999, a director for the State Bar of Texas from 1991 to 1994, and President of the Houston Hispanic Bar Association from 1990 to 1991. He was a director of the United Way of the Texas Gulf Coast from 1993 to 1994, and President of Leadership Houston. In 1994, Gonzales served as Chair of the Commission for District Decentralization of the Houston Independent School District, and as a member of the Committee on Undergraduate Admissions for Rice University. Gonzales was Special Legal Counsel to the Houston Host Committee for the 1990 Summit of Industrialized Nations, and a member of delegations sent by the American Council of Young Political Leaders to Mexico in 1996 and to the People's Republic of China in 1995. He served on the board of directors of Catholic Charities, Big Brothers and Big Sisters, and the Houston Hispanic Forum.

Judge Gonzales has been the fortunate recipient of many professional and civic honors, including his 2003 induction into the Hispanic Scholarship Fund Alumni Hall of Fame, and the Good Neighbor Award from the United States-Mexico Chamber of Commerce for his dedication and leadership in promoting a civil society and equal opportunity. Gonzales also received in 2003 the President's Awards from the United States Hispanic Chamber of Commerce and the League of United Latin American Citizens. In 2002, he was recognized as a Distinguished Alumnus of Rice University by the Association of Rice Alumni and was honored with the Harvard Law School Association Award. Gonzales was recognized as the 1999 Latino Lawyer of the Year by the Hispanic National Bar Association, and he received a Presidential Citation from the State Bar of Texas in 1997 for his dedication to addressing basic legal needs of the indigent. He was chosen as one of the Five Outstanding Young Texans by the Texas Jaycees in 1994, and as the Outstanding Young Lawyer of Texas by the Texas Young Lawyers Association in 1992. Gonzales was honored by the United Way in 1993 with a Commitment to Leadership Award, and received the Hispanic Salute Award in 1989 from the Houston Metro Ford Dealers for his work in the field of education.

When I began my remarks I suggested that Alberto Gonzales was one of the most accomplished and qualified individuals ever to stand before this body for confirmation. In recent weeks this body, and particularly the Senate Judiciary Committee, has engaged in a rigorous, often exaggerated, examination of Judge Gonzales life, his work, and character. Like all things that take place inside the beltway, this examination has bordered on the dramatic, the overblown, and the overtly political.

Most of the criticism Judge Gonzales has endured has not been related to his background, academic and professional accomplishment, or his competency to serve as this Nation's highest law enforcement official. Indeed, the criticism has focused on very recent American history. Judge Gonzales, like countless millions of Americans, was effectively called to service in a way previously unimagined when a small group of radical murderers attacked this Nation on September 11, 2001. September 11, 2001 was an act of war by a group of men who recognize no law and represent no nation. Terrorists who would attack innocent people around the world and Americans here at home sign no treaties, engage in no civil discourse, and disregard all bodies of democratic government. This is an ugly thing. These are difficult times. We are engaged in a war without borders against a foe that knows no bounds in its cruelty. Innocents killed for going to work on a sunny September morning, kidnap victims beheaded for publicity and fear, an entire civic system indicted for having the nerve to believe in the liberty of the individual. I find it hard to believe, but Judge Alberto Gonzales is being treated by some in this chamber as if he was somehow responsible for the senseless and violent acts of terrorists. More reasonable yet equally baseless are the criticisms that Judge Gonzales somehow supports the use of barbaric and medieval treatment of those apprehended by the United States and suspected of engaging in terrorist activities.

A good example of the ludicrous criticisms of Judge Gonzales, and one my friend from Texas, Senator CORNYN has rightly sighted in recent floor statements, is the flimsy assertion that Judge Gonzales in advising President Bush to deny prisoner of war status to al-Qaida and Taliban terrorists is somehow a violator of the human rights principles so essentially a part of the American ethic. In his role advising the President on legal matters in the war on terror Alberto Gonzales has never provided council regarding prisoners without insisting that their treatment be humane in all instances.

According to the very Geneva Convention these critics pretend to defend, only lawful combatants are eligible for POW protections. Lawful combatants must pass the smell test. They must look like combatants. They do not hide their weapons or their affiliations. They wear uniforms and they conduct their operations in accordance with the laws and customs of war. Civilians are to be treated as innocents. No stretching or distorting of this definition can turn terrorists in to lawful combatants. In their eagerness to demean Judge Gonzales his critics fail to acknowledge that neither al-Qaida nor the Taliban militia are legally entitled to the Convention's protections. They do not adhere to the required conditions of lawful combat and are not a party to the Geneva Convention. This is not some arbitrary and convenient conclusion. This is based in the very text and structure of the text, the history of the convention, and has been affirmed by several Federal courts across the country. And this is what they offer as evidence that Judge Gonzales is somehow unfit to serve as Attorney General?

Judge Gonzales and President Bush have repeatedly affirmed their respect for the humane but aggressive prosecution of the war this country was dragged in to. Specific to the Geneva Convention Judge Gonzales testified, ''honoring the Geneva Conventions wherever they apply . . . I consider the Geneva Conventions neither obsolete or quaint.'' The administration has fully applied the Geneva Conventions' protections in Iraq because Iraq is a

High Contracting Party to the Conventions. There was never any question about whether Geneva would apply in Iraq, Judge Gonzales testified recently, so there was no decision for the administration to make. Yet in committing to the legal study of engagement with the Taliban militia and al-Qaida fighters somehow Judge Gonzales is labeled as a radical and accused of maliciousness only fairly attributed to the enemies of America.

But the truth is not enough when there are political axes to grind. Members of the Senate Judiciary Committee and others have loudly asserted that the treatment of prisoners at Abu Ghraib somehow represents U.S. and administration policy. Like everyone else in this Chamber I was startled by the photographs of prisoner mistreatment at Abu Ghraib, but again we see a logical failure in connecting this incident of abuse with any policy set by the Department of Justice, Judge Gonzales or the President. ''I have been deeply troubled and offended by reports of abuse,'' Judge Gonzales testified. ''The photos from Abu Ghraib sickened and outraged me, and left a stain on our Nation's reputation.'' Judge Gonzales testified at length on this matter and the administration has been nothing but clear that these isolated acts were those of a small group of misguided soldiers. These acts were wrong and completely inconsistent with the policies and values of this country. The Independent Panel to Review DoD Detention Operations found that the abuses depicted in Abu Ghraib photographs were not part of authorized interrogations but a representation of deviant behavior and a failure of military leadership and discipline.

And still the critics of Judge Gonzales demand he be linked to these roundly condemned and isolated acts. While I am proud to rise in support of Judge Gonzales, I am dismayed at the atmosphere in which this nomination has been made and received by the Senate. As millions of Americans know, in recent years we have witnessed a historical hijacking of the President's power to appoint judges. While controversy may not be new to the appointment process, the unprecedented filibuster of judges in this Chamber last year flies boldly in the face of both the Founders' intent expressed in Article II, Section II of the Constitution, as well as a distortion of the Senate's rich tradition of providing advise and consent without filibuster.

In my opinion the tenor of this confirmation process reeks of last year's series of senseless cloture votes on nominees of high stature. Unfair and unsubstantiated claims have been made and half-truths and lies of omission have dominated the rhetoric of those opposing Judge Gonzales. I am not here today to impugn those who have contributed to this false advertising, though it is worth saying that the nature and intensity of these false arguments in light of this nominees extraordinary record and dedication may reveal more about the opponents than the nominee. Upon his confirmation Judge Gonzales will become the first Hispanic American to serve in this high post, yet another historic appointment by President George W. Bush. Judge Gonzales is a man of great character who has and will continue to serve this Nation with distinction. I urge my fellow Americans to look at Judge Gonzales's record and draw their own conclusions as to why some in this body find him to be so disagreeable to their aims. It is clear to me what has been happening here, just as it is clear to me that Judge Gonzales will be confirmed despite the overtly political and shallow opposition he faces.

I am proud to rise in support of Judge Alberto Gonzales. His record of service is indicative of the character, integrity and energy he will bring to the demanding and thankless job of Attorney General. I look forward to working with Attorney General Gonzales, and I thank my colleagues for their time.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, we have had a lot of complaints on the floor about one of America's most decent, fine public servants, Judge Gonzales, who served as Counsel to the President of the United States. It has been really painful to hear what has been said. I, just for the record, would like to take a few minutes to respond to some of these allegations that are not fair, represent distortions, and really misrepresent him and attack his character unfairly.

Senator KENNEDY, for example, says that Judge Gonzales was at the ''epicenter'' of a torture policy. As I have indicated earlier, Judge Gonzales has repeatedly and consistently opposed torture. He has said it is not proper and not justified and has publicly stated that we, as a nation, are committed to the rule of law, to following our treaty obligations, and the statutory requirements that deal with torture. The President, of course, has said the same.

There is no policy of torture in the United States. We have a statute that deals with that and prohibits it. It defines what torture is and what it is not. Sometimes that has been the problem. Congress's definition has been ignored. Things that are not included in our definition have been said to be torture.

Indeed, some of the people who complained about the memorandums written by the Department of Justice officials actually voted for the statute that defined torture; and that memorandum quoted extensively from it and was framed by that American statute.

Senator STABENOW has contended that Judge Gonzales has a reckless disregard for human rights—this decent man, who has seen discrimination in his life—that he has a reckless disregard for human rights and has twisted the law to allow torture.

The truth is, Judge Gonzales has stated that every detainee should be treated humanely. In the only memorandum Judge Gonzales ever wrote, he provided prisoner-of-war status to Iraqi soldiers captured in Iraq, allowing them the additional protections of a prisoner of war under the Geneva Conventions, even though they do not qualify.

The soldiers caught and captured right after the conclusion of hostilities, wearing a uniform, operating in units, they qualify as prisoners of war. But these people who are sneaking around, not in uniform, placing bombs against civilian people, against Iraqi citizens, against American soldiers, they do not meet the definition of the Geneva Conventions. Therefore, they really are not entitled legally to those protections. But Judge Gonzales has said, and the President has agreed, that they will be given those protections.

Senator FEINSTEIN says Judge Gonzales did not answer the committee's questions properly, her questions. He really did answer them. I think the truth is that the Senator was unsatisfied with his answers because they were, she said, not independent of the President.

Let me ask, isn't it most likely the fact that Judge Gonzales and the President agreed on these positions? This issue has been taken to the American people in the President's reelection campaign. All these issues were debated and the American people affirmed his leadership and his guidance in the war on terrorism. To say there is not enough distance between the President's lawyer and the President is really an odd statement to make. Of course, the lawyer and the President are together, I am sure not only legally and professionally together on these issues, but they share deep values together.

Senator MIKULSKI claims that Judge Gonzales was not cooperative in the nomination of judges to the Maryland bench. The truth is, Maryland Senators have played a role in obstructing the judge's nominees. They have argued that one nominee, a lawyer born in Maryland and educated in Maryland, was not a Marylander and could not be confirmed. I think it was driven by their disagreement with his conservative judicial philosophy, but they objected on that basis, and there was a big disagreement on it. But that is not Judge Gonzales's decision to make. Ultimately, that is the decision of the President.

One Senator complained about his support for Claude Allen for the court of appeals, an African-American judicial nominee of excellent reputation,

and I don't think that is fair. He simply supported Claude Allen, a judge that I supported and a majority of this Senate supports but has been blocked through dilatory tactics from the other side. But that is not a basis to vote against him for Attorney General.

Senator SCHUMER complained that Judge Gonzales refused to answer his question on the so-called nuclear option, which is a political issue, a legislative branch issue of this Congress to deal with. It is a matter that involves rules in the Senate, how they are changed, and that kind of debate. This issue has nothing to do with running the Department of Justice. It is not any role for Judge Gonzales, a lawyer for the President of the United States, to start opining on what he thinks about Senate rules.

Senator SCHUMER is leading filibuster after filibuster of the President's nominees in an unprecedented use of the filibuster systematically against judicial nominees, something that has not happened in the history of this Republic. But for these filibusters, the nuclear question would not exist.

These complaints have been unfair. They have oftentimes relied on information taken out of context, information that is misleading. The truth is, Judge Gonzales is a sound lawyer, a decent man who believes in the rule of law. He believes in following the law. He will be a terrific Attorney General. He has been nominated by the President. I believe he will be confirmed. I am excited for him and his good, fine family. It is going to be a special day for them.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the hour of 2:30 having arrived, the Senator from West Virginia is recognized for 1 hour.

Mr. BYRD. I thank the Chair.

Mr. President, Alberto Gonzales is Counsel to the President of the United States. For the past 4 years, Mr. Gonzales has served as the chief legal adviser to President Bush, housed in the west wing of the White House, a stone's throw from the Oval Office.

The official biography of Alberto Gonzales on the White House Web site states that before he was commissioned to be White House Counsel, Judge Gonzales was a justice on the Texas Supreme Court. Prior to that, he served as the one-hundredth Secretary of the State of Texas, where one of his many duties was to act as a senior adviser to then-Governor George W. Bush. Before that, he was general counsel to Governor Bush for 3 years.

So for over a decade, Alberto Gonzales has been a close confidant and adviser to George W. Bush, and the President has confirmed his personal and professional ties to Judge Gonzales on many occasions.

The President has described him as both ''a dear friend'' and as ''the top legal official on the White House staff.'' When the President nominated Mr. Gonzales to be the next Attorney General of the United States, the President began by asserting:

> This is the fifth time I have asked Judge Gonzales to serve his fellow citizens, and I am very grateful he keeps saying ''yes'' . . . as the top legal official on the White House staff, he has led a superb team of lawyers.

In praising his nomination of Alberto Gonzales, the President specifically stressed the quintessential ''leadership'' role that Alberto Gonzales has held in providing the President with legal advice on the war on terror. The President stated specifically that it was his ''sharp intellect and sound judgment'' that helped shape our policies in the war on terror. According to the President, Mr. Gonzales is one of his closest friends who, again in the words of the President, ''always gives me his frank opinion.''

I am not a member of the Senate Committee on the Judiciary and so I have come to my conclusions by reading from the record. Not hearing directly the testimony, not being able to ask questions during the hearings, but from my reading of the testimony, I speak now.

Imagine how perplexing and disheartening it has been to review the responses—or should I say lack of responses—that were provided by Mr. Gonzales to members of the Senate Judiciary Committee at his confirmation hearing on January 6. It seemed as if once seated before the committee, Judge Gonzales forgot that he had, in fact, been the President's top legal adviser for the past 4 years.

It was a strangely detached Alberto Gonzales who appeared before the Senate Judiciary Committee. Suddenly this close friend and adviser to the President simply could not recall forming opinions on a great number of key legal and policy decisions made by the Bush White House over the past 4 years. And this seemed particularly true when it came to decisions which in retrospect now appear to have been wrong.

When asked his specific recollection of weighty matters, Judge Gonzales could provide only vague recollections in many instances of what might have been discussed in meetings of quite monumental importance even during a time of war.

He could not remember what he advised in discussions interpreting the U.S. law against torture or the power of the President to ignore laws passed by Congress, discussions that resulted in decisions that reversed over 200 years of legal and constitutional precedents relied on by 42 prior Presidents. That is pretty hard to believe. In fact, if one did not know the true relationship between the President and this nominee, or if one had never heard the President refer to the ''frank'' advice he has received from Judge Gonzales, one would think from reading his hearing transcript that Alberto Gonzales was not really the White House Counsel.

Instead, one might think that he is simply an old family friend who, yes, is happy to work near the seat of power but makes no really big decisions, has no legal opinions of his own, and certainly feels no responsibility to provide independent recommendations to the President.

I find it hard to believe that the top legal adviser to the President cannot recall what he said or what he did with respect to so many of the enormous policy and legal decisions that have flowed from the White House since September 11 in particular. It is especially difficult to comprehend the sudden memory lapse when the consequences of these decisions have had, and will continue to have, profound effects on world events for years, and even decades, to come.

Judge Gonzales was asked whether he had chaired meetings in which he had discussed with Justice Department attorneys such interrogation techniques as strapping detainees to boards and holding them under water, as if to drown them. He testified that there were such meetings, and he did remember having had some discussions with Justice Department attorneys, but he could not recall what he told them in those discussions.

When Senator KENNEDY asked if he ever suggested to the Justice Department attorneys that they ought to ''lean forward'' to support more extreme uses of torture, as reported by the Washington Post, he said:

> I don't ever recall having used that term.

He stated that, while he might have attended such meetings, it was not his role, but that of the Justice Department, to determine which interrogation techniques were lawful. He said:

> It was not my role to direct that we should use certain kinds of methods of receiving information from terrorists. That was a decision made by the operational agencies. . . . And we look to the Department of Justice to tell us what would, in fact, be within the law.

He said he could not recall what he said when he discussed with Justice Department attorneys the contents of the now-infamous ''torture'' memo of August 1, 2002, the one which independent investigative reports have found contributed to detainee abuses, first at Guantanamo and, then, Afghanistan and, later, Iraq.

When asked whether he agreed with the now repudiated conclusions contained in that torture memo at the time of its creation on August 1, 2002, Mr. Gonzales stated:

> There was discussion between the White House and the Department of Justice, as well as other agencies, about what does this statute mean. . . .I don't recall today whether or not I was in agreement with all of the analyses, but I don't have a disagreement with the conclusions then reached by the Department.

He went on to add that, as Counsel to the President, it was not his responsibility to approve opinions issued by the Department of Justice. He said:

> I don't believe it is my responsibility, because it really would politicize the work of

the career professionals at the Department of Justice.

Mr. President, one must wonder what the job of White House Counsel entails, if it does not involve giving the President the benefit of one's thinking on legal issues.

Perhaps one reason Judge Gonzales says he does not remember what he said in those meetings is because, as soon as the torture memo was leaked to the press, he had to disavow it. Once it became clear that the White House believed—based on those meetings—that only the most egregious acts imaginable could be prohibited as torture, the memo received universal opprobrium. Thus, the administration had little choice but to repudiate it and, in June 2004, Mr. Gonzales announced its withdrawal. He then directed the Justice Department to prepare new legal analyses on how to interpret prohibitions against torture under U.S. and international law.

Strangely, however, that new analysis was not available to the public for 6 more months. Finally, on December 30, just 1 week prior to the Gonzales nomination hearing, a memorandum containing the administration's most recent take on the subject was issued by the Justice Department.

With the benefit of 20/20 hindsight, together with a keen desire to be confirmed as the next Attorney General of the United States, Judge Gonzales told the committee on January 6 that the analysis of the August 1, 2002, memo no longer represents the official position of the executive branch of the United States.

If Judge Gonzales didn't see fit to question the Justice Department's official position on torture in 2002, what made the administration change its mind in 2004? Was it a careful review of the legal issues, or was it simply political backpedaling in light of the public knowledge of what its policies had brought about in Abu Ghraib and elsewhere?

I note in passing that the ''torture'' memo was written in 2002 by then-Assistant Attorney General Jay Bybee, who is now a Federal judge on the Ninth Circuit Court of Appeals. God help the Ninth Circuit Court of Appeals. I would like the record to reflect that 18 other Senators and I voted to reject the nomination of Jay Bybee to be a Federal judge, a decision I, for one, do not regret.

The Bybee memo drew universal condemnation and scorn for at least two of the legal opinions that were included in its text. First, it described torture as being prohibited under U.S. law in only very circumscribed circumstances. It defined torture so narrowly that horrific harm could be inflicted against another human being in the course of an interrogation overseas and not be prohibited. According to the memo, unless such acts resulted in organ failure, the impairment of a bodily function, or death, they could be considered legal. In fact, the first page of the memorandum states:

> We conclude that the statute [the statute against torture], taken as a whole, makes plain that it prohibits only extreme acts. . . . This confirms our view that the criminal statute penalizes only the most egregious conduct.

The second but equally shocking and erroneous legal conclusion reached in the so-called torture memorandum states:

> We find that in the circumstances of the current war against al-Qaida and its allies, prosecution under section 2340A [the relevant provision of U.S. law prohibiting torture] may be barred because enforcement of the statute would represent an unconstitutional infringement of the President's authority to conduct war.

As the Commander in Chief. Where have we heard that before, the term ''Commander in Chief''?

This means the White House believed that a President can simply override the U.S. law prohibiting torture, just because he disagrees with it. In other words, he can ignore the law by proclaiming, in his own mind, that the law is unconstitutional. Not because a court of the United States has found the law to be unconstitutional but because a wartime President decides he simply does not want to be bound by it.

What an astounding assertion. Think of it. A President placing himself above the constitutional law—in effect, crowning himself king.

This outrageously broad interpretation of Executive authority is so antithetical to the carefully calibrated system of checks and balances conceived by the Founding Fathers it seems inconceivable that it could be seriously contemplated by any so-called legal expert, much less attorneys of the U.S. Justice Department or the White House Counsel.

Has the White House no appreciation for the struggle that the Nation endured upon its creation? Can it really believe that a President can circumvent the will of the people and their legislature by adopting and disseminating a legal interpretation that would, in the end, protect from prosecution those who commit torture in violation of U.S. law?

Alexander Hamilton, in Federalist No. 69, described in detail exactly how the American system can and must be distinguished from the British monarchy. Hamilton wrote:

> There is no comparison—
>
> Hear that again—
>
> There is no comparison—
>
> None—
>
> There is no comparison between the intended power of the President and the actual power of the British sovereign. The one can perform alone, what the other can only do with the concurrence of a branch of the Legislature.

Mr. President, no one man or woman, no President, not his White House Counsel, nor all the attorneys in the Office of the Legal Counsel in the Justice Department can, on their own, act in contravention of a law passed by Congress.

No President—no President—can nullify or countermand a U.S. law to shield from prosecution those who would commit or attempt to commit torture. But that was the result sought by this White House.

When asked by Senator DURBIN if he still believes that the President has the authority as Commander in Chief to ignore a law passed by Congress, to decide on his own whether it is unconstitutional, or to simply refuse to comply with it, Judge Gonzales stated that, yes, he believes it is theoretically possible for the Congress to pass a law that would be viewed as unconstitutional by a President and, therefore, to be ignored.

And even though the torture memo was replaced by a new memorandum on December 30, the replacement memorandum does not reject the earlier document's shockingly overly expansive interpretation of the President's Commander-in-Chief power. Instead, the new memo states that because that portion of the discussion in the earlier memo was ''unnecessary,'' it has been eliminated from the new analysis.

Particularly disturbing is the fact that although the new analysis repudiates the earlier memo's conclusion that all but extreme acts of torture are permissible, Judge Gonzales could not tell us whether this repudiation of prior policy has been communicated to those who are today doing the interrogating.

This is important because there is language contained in the now-repudiated torture memo that was relied on in Guantanamo and parts of which were included word for word in the military's Working Group Report on Detainee Interrogations in the Global War on Terrorism. This report, dated April 2003, has never been repudiated or amended and may be relied upon by some interrogators in the field.

When asked whether those who are charged with conducting interrogations have been apprised of the administration's repudiation of sections of the Bybee memo and the administration's attendant change in policy, Judge Gonzales did not know the answer.

Mr. Gonzales continues to deny responsibility for many of the policies and legal decisions made by this administration. But the Fay report and the Schlesinger report corroborate the fact that policy memos on torture, ghost detainees, and the Geneva Conventions, which Judge Gonzales either wrote, requested, authorized, endorsed, or implemented, appear to have contributed to detainee abuses in Afghanistan, Guantanamo Bay, and Iraq, including those that occurred at Abu Ghraib.

The International Committee of the Red Cross has told us that abuse of Iraqi detainees has been widespread, not simply the wrongdoing of a few, as the White House first told us, and the abuse occurred not only at Abu Ghraib. Last week, the Los Angeles Times reported that documents released last

Monday by the Pentagon disclosed that prisoners had lodged dozens of abuse complaints against U.S. and Iraqi personnel who guarded detainees in another location, a little known palace in Baghdad that was converted into a prison.

The documents suggest, for the first time, that numerous detainees were also abused at one of Saddam Hussein's former villas in eastern Baghdad. The article noted that while previous cases of abuse of Iraqi prisoners had focused mainly on Abu Ghraib, allegations of abuse at this new location included that guards had sodomized a disabled man and killed his brother, then tossed his dying body into a cell, on top of his sister.

Judge Gonzales admits that he was physically present at discussions regarding whether acts of this nature constitute torture, but do not expect him to take responsibility for them. Do not hold me accountable, he says. It was not I. And he does not just point fingers at the Justice Department. He also spreads the blame around. While he admitted he had made some mistakes, he attempted to further deflect responsibility for his actions by saying the operational agencies also had responsibility to make decisions on interrogation techniques—Not him. This is exactly what he said:

> I have recollection that we had some discussions in my office, but let me be very clear with the committee. It is not my job to decide which types of methods of obtaining information from terrorists would be the most effective. That job responsibility falls to folks within the agencies. It is also not my job to make the ultimate decision about whether or not those methods would, in fact, meet the requirements of the anti-torture statute. That would be the job for the Department of Justice. . . . I viewed it as their responsibility to make a decision as to whether or not a procedure or method would, in fact, be lawful.

One wishes that Judge Gonzales could have told us what his job was rather than, telling us only what it was not. Talk about passing the buck.

At the end of the day one can only remember or wonder then what legal advice, if any, he actually gave to the President of the United States. Does Judge Gonzales or the President have an opinion on the question of what constitutes torture? Does he or the President have an opinion on the related question of whether it is legal to relocate detainees to facilitate interrogation? Do they believe it is morally or constitutionally right? Do we know? No.

According to article II, section 3, of the U.S. Constitution, as head of the executive branch, the President has a legal duty to take care that the laws be faithfully executed. The Constitution does not say that the President should or may undertake that responsibility. It clearly states that the President shall take care that the laws be faithfully executed.

He is duty bound to undertake that responsibility under the Constitution of the United States, and the President and his Counsel must be held accountable for not only failing to faithfully execute our laws but also for trying to undermine, contravene, and gut them.

With such a track record, how can we possibly trust this man to be Attorney General of the United States? What sort of judgment has he exhibited?

As I stated a few days ago with respect to Dr. Condoleezza Rice, there needs to be accountability in our Government. There needs to be accountability for the innumerable blunders, bad decisions, and warped policies that have led the United States to the position in which we now find ourselves, trapped in Iraq amid increased violence; disgraced by detainee abuses first in Guantanamo, then in Afghanistan, Iraq, and probably in locations we have yet to discover; shunned by our allies; perceived by the world community, rightfully, as careening down the wrong path.

I do not believe our Nation can rely on the judgment of a public official with so little respect for the rule of constitutional law. We cannot rely on the judgment of someone with so little regard for our constitutional system of government. I simply cannot support the nomination of someone who despite his assertions to the contrary obviously contributed in large measure to the atrocious policy failures and the contrived and abominable legal decisions that have flowed from this White House over the past 4 years. For all of these reasons, I have no choice but to vote against the nomination of Alberto Gonzales to be the next Attorney General of the United States.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARTINEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I rise in relation to the nomination of Judge Alberto Gonzales to be the next Attorney General of the United States.

Before making my comments about Judge Gonzales, I also want to say that earlier this afternoon I had a highly enlightening and very rewarding discussion with the distinguished Senator from West Virginia, Mr. BYRD. Senator BYRD spoke just before me. He is a man of tradition and hard work. I am very grateful for his leadership and his inspiration.

As I make my comments about Attorney General-nominee Gonzales, I want to tell you that I do so because my brothers and sisters in law enforcement have endorsed him. I do so as well because he has given me his written commitment to fight for civil rights. I do so because Judge Gonzales has given me his written pledge that he opposes torture in all of its forms and will use the power of his office to prosecute any American—anywhere—who uses torture.

Many of my colleagues and citizens across America have spoken eloquently about their concerns with Judge Gonzales. The most grave of those concerns has been the flawed legal analysis and conclusions regarding torture. That analysis and those conclusions were wrong and they have been rejected.

Any policy that condones torture is reprehensible for three reasons. First, a torture policy violates U.S. law and the cornerstone of the Geneva Conventions. Second, a torture policy endangers our men and women in uniform. And, third, a torture policy diminishes America's standing around the world.

Because of these concerns, I have had numerous conversations and meetings with Judge Gonzales, and I am confident that as Attorney General he will not sanction torture in any form and will uphold the laws of the United States and the international accords that make torture illegal.

In fact, I specifically asked Judge Gonzales to respond to my concerns and the concerns of the American public in writing. In his letter to me of January 28, 2005, Judge Gonzales wrote:

> I do not condone torture in any form. I confirm to you that the United States of America does not condone the torture of anyone by our country or by anyone else. The laws of the United States and the international obligations of the United States prohibit torture in all its forms. These international obligations include the Geneva Conventions, which I consider binding upon the United States. I reaffirm to you that, if confirmed as Attorney General, I will enforce these laws and international obligations aggressively to prohibit torture in all its forms.

He continues in his letter:

> I pledge to do so for two reasons. These are the laws of the United States, and I am obligated to uphold those laws. And secondly, any action by the United States that undermines the Geneva Conventions threatens the safety and security of our troops.

Judge Gonzales's statement is clear and unequivocal. Simply stated, torture is illegal and wrong and that will be the position of Judge Gonzales as Attorney General. As the Nation's top law enforcement officer, Judge Gonzales will be accountable for this position as he denounces torture, and I and the American people will make sure this is, in fact, the case.

Before proceeding further, I ask unanimous consent Judge Gonzales's letter to me be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, January 28, 2005.

Hon. KEN SALAZAR,
U.S. Senate,
Washington, DC.

DEAR SENATOR SALAZAR: I have appreciated our ongoing conversations, and I thank you for the dialogue we have had about my nomination by the President to serve as Attorney General. I am pleased to

reaffirm for you my positions on several issues I know are important to you.

I understand, I agree with, and I will act in accord with the principle that the Attorney General of the United States is the nation's chief law enforcement officer, with client responsibilities and other important duties to the people of the United States. If confirmed, I will lead the Department of Justice and act on behalf of agencies and officials of the United States. Nevertheless, my highest and most solemn obligation will be to represent the interests of the People. I know that you understand this solemn duty well from your prior service as Chief Counsel to the Governor and as Colorado Attorney General.

I do not condone torture in any form. I confirm to you that the United States of America does not condone the torture of anyone by our country or by anyone else. The laws of the United States and the international obligations of the United States prohibit torture in all its forms. These international obligations include the Geneva Conventions, which I consider binding upon the United States. I reaffirm to you that, if confirmed as Attorney General, I will enforce these laws and international obligations aggressively to prohibit torture in all its forms.

I pledge to do so for two reasons. These are the laws of the United States, and I am obligated to uphold those laws. And, secondly, any action by the United States that undermines the Geneva Conventions threatens the safety and security of our troops.

Also, I agree with you that our country should continue its broad and healthy debate about the provisions of the USA Patriot Act, particularly with regard to the necessary balance between civil liberties and the ability of law enforcement and other officials to protect public safety. I keep an open mind on these issues. I welcome your views on these matters, and I look forward to our continued discussions.

I understand your concern about increased funding for state and local law enforcement. As Attorney General, I will work with you and our state and local law enforcement community to do the best job we can to make our communities safer.

Finally, I understand the importance of civil rights and equal opportunity for all Americans. I will work to uphold those rights and opportunities as Attorney General.

Thank you for the opportunity to explain my position on these matters for you. I appreciate your friendship and your support.

Sincerely,

ALBERTO R. GONZALES,
Counsel to the President.

Mr. SALAZAR. Mr. President, I have spent the last 6 years of my life as the attorney general of the great State of Colorado working with people I consider to be my brothers and sisters in law enforcement. I have met with the widows of fallen officers, and I led our State efforts to train Colorado's 14,000 peace officers.

I have deep respect for the 750,000 men and women in law enforcement who risk their lives every day to keep each of us and our communities safe. These men and women will be the backbone of our Nation's Homeland Security efforts. I respect their judgment and opinion. In that regard, I stand with the Fraternal Order of Police, the National District Attorneys Association, the FBI Agents Association, and the Law Enforcement Alliance of America, all of whom have endorsed Judge Gonzales as Attorney General.

I have spoken to Judge Gonzales about the needs of law enforcement around the country. He has pledged his support and has pledged to come to Colorado to meet and learn from Colorado's heroic law enforcement officers about their experiences and their needs.

Finally, Judge Gonzales, I believe in his heart, knows about the importance of civil rights and liberties. He knows first hand of the indignities of a society that turns a blind eye to discrimination and prejudice. Because he knows that reality of the American experience, I expect him, as Attorney General, to help lead the way for the creation of an America that despises hate and bigotry and recognizes that every human being deserves a government that will fight for the dignity and equality of all.

I will vote to confirm Judge Alberto Gonzales to be the next Attorney General of the United States.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, I am disturbed that even though there are some Democrats who support Judge Gonzales, and some who oppose, I have heard some Senators on the other side of the aisle imply that those who oppose this nomination are biased against him based on his ethnic background. I resent that charge.

For somebody to say that those opposed are biased against Judge Gonzales because of his ethnicity is preposterous and deeply offensive.

We have stood here for 2 days explaining our positions. Many of us have said if we were voting on the story and on the achievements of Judge Gonzales, which are commendable, we would be voting for him. If we were voting on what he has overcome in his life and career, we would be voting for him. What we have said clearly, however, is that we are voting against him based upon his conduct as Counsel to the President. We have come to this decision based upon his record.

Let us talk about that record. Judge Gonzales has argued that the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment does not prohibit cruel, inhuman, or degrading treatment or punishment with ''respect to aliens overseas.'' Reaching this conclusion requires such twisted reasoning that even those who support Judge Gonzales must part company with him on this point.

I am also disturbed by his interpretation of the Geneva Conventions. Judge Gonzales did not follow the advice he received from Secretary of State Powell, the former Chairman of the Joint Chiefs of Staff, or of the State Department lawyers. He did not stand up for the military and interpret our obligations consistent with the Army Field Manual and the decades of sound practice and counsel from the Judge Advocate General's Corps.

That is why I object to this nominee.

I ask unanimous consent to have printed in the RECORD an article describing Judge Gonzales's interrogation policies, written by Jeffrey Smith and Dan Eggen.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 5, 2005]

GONZALES HELPED SET THE COURSE FOR DETAINEES—JUSTICE NOMINEE'S HEARINGS LIKELY TO FOCUS ON INTERROGATION POLICIES

(By R. Jeffrey Smith and Dan Eggen)

In March 2002, U.S. elation at the capture of al Qaeda operations chief Abu Zubaida was turning to frustration as he refused to bend to CIA interrogation. But the agency's officers, determined to wring more from Abu Zubaida through threatening interrogations, worried about being charged with violating domestic and international proscriptions on torture.

They asked for a legal review—the first ever by the government—of how much pain and suffering a U.S. intelligence officer could inflict on a prisoner without violating a 1994 law that imposes severe penalties, including life imprisonment and execution, on convicted torturers. The Justice Department's Office of Legal Counsel took up the task, and at least twice during the drafting, top administration officials were briefed on the results.

White House counsel Alberto R. Gonzales chaired the meetings on this issue, which included detailed descriptions of interrogation techniques such as ''waterboarding,'' a tactic intended to make detainees feel as if they are drowning. He raised no objections and, without consulting military and State Department experts in the laws of torture and war, approved an August 2002 memo that gave CIA interrogators the legal blessings they sought.

Gonzales, working closely with a small group of conservative legal officials at the White House, the Justice Department and the Defense Department—and overseeing deliberations that generally excluded potential dissenters—helped chart other legal paths in the handling and imprisonment of suspected terrorists and the applicability of international conventions to U.S. military and law enforcement activities.

His former colleagues say that throughout this period, Gonzales—a confidant of George W. Bush's from Texas and the president's nominee to be the next attorney general—often repeated a phrase used by Defense Secretary Donald H. Rumsfeld to spur tougher antiterrorism policies: ''Are we being forward-leaning enough?''

But one of the mysteries that surround Gonzales is the extent to which these new legal approaches are his own handiwork rather than the work of others, particularly Vice President Cheney's influential legal counsel, David S. Addington.

Gonzales's involvement in the crafting of the torture memo, and his work on two presidential orders on detainee policy that provoked controversy or judicial censure during Bush's first term, is expected to take center stage at Senate Judiciary Committee hearings tomorrow on Gonzales's nomination to

become attorney general. The outlines of Gonzales's actions are known, but new details emerged in interviews with colleagues and other officials, some of whom spoke only on the condition of anonymity because they were involved in confidential government policy deliberations.

On at least two of the most controversial policies endorsed by Gonzales, officials familiar with the events say the impetus for action came from Addington—another reflection of Cheney's outsize influence with the president and the rest of the government. Addington, universally described as outspokenly conservative, interviewed candidates for appointment as Gonzales's deputy, spoke at Gonzales's morning meetings and, in at least one instance, drafted an early version of a legal memorandum circulated to other departments in Gonzales's name, several sources said.

Conceding that such ghostwriting might seem irregular, even though Gonzales was aware of it, one former White House official said it was simply ''evidence of the closeness of the relationship'' between the two men. But another official familiar with the administration's legal policymaking, who spoke on the condition of anonymity because such deliberations are supposed to be confidential, said that Gonzales often acquiesced in policymaking by others.

This might not be the best quality for an official nominated to be attorney general, the nation's top law enforcement job, the administration official said. He added that he thinks Gonzales learned from mistakes during Bush's first term.

Supporters of Gonzales depict him as a more pragmatic successor to John D. Ashcroft, and a cautious lawyer who carefully weighs competing points of view while pressing for aggressive anti-terrorism efforts. His critics have expressed alarm at what they regard as his record of excluding dissenting points of view in the development of legal policies that fail to hold up under broader scrutiny and give short shrift to human rights.

His nomination has, in short, become another battleground for the debate over whether the administration has acted prudently to forestall another terrorist attack or overreached by legally sanctioning rights abuses.

One thing is clear: Gonzales, 49, enjoys Bush's trust. He has worked directly with the former Texas governor for more than nine years, advising him on sensitive foreign policy and defense matters that rarely—if ever—fell within the purview of previous White House counsels.

For example, when the Justice Department formally repudiated the legal reasoning of the August 2002 interrogation memo last week in another document that Gonzales reviewed, it was overturning a policy with consequences that Gonzales heard discussed in intimate detail—to the point of learning what the physiological reactions of detainees might be to the suffering the CIA wanted to inflict, those involved in the deliberations said.

The White House said Gonzales and Addington, a former Reagan aide and Pentagon counsel, were unavailable to be interviewed for this article. But asked to comment on whether Gonzales acquiesced too easily on legal policies pushed by others, spokesman Brian Besanceney responded that Gonzales had ''served with distinction and with the highest professional standards as a lawyer'' in private practice, state government and the White House, and he ''will continue to do so as attorney general.''

A SUCCESS STORY

Bush has told people that he was attracted by Gonzales's rags-to-riches life story. A Texas native and the son of Mexican immigrants, Gonzales served for two years in the Air Force before graduating from Rice University and Harvard Law School. He met Bush during his 1994 gubernatorial campaign, while Gonzales was a partner at the politically connected Houston law firm Vinson & Elkins.

Upon election, Bush appointed him as his personal counsel, later as Texas secretary of state and eventually as a justice on the Texas Supreme Court. Within weeks of the 2000 presidential election, Bush tapped Gonzales to be his White House counsel, and Gonzales set about creating what officials there proudly described as one of the most ideologically aligned counsel's offices in years.

Bringing only one associate to Washington from Texas, Gonzales forged his staff instead from a tightknit group of Washington-based former clerks to Supreme Court or appellate judges, all of whom had worked on at least one of three touchstones of the conservative movement: the Whitewater and Monica S. Lewinsky inquiries of former president Bill Clinton, the Bush-Cheney election campaign, and the Florida vote-counting dispute.

''It was an office of like-minded'' lawyers and ''strong personalities,'' said Bradford A. Berenson, a criminal defense lawyer appointed as one of eight associate counsels in Gonzales's office. ''There was not a shrinking violet in the bunch.''

''Federalist Society regulars'' is the way another former associate counsel, H. Christopher Bartolomucci, described the Gonzales staff and its ideological allies elsewhere in the government, such as Deputy Assistant Attorney General John Yoo and Defense Department General Counsel William J. Haynes II. All were adherents to the theory that the Constitution gives the president considerably more authority than the Congress and the judiciary.

One of the clearest examples of this ambition was Gonzales's long-running and ultimately futile battle with the independent commission that investigated the Sept. 11, 2001, terrorist attacks. Gonzales's office, acting as the liaison between the White House and the 10-member bipartisan panel, repeatedly resisted commission demands for access to presidential documents and officials such as national security adviser Condoleezza Rice, prompting angry and public disputes.

Gonzales is ''a good lawyer and a nice guy, and maybe he was a decent judge for a year, but he didn't bring a lot of political judgment or strategic judgment to their dealings with the commission,'' a senior commission official said. ''He hurt the White House politically by antagonizing the commissioners . . . and all of it for no good reason. In the end, the stuff all came out.''

Each morning, Gonzales convened round tables at which his staff—as well as Addington—related their legal conundrums. Gonzales was ''not a domineering personality . . . and he gave us a chance to speak our minds,'' said Helgi C. Walker, a former clerk for Clarence Thomas who was an associate counsel from 2001 to 2003.

''There was often a lively debate, but at the end it was not clear where Gonzales was,'' another former colleague said. A second former colleague recalls that in interagency meetings, Gonzales sat in the back and was ''unassuming, pleasant and quiet.'' So discreet was Gonzales about his opinions that one official who worked closely with him for a year said ''he never made an impression on me.''

But Berenson says Gonzales was hardly pushed around by officials who thought they had a monopoly on wisdom. ''I didn't have the sense that he was whipping his horses or that they were dragging him along behind them,'' he said, adding that Gonzales was ''neither the tool of an aggressive staff nor the quarterback of a reluctant team.''

Current and former White House officials interviewed for this article listed only a few episodes in which Gonzales forcefully pressed a position at odds with ideological conservatives. None was in the terrorism field.

Walker said she is aware of criticism that Gonzales ''should have been saying 'I believe this or that' '' about some of the provocative issues presented to him. ''He did not see his job as being about him'' but about advocating Bush's interests, she explained. ''The judge is not consumed with his own importance, unlike some others in Washington.''

DETAINEE POLICY

Unlike many of his predecessors since the Reagan era, Gonzales lacked much experience in federal law and national security matters. So when the Pentagon worried about how to handle expected al Qaeda detainees in the days after the Sept. 11 attacks and the Oct. 7 U.S. attack on Afghanistan, Gonzales organized an interagency group to take up the matter under the State Department's war crimes adviser, Pierre-Richard Prosper.

Former attorney general William P. Barr suggested to Gonzales's staff early on that those captured on the battlefield go before military tribunals instead of civil courts. But Ashcroft and Michael Chertoff, his deputy for the criminal division, both adamantly opposed the plan, along with military lawyers at the Pentagon. The result was that the process moved slowly.

Addington was the first to suggest that the issue be taken away from the Prosper group and that a presidential order be drafted authorizing the tribunals that he, Gonzales and Timothy E. Flanigan, then a principal deputy to Gonzales, supported. It was intended for circulation among a much smaller group of like-minded officials. Berenson, Flanigan and Addington helped write the draft, and on Nov. 6, 2001, Gonzales's office secured an opinion from the Justice Department's Office of Legal Counsel that the contemplated military tribunals would be legal.

That office, historically the government's principal internal domestic law adviser, was also staffed by advocates of expansive executive powers; it had told the White House in a classified memo five weeks earlier that the president's authority to wage preemptive war against suspected terrorists was virtually unlimited, partly because proving criminal responsibility for terrorist acts was so difficult.

After a final discussion with Cheney, Bush signed the order authorizing military tribunals on Nov. 13, 2001, while standing up, as he was on his way out of the White House to his Texas ranch for a meeting with Russian President Vladimir Putin. It provided for the military trial of anyone suspected of belonging to al Qaeda or conspiring to conduct or assist acts of terrorism; conviction would come from a two-thirds vote of the tribunal members, who would adjudicate fact and law and decide what evidence was admissible. Decisions could not be appealed.

Cut out in the final decision making were military lawyers, the State Department and Chertoff, as well as Rice, her deputy, Stephen J. Hadley, and Rice's legal adviser, John Bellinger. ''I don't think Gonzales felt he was acting precipitously, but he realized people would be surprised,'' Flanigan said. It amounted to a decision that the president could act without ''the entire staff's blessing. As it turned out, they [National Security Council officials] just weren't involved in the process.''

Berenson, who left the White House for private practice in 2003, said ''there were such

strong shared assumptions at the time [that] we had a powerful sense of mission.'' He attributes the haste to worry about another terrorist attack.

But David Bowker, then a State Department lawyer excluded from the process and now in private practice, called the order premature and politically unwise. ''The right thing to do would have been an open process inside the government,'' he said.

The tribunals were halted by U.S. District Judge James Robertson, who ruled on Nov. 24, 2004, that detainees' rights are guaranteed by the Geneva Conventions—which the administration had argued were irrelevant.

REBELLION AT STATE

Four weeks after Bush's executive order, a similarly limited deliberation provoked more determined rebellion at the State Department and among military lawyers and officers. The issue was whether al Qaeda and Taliban fighters captured on the battlefield in Afghanistan should be accorded the Geneva Conventions' human rights protections.

Gonzales, after reviewing a legal brief from the Justice Department's Office of Legal Counsel, advised Bush verbally on Jan. 18, 2002, that he had authority to exempt the detainees from such protections. Bush agreed, reversing a decades-old policy aimed in part at ensuring equal treatment for U.S. military detainees around the world. Rumsfeld issued an order the next day to commanders that detainees would receive such protections only ''to the extent appropriate and consistent with military necessity.''

Secretary of State Colin L. Powell—whose legal adviser, William H. Taft IV, had vigorously tried to block the decision—then met twice with Bush to convince him that the decision would be a public relations debacle and would undermine U.S. military prohibitions on detainee abuse. Gen. Richard B. Myers, chairman of the Joint Chiefs of Staff, backed Powell, as did the leaders of the U.S. Central Command who were pursuing the war.

The task of summarizing the competing points of view in a draft letter to the president was seized initially by Addington. A memo he wrote and signed with Gonzales's name—and knowledge—was circulated to various departments, several sources said. A version of this draft, dated Jan. 25, 2002, was subsequently leaked. It included the eye-catching assertion that a ''new paradigm'' of a war on terrorism ''renders obsolete Geneva's strict limitations on questioning of enemy prisoners.''

In early February 2002, Gonzales reviewed the issue once more with Bush, who reaffirmed his initial decision regarding his legal authority but chose not to invoke it immediately for Taliban members. Flanigan said that Gonzales still disagreed with Powell but ''viewed his role as trying to help the president accommodate the views of State.''

Thirty months later, a Defense Department panel chaired by James R. Schlesinger concluded that the president's resulting Feb. 7 executive order played a key role in the Central Command's creation of interrogation policies for the Abu Ghraib prison in Iraq.

A former senior military lawyer, who was involved in the deliberations but spoke on the condition of anonymity, complained that Gonzales's counsel's office had ignored the language and history of the conventions, treating the question ''as if they wanted to look at the rules to see how to justify what they wanted to do.''

''It was not an open and honest discussion,'' the lawyer said.

For Gonzales's aides, however, the experience only reinforced a concern that the State Department and the military legal community should not be trusted with information about such policymaking. State ''saw its mission as representing the interests of the rest of the world to the president, instead of the president's interests to the world,'' one aide said.

THE DEBATE OVER TORTURE

This schism created additional problems when Gonzales approved in August 2002—after limited consultation—an Office of Legal Counsel memo suggesting various stratagems that officials could use to defend themselves against criminal prosecution for torture.

Drafted at the request of the CIA, which sought legal blessing for aggressive interrogation methods for Abu Zubaida and other al Qaeda detainees, the memo contended that only physically punishing acts ''of an extreme nature'' would be prosecutable. It also said that those committing torture with express presidential authority or without the intent to commit harm were probably immune from prosecution.

The memo was signed by Jay S. Bybee, then an assistant attorney general and now a federal appellate judge, but written with significant input from Yoo, whom Gonzales had tried to hire at the White House and later endorsed to head Justice's legal counsel office. During the drafting of the memo, Yoo briefed Gonzales several times on its contents. He also briefed Ashcroft, Bellinger, Addington, Haynes and the CIA's acting general counsel, John A. Rizzo, several officials said.

At least one of the meetings during this period included a detailed description of the interrogation methods the CIA wanted to use, such as open-handed slapping, the threat of live burial and ''waterboarding''—a procedure that involves strapping a detainee to a board, raising the feet above the head, wrapping the face and nose in a wet towel, and dripping water onto the head. Tested repeatedly on U.S. military personnel as part of interrogation resistance training, the technique proved to produce an unbearable sensation of drowning.

State Department officials and military lawyers were intentionally excluded from these deliberations, officials said. Gonzales and his staff had no reservations about the legal draft or the proposed interrogation methods and did not suggest major changes during the editing of Yoo's memo, two officials involved in the deliberations said.

The memo defined torture in extreme terms, said the president had inherent powers to allow it and gave the CIA permission to do what it wished. Seven months later, its conclusions were cited approvingly in a Defense Department memo that spelled out the Pentagon's policy for ''exceptional interrogations'' of detainees at Guantanamo Bay, Cuba.

When the text was leaked to the public last summer, it attracted scorn from military lawyers and human rights experts worldwide. Nigel Rodley, a British lawyer who served as the special U.N. rapporteur on torture and inhumane treatment from 1993 to 2001, remarked that its underlying doctrine ''sounds like the discredited legal theories used by Latin American countries'' to justify repression.

After two weeks of damaging publicity, Gonzales distanced himself, Bush and other senior officials from its language, calling the conclusions ''unnecessary, over-broad discussions'' of abstract legal theories ignored by policymakers. Another six months passed before the Office of Legal Counsel, under new direction, repudiated its reasoning publicly, one week before Gonzales's confirmation hearing.

Mr. LEAHY. Mr. President, I want to set the record straight on something that the senior Senator from Utah said yesterday regarding the President's February 2002 directive on the treatment of al-Qaida and Taliban detainees. According to Senator HATCH, ''the President [said] unequivocally that detainees are to be treated humanely.'' In fact, the President's directive said only that ''the U.S. Armed Forces'' should treat detainees humanely. The President's directive pointedly did not apply to the CIA and other nonmilitary personnel.

I asked Judge Gonzales:

Does the President's February 7, 2002, directive regarding humane treatment of detainees apply to the CIA or any other nonmilitary personnel?

He replied:

No. By its terms, the February 7, 2002, directive ''reaffirm[s] the order previously issued by the Secretary of Defense to the United States Armed Forces.''

In other words, contrary to what he have heard, and continue to hear, from Judge Gonzales's supporters, the President's oft-quoted directive regarding the humane treatment of detainees is carefully worded to permit the occasional inhumane treatment of detainees. Indeed, that is one of the legal loopholes that concerns so many of us.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COBURN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I rise today in support of the nomination of Alberto Gonzales to be Attorney General of the United States.

Judge Gonzales's story is truly inspirational. A man from humble beginnings—Humble, TX, to be precise—he grew up in a modest home built by his father and uncle where he lived with his parents and seven brothers and sisters with no hot water and no telephone. His parents were migrant workers who never even finished elementary school, but they believed in the American dream. They worked hard to give their children an education and to instill in them the American values of personal responsibility and hard work.

At the age of 12, Alberto Gonzales had his first job selling soft drinks at Rice University football games where he dreamed of one day going to college. Through determination, intelligence, and hard work, he achieved his dream. He graduated from Rice University, the first in his family to earn a college degree, and went on to excel at Harvard Law School.

Alberto Gonzales is a dedicated public servant. He has served his country in many capacities, including his service in the U.S. Air Force, as a judge on the Texas Supreme Court, and as Texas secretary of state. Judge Gonzales knows well that holding a public office involves a bond with the American people.

He has proven himself as a man of integrity and with the highest professional qualifications. That is why Judge Gonzales has broad support from groups and individuals across our country. His nomination is supported by the Hispanic National Bar Association, the League of United Latin American Citizens, the Fraternal Order of Police, the National District Attorneys Association, and the FBI Agents Association, to name just a few of these groups.

He also has bipartisan support from those who know him best, including leading Democrats, for example, Henry Cisneros, who served as Secretary of Housing and Urban Development under President Clinton. Mr. Cisneros, a former mayor of San Antonio, writes:

> In the 36 years that I have voted, I have supported and voted for only one Republican. That was when Alberto Gonzales ran for election to the Texas Supreme Court. I messaged friends about this uncommonly capable and serious man [and] I urged them to support his campaign. . . . He is now President Bush's nominee to be Attorney General of the United States and I urge his confirmation.

I have had the personal opportunity to meet with Judge Gonzales to discuss many issues over the last few years on many different occasions. I have always found him to be a man who honored his commitments, who kept his promises. I know he is a leader who is dedicated to protecting America, to following the Constitution, and to applying the rule of law.

The position of the Attorney General is as challenging a job as ever given the post-9/11 environment, but I am confident that as our Nation's chief law enforcement officer, Judge Gonzales will continue the progress we have made in fighting the war against terrorism, in combating crime, in strengthening the FBI, and in continuing to protect our cherished civil liberties.

As Judge Gonzales himself said regarding his nomination:

> The American people expect and deserve a Department of Justice guided by the rule of law, and there should be no question regarding the Department's commitment to justice for every American. On this principle there can be no compromise.

Alberto Gonzales, the man from Humble, is committed to ensuring justice for each and every American. He is committed to the rule of law. He deserves our confirmation, and I urge my colleagues to join me in voting for his confirmation.

I thank the distinguished senior Senator from New Mexico for allowing me to precede him.

Mr. DOMENICI. Mr. President, I thank the Senator for her good words. Needless to say, I agree with the Senator and I hope that sometime tomorrow an overwhelming number of Senators from both sides of the aisle will do likewise.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I rise in behalf of the President's nominee for Attorney General, Alberto Gonzales. I have read as much as I could about his background and his life. Most importantly, I have read what those who have lived and worked with him during his life have had to say about him, and I will read what they have had to say about him shortly.

From everything I have read and learned, I have concluded that some on that side of the aisle oppose him for totally personal, partisan, and political reasons, no question about it. I do not want to speculate as to why because it is really inconceivable to me that Democrats would do what they are doing to this man.

For decades, they used to talk about the Democrat Party being the party of Hispanics, as if it were just as natural and normal as day follows night that Hispanics, that minority which is growing, just ought to be Democrats.

Well, something has happened a little bit. Some change is occurring, and sure enough this President is tinkering with that toy of theirs. He is appointing more qualified Hispanics to high office than any of their Presidents ever have. My colleagues cannot say Alberto Gonzales was nominated just because he is a minority with the name Gonzales, because every single qualification that one would require he has met.

Did the American Bar Association approve? Absolutely. What did the bar of Texas think about him? They named him to one of their highest offices before we ever thought of him. What about law firms in Texas? He has been a member of the best law firms there are. What about judicial temperament? He sat on the highest civil and criminal court in the big, great State of Texas. Now, they did not all do that because his name is Gonzales, but it just happens that it is.

Nor did they approve of him because he was born in poverty, because his parents did not speak English, or because he lived in a house without running water. They did not approve of him because of that. They approved of him because he was qualified.

So then one might ask, what is all this objection about? It seems as if there is an idea that for some reason or another he has had a bad impact on our country's name because he is for torturing prisoners, or if I am reading too much into that then maybe it is he set a bad example which hurt America because people perceived he was for torturing prisoners and he did not do anything about it.

Based on the record, based on the law, based on the interpretation of the law, that is about as flimsy a reason as one could ever have for not approving this man to be Attorney General.

First, I do not want to take a lot of time. It is late. We have heard a lot. I did not come here without checking a few things. I find that most authentic and reliable discerners, interpreters of the legal consequences of the Geneva Convention conclude that the Geneva Convention does not apply to these kinds of captives.

I do not know how else to say it. There is opinion after opinion, interpretation after interpretation, that the title which talks about the care and how one must treat prisoners of war does not apply to terrorists. I will insert in the RECORD three different leading scholarly statements that say that is the case. Now, that is logical.

One might say, well, is America for torture? No. That is not logical. What is logical is when the Geneva Conventions were drawn, we were talking about prisoners of war such as those in the First and the Second World Wars, where literally thousands of soldiers belonging to an army of another nation were gathered and this was to say that you have to treat them a certain way. They belong to a country. Terrorists do not belong to any country. They are not fighting a war for a country. They are not part of an organized military that you capture.

I don't need to go into all that. I can just say, that is a bum rap, to say he should not be Attorney General because he might have said or signed a memo that said we do not need to apply the Geneva Conventions to these captives. If that were the case, that should not disqualify him because that is the predominant law, interpretive law of that convention.

Then we say: Senator, you are not saying, since that is not the case, you are free to do whatever you want to prisoners? Not at all. There still is a rule of law regarding the treatment of prisoners. I do not think anybody can rightfully get up and say Alberto Gonzales promoted or implicitly promoted treating these kind of captives any old way you want. I do not believe that is the case.

So I don't know what we are talking about. There might be something. There might be something. It might be that there has been a decision on that side of the aisle to just make every appointment of the President difficult, or anyone they can find the least thing about, make it difficult. Let me say, I don't think it does them any good. I don't think the American people, 2 weeks from now, are going to think this effort on their part did anything to hurt this man or hurt our President. What I am concerned about is whether the Democratic Party thinks it is going to help them because I do think it is another opportunity for Hispanics to say, Why should we be Democrats? I think that is giving that nail another nice pound with a nice strong hammer. I do not think there is any question about that.

I do think there is a growing concern on that side of the aisle as to who is going to be the next Supreme Court Justice. I know some might say: Senator DOMENICI, get off that.

No, no, every time you get in corners, little corners where people are talking up here, the subject is, who do you think the President can appoint

who can get by the Senate? There was a lot of talk up here that maybe Alberto Gonzales was that person. I don't know that. It looks to me, based on his history, based on his background, based on his relationship with the President, he might be. But maybe, if you make enough noise about him and attempt to stick enough signs up on a billboard saying he is this, that, or the other, maybe he will not be a candidate, a probable candidate anymore. That could be what some people think. I do not know. I hope it is not, and I hope, in spite of what has happened, it doesn't.

I am not here as his champion for that job. That is the President's job. But I think it would be terrific if the President of the United States followed up on all the things he has done to prove that he has no discrimination about his personal being and no discrimination that stems from his party, or Republicans. He is open. He has, in his Cabinet, we all know, a distinguished group of Americans who are minorities. This would be another one.

I want to close by saying I am very pleased that a lot of organizations in this country, and a lot of distinguished people have not bought the arguments made by the other side because they know him, they like him, they are familiar with him, they trust him, and they want him to be Attorney General.

Let me say first, about Henry Cisneros—a lot of Americans and a lot of Hispanic Americans know who he is. He had a little downfall in his career, but he is a very considerate, intelligent, concerned Hispanic American from the State of Texas. He is the former mayor of San Antonio and a former Cabinet member, Democratic Presidential appointee.

I will not make his letter part of the RECORD since it has already been printed in the RECORD. It is dated January 5, 2005, to the Wall Street Journal.

This is a tremendous examination of who this nominee is, what he has done, what he has demonstrated, and the conclusion that it will be good for America to have an Attorney General who has memories like those—having stated his upbringing and the like—

> . . . because he can rely on those memories to understand the realities that many Americans still confront in their lives. I believe he will apply those life experiences to the work ahead. His confirmation by the Senate can be part of America's steady march toward liberty and justice for all.

That is not a Republican, that is not the President, that is Henry Cisneros. He signs it: Secretary of Housing and Urban Development under President Clinton, mayor of San Antonio, TX, from 1981 through 1989.

Mr. Gonzales, in 1989, was recognized as the Latino Lawyer of the Year by the Hispanic National Bar Association and received a Presidential citation from the State Bar of Texas in 1997 for his dedication in addressing the basic legal needs of the indigent. He was chosen as one of the five outstanding young Texans by the Texas JCs, and an Outstanding Young Lawyer of Texas. He was also suggested as the Texas Young Lawyer by their association.

There are many more. I merely read these, and you know that they all are giving accolades, and that those who are giving accolades or giving awards are Hispanic. They are Hispanic organizations, Hispanic individuals. I think that means something. We are very proud as Republicans that the minority Hispanics in America are thrilled with this appointment.

I looked very carefully at a couple of organizations that have been cited or if not should be cited as being opposed to him. I would be remiss if I didn't tell you I would expect that they would be because they are so Democratic, I don't think they could be for a Republican Felix Frankfurter to be U.S. Attorney General if he were Republican. A couple of these Spanish organizations are so devoted to Democrats, they could not be for a Hispanic U.S. Attorney General if he were Republican no matter what his name is. So it doesn't bother me that two of them are.

But the League of United Latin American Citizens—LULAC, they are for him. The National Council of La Raza—whether you agree with any of these or not—is for him. The Hispanic National Bar Association is for him. The National Association of Latino Elected and Appointed Officials, they are for him. The U.S. Hispanic Chamber of Commerce is for him.

I can go on. There are eight more. I ask unanimous consent the list in its entirety be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

GONZALES NOMINATION—POSITIONS OF HISPANIC GROUPS

SUPPORT

League of United Latin American Citizens (LULAC)
National Council of La Raza (Kerry)—Presidential Endorsement
Hispanic National Bar Associations
National Association of Latino Elected and Appointed Officials
Hispanic Association of Colleges and Universities (HACU)
United States Hispanic Chamber of Commerce
Hispanic Alliance for Progress
The Latino Coalition (Bush)
Hispanic Business Roundtable (Bush)
New American Alliance
MANA (national latina women's organization)
National Association of Hispanic Publishers
National Association of Hispanic Firefighters (Bush)

WITHHELD ENDORSEMENT

Mexican American Legal Defense and Educational Fund

OPPOSE

Congressional Hispanic Caucus (Kerry)
Mexican American Political Association
National Latino Law Students Association

Mr. DOMENICI. There is a congressional Hispanic caucus which was among those that I was mentioning a while ago. They endorsed Senator KERRY, supported him, campaigned for him. I wouldn't expect them to be for this nominee.

I think I said most of what I wanted to say to the Senate for those who are interested in the other side of the coin from what the Democrats—small in number but by sufficient numbers—want to make a lot of people in the country think, that this man should not have this job.

I think they are wrong. I think the Hispanic community of America should know that they are wrong. I think the Hispanic community of America should know that most people who are concerned about them—Hispanic Americans—are for him. I think they could rightfully conclude that those who are not for him don't care about Hispanic Americans because most of them overwhelmingly think he is the right man for this job.

I thank the Senate for the few moments I have had to discuss this matter and hope that my few words will have something to do with adding to the chorus of support for this candidate, and for some of those who listened to that which is said against him will at least think if they were leaning toward believing that, that there really is another side; and that real side is probably somewhere close to what I said in the last 10 minutes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I have listened carefully to the remarks of the Senator from New Mexico, and I would like to say two or three things for the RECORD.

The criticism has been leveled that the Democrats are somehow obstructionists; that we are standing in the path of the President to filling his Cabinet. The Senator from New Mexico knows this is the second rollcall on the nominees of the President. Six nominees for the Cabinet positions asked for by President Bush have been approved by voice vote—without even a recorded vote having been taken. Only one remains: Mr. Chertoff. To suggest that somehow we are delaying, obstructing, standing in the road of progress for this administration is to overlook the obvious.

We have cooperated with this administration. We have done our best to expedite the hearings on these nominees.

There are only two of the highest positions—Secretary of State and Attorney General—that have evoked any substantive floor debate.

As I listen to my Republican colleagues, it appears that their advice to the Democratic minority is to sit down and be quiet; you lost the election. But, as I understand it, each of us has been elected to represent a State and to stand up for the values in which we believe. To ask for a few moments on

the floor to debate an important nomination for Secretary of State or Attorney General I don't think is being impudent. I think it is what we were elected to do.

The Constitution not only empowers us and authorizes us; it commands us to advise and consent—not just consent. If we want to spend a day or two debating something as serious as Judge Gonzales's involvement in rewriting the torture policy in America, I don't think that is inappropriate. In fact, I think our silence would be inappropriate.

Those on the other side—and even some on this side—may disagree with the conclusions reached earlier. I think you will find when the rollcall comes that there will be Senators on both sides of the aisle voting for Judge Gonzales. So be it. But to say we are somehow stepping out of line by even debating a nominee for the Cabinet is just plain wrong.

Second, this is exactly the same argument that was used on the issue of judges. If you listened to the commentaries, particularly from some sources on radio and television, you would think that the Democrats had found a way to stop most of the judges nominated by President Bush over the last 4 years. But look at the cold facts. Two-hundred and four of President Bush's judicial nominees were approved. They went through this Congress, under both Democratic and Republican committee leadership. Only 10 nominees were held up. The final score in that game was 204 to 10. It is clear the President won the overwhelming percentage of judicial nominees he sent to the floor of the Senate. If you listen to our critics, you would think it was the opposite—that we only approved 10 judges and turned down 204.

That wasn't the case at all. When people come to the floor critical of the Democrats for even wanting to debate a Cabinet nominee, I think they are overstating the case.

Let me address the last point made by the Senator from New Mexico.

Mr. DOMENICI. Mr. President, will the Senator yield for 1 minute?

Mr. DURBIN. I would be happy to yield for a question.

Mr. DOMENICI. I don't want to take the Senator's right to the floor under any circumstances.

First, I ask to speak to ask the Senator a question right now, because I can't stay. I want the Senator to know that I always appreciate his remarks. They always stimulate me, whatever the Senator thinks that means. Maybe it stimulates me to answer; maybe it makes me get red in the face. I don't know.

Anyway, I don't think my remarks were principally devoted to—in fact, only mildly devoted to—the delay that may be taking place with regard to some nominees. I stand on that premise—that there have been delays that were uncalled for. But that was the principal point.

I hope that nobody would let the distinguished Senator kind of avoid the issue. That is not the issue Senator DOMENICI raises.

The issue is that this man is totally qualified; that those who know him best say he is qualified. It appears that those on the other side of the aisle want to see him defeated, or put upon by their arguments such that he doesn't go into that office strong and full of support but, rather, nicked by attacks that are meaningless and without any merit. That is the argument.

I tried to tell everybody who is for him. Frankly, they knew him a lot better than any Senators knew him. Many of them like Cisneros knew him for 15 years—and what he said about him on January 5, not 10 years ago, what he was, what he wasn't, how good he was.

That was my argument. My argument and question was, Why? Maybe that is my question. I thank the Senator for yielding.

Mr. DURBIN. Mr. President, I thank the Senator from New Mexico. I will make it a practice to always yield the floor whenever I possibly can because I think dialog between two Senators runs perilously close to debate which we have very little of on the floor of the Senate.

I welcome the comments of the Senator from New Mexico. I may disagree on this issue, but I hope we have respect for one another and what we bring to this Chamber.

The point I would like to make is this: I do not know him personally. I met him in my office for a brief meeting, the first time we ever sat down together.

I read his life story. I couldn't help but be impressed. Here is a man who came from a very modest circumstance, who served his Nation in the Air Force, who went to law school, who became general counsel to the Governor of Texas, a member of the Texas Supreme Court, and then legal counsel to the President of the United States. It is an amazing, extraordinary life story.

Some of my colleagues, including the Senator from Colorado, Mr. SALAZAR, have talked about their origins and their upbringing and how difficult it is to overcome with discrimination in many quarters. Thank goodness that is changing in America but not fast enough.

The point I would like to make is, I don't know a single Member of the Senate who has taken exception to Judge Gonzales because he is Hispanic or because he comes from humble origins. That is not the issue. The issue we believe, simply stated, is what did he do as general counsel to the President? Did it qualify him or disqualify him to have the highest law enforcement position in the United States of America? I think that is the issue.

When I came to the floor to speak earlier—and I will not recount my remarks—it related to the torture policy of which he was a part. I think in 10 or 20 years of history we will look at this war on terrorism and judge us harshly for having sat down to rewrite the policies and principles—the human principles—that guided this country for decades when it came to the treatment of prisoners and detainees. That is why I have reservations about Judge Gonzales. That is why I raised these questions, both in a public hearing and in written questions to him personally. That is why I am opposing his nomination, simply stated.

I have the greatest respect for what he has achieved personally in life, but I have a responsibility to go beyond that personal achievement and ask from a professional and governmental viewpoint, Is he the best person for this job? That is why many of us have risen in opposition to his nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING NATIONAL APPRECIATION DAY FOR CATHOLIC SCHOOLS

Ms. LANDRIEU. Mr. President, I am pleased to recognize that today, February 2, 2005, is National Appreciation Day for Catholic Schools. As a proud graduate of Catholic schools, I am delighted to be able to meet some of these Catholic school student leaders to let them know what an investment in our future they are.

The spirit of Catholic schools has been present in the United States since the first settlers arrived in America. In 1606 the Franciscans opened a school in what is now St. Augustine, FL. During the next century, the Franciscans and Ursulines established Catholic schools throughout the American colonies: in Maryland, Massachusetts, Pennsylvania, New York, and even in non-British colonial locales, such as New Orleans. After the American Revolution, Catholic patriots worked to open the first official parochial school in the United States, St. Mary's School, established in 1782 in Philadelphia. In 1789 Georgetown University, the first Catholic college in the United States, was founded right here in the District.

Catholic schools have offered much more to the United States than just longevity, however; America's Catholic schools have offered an academic excellence that has helped to influence the moral, intellectual, physical, and social values of our youth for over 300 years. As Baltimore Archbishop Cardinal James Gibbons said, ''Education must make a person not only clever but good.'' For more than three centuries, Catholic schools in this country

have worked to do just that. They have inspired our youth, enriched our communities, and provided a moral support for millions.

Today, with over 2.6 million students enrolled in Catholic elementary and secondary schools, they are working as hard as ever to enhance the education of our youth.

On a personal level, Catholic schools have greatly influenced who I am today. It was at my alma mater, Ursuline Academy of New Orleans, that I sought my first elected office. As seventh grade class vice-president, I took to heart the Academy's motto of serviam and fully embraced the words of the founder of the Ursuline Sisters, St. Angela Merici that it is better ''to serve than to be served.'' The promotion of educational excellence, the development of the whole person, community, and family, and the dedication to service are values that I am grateful Ursuline reinforced.

It is with these thoughts in mind that I offer my utmost congratulations and thanks to the Catholic schools, students, parents, and teachers across the Nation and specifically in Louisiana for the ongoing contributions they have made in the area of education. You have done remarkable work over the years, and I thank you for everything.

WORLD WETLANDS DAY

Ms. LANDRIEU. Mr. President, I come to the floor today on World Wetlands Day to acknowledge the proclamation by the Governor of our State that today, February 2, America's Wetlands Day in Louisiana. World Wetlands Day is a day that we join together with people around the world to bring public awareness to the benefits and values of wetlands as well as the severe challenges that confront them. February 2 of each year marks the date of the signing in 1971 of the Convention on Wetlands which provided a framework for national action and international cooperation toward the conservation and wise use of wetlands and their resources. Wetlands can be found in every country and are among the most productive ecosystems in the world.

Those of us from Louisiana bring a rather unique perspective to the subject of wetlands. You see, Louisiana's coast is really America's wetland. It is not a beach, but a vast landscape of wetlands. The landscape that extends along Louisiana's coast is one of the largest and most productive expanses of coastal wetlands in North America. It is the seventh largest delta on Earth, where the Mississippi River drains two-thirds of the United States. It is also one of the most productive environments in America—''working wetlands'' as they are known to Louisianians—producing more seafood than any other State in the lower 48. It is the nursery ground for the Gulf of Mexico and habitat for the one of the greatest flyways in the world for millions of waterfowl and migratory songbirds.

Louisiana's coastal wetlands provide storm protection for ports that carry nearly 500 million tons of waterborne commerce annually—the largest port system in the world by tonnage. That accounts for 21 percent of all waterborne commerce in the United States each year. In fact, four of the top ten largest ports in the United States are located in Louisiana.

These wetlands also offer protection from storm surge for 2 million people and a unique culture. However, what should be of fundamental interest to those of us here is the role these wetlands play in our Nation's energy security by not only protecting the Nation's critical energy infrastructure but also providing the energy supply that runs our daily lives.

Eighty percent of the Nation's offshore oil and gas supply, which is almost 30 percent of all the oil and gas consumed in this country, passes through these wetlands to be distributed to the rest of the Nation. There are more than 20,000 miles of pipelines in Federal offshore lands and thousands more inland that all make landfall on Louisiana's barrier islands and wetland shorelines. The barrier islands are the first line of defense against the combined wind and water forces of a hurricane, and they serve as anchor points for pipelines originating offshore.

Annual returns to the Federal Government of oil and gas receipts from production on the Outer Continental Shelf, OCS, average more than $5 billion annually. No single area has contributed as much to the Federal treasury as the OCS. In fact, since 1953, the OCS has contributed $140 billion to the U.S. Treasury.

Between 80 and 90 percent of that amount has come from offshore Louisiana. In 2003, almost $6 billion in offshore revenues went into the Federal treasury, and more than $5 billion, or 80 percent of that amount came from offshore Louisiana. Today the OCS supplies more than 25 percent of our Nation's natural gas production and more than 30 percent our domestic oil production, with the promise of more—expected to reach 40 percent by 2008. In fact, the OCS supplies more oil to our Nation than any other country including Saudi Arabia.

In addition to domestic production, Louisiana's coast is the land base for the Louisiana Offshore Oil Port, LOOP, America's only offshore oil port. LOOP handles about 15 percent of this country's foreign oil and is connected to more than 30 percent of the total refining capacity in the U.S. Much of the support infrastructure is located in the most rapidly deteriorating coastal areas. In addition to LOOP, one will find two storage sites for the Strategic Petroleum Reserve, SPR, and Henry Hub, one of the Nation's major natural gas distribution centers.

Port Fourchon, which supports 75 percent of the deepwater production in the Gulf, is the geographic and economic center of offshore drilling efforts along the Louisiana Coast. This port, and much of the Nation's energy supply, is connected to the mainland by a 17-mile stretch of two-lane highway—LA 1—that is inundated by flooding in relatively mild storms and is vulnerable to being washed out completely.

The oil and gas produced offshore Louisiana moves through a maze of pipelines that crisscross our State delivering energy to other regions of the country. In order to preserve this supply, Louisiana must be able to continue to host this production. Unfortunately, the very coastal wetlands that support the critical infrastructure necessary to deliver the energy are washing away at an alarming rate leaving pipelines and other energy infrastructure vulnerable to the whims of Mother Nature.

When Hurricane Ivan struck back in September, it should have been a wake-up call to us all. Although the storm did not directly hit Louisiana, its impact on prices and supply continues to be felt today. Four months later, a percentage of oil and gas production in the Gulf of Mexico remains offline as a result of the storm, directly contributing to higher oil and gas prices in our country. One can only imagine what the impact would have been to supply and prices had Ivan cut a more Western path in the Gulf.

Louisiana is losing its coastal land at the staggering rate of 25 square miles a year. That is square miles, not acres. That is a football field every 30 minutes. We lost more than 1,900 square miles in the past 70 years, and the U.S. Geological Survey predicts we will lose another 1,000 if decisive action is not taken now to save it. The effects of natural processes like subsidence and storms combined with the unintended consequences of Federal actions like the leveeing of the Mississippi River and impacts from offshore oil and gas exploration and development have led to an ecosystem on the verge of collapse.

With the loss of barrier islands and wetlands over the next 50 years, New Orleans will lose its wetland buffer that now protects it from many effects of flooding. Hurricanes will pose the greatest threat, since New Orleans sits on a sloping continental shelf that makes it extremely vulnerable to storm surges.

More than 2 million people in inland south Louisiana will be subject to more severe and frequent flooding than ever before. Coastal communities will become shore-front towns, and the economic and cultural costs of relocation are estimated in the billions of dollars.

Louisiana takes pride in its role as the country's most crucial energy provider. Ours is a State rich in natural resources. However, given the contribution my State makes to the Nation, it is time for all of us to consider what

the effects will be should we continue on our present track and ignore the problem. The fate of the country's energy supply and infrastructure are just one example of what is at stake.

There are increasing signs that people around the country understand the seriousness of the situation. In a poll released today, 90 percent of the respondents said it was important to fund national efforts to restore Louisiana's wetlands in and around New Orleans as a means to limit the damage that a direct hit from a hurricane would cause to the area. It is now long past time for the Federal Government to step up and invest in a State that gives so much to the rest of the country.

RULES OF PROCEDURE—COMMITTEE ON ARMED SERVICES

Mr. WARNER. Mr. President, the Committee on Armed Services met today and adopted its rules for the 109th Congress. In accordance with the Standing Rules of the Senate, I ask unanimous consent that these rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON ARMED SERVICES

1. *Regular Meeting Day*.—The Committee shall meet at least once a month when Congress is in session. The regular meeting days of the Committee shall be Tuesday and Thursday, unless the Chairman, after consultation with the Ranking Minority Member, directs otherwise.

2. *Additional Meetings*.—The Chairman, after consultation with the Ranking Minority Member, may call such additional meetings as he deems necessary.

3. *Special Meetings*.—Special meetings of the Committee may be called by a majority of the members of the Committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. *Open Meetings*.—Each meeting of the Committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee thereof on the same subject for a period of no more than fourteen (14) calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated below in clauses (a) through (f) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

5. *Presiding Officer*.—The Chairman shall preside at all meetings and hearings of the Committee except that in his absence the Ranking Majority Member present at the meeting or hearing shall preside unless by majority vote the Committee provides otherwise.

6. *Quorum*.—(a) A majority of the members of the Committee are required to be actually present to report a matter or measure from the Committee. (See Standing Rules of the Senate 26.7(a)(1).

(b) Except as provided in subsections (a) and (c), and other than for the conduct of hearings, eight members of the Committee, including one member of the minority party; or a majority of the members of the Committee, shall constitute a quorum for the transaction of such business as may be considered by the Committee.

(c) Three members of the Committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full Committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. *Proxy Voting*.—Proxy voting shall be allowed on all measures and matters before the Committee. The vote by proxy of any member of the Committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which the member is being recorded and has affirmatively requested that he or she be so recorded. Proxy must be given in writing.

8. *Announcement of Votes*.—The results of all roll call votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report, unless previously announced by the Committee. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee who was present at such meeting. The Chairman, after consultation with the Ranking Minority Member, may hold open a roll call vote on any measure or matter which is before the Committee until no later than midnight of the day on which the Committee votes on such measure or matter.

9. *Subpoenas*.—Subpoenas for attendance of witnesses and for the production of memoranda, documents, records, and the like may be issued, after consultation with the Ranking Minority Member, by the Chairman or any other member designated by the Chairman, but only when authorized by a majority of the members of the Committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. *Hearings*.—(a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee, or any subcommittee thereof, at least 1 week in advance of such hearing, unless the Committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the Committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the Committee or subcommittee conducting such hearings.

(d) The Chairman of the Committee or subcommittee shall consult with the Ranking Minority Member thereof before naming witnesses for a hearing.

(e) Witnesses appearing before the Committee shall file with the clerk of the Committee a written statement of their proposed testimony prior to the hearing at which they are to appear unless the Chairman and the Ranking Minority Member determine that there is good cause not to file such a statement. Witnesses testifying on behalf of the Administration shall furnish an additional 50 copies of their statement to the Committee. All statements must be received by the Committee at least 48 hours (not including weekends or holidays) before the hearing.

(f) Confidential testimony taken or confidential material presented in a closed hearing of the Committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the Committee or subcommittee.

(g) Any witness summoned to give testimony or evidence at a public or closed hearing of the Committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(h) Witnesses providing unsworn testimony to the Committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the Chairman.

11. *Nominations*.—Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least seven (7) days before being voted on by the Committee. Each member of the Committee shall be furnished a copy of all nominations referred to the Committee.

12. *Real Property Transactions*.—Each member of the Committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy, and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than $50,000. Any member of the Committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the Chairman of the Committee within thirty (30) days from the date of submission.

13. *Legislative Calendar*.—(a) The clerk of the Committee shall keep a printed calendar for the information of each Committee member showing the bills introduced and referred to the Committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the Committee. A copy of each new revision shall be furnished to each member of the Committee.

(b) Unless otherwise ordered, measures referred to the Committee shall be referred by the clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the Committee. Each subcommittee of the Committee is part of the Committee, and is therefore subject to the Committee's rules so far as applicable.

15. *Powers and Duties of Subcommittees.*—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen, after consultation with Ranking Minority Members of the subcommittees, shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

ACKNOWLEDGING STARTUP OF THE IDAHO NATIONAL LABORATORY

Mr. CRAPO. Mr. President, I rise today to acknowledge a new beginning with significance not only for the State of Idaho, but for the entire Nation. I am speaking of the February 1, 2005, formal launch of the new Idaho National Laboratory.

At the direction of the administration, the Idaho National Engineering and Environmental Laboratory and the Argonne National Laboratory-West, two esteemed research facilities that have served this country so well for over 55 years, are being combined to pursue even greater research and development heights as a single, cohesive enterprise. The new laboratory in Idaho has an unmatched foundation on which to pursue its Department of Energy-assigned vision of international nuclear leadership for the 21st century, compelling contributions in national and homeland security technology development, and execution of a broad supporting science and technology portfolio.

Idaho is the place where the first usable amount of electricity from nuclear energy was generated. It is where the propulsion system for the first nuclear-powered submarine was developed. And it is where 52 mostly first-of-their-kind, nuclear reactors were designed and constructed. Looking ahead, it is clearly a place well-qualified to implement the technology-based components of the national energy policy our Nation needs and that I hope this body will act on this year.

The new Idaho National Laboratory is being managed by a team that draws expertise from companies and academic institutions across the Nation. The Battelle Energy Alliance is led by Battelle Memorial Institute of Ohio. Its partners include BWX Technologies of Virginia, Washington Group International of Idaho, the Electric Power Research Institute of California and a Massachusetts Institute of Technology led national consortium of universities including North Carolina State University, Ohio State University, Oregon State University, the University of New Mexico, and Idaho's three research universities—Boise State University, Idaho State University, and the University of Idaho.

The competition for managing the lab brought out the highest caliber of teams. With the Battelle Energy Alliance, we have a truly extraordinary national team, committed to collaborating broadly to ensure our collective interests in energy security, homeland security and economic security are well served by the new Idaho National Laboratory.

LIEUTENANT COLONEL GABRIEL PATRICIO

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to Lieutenant Colonel Gabriel R. Patricio, who is concluding a 24-year career of dedication and excellence in the United States Marines. At the Marine Corps Systems Command in Quantico, VA in recent years, he has had a leading role in modernizing combat clothing and equipment to make troops faster, more efficient, lighter and safer in battle. Colonel Patricio's talents have produced the most significant upgrade in individual clothing and combat equipment for Marines in more than 50 years.

Colonel Patricio's ability to think outside-the-box served him well in finding better ways to solve old problems. His innovative ideas have reduced the time it takes to move a product from concept to the field; so that life-saving equipment is being made available to Marines more quickly. As an example, he reached across the services to the Army's Research and Development Center in Natick, MA to take advantage of their cutting-edge technology, which is now saving lives in Iraq.

Most recently, Colonel Patricio spearheaded an initiative to develop and field a state-of-the-art, on-the-move water purification and hydration system. Under his leadership, Systems Command and two private companies pooled their resources and expertise to create a pen-sized device that troops are now using to make local water clean and drinkable.

Colonel Patricio has successfully managed programs to develop and field other products to enhance the safety and performance of our troops in Iraq and elsewhere, including new, lightweight and more protective body armor; new protection for the face and eyes; lightweight helmets; improved load-bearing backpacks; hot weather, lightweight ''Jungle/Desert'' boots; high performance lightweight and heavyweight Polartec fleece clothing; and specialized mountain and cold-weather clothing, including gloves, boots and jackets.

Colonel Patricio has served the Marines, and the Nation well. I congratulate him on his many outstanding contributions, and I wish him a long and happy and healthy retirement.

DARFUR

Mr. FEINGOLD. Mr. President, the United Nations' Commission of Inquiry on the crisis in Darfur reported to the Security Council on Monday of this week. Like every credible account of what has happened in Darfur, the report makes for grim reading. The Commission pointed to the ''killing of civilians, torture, enforced disappearances, destruction of villages, rape and other forms of sexual violence'' in its discussion of the violations of international law that have occurred in the area, and also found that there may have been Sudanese Government officials and others who acted ''with genocidal intent.''

This report stands in stark contrast to the positive news that emerged from Sudan last month, when a comprehensive agreement to end the decades-long, devastating north-south civil war was signed. I welcomed that agreement, and I hope it is successful. But the truth is that I have little confidence in the Government of Sudan, and I see no reason to believe that a north-south peace agreement will awaken that government to its responsibility to protect all of its citizens. Just days after the historic peace agreement was signed, I visited the refugee camps of eastern Chad and spoke to Sudanese citizens who had fled Darfur. They spoke of their desperate need for basic security back at home, and they are right. Consistent reports indicate that the violence in Darfur has continued. The Commission of Inquiry's recent report serves to remind all of us, Mr. President, that tragedy persists in Sudan, and the world has not done enough to stop it.

Much of the attention surrounding this report, Mr. President, has focused on the Commission's recommendation that the International Criminal Court, or ICC, take up the Darfur issue with the intention of trying those responsible for atrocities.

Just as the question of whether or not to use the word ''genocide'' was, for some time, a debate that distracted attention from the need to take meaningful action to bring security to the people of Darfur, I fear that a new issue—the question of whether or not the crimes committed in Darfur should be taken up by the International Criminal Court—may soon dominate the debate.

Mr. President, the administration is implacably opposed to the ICC. Frankly, this is a subject on which the President and I share some common ground. I have not supported joining the ICC as it stands. I want more protection for our troops to ensure that they will not be targets of unjust and politically motivated prosecutions.

But I do believe that it was a mistake to walk off in a huff as the ICC was taking shape. It is hard to protect

our troops from unfair prosecutions if we aren't at the table to win those protections.

I also believe that threatening our allies and trying to bully them into changing their position on the ICC, rather than sitting at the table to work these issues out, was a mistake. There are ways to protect our interests that do not involve infuriating the allies that we need to win the war on terrorism.

Certainly there are better ways to protect our interests than to stand in the way of trying people guilty of what our own administration has called genocide.

The American Servicemembers Protection Act, which Congress passed to give concrete form to the objections that many have to the ICC, contains a provision stating:

> Nothing in this title shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic, Osama bin Laden, other members of Al Queda, leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity.

It seems to me that the crisis in Darfur may be precisely the kind of situation that such a provision was intended to cover. We have an interest—a moral interest and a political interest—in refusing to accept impunity for the grave abuses that have been committed in Darfur and in promoting long-term stability by insisting on accountability. There is no question of American troops or political figures being involved. The legitimate concerns that we have with the ICC simply are relevant to this situation.

The administration's position today, as I understand it, is that we should create an entirely new international tribunal for Sudan. If that is what it takes to bring some justice to the people of Darfur, so be it. But it is not really difficult to understand why other members of the international community would be resistant to creating an entirely new structure, potentially every time that serious crimes against humanity occur, when a structure already exists for the express purposes of dealing with these issues. Particularly when our own administration has been pressing existing ad-hoc tribunals to wrap up their costly but important work, it seems odd to create another ad-hoc mechanism when the ICC exists. Most worryingly, it gives those who would rather continue to wallow in endless reviews and deliberations while people in Darfur die another opportunity to delay reviews and meaningful action.

So I believe that the administration should think about what makes good sense in this case. Efforts to bring an end to the crisis in Darfur have faltered, time and again, due to a lack of multilateral political will. Security Council members were unable to do more than contemplate the possibility of sanctions in the face of a terrible man-made catastrophe. We must continue to build a solid international coalition to pressure the Sudanese regime. I know that many of my colleagues and many in the administration share my frustration with the grace periods, the delays, the empty threats, and the hesitations. It is well past time, then, to do something about that. If we can send a former Secretary of State around the world to encourage others to relieve Iraqi debt, then we can appoint a very senior Presidential envoy to focus on this problem, to drum up support in capitals around the world, to squeeze every drop of potential cooperation from others with intense discussions and negotiations. The Government of Sudan should feel intense pressure every day, not hear mild scoldings and mixed messages every month or so. And the U.S. should not muddle our message by getting tangled up in our contorted position on the ICC.

Now the Commission of Inquiry's report has the potential to prod other states into action. It would be a terrible shame if the United States, once at the forefront of urging action on Sudan, now became a part of the problem.

MEDICARE ENHANCEMENT FOR NEEDED DRUGS ACT

Mr. FEINGOLD. Mr. President, I am proud to join the Senator from Maine, OLYMPIA SNOW, and the Senator from Oregon, RON WYDEN as an original cosponsor of the bipartisan Medicare Enhancement for Needed Drugs (MEND) Act. This bill takes necessary steps to ensure that our seniors, and our taxpayers, receive the best price possible on prescription drugs under the new Medicare prescription drug benefit. One of the primary reasons I voted against the Medicare Modernization Act was because I felt that it did not go far enough in addressing the skyrocketing prices of prescription drugs. Without strong, proactive measures to keep the prices of prescription drugs in check, seniors will continue to struggle to afford their prescription drugs, even with Medicare's help, and the overall cost of the Medicare Program will continue to mushroom.

There is bipartisan agreement that by prohibiting the Medicare Program from negotiating the prices of prescription drugs, the Medicare Modernization Act is actually failing to utilize the purchasing power of the Medicare Program. The MEND Act will repeal this prohibition, and allow—and in some circumstances mandate—the Secretary to negotiate the prices of prescription drugs. This type of negotiation will save taxpayers' dollars while reducing the costs of prescription drugs for Medicare beneficiaries.

The MEND Act also provides Medicare beneficiaries and taxpayers with valuable information on the prices of prescription drugs under the new Medicare benefit. This reporting will ensure that the prices of the drugs most used by seniors do not go up just as the Medicare prescription drug benefit goes into effect. It will also ensure that seniors and others who depend on Medicare have the complete, accurate information they need when deciding upon a prescription drug plan under Medicare.

It is important that we act now, in a bipartisan manner, to fix the flaws included in the Medicare Modernization Act before the prescription drug benefit begins next year. The MEND Act will help both those who depend on the Medicare Program, and those who have to pay for it, by acting to rein in the skyrocketing prices of prescription drugs.

HELPING TO PREPARE PROVIDERS TO CARE

Mr. AKAKA. Mr. President, so many of VA health care providers are truly dedicated to treating all of the ailments veterans face, including psychological ones. In an attempt to help VA providers understand the special needs of Operation Iraqi Freedom and Operation Enduring Freedom veterans, one particular VA health care region has made special efforts.

The Brockton Division of the VA Boston Healthcare System Continuing Education Committee hosted a conference, entitled ''Preparing for the acute and long-term needs of Afghanistan and Iraq war veterans.'' Several experts in their respective fields served as speakers and made presentations to attendees. Brett Litz, Ph.D., of the National Center for Post Traumatic Stress Disorder, PTSD, discussed ''Promoting Continuity of Care and Understanding: Putting the Long-Term lmpact of the War in Afghanistan and Iraq in Context.'' Dr. Litz helped the crowd to appreciate the active-duty military mental health culture; understand the early intervention and the variety of interventions for acute trauma; and appreciate high probability themes to war-zone traumas in Afghanistan and Iraq veterans.

Lieutenant Colonel Chuck Engel, MD, MPH, of Walter Reed Medical Center, addressed ''Quality of Post-Deployment Health Care in the Defense Health System—Steady Progress or Unified Promises?'' Lt. Col. Engel informed attendees of the strengths and limitations of Deployment health initiatives in the Department of Defense; ways to improve the continuity of care from postdeployment to discharge and beyond; and the role of primary care in identifying and treating mental health problems caused by exposure to war.

Lieutenant Colonel Carl Castro, Ph.D., of Walter Reed Army Institute of Research, spoke about the ''Impact of Combat on the Mental Health of Soldiers,'' focusing on the findings of the Mental Health Assessment Team's evaluation of Iraq War veterans mental health and well-being in the warzone; the findings of the psychological screening program in the U.S. Army; and the risk and resilience factors that

predict deployment and post-deployment mental health in active duty military personnel.

The final featured speaker was Yuval Neria, Ph.D., of the New York Psychiatric Institute. Dr. Neria educated the audience about ''Israeli War Veterans and POW's Two Decades After the War: Findings from the Yom Kippur 1973 War.'' She concentrated her discussion on understanding the phenomenology of war-trauma; understanding the nature of combat stress reactions; and understanding the impact of war-trauma across the lifespan.

These medical professionals provided just a snapshot of the strides VA has made and hopefully will continue to make in the field of war-trauma. I applaud these VA health care providers. As ranking member of the Committee on Veterans Affairs, I will be working to ensure that DoD and VA cooperate to make sure that there is a seamless transition from active military status to veteran status. VA providers are quite obviously incredibly important as we seek to make this seamless transition.

ADDITIONAL STATEMENTS

CELEBRATING THE 90TH BIRTHDAY OF THE AMERICAN MEDICAL WOMEN'S ASSOCIATION

● Ms. SNOWE. Mr. President, I rise to extend my congratulations to the American Medical Women's Association, AMWA, on the occasion of its 90th Birthday Year Celebration.

Throughout this century, AMWA, which is known as the Vision and Voice of Women in Medicine, has been determined in its efforts to advance women in the medical profession and to promote women's health. This leading multidisciplinary association of women in medicine in our country has encouraged and honored excellence in the fields of medicine, health care and science through a wide array of scholarships, grants, and awards, as well as diverse educational programs for physicians, medical students and the general public.

Over these nine decades, AMWA has supported numerous charitable programs, particularly focusing on the needs of disadvantaged women and their families. For 75 years, AMWA's American Women's Hospitals Service clinics in the U.S. and abroad have provided desperately needed care to the medically underserved. In addition, hundreds of medical students and residents have received remarkable healthcare training in these and other remote clinics worldwide through AMWA's sponsorship.

AMWA's advocacy on behalf of women's health and research has made AMWA a leading voice for the care of women and their children.

As someone who has been committed to expanding opportunities for women and enhancing women's health, I am pleased to have this opportunity to applaud the accomplishments of this outstanding organization and to celebrate with them the history and future of American Medical Women's Association.●

REPORT ON THE STATE OF THE UNION DELIVERED TO A JOINT SESSION OF CONGRESS ON FEBRUARY 2, 2005—PM 2

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was ordered to lie on the table:

To the Congress of the United States:

Mr. Speaker, Vice President CHENEY, Members of Congress, fellow citizens:

As a new Congress gathers, all of us in the elected branches of Government share a great privilege: we have been placed in office by the votes of the people we serve. And tonight that is a privilege we share with newly elected leaders of Afghanistan, the Palestinian territories, Ukraine, and a free and sovereign Iraq.

Two weeks ago, I stood on the steps of this Capitol and renewed the commitment of our Nation to the guiding ideal of liberty for all. This evening I will set forth policies to advance that ideal at home and around the world.

Tonight, with a healthy, growing economy, with more Americans going back to work, with our Nation an active force for good in the world—the state of our Union is confident and strong. Our generation has been blessed—by the expansion of opportunity, by advances in medicine, and by the security purchased by our parents' sacrifice. Now, as we see a little gray in the mirror—or a lot of gray—and we watch our children moving into adulthood, we ask the question: What will be the state of their Union?

Members of Congress, the choices we make together will answer that question. Over the next several months, on issue after issue, let us do what Americans have always done, and build a better world for our children and grandchildren.

First, we must be good stewards of this economy, and renew the great institutions on which millions of our fellow citizens rely.

America's economy is the fastest growing of any major industrialized nation. In the past 4 years, we have provided tax relief to every person who pays income taxes, overcome a recession, opened up new markets abroad, prosecuted corporate criminals, raised homeownership to the highest level in history, and in the last year alone, the United States has added 2.3 million new jobs. When action was needed, the Congress delivered—and the Nation is grateful.

Now we must add to these achievements. By making our economy more flexible, more innovative, and more competitive, we will keep America the economic leader of the world.

America's prosperity requires restraining the spending appetite of the Federal Government. I welcome the bipartisan enthusiasm for spending discipline. So next week I will send you a budget that holds the growth of discretionary spending below inflation, makes tax relief permanent, and stays on track to cut the deficit in half by 2009. My budget substantially reduces or eliminates more than 150 Government programs that are not getting results, or duplicate current efforts, or do not fulfill essential priorities. The principle here is clear: a taxpayer dollar must be spent wisely, or not at all.

To make our economy stronger and more dynamic, we must prepare a rising generation to fill the jobs of the 21st century. Under the No Child Left Behind Act, standards are higher, test scores are on the rise, and we are closing the achievement gap for minority students. Now we must demand better results from our high schools, so every high school diploma is a ticket to success. We will help an additional 200,000 workers to get training for a better career, by reforming our job training system and strengthening America's community colleges. And we will make it easier for Americans to afford a college education, by increasing the size of Pell Grants.

To make our economy stronger and more competitive, America must reward, not punish, the efforts and dreams of entrepreneurs. Small business is the path of advancement, especially for women and minorities, so we must free small businesses from needless regulation and protect honest job-creators from junk lawsuits. Justice is distorted, and our economy is held back, by irresponsible class actions and frivolous asbestos claims—and I urge Congress to pass legal reforms this year.

To make our economy stronger and more productive, we must make health care more affordable, and give families greater access to good coverage, and more control over their health decisions. I ask Congress to move forward on a comprehensive health care agenda—with tax credits to help low-income workers buy insurance, a community health center in every poor county, improved information technology to prevent medical errors and needless costs, association health plans for small businesses and their employees, expanded health savings accounts, and medical liability reform that will reduce health care costs, and make sure patients have the doctors and care they need.

To keep our economy growing, we also need reliable supplies of affordable, environmentally responsible energy. Nearly 4 years ago, I submitted a comprehensive energy strategy that encourages conservation, alternative sources, a modernized electricity grid, and more production here at home, including safe, clean nuclear energy. My Clear Skies legislation will cut power plant pollution and improve the health

of our citizens. And my budget provides strong funding for leading-edge technology—from hydrogen-fueled cars, to clean coal, to renewable sources such as ethanol. Four years of debate is enough—I urge Congress to pass legislation that makes America more secure and less dependent on foreign energy.

All these proposals are essential to expand this economy and add new jobs—but they are just the beginning of our duty. To build the prosperity of future generations, we must update institutions that were created to meet the needs of an earlier time. Year after year, Americans are burdened by an archaic, incoherent Federal tax code. I have appointed a bipartisan panel to examine the tax code from top to bottom. And when their recommendations are delivered, you and I will work together to give this Nation a tax code that is pro-growth, easy to understand, and fair to all.

America's immigration system is also outdated—unsuited to the needs of our economy and to the values of our country. We should not be content with laws that punish hardworking people who want only to provide for their families, and deny businesses willing workers, and invite chaos at our border. It is time for an immigration policy that permits temporary guest workers to fill jobs Americans will not take, that rejects amnesty, that tells us who is entering and leaving our country, and that closes the border to drug dealers and terrorists.

One of America's most important institutions—a symbol of the trust between generations—is also in need of wise and effective reform. Social Security was a great moral success of the 20th Century, and we must honor its great purposes in this new century. The system, however, on its current path, is headed toward bankruptcy. And so we must join together to strengthen and save Social Security.

Today, more than 45 million Americans receive Social Security benefits, and millions more are nearing retirement—and for them the system is strong and fiscally sound. I have a message for every American who is 55 or older: Do not let anyone mislead you. For you, the Social Security system will not change in any way.

For younger workers, the Social Security system has serious problems that will grow worse with time. Social Security was created decades ago, for a very different era. In those days people didn't live as long, benefits were much lower than they are today, and a half century ago, about 16 workers paid into the system for each person drawing benefits. Our society has changed in ways the founders of Social Security could not have foreseen. In today's world, people are living longer and therefore drawing benefits longer—and those benefits are scheduled to rise dramatically over the next few decades. And instead of 16 workers paying in for every beneficiary, right now it's only about three workers—and over the next few decades, that number will fall to just two workers per beneficiary. With each passing year, fewer workers are paying ever-higher benefits to an ever-larger number of retirees.

So here is the result: Thirteen years from now, in 2018, Social Security will be paying out more than it takes in. And every year afterward will bring a new shortfall, bigger than the year before. For example, in the year 2027, the Government will somehow have to come up with an extra 200 billion dollars to keep the system afloat—and by 2033, the annual shortfall would be more than 300 billion dollars. By the year 2042, the entire system would be exhausted and bankrupt. If steps are not taken to avert that outcome, the only solutions would be drastically higher taxes, massive new borrowing, or sudden and severe cuts in Social Security benefits or other Government programs.

I recognize that 2018 and 2042 may seem like a long way off. But those dates are not so distant, as any parent will tell you. If you have a five-year-old, you're already concerned about how you'll pay for college tuition 13 years down the road. If you've got children in their 20s, as some of us do, the idea of Social Security collapsing before they retire does not seem like a small matter. And it should not be a small matter to the United States Congress.

You and I share a responsibility. We must pass reforms that solve the financial problems of Social Security once and for all.

Fixing Social Security permanently will require an open, candid review of the options. Some have suggested limiting benefits for wealthy retirees. Former Congressman Tim Penny has raised the possibility of indexing benefits to prices rather than wages. During the 1990s, my predecessor, President Clinton, spoke of increasing the retirement age. Former Senator John Breaux suggested discouraging early collection of Social Security benefits. The late Senator Daniel Patrick Moynihan recommended changing the way benefits are calculated.

All these ideas are on the table. I know that none of these reforms would be easy. But we have to move ahead with courage and honesty, because our children's retirement security is more important than partisan politics. I will work with members of Congress to find the most effective combination of reforms. I will listen to anyone who has a good idea to offer. We must, however, be guided by some basic principles. We must make Social Security permanently sound, not leave that task for another day. We must not jeopardize our economic strength by increasing payroll taxes. We must ensure that lower income Americans get the help they need to have dignity and peace of mind in their retirement. We must guarantee that there is no change for those now retired or nearing retirement. And we must take care that any changes in the system are gradual, so younger workers have years to prepare and plan for their future.

As we fix Social Security, we also have the responsibility to make the system a better deal for younger workers. And the best way to reach that goal is through voluntary personal retirement accounts. Here is how the idea works. Right now, a set portion of the money you earn is taken out of your paycheck to pay for the Social Security benefits of today's retirees. If you are a younger worker, I believe you should be able to set aside part of that money in your own retirement account, so you can build a nest egg for your own future.

Here is why personal accounts are a better deal. Your money will grow, over time, at a greater rate than anything the current system can deliver—and your account will provide money for retirement over and above the check you will receive from Social Security. In addition, you'll be able to pass along the money that accumulates in your personal account, if you wish, to your children or grandchildren. And best of all, the money in the account is yours, and the Government can never take it away.

The goal here is greater security in retirement, so we will set careful guidelines for personal accounts. We will make sure the money can only go into a conservative mix of bonds and stock funds. We will make sure that your earnings are not eaten up by hidden Wall Street fees. We will make sure there are good options to protect your investments from sudden market swings on the eve of your retirement. We will make sure a personal account can't be emptied out all at once, but rather paid out over time, as an addition to traditional Social Security benefits. And we will make sure this plan is fiscally responsible, by starting personal retirement accounts gradually, and raising the yearly limits on contributions over time, eventually permitting all workers to set aside 4 percentage points of their payroll taxes in their accounts.

Personal retirement accounts should be familiar to Federal employees, because you already have something similar, called the Thrift Savings Plan, which lets workers deposit a portion of their paychecks into any of five different broadly based investment funds. It is time to extend the same security, and choice, and ownership to young Americans.

Our second great responsibility to our children and grandchildren is to honor and to pass along the values that sustain a free society. So many of my generation, after a long journey, have come home to family and faith, and are determined to bring up responsible, moral children. Government is not the source of these values, but government should never undermine them.

Because marriage is a sacred institution and the foundation of society, it

should not be re-defined by activist judges. For the good of families, children, and society, I support a constitutional amendment to protect the institution of marriage.

Because a society is measured by how it treats the weak and vulnerable, we must strive to build a culture of life. Medical research can help us reach that goal, by developing treatments and cures that save lives and help people overcome disabilities—and I thank Congress for doubling the funding of the National Institutes of Health. To build a culture of life, we must also ensure that scientific advances always serve human dignity, not take advantage of some lives for the benefit of others. We should all be able to agree on some clear standards. I will work with Congress to ensure that human embryos are not created for experimentation or grown for body parts, and that human life is never bought and sold as a commodity. America will continue to lead the world in medical research that is ambitious, aggressive, and always ethical.

Because courts must always deliver impartial justice, judges have a duty to faithfully interpret the law, not legislate from the bench. As President, I have a constitutional responsibility to nominate men and women who understand the role of courts in our democracy, and are well qualified to serve on the bench—and I have done so. The Constitution also gives the Senate a responsibility: Every judicial nominee deserves an up-or-down vote.

Because one of the deepest values of our country is compassion, we must never turn away from any citizen who feels isolated from the opportunities of America. Our Government will continue to support faith-based and community groups that bring hope to harsh places. Now we need to focus on giving young people, especially young men in our cities, better options than apathy, or gangs, or jail. Tonight I propose a 3-year initiative to help organizations keep young people out of gangs, and show young men an ideal of manhood that respects women and rejects violence. Taking on gang life will be one part of a broader outreach to at-risk youth, which involves parents and pastors, coaches and community leaders, in programs ranging from literacy to sports. And I am proud that the leader of this nationwide effort will be our First Lady, Laura Bush.

Because HIV/AIDS brings suffering and fear into so many lives, I ask you to reauthorize the Ryan White Act to encourage prevention, and provide care and treatment to the victims of that disease. And as we update this important law, we must focus our efforts on fellow citizens with the highest rates of new cases, African-American men and women.

Because one of the main sources of our national unity is our belief in equal justice, we need to make sure Americans of all races and backgrounds have confidence in the system that provides justice. In America we must make doubly sure no person is held to account for a crime he or she did not commit—so we are dramatically expanding the use of DNA evidence to prevent wrongful conviction. Soon I will send to Congress a proposal to fund special training for defense counsel in capital cases, because people on trial for their lives must have competent lawyers by their side.

Our third responsibility to future generations is to leave them an America that is safe from danger, and protected by peace. We will pass along to our children all the freedoms we enjoy—and chief among them is freedom from fear.

In the three and a half years since September 11th, 2001, we have taken unprecedented actions to protect Americans. We have created a new department of Government to defend our homeland, focused the FBI on preventing terrorism, begun to reform our intelligence agencies, broken up terror cells across the country, expanded research on defenses against biological and chemical attack, improved border security, and trained more than a half million first responders. Police and firefighters, air marshals, researchers, and so many others are working every day to make our homeland safer, and we thank them all.

Our Nation, working with allies and friends, has also confronted the enemy abroad, with measures that are determined, successful, and continuing. The al-Qaida terror network that attacked our country still has leaders—but many of its top commanders have been removed. There are still governments that sponsor and harbor terrorists—but their number has declined. There are still regimes seeking weapons of mass destruction—but no longer without attention and without consequence. Our country is still the target of terrorists who want to kill many, and intimidate us all—and we will stay on the offensive against them, until the fight is won.

Pursuing our enemies is a vital commitment of the war on terror—and I thank the Congress for providing our servicemen and women with the resources they have needed. During this time of war, we must continue to support our military and give them the tools for victory.

Other nations around the globe have stood with us. In Afghanistan, an international force is helping provide security. In Iraq, 28 countries have troops on the ground, the United Nations and the European Union provided technical assistance for elections, and NATO is leading a mission to help train Iraqi officers. We are cooperating with 60 governments in the Proliferation Security Initiative, to detect and stop the transit of dangerous materials. We are working closely with governments in Asia to convince North Korea to abandon its nuclear ambitions. Pakistan, Saudi Arabia, and nine other countries have captured or detained al-Qaida terrorists. In the next 4 years, my Administration will continue to build the coalitions that will defeat the dangers of our time.

In the long term, the peace we seek will only be achieved by eliminating the conditions that feed radicalism and ideologies of murder. If whole regions of the world remain in despair and grow in hatred, they will be the recruiting grounds for terror, and that terror will stalk America and other free nations for decades. The only force powerful enough to stop the rise of tyranny and terror, and replace hatred with hope, is the force of human freedom. Our enemies know this, and that is why the terrorist Zarqawi recently declared war on what he called the ''evil principle'' of democracy. And we have declared our own intention: America will stand with the allies of freedom to support democratic movements in the Middle East and beyond, with the ultimate goal of ending tyranny in our world.

The United States has no right, no desire, and no intention to impose our form of Government on anyone else. That is one of the main differences between us and our enemies. They seek to impose and expand an empire of oppression, in which a tiny group of brutal, self-appointed rulers control every aspect of every life. Our aim is to build and preserve a community of free and independent nations, with governments that answer to their citizens, and reflect their own cultures. And because democracies respect their own people and their neighbors, the advance of freedom will lead to peace.

That advance has great momentum in our time—shown by women voting in Afghanistan, and palestinians choosing a new direction, and the people of Ukraine asserting their democratic rights and electing a president. We are witnessing landmark events in the history of liberty. And in the coming years, we will add to that story.

The beginnings of reform and democracy in the Palestinian territories are showing the power of freedom to break old patterns of violence and failure. Tomorrow morning, Secretary of State Rice departs on a trip that will take her to Israel and the West Bank for meetings with Prime Minister Sharon and President Abbas. She will discuss with them how we and our friends can help the Palestinian people end terror and build the institutions of a peaceful, independent democratic state. To promote this democracy, I will ask Congress for 350 million dollars to support Palestinian political, economic, and security reforms. The goal of two democratic states, Israel and Palestine, living side by side in peace is within reach—and America will help them achieve that goal.

To promote peace and stability in the broader Middle East, the United States will work with our friends in the region to fight the common threat of terror, while we encourage a higher standard of freedom. Hopeful reform is already

taking hold in an arc from Morocco to Jordan to Bahrain. The government of Saudi Arabia can demonstrate its leadership in the region by expanding the role of its people in determining their future. And the great and proud nation of Egypt, which showed the way toward peace in the Middle East, can now show the way toward democracy in the Middle East.

To promote peace in the broader Middle East, we must confront regimes that continue to harbor terrorists and pursue weapons of mass murder. Syria still allows its territory, and parts of Lebanon, to be used by terrorists who seek to destroy every chance of peace in the region. You have passed, and we are applying, the Syrian Accountability Act—and we expect the Syrian government to end all support for terror and open the door to freedom. Today, Iran remains the world's primary state sponsor of terror—pursuing nuclear weapons while depriving its people of the freedom they seek and deserve. We are working with European allies to make clear to the Iranian regime that it must give up its uranim enrichment program and any plutonium re-processing, and end its support for terror. And to the Iranian people, I say tonight: As you stand for your own liberty, America stands with you.

Our generational commitment to the advance of freedom, especially in the Middle East, is now being tested and honored in Iraq. That country is a vital front in the war on terror, which is why the terrorists have chosen to make a stand there. Our men and women in uniform are fighting terrorists in Iraq, so we do not have to face them here at home. And the victory of freedom in Iraq will strengthen a new ally in the war on terror, inspire democratic reformers from Damascus to Tehran, bring more hope and progress to a troubled region, and thereby lift a terrible threat from the lives of our children and grandchildren.

We will succeed because the Iraqi people value their own liberty—as they showed the world last Sunday. Across Iraq, often at great risk, millions of citizens went to the polls and elected 275 men and women to represent them in a new Transitional National Assembly. A young woman in Baghdad told of waking to the sound of mortar fire on election day, and wondering if it might be too dangerous to vote. She said, ''hearing those explosions, it occurred to me—the insurgents are weak, they are afraid of democracy, they are losing. . . . So I got my husband, and I got my parents, and we all came out and voted together.'' Americans recognize that spirit of liberty, because we share it. In any nation, casting your vote is an act of civic responsibility; for millions of Iraqis, it was also an act of personal courage, and they have earned the respect of us all.

One of Iraq's leading democracy and human rights advocates is Safia Taleb al-Suhail. She says of her country, ''we were occupied for 35 years by Saddam Hussein. That was the real occupation. . . . Thank you to the American people who paid the cost . . . but most of all to the soldiers.'' Eleven years ago, Safia's father was assassinated by Saddam's intelligence service. Three days ago in Baghdad, Safia was finally able to vote for the leaders of her country—and we are honored that she is with us tonight.

The terrorists and insurgents are violently opposed to democracy, and will continue to attack it. Yet the terrorists' most powerful myth is being destroyed. The whole world is seeing that the car bombers and assassins are not only fighting coalition forces, they are trying to destroy the hopes of Iraqis, expressed in free elections. And the whole world now knows that a small group of extremists will not overturn the will of the Iraqi people.

We will succeed in Iraq because Iraqis are determined to fight for their own freedom, and to write their own history. As Prime Minister Allawi said in his speech to Congress last September, ''Ordinary Iraqis are anxious . . . to shoulder all the security burdens of our country as quickly as possible.'' This is the natural desire of an independent nation, and it also is the stated mission of our coalition in Iraq. The new political situation in Iraq opens a new phase of our work in that country. At the recommendation of our commanders on the ground, and in consultation with the Iraqi government, we will increasingly focus our efforts on helping prepare more capable Iraqi security. forces—forces with skilled officers, and an effective command structure. As those forces become more self-reliant and take on greater security responsibilities, America and its coalition partners will increasingly be in a supporting role. In the end, Iraqis must be able to defend their own country—and we will help that proud, new nation secure its liberty.

Recently an Iraqi interpreter said to a reporter, ''Tell America not to abandon us.'' He and all Iraqis can be certain: While our military strategy is adapting to circumstances, our commitment remains firm and unchanging. We are standing for the freedom of our Iraqi friends, and freedom in Iraq will make America safer for generations to come. We will not set an artificial timetable for leaving Iraq, because that would embolden the terrorists and make them believe they can wait us out. We are in Iraq to achieve a result: A country that is democratic, representative of all its people, at peace with its neighbors, and able to defend itself. And when that result is achieved, our men and women serving in Iraq will return home with the honor they have earned.

Right now, Americans in uniform are serving at posts across the world, often taking great risks on my orders. We have given them training and equipment; and they have given us an example of idealism and character that makes every American proud. The volunteers of our military are unrelenting in battle, unwavering in loyalty, unmatched in honor and decency, and every day they are making our Nation more secure. Some of our servicemen and women have survived terrible injuries, and this grateful country will do everything we can to help them recover. And we have said farewell to some very good men and women, who died for our freedom, and whose memory this Nation will honor forever.

One name we honor is Marine Corps Sergeant Byron Norwood of Pflugerville, Texas, who was killed during the assault on Fallujah. His mom, Janet, sent me a letter and told me how much Byron loved being a Marine, and how proud he was to be on the front line against terror. She wrote, ''When Byron was home the last time, I said that I wanted to protect him like I had since he was born. He just hugged me and said: 'You've done your job, mom. Now it's my turn to protect you.''' Ladies and gentlemen, with grateful hearts, we honor freedom's defenders, and our military families, represented here this evening by Sergeant Norwood's mom and dad, Janet and Bill Norwood.

In these 4 years, Americans have seen the unfolding of large events. We have known times of sorrow, and hours of uncertainty, and days of victory. In all this history, even when we have disagreed, we have seen threads of purpose that unite us. The attack on freedom in our world has reaffirmed our confidence in freedom's power to change, the world. We are all part of a great venture: To extend the promise of freedom in our country, to renew the values that sustain our liberty, and to spread the peace that freedom brings.

As Franklin Roosevelt once reminded Americans, ''each age is a dream that is dying, or one that is coming to birth.'' And we live in the country where the biggest dreams are born. The abolition of slavery was only a dream—until it was fulfilled. The liberation of Europe from fascism was only a dream—until it was achieved. The fall of imperial communism was only a dream—until, one day, it was accomplished. Our generation has dreams of its own, and we also go forward with confidence. The road of Providence is uneven and unpredictable—yet we know where it leads: It leads to freedom.

Thank you, and may God bless America.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 2, 2005.*

MESSAGE FROM THE HOUSE

At 12:37 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 120. An act to designate the facility of the United States Postal Service located at

30777 Rancho California Road in Temecula, California, as the ''Dalip Singh Saund Post Office Building''.

H.R. 289. An act to designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the ''Sergeant First Class John Marshall Post Office Building''.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 39. Concurrent resolution providing for an adjournment of the House of Representatives.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 120. An act to designate the facility of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, as the ''Dalip Singh Saund Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 289. An act to designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the ''Staff Sergeant First Class John Marshall Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

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–385. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the monthly report on the status of licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–386. A communication from the Assistant Secretary of the Army, transmitting, pursuant to law, the report on flood control at Antelope Creek at Lincoln, Nebraska; to the Committee on Environment and Public Works.

EC–387. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report on the incidence and severity of sediment contamination in surface waters of the United States, National sediment quality survey; to the Committee on Environment and Public Works.

EC–388. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report on Fiscal Year 2003 implementation of the Waste Isolation Pilot Plant Land Withdrawal Act; to the Committee on Environment and Public Works.

EC–389. A communication from the Executive Director for Operations, Nuclear Regulatory Commission, transmitting, pursuant to law, the report on Year 2004 inventory of commercial activities and inherently government functions; to the Committee on Environment and Public Works.

EC–390. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, the report of a rule entitled ''Guidelines on Awarding Section 319 Grants to Indian Tribes Requests for Grants Proposals for Watershed Projects'' (FRL 7849–3) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–391. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revision to the 1-Hour Ozone Maintenance Plan for the Pittsburgh-Beaver Valley Area to Reflect the Use of MOBILE6'' (FRL 7845–6) received on December 17, 2004; to the Committee on Environment and Public Works.

EC–392. 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: Minnesota: Minneapolis-St. Paul Carbon Monoxide Maintenance Plan Update'' (FRL 7846–7) received on December 17, 2004; to the Committee on Environment and Public Works.

EC–393. 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; New York State Implementation Plan Revision; 1-Hour Ozone Control Program'' (FRL 7845–8) received on December 17, 2004; to the Committee on Environment and Public Works.

EC–394. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Louisiana'' (FRL 7847–8) received on December 17, 2004; to the Committee on Environment and Public Works.

EC–395. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''North Carolina: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL 7847–9) received on December 17, 2004; to the Committee on Environment and Public Works.

EC–396. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''10 CFR Parts 25 and 95: Broadening Scope of Access Authorization and Facility Security Clearance Regulations'' (RIN3150–AH52) received on December 17, 2004; to the Committee on Environment and Public Works.

EC–397. 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 Plan Kentucky: 1-Hour Ozone Maintenance Plan Update for Edmonson Area'' (FRL 7847–9) received on December 17, 2004; to the Committee on Environment and Public Works.

EC–398. 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 and Operating Permits Program: State of Missouri'' (FRL 7850–3) received on December 17, 2004; to the Committee on Environment and Public Works.

EC–399. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Ocean Disposal; Designation of a Dredged Material Disposal Site in Rhode Island Sound'' (FRL 7848–2) received on December 17, 2004; to the Committee on Environment and Public Works.

EC–400. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''OMB Approvals Under the Paperwork Reduction Act; Technical Amendment'' (FRL 7849–9) received on December 17, 2004; to the Committee on Environment and Public Works.

EC–401. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Process for Exempting Critical Uses from the Phaseout of Methyl Bromide'' (FRL 7850–8) received on December 17, 2004; to the Committee on Environment and Public Works.

EC–402. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland, Control of VOC Emissions from yeast Manufacturing Correction'' (FRL 7815–5) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–403. 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: Michigan: Oxides of Nitrogen'' (FRL 7849–1) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–404. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Availability of Federally-Enforceable State Implementation Plans for All States'' (FRL 7852–2) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–405. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Arizona State Implementation Plan, Maricopa County Environmental Services Department; Revisions to the California State Implementation Plan, South Coast Air Quality Management District; Disapproval of State Implementation Plan Revisions, Monterey Bay Unified Air Pollution Control District'' (FRL 7847–6) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–406. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Amendments to the Size Thresholds for Defining Major Sources and to the NSR Offset Rations for Sources of VOC and NOX'' (FRL 7855–3) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–407. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Approval of Minor Clarifications to Municipal Regulations'' (FRL 7855–1) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–408. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Excess Volatile Organic Compound and Nitrogen Oxides Emissions Fee Rule'' (FRL 7853–9) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–409. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; VOC Emissions Standards for Consumer Products'' (FRL 7854–7) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–410. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; VOC Emissions Standards for Mobile Equipment Repair and Refinishing'' (FRL 7852–6) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–411. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; VOC Emissions Standards for Portable Fuel Containers and Spouts'' (FRL 7853–5) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–412. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; VOC Emission Standards for Solvent Cleaning'' (FRL 7853–3) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–413. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Approval of the Control of VOC Emissions from Municipal Solid Waste Landfills in Northern Virginia'' (FRL 7853–7) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–414. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Excess Volatile Organic Compound and Nitrogen Oxides Emissions Fee Rule'' (FRL 7853–1) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–415. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Source Categories: Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment and Leaks'' (FRL 7852–3) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–416. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Quality Designations and Classifications for the Fine Particles (PM2.5) National Ambient Air Quality Standards'' (FRL 7856–1) received on January 3, 2005; to the Committee on Environment and Public Works .

EC–417. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Recodification and SIP Renumbering of the New Mexico Administrative Code for Albuquerque/Bernalillo County'' (FRL 7856–3) received on January 3, 2005; to the Committee on Environment and Public Works.

EC–418. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Texas; Victoria County Maintenance Plan Update'' (FRL 7856–7) received on January 3, 2005; to the Committee on Environment and Public Works.

EC–419. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clarification of Address for Documents Filed with EPA's Environmental Appeals Board'' (FRL 7855–6) received on January 3, 2005; to the Committee on Environment and Public Works.

EC–420. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''New York: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL 7857–8) received on January 13, 2005; to the Committee on Environment and Public Works.

EC–421. 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; New York State Implementation Plan Revision'' (FRL 7852–5) received on January 13, 2005; to the Committee on Environment and Public Works.

EC–422. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation; Idaho; Revised Format for Materials Being Incorporated by Reference'' (FRL 7842–3) received on January 11, 2005; to the Committee on Environment and Public Works.

EC–423. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation; West Virginia; Redesignation of the City of Weirton Including Clay and Butler Magisterial Districts SO2 Nonattainment Area and Approval of the Maintenance Plan'' (FRL 7852–8) received on January 11, 2005; to the Committee on Environment and Public Works.

EC–424. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Bernalillo County, New Mexico; Negative Declaration'' (FRL 7858–5) received on January 11, 2005; to the Committee on Environment and Public Works.

EC–425. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Peanuts, Tree Nuts, Milk, Soybeans, Eggs, Fish, Crustacea, and Wheat; Exemption From the Requirements of a Tolerance'' (FRL 7694–5) received on January 11, 2005; to the Committee on Environment and Public Works.

EC–426. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Leak Repair Requirements for Appliances Using Substitute Refrigerants'' (FRL 7858–7) received on January 11, 2005; to the Committee on Environment and Public Works.

EC–427. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Ocean Dumping; Designation of Sites Offshore Palm Beach Harbor, Florida and Offshore Port Everglades Harbor, Florida'' (FRL 7861–7) received on January 11, 2005; to the Committee on Environment and Public Works.

EC–428. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''10 CFR Part 30: Security Requirements for Portable Gauges Containing Byproduct Material'' (RIN3150–AH06) received on January 13, 2005; to the Committee on Environment and Public Works.

EC–429. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''NRC Enforcement Policy'' received on January 13, 2005; to the Committee on Environment and Public Works.

EC–430. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled ''Regulations for Nonessential Experimental Populations of the Western Distinct Population Segment of the Gray Wolf'' (RIN1018–A T61) received on January 11, 2005; to the Committee on Environment and Public Works.

EC–431. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes: Washington, Yakima County Nonattainment Area Boundary Revision'' (FRL 7866–3) received on February 1, 2005; to the Committee on Environment and Public Works.

EC–432. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Purposes: Washington, Yakima PM–10 Nonattainment Area Limited Maintenance Plan'' (FRL 7866–4) received on February 1, 2005; to the Committee on Environment and Public Works.

EC–433. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Transportation Equipment Cleaning Point Source Category'' (FRL 7866–7) received on February 1, 2005; to the Committee on Environment and Public Works.

EC–434. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Priorities List for Uncontrolled Hazardous Waste Sites'' (FRL 7864–1) received on February 1, 2005; to the Committee on Environment and Public Works.

EC–435. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; South Carolina; Definitions and General Requirements'' (FRL 7863–5) received on February 1, 2005; to the Committee on Environment and Public Works.

EC–436. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New York; Low Emission Vehicle Program'' (FRL 7851–1) received on February 1, 2005; to the Committee on Environment and Public Works.

EC–437. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Ohio'' (FRL 7862–8) received on February 1, 2005; to the Committee on Environment and Public Works.

EC–438. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Georgia: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL 7864–6) received on February 1, 2005; to the Committee on Environment and Public Works.

EC–439. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Multiple Chemicals; Extension of Tolerances for Emergency Exemptions'' (FRL 7688–6) received on December 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–440. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Asian Longhorned Beetle; Addition to Quarantined Area'' (Doc. No. 04–130–1) received on January 5, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–441. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Waiver of the Requirement to Use Weighted Averages in the National School Lunch and School Breakfast Programs'' received on January 5, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–442. A communication from the Director, Office of Energy Policy and New Uses, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Guidelines for Designating Biobased Products for Federal Procurement'' (RIN0503–AA26) received on January 24, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–443. A communication from the Acting Under Secretary, Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Guaranteed Rural Rental Housing Program; Secondary Mortgage Market Participation'' (RIN0575–AC28) received on January 24, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–444. A communication from the Director, Office of Procurement and Property Management, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Agriculture Acquisition Regulation; Miscellaneous Amendments'' (RIN0599–AA11) received on January 24, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–445. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Confidential Information and Commission Records and Information'' received on January 24, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–446. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of the Intercontinental Exchange, Inc., Petition for Expansion of the Definition of an Eligible Commercial Entity Under Section 1a(11)(C) of the Commodity Exchange Act'' received on January 24, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–447. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Collection of Claims Owed the United States Arising from Activities Under the Commission's Jurisdiction'' (RIN3038–AC03) received on January 24, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–448. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Fees for Reviews of the Rules Enforcement Programs of Contract Markets and Registered Futures Associations'' received on January 24, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–449. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National School Lunch Program: Requirement for Variety of Fluid Milk in Reimbursable Meals'' (RIN0584–AD55) received on January 24, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–450. A communication from the Regulations Officer, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Forest System Land and Resource Management Planning'' (36 CFR 219) received on January 24, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–451. A communication from the Acting Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Uniform Compliance Date for Food Labeling Regulations'' (RIN0583–AD05) received on January 24, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–452. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Flurozypyr; Pesticide Tolerances for Emergency Exemptions'' (FRL 7695–2) received on January 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–453. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Chlorfenapyr; Pesticide Tolerance'' (FRL7696–5) received on January 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–454. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Imidacloprid; Pesticide Tolerances for Emergency Exemptions'' (FRL7691–2) received on January 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–455. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Quinoxyfen; Pesticide Tolerances for Emergency Exemptions'' (FRL7695–3) received on January 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–456. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bifenazate; Pesticide Tolerances for Emergency Exemptions'' (FRL7696–2) received on January 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–457. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of major defense equipment sold commercially under a contract in the amount of $25,000,000 or more to Greece; to the Committee on Foreign Relations.

EC–458. A communication from the Executive Director and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator, Bureau of Africa, received on January 24, 2005; to the Committee on Foreign Relations.

EC–459. A communication from the Executive Director and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Administrator, Bureau of Africa, received on January 24, 2005; to the Committee on Foreign Relations.

EC–460. A communication from the Executive Director and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator, Bureau for Policy and Program Coordination, received on January 24, 2005; to the Committee on Foreign Relations.

EC–461. A communication from the Executive Director and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Administrator, Bureau for Policy and Program Coordination, received on January 24, 2005; to the Committee on Foreign Relations.

EC–462. A communication from the Executive Director and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator, Bureau for Asia and the Near East, received on January 24, 2005; to the Committee on Foreign Relations.

EC–463. A communication from the Executive Director and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Administrator, Bureau for Asia and the Near East, received on January 24, 2005; to the Committee on Foreign Relations.

EC–464. A communication from the Executive Director, International Broadcasting Bureau, Broadcasting Board of Governors, transmitting, pursuant to law, the report of a vacancy in the position of International Broadcasting Bureau Director, received on December 1, 2005; to the Committee on Foreign Relations.

EC–465. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the annual report on the Benjamin A. Gilman International Scholarship Program; to the Committee on Foreign Relations.

EC–466. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control act, the certification 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 Columbia; to the Committee on Foreign Relations.

EC–467. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to

the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $50,000,000 or more to Bolivia; to the Committee on Foreign Relations.

EC–468. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement with Russia; to the Committee on Foreign Relations.

EC–469. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties, with Canada, Norway, Japan, Armenia, Latvia, Cape Verde, and China; to the Committee on Foreign Relations.

EC–470. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report on the actions taken by the United States at the United Nations to show the inappropriateness of Sudan's membership on the Commission on Human Rights; to the Committee on Foreign Relations.

EC–471. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties, with Honduras, Brazil, Kazakhstan, Egypt, Hungary, and Iraq; to the Committee on Foreign Relations.

EC–472. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties, with Canada, China, United Kingdom, South Korea, Marshall Islands, and Liberia; to the Committee on Foreign Relations.

EC–473. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties, with Thailand; to the Committee on Foreign Relations.

EC–474. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Foreign Affairs Council Assessment on Secretary Colin Powell's State Department; to the Committee on Foreign Relations.

EC–475. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to Executive Order 13346 of July 8, 2004, the annual certification of the effectiveness of the Australia Group; to the Committee on Foreign Relations.

EC–476. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, Presidential Determination Number 2005–14, relative to Israel, and the periodic report provided for under Section 6 of the Jerusalem Embassy Act of 1995; to the Committee on Foreign Relations.

EC–477. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the Certification to the Congress for Venezuela, and a modification to the 2004 Certification to Congress relating to Trinidad and Tobago and Panama; to the Committee on Foreign Relations.

EC–478. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the two-part report to Congress on various conditions in Bosnia and Herzegovina; to the Committee on Foreign Relations.

EC–479. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the report on Fiscal Year 2004 Competitive Sourcing Requirements; to the Committee on Foreign Relations.

EC–480. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the notification of the State Department's intent to obligate $200,000 in Nonproliferation and Disarmament Fund assistance for NDF Proposal Number 236; to the Committee on Foreign Relations.

EC–481. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting, pursuant to law, the report on competitive sourcing activities during Fiscal Year 2004; to the Committee on Foreign Relations.

EC–482. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notification of certain restrictions of Presidential Determination 2005–09 with respect to the Russian Federation; to the Committee on Foreign Relations.

EC–483. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on January 5, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–484. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Assets in Single-Employer Plans; Valuation of Assets; Expected Retirement Age'' received on January 5, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–485. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Disclosure to Participants; Benefits Payable in Single-Employer Plans'' received on January 5, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–486. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Assets in Single-Employer Plans; Valuation of Assets; Expected Retirement Age'' received on January 5, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–487. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on January 5, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–488. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Disclosure to Participants; Benefits Payable in Single-Employer Plans'' received on January 5, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–489. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Irradiation in the Production, Processing and Handling of Food'' (Doc. No. 2003F–0088) received on January 24, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–490. A communication from the Director, Regulations, Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Irradiation in the Production, Processing and Handling of Food'' (Doc. No. 1993F–0357) received on January 24, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–491. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the discontinuation of service in acting role, and a nomination confirmed for the position of Assistant Secretary for Policy; to the Committee on Health, Education, Labor, and Pensions.

EC–492. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Secretary for Mine Safety and Health; to the Committee on Health, Education, Labor, and Pensions.

EC–493. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocations of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on January 5, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–494. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; general Hospital and Personal use Devices; Classification of Implantable Radiofrequency Transponder System for Patient Identification and Health Information'' (Doc. No. 2004N–0477) received January 5, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–495. A communication from the Assistant Secretary for Administration and Management, Department of Health and Human Services, transmitting, pursuant to law, the Fiscal Year 2004 report on competitive sourcing activities; to the Committee on Health, Education, Labor, and Pensions.

EC–496. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on the International HIV/AIDS Workplace Program for Fiscal Year 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–497. A communication from the Assistant Secretary for Administration and Management, Department of Health and Human Services, transmitting, pursuant to law, the Fiscal Year 2004 FAIR Act inventory; to the Committee on Health, Education, Labor, and Pensions.

EC–498. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the Fiscal Year 2004 report for the Buy American Act; to the Committee on Health, Education, Labor, and Pensions.

EC–499. A communication from the Assistant Secretary for Administration and Management, Competitive Sourcing Official, Department of Labor, transmitting, pursuant

to law, the Fiscal Year 2004 Report on Competitive Sourcing Activities; to the Committee on Health, Education, Labor, and Pensions.

EC–500. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Report on Services Implementation of Title II of the Public Health Security and Bioterrorism Preparedness and Responses Act of 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–501. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Report on the Fiscal Year 2002 Low Income Home Energy Assistance Program; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. Res. 34. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAIG, from the Committee on Veterans' Affairs, without amendment:

S. Res. 35. An original resolution authorizing expenditures by the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 257. A bill to amend title 23, United States Code, to provide grant eligibility for a State that adopts a program for the impoundment of vehicles operated by persons while under the influence of alcohol; to the Committee on Environment and Public Works.

By Mr. DEWINE (for himself and Mr. DODD):

S. 258. A bill to amend the Public Health Service Act to enhance research, training, and health information dissemination with respect to urologic diseases, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON (for himself and Mr. THOMAS):

S. 259. A bill to require that Federal forfeiture funds be used, in part, to clean up methamphetamine laboratories; to the Committee on the Judiciary.

By Mr. INHOFE:

S. 260. A bill to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program; to the Committee on Environment and Public Works.

By Mr. LIEBERMAN (for himself, Mr. CHAFEE, Mr. KENNEDY, Mr. DAYTON, Mr. SALAZAR, Mr. REED, Mr. KERRY, Mr. KOHL, Ms. STABENOW, Mr. DURBIN, Ms. CANTWELL, Mr. DODD, Mr. BIDEN, Mr. FEINGOLD, Mr. LEAHY, Mr. CORZINE, Mr. LAUTENBERG, Mrs. MURRAY, Mr. HARKIN, Mr. SCHUMER, Mrs. CLINTON, Mr. SARBANES, Mrs. BOXER, and Mr. WYDEN):

S. 261. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. AKAKA):

S. 262. A bill to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California; to the Committee on Energy and Natural Resources.

By Mr. AKAKA (for himself, Mr. BAUCUS, Mrs. FEINSTEIN, Mr. DURBIN, Mr. ROBERTS, and Mr. INOUYE):

S. 263. A bill to provide for the protection of paleontological resources on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 264. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii; to the Committee on Energy and Natural Resources.

By Mr. FRIST (for himself, Mr. KENNEDY, Mr. ROBERTS, Mr. JEFFORDS, Mr. TALENT, Mrs. MURRAY, and Mrs. CLINTON):

S. 265. A bill to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself, Mr. KENNEDY, Mr. DURBIN, Mr. CORZINE, Mrs. CLINTON, Mr. DORGAN, Mrs. MURRAY, Mr. JOHNSON, Mr. REED, Mr. LIEBERMAN, and Mr. LEAHY):

S. 266. A bill to stop taxpayer funded Government propaganda; to the Committee on the Judiciary.

By Mr. CRAIG (for himself, Mr. WYDEN, and Mrs. FEINSTEIN):

S. 267. A bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Mrs. CLINTON, Mr. COCHRAN, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LUGAR, Mr. ROCKEFELLER, and Mr. WYDEN):

S. 268. A bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY (for himself, Mr. REED, Mr. DODD, Mr. BINGAMAN, Mr. KOHL, Mr. JEFFORDS, Ms. CANTWELL, Mr. JOHNSON, Mr. PRYOR, Mr. LEAHY, Mr. LEVIN, Mr. SCHUMER, Mr. LIEBERMAN, Mrs. CLINTON, Mr. HARKIN, Mr. KENNEDY, Mr. BAYH, and Mr. OBAMA):

S. 269. A bill to provide emergency relief to small business concerns affected by a significant increase in the price of heating oil, natural gas, propane, or kerosene, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. LUGAR:

S. 270. A bill to provide a framework for consideration by the legislative and executive branches of proposed unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights; to the Committee on Foreign Relations.

By Mr. MCCAIN (for himself, Mr. FEINGOLD, Mr. LOTT, Mr. LIEBERMAN, Mr. SCHUMER, Ms. SNOWE, Ms. COLLINS, and Mr. SALAZAR):

S. 271. A bill to amend the Federal Election Campaign Act of 1971 to 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 Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ENZI:

S. Res. 34. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions; from the Committee on Health, Education, Labor, and Pensions; to the Committee on Rules and Administration.

By Mr. CRAIG:

S. Res. 35. An original resolution authorizing expenditures by the Committee on Veterans' Affairs; from the Committee on Veterans' Affairs; to the Committee on Rules and Administration.

By Mr. ENSIGN (for himself and Mr. DODD):

S. Con. Res. 9. A concurrent resolution recognizing the second century of Big Brothers Big Sisters, and supporting the mission and goals of that organization; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 12

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 12, a bill to combat international terrorism, and for other purposes.

S. 20

At the request of Mr. REID, the names of the Senator from California (Mrs. BOXER) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 20, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce the number of abortions, and improve access to women's health care.

S. 29

At the request of Mrs. FEINSTEIN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 29, a bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

S. 53

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 53, a bill to amend the Mineral Leasing Act to authorize the Secretary of the Interior to issue separately, for the same area, a lease for tar sand and a lease for oil and gas, and for other purposes.

S. 77

At the request of Mr. SESSIONS, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 77, a bill to amend titles 10 and 38, United States Code, to improve death benefits for the families of deceased members of the Armed Forces, and for other purposes.

S. 119

At the request of Mrs. FEINSTEIN, the name of the Senator from Alaska (Ms.

MURKOWSKI) was added as a cosponsor of S. 119, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 121

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 121, a bill to amend titles 10 and 38, United States Code, to improve the benefits provided for survivors of deceased members of the Armed Forces, and for other purposes.

S. 145

At the request of Mr. NELSON of Florida, the name of the Senator from Alabama (Mr. SESSIONS) was withdrawn as a cosponsor of S. 145, a bill to amend title 10, United States Code, to require the naval forces of the Navy to include not less than 12 operational aircraft carriers.

S. 172

At the request of Mr. DEWINE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 172, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.

S. 185

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 185, a bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

S. 187

At the request of Mr. CORZINE, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 187, a bill to limit the applicability of the annual updates to the allowance for States and other taxes in the tables used in the Federal Needs Analysis Methodology for the award year 2005–2006, published in the Federal Register on December 23, 2004.

S. 188

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 188, a bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program.

S. 189

At the request of Mr. INHOFE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 189, a bill to amend the Head Start Act to require parental consent for nonemergency intrusive physical examinations.

S. 193

At the request of Mr. BROWNBACK, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 193, a bill to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

S. 241

At the request of Ms. SNOWE, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. CON. RES. 4

At the request of Mr. NELSON of Florida, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of the Congress that the Department of Defense should continue to exercise its statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees.

S. CON. RES. 8

At the request of Mr. SARBANES, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the pay of members of the uniformed services and the adjustments in the pay of civilian employees of the United States.

S. RES. 28

At the request of Mr. DODD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 28, a resolution designating the year 2005 as the ''Year of Foreign Language Study''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 257. A bill to amend title 23, United States Code, to provide grant eligibility for a State that adopts a program for the impoundment of vehicles operated by persons while under the influence of alcohol; to the Committee on Environment and Public Works.

Mr. CORZINE. Mr. President, this legislation addresses the serious national problem of drunk driving by helping to ensure that when drunken drivers are arrested, they can't simply get back into their car and put the lives of others in jeopardy. This is based on original legislation, known as ''John's Law,'' that I introduced in the Senate in the 108th Congress and that has already been enacted at the State level in New Jersey. I am proud that Senator LAUTENBERG will be co-sponsoring this legislation.

On July 22, 2000, Navy Ensign John Elliott was driving home from the United States Naval Academy in Annapolis for his mother's birthday when his car was struck by another car. Both Ensign Elliott and the driver of that car were killed. The driver of the car that caused the collision had a blood alcohol level that exceeded twice the legal limit.

What makes this tragedy especially distressing is that this same driver had been arrested and charged with driving under the influence of alcohol, DUI, just three hours before the crash. After being processed for that offense, he had been released into the custody of a friend who drove him back to his car and allowed him to get behind the wheel, with tragic results.

We need to ensure that drunken drivers do not get back behind the wheel before they sober up. With this legislation, States would be allowed to use some of their drunk driver prevention grant money from the Federal Government to impound the vehicles of drunk drivers for no less than 12 hours. This would help ensure that a drunk driver cannot get back behind the wheel until he is sober. And that would make our roads safer, and prevent the loss of many innocent lives.

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. 257

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 ''John's Law of 2005''.

SEC. 2. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.

Section 410(b)(1) of title 23, United States Code, is amended by adding at the end the following:

''(H) PROGRAM FOR IMPOUNDMENT OF VEHICLES.—A program to impound a vehicle for no less than 12 hours that is operated by a person who is arrested for operating the vehicle while under the influence of alcohol.''.

By Mr. DEWINE (for himself and Mr. DODD):

S. 258. A bill to amend the Public Health Service Act to enhance research, training, and health information dissemination with respect to urologic diseases, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, I rise along with Senator DODD to introduce the Training and Research in Urology Act—also known as the TRU Act. During my career in the U.S. Senate, I have supported the successful effort to double National Institutes of Health (NIH) research funding and have provided a strong voice for our children. This bill complements these past and continued efforts. It helps provide urologic scientists with the tools they need to find new cures for the many debilitating urologic diseases impacting men, women, and children. This legislation is important to my home state of Ohio and would impact many families in Ohio and nationwide who are afflicted with urologic diseases.

Ohio is a leader in urologic research. Researchers at the Children's Hospital of Cincinnati, the Cleveland Clinic, Case Western Reserve, and Ohio State University have made great strides toward achieving treatments. The fact is that urologic conditions affect millions of children and adults. Urology is a physiological system distinct from other body systems. Urologic conditions include incontinence, infertility, and impotence—all of which are extremely common, yet serious and debilitating. As many as 10 million children—more than 30,000 in Ohio—are affected by urinary tract problems, and some forms of these problems can be deadly. At least half of all diabetics have bladder dysfunctions, which can include urinary retention, changes in bladder compliance, and incontinence. Interstitial Cystitis (IC), a painful bladder syndrome, affects 200,000 people, mostly women. There are no known causes or cures, and few minimally effective treatments. Additionally, there are 7 million urinary tract infections in the United States each year.

Incontinence costs the healthcare system $25 billion each year and is a leading reason people are forced to enter nursing homes, impacting Medicare and Medicaid costs. Urinary tract infection treatment costs total more than $1 billion each year. Many urologic diseases, incontinence, erectile dysfunction, and cancer, increase in aging populations. Prostate cancer is the most common cancer in American men, and African-American men are at a greater risk for the disease. Medicare beneficiaries suffer from benign prostatic hyperplasia (BPH), which results in bladder dysfunction and urinary frequency. Fifty percent of men at age 60 have BPH. Treatment and surgery cost $2 billion per year.

Research for urologic disorders has failed to keep pace. Further delay translates into increased costs—in dollars, in needless suffering, and in the loss of human dignity. Incontinence costs the healthcare system $23 billion each year, yet only 90 cents per patient is spent on research—little more than the cost of a single adult undergarment. In 2002, only $5 million of the $88 million in new initiatives from the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK) was designated to urologic diseases and conditions. Of that $5 million, no new initiatives were announced for women's urologic health problems. In 2001, we spent less than five cents per child on research into pediatric urologic problems. The medications currently used are very expensive and have unknown, long-term side effects.

The TRU Act establishes a Division of Urology at the NIDDK—the home of the urology basic science program—and expands existing research mechanisms, like the successful George O'Brien Urology Research Centers. This will give NIH new opportunities for investment in efforts to combat and vanquish these diseases.

This legislation is necessary to elevate leadership in urology research at the NIDDK. When the Institute was created in its current form nearly 20 years ago, Congress specifically provided for three separate Division Directors. Regrettably, the current statute fails to provide the NIDDK with the flexibility to create additional Division Directors when necessary to better respond to current scientific opportunities. This prescriptive statutory language is unique to the NIDDK. For example, the National Cancer Institute and the National Heart, Lung, and Blood Institute do not have any statutory language regarding Division Directors.

Mr. President, the basic science breakthroughs of the last decade are literally passing urology by. A greater focus on urological diseases is needed at the NIDDK and will be best accomplished with senior leadership with expertise in urology as provided in the TRU Act. This legislation is supported by the Coalition for Urologic Research & Education (CURE)—a group representing tens of thousands of patients, researchers and healthcare providers. I urge my colleagues to join me as cosponsors of the TRU Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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. 258

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 ''Training and Research in Urology Act of 2005''.

SEC. 2. RESEARCH, TRAINING, AND HEALTH INFORMATION DISSEMINATION WITH RESPECT TO UROLOGIC DISEASES.

(a) DIVISION DIRECTOR OF UROLOGY.—Section 428 of the Public Health Service Act (42 U.S.C. 285c–2) is amended—

(1) in subsection (a)(1), by striking ''and a Division Director for Kidney, Urologic, and Hematologic Diseases'' and inserting ''a Division Director for Urologic Diseases, and a Division Director for Kidney and Hematologic Diseases'';

(2) in subsection (b)—

(A) by striking ''and the Division Director for Kidney, Urologic, and Hematologic Diseases'' and inserting ''the Division Director for Urologic Diseases, and the Division Director for Kidney and Hematologic Diseases''; and

(B) by striking ''(1) carry out programs'' and all that follows through the end and inserting the following:

''(1) carry out programs of support for research and training (other than training for which National Research Service Awards may be made under section 487) in the diagnosis, prevention, and treatment of diabetes mellitus and endocrine and metabolic diseases, digestive diseases and nutritional disorders, and kidney, urologic, and hematologic diseases, including support for training in medical schools, graduate clinical training (with particular attention to programs geared to the needs of urology residents and fellows), graduate training in epidemiology, epidemiology studies, clinical trials, and interdisciplinary research programs;

''(2) establish programs of evaluation, planning, and dissemination of knowledge related to such research and training;

''(3) in cooperation with the urologic scientific and patient community, develop and submit to the Congress not later than January 1, 2006, a national urologic research plan that identifies research needs in the various areas of urologic diseases, including pediatrics, interstitial cystitis, incontinence, stone disease, urinary tract infections, and benign prostatic diseases; and

''(4) in cooperation with the urologic scientific and patient community, review the national urologic research plan every 3 years beginning in 2009 and submit to the Congress any revisions or additional recommendations.''; and

(3) by adding at the end, the following:

''(c) There are authorized to be appropriated $500,000 for each of fiscal years 2006 and 2007 to carry out paragraphs (3) and (4) of subsection (b), and such sums as may be necessary thereafter.''.

(b) UROLOGIC DISEASES DATA SYSTEM AND INFORMATION CLEARINGHOUSE.—Section 427 of the Public Health Service Act (42 U.S.C. 285c–1) is amended—

(1) in subsection (c), by striking ''and Urologic'' and ''and urologic'' each place either such term appears; and

(2) by adding at the end the following:

''(d) The Director of the Institute shall—

''(1) establish the National Urologic Diseases Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with urologic diseases, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing urologic diseases; and

''(2) establish the National Urologic Diseases Information Clearinghouse to facilitate and enhance knowledge and understanding of urologic diseases on the part of health professionals, patients, and the public through the effective dissemination of information.''.

(c) STRENGTHENING THE UROLOGY INTERAGENCY COORDINATING COMMITTEE.—Section 429 of the Public Health Service Act (42 U.S.C. 285c–3) is amended—

(1) in subsection (a), by striking ''and a Kidney, Urologic, and Hematologic Diseases Coordinating Committee'' and inserting ''a Urologic Diseases Interagency Coordinating Committee, and a Kidney and Hematologic Diseases Interagency Coordinating Committee'';

(2) in subsection (b), by striking ''the Chief Medical Director of the Veterans' Administration,'' and inserting ''the Under Secretary for Health of the Department of Veterans Affairs''; and

(3) by adding at the end the following:

''(d) The urology interagency coordinating committee may encourage, conduct, or support intra- or interagency activities in urology research, including joint training programs, joint research projects, planning activities, and clinical trials.

''(e) For the purpose of carrying out the activities of the Urologic Diseases Interagency Coordinating Committee, there are authorized to be appropriated $5,000,000 for each of fiscal years 2006 through 2010, and such sums as may be necessary thereafter.''.

(d) NATIONAL UROLOGIC DISEASES ADVISORY BOARD.—Section 430 of the Public Health Service Act (42 U.S.C. 285c–4) is amended by striking ''and the National Kidney and Urologic Diseases Advisory Board'' and inserting ''the National Urologic Diseases Advisory Board, and the National Kidney Diseases Advisory Board''.

(e) EXPANSION OF O'BRIEN UROLOGIC DISEASE RESEARCH CENTERS.—

(1) IN GENERAL.—Subsection (c) of section 431 of the Public Health Service Act (42 U.S.C. 285c–5(c)) is amended in the matter preceding paragraph (1) by inserting ''There shall be no fewer than 15 such centers focused exclusively on research of various aspects of urologic diseases, including pediatrics, interstitial cystitis, incontinence, stone disease, urinary tract infections, and benign prostatic diseases.'' before ''Each center developed''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 431 of the Public Health Service Act (42 U.S.C. 285c–5) is amended by adding at the end the following:

''(f) There are authorized to be appropriated for the urologic disease research centers described in subsection (c) $22,500,000 for each of fiscal years 2006 through 2010, and such sums as are necessary thereafter.''.

(3) TECHNICAL AMENDMENT.—Subsection (c) of section 431 of the Public Health Service Act (42 U.S.C. 285c–5(c)) is amended at the beginning of the unnumbered paragraph—

(A) by striking ''shall develop and conduct'' and inserting ''(2) shall develop and conduct''; and

(B) by aligning the indentation of such paragraph with the indentation of paragraphs (1), (3), and (4).

(f) SUBCOMMITTEE ON UROLOGIC DISEASES.—Section 432 of the Public Health Service Act (42 U.S.C. 285c–6) is amended by striking ''and a subcommittee on kidney, urologic, and hematologic diseases'' and inserting ''a subcommittee on urologic diseases, and a subcommittee on kidney and hematologic diseases''.

(g) LOAN REPAYMENT TO ENCOURAGE UROLOGISTS AND OTHER SCIENTISTS TO ENTER RESEARCH CAREERS.—Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) is amended by inserting after section 434A the following:

''LOAN REPAYMENT PROGRAM FOR UROLOGY RESEARCH

''SEC. 434B. (a) ESTABLISHMENT.—Subject to subsection (b), the Secretary shall carry out a program of entering into contracts with appropriately qualified health professionals or other qualified scientists under which such health professionals or scientists agree to conduct research in the field of urology, as employees of the National Institutes of Health or of an academic department, division, or section of urology, in consideration of the Federal Government agreeing to repay, for each year of such research, not more than $35,000 of the principal and interest of the educational loans of such health professionals or scientists.

''(b) LIMITATION.—The Secretary may not enter into an agreement with a health professional or scientist pursuant to subsection (a) unless the professional or scientist—

''(1) has a substantial amount of educational loans relative to income; and

''(2) agrees to serve as an employee of the National Institutes of Health or of an academic department, division, or section of urology for purposes of the research requirement of subsection (a) for a period of not less than 3 years.

''(c) APPLICABILITY OF CERTAIN PROVISIONS.—Except as inconsistent with this section, the provisions of subpart 3 of part D of title III apply to the program established under subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established under such subpart.''.

(h) AUTHORIZATION OF APPROPRIATIONS FOR UROLOGY RESEARCH.—Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) (as amended by subsection (g)) is further amended by inserting after section 434B the following:

''AUTHORIZATION OF APPROPRIATIONS FOR UROLOGY RESEARCH.

''SEC. 434C. There are authorized to be appropriated to the Director of NIH for the purpose of carrying out intra- and interagency activities in urology research (including training programs, joint research projects, and joint clinical trials) $5,000,000 for each of fiscal years 2006 through 2010, and such sums as may be necessary thereafter. Amounts authorized to be appropriated under this section shall be in addition to amounts otherwise available for such purpose.''.

Mr. DODD. Mr. President, I am pleased today to join my colleague, Senator MIKE DEWINE, in introducing the Training and Research in Urology Act—the ''TRU'' Act. Each day, millions of American men, women and children suffer with urologic conditions—children suffering from urological abnormalities, women living with painful urologic illnesses, the elderly for whom urologic conditions can present a wide variety of very serious health problems. The silent struggle of patients with urologic diseases has gone on too long. The legislation we introduce today seeks to ease the burden of millions of Americans suffering from urologic illnesses.

The amazing breakthroughs of the last decade in basic science have resulted in new treatments and even cures for some urologic conditions. Unfortunately, these exciting advancements often fail to reach many who suffer from urologic diseases. It is time to change the way we think and deal with urologic disease.

The TRU Act will create a new urology-specific division at the National Institute of Diabetes & Digestive & Kidney Diseases, NIDDK. Senior urology leadership at NIDDK will assure that urology receives adequate attention and will allow science to drive the research agenda. Federal legislation is necessary because more than 20 years ago Congress established the current three divisions within NIDDK. Unlike the other institutes at NIH, the director does not have the authority to establish new divisions when warranted. Urologic discoveries have advanced the science over the past two decades and I believe a urology division at NIDDK will assure continued progress in urology research.

I was surprised to learn that the most frequently occurring birth defects are related to urologic conditions. In fact, Spina Bifida alone affects approximately 4,000 newborns in the United States each year. The Spina Bifida Association of America informed me that those living ''with Spina Bifida often refer to the complications associated with neurogenic bowel and bladder as the most difficult for them both physically and socially. ''

The TRU Act would also charge NIDDK with creating a national urologic research plan and create an additional 10 centers for the study of urologic diseases, as well as recruit and retain talented investigators through a loan repayment program.

In Connecticut, as in many states, there is important urologic research being conducted currently. Researchers at Yale University have made great strides toward achieving treatments of benefit to all Americans. For example, Benign Prostatic Hyperplasia, BPH, commonly referred as an enlarged prostate, impacts more than 125,000 men in Connecticut and more than 50 percent of men 60 years of age and older. BPH is the second most common kidney or urologic condition requiring hospitalization and the fifth leading reason for physician visits. Yale University's Dr. Harris Foster, Jr. is studying the use of phytotherapy to relieve lower urinary tract symptoms, particularly BPH. The research supported by the TRU Act will support this and other important urologic research initiatives nationwide.

The TRU Act is supported by the Spina Bifida Association of America and the Urology Section of the American Academy of Pediatrics, as well as the Coalition for Urologic Research and Education, CURE, a group representing hundreds of thousands of patients, researchers and healthcare providers, including the Men's Health Network and the Society for Women's Health Research.

The TRU Act will lead urology research and training into the 21st century, and more important, it will lead to better the lives of millions of patients, young and old, struggling to live with urologic diseases. Therefore, I join my colleague in supporting this worthy measure and urge all of my colleagues to support this important legislation.

By Mr. INHOFE:

S. 260. A bill to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, today I am introducing the Partners for Fish and Wildlife Act.

On August 26, 2004, President Bush signed Executive Order 13352 promoting a new approach to conservation within the Federal government's conservation and environmental departments. This Executive Order was offered to ensure that Federal agencies pursue cooperative conservation actions designed to involve private landowners rather than simply making mandates which private landowners must fulfill.

An example of this new cooperative conservation is the Partners for Fish and Wildlife Program. Since 1987, the Partners Program has been a successful voluntary partnership program that helps private landowners restore fish and wildlife habitat on their own lands.

Through 33,103 agreements with private landowners, the Partners Program has accomplished the restoration of 677,000 acres of wetlands, 1,253,700 acres of prairies and native grasslands, and 5,560 miles of riparian and in-stream habitat. Partners Program agreements are funded through contributions from the U.S. Fish and Wildlife Service along with cash and in-kind contributions from participating private landowners. Since 1990, the U.S. Fish and Wildlife Service has provided $3,511,121 to restore habitat in Oklahoma through the Partners Program, to which private landowners have contributed $12,638,272.

In Oklahoma, 97 percent of land is held in private ownership. Since 1990, a total of 124,285 acres in Oklahoma has been restored through 700 individual Partners Program voluntary agreements with private landowners. The U.S. Fish and Wildlife Service District Office in Tulsa currently reports that at least another 100 private landowners are waiting to enter into Partner's projects as soon as funds become available.

As chairman of the Senate Environment and Public Works Committee, a new approach to conservation is especially important to me. All conservation programs should create positive incentives to protect species and, above all, should hold sacred the rights of private landowners. A positive step toward those aims is authorization of the Partners for Fish and Wildlife Program which has already proven to be an effective habitat conservation program that leverages federal funds and utilizes voluntary private landowner participation. To date, the Partners Program has received little attention. My bill will build on this successful program to provide additional funding and added stability.

I am pleased to author legislation to authorize a program with a proven record in positive and actual conservation.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. AKAKA):

S. 262. A bill to authorize appropriations to the Secretary of Interior for the restoration of the Angel Island Immigration Station in the State of California; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Angel Island Immigration Station Restoration and Preservation Act, with Senator BOXER as an original cosponsor.

This legislation authorizes the use of up to $15 million in Federal funds for ongoing efforts to restore and preserve the Angel Island Immigration Station located on Angel Island in San Francisco Bay.

I understand that Congresswoman LYNN WOOLSEY is introducing similar legislation in the House. In the 108th Congress, Congresswoman WOOLSEY's Angel Island bill passed the House.

The Angel Island Immigration Station is an important piece of American history, especially to our Nation's Asian American and immigrant communities.

From the mid 19th to early 20th century, millions of people came to America in pursuit of the American dream. Most people are familiar with Ellis Island and the stories of immigrants coming to America and seeing the Statue of Liberty in New York Harbor, but often forgotten are the experiences of those who made it to America through the West Coast by way of Angel Island. Just like those who came through Ellis Island, there are many stories of triumph and tribulation associated with Angel Island.

However, for the Chinese and those from other Asian countries who came through Angel Island Immigration Station the story goes a bit further.

The economic downturn in the 1870s brought political pressures to deal with the increasing population of Chinese who risked everything to travel to ''Gold Mountain'' in search of a better life. Amongst the harshest of measures taken was the passage of the Chinese Exclusion Act of 1882, the only legislation enacted by Congress to ban a specific ethnic population from entry into the United States.

To enforce this new law and subsequent legislation which excluded most Asian immigrants to this country, the Angel Island Immigration Station was established in 1910.

After a difficult journey across the Pacific Ocean, many new arrivals were brought to the Station where they faced separation from their family, embarrassing medical examinations, grueling interrogations and long detainments that lasted months, even years, in living deplorable conditions.

Testaments to these experiences can be found today on the wooden walls of the barracks. Many of the detainees told their stories through poems that they carved on the barrack walls. Using allegories and historical references, they described their aspirations for coming to America as well as expressed their anger and sadness at the treatment they received. However, this experience did not break the spirit of these new courageous immigrants. They endured and established new roots and made immeasurable contributions to this nation.

The Station was closed in 1940 and three years later Congress repealed the Chinese Exclusion Act. For the next 20 years the Station remained mostly unused except for a short term during World War II, when it was used as a prisoner of war camp.

In 1963, Angel Island became a State park and the California Department of Parks and Recreation assumed stewardship of the Immigration Station.

In the late 1990's, the Station was a declared a National Historic Landmark and named on ''America's 11 Most Endangered Historic Places.'' In 1998, Congress approved $300,000 to conduct a study to determine the feasibility and desirability of preserving sites within the Golden Gate National Recreation Area (GGNRA) which includes the Immigration Station. As a result, a historic three-party agreement was created between the National Park Service, California Department of Parks and the Angel Island Immigration Station Foundation to conduct this study. In 2000, Save America's Treasures named the Angel Island Immigration Station one of its Official Projects and provided $500,000 for the preservation of poems carved into the walls.

The Station is supported by the people of California as well as numerous private interests. The voters of California voted in 2000 to set aside $15 million for restoration of the Station through Proposition 12 and in addition approximately $1.1 million in private funds has been raised so far. Most recently, in December 2004, the California Cultural and Historical Endowment Board voted to reserve $3 million pending further staff findings for the Immigration Station.

The legislation limits Federal funding to 50 percent the total funds from all sources spent to restore the Angel Island Immigration Station. The remaining money will be provided through State bond funding and raised through private means, making this a true public private partnership.

Today, approximately 200,000 visits are made each year to Angel Island by ferry from San Francisco, Tiburon and Alameda. In addition, 60,000 visits are made to the Immigration Station, about half of which are students on guided tours.

The resources secured so far have set in motion designing, planning and initial restoration efforts of the Immigration Station but much more is needed, particularly to save the Immigration Station Hospital building, which is deteriorating.

The bill I am introducing today will authorize $15 million in Federal funding to complete the restoration of the Angel Island Immigration Station so the stories of these early Americans who courageously endured the experience at the Angel Island Immigration Station will be preserved for future generations.

I urge my colleagues to support this bill. 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. 262

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 ''Angel Island Immigration Station Restoration and Preservation Act''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Angel Island Immigration Station, also known as the Ellis Island of the West, is a National Historic Landmark.

(2) Between 1910 and 1940, the Angel Island Immigration Station processed more than

1,000,000 immigrants and emigrants from around the world.

(3) The Angel Island Immigration Station contributes greatly to our understanding of our Nation's rich and complex immigration history.

(4) The Angel Island Immigration Station was built to enforce the Chinese Exclusion Act of 1882 and subsequent immigration laws, which unfairly and severely restricted Asian immigration.

(5) During their detention at the Angel Island Immigration Station, Chinese detainees carved poems into the walls of the detention barracks. More than 140 poems remain today, representing the unique voices of immigrants awaiting entry to this country.

(6) More than 50,000 people, including 30,000 schoolchildren, visit the Angel Island Immigration Station annually to learn more about the experience of immigrants who have traveled to our shores.

(7) The restoration of the Angel Island Immigration Station and the preservation of the writings and drawings at the Angel Island Immigration Station will ensure that future generations also have the benefit of experiencing and appreciating this great symbol of the perseverance of the immigrant spirit, and of the diversity of this great Nation.

SEC. 3. RESTORATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior $15,000,000 for restoring the Angel Island Immigration Station in the San Francisco Bay, in coordination with the Angel Island Immigration Station Foundation and the California Department of Parks and Recreation.

(b) FEDERAL FUNDING.—Federal funding under this Act shall not exceed 50 percent of the total funds from all sources spent to restore the Angel Island Immigration Station.

(c) PRIORITY.—(1) Except as provided in paragraph (2), the funds appropriated pursuant to this Act shall be used for the restoration of the Immigration Station Hospital on Angel Island.

(2) Any remaining funds in excess of the amount required to carry out paragraph (1) shall be used solely for the restoration of the Angel Island Immigration Station.

By Mr. AKAKA (for himself, Mr. BAUCUS, Mrs. FEINSTEIN, Mr. DURBIN, Mr. ROBERTS, and Mr. INOUYE):

S. 263. A bill to provide for the protection of paleontological resources on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, I rise today to introduce the Paleontological Resources Preservation Act to protect and preserve the Nation's important fossil record for the benefit of our citizens. I am pleased to have Senators BAUCUS, FEINSTEIN, DURBIN, ROBERTS, and INOUYE join me as original cosponsors on this significant legislation.

This bill was reported favorably by the Senate Committee on Energy and Natural Resources, and approved by unanimous consent during the 108th Congress. A similar bill was introduced in the other body by Representative JAMES R. MCGOVERN, with 15 cosponsors, but was not reported by the Resources Committee. I hope we can pass this again quickly in the Senate and move the bill in the House of Representatives.

You may remember that in 1999, Congress requested that the Secretary of the Interior review and report on the Federal policy concerning paleontological resources on Federal lands. In its request, Congress noted that no unified Federal policy existed regarding the—treatment of fossils by Federal land management agencies, and emphasized Congress's concerns that a lack of appropriate standards would lead to the deterioration or loss of fossils, which are valuable scientific resources. Unfortunately, that situation remains the case today.

In the past year alone, there have been compelling finds of fossils that are helping us unlock the mysteries of the past from the earth, whether violent tectonic cataclysms or depletion of oxygen in the oceans and consequent drastic changes in species. The National Parks Conservation Association NPCA, a bipartisan non-profit organization dedicated to protecting and enhancing National Parks, recently called for ''stronger laws, better enforcement, and better education programs . . . to more fully protect these valuable [fossil] relics.'' In its Fall 2004 issue of National Parks, the article described the discovery at Wind Cave National Park, South Dakota, in July 2003, of fossilized remains of a 5-foot tall hornless rhinoceros, a collie-sized horse, and a foot-tall, deer-like mammal.

National Parks are the home of many extraordinary fossil discoveries already, such as the graveyards of 20-million-year old camels and rhinos at Agate Fossil Beds National Monument in Nebraska, the only pygmy island-dwelling mammoth at Channel Islands National Park in California; and tropical dinosaurs in what are now the arid lands of the Painted Desert of southern Arizona.

Besides the National Park Service, other Federal land management agencies have a number of regulations and directives on paleontological resources, but they are not consistent and there is no clear statutory language providing direction in protecting and curating fossils. I would like to commend to my colleagues two reports recently published by the Congressional Research Service, CRS, which we know as an impartial, non-partisan legislative research service that provides analysis for Congress. The CRS American Law Division published two reports entitled ''Federal Management and Protection of Fossil Resources on Federal Lands'' and, ''Paleontological Resources Protection Act: Proposal for the Management and Protection of Fossil Resources Located on Federal Lands.''

These two reports analyze the status and activities of Federal agencies with paleontological responsibilities, the statutory authorities for fossils, the case law supporting them, and the bills recently introduced on fossils such as S. 546 in the 108th Congress. The reports point out that several Federal agencies have management authority for the protection of fossil resources on the lands under their jurisdiction—the Department of the Interior's Bureau of Land Management, Bureau of Reclamation, Fish and Wildlife Service, and National Park Service, and the U.S. Department of Agriculture's U.S. Forest Service. The report also points out that the U.S. Geological Survey, Department of Defense, and Smithsonian Institution have some fossil responsibilities. The reports further find that agency enforcement and prosecution policies differ greatly and there is only limited and scattered authority for Federal management and protection of fossil resources on Federal lands.

The report concludes that the scattered authorities result in case law on fossil protection that is not well developed and not necessarily consistent. The cases do not provide clear case precedent and are not necessarily applicable to broader protection, regulation, management, and marketing issues.

Both reports conclude that there is an absence of uniform regulations for paleontological resources on Federal lands—as shown by an absence of precise uniform definitions of key terms—and that there is no comprehensive statute or management policy for the protection and management of fossils on Federal lands.

The Paleontological Resources Preservation Act embodies the principles recommended by an interagency group in a 2000 report to Congress entitled ''Assessment of Fossil Management on Federal and Indian Lands.'' The bill provides the paleontological equivalent of protections found in the Archaeological Resources Preservation Act. The bill finds that fossil resources on Federal lands are an irreplaceable part of the heritage of the United States and affirms that reasonable access to fossil resources should be provided for scientific, educational, and recreational purposes. The bill acknowledges the value of amateur collecting and provides an exception for casual collecting of invertebrate fossils, but protects vertebrate fossils found on Federal lands under a system of permits. The fossil bill does not restrict access of the interested public to fossils on public lands but rather will help create opportunities for involvement. For example, there are many amateur paleontologists volunteering to assist in the excavation and curation of fossils on national park lands already.

Finally, I would like to emphasize that this bill in no way affects archaeological or cultural resources under the Archaeological Resources Protection Act of 1979 or the Native American Graves Protection and Rehabilitation Act. They are exempted because they are very different types of resources This bill covers only paleontological remains—fossils on Federal lands.

As we look toward the future, public access to fossil resources will take on a new meaning, as digital images of fossils become available worldwide. Discoveries in paleontology are made

more frequently than we realize. They shape how we learn about the world around us. In January of this year, Science Express, the on-line version of the journal Science, reported two studies using paleontological data to understand the causes of the ''Great Dying,'' or mass extinctions that occurred about 250 million years ago in the Permian-Triassic period. The Paleontological Resources Preservation Act would create a legacy for the production of scientific knowledge for future generations.

The protections offered in this act are not new. Federal land management agencies already have individual regulations prohibiting theft of government property. However, the reality is that U.S. attorneys are reluctant to prosecute cases involving fossil theft because they are difficult. The National Park Service reported 721 incidents of vandalism; and visitors annually take up to 12 tons of petrified wood from Petrified Forest National Park, a fact that has lead the NPCA to place the Petrified National Forest on its ''Ten Most Endangered National Parks'' lists in 2000 and 2001.

Congress has not provided a clear statute stating the value of paleontological resources to our Nation, as has been provided for archaeological resources. Fossils are too valuable to be left within the general theft provisions that are difficult to prosecute, and they are too valuable to the education of our children not to ensure public access. We need to work together to make sure that we fulfill our responsibility as stewards of public lands, and as protectors of our Nation's natural resources.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 263

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 ''Paleontological Resources Preservation Act''.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) CASUAL COLLECTING.—The term ''casual collecting'' means the collecting of a reasonable amount of common invertebrate and plant paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools resulting in only negligible disturbance to the Earth's surface and other resources. As used in this paragraph, the terms ''reasonable amount'', ''common invertebrate and plant paleontological resources'' and ''negligible disturbance'' shall be determined by the Secretary.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior with respect to lands controlled or administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System Lands controlled or administered by the Secretary of Agriculture.

(3) FEDERAL LANDS.—The term ''Federal lands'' means—

(A) lands controlled or administered by the Secretary of the Interior, except Indian lands; or

(B) National Forest System lands controlled or administered by the Secretary of Agriculture.

(4) INDIAN LANDS.—The term ''Indian Land'' means lands of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

(5) STATE.—The term ''State'' means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(6) PALEONTOLOGICAL RESOURCE.—The term ''paleontological resource'' means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include—

(A) any materials associated with an archaeological resource (as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)); or

(B) any cultural item (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)).

SEC. 3. MANAGEMENT.

(a) IN GENERAL.—The Secretary shall manage and protect paleontological resources on Federal lands using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize interagency coordination and collaborative efforts where possible with non-Federal partners, the scientific community, and the general public.

(b) COORDINATION.—To the extent possible, the Secretary of the Interior and the Secretary of Agriculture shall coordinate in the implementation of this Act.

SEC. 4. PUBLIC AWARENESS AND EDUCATION PROGRAM.

The Secretary shall establish a program to increase public awareness about the significance of paleontological resources.

SEC. 5. COLLECTION OF PALEONTOLOGICAL RESOURCES.

(a) PERMIT REQUIREMENT.—

(1) IN GENERAL.—Except as provided in this Act, a paleontological resource may not be collected from Federal lands without a permit issued under this Act by the Secretary.

(2) CASUAL COLLECTING EXCEPTION.—The Secretary may allow casual collecting without a permit on Federal lands controlled or administered by the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service, where such collection is consistent with the laws governing the management of those Federal lands and this Act.

(3) PREVIOUS PERMIT EXCEPTION.—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this Act.

(b) CRITERIA FOR ISSUANCE OF A PERMIT.—The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

(1) the applicant is qualified to carry out the permitted activity;

(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

(3) the permitted activity is consistent with any management plan applicable to the Federal lands concerned; and

(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

(c) PERMIT SPECIFICATIONS.—A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this Act. Every permit shall include requirements that—

(1) the paleontological resource that is collected from Federal lands under the permit will remain the property of the United States;

(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

(3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.

(d) MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS.—

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for resource, safety, or other management considerations; or

(B) when there is a violation of term or condition of a permit issued pursuant to this section.

(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 9 or is assessed a civil penalty under section 10.

(e) AREA CLOSURES.—In order to protect paleontological or other resources and to provide for public safety, the Secretary may restrict access to or close areas under the Secretary's jurisdiction to the collection of paleontological resources.

SEC. 6. CURATION OF RESOURCES.

Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

SEC. 7. PROHIBITED ACTS; CRIMINAL PENALTIES.

(a) IN GENERAL.—A person may not—

(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal lands unless such activity is conducted in accordance with this Act;

(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have been excavated or removed from Federal lands in violation of any provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this Act; or

(3) sell or purchase or offer to sell or purchase any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal lands.

(b) FALSE LABELING OFFENSES.—A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal lands.

(c) PENALTIES.—A person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be fined in accordance with title 18, United States Code, or imprisoned not more than 10 years, or both; but if the sum of the commercial and paleontological value of the paleontological

resources involved and the cost of restoration and repair of such resources does not exceed $500, such person shall be fined in accordance with title 18, United States Code, or imprisoned not more than one year, or both.

(d) GENERAL EXCEPTION.—Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to the date of the enactment of this Act.

SEC. 8. CIVIL PENALTIES.

(a) IN GENERAL.—

(1) HEARING.—A person who violates any prohibition contained in an applicable regulation or permit issued under this Act may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section.

(2) AMOUNT OF PENALTY.—The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this Act, taking into account the following factors:

(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved, as determined by the Secretary.

(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

(C) Any other factors considered relevant by the Secretary assessing the penalty.

(3) MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.

(4) LIMITATION.—The amount of any penalty assessed under this subsection for any one violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

(b) PETITION FOR JUDICIAL REVIEW; COLLECTION OF UNPAID ASSESSMENTS.—

(1) JUDICIAL REVIEW.—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred within the 30-day period beginning on the date the order making the assessment was issued. Upon notice of such filing, the Secretary shall promptly file such a certified copy of the record on which the order was issued. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evidence on the record considered as a whole.

(2) FAILURE TO PAY.—If any person fails to pay a penalty under this section within 30 days—

(A) after the order making assessment has become final and the person has not filed a petition for judicial review of the order in accordance with paragraph (1); or

(B) after a court in an action brought in paragraph (1) has entered a final judgment upholding the assessment of the penalty, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which the person if found, resides, or transacts business, to collect the penalty (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). The district court shall have jurisdiction to hear and decide any such action. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings.

(c) HEARINGS.—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

(d) USE OF RECOVERED AMOUNTS.—Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, or to acquire sites with equivalent resources, and to protect, monitor, and study the resources and sites. Any acquisition shall be subject to any limitations contained in the organic legislation for such Federal lands.

(2) To provide educational materials to the public about paleontological resources and sites.

(3) To provide for the payment of rewards as provided in section 11.

SEC. 9. REWARDS AND FORFEITURE.

(a) REWARDS.—The Secretary may pay from penalties collected under section 9 or 10—

(1) consistent with amounts established in regulations by the Secretary; or

(2) if no such regulation exists, an amount equal to the lesser of one-half of the penalty or $500, to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which the penalty was paid. If several persons provided the information, the amount shall be divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) FORFEITURE.—All paleontological resources with respect to which a violation under section 9 or 10 occurred and which are in the possession of any person, and all vehicles and equipment of any person that were used in connection with the violation, shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture. All provisions of law relating to the seizure, forfeiture, and condemnation of property for a violation of this Act, the disposition of such property or the proceeds from the sale thereof, and remission or mitigation of such forfeiture, as well as the procedural provisions of chapter 46 of title 18, United States Code, shall apply to the seizures and forfeitures incurred or alleged to have incurred under the provisions of this Act.

(c) TRANSFER OF SEIZED RESOURCES.—The Secretary may transfer administration of seized paleontological resources to Federal or non-Federal educational institutions to be used for scientific or educational purposes.

SEC. 10. CONFIDENTIALITY.

Information concerning the nature and specific location of a paleontological resource the collection of which requires a permit under this Act or under any other provision of Federal law shall be exempt from disclosure under section 552 of title 5, United States Code, and any other law unless the Secretary determines that disclosure would—

(1) further the purposes of this Act;

(2) not create risk of harm to or theft or destruction of the resource or the site containing the resource; and

(3) be in accordance with other applicable laws.

SEC. 11. REGULATIONS.

As soon as practical after the date of the enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this Act, providing opportunities for public notice and comment.

SEC. 12. SAVINGS PROVISIONS.

Nothing in this Act shall be construed to—

(1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under the general mining laws, the mineral or geothermal leasing laws, laws providing for minerals materials disposal, or laws providing for the management or regulation of the activities authorized by the aforementioned laws including but not limited to the Federal Land Policy Management Act (43 U.S.C. 1701–1784), the Mining in the Parks Act, the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201–1358), and the Organic Administration Act (16 U.S.C. 478, 482, 551);

(2) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under existing laws and authorities relating to reclamation and multiple uses of Federal lands;

(3) apply to, or require a permit for, casual collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this Act;

(4) affect any lands other than Federal lands or affect the lawful recovery, collection, or sale of paleontological resources from lands other than Federal lands;

(5) alter or diminish the authority of a Federal agency under any other law to provide protection for paleontological resources on Federal lands in addition to the protection provided under this Act; or

(6) create any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in that capacity. No person who is not an officer or employee of the United States acting in that capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this Act.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 264. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, I rise today with the senior Senator from Hawaii to introduce legislation to authorize three important water reclamation projects in the State of Hawaii. This legislation, the Hawaii Water Resources Act of 2005, is identical to legislation considered in the 108th Congress that passed the Senate by unanimous consent on May 19, 2004.

Although one usually does not readily associate the State of Hawaii as a place with drought problems, Hawaii has been experiencing drought conditions since 1998. The Hawaii Water Resources Act of 2005 builds upon the Hawaii Water Resources Act of 2000 P.L. 106–566 that authorized the Bureau of Reclamation to survey irrigation and water delivery systems in Hawaii and

identify new opportunities for reclamation and reuse of water and wastewater for agriculture and non-agricultural purposes. While the Act resulted in the development of the initial Hawaii Drought Plan in 2000, which was updated this past year to incorporate comments and recommendations made by the Bureau of Reclamation, more needs to be done.

Although Hawaii is just beginning to recover from a multi-year drought, the National Weather Service has indicated that due to a mild El Niño effect in the Pacific Ocean, Hawaii may again experience another period of drought. It is imperative for Hawaii to improve its ways to reduce consumption of drinking water. The legislation that I am introducing today, the Hawaii Water Resources Act of 2005, will help the State of Hawaii to be proactive by authorizing projects that will address the demand on our freshwater supply, especially on the islands of Oahu, Maui, and Hawaii.

The legislation authorizes three projects. The first project, in Honolulu, will provide reliable potable water through resource diversification to meet existing and future demands, particularly in the Ewa area of Oahu where water demands are outpacing the availability of drinking water. The second project, in North Kona, will address the issue of effluent being discharged into a temporary disposal sump from the Kealakehe Wastewater Treatment Plant. The project would utilize subsurface wetlands to naturally clean the effluent and convey the recycled water to a number of users. The third project, in Lahaina, will reduce the use of potable water by extending the County of Maui's main recycled water pipeline.

The Hawaii Water Resources Act of 2005 will begin the next phase of ensuring that the State of Hawaii will continue to have a supply of fresh drinking water. It is vitally important for the State to begin working on these water reclamation projects and I urge my colleagues to support this legislation which is important to communities in Hawaii.

By Mr. FRIST (for himself, Mr. KENNEDY, Mr. ROBERTS, Mr. JEFFORDS, Mr. TALENT, Mrs. MURRAY, and Mrs. CLINTON):

S. 265. A bill to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, each year, nearly 1 of every 10 Americans is injured and requires medical attention. Injuries are the fifth leading cause of death in the United States. Trauma kills more people between the ages of one and 44 than any other disease or illness.

While injury prevention programs have greatly reduced death and disability, severe injuries will continue. Given the mass trauma events of September 11, 2001 and our Nation's renewed focus on enhancing disaster preparedness, it is critical that the Federal Government increase its commitment to strengthening programs governing trauma care system planning and development.

The direct and indirect cost of injury is estimated to be about $224 billion a year, according to the Centers for Disease Control and Prevention. The death rate from unintentional injury is more than 50 percent higher in rural areas than in urban areas. Only one fourth of the U.S. population lives in an area served by a trauma care system. Studies of conventional trauma care show that as many as 35 percent of trauma patient deaths could have been prevented if optimal acute care had been available. It is essential that all Americans have access to a trauma system that provides needed care as quickly as possible.

Since 1990, Congress has sought to improve care through the Trauma Care Systems Planning and Development Act. This Act provides grants for planning, implementing, and developing statewide trauma care systems. This critical program must be reauthorized. Therefore, I am introducing bipartisan legislation today, along with Senators KENNEDY, ROBERTS, JEFFORDS, TALENT, CLINTON, and MURRAY to reauthorize this program.

Despite our past investments, one half of the States in the country are still without a statewide trauma care system. Clearly we can do better. We must respond to the goals put forth by the Institute of Medicine in 1999—that Congress ''support a greater national commitment to, and support of, trauma care systems at the federal, state, and local levels.''

The ''Trauma Care Systems Planning and Development Act of 2005'', reauthorizes this program with several improvements: first, it improves the collection and analysis of trauma patient data with the goal of improving the overall system of care for these patients; second, the bill reduces the amount of matching funds that states will have to provide to participate in the program so that we can extend quality trauma care systems across the nation; third, the legislation provides a self-evaluation mechanism to assist states in assessing and improving their trauma care systems; fourth, it authorizes the Institute of Medicine to study the state of trauma care and trauma research; and finally, it doubles the funding available for this program to allow additional states to participate.

I appreciate the support of my cosponsors. I look forward to working with them, and with Senator ENZI, the Chairman of the Senate Health, Education, Labor, and Pensions Committee, to see this bill passed this year.

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. 265

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 ''Trauma Care Systems Planning and Development Act of 2005''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Federal Government and State governments have established a history of cooperation in the development, implementation, and monitoring of integrated, comprehensive systems for the provision of emergency medical services.

(2) Trauma is the leading cause of death of Americans between the ages of 1 and 44 years and is the third leading cause of death in the general population of the United States.

(3) In 1995, the total direct and indirect cost of traumatic injury in the United States was estimated at $260,000,000,000.

(4) There are 40,000 fatalities and 5,000,000 nonfatal injuries each year from motor vehicle-related trauma, resulting in an aggregate annual cost of $230,000,000,000 in medical expenses, insurance, lost wages, and property damage.

(5) Barriers to the receipt of prompt and appropriate emergency medical services exist in many areas of the United States.

(6) The number of deaths from trauma can be reduced by improving the systems for the provision of emergency medical services in the United States.

(7) Trauma care systems are an important part of the emergency preparedness system needed for homeland defense.

SEC. 3. AMENDMENTS.

(a) ESTABLISHMENT.—Section 1201 of the Public Health Service Act (42 U.S.C. 300d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting '', acting through the Administrator of the Health Resources and Services Administration,'' after ''Secretary'';

(B) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(C) by inserting after paragraph (2) the following:

''(3) collect, compile, and disseminate information on the achievements of, and problems experienced by, State and local agencies and private entities in providing trauma care and emergency medical services and, in so doing, give special consideration to the unique needs of rural areas;'';

(D) in paragraph (4), as redesignated by subparagraph (B)—

(i) by inserting ''to enhance each State's capability to develop, implement, and sustain the trauma care component of each State's plan for the provision of emergency medical services'' after ''assistance''; and

(ii) by striking ''and'' after the semicolon;

(E) in paragraph (5), as redesignated by subparagraph (B), by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(6) promote the collection and categorization of trauma data in a consistent and standardized manner.'';

(2) in subsection (b), by inserting '', acting through the Administrator of the Health Resources and Services Administration,'' after ''Secretary''; and

(3) by striking subsection (c).

(b) CLEARINGHOUSE ON TRAUMA CARE AND EMERGENCY MEDICAL SERVICES.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) by striking section 1202; and

(2) by redesignating section 1203 as section 1202.

(c) ESTABLISHMENT OF PROGRAMS FOR IMPROVING TRAUMA CARE IN RURAL AREAS.—Section 1202(a) of the Public Health Service Act, as such section was redesignated by subsection (b), is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by inserting '', such as advanced trauma life support,'' after ''model curricula'';

(2) in paragraph (4), by striking ''and'' after the semicolon;

(3) in paragraph (5), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(6) by increasing communication and coordination with State trauma systems.''.

(d) REQUIREMENT OF MATCHING FUNDS FOR FISCAL YEARS SUBSEQUENT TO FIRST FISCAL YEAR OF PAYMENTS.—Section 1212 of the Public Health Service Act (42 U.S.C. 300d–12) is amended—

(1) in subsection (a)(1)—

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

(B) by striking subparagraph (B) and inserting the following:

''(B) for the third fiscal year of such payments to the State, not less than $1 for each $1 of Federal funds provided in such payments for such fiscal year;

''(C) for the fourth fiscal year of such payments to the State, not less than $2 for each $1 of Federal funds provided in such payments for such fiscal year; and

''(D) for the fifth fiscal year of such payments to the State, not less than $2 for each $1 of Federal funds provided in such payments for such fiscal year.''; and

(2) in subsection (b)—

(A) in paragraph (1), by adding ''and'' after the semicolon;

(B) in paragraph (2), by striking ''; and'' and inserting a period; and

(C) by striking paragraph (3).

(e) REQUIREMENTS WITH RESPECT TO CARRYING OUT PURPOSE OF ALLOTMENTS.—Section 1213 of the Public Health Service Act (42 U.S.C. 300d–13) is amended—

(1) in subsection (a)—

(A) in paragraph (3), in the matter preceding subparagraph (A), by inserting ''nationally recognized'' after ''contains'';

(B) in paragraph (5), by inserting ''nationally recognized'' after ''contains'';

(C) in paragraph (6), by striking ''specifies procedures for the evaluation of designated'' and inserting ''utilizes a program with procedures for the evaluation of'';

(D) in paragraph (7)—

(i) in the matter preceding subparagraph (A), by inserting ''in accordance with data collection requirements developed in consultation with surgical, medical, and nursing specialty groups, State and local emergency medical services directors, and other trained professionals in trauma care'' after ''collection of data'';

(ii) in subparagraph (A), by inserting ''and the number of deaths from trauma'' after ''trauma patients''; and

(iii) in subparagraph (F), by inserting ''and the outcomes of such patients'' after ''for such transfer'';

(E) by redesignating paragraphs (10) and (11) as paragraphs (11) and (12), respectively; and

(F) by inserting after paragraph (9) the following:

''(10) coordinates planning for trauma systems with State disaster emergency planning and bioterrorism hospital preparedness planning;'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''concerning such'' and inserting ''that outline resources for optimal care of the injured patient''; and

(ii) in subparagraph (D), by striking ''1992'' and inserting ''2005''; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking ''1991'' and inserting ''2005''; and

(ii) in subparagraph (B), by striking ''1992'' and inserting ''2005''; and

(3) in subsection (c), by striking ''1990, the Secretary shall develop a model plan'' and inserting ''2005, the Secretary shall update the model plan''.

(f) REQUIREMENT OF SUBMISSION TO SECRETARY OF TRAUMA PLAN AND CERTAIN INFORMATION.—Section 1214(a) of the Public Health Service Act (42 U.S.C. 300d–14(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''1991'' and inserting ''2005''; and

(B) by inserting ''that includes changes and improvements made and plans to address deficiencies identified'' after ''medical services''; and

(2) in paragraph (2), by striking ''1991'' and inserting ''2005''.

(g) RESTRICTIONS ON USE OF PAYMENTS.—Section 1215(a)(1) of the Public Health Service Act (42 U.S.C. 300d–15(a)(1)) is amended by striking the period at the end and inserting a semicolon.

(h) REQUIREMENTS OF REPORTS BY STATES.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by striking section 1216 and inserting the following:

''SEC. 1216. [RESERVED].''.

(i) REPORT BY THE SECRETARY.—Section 1222 of the Public Health Service Act (42 U.S.C. 300d–22) is amended by striking ''1995'' and inserting ''2007''.

(j) FUNDING.—Section 1232(a) of the Public Health Service Act (42 U.S.C. 300d–32(a)) is amended to read as follows:

''(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out parts A and B, there are authorized to be appropriated $12,000,000 for fiscal year 2005, and such sums as may be necessary for each of the fiscal years 2006 through 2009.''.

(k) CONFORMING AMENDMENT.—Section 1232(b)(2) of the Public Health Service Act (42 U.S.C. 300d–32(b)(2)) is amended by striking ''1204'' and inserting ''1202''.

(l) INSTITUTE OF MEDICINE STUDY.—Part E of title XII of the Public Health Service Act (20 U.S.C. 300d–51 et seq.) is amended—

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

''PART E—MISCELLANEOUS PROGRAMS'';

and

(2) by adding at the end the following:

''SEC. 1254. INSTITUTE OF MEDICINE STUDY.

''(a) IN GENERAL.—The Secretary shall enter into a contract with the Institute of Medicine of the National Academy of Sciences, or another appropriate entity, to conduct a study on the state of trauma care and trauma research.

''(b) CONTENT.—The study conducted under subsection (a) shall—

''(1) examine and evaluate the state of trauma care and trauma systems research (including the role of Federal entities in trauma research) on the date of enactment of this section, and identify trauma research priorities;

''(2) examine and evaluate the clinical effectiveness of trauma care and the impact of trauma care on patient outcomes, with special attention to high-risk groups, such as children, the elderly, and individuals in rural areas;

''(3) examine and evaluate trauma systems development and identify obstacles that prevent or hinder the effectiveness of trauma systems and trauma systems development;

''(4) examine and evaluate alternative strategies for the organization, financing, and delivery of trauma care within an overall systems approach; and

''(5) examine and evaluate the role of trauma systems and trauma centers in preparedness for mass casualties.

''(c) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the appropriate committees of Congress a report containing the results of the study conducted under this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $750,000 for each of fiscal years 2005 and 2006.''.

(m) RESIDENCY TRAINING PROGRAMS IN EMERGENCY MEDICINE.—Section 1251(c) of the Public Health Service Act (42 U.S.C. 300d–51(c)) is amended by striking ''1993 through 1995'' and inserting ''2005 through 2009''.

(n) STATE GRANTS FOR PROJECTS REGARDING TRAUMATIC BRAIN INJURY.—Section 1252 of the Public Health Service Act (42 U.S.C. 300d–52) is amended in the section heading by striking ''**DEMONSTRATION**''.

(o) INTERAGENCY PROGRAM FOR TRAUMA RESEARCH.—Section 1261 of the Public Health Service Act (42 U.S.C. 300d–61) is amended—

(1) in subsection (a), by striking ''conducting basic'' and all that follows through the period at the end of the second sentence and inserting ''basic and clinical research on trauma (in this section referred to as the 'Program'), including the prevention, diagnosis, treatment, and rehabilitation of trauma-related injuries.'';

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

''(b) PLAN FOR PROGRAM.—The Director shall establish and implement a plan for carrying out the activities of the Program, taking into consideration the recommendations contained within the report of the NIH Trauma Research Task Force. The plan shall be periodically reviewed, and revised as appropriate.'';

(3) in subsection (d)—

(A) in paragraph (4)(B), by striking ''acute head injury'' and inserting ''traumatic brain injury''; and

(B) in subparagraph (D), by striking ''head'' and inserting ''traumatic'';

(4) by striking subsection (g);

(5) by redesignating subsections (h) and (i) as subsections (g) and (h), respectively; and

(6) in subsection (h), as redesignated by paragraph (5), by striking ''2001 through 2005'' and inserting ''2005 through 2009''.

By Mr. LAUTENBERG (for himself, Mr. KENNEDY, Mr. DURBIN, Mr. CORZINE, Mrs. CLINTON, Mr. DORGAN, Mrs. MURRAY, Mr. JOHNSON, Mr. REED, Mr. LIEBERMAN, and Mr. LEAHY):

S. 266. A bill to stop taxpayer funded Government propaganda; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise to introduce legislation to put an end to the spate of propaganda we are seeing across our government. In my view, it is a practice that is inconsistent with democracy, and we have to put a stop to it.

That is why Senator KENNEDY and I have drafted the ''Stop Government Propaganda Act'' which we are introducing today, along with our cosponsors, Senators DURBIN, CORZINE, CLINTON, DORGAN, MURRAY, JOHNSON, JACK REED, LIEBERMAN and LEAHY.

Our bill will shut down the Administration's propaganda mill once and for all.

Propaganda had its place in Saddam's Iraq. Propaganda was a staple of the old Soviet Union. But covert government propaganda has no place in the United States Government.

In the last few weeks, we have seen revelations that a number of conservative columnists are actually on the Bush Administration's payroll to push the President's agenda.

Armstrong Williams was paid to improve the image of President Bush's education programs, and the columnists Maggie Gallagher and Mike McManus were paid to promote the President's ''marriage initiative.''

Some have called it the ''pundit payola'' scandal. But this scandal goes well beyond these particular payments to journalists.

In fact, these secret payments are only the latest in a series of covert propaganda activities conducted by this Administration.

Last year, we discovered that the Administration was paying a public relations firm to creat fake television news stories. These fake news stories touting the new Medicare law made their way onto local news shows on forty television stations across the country.

These fake news stories even featured a fake reporter—Karen Ryan ''reporting from Washington.'' While Karen Ryan does exist, she's not a reporter. She is a public relations consultant based here in Washington.

Worse, the viewers who watched these fake news stories thought they were hearing real news. But what they were watching was Government-produced propaganda.

The Government Accountability Office investigated the legality of these fake news stories and came back with a clear decision: it was illegal propaganda. The GAO also said that the Administration must officially report the misspent funds to Congress.

But the Bush Administration simply ignored GAO's legal ruling. The Administration said that because of the separation of powers, the GAO can't tell them what to do.

So, in other words, the Administration has said that they will ignore the current law on the books. That is why we are introducing new legislation today that will put real teeth in the anti-propaganda law.

Our bill, the Stop Government Propaganda Act, does two major things:

First, it makes the Anti-Propaganda law permanent.

Right now, the anti-propaganda law is passed year to year as a ''rider'' in our appropriations bills. Making the law permanent will show that we are serious about it and want it obeyed.

Also, our bill has real consequences for violations by the Administration. The current law is enforced by GAO, and the Administration is obviously ignoring their rulings. That has to change.

Our bill calls for the Justice Department to pursue these violations. But in cases where DOJ fails to act, our bill authorizes citizen lawsuits to enforce the law.

And we also give added power to the GAO. Right now, the Administration ignores the GAO's legal decisions. But our bill will make it downright painful for the Administration to ignore the GAO.

When the GAO finds that taxpayer funds are misspent for propaganda purposes, and the agency fails to follow the GAO's ordered actions, our bill would call for the head of that agency's salary to be withheld.

Our bill establishes a point of order against any appropriations bill that fails to enforce the salary reduction.

Last week, President Bush said he agrees that it is wrong to pay journalists and that the practice must stop. But at the same time, the Bush Administration continues to ignore GAO's rulings on their propaganda violations.

And while the attention was on Armstrong Williams, the Administration has been ramping up propaganda efforts at the Social Security Administration. In fact, last week, the Democratic Policy Committee heard testimony from two Social Security employees who revealed how they are being forced to push the White House agenda on the public.

Rather than concentrate on getting benefits out or servicing people on Social Security, the White House is using SSA employees to spread its false propaganda message of a ''crisis'' in Social Security.

That is why we must act now to put a stop to all of these practices. I urge my colleagues to support our bill, the Stop Government Propaganda Act.

As we seek to establish democracy in Iraq, let's first remove this taint from our own democracy.

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. 266

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 ''Stop Government Propaganda Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Since 1951, the following prohibition on the use of appropriated funds for propaganda purposes has been enacted annually: ''No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by Congress.''.

(2) On May 19, 2004, the Government Accountability Office (GAO) ruled that the Department of Health and Human Services violated the publicity and propaganda prohibitions by creating fake television new stories for distribution to broadcast stations across the country.

(3) On January 4, 2005, the GAO ruled that the Office of National drug Control Policy violated the publicity and propaganda prohibitions by distributing fake television news stories to broadcast stations from 2002 to 2004.

(4) In 2003, the Department of Education violated publicity and propaganda prohibitions by using of taxpayer funds to create fake television news stories promoting the ''No Child Left Behind'' program violated the propaganda prohibition.

(5) An analysis of individual journalists, paid for by the Department of Education in 2003, which ranked reporters on how positive their articles portrayed the Administration and the Republican Party, constituted a gross violation of the law prohibiting propaganda and the use of taxpayer funds for partisan purposes.

(6) The payment of taxpayer funds to journalist Armstrong Williams in 2003 to promote Administration education policies violated the ban on covert propaganda.

(7) The payment of taxpayer funds to journalist Maggie Gallagher in 2002 to promote Administration welfare and family policies violated the ban on covert propaganda.

(8) Payment for and construction of 8 little red schoolhouse facades at the entranceways to the Department of Education headquarters in Washington, DC to boost the image of the ''No Child Left Behind'' program was an inappropriate use of taxpayer dollars.

(9) Messages inserted into Social Security Administration materials in 2004 and 2005 intended to further grassroots lobbying efforts in favor of President Bush's Social Security privatization plan is an inappropriate use of taxpayer funds.

(10) The Department of Health and Human Services ignored the Government Accountability Office's legal decision of May 19, 2004, and failed to follow the GAO's directive to report its Anti-Deficiency Act violation to Congress and the President, as provided by section 1351 of title 31, United States Code.

(11) Despite numerous violations of the propaganda law, the Department of Justice has not acted to enforce the law or follow the requirements of the Anti-Deficiency Act.

(12) In order to protect taxpayer funds, stronger measures must be enacted into law to require actual enforcement of the ban on the use of taxpayer funds for propaganda purposes.

SEC. 3. DEFINITION.

In this Act, the term ''publicity'' or ''propaganda'' includes—

(1) a news release or other publication that does not clearly identify the Government agency directly or indirectly (through a contractor) financially responsible for the message;

(2) any audio or visual presentation that does not continuously and clearly identify the Government agency directly or indirectly financially responsible for the message;

(3) an Internet message that does not continuously and clearly identify the Government agency directly or indirectly financially responsible for the message;

(4) any attempt to manipulate the news media by payment to any journalist, reporter, columnist, commentator, editor, or news organization;

(5) any message designed to aid a political party or candidate;

(6) any message with the purpose of self-aggrandizement or puffery of the Administration, agency, Executive branch programs or policies, or pending congressional legislation;

(7) a message of a nature tending to emphasize the importance of the agency or its activities;

(8) a message that is so misleading or inaccurate that it constitutes propaganda; and

(9) the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before Congress or any State legislature, except in presentation to Congress or any State legislature itself.

SEC. 4. PROHIBITION ON PUBLICITY OR PROPAGANDA AND ENFORCEMENT.

(a) IN GENERAL.—The senior official of an Executive branch agency who authorizes or directs funds appropriated to such Executive branch agency for publicity or propaganda purposes within the United States, unless authorized by law, is liable to the United States Government for a civil penalty of not less than $5,000 and not more than $10,000, plus 3 times the amount of funds appropriated.

(b) RESPONSIBILITIES OF THE ATTORNEY GENERAL.—The Attorney General diligently shall investigate a violation of subsection (a). If the Attorney General finds that a person has violated or is violating subsection (a), the Attorney General may bring a civil action under this section against the person.

(c) ACTIONS BY PRIVATE PERSONS.—

(1) IN GENERAL.—A person may bring a civil action for a violation of subsection (a) for the person and for the United States Government. The action shall be brought in the name of the Government. The action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.

(2) NOTICE.—A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the Government pursuant to Rule 4(d)(4) of the Federal Rules of Civil Procedure. The complaint shall be filed in camera, shall remain under seal for at least 60 days, and shall not be served on the defendant until the court so orders. The Government may elect to intervene and proceed with the action within 60 days after it receives both the complaint and the material evidence and information.

(3) DELAY OF NOTICE.—The Government may, for good cause shown, move the court for extensions of the time during which the complaint remains under seal under paragraph (2). Any such motions may be supported by affidavits or other submissions in camera. The defendant shall not be required to respond to any complaint filed under this section until 20 days after the complaint is unsealed and served upon the defendant pursuant to Rule 4 of the Federal Rules of Civil Procedure.

(4) GOVERNMENT ACTION.—Before the expiration of the 60-day period or any extensions obtained under paragraph (3), the Government shall—

(A) proceed with the action, in which case the action shall be conducted by the Government; or

(B) notify the court that it declines to take over the action, in which case the person bringing the action shall have the right to conduct the action.

(5) LIMITED INTERVENTION.—When a person brings an action under this subsection, no person other than the Government may intervene or bring a related action based on the facts underlying the pending action.

(d) RIGHTS OF THE PARTIES.—

(1) GOVERNMENT ACTION.—If the Government proceeds with the action, it shall have the primary responsibility for prosecuting the action, and shall not be bound by an act of the person bringing the action. Such person shall have the right to continue as a party to the action, subject to the limitations set forth in paragraph (2).

(2) LIMITATIONS.—

(A) DISMISSAL.—The Government may dismiss the action notwithstanding the objections of the person initiating the action if the person has been notified by the Government of the filing of the motion and the court has provided the person with an opportunity for a hearing on the motion.

(B) SETTLEMENT.—The Government may settle the action with the defendant notwithstanding the objections of the person initiating the action if the court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable under all the circumstances. Upon a showing of good cause, such hearing may be held in camera.

(C) PROCEEDINGS.—Upon a showing by the Government that unrestricted participation during the course of the litigation by the person initiating the action would interfere with or unduly delay the Government's prosecution of the case, or would be repetitious, irrelevant, or for purposes of harassment, the court may, in its discretion, impose limitations on the person's participation, such as—

(i) limiting the number of witnesses the person may call;

(ii) limiting the length of the testimony of such witnesses;

(iii) limiting the person's cross-examination of witnesses; or

(iv) otherwise limiting the participation by the person in the litigation.

(D) LIMIT PARTICIPATION.—Upon a showing by the defendant that unrestricted participation during the course of the litigation by the person initiating the action would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the person in the litigation.

(3) ACTION BY PERSON.—If the Government elects not to proceed with the action, the person who initiated the action shall have the right to conduct the action. If the Government so requests, it shall be served with copies of all pleadings filed in the action and shall be supplied with copies of all deposition transcripts (at the Government's expense). When a person proceeds with the action, the court, without limiting the status and rights of the person initiating the action, may nevertheless permit the Government to intervene at a later date upon a showing of good cause.

(4) INTERFERENCE.—Whether or not the Government proceeds with the action, upon a showing by the Government that certain actions of discovery by the person initiating the action would interfere with the Government's investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay such discovery for a period of not more than 60 days. Such a showing shall be conducted in camera. The court may extend the 60-day period upon a further showing in camera that the Government has pursued the criminal or civil investigation or proceedings with reasonable diligence and any proposed discovery in the civil action will interfere with the ongoing criminal or civil investigation or proceedings.

(5) GOVERNMENT ACTION.—Notwithstanding subsection (b), the Government may elect to pursue its claim through any alternate remedy available to the Government, including any administrative proceeding to determine a civil money penalty. If any such alternate remedy is pursued in another proceeding, the person initiating the action shall have the same rights in such proceeding as such person would have had if the action had continued under this section. Any finding of fact or conclusion of law made in such other proceeding that has become final shall be conclusive on all parties to an action under this section. For purposes of the preceding sentence, a finding or conclusion is final if it has been finally determined on appeal to the appropriate court of the United States, if all time for filing such an appeal with respect to the finding or conclusion has expired, or if the finding or conclusion is not subject to judicial review.

(e) AWARD TO PRIVATE PLAINTIFF.—

(1) GOVERNMENT ACTION.—If the Government proceeds with an action brought by a person under subsection (c), such person shall, subject to the second sentence of this paragraph, receive at least 15 percent but not more than 25 percent of the proceeds of the action or settlement of the claim, depending upon the extent to which the person substantially contributed to the prosecution of the action.

(2) NO GOVERNMENT ACTION.—If the Government does not proceed with an action under this section, the person bringing the action or settling the claim shall receive an amount which the court decides is reasonable for collecting the civil penalty and damages. The amount shall be not less than 25 percent and not more than 30 percent of the proceeds of the action or settlement and shall be paid out of such proceeds. Such person shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred, plus reasonable attorneys' fees and costs. All such expenses, fees, and costs shall be awarded against the defendant.

(3) FRIVOLOUS CLAIM.—If the Government does not proceed with the action and the person bringing the action conducts the action, the court may award to the defendant its reasonable attorneys' fees and expenses if the defendant prevails in the action and the court finds that the claim of the person bringing the action was clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment.

(f) GOVERNMENT NOT LIABLE FOR CERTAIN EXPENSES.—The Government is not liable for expenses which a person incurs in bringing an action under this section.

(g) FEES AND EXPENSES TO PREVAILING DEFENDANT.—In civil actions brought under this section by the United States, the provisions of section 2412 (d) of title 28 shall apply.

(h) WHISTLEBLOWER PROTECTION.—

(1) IN GENERAL.—Any employee who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment by his or her employer because of lawful acts done by the employee on behalf of the employee or others in furtherance of an action under this section, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed under this section, shall be entitled to all relief necessary to make the employee whole.

(2) RELIEF.—Relief under this subsection shall include reinstatement with the same seniority status such employee would have had but for the discrimination, 2 times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys' fees. An employee may bring an action in the appropriate district court of the United States for the relief provided in this subsection.

SEC. 5. JUDICIAL NOTICE.

The courts of the United States shall take cognizance and notice of any legal decision of the Government Accountability Office interpreting the application of this Act.

SEC. 6. POINT OF ORDER.

(a) IN GENERAL.—

(1) REDUCTION OF SALARY.—It shall not be in order in the House of Representatives or the Senate to consider a bill, amendment, or resolution providing an appropriation for an agency that the Government Accountability

Office has found in violation of this Act unless the appropriations for salary and expenses for the head of the relevant agency contains a provision reducing the salary of the head by an amount equal to the illegal expenditure identified by the Government Accountability Office. If the illegal expenditure exceeds the annual salary of the agency head, then the point of order shall continue until the remaining amount is subtracted from the salary of the agency head.

(2) COMPLIANCE.—Paragraph (1) shall not apply if the agency is complying with the decision of the Government Accountability Office.

(b) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. KENNEDY. Mr. President, we have to stop right now all the taxpayer-financed propaganda put out by our government to influence the American people. We need to expedite the investigations, begin congressional hearings, and pass specific new legislation to prevent the administration from using persons paid to pose as legitimate journalists to push for the Bush political agenda.

Last week, we found out, according to the Washington Post, that another commentator, Maggie Gallagher, was paid $21,500 by the Department of Health and Human Services to promote the Bush administration's marriage agenda—a fact she didn't disclose to her readers while writing on the issue.

As most of us now know, thanks to USA Today, the outgoing leadership of the Education Department secretly, and still unapologetically, paid $241,000 to commentator Armstrong Williams to influence his broadcasts. Mr. Williams was paid to comment favorably on the President's No Child Left Behind Act education reform plan, to conduct phony ''interviews'' with administration officials, and to encourage his colleagues in the media to do the same.

The Gallagher and Williams payments were part of a multimillion dollar, taxpayer-funded public relations scheme to influence and undermine America's free press. Journalists were ranked on the favorability of their news coverage of President Bush on education. Phony video reports and interviews about the President's Medicare prescription drug law were broadcast as independent news on local television.

All parties agree that this type of secret government paid journalism is wrong. Yet Ms. Gallagher and Mr. Williams continue to retain their $21,500 and $241,000 bribes.

I am pleased to join Senator LAUTENBERG, who has been our leader on this issue, in introducing legislation to permanently prohibit the use of taxpayer funds for the type of manipulative payments that Ms. Gallagher and Mr. Williams received. Our legislation will prohibit agencies from issuing news releases, video news releases, and internet messages that do not clearly identify the government as financially responsible for the information.

It will enforce these prohibitions by creating a mechanism to dock the pay of any Cabinet Secretary or agency head responsible, and by authorizing private citizens to bring a court action to recover taxpayer funds.

Propaganda by the Department of Health and Human Services, the Department of Education, and the Office of Drug Control and Policy has to stop now, before the infection spreads. We cannot sit still in Congress while the administration corrupts the first amendment and freedom of the press.

By Mr. CRAIG (for himself, Mr. WYDEN, and Mrs. FEINSTEIN):

S. 267. A bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, I rise today to join my colleagues and friends, Senator WYDEN of Oregon and Senator FEINSTEIN of California, to reauthorize a law that has stabilized payments to rural forest counties and, more important, has brought communities together to accomplish projects on the ground that improve watersheds and enhance habitat.

It should be remembered that the National Forest System was formed in 1905 from the Forest Reserves, which were established between 1891 and 1905 by Presidential proclamation. During that time, 153 million acres of forestlands were set aside in Forest Reserves and removed from future settlement and economic development. This imposed great hardships on those counties that were in and adjacent to these new reserves. In many cases, 65 to 90 percent of the land in a county was sequestered in the new forest reserves, leaving little land for economic development and diminishing the potential tax base to support essential community infrastructure such as roads and schools. There was considerable opposition in the forest counties to establishing these reserves.

In 1908, in response to the mounting opposition to the reserves in the West, Congress passed a bill which created a revenue sharing mechanism to offset for forest counties the effects of removing these lands from economic development. The 1908 act specified that 10 percent of all revenues generated from the multiple-use management of our National Forests would be shared with the counties to support public roads and public schools. Several years later that percentage was increased to 25 percent. People in our forest counties refer to this as the ''Compact with the People of Rural Counties'' which was part of the foundation for establishing our National Forest System.

It was the intent of Congress in establishing our National Forests, that they would be managed in a sustained multiple-use manner in perpetuity, and that they would provide revenues for local counties and the Federal treasury in perpetuity as well. And, from 1908 until about 1993, this revenue sharing mechanism worked extremely well. However, from 1986 to the present, we have, for a variety of reasons, reduced our sustained active multiple-use management of the National Forests and the revenues have declined precipitously. Most counties have seen a decline of more than 85 percent in actual revenues generated on our National Forests and therefore an 85 percent reduction in 25 percent payments to counties which are used to help fund schools and county road departments.

And more important, they have seen a 60-percent reduction in the economic activity that the federal timber sale programs generated in these counties. The Forest Service in its 1997 TSPIRS report estimates the total economic activity in these rural counties to be more than $2.1 billion, compared to more than $5.5 billion as recently as 1991.

In 2000, Congress passed the Secure Rural Schools and Community Self Determination Act to address the needs of the National Forest counties and to focus on creating a new cooperative partnership between citizens in forest counties and our Federal land management agencies to develop forest health improvement projects on public lands and simultaneously stimulate job development and community economic stability.

This Act restored the 1908 compact between the people of rural America and the Federal Government, and it has been an enormous success in achieving and even surpassing the goals of Congress.

This is a remarkable success story for rural forest communities. These funds have restored and sustained essential infrastructure such as county schools and county roads through title I. Essential forest improvement projects have been completed through title II projects funded by forest counties, and planned by diverse stakeholder resource advisory committees. In Idaho, resource advisory committees are partnering with the Forest Service and other organizations to fight the spread of weeds on the Nez Perce National Forest, make road improvements in Hells Canyon National Recreation Area, and repair culverts and improve fish habitat on the Caribou-Targhee National Forest.

These groups are reducing management gridlock and building collaborative public lands decisionmaking capacity in counties across America. These resource advisory committees are a real and working compact between the Federal land management agencies and rural communities that includes all interest groups; they represent a true coupling of community with land managers that is good for the land and good for the communities.

Finally, essential services are being supported and developed in forest counties by investing title III funds. In Idaho, counties are using the funding as directed for search and rescue operations and youth employment and educational opportunities.

The impact of this act over the last few years is positive and substantial. This law should be extended so it can continue to benefit the forest counties and their schools, and continue to contribute to improving the health of our National Forests.

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. 267

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 ''Secure Rural Schools and Community Self-Determination Reauthorization Act of 2005''.

SEC. 2. REAUTHORIZATION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.

(a) EXTENSION THROUGH FISCAL YEAR 2013.—The Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note) is amended—

(1) in sections 101(a), 203(a)(1), 207(a), 208, 303, and 401, by striking ''2006'' each place it appears and inserting ''2013'';

(2) in section 208, by striking ''2007'' and inserting ''2014''; and

(3) in section 303, by striking ''2007'' and inserting ''2014,''.

(b) AUTHORITY TO RESUME RECEIPT OF 25- OR 50-PERCENT PAYMENTS.—

(1) 25-PERCENT PAYMENTS.—Section 102(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 is amended—

(A) in paragraph (1), by inserting ''of the Treasury'' after ''Secretary''; and

(B) in paragraph (2)—

(i) in the first sentence, by inserting '', including such an election made during the last quarter of fiscal year 2006 under this paragraph,'' after ''25-percent payment''; and

(ii) in the second sentence, by striking ''fiscal year 2006'' and inserting ''fiscal year 2013, except that the Secretary of the Treasury shall give the county the opportunity to elect, in writing during the last quarter of fiscal year 2006, to begin receiving the 25-percent payment effective with the payment for fiscal year 2007''.

(2) 50-PERCENT PAYMENTS.—Section 103(b)(1) of such Act is amended by striking ''fiscal year 2006'' and inserting ''fiscal year 2013, except that the Secretary of the Treasury shall give the county the opportunity to elect, in writing during the last quarter of fiscal year 2006, to begin receiving the 50-percent payment effective with the payment for fiscal year 2007''.

(c) CLARIFICATION REGARDING SOURCE OF PAYMENTS.—

(1) PAYMENTS TO ELIGIBLE STATES FROM NATIONAL FOREST LANDS.—Section 102(b)(3) of the Secure Rural Schools and Community Self-Determination Act of 2000 is amended—

(A) by striking ''trust fund,'' and inserting ''trust funds, permanent funds,'';

(B) by inserting a comma after ''and''; and

(C) by adding at the end the following new sentence: ''If the Secretary of the Treasury determines that a shortfall is likely for a fiscal year, all revenues, fees, penalties, and miscellaneous receipts referred to in the preceding sentence, exclusive of required deposits to relevant trust funds, permanent funds, and special accounts, that are received during that fiscal year shall be reserved to make payments under this section for that fiscal year.''.

(2) PAYMENTS TO ELIGIBLE COUNTIES FROM BLM LANDS.—Section 103(b)(2) of such Act is amended—

(A) by striking ''trust fund,'' and inserting ''trust funds'';

(B) by inserting a comma after ''and''; and

(C) by adding at the end the following new sentence: ''If the Secretary of the Treasury determines that a shortfall is likely for a fiscal year, all revenues, fees, penalties, and miscellaneous receipts referred to in the preceding sentence, exclusive of required deposits to relevant trust funds and permanent operating funds, that are received during that fiscal year shall be reserved to make payments under this section for that fiscal year.''.

(d) TERM FOR RESOURCE ADVISORY COMMITTEE MEMBERS; REAPPOINTMENT.—Section 205(c)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 is amended—

(1) in the second sentence, by striking ''The Secretary concerned may reappoint members to'' and inserting ''A member of a resource advisory committee may be reappointed for one or more''; and

(2) by adding at the end the following new sentence: ''Section 1803(c) of Food and Agriculture Act of 1977 (7 U.S.C. 2283(c)) shall not apply to a resource advisory committee established by the Secretary of Agriculture.''.

(e) REVISION OF PILOT PROGRAM.—Section 204(e)(3) of the Secure Rural Schools and Community Self-Determination Act of 2000 is amended—

(1) in subparagraph (A), by striking ''The Secretary'' and all that follows through ''approved projects'' and inserting ''At the request of a resource advisory committee, the Secretary concerned may establish a pilot program to implement one or more of the projects proposed by the resource advisory committee under section 203'';

(2) by striking subparagraph (B);

(3) in subparagraph (C), by striking ''by the Secretary concerned'';

(4) in subparagraph (D)—

(A) by striking ''the pilot program'' in the first sentence and inserting ''pilot programs established under subparagraph (A)''; and

(B) by striking ''the pilot program is'' in the second sentence and inserting ''pilot programs are''; and

(5) by redesignating subparagraphs (C), (D), and (E), as so amended, as subparagraphs (B), (C), and (D).

(f) NOTIFICATION AND REPORTING REQUIREMENTS REGARDING COUNTY PROJECTS.—

(1) ADDITIONAL REQUIREMENTS.—Section 302 of the Secure Rural Schools and Community Self-Determination Act of 2000 is amended by adding at the end the following new subsection:

''(c) NOTIFICATION AND REPORTING REQUIREMENTS.—

''(1) NOTIFICATION.—Not later than 90 days after the end of each fiscal year during which county funds are obligated for projects under this title, the participating county shall submit to the Secretary concerned written notification specifying—

''(A) each project for which the participating county obligated county funds during that fiscal year;

''(B) the authorized use specified in subsection (b) that the project satisfies; and

''(C) the amount of county funds obligated or expended under the project during that fiscal year, including expenditures on Federal lands, State lands, and private lands.

''(2) REVIEW.—The Secretary concerned shall review the notifications submitted under paragraph (1) for a fiscal year for the purpose of assessing the success of participating counties in achieving the purposes of this title.

''(3) ANNUAL REPORT.—The Secretary concerned shall prepare an annual report containing the results of the most-recent review conducted under paragraph (2) and a summary of the notifications covered by the review.

''(4) SUBMISSION OF REPORT.—The report required by paragraph (3) for a fiscal year shall be submitted to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources of the Senate and the Committee on Agriculture and the Committee on Resources of the House of Representatives not later than 150 days after the end of that fiscal year.''.

(2) DEFINITION OF SECRETARY CONCERNED.—Section 301 of such Act is amended by adding at the end the following new paragraph:

''(3) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

''(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture, with respect to county funds reserved under section 102(d)(1)(B)(ii) for expenditure in accordance with this title;

''(B) the Secretary of the Interior or the designee of the Secretary of the Interior, with respect to county funds reserved under section 103(c)(1)(B)(ii) for expenditure in accordance with this title.''.

(3) REFERENCES TO PARTICIPATING COUNTY.—Section 302(b) of such Act is amended—

(A) by striking ''An eligible county'' each place it appears in paragraphs (1), (2), and (3) and inserting ''A participating county''; and

(B) by striking ''A county'' each place it appears in paragraphs (4), (5), and (6) and inserting ''A participating county''.

(g) TECHNICAL CORRECTION.—Section 205(a)(3) of the Secure Rural Schools and Community Self-Determination Act of 2000 is amended by striking the comma after ''the Secretary concerned may''.

Mr. WYDEN. Mr. President, I rise today to join my very dear friend and colleague, Senator CRAIG of Idaho, as his principal cosponsor on legislation to reauthorize a law that has spawned a revolution in forest dependent communities in 42 States and in over 700 counties across the country. Our bill will reauthorize the Secure Rural Schools and Community Self Determination Act of 2000.

This bill is short and simple but also extraordinary: it renews the original law and its programs for 8 more years. It also makes some technical and grammatical corrections to the original law and adds an oversight report on some of the projects done under this Act. As we introduce this bill today in the Senate, our friends and colleagues in the House are introducing the exact same bill with the same, bi-partisan spirit.

The reason we can pursue reauthorization of such a far reaching law with such little language is because the folks that it affects, the forest dependent communities, as well as the educators, the county leaders and the environmentalists in those communities, have made this law work. The reason we want to reauthorize this legislation is because these same folks want to continue the work this law allows

them to do together, on federal and private lands, and in rural communities.

The Secure Rural Schools and Community Self Determination Act of2000 is sustaining rural communities as well as encouraging industry and creating jobs based on natural resources. If I may paraphrase a famous commercial to describe this legislation, I'd say:

Stabilization of payments to counties for roads and schools—millions of dollars; Additional investments and the creation of new jobs through forest related projects—thousands of projects; Improving cooperative relationships among the people that use and care for federal lands: Priceless.

Title I of the Act stabilizes funding for public education in rural communities. It also fortifies local government budgets that provide health and safety services in rural America, as well as maintains the transportation corridors that move people and material to and from forest communities.

Title II of the Act provides resources for community-based stewardship for local federal lands. By establishing Resource Advisory Committees, RACs, tasked with reviewing and recommending to the Forest Service and Bureau of Land Management projects to be completed on Federal lands that benefit the community and the federal lands associated with that RAC, this Act has resulted in over a thousand projects making Federal lands more environmentally healthy today than before this Act passed in 2000. RACs enlist community members representing environmental interests, recreations users, farmers, local officials and forest products industry. This collaborative planning of management of local Federal lands has put people to work building fish-friendly culverts; reducing hazardous fuel loads; enhancing picnic, camping and hiking facilities; and removing debris and noxious plant species.

The kinds of projects the RACs have supported are varied: watershed restoration and maintenance; wild life habitat restoration; native fisheries habitat enhancement; forest health improvements; wild land fire hazard reduction; control of noxious weeds; removal of trash and illegal dumps; road maintenance and obliteration; trail maintenance and obliteration; and campground maintenance.

Title III of the Act supports activities protecting federal infrastructure and the forest ecosystem. Fire Planning, emergency response, law enforcement and search and rescue services make federallands safe. They reinforce county government's commitment to the partnership between the Federal Government and local communities. These funds are being used to respond to forest fires conduct search and rescue missions and improve forest health while teaching at-risk children and rehabilitating prisoners in prison-work camp programs. Title III projects, like Title II projects, are also helping to develop cooperative projects between counties, local, State and Federal officials and agencies.

The Act's greatest financial footprint is felt in the West, but financial benefits flow to counties nationwide. Significant investment in Federal lands has taken or will take place: $121 million from Title II and $124 million from Title III. At least 1,168 Title II projects were approved during the Act's first two years.

Under the reauthorization we are sponsoring the payment amount will continue to be based on the average of timber receipts for the three top federal land timber production years: FY 1985 through FY 2000. Currently, on lands where there is no harvest and no safety net, the communities get no money. For those lands, funds will be provided from the general treasury. For others, there would be funds available, first from receipts but then from the general treasury. Still, for counties where the status quo is their best source of funds, they could stay with the status quo until they feel the need to use the safety net. No longer will there be an absolute a reliance on receipts, thus decreasing pressure on land managers to produce timber harvest for schools and counties. While there is widespread application of the Act, 86 percent of counties nationwide have opted for the ''stable payment;'' under the reauthorization bill, if a county that has been part of this Act would like to opt out it may do so. It is only fair to allow this, given that the county may have opted in by assuming the law would only last through 2006.

Very strong support exists across the nation from stakeholders for renewal of the Act past fiscal year 2006.

I urge my colleagues to work with me and my colleague across the aisle on this bi-partisan, bi-cameral effort to renew a law that is actually working on the ground.

By Mr. HARKIN (for himself, Mrs. CLINTON, Mr. COCHRAN, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LUGAR, Mr. ROCKEFELLER, and Mr. WYDEN):

S. 268. A bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HARKIN. Mr. President, today I am introducing legislation, the Training for Realtime Writers Act of 2005, on behalf of myself and my colleagues, Senators CLINTON, COCHRAN, KOHL, LAUTENBERG, LEAHY, LUGAR, ROCKEFELLER, and WYDEN.

The 1996 Telecom Act required that all television broadcasts were to be captioned by 2006 and all Spanish language programming was to be captioned by 2010. This was a much needed reform that has helped millions of deaf and hard-of-hearing Americans to be able to take full advantage of television programming. Sadly, we have yet to meet that demand. It has been estimated that 3,000 captioners are needed to fulfill the 2006 mandate, and that number continues to increase as more and more broadband stations come online. Unfortunately, the United States has fallen behind in training these individuals. We must jump start training programs to get students in the pipeline and begin to address the need for Spanish language broadcasting.

This is an issue that I feel very strongly about because my late brother, Frank, was deaf. I know personally that access to culture, news, and other media was important to him and to others in achieving a better quality of life. More than 28 million Americans, or 8 percent of the population, are considered deaf or hard of hearing and many require captioning services to participate in mainstream activities. In 1990, I authored legislation that required all television sets to be equipped with a computer chip to decode closed captioning. This bill completes the promise of that technology, affording deaf and hard of hearing Americans the same equality and access that captioning provides.

But let me emphasize that the deaf and hard of hearing population is only one of a number of groups that will benefit from the legislation. The audience for captioning also includes individuals seeking to acquire or improve literacy skills, including approximately 27 million functionally illiterate adults, 3 to 4 million immigrants learning English as a second language, and 18 million children learning to read in grades kindergarten through 3. I see people using closed captioning to stay informed everywhere—from the gym to the airport. Here in the Senate, I would wager that many individuals on our staff have the captioning turned on right now to follow what is happening on the Senate floor while they go about conducting the meetings and phone calls that advance legislation. Captioning helps people educate themselves and helps all of us stay informed and entertained when audio isn't the most appropriate medium.

Although the 2006 deadline is only 23 months away, our nation is facing a serious shortage of captioners. Over the past decade, student enrollment in programs that train court reporters to become realtime writers has decreased by 50 percent causing such programs to close on many campuses. Yet the need for these skills continues to rise. In fact, the rate of job placement upon graduation nears 100 percent. In addition, the majority of closed captioners are independent contractors. They are the small businesses that run the American economy and we should do everything we can to promote the creation and support of those businesses.

That is why my colleagues and I are introducing this vital piece of legislation. The Training for Realtime Writers Act of 2005 would establish competitive grants to be used toward training real time captioners. This is necessary to ensure that we meet our goal set by the 1996 Telecom Act.

The Senate Commerce Committee reported this bill unanimously last session, the full Senate has passed this Act without objection twice now, and we stand here today, once again at the beginning of the process. I ask my colleagues to join us once again in support of this legislation and join us in our effort to win its passage into law. 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. 268

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 'Training for Realtime Writers Act of 2005'.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) As directed by Congress in section 723 of the Communications Act of 1934 (47 U.S.C. 613), as added by section 305 of the Telecommunications Act of 1996 (Public Law 104–104; 110 Stat. 126), the Federal Communications Commission adopted rules requiring closed captioning of most television programming, which gradually require new video programming to be fully captioned in English by 2006 and Spanish by 2010.

(2) More than 28,000,000 Americans, or 8 percent of the population, are considered deaf or hard of hearing, and many require captioning services to participate in mainstream activities.

(3) More than 24,000 children are born in the United States each year with some form of hearing loss.

(4) According to the Department of Health and Human Services and a study done by the National Council on Aging—

(A) 25 percent of Americans over 65 years old are hearing impaired;

(B) 33 percent of Americans over 70 years old are hearing impaired; and

(C) 41 percent of Americans over 75 years old are hearing impaired.

(5) The National Council on Aging study also found that depression in older adults may be directly related to hearing loss and disconnection with the spoken word.

(6) Empirical research demonstrates that captions improve the performance of individuals learning to read English and, according to numerous Federal agency statistics, could benefit—

(A) 3,700,000 remedial readers;

(B) 12,000,000 young children learning to read;

(C) 27,000,000 illiterate adults; and (D) 30,000,000 people for whom English is a second language.

(7) Over the past decade, student enrollment in programs that train realtime writers and closed captioners has decreased by 50%, even though job placement upon graduation is 100%.

SEC. 3. AUTHORIZATION OF GRANT PROGRAM TO PROMOTE TRAINING AND JOB PLACEMENT OF REAL TIME WRITERS.

(a) IN GENERAL.—The National Telecommunications and Information Administration shall make competitive grants to eligible entities under subsection

(b) to promote training and placement of individuals, including individuals who have completed a court reporting training program, as realtime writers in order to meet the requirements for closed captioning of video programming set forth in section 723 of the Communications Act of 1934 (47 U.S.C. 613) and the rules prescribed thereunder.

(b) ELIGIBLE ENTITIES.—For purposes of this Act, an eligible entity is a court reporting program that—

(1) can document and demonstrate to the Secretary of Commerce that it meets minimum standards of educational and financial accountability, with a curriculum capable of training realtime writers qualified to provide captioning services;

(2) is accredited by an accrediting agency recognized by the Department of Education; and

(3) is participating in student aid programs under title IV of the Higher Education Act of 1965.

(c) PRIORITY IN GRANTS.—In determining whether to make grants under this section, the Secretary of Commerce shall give a priority to eligible entities that, as determined by the Secretary of Commerce—

(1) possess the most substantial capability to increase their capacity to train realtime writers;

(2) demonstrate the most promising collaboration with local educational institutions, businesses, labor organizations, or other community groups having the potential to train or provide job placement assistance to realtime writers; or

(3) propose the most promising and innovative approaches for initiating or expanding training and job placement assistance efforts with respect to realtime writers.

(d) DURATION OF GRANT.—A grant under this section shall be for a period of two years.

(e) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided under subsection (a) to an entity eligible may not exceed $1,500,000 for the two-year period of the grant under subsection (d).

SEC. 4. APPLICATION.

(a) IN GENERAL.—To receive a grant under section 3, an eligible entity shall submit an application to the National Telecommunications and Information Administration at such time and in such manner as the Administration may require. The application shall contain the information set forth under subsection (b).

(b) INFORMATION.—Information in the application of an eligible entity under subsection (a) for a grant under section 3 shall include the following:

(1) A description of the training and assistance to be funded using the grant amount, including how such training and assistance will increase the number of realtime writers.

(2) A description of performance measures to be utilized to evaluate the progress of individuals receiving such training and assistance in matters relating to enrollment, completion of training, and job placement and retention.

(3) A description of the manner in which the eligible entity will ensure that recipients of scholarships, if any, funded by the grant will be employed and retained as realtime writers.

(4) A description of the manner in which the eligible entity intends to continue providing the training and assistance to be funded by the grant after the end of the grant period, including any partnerships or arrangements established for that purpose.

(5) A description of how the eligible entity will work with local workforce investment boards to ensure that training and assistance to be funded with the grant will further local workforce goals, including the creation of educational opportunities for individuals who are from economically disadvantaged backgrounds or are displaced workers.

(6) Additional information, if any, of the eligibility of the eligible entity for priority in the making of grants under section 3(c).

(7) Such other information as the Administration may require.

SEC. 5. USE OF FUNDS.

(a) IN GENERAL.—An eligible entity receiving a grant under section 3 shall use the grant amount for purposes relating to the recruitment, training and assistance, and job placement of individuals, including individuals who have completed a court reporting training program, as realtime writers, including—

(1) recruitment;

(2) subject to subsection (b), the provision of scholarships;

(3) distance learning;

(4) further develop and implement both English and Spanish curriculum to more effectively train realtime writing skills, and education in the knowledge necessary for the delivery of high-quality closed captioning services;

(5) mentor students to ensure successful completion of the realtime training and provide assistance in job placement;

(6) encourage individuals with disabilities to pursue a career in realtime writing; and

(7) the employment and payment of personnel for such purposes.

(b) SCHOLARSHIPS.—

(1) AMOUNT.—The amount of a scholarship under subsection (a)(2) shall be based on the amount of need of the recipient of the scholarship for financial assistance, as determined in accordance with part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk).

(2) AGREEMENT.—Each recipient of a scholarship under subsection (a)(2) shall enter into an agreement with the National Telecommunications and Information Administration to provide realtime writing services for a period of time (as determined by the Administration) that is appropriate (as so determined) for the amount of the scholarship received.

(3) COURSEWORK AND EMPLOYMENT.—The Administration shall establish requirements for coursework and employment for recipients of scholarships under subsection (a)(2), including requirements for repayment of scholarship amounts in the event of failure to meet such requirements for coursework and employment. Requirements for repayment of scholarship amounts shall take into account the effect of economic conditions on the capacity of scholarship recipients to find work as realtime writers.

(c) ADMINISTRATIVE COSTS.—The recipient of a grant under section 3 may not use more than 5 percent of the grant amount to pay administrative costs associated with activities funded by the grant.

(d) SUPPLEMENT NOT SUPPLANT.—Grant amounts under this Act shall supplement and not supplant other Federal or non-Federal funds of the grant recipient for purposes of promoting the training and placement of individuals as realtime writers

SEC. 6. REPORTS.

(a) ANNUAL REPORTS.—Each eligible entity receiving a grant under section 3 shall submit to the National Telecommunications and Information Administration, at the end of each year of the grant period, a report on the activities of such entity with respect to the use of grant amounts during such year.

(b) REPORT INFORMATION.—

(1) IN GENERAL.—Each report of an entity for a year under subsection (a) shall include

a description of the use of grant amounts by the entity during such year, including an assessment by the entity of the effectiveness of activities carried out using such funds in increasing the number of realtime writers. The assessment shall utilize the performance measures submitted by the entity in the application for the grant under section 4(b).

(2) FINAL REPORT.—The final report of an entity on a grant under subsection (a) shall include a description of the best practices identified by the entity as a result of the grant for increasing the number of individuals who are trained, employed, and retained in employment as realtime writers.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act, amounts as follows:

(1) $20,000,000 for each of fiscal years 2006, 2007, and 2008.

(2) Such sums as may be necessary for fiscal year 2009.

By Mr. KERRY (for himself, Mr. REED, Mr. DODD, Mr. BINGAMAN, Mr. KOHL, Mr. JEFFORDS, Ms. CANTWELL, Mr. JOHNSON, Mr. PRYOR, Mr. LEAHY, Mr. LEVIN, Mr. SCHUMER, Mr. LIEBERMAN, Mrs. CLINTON, Mr. HARKIN, Mr. KENNEDY, Mr. BAYH, and Mr. OBAMA):

S. 269. A bill to provide emergency relief to small business concerns affected by a significant increase in the price of heating oil, natural gas, propane, or kerosene, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, tonight the President will deliver his fifth State of the Union address. It is expected that he will, in that address, talk about his plan to expand the ownership of businesses, as he did in his Inaugural Address. As a long-time member of the Senate Committee on Small Business & Entrepreneurship, I hope that the administration will also tend to the needs of small businesses that already exist, in particular those struggling to make ends meet with the record high cost of heating fuels. It could be done very easily by making those small businesses eligible to apply for low-cost disaster loans through the Small Business Administration's Economic Injury Disaster Loan Program. And by making small farms and agricultural businesses eligible for loans through a similar loan program at the Department of Agriculture.

There has been a bipartisan push for this assistance in Congress twice in the past few years, most recently in November during the consideration of the mega funding bill, the FY2005 Omnibus Appropriations Conference Report. It makes no sense that out of 3,000 pages of legislation and almost $400 billion in spending, the White House and the Republican leadership, opposing members in their own party, refused to help the little guy. While it would have been most helpful to these businesses—from small heating oil dealers to small manufacturers—to enact the legislation in November when the prices were at an all-time high, we can still be helpful now.

In that spirit, together with Senator REED and 17 of my colleagues, I am reintroducing the Small Business and Farm Energy Emergency Relief Act. I thank Senators REED, DODD, BINGAMAN, KOHL, JEFFORDS, CANTWELL, JOHNSON, PRYOR, LEAHY, LEVIN, SCHUMER, LIEBERMAN, CLINTON, HARKIN, KENNEDY, BAYH and OBAMA. In the past, this assistance has been supported by many Republicans, and I hope they will again cosponsor the legislation. I have reached out to them in hopes that they will once again work in a bipartisan way to help our small businesses. I know the heating oil issue is important to Senator SNOWE, my colleague and chairman of the Committee on Small Business & Entrepreneurship, and I look forward to working with her. I am hopeful that she will cosponsor this bill and agree to take action on it in Committee as soon as possible.

We have built a very clear record over the years on how this legislation would work and why it is needed. Let me take a few minutes to summarize those conclusions. The Small Business and Farm Energy Emergency Relief Act of 2005 would provide emergency relief, through affordable, low-interest SBA and USDA Disaster loans, to small businesses adversely affected by, or likely to be adversely affected by, significant increases in the prices of four heating fuels—heating oil, propane, kerosene, and natural gas. This would be helpful, because for those businesses in danger of or already suffering from significant economic injury caused by crippling increases in the costs of heating fuel, they need access to capital to mitigate or avoid serious losses. However, commercial lenders typically won't make loans to these small businesses because they often don't have the increased cash flow to demonstrate the ability to repay the loan.

Economic injury disaster loans give affected small businesses necessary working capital until normal operations resume, or until they can restructure or change the business to address the market changes. These are direct loans, made through the SBA, with interest rates of 4 percent or less. The SBA tailors the repayment of each economic injury disaster loan to each borrower's financial capability, enabling them to avoid the robbing Peter to pay Paul syndrome, as they juggle bills.

In practical terms, SBA considers economic injury to be when a small business is unable, or likely to be unable, to meet its obligations as they mature or to pay its ordinary and necessary operating expenses. To be eligible to apply for an economic injury loan,

you must be a small business that has been the victim of some kind of disaster,

you must have used all reasonably available funds,

and you must be unable to obtain credit elsewhere.

Under this program, the disaster must be declared by the President, the SBA Administrator, or a governor at the discretion of the Administrator. Small businesses will have nine months to apply from October 1, 2004 or, for future disasters, from the day a disaster is declared.

This bill differs from the legislation we put forward in 2001 in that it uses a different trigger to define a disaster. For this legislation, Senator REED worked closely with the Department of Energy to identify what would be considered extreme price jumps in the heating fuels of heating oil, natural gas, and propane. Therefore, the assistance under this bill would become available when the price jumps 40 percent, when compared to the same period for the two previous years, when absorbing the cost becomes nearly impossible.

Mr. President, I again ask that my colleagues get behind this bill and make it law as soon as possible. I ask unanimous consent that a copy of a bipartisan letter of support, a copy of the cosponsors from the 107th Congress, and a copy of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 16, 2004.

Hon. TED STEVENS,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. JUDD GREGG,
Chairman, Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary, U.S. Senate, Washington, DC.

Hon. ROBERT C. BYRD,
Ranking Member, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. FRITZ F. HOLLINGS,
Ranking Member, Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATORS STEVENS, BYRD, GREGG AND HOLLINGS: We are writing to request you include a provision in the fiscal year 2005 Omnibus Appropriations Conference Report to make heating oil distributors and other small businesses harmed by substantial increases in energy prices eligible for Small Business Administration (SBA) disaster loans. Many small businesses are being adversely affected by the substantial increases in the prices of heating oil, propane, kerosene and natural gas. The recent volatile and substantial increases in the cost of these fuels is placing a tremendous burden on the financial resources of small businesses, which typically have small cash flows and narrow operating margins.

Heating oil and propane distributors, in particular, are being impacted. Heating oil and propane distributors purchase oil through wholesalers. Typically, the distributor has 10 days to pay for the oil. The money is pulled directly from a line of credit either at a bank or with the wholesaler. Given the high cost of heating oil, distributors' purchasing power is much lower this year compared to previous years. In addition, the distributors often do not receive payments from customers until 30 days or more after delivery; therefore, their financial resources for purchasing oil for customers and running their business are limited. Heating oil and propane dealers need to borrow money on a short-term basis to maintain economic viability. Commercial lenders

typically will not make loans to these small businesses because they usually do not have the increased cash flows to demonstrate the ability to repay the loan. Without sufficient credit, these small businesses will struggle to purchase the heating fuels they need to supply residential customers, businesses and public facilities, such as schools. These loans would provide affected small businesses with the working capital needed until normal operations resume or until they can restructure to address the market changes.

SBA's disaster loans are appropriate sources of funding to address this problem. The hurricanes that caused significant damage to the Gulf Coast along with the current instability in Iraq, Nigeria and Russia caused a surge in the price of oil and important refined products, especially heating fuels. The conditions restricting these small businesses' access to capital are beyond their control and SBA loans can fill this gap when the private sector does not meet the credit needs of small businesses.

A similar provision passed the Small Business Committee and Senate with broad bipartisan support during the 10th Congress when these small businesses faced a substantial increase in energy prices. In addition, there is precedence for this proposal, as a similar provision was enacted in the 104th Congress to help commercial fisheries failures.

Thank you for your consideration. Please find enclosed suggested draft language for the proposal. If your staff has questions about the proposal or the impacts of the current energy price increases on small businesses, please ask them to contact Kris Sarri at 224–0606.

Sincerely,
JACK REED,
JOHN F. KERRY,
ARLEN SPECTER,
CHRISTOPHER J. DODD,
EDWARD M. KENNEDY,
JAMES M. JEFFORDS,
EVAN BAYH,
SUSAN M. COLLINS,
JEFF BINGAMAN,
PATRICK J. LEAHY,
LINCOLN D. CHAFEE,
FRANK LAUTENBERG,
JOSEPH I. LIEBERMAN,
CHARLES E. SCHUMER,
PAUL S. SARBANES,
HILLARY RODHAM CLINTON,
BARBARA A. MIKULSKI.

BILL SUMMARY AND STATUS FOR THE 107TH CONGRESS

Title: A bill to provide emergency relief to small businesses affected by significant increases in the prices of heating oil, natural gas, propane, and kerosene, and for other purposes.

Sponsor: Sen Kerry, John F. [D–MA] (introduced 2/8/2001); Cosponsors: 34.

Committees: Senate Small Business and Entrepreneurship; House Small Business; House Agriculture.

Senate Reports: 107–4.

Latest Major Action: 5/1712001—Referred to House subcommittee. Status: Referred to the Subcommittee on Conservation, Credit, Rural Development and Research.

COSPONSORS, ALPHABETICAL

Sen Akaka, Daniel K. [D–HI]
Sen Bayh, Evan [D–IN]
Sen Bond, Christopher S. [R–MO]
Sen Chafee, Lincoln D. [R–RI]
Sen Clinton, Hillary Rodham [D–NY]
Sen Corzine, Jon [D–NJ]
Sen Dodd, Christopher J. [D–CT]
Sen Edwards, John [D–NC]
Sen Harkin, Tom [D–IA]
Sen Jeffords, James M. [R–VT]
Sen Kennedy, Edward M. [D–MA]
Sen Landrieu, Mary [D–LA]
Sen Levin, Carl [D–MI]
Sen Murray, Patty [D–WA]
Sen Schumer, Charles E. [D–NY]
Sen Snowe, Olympia J. [R–ME]
Sen Torricelli, Robert G. [D–NJ]
Sen Baucus, Max [D–MT]
Sen Bingaman, Jeff [D–NM]
Sen Cantwell, Maria [D–WA]
Sen Cleland, Max [D–GA]
Sen Collins, Susan M. [R–ME]
Sen Daschle, Thomas A. [D–SD]
Sen Domenici, Pete V. [R–NM]
Sen Enzi, Michael B. [R–WY]
Sen Inouye, Daniel K. [D–HI]
Sen Johnson, Tim [D–SD]
Sen Kohl, Herb [D–WI]
Sen Leahy, Patrick J. [D–VT]
Sen Lieberman, Joseph I. [D–CT]
Sen Reed, John F. [D–RI]
Sen Smith, Bob [R–NH]
Sen Specter, Arlen [R–PA]
Sen Wellstone, Paul D. [D–MN]

S. 269

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 ''Small Business and Farm Energy Emergency Relief Act of 2005''.

SEC. 2. FINDINGS.

Congress finds that—

(1) a significant number of small businesses in the United States, non-farm as well as agricultural producers, use heating oil, natural gas, propane, or kerosene to heat their facilities and for other purposes;

(2) a significant number of small business concerns in the United States sell, distribute, market, or otherwise engage in commerce directly related to heating oil, natural gas, propane, and kerosene; and

(3) significant increases in the price of heating oil, natural gas, propane, or kerosene—

(A) disproportionately harm small businesses dependent on those fuels or that use, sell, or distribute those fuels in the ordinary course of their business, and can cause them substantial economic injury;

(B) can negatively affect the national economy and regional economies;

(C) have occurred in the winters of 1983–1984, 1988–1989, 1996–1997, 1999–2000, 2000–2001, and 2004–2005; and

(D) can be caused by a host of factors, including international conflicts, global or regional supply difficulties, weather conditions, insufficient inventories, refinery capacity, transportation, and competitive structures in the markets, causes that are often unforeseeable to, and beyond the control of, those who own and operate small businesses.

SEC. 3. SMALL BUSINESS ENERGY EMERGENCY DISASTER LOAN PROGRAM.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (3) the following:

''(4)(A) In this paragraph—

''(i) the term 'base price index' means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

''(ii) the term 'current price index' means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, or propane during the subsequent calendar month, commonly known as the 'front month';

''(iii) the term 'heating fuel' means heating oil, natural gas, propane, or kerosene; and

''(iv) the term 'significant increase' means—

''(I) with respect to the price of heating oil, natural gas, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

''(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant.

''(B) The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury as the result of a significant increase in the price of heating fuel.

''(C) Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

''(D) No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administration, in which case the Administration, in its discretion, may waive the $1,500,000 limitation.

''(E) For purposes of assistance under this paragraph—

''(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

''(ii) if no declaration has been made pursuant to clause (i), the Governor of a State in which a significant increase in the price of heating fuel has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

''(F) Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating fuel to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.''.

(b) CONFORMING AMENDMENTS RELATING TO HEATING FUEL.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(1) by inserting '', significant increase in the price of heating fuel'' after ''civil disorders''; and

(2) by inserting ''other'' before ''economic''.

SEC. 4. AGRICULTURAL PRODUCER EMERGENCY LOANS.

(a) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(1) in the first sentence—

(A) by striking ''operations have'' and inserting ''operations (i) have''; and

(B) by inserting before '': *Provided,*'' the following: '', or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), and

(II) have suffered or are likely to suffer substantial economic injury on or after October 1, 2004, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after October 1, 2004, in connection with an energy emergency declared by the President or the Secretary'';

(2) in the third sentence, by inserting before the period at the end the following: ''or by an energy emergency declared by the President or the Secretary''; and

(3) in the fourth sentence—

(A) by inserting ''or energy emergency'' after ''natural disaster'' each place that term appears; and

(B) by inserting ''or declaration'' after ''emergency designation''.

(b) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by subsection (a) to meet the needs resulting from natural disasters .

SEC. 5. GUIDELINES AND RULEMAKING.

(a) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration and the Secretary of Agriculture shall each issue such guidelines as the Administrator or the Secretary, as applicable, determines to be necessary to carry out this Act and the amendments made by this Act.

(b) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(4)(A)(iv)(II) of the Small Business Act (15 U.S.C. 636(b)(4)(A)(iv)(II)).

SEC. 6. REPORTS.

(a) SMALL BUSINESS ADMINISTRATION.—Not later than 12 months after the date on which the Administrator of the Small Business Administration issues guidelines under section 5, and annually thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(4) of the Small Business Act, as added by this Act, including—

(1) the number of small business concerns that applied for a loan under such section and the number of those that received such loans;

(2) the dollar value of those loans;

(3) the States in which the small business concerns that received such loans are located;

(4) the type of heating fuel or energy that caused the significant increase in the cost for the participating small business concerns; and

(5) recommendations for ways to improve the assistance provided under such section 7(b)(4), if any.

(b) DEPARTMENT OF AGRICULTURE.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under section 5, and annually thereafter, the Secretary shall submit to the Committee on Small Business and Agriculture, Nutrition, and Forestry of the Senate and the Committee on Small Business and Agriculture of the House of Representatives, a report that—

(1) describes the effectiveness of the assistance made available under section 7(b)(4) of the Small Business Act (15 U.S.C. 636(b)(4)); and

(2) contains recommendations for ways to improve the assistance provided under such section 7(b)(4), if any.

SEC. 7. EFFECTIVE DATE.

(a) SMALL BUSINESS.—The amendments made by this Act shall apply during the 4–year period beginning on the date on which guidelines are published by the Administrator of the Small Business Administration under section 5, with respect to assistance under section 7(b)(4) of the Small Business Act, as added by this Act, to economic injury suffered or likely to be suffered as the result of a significant increase in the price of heating fuel occurring on or after October 1, 2004; or

(b) AGRICULTURE.—The amendments made by section 4 shall apply during the 4–year period beginning on the date on which guidelines are published by the Secretary of Agriculture under section 5.

By Mr. LUGAR:

S. 270. A bill to provide a framework for consideration by the legislative and executive branches of proposed unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise to introduce the Sanctions Policy Reform Act.

The fundamental purpose of my bill is to promote good governance through thoughtful deliberation on those proposals involving unilateral economic sanctions directed against other countries. My bill lays out a set of guidelines and requirements for a careful and deliberative process in both branches of government when considering new unilateral sanctions. It does not preclude the use of economic sanctions nor does it change those sanctions already in force. It is based on the principle that if we improve the quality of our policy process and public discourse, we can improve the quality of the policy itself.

Numerous studies have shown that unilateral sanctions rarely succeed and often harm the United States more than the target country. Sanctions can jeopardize billions of dollars in U.S. export earnings and hundreds of thousands of American jobs. They frequently weaken our international competitiveness by yielding to other countries those markets and opportunities that we abandon. They also can undermine our ability to provide humanitarian assistance abroad.

Unilateral sanctions often appear to be cost-free, but they have many unintended victims—the poor in the target countries, American companies, American labor, American consumers and, quite frankly, American foreign policy. Sanctions can weaken our international competitiveness, lower our global market share, abandon our established market to others and jeopardize billions in export earnings—the key to our economic growth. They may also impair our ability to provide humanitarian assistance. They sometimes anger our friends and call our international leadership into question. In many cases, unilateral sanctions are well-intentioned, but impotent, serving only to create the illusion of U.S. action. In the worst cases, unilateral sanctions are actually undermining our own interests in the world.

Unilateral sanctions do have a place in our foreign policy. There will always be situations in which the actions of other countries are so egregious or so threatening to the United States that some response by the United States, short of the use of military force, is needed and justified. In these instances, sanctions can be helpful in getting the attention of another country, in showing U.S. determination to change behaviors we find objectionable, or in stimulating a search for creative solutions to difficult foreign policy problems.

But decisions to impose them must be fully considered and debated. Too frequently, this does not happen. Unilateral sanctions are often the result of a knee-jerk impulse to take action, combined with a timid desire to avoid the risks and commitments involved in more potent foreign policy steps that have greater potential to protect American interests. We must avoid putting U.S. national security in a straight-jacket, and we must have a clear idea of the consequences of sanctions on our own security and prosperity before we enact them.

To this end, I am offering this bill to reform the U.S. sanctions decision-making process. The bill will establish procedural guidelines and informational requirements that must be met prior to the imposition of unilateral economic sanctions. For example, before imposing unilateral sanctions, Congress would be required to consider findings by executive branch officials that evaluate the impact of the proposed sanctions on American agriculture, energy requirements, and capital markets. The bill mandates that we be better informed about the prospects that our sanctions will succeed, about the economic costs to the United States, and about the sanctions' impact on other American objectives.

In addition, this sanctions policy reform bill provides for more active consultation between the Congress and the President and for Presidential waiver authority if the President determines it is in our national security interests. It also establishes an executive branch Sanctions Review Committee, which will be tasked with evaluating the effect of any proposed sanctions and providing appropriate recommendations to the President prior to the imposition of such sanctions.

The bill would have no effect on existing sanctions. It would apply only to new sanctions that are enacted after this bill became law. It also would apply only to sanctions that are unilateral and that are intended to achieve foreign policy goals. As such, it excludes trade remedies or trade sanctions imposed because of market access restrictions, unfair trade practices, or violations of U.S. commercial or trade laws.

Let me suggest a number of fundamental principles that I believe should

shape our approach to unilateral economic sanctions: unilateral economic sanctions should not be the policy of first resort (to the extent possible, other means of persuasion ought to be exhausted first); if harm is to be done or is intended, we must follow the cardinal principle that we plan to harm our adversary more than we harm ourselves; when possible, multilateral economic sanctions and international cooperation are preferable to unilateral sanctions and are more likely to succeed, even though they may be more difficult to obtain; we ought to avoid double standards and be as consistent as possible in the application of our sanctions policy; to the extent possible, we ought to avoid disproportionate harm to the civilian population (we should avoid the use of food as a weapon of foreign policy and we should permit humanitarian assistance programs to function); our foreign policy goals ought to be clear, specific and achievable within a reasonable period of time; we ought to keep to a minimum the adverse affects of our sanctions on our friends and allies; we should keep in mind that unilateral sanctions can cause adverse consequences that may be more problematic than the actions that prompted the sanctions—a regime collapse, a humanitarian disaster, a mass exodus of people, or more repression and isolation in the target country, for example; we should explore options for solving problems through dialogue, public diplomacy, and positive inducements or rewards; the President of the United States should always have options that include both sticks and carrots that can be adjusted according to circumstance and nuance (the Congress should be vigilant by ensuring that his options are consistent with Congressional intent and the law); and in those cases where we do impose sanctions unilaterally, our actions must be part of a coherent and coordinated foreign policy that is coupled with diplomacy and consistent with our international obligations and objectives.

An unexamined reliance on unilateral sanctions may be appropriate for a third-rate power whose foreign policy interests lie primarily in satisfying domestic constituencies or cultivating a self-righteous posture. But the United States is the world's only superpower. Our own prosperity and security, as well as the future of the world, depend on a vigorous and effective assertion of our international interests.

The United States should never abandon its leadership role in the world, nor forsake the basic values we cherish. We must ask, however, whether we are always able to change the actions of other countries whose behavior we find disagreeable or threatening. If we are able to influence those actions, we need to ponder how best to proceed. In my judgment, unilateral economic sanctions will not always be the best answer. But, if they are the answer, they should be structured so that they do as little harm as possible to our global interests. By improving upon our procedures and the quality and timeliness of our information when considering new sanctions, I believe U.S. foreign policy will be more effective.

By Mr. MCCAIN (for himself, Mr. FEINGOLD, Mr. LOTT, Mr. LIEBERMAN, Mr. SCHUMER, Ms. SNOWE, Ms. COLLINS, and Mr. SALAZAR):

S. 271. A bill to amend the Federal Election Campaign Act of 1971 to 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 Rules and Administration.

Mr. MCCAIN. Mr. President, I am pleased to be joined by my good friends and colleagues Senators FEINGOLD from Wisconsin, and LOTT from Mississippi, 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 raised and spent a substantial amount of soft money in a blatant effort to influence the outcome of last 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.

According to an analysis by campaign finance scholar Tony Corrado, Federally oriented 527s spent $423 million on the 2004 elections. The same analysis shows that ten donors gave at least $4 million each to 527s involved in the 2004 elections and two donors each contributed over $20 million.

In September, 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 as well, and I also appreciate President Bush's support for the legislative effort we begin today on 527s. Today, 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 simple. 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 law. As my colleagues well know, some organizations, registered under section 527 of the Internal Revenue Code, had a major impact on last 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 decision overturning 15 regulations incorrectly adopted by the FEC to implement the Bipartisan Campaign Reform Act of 2002, BCRA. That is why a Los Angeles Times editorial stated that, ''her decision would make a fitting obituary for an agency that deserves to die.'' 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.

Opponents of campaign reform like to point out that the activities of these 527s serve as proof that 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 1974 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 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 limits on contributions. Additionally, in September, 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 527's 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 Senators FEINGOLD, LOTT and I introduce today will put an end to the abusive, illegal practices of these 527s.

I urge my colleagues to support swift passage of this bill and put an end to this problem once and for all.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 34—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ENZI submitted the following resolution; from the Committee on Health, Education, Labor, and Pensions; which was referred to the Committee on Rules and Administration:

S. RES. 34

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

Sec. 2. (a) The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed $4,545,576, of which amount (1) not to exceed $32,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2005, through September 30, 2006, expenses of the committee under this resolution shall not exceed $7,981,411, of which amount (1) not to exceed $32,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed $3,397,620, of which amount (1) not to exceed $32,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2006 and February 28, 2007, respectively.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of the salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

Sec. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2005, through September 30, 2005, October 1, 2005, through September 30, 2006; and October 1, 2006 through February 28, 2007, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 35—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

Mr. CRAIG submitted the following resolution; from the Committee on Veterans' Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 35

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed $1,394,529, of which amount (1) not to exceed $59,000 may be expended for the procurement of the services of individual

consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,900 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2005, through September 30, 2006, expenses of the committee under this resolution shall not exceed $2,445,763, of which amount (1) not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(I) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed $1,040,152, of which amount (1) not to exceed $42,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,200 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendation for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2006, and February 28, 2007, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for (1) the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment stationery supplies purchased through the Keeper of Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE CONCURRENT RESOLUTION 9—RECOGNIZING THE SECOND CENTURY OF BIG BROTHERS BIG SISTERS, AND SUPPORTING THE MISSION AND GOALS OF THAT ORGANIZATION

Mr. ENSIGN (for himself and Mr. DODD) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 9

Whereas the year 2004 marked the 100th anniversary of the founding of Big Brothers Big Sisters;

Whereas Congress chartered Big Brothers in 1958;

Whereas Ernest Coulter recognized the need for adult role models for the youth he saw in court in New York City in 1904 and recruited ''Big Brothers'' to serve as mentors, beginning the Big Brothers movement;

Whereas Big Brothers Big Sisters is the oldest, largest youth mentoring organization in the nation, serving over 220,000 children in 2004 and approximately 2,000,000 since its founding 100 years ago;

Whereas Big Brothers Big Sisters has historically been supported through the generosity of individuals who have believed in the organization's commitment to matching at-risk children with caring, volunteer mentors;

Whereas Big Brothers and Big Sisters have given countless hours and forever changed the lives of America's children, contributing over 10,500,000 volunteer hours at an estimated value of $190,000,000 in 2004;

Whereas evidence-based research has shown that Big Brothers Big Sisters mentoring model improves a child's academic performance and relationships with teachers, parents, and peers, decreases the likelihood of youth violence and drug and alcohol use, and raises self-confidence levels;

Whereas 454 local Big Brothers Big Sisters agencies are currently contributing to the quality of life of at-risk youth in over 5,000 communities across the United States; and

Whereas the future of Big Brothers Big Sisters depends not only on its past impact, but also on the future accomplishments of its Little Brothers and Little Sisters and the continued commitment to its Big Brothers and Big Sisters: Now, therefore, be it

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

(1) recognizes the second century of Big Brothers Big Sisters, supports the mission and goals of the organization, and commends Big Brothers Big Sisters for its commitment to helping children in need reach their potential through professionally supported one to one mentoring relationships with measurable results;

(2) asks all Americans to join in marking the beginning of Big Brothers Big Sisters' second century and support the organization's next 100 years of service on behalf of America's children; and

(3) encourages Big Brothers Big Sisters to continue to strive towards serving 1,000,000 children annually.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 2, 2005, at 4 p.m., in closed session to receive a briefing on training of Iraqi security forces.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, February 2, 2005, at 10 a.m. on the U.S. Tsunami Warning System and S. 50, Tsunami Preparedness Act of 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, February 2, 2005 at 9:15 a.m., to conduct a legislative hearing on S. 131, ''The Clear Skies Act of 2005''.

The hearing will be held in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, February 2, 2005 at 10 a.m., to hear testimony on the Long Term Outlook for Social Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session for its organizational meeting during the session of the Senate on Wednesday, February 2, 2005 at 10 a.m., in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, February 2, 2005 at 10 a.m., to consider the nomination of Michael Chertoff to be Secretary of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, February 2, 2005 at 9:30 a.m., on ''Asbestos: The Mixed Dust and FELA Issues.'' The hearing will take place in the Dirksen Senate Office Building Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING SENATE COMMITTEE TO ESCORT THE PRESIDENT OF THE UNITED STATES INTO THE HOUSE CHAMBER

Mr. MCCONNELL. I ask unanimous consent that the Presiding Officer 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 the President of the United States into the House Chamber for the joint

session to be held tonight, Wednesday, February 2nd, 2005, at 9 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR AN ADJOURNMENT OF THE HOUSE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of H. Con. Res. 39 which was received from the House.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (H. Con. Res. 39) providing for an adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 39) was agreed to.

ORDER OF PROCEDURE

Mr. MCCONNELL. I ask unanimous consent when the Senate completes its business today, it recess until 8:40 p.m. tonight, at which time the Senate will proceed as a body to the House Chamber for the President's State of the Union address; provided that upon the dissolution of the joint session, the Senate adjourn until 9 a.m. on Thursday, February 3rd.

I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business for up to 2 hours, with the first hour under the control of the Democratic leader or his designee and the second hour under the control of the majority leader or his designee; provided that following morning business the Senate proceed to executive session and resume consideration of the nomination of Alberto Gonzales to be Attorney General as provided under the previous order; provided that during the first 2 hours of debate tomorrow, the first 30 minutes be under the control of the majority, and following that the time alternate every 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Tomorrow, following morning business, the Senate will resume consideration of the nomination of Alberto Gonzales to be Attorney General for a total of 8 hours of debate remaining with the time equally divided between the chairman and the ranking member of the Judiciary Committee. It is my hope that some time will be yielded back, allowing us to proceed to a vote earlier in the afternoon. We have had full debate on this nomination. We all appreciate the orderly fashion in which we have conducted the debate.

Again, Senators are reminded to gather at 8:30 this evening in the Senate Chamber. The Senate will proceed as a body promptly at 8:40 tonight and to the Hall of the House of Representatives for the President's 9 p.m. address.

RECESS

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask the Senate stand in recess until 8:40 this evening.

There being no objection, the Senate, at 4:50 p.m., recessed until 8:38 p.m., and reassembled when called to order by the Presiding Officer (Mr. COLEMAN).

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO.)

The PRESIDING OFFICER. The Senate will now proceed to the Hall of the House of Representatives to hear the address by the President of the United States.

Thereupon, the Senate, preceded by the Deputy Sergeant at Arms, J. Keith Kennedy, the Secretary of the Senate, Emily J. Reynolds, and the Vice President of the United States, DICK CHENEY, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, George W. Bush.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress appears in the proceedings of the House of Representatives in today's RECORD.)

ADJOURNMENT UNTIL 9 A.M. TOMORROW

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 10:07 p.m., the Senate adjourned until Thursday, February 3, 2005, at 9 a.m.

EXTENSIONS OF REMARKS

HONORING FT. LEWIS COLLEGE GRADUATES

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor the Ft. Lewis College's Winter Graduating Class of 2004. 1 was unable to attend the ceremony and would like to enter some remarks into the record on behalf of the graduates.

I was asked to serve as the commencement speaker for the December 18th graduation ceremony in Durango, Colorado where Ft. Lewis College is located. Ft. Lewis College is a fine institution of higher learning in the West, and Durango happens to be one of my favorite places in Colorado. For my colleagues who have not had the opportunity to visit Durango, I can tell you that it embodies much of the majesty of the Rocky Mountains and the West. From the high country lakes to the red-rocked canyon lands to the breathtakingly rugged San Juan Mountains, Durango is truly awe-inspiring nature at its finest. I was very much looking forward to talking to these graduates in this beautiful part of our State.

Drawing on my experience as a climber and outdoorsman, I was going to talk to the graduates about the lessons they could learn from the natural world around them as they embarked upon their next journey. I hoped to remind them that they are surrounded by beauty and should take time to take note of the quality of air and light around them. Much like being atop our San Juan Mountains, they too were on the roof of the,world. Not only can they look down with a sense of pride from the peak they have just climbed in earning their degree. From this new found height they can see the myriad peaks on the horizon for the first time because they have worked hard to better themselves through education. They can now see the boundless opportunities available to them. Among these opportunities are those involving public service.

A friend and man I admire, Senator JOHN MCCAIN, has said that military service gave him an opportunity to serve a cause bigger than personal self-interest. I could not say it any better, and I hope all graduates take this underlying message to heart whether they enter military service or not. Senator MCCAIN's wisdom speaks to all of us.

I want to take this opportunity to recognize their hard work and the support of their families and congratulate them on their graduation. I ask my colleagues to join me in recognizing the Ft. Lewis College Winter Graduating Class of 2004. I know I join their friends and family in taking great pride in this laudable achievement.

IN RECOGNITION OF JONATHON DEAN SISTO UPON HIS ACHIEVEMENT OF EAGLE SCOUT COURT OF HONOR

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to pay tribute to my constituent Jonathan Dean Sisto of Eagle Scout troop #204 in Lafayette, California, as he receives the distinguished honor of the Eagle Scout rank.

The honor of Eagle Scout is given only to those young men who have demonstrated that that they have fulfilled its rigorous requirements, including living by the Scout Oath and Law, rising through the Boy Scout ranks, earning 21 merit badges, serving as a leader, and planning and leading a service project for their community. This is not an honor given out lightly: this young man is becoming an Eagle Scout because he is intelligent, dedicated, and principled.

I am proud to call Jonathan Dean Sisto my constituent, for he is a shining example of the promise of the next generation. Indeed, he represents the best of the young people in our country. I extend my sincere congratulations to him and his family, on this momentous occasion.

SENIORS' HEALTH CARE FREEDOM ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. PAUL. Mr. Speaker, I rise to introduce the Seniors' Health Care Freedom Act. This act protects seniors' fundamental right to make their own health care decisions by repealing federal laws that interfere with seniors' ability to form private contracts for medical services. This bill also repeals laws which force seniors into the Medicare program against their will. When Medicare was first established, seniors were promised that the program would be voluntary. In fact, the original Medicare legislation explicitly protected a senior's right to seek out other forms of medical insurance. However, the Balanced Budget Act of 1997 prohibits any physician who forms a private contract with a senior from filing any Medicare reimbursement claims for two years. As a practical matter, this means that seniors cannot form private contracts for health care services.

Seniors may wish to use their own resources to pay for procedures or treatments not covered by Medicare, or to simply avoid the bureaucracy and uncertainty that comes when seniors must wait for the judgment of a Center from Medicare and Medicaid Services (CMS) bureaucrat before finding out if a desired treatment is covered.

Seniors' right to control their own health care is also being denied due to the Social Security Administration's refusal to give seniors who object to enrolling for Medicare Part A Social Security benefits. This not only distorts the intent of the creators of the Medicare system; it also violates the promise represented by Social Security. Americans pay taxes into the Social Security Trust Fund their whole working lives and are promised that Social Security will be there for them when they retire. Yet, today, seniors are told that they cannot receive these benefits unless they agree to join an additional government program!

At a time when the fiscal solvency of Medicare is questionable, to say the least, it seems foolish to waste scarce Medicare funds on those who would prefer to do without Medicare. Allowing seniors who neither want nor need to participate in the program to refrain from doing so will also strengthen the Medicare program for those seniors who do wish to participate in it. Of course, my bill does not take away Medicare benefits from any senior. It simply allows each senior to choose voluntarily whether or not to accept Medicare benefits or to use his own resources to obtain health care.

Forcing seniors into government programs and restricting their ability to seek medical care free from government interference infringes on the freedom of seniors to control their own resources and make their own health care decisions. A woman who was forced into Medicare against her wishes summed it up best in a letter to my office, ". . . I should be able to choose the medical arrangements I prefer without suffering the penalty that is being imposed." I urge my colleagues to protect the right of seniors to make the medical arrangements that best suit their own needs by cosponsoring the Seniors' Health Care Freedom Act.

TRIBUTE TO ATTORNEY JERRY MILANO

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. JONES of Ohio. Mr. Speaker, Jerry Milano was one of Cleveland's most aggressive, flamboyant and skilled defense lawyers. He was equally respected by veteran trial lawyers and the young lawyers, who were "just learning the ropes." Attorney Kenneth Seminatore remembers being "educated" by the seasoned trial lawyer Milano.

"I learned a great deal about attitude and technique from him. In the courtroom, Milano was magic. He never used notes when talking to the jury. He had an uncanny ability to focus on the facts that were important, that would persuade a jury, and which appeared to be coming from his heart, not a script."

Seven years ago Milano's friends in the Cuyahoga County Defense Lawyers Association honored him with its Lifetime Achievement

award. They roasted him by sharing stories of his nearly fifty year career. According to a friend ''Jerry had a terrific sense of humor. And that he just laughed and laughed.''

Jerry Milano had a reputation of being a tough, thorough and always prepared advocate for his clients. He also had a reputation of being a kind and generous man who counted among his friends one-time adversaries. Many stories have been told over the years of his many generous acts on behalf of other lawyers, friends and persons he only knew as acquaintances.

Stories have been told about some of Jerry Milano's courtroom antics. Many of the stories describe humorous, good natured acts before the bench. Some of the stories, while humorous, led to the mischievous lawyer having his wrist slapped by the presiding judge. His comic behaviors, never mean spirited, showed his quick wit and light-hearted sense of humor.

Attorney Jerry Milano, a graduate of Kent State University and Cleveland Marshall College of Law, tried cases of great notoriety. His clients, his opposing counsel, the presiding judge and jury had an opportunity to witness a professional. He defended his clients aggressively, competently, and according to the Canons of Ethics. After more than fifty (50) years of practice in Ohio, Florida and Alabama, Attorney Jerry Milano retired because of illness.

As a young assistant county prosecutor, I watched in awe, and gained valuable insight, as Attorney Milano examined a prosecution witness. As a judge I enjoyed trying cases with Jerry. He made the prosecutors do their jobs. As friends, Jerry and Rita Milano have been with me through all of my ups and downs. Thank you for your friendship.

On behalf of the United States Congress and the citizens of the 11th Congressional District, Ohio, I extend condolences to Rita, Jay and Debbie Milano on the loss of a loving family man and friend. I join the Bar in celebrating the life and times of a legal superstar.

INTRODUCTION OF THE ''REMEMBER 9/11 HEALTH ACT''

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. MALONEY. Mr. Speaker, today I am introducing the ''Remember 9/11 Health Act'' with Representatives SHAYS, NADLER, OWENS, RON KIND, MCDERMOTT, MCCARTHY, and HINCHEY.

During the days following September 11, 2001, tens of thousands of people rushed to the World Trade Center to assist in the rescue and recovery efforts. Their mission was clear—to help the people suffering from the attack. Now, more than 3 years after the attacks, rescue and recovery workers remain sick and out of work as a direct result of their exposure to Ground Zero. To make matters worse, many sick rescue and recovery workers no longer have health care insurance due to their long-term unemployment. Despite this public health emergency, there is still no one in charge, there is no money for treatment, there is no research into its cause, the monitoring program established by Congress can only screen a fraction of those exposed to Ground Zero and it only has been funded for a 5-year period, not the 20 years suggested by the medical community.

To remedy this problem we are reintroducing the ''Remember 9/11 Health Act'' (H.R. 4059 in the 108th Congress).

The ''Remember 9/11 Health Act'' contains four main points: Treatment, Expanded Monitoring, Research and Coordination.

I. Providing Treatment.—Modeled after a program that provides health insurance for injured volunteer forest firefighters, this bill provides federal health insurance to individuals suffering injuries and/or health problem as a result of the September 11th Terrorist Attacks. Recipients do not pay for any health care expenses, including prescription drugs and copayments. This program also includes mental health coverage.

II. Expanding Health Monitoring.—Maintains current monitoring program that is screening a limited number of rescue and recovery workers, including the separate program for the Fire Department, while expanding it to a level recommended by the public health community.

III. Research.—Directs the National Institutes of Health to conduct or support diagnostic and treatment research for health conditions that are associated with the exposure to the terrorist attacks of September 11, 2001.

IV. Coordination.—Establishes the 9/11 Health Emergency Coordinating Council under the direction of the Department of Health and Human Services for the purpose of discussing, examining, and formulating recommendations for the adequacy and coordination of the Federal Government, State government and local governments response to the terrorist attacks of September 11, 2001.

Providing a coordinated federal response that includes not only monitoring, but treatment and research is the right thing to do. We need to send a message to rescue and recovery workers everywhere that if you are there for us when we need you, we will also be there when you need us. Anything short of that is unfair and could jeopardize the rescue and recovery response to future national emergency.

HONORING SUSAN KIRK

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor University of Colorado Regent Susan Kirk. Regent Kirk was elected to represent the First Congressional District in 1992 and was re-elected in 1998 by an overwhelming margin. She was elected chair of the board in 1997 where she provided leadership on the creation of a Women's Studies degree and the application for transfer and conveyance of the Fitzsimmons property. Susan had served the maximum 12 years allowed when her term ended in 2004.

Regent Kirk has been a tireless champion of women's and children's rights, equal opportunity and treatment, and expanding access to higher education. Her altruistic efforts in the community are legendary. She and her husband Dick established the Susan Kirk Scholarship for female students in the Graduate School of Public Affairs. She has also been a contributor to and advocate for the Center for Women's Health Research. Susan Kirk is a key player in many, if not most, charitable endeavors in our community.

Susan held leadership roles at the University of Colorado during both triumphs and challenging times. She has always been more interested in staying true to friendships and looking for solutions than in stirring controversy and grabbing headlines. The strength and grace of her leadership has meant a great deal to our community and is something I personally admire.

I ask my colleagues to join me recognizing my friend, Susan Kirk for her immeasurable contribution to the University of Colorado. I wish her and her husband Dick much health and happiness in their future endeavors.

IN RECOGNITION OF JAMESON JOSEPH COLLINS UPON HIS ACHIEVEMENT OF EAGLE SCOUT COURT OF HONOR

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to pay tribute to my constituent Jameson Joseph Collins of Eagle Scout troop No. 204 in Lafayette, California, as he receives the distinguished honor of the Eagle Scout rank.

The honor of Eagle Scout is given only to those young men who have demonstrated that that they have fulfilled its rigorous requirements, including living by the Scout Oath and Law, rising through the Boy Scout ranks, earning 21 merit badges, serving as a leader, and planning and leading a service project for their community. This is not an honor given out lightly: this young man is becoming an Eagle Scout because he is intelligent, dedicated, and principled.

I am proud to call Jameson Joseph Collins my constituent, for he is a shining example of the promise of the next generation. Indeed, he represents the best of the young people in our country. I extend my sincere congratulations to him and his family, on this momentous occasion.

CONGRATULATING THE 2004 FLORIDA HIGH SCHOOL ATHLETIC ASSOCIATION CLASS 4A STATE FOOTBALL CHAMPIONS

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. PUTNAM. Mr. Speaker, I want to congratulate the 2004 Florida High School Athletic Association, FHSAA, Class 4A State Football Champion Seffner Armwood High School Hawks from the 12th Congressional District of Florida.

The Hawks won their second straight State title after a hard fought victory over the Lake Gibson Braves also from 12th Congressional District. I also want to recognize the valiant efforts of the entire Lake Gibson football team, even though they came up short in this year's state championship game.

I commend the champion Seffner Armwood football team for a wonderful and magical run this year. The people of Florida and Hillsborough County are proud of you. You have all demonstrated that hard work, perseverance and unity are the foundation of success.

I applaud both Seffner Armwood and runner-ups Lake Gibson's football coaching staff for their commitment and dedication to their players and for proving that hard work, sportsmanship and determination pay off.

I salute the Seffner Armwood High School students, teachers, coaches and the entire football team on their achievement as once again victors of the Class 4A State championship football game.

THE OJITO WILDERNESS ACT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to introduce the Ojito Wilderness Act. This bill designates the Ojito Wilderness Study Area, an area totaling approximately 11,000 acres, as a permanent wilderness area to be protected pursuant to the 1964 Wilderness Act. The bill also provides for the purchase and transfer of adjacent Bureau of Land Management, BLM, lands, contiguous to the established boundaries of the Pueblo of Zia, by the Pueblo. This land, an area totaling approximately 13,000, will then be taken into trust and held for the benefit for the Pueblo by the Secretary of the Interior, and would subsequently be managed by the Pueblo in perpetuity as wilderness.

This bipartisan, bicameral legislation is the result of true collaboration among many people in New Mexico. Very similar versions of this bill were introduced, deliberated on, and passed unanimously in both the House and the Senate during the 108th Congress. This is truly a compromise bill, and I look forward to its swift passage in the House. I am proud to say that in New Mexico most of the people I meet recognize how vitally important it is to protect natural areas, to encourage the sustainable use of our State's natural resources, and to honor the role of land in the lives of Native Americans. As this Ojito legislation demonstrates, with creativity and cooperation we can find mutually compatible solutions for all of these necessities.

This proposal has been under consideration for many years. In 1991, Manuel Lujan, the Secretary of the Interior in the former President Bush's cabinet, recommended the Ojito area to Congress for wilderness designation. The BLM has evaluated this area and found it qualifies for full wilderness status and protection.

The legislation has the explicit support of the Governor of New Mexico, the counties of Sandoval and Bernalillo, individual members of State government including our State Land Commissioner Patrick Lyons, the Pueblo of Zia and its members, the adjacent private land owners and individuals who graze their cattle on the land, numerous environmental groups, mineral extraction companies in the region, and business owners and private citizens living and working nearby.

The Ojito Wilderness Study Area is characterized by pristine and dramatic landforms and rock structures, and by several rare plant populations that are indigenous to the area. This area is also recognized for its high density of cultural and archeological sites, including sites that have religious significance to Pueblo Indians.

In particular, this legislation is important to the Pueblo of Zia. The Pueblo's reservation lands currently lie in two noncontiguous sections. Zia has made a concerted effort over many years to adjoin its reservation lands. This legislation will help make this long-standing goal a reality. The Pueblo has consistently and openly worked in cooperation with other interested parties to reach a mutually satisfactory arrangement for the protection of these important lands as undeveloped open space with continued public access. And, in an additional gesture of good faith, the Pueblo has waived its sovereign immunity from suit for matters arising under the provisions of this bill.

Considering the above, I believe this bill does the right thing by ensuring the preservation, protection, and public accessibility of this special area of New Mexico for future generations of Americans. Allow me to express a special thanks to my cosponsor in the House, Representative HEATHER WILSON, and to the members of the New Mexico delegation in the Senate.

ACADEMY NOMINEES FOR 2004 11TH CONGRESSIONAL DISTRICT OF NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. FRELINGHUYSEN of New Jersey. Mr. Speaker, every year, more high school seniors from the 11th Congressional District trade in varsity jackets for navy pea coats, Air Force flight suits, and Army brass buckles than most other districts in the country. But this is nothing new—our area has repeatedly sent an above average portion of its sons and daughters to the nation's military academies for decades.

This fact should not come as a surprise. The educational excellence of area schools is well known and has long been a magnet for families looking for the best environment in which to raise their children. Our graduates are skilled not only in mathematics, science, and social studies, but also have solid backgrounds in sports, debate teams, and other extracurricular activities. This diverse upbringing makes military academy recruiters sit up and take note—indeed, many recruiters know our towns and schools by name.

Since the 1830s, Members of Congress have enjoyed meeting, talking with, and nominating these superb young people to our military academies. But how did this process evolve? In 1843, when West Point was the sole academy, Congress ratified the nominating process and became directly involved in the makeup of our military's leadership. This was not an act of an imperial Congress bent on controlling every aspect of Government. Rather, the procedure still used today was, and is, a further check and balance in our democracy. It was originally designed to weaken and divide political coloration in the officer corps, provide geographical balance to our armed services, and to make the officer corps more resilient to unfettered nepotism and handicapped European armies.

In 1854, Representative Gerritt Smith of New York added a new component to the academy nomination process—the academy review board. This was the first time a Member of Congress appointed prominent citizens from his district to screen applicants and assist with the serious duty of nominating candidates for academy admission. Today, I am honored to continue this wise tradition in my service to the 11th Congressional District.

The Academy Review Board is composed of six local citizens who have shown exemplary service to New Jersey, to their communities, and to the continued excellence of education in our area—many are veterans. Though from diverse backgrounds and professions, they all share a common dedication that the best qualified and motivated graduates attend our academies. And, as true for most volunteer panels, their service goes largely unnoticed.

I would like to take a moment to recognize these men and women and thank them publicly for participating in this important panel. Being on the board requires hard work and an objective mind. Members have the responsibility of interviewing upwards of 50 outstanding high school seniors every year in the academy review process.

The nomination process follows a general timetable. High school seniors mail personal information directly to the Military Academy, the Naval Academy, the Air Force Academy, and the Merchant Marine Academy once they become interested in attending. Information includes academic achievement, college entry test scores, and other activities. At this time, they also inform my office of their desire to be nominated.

The academies then assess the applicants, rank them based on the data supplied, and return the files to my office with their notations. In late November, our Academy Review Board interviews all of the applicants over the course of 2 days. They assess a student's qualifications and analyze character, desire to serve, and other talents that may be hidden on paper.

This year the board interviewed over 40 applicants. Nominations included 10 to the Naval Academy, 11 to the Military Academy, 4 to the Merchant Marine Academy and 4 to the Air Force Academy—the Coast Guard Academy does not use the congressional nomination process. The recommendations are then forwarded to the academies by January 31, where recruiters reviewed files and notified applicants and my office of their final decision on admission.

As these highly motivated and talented young men and women go through the academy nominating process, never let us forget the sacrifice they are preparing to make: to defend our country and protect our citizens. This holds especially true at a time when our nation is fighting the war against terrorism. Whether it is in Afghanistan, Iraq, or other hot spots around the world, no doubt we are constantly reminded that wars are fought by the young. And, while our military missions are both important and dangerous, it is reassuring to know that we continue to put America's best and brightest in command.

ACADEMY NOMINEES FOR 2004, 11TH CONGRESSIONAL DISTRICT, NEW JERSEY

AIR FORCE ACADEMY

Dennis N. Stenkamp, Sparta, Sparta H.S.
Bryant J. Tomlin, Sparta, Sparta H.S.
John P. Libretti, Pine Brook, Seton Hall Prep
Benjamin A. Kalfas, Montville, Montville H.S.

MERCHANT MARINE

Matthew R. Brady, Chatham, Chatham H.S.
Ryan T. Davidson, Randolph, Randolph H.S.
Anthony J. Day, Flanders, Mt. Olive H.S.
Ashley Lally, Sparta, Sparta H.S.

MILITARY ACADEMY

Anthony Arbolino, Netcong, Lenape Valley H.S.
Brianna A. Beckman, Kinnelon, Kinnelon H.S.
Kristen Cassarini, Rockaway, Morris Hills H.S.
Christopher R. Elam, Oak Ridge, Jefferson H.S.
Matthew J. Gnad, Kinnelon, Kinnelon H.S.
John M. Kilcoyne, Essex Fells, West Essex H.S.
Kristen Laraway, Long Valley, West Morris Central H.S.
Shawn P. McKinstry, Bloomingdale, Trinity Christian School
Michael A. Robinson, Brookside, West Morris Mendham H.S.
Abigail E. Zoellner, Basking Ridge, Ridge H.S.
Joshua A. Lospinoso, Florham Park, Hanover Park H.S.

NAVAL ACADEMY

Raymond F. Allen, Califon, West Morris Central H.S.
Ashley Asdal, Chester, West Morris Mendham H.S.
Sean K. Bergstrom, Mendham, Delbarton School
Thomas D. Brenner, Jr., Livingston, Livingston H.S.
Michael Collett, Chester, Delbarton School
Jonathan E. DeWitt, Mendham, West Morris Mendham H.S.
Mark Infante, Chester, Delbarton School
Patrick Leahey, Morris Plains, Morristown H.S.
Ashwin Rajaram, Flanders, Mount Olive H.S.
Brian Schoenig, Pompton Plains, Pequannock H.S.

INTRODUCTION OF THE CLASS ACTION FAIRNESS ACT OF 2005

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. GOODLATTE. Mr. Speaker, I am pleased to introduce today, along with my good friend from Virginia, Mr. BOUCHER, the Class Action Fairness Act of 2005.

This much-needed bipartisan legislation corrects a serious flaw in our Federal jurisdiction statutes. At present, those statutes forbid our Federal courts from hearing most interstate class actions—the lawsuits that involve more money and touch more Americans than virtually any other type of litigation in our legal system.

The class action device is a necessary and important part of our legal system. It promotes efficiency by allowing plaintiffs with similar claims to adjudicate their cases in one proceeding. It also allows claims to be heard in cases where there are small harms to a large number of people, which would otherwise go unaddressed because the cost to the individuals suing could far exceed the benefit to the individual. However, class actions are increasingly being used in ways that do not promote the interests they were intended to serve.

In recent years, State courts have been flooded with class actions. As a result of the adoption of different class action certification standards in the various States, the same class might be certifiable in one State and not another, or certifiable in State court but not in Federal court. This creates the potential for abuse of the class action device, particularly when the case involves parties from multiple States or requires the application of the laws of many States.

For example, some State courts routinely certify classes before the defendant is even served with a complaint and given a chance to defend itself. Other State courts employ very lax class certification criteria, rendering virtually any controversy subject to class action treatment. There are instances where a State court, in order to certify a class, has determined that the law of that State applies to all claims, including those of purported class members who live in other jurisdictions. This has the effect of making the law of that State applicable nationwide.

The existence of State courts that broadly apply class certification rules encourages plaintiffs to forum shop for the court that is most likely to certify a purported class. In addition to forum shopping, parties frequently exploit major loopholes in Federal jurisdiction statutes to block the removal of class actions that belong in Federal court. For example, plaintiffs' counsel may name parties that are not really relevant to the class claims in an effort to destroy diversity. In other cases, counsel may waive Federal law claims or shave the amount of damages claimed to ensure that the action will remain in State court.

Another problem created by the ability of State courts to certify class actions which adjudicate the rights of citizens of many States is that oftentimes more than one case involving the same class is certified at the same time. In the Federal court system, those cases involving common questions of fact may be transferred to one district for coordinated or consolidated pretrial proceedings.

When these class actions are pending in State courts, however, there is no corresponding mechanism for consolidating the competing suits. Instead, a settlement or judgment in any of the cases makes the other class actions moot. This creates an incentive for each class counsel to obtain a quick settlement of the case, and an opportunity for the defendant to play the various class counsels against each other and drive the settlement value down. The loser in this system is the class member whose claim is extinguished by the settlement, at the expense of counsel seeking to be the one entitled to recovery of fees.

Our bill is designed to prevent these abuses by allowing large interstate class action cases to be heard in Federal court. It would expand the statutory diversity jurisdiction of the Federal courts to allow class action cases to be brought in or removed to Federal court.

Article III of the Constitution empowers Congress to establish Federal jurisdiction over diversity cases—cases between citizens of different States. The grant of Federal diversity jurisdiction was premised on concerns that State courts might discriminate against out of State defendants. In a class action, only the citizenship of the named plaintiffs is considered for determining diversity, which means that Federal diversity jurisdiction will not exist if the named plaintiff is a citizen of the same State as the defendant, regardless of the citizenship of the rest of the class. Congress also imposes a monetary threshold—now $75,000—for Federal diversity claims. However, the amount in controversy requirement is satisfied in a class action only if all of the class members are seeking damages in excess of the statutory minimum.

These jurisdictional statutes were originally enacted years ago, well before the modern class action arose, and they now lead to perverse results. For example, under current law, a citizen of one State may bring in Federal court a simple $75,001 slip-and-fall claim against a party from another State. But if a class of 25 million product owners living in all 50 States brings claims collectively worth $15 billion against the manufacturer, the lawsuit usually must be heard in State court.

This result is certainly not what the framers had in mind when they established Federal diversity jurisdiction. Our bill offers a solution by making it easier for plaintiff class members and defendants to remove class actions to Federal court, where cases involving multiple State laws are more appropriately heard. Under our bill, if a removed class action is found not to meet the requirements for proceeding on a class basis, the Federal court would dismiss the action without prejudice and the action could be refiled in State court.

In addition, the bill provides a number of new protections for plaintiff class members, including greater judicial scrutiny for settlements that provide class members only coupons as relief for their injuries. The bill also bars the approval of settlements in which class members suffer a net loss. In addition, the bill includes provisions that protect consumers from being disadvantaged by living far away from the courthouse. These additional consumer protections will ensure that class action lawsuits benefit the consumers they are intended to compensate.

This legislation does not limit the ability of anyone to file a class action lawsuit. It does not change anyone's right to recovery. Our legislation merely closes the loophole, allowing Federal courts to hear big lawsuits involving truly interstate issues, while ensuring that purely local controversies remain in State courts. This is exactly what the framers of the Constitution had in mind when they established Federal diversity jurisdiction.

I urge each of my colleagues to support this very important bipartisan legislation.

CONGRATULATING JUDD AND SUSAN SHOVAL AND GUARD INSURANCE GROUP UPON RECEIVING THE WILKES-BARRE 2005 COMMUNITY LEADERSHIP AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the

House of Representatives to pay tribute to my very good friends Judd and Susan Shoval and their company, GUARD Insurance, who received the Wilkes-Barre 2005 Community Leadership Award at a ceremony on Friday at the Westmoreland Club in Wilkes-Barre, PA.

The foundation of GUARD was an entrepreneurial expansion for Judd and Susan and a move that showed their commitment to investing in the community. Prior to GUARD, they had founded a commercial property and casualty insurance agency called Shoval Associates. As their business grew, they established an independent insurance company specializing in workers' compensation insurance in 1983.

In 2004, A.M. Best Co. recognized GUARD Insurance as an e-Fusion Finalist. This is a national awards program that spotlights innovative usage of technology to address insurance business challenges. In 2001, GUARD was ranked second among the 50 best large places to work in Pennsylvania. Ernst and Young recognized Judd and Susan with the Regional Entrepreneur-of-the-Year Award in 2001.

Judd and Susan—always community minded—kept their home office in Wilkes-Barre. They operate seven field offices and have four subsidiaries. Their company employs 560 and insures 27,000 employers.

Judd and Susan are tremendously involved in the community. I have known Susan very well as a director of the Earth Conservancy, a non-profit organization I helped found dedicated to reclaiming and developing 16,000 acres of former coal mine lands. I will always be grateful for the time and leadership she devoted to this worthy cause.

Judd is also involved with the community, including service on the boards of local universities, the Jewish Community Center and the United Jewish Campaign. He is also the chairman of CityVest, a nonprofit organization I helped found to serve as a developer of last resort. CityVest has already renovated several classic old homes on South Franklin Street and is now embarking on perhaps Wilkes-Barre's premiere landmark, The Hotel Sterling.

Judd earned a law degree from the Hebrew University of Jerusalem. Originally from Austria, Judd had moved to America in the early 1970s. A native of Northeastern Pennsylvania, Susan graduated magna cum laude with an economics degree from Cornell University and with highest honors from the College of Insurance in New York City. Judd and Susan have four children: Ben, Deborah, Karyn, and Rebecca.

Mr. Speaker, please join me in congratulating these two entrepreneurs who have given so much to their community. They are most deserving of the Wilkes-Barre 2005 Community Leadership Award.

HONORING COLORADO SENATE PRESIDENT JOAN FITZ-GERALD

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor my good friend, Joan Fitz-Gerald. Senator Fitz-Gerald is the first woman to lead the Colorado State Senate and is the only female Senate President in the entire country.

When you meet Joan, who stands at about 5′1″, the first image that comes to mind is not necessarily that of a woman capable of breaking ceilings, glass or otherwise. Yet she has done just that since she first ran for Jefferson County Clerk and Recorder in 1990. At the time, many people thought that she had been recruited to run for County Clerk and Recorder as little more than a Democratic place holder on the ballot. No Democrat had won in a county-wide election in the previous 15 years and no woman had ever held the position of County Clerk and Recorder in the history of Jefferson County. But Joan has always been more interested in breaking glass ceilings than in being a place holder. She campaigned hard on a solid platform and won that election. She served in the Clerk and Recorder's office until 1998. In 2000, she ran for the Colorado Senate.

Again she waged an uphill battle in a district that was traditionally difficult for a Democrat and was once again successful against popular convention of the time. Her victory gave Democrats the one seat majority they needed to take back control of the Senate. When the Democrats lost their majority the following election cycle, Senator Fitz-Gerald again made history by become the first female Minority Leader of the Senate.

In this past election cycle, Joan was one of the key leaders to orchestrate a plan to take back the Senate for the Democrats. She did this while caring for her ailing mother and caring for her brother who was diagnosed with leukemia. She lost both within 11 days of one another after the election.

It is a sign of the sincerity and strength of one's character when friends and foes alike agree about another person's character. Anyone who knows her, friend or foe, will say that she is a fighter. More than that she is also a person interested in advancing the goals of community service. She may be on the verge of becoming Colorado's Harry Truman. But then again, maybe Harry Truman was Missouri's Joan Fitz-Gerald.

Senator Joan Fitz-Gerald is a strong, smart, savvy woman. I am proud that she is the Colorado State Senate President and even more proud that she is my friend. I ask my colleagues on both sides of the aisle to join me in honoring Joan Fitz-Gerald for her achievement.

IN RECOGNITION OF BRANDON MICHAEL RUNYON UPON HIS ACHIEVEMENT OF EAGLE SCOUT COURT OF HONOR

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to pay tribute to my constituent Brandon Michael Runyon of Eagle Scout troop #204 in Lafayette, California, as he receives the distinguished honor of the Eagle Scout rank.

The honor of Eagle Scout is given only to those young men who have demonstrated that they have fulfilled its rigorous requirements, including living by the Scout Oath and Law, rising through the Boy Scout ranks, earning 21 merit badges, serving as a leader, and planning and leading a service project for their community. This is not an honor given out lightly: this young man is becoming an Eagle Scout because he is intelligent, dedicated, and principled.

I am proud to call Brandon Michael Runyon my constituent, for he is a shining example of the promise of the next generation. Indeed, he represents the best of the young people in our country. I extend my sincere congratulations to him and his family, on this momentous occasion.

HARMFUL AND COUNTERPRODUCTIVE UNITED STATES EMBARGO ON CUBA

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. PAUL. Mr. Speaker, I rise again this Congress to introduce a bill to lift the harmful and counterproductive United States Embargo on Cuba.

On June 29, 2001, the Texas State legislature adopted a resolution calling for an end to U.S. economic sanctions against Cuba. Lawmakers emphasized the failure of sanctions to remove Castro from power, and the unwillingness of other nations to respect the embargo. One Texas Representative stated: ''We have a lot of rice and agricultural products, as well as high-tech products, that would be much cheaper for Cuba to purchase from Texas. All that could come through the ports of Houston and Corpus Christi.'' I wholeheartedly support this resolution, and I have introduced similar Federal legislation in past years to lift all trade, travel, and telecommunications restrictions with Cuba. I only wish Congress understood the simple wisdom expressed in Austin; so that we could end the harmful and ineffective trade sanctions that serve no national purpose.

I oppose economic sanctions for two very simple reasons. First, they don't work as effective foreign policy. Time after time, we have failed to unseat despotic leaders by refusing to trade with the people of those nations. If anything, the anti-American sentiment aroused by sanctions often strengthens the popularity of such leaders, who use America as a convenient scapegoat to divert attention from their own tyranny. So while sanctions may serve our patriotic fervor, they mostly harm innocent citizens and do nothing to displace the governments we claim as enemies.

Second, sanctions hurt American industries, particularly agriculture. Sanctions destroy American jobs. Every market we close to our Nation's farmers is a market exploited by foreign farmers. China, Russia, the Middle East, North Korea, and Cuba all represent huge markets for our farm products, yet many in Congress favor current or proposed trade restrictions that prevent our farmers from selling to the billions of people in these countries. Given our status as one of the world's largest agricultural producers, why would we ever choose to restrict our exports? The only beneficiaries of our sanctions policies are our foreign competitors.

I certainly understand the emotional feelings many Americans have toward nations such as

Cuba. Yet we must not let our emotions overwhelm our judgment in foreign policy matters, because ultimately human lives are at stake. Economic common sense, self-interested foreign policy goals, and humanitarian ideals all point to the same conclusion: Congress should work to end economic sanctions against all nations immediately.

The legislation I introduce today is representative of true free trade in that while it opens trade, it prohibits the U.S. Taxpayer from being compelled to subsidize the United States government, the Cuban government or individuals or entities that choose to trade with Cuban citizens.

TRIBUTE TO MAYOR PATRICIA S. MEARNS

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. JONES of Ohio. Mayor Patricia S. Mearns has distinguished herself in the Shaker Heights community, as a loyal public servant and volunteer for the numerous organizations she is a member of and causes that she actively works to support. For these reasons Mayor Patricia S. Mearns has been honored with the first Martin Luther King, Jr. Human Relations Award.

Mayor Patricia S. Mearns civic involvement in the Shaker Heights community began as President of the Malvern School PTA in the late 1970s and later climaxed as Mayor of Shaker Heights. Her dedication and complete belief in racial equality played a major role in her social and family policies.

Mayor Patricia S. Mearns has worked hard to strengthen neighborhood organizations by encouraging members of cultural and racial minority groups to become involved in all aspects of city life. As a member of the Shaker Family Center, Fund for the Future, Shaker Heights Meals on Wheels and Shaker Youth Center boards of trustees, she has led by example and has an outstanding reputation for accomplishing her goals. Two excellent examples of her effectiveness as a leader are the successful campaigns of the Shaker Heights Levy of 1981 and the more recent levy of the Shaker Heights Library.

Mayor Patricia S. Mearns continues her involvement in numerous organizations locally even after her tenure as the mayor of Shaker Heights concluded. Her public service, community service and organizational interest areas include: children, education, families, and race relations. Her involvement in the St. Luke's Foundation, Shaker Square Kiwanis Club, Housing Research and Advocacy Center, Cuyahoga County Task Force on Elder Friendly Communities and the Shaker Square Area Development Corporation, has and continues to positively affect the lives of Shaker Heights residents.

On behalf of the United States Congress and the citizens of the 11th Congressional District, Ohio, I extend my congratulations to an outstanding public servant, a fantastic and talented woman, the Honorable Mayor Patrica S. Mearns.

INTRODUCTION OF THE ''VICTIMS COMPENSATION FUND EXTENSION ACT''

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. MALONEY. Mr. Speaker, today I along with Representatives NADLER, BISHOP, OWENS, MCCARTHY and SERRANO are introducing the ''Victims Compensation Fund Extension Act.''

In the immediate aftermath of the September 11 terrorist attacks the Congress created the Victims Compensation Fund (VCF) to provide compensation for victims of 9/11. This fund provided aid to the families of 9/11 victims and to individuals who suffered personal injury. Among other things, aid from the fund pays for medical expenses and lost wages. In return for accepting these funds, recipients relinquished rights to any future litigation. The fund had a deadline for applicants of December 22, 2003.

At the deadline, close to 100 percent of the families who lost a loved one had filed with the fund, but many individuals who were injured as a direct result of 9/11 had not. After the filing, many of the injured were denied benefits, despite a clear need.

The main reasons for not filing applications included people who did not know they were eligible as well as others whose injuries were late-onset. There are literally hundreds of individuals who are now just developing career-ending injuries—such as pulmonary and respiratory ailments—but are not eligible to receive assistance because they developed their symptoms after the deadline.

Largely as a result of the VCF's restrictions on applicants, 1,755 of the 4,430 personal injury claims considered were denied. While there was some leeway, the rules required workers to have arrived at Ground Zero within 96 hours of the attack and would have needed to seek medical treatment within 72 hours. This is reasonable for rescue workers who suffered immediate injuries, but leaves no recourse for individuals with late-onset injuries or who arrived after September 15, 2001 to assist in the recovery effort and are now suffering from injuries.

In order to care for the individuals who are now just developing physical injuries and to provide an opportunity for injured individuals who did not know they were eligible, we are re-introducing the Victims Compensation Fund Extension Act (H.R. 5076 in the 108th Congress).

This bill would:

Amend eligibility rules so that responders to the 9/11 attacks who arrived later than the first 96 hours could be eligible if they experienced illness or injury from their work at the site.

Amend eligibility rules so that those who did not seek immediate medical verification for their illness or injury from the disaster, but who have since obtained medical evidence, would be eligible.

Extend the deadline for applications to allow those with either late-onset illness from the disaster or those who were never informed of their eligibility for the Victim Compensation Fund to consider applying.

HONORING THE SERVICE OF ELAINE T. VALENTE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge a good friend and a hard-working public servant, Ms. Elaine Valente. Elaine is retiring as a Commissioner for Adams County, Colorado after 16 years of dedicated service.

Commissioner Valente was born and raised in Adams County Colorado. She and her husband Larry own the successful Valente's Deli, are proud parents of two accomplished children, and are passionate community activists.

Elaine's interest in her community began long before assuming her role as County Commissioner. She served on the Adams County Planning Commission, the City of Westminster Urban Renewal Authority, the Westminster Planning Commission, the Citizen's Evaluation for Retention of Judges, and the School District 50 Superintendent's Parent Advisory Committee.

Her deep passion to give something back to her community and to help improve Colorado is what motivated her to run for County Commissioner in 1988. Elaine was victorious in that election and quickly became an outspoken advocate for Adams County's communities. As Chairman of the Board of County Commissioners she took an interest in many issues affecting her constituency, helping pave the way for future economic development, transportation improvements, air traffic investments and reform of county services. When I was elected to Congress in 1998 I knew that one of my first objectives was to learn as much as I could from Elaine, not only about one of Colorado's fastest growing communities, but also about effective public service.

Elaine is the kind of person who speaks her mind with a blend of honest bluntness and old-school graciousness. As a daughter of Italian-Americans she also established a reputation for leadership on behalf of ethnic minorities.

Mr. Speaker, I ask my colleagues to join me in honoring Ms. Elaine Valente and in wishing her success in all her future endeavors. It has been a true privilege to work with such a remarkable woman.

IN RECOGNITION OF NICHOLAS GEORGE RICHARDSON UPON HIS ACHIEVEMENT OF EAGLE SCOUT COURT OF HONOR

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to pay tribute to my constituent Nicholas George Richardson of Eagle Scout troop #204 in Lafayette, California, as he receives the distinguished honor of the Eagle Scout rank.

The honor of Eagle Scout is given only to those young men who have demonstrated that that they have fulfilled its rigorous requirements, including living by the Scout Oath and Law, rising through the Boy Scout ranks, earning 21 merit badges, serving as a leader, and

planning and leading a service project for their community. This is not an honor given out lightly: this young man is becoming an Eagle Scout because he is intelligent, dedicated, and principled.

I am proud to call Nicholas George Richardson my constituent, for he is a shining example of the promise of the next generation. Indeed, he represents the best of the young people in our country. I extend my sincere congratulations to him and his family, on this momentous occasion.

CONGRATULATING THE 2004 FLORIDA HIGH SCHOOL ATHLETIC ASSOCIATION CLASS 1A STATE FOOTBALL CHAMPIONS

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. PUTNAM. Mr. Speaker, I want to congratulate the 2004 Florida High School Athletic Association (FHSAA) Class lA State Football Champion Fort Meade Middle-High School Fighting Miners from the 12th Congressional District of Florida.

This was an incredible season for the Fighting Miners as they finally became the best football program in Class 1A and one of the elite teams in Florida under Head Coach Michael Hayde.

I commend the champion Fort Meade Middle-High School football team for a wonderful and magical run this year. The people of Florida and all of Polk County are proud of you. You have all demonstrated that hard work, perseverance and unity are the foundation of success.

I applaud the entire Fort Meade football coaching staff for their commitment and dedication to their players and for proving that hard work, sportsmanship and determination pay off.

I pay tribute to Fort Meade Middle-High School students, teachers, coaches and the entire football team on their achievement as victors of the Class 1A state championship football game.

NATIVE AMERICAN VETERANS BURIAL FAIRNESS ACT OF 2005

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to introduce the Native American Veterans Cemetery Act of 2005. I first introduced this bill in the 108th Congress, and I am optimistic about its prospects during the 109th Congress.

The Native American Veterans Cemetery Act makes all Native American tribes eligible to apply for state cemetery grants. Under current law, only states are eligible for these grants. The bill would not give preference or special exceptions to Native American tribes that apply for the state cemetery grants. It would simply put tribes on equal footing with state governments—consistent with tribal sovereignty—by allowing them to apply for grants to establish, expand or improve tribal veterans cemeteries. Moreover, if a Native American tribe were awarded a state cemetery grant, the cemetery would be open to all veterans.

Historically, Native Americans have the highest record of service per capita of any ethnic group. New Mexico is home to almost 9,800 Native American Veterans, making it one of the top five states in the country with regard to its Native American veteran population. I believe it is time that Native American veterans who have served our country so honorably are allowed to pursue a decent, dignified resting place on their tribal lands.

Last year, Secretary of Veterans Affairs Anthony Principi stated in writing that he strongly supported this bill's enactment, and because it does not extend any special exceptions or benefits to Native American tribes that apply for state cemetery grants, this bill is budget neutral. The bill is also supported by the Navajo Nation, the largest federally recognized tribe, as well as National American Indian Veterans, Inc (NAIV). In addition to a resolution adopted by the Navajo Nation Council, the New Mexico and Arizona state legislatures have both passed memorials urging Congress to adopt this measure. I have included with this statement support letters from the VA, Navajo Nation, and NAIV.

I would like to thank my colleague Representative TOM COLE of Oklahoma for his strong and early support of this bill, as well as the other 24 original cosponsors. I look forward to working with all of my colleagues to move this bill during the 109th Congress.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, July 29, 2004.

Hon. TOM UDALL,
Member, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR MR. UDALL: We are pleased to present our views on H.R. 2983, 108th Congress, a bill, ''[t]o amend title 38, United States Code, to provide for eligibility of Indian tribal organizations for grants for the establishment of veterans cemeteries on trust lands.'' This bill would authorize the Secretary of Veterans Affairs to make grants to tribal organizations to assist them in establishing, expanding, or improving veterans' cemeteries in the same manner and under the same conditions as grants to states are made under 38 U.S.C. 2408.

The cemetery-grants program has proven to be an effective way of making the option of veterans-cemetery burials available in locations not conveniently served by our national cemeteries. H.R. 2983 would create another means of accommodating the burial needs of Native American veterans who wish to be buried in tribal lands, and we strongly support its enactment.

While we are unsure of the number of grant applications that may be prompted by the bill's enactment, we do not assume its passage would result in the appropriation of additional funds for the cemetery-grants program. Hence, we estimate its enactment would be budget neutral.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely yours,

ANTHONY J. PRINCIPI.

NATIONAL AMERICAN INDIAN VETERANS, INC.,
Mitchell, SD, October 7, 2004.

DEAR CONGRESSIONAL REPRESENTATIVE: The National American Indian Veterans, Inc. is writing to respectfully request your support of H.R. 2983, the Native American Veterans Cemetery Act of 2003 (Act). The Act will authorize the Secretary of Veterans Affairs to make grants available to tribal organizations for establishing, expanding, or improving Veterans cemeteries on trust land owned by, or held in trust for tribal organizations. The Act has been referred to the U.S. House of Representatives Committee on Veterans Affairs, Sub-Committee on Benefits.

Today, American Indian Veterans cemeteries in Indian Country are either non-existent or are filled to capacity. As a result, our deceased brothers and sisters in arms are either laid to rest in State Veterans Cemeteries far from their homelands and families, or in cemeteries without the identifying honor of distinguished service in defense of our great nation.

During his second inaugural address, President Abraham Lincoln spoke to the mission of the U.S. Department of Veterans Affairs to ''care for him who shall have borne the battle and his widow and orphan.'' On a population per capita basis, no one has borne the battle more than the American Indian Veteran and their widows and orphans. American Indian Veterans have served in the defense of the United States in all its military conflicts throughout the 20th and 21st Century.

Your support of H.R. 2983, the Native American Veterans Cemetery Act of 2003, will honor American Indian Veterans by establishing Veterans Cemeteries in Indian Country.

DONALD E. LOUDNER,
National Commander.
ANDERSON MORGAN,
Junior Vice Chairman.
CASSANDRA MORGAN,
Treasurer.
MICHAEL PAVATEA,
Senior Vice Commander.
JOEY STRICKLAND,
Chief of Staff.
BRYCE IN THE WOODS,
Secretary.

RESOLUTION OF THE INTERGOVERNMENTAL RELATIONS COMMITTEE OF THE NAVAJO NATION COUNCIL

APPROVING AND SUPPORTING THE NATIVE AMERICAN VETERANS CEMETERY ACT OF 2003 (H.R. 2983) INTRODUCED BY U.S. REPRESENTATIVE TOM UDALL OF NEW MEXICO THAT THE BILL WILL MAKE ALL TRIBES ELIGIBLE TO APPLY FOR STATE CEMETERY GRANTS FROM THE U.S. DEPARTMENT OF VETERANS AFFAIRS (VA)

Whereas:

1. Pursuant to 2 N.N.C. §§ 821 and 824(B)(5), the Intergovernmental Relations Committee is hereby established as a standing committee of the Navajo Nation Council and is to coordinate with all committees, chapters, branches and entities concerned with all Navajo appearances and testimony before Congressional committees, departments of the United States government, state legislatures and departments and county and local governments; and

2. Pursuant to 2 N.N.C. §§ 601 and 604(B)(1), (3) and (5), the Human Services Committee is established and continued as a standing committee of the Navajo Nation Council, and is empowered to promulgate regulations for the enforcement and implementation of the labor laws and policies of the Navajo Nation and laws relating to veterans services; to recommend legislation regarding employment, training, and veterans services; and to serve as the oversight authority for the Division of Human Resources, including the Department of Navajo Veterans Affairs (DNVA); and

3. The DNVA under the Division of Human Resources was established to foster the interests of Navajo veterans by advocating and providing administration oversight and coordination of veterans programs and services of federal, state and tribal governments and private agencies; and

4. Pursuant to Resolution GSCMY–40–03 of the Government Services Committee of the Navajo Nation Council, one of the purposes of the DNVA under the Division of Human Resources is to seek out and identify additional funding sources and make recommendations for the Implementation, expansion and improvement of existing programs of the divisions and offices of the Navajo Nation to ensure that Navajo veterans receive the benefits and services they are entitled to; and

5. Although the federal State Cemetery Grants Program (SCGP) exists pursuant to 38 U.S.C. Section 2408 since 1978 for the benefit of all U.S Armed Forces service members and veterans. Indian Tribes of the U.S. are ineligible to apply for program funding to establish, expand or improve a veterans cemetery on their reservations because eligibility requirements are limited to states only; and

6. The states of Arizona and New Mexico have passed legislations in support of an amendment to the law to allow Indian tribes' participation in the SCGP with funding to establish, expand or improve cemeteries on the reservation. The DNVA is planning to establish a new veterans cemetery to replace the old and full to capacity Ft. Defiance Veterans Cemetery within the four sacred mountains of the Navajo Nation to afford burial of Native American and non-native veterans and their eligible spouses and dependent children; and

7. By Resolution HSCN–39–03, the Human Services Committee of the Navajo Nation Council recommended the Intergovernmental Relations Committee of the Navajo Nation Council to approve and support the Native American Veterans Cemetery Act of 2003 (H.R. 2983) introduced by U.S. Representative Tom Udall of New Mexico, that the bill will make all tribes eligible to apply for State Cemetery Grants from the U.S. Department of Veterans Affairs (VA); and

8. By Resolution CJ–5–40, the Navajo Nation Council resolved that the Navajo People stood ready to aid and defend the United States Government and its institutions against all subversive and armed conflicts and pledged loyalty to the system which recognized minority rights and a way of life; and

9. Navajo veterans, since their return from various wars, continue to live in substandard and unsanitary living conditions and continue to face many problems from unemployment to health problems, mentally and physically, and as Native American veterans they have borne the scars of many battles at a proportionally higher cost than any other ethnic group; and

10. It is in the best interest of all Navajo veterans, and their spouses and dependent children, the need and benefit for final resting place be established within the four sacred mountains of the Navajo Nation.

Now Therefore Be It Resolved That:

1. The Intergovernmental Relations Committee of the Navajo Nation Council hereby approves and supports the Native American Veterans Cemetery Act of 2003 (H.R. 2983), attached hereto as Exhibit ''A'', introduced by U.S. Representative Tom Udall of New Mexico, that the bill make all tribes eligible to apply for State Cemetery Grants from the U.S. Department of Veterans Affairs (VA).

2. The Intergovernmental Relations Committee of the Navajo Nation Council requests the assistance of the Navajo Nation Washington Office in the tracking of the legislation and notify appropriate Navajo Nation committees regarding committee hearings on this legislation.

3. The Intergovernmental Relations Committee of the Navajo Nation Council further recommends that the Office of the President/Vice President of the Navajo Nation and the full Navajo Nation Council support and authorize this effort and initiative on behalf of the Navajo Nation veterans.

4. The Intergovernmental Relations Committee of the Navajo Nation Council furthermore urges all Indian nations of states to effect the purpose of the Act beneficial at most for Native American service members and veterans and their spouses and dependent children.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Intergovernmental Relations Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 8 in favor, 0 opposed, and 0 abstained, this 17th day of November. 2003.

LAWRENCE T. MORGAN,
Chairperson, Intergovernmental Relations Committee.

RESOLUTION OF THE HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL RECOMMENDING THE INTERGOVERNMENTAL RELATIONS COMMITTEE OF THE NAVAJO NATION COUNCIL TO APPROVE AND SUPPORT THE NATIVE AMERICAN VETERANS CEMETERY ACT OF 2003 (H.R. 2983) INTRODUCED BY U.S. REPRESENTATIVE TOM UDALL OF NEW MEXICO THAT THE BILL WILL MAKE ALL TRIBES ELIGIBLE TO APPLY FOR STATE CEMETERY GRANTS FROM THE U.S. DEPARTMENT OF VETERANS AFFAIRS (VA)

Whereas:

1. Pursuant to 2 N.N.C. §§ 601 and 604(B) (1), (3), and (5), the Human Services Committee is established and continued as a standing committee of the Navajo Nation Council and is empowered to promulgate regulations for the enforcement and implementation of the labor laws and policies of the Navajo Nation and laws relating to veterans services; to recommend legislation regarding employment, training, and veterans services; and to serve as the oversight authority for the Division of Human Resources, including the Department of Navajo Veterans Affairs (DNVA); and

2. The DNVA under the Division of Human Resources was established to foster the interests of Navajo veterans by advocating and providing administration oversight and coordination of veterans programs and services of federal, state and tribal governments and private agencies; and

3. Pursuant to Resolution GSCMY–40–03 of the Government Services Committee of the Navajo Nation Council, one of the purposes of the DNVA is to seek out and identify additional funding sources and make recommendations for the implementation, expansion and improvement of existing programs of the divisions and offices of the Navajo Nation to ensure that Navajo veterans receive the benefits and services they are entitled to; and

4. Although the federal State Cemetery Grants Program (SCGP) exists pursuant to 38 U.S.C. Section 2408 since 1978 for the benefit of all U.S. Armed Forces service members and veterans, Indian Tribes of the U.S. are ineligible to apply for program funding to establish, expand or improve a veterans cemetery on their reservations because eligibility requirements are limited to states only; and

5. The legislators of Arizona and New Mexico in year 2003 sessions have passed legislations in support of an amendment to the law to allow Indian tribes' participation in the SCGP with funding to establish, expand or improve cemetery on the reservations. The DNVA is planning to establish a new veterans cemetery, to replace the old and full to capacity Ft. Defiance Veterans Cemetery, within the four sacred mountains of the Navajo Nation to afford burial of Native American and non-native veterans, and their eligible spouses and dependent children; and

6. By Resolution CJ–5–40, the Navajo Nation Council resolved that the Navajo People stood ready to aid and defend the United States Government and its institutions against all subversive and armed conflicts and pledged loyalty to the system which recognized minority rights and a way of life. This commitment continues to be exercised in all branches of service and involved at higher ratio than any ethnic group population; and

7. It is in the best interest of all Navajo veterans and their spouses and dependent children the need and benefit for final resting place be established within the four sacred mountains of the Navajo Nation.

Now, Therefore, Be It Resolved That:

1. The Human Services Committee of the Navajo Nation Council hereby recommends the Intergovernmental Relations Committee of the Navajo Nation Council to approve and support the Native American Veterans Cemetery Act of 2003 (H.R. 2983) introduced by U.S. Representative Tom Udall of New Mexico that the bill will make all tribes eligible to apply for State Cemetery Grants from the U.S. Department of Veterans Affairs (VA). This legislation is attached hereto as Exhibit ''A''.

2. The Human Services Committee of the Navajo Nation Council requests the Navajo Nation Washington office to assist by monitoring the progress of the legislation and inform Department of Navajo Veterans Affairs and Human Services Committee for appearances before congressional committees and testimonies.

3. The Human Services Committee of the Navajo Nation Council further recommends that the Office of the President/Vice President of the Navajo Nation and the full Navajo Nation Council support and authorize this effort and initiative on behalf of the Navajo Nation veterans and families.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Human Services Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed and 0 abstained, this 14th day of November, 2003.

LARRY ANDERSON,
Chairperson, Human Services Committee.

HONORING 75 YEARS OF HISTORY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Kinnelon Fire Department, of the Borough of Kinnelon, in Morris County, New Jersey, a vibrant community I am proud to represent. On January 29, 2005, the good citizens of Kinnelon are celebrating the fire department's seventy-fifth anniversary.

For seventy-five years, members of the Kinnelon Fire Department have been protecting and serving the residents of their community. The fire department is made up of

ninety volunteers, led by Fire Chief Keith Pavlak. Other dedicated members of the fire department include First Assistant Chief Alan Bresett and Second Assistant Chief Gail Bresett.

The Kinnelon Fire Department has a deep history that is evident in their desire to commemorate the department's 75 year anniversary. Volunteers, along with Mayor Sisco and other council members, will join to celebrate and recognize the volunteers and their predecessors.

From its charter members to its current roster, the membership of the Kinnelon Fire Department, has dedicated itself to the safety and welfare of Kinnelon's good citizens. Kinnelon's firefighters, dedicated public servants, past and present, are to be commended for a job well done.

Mr. Speaker, I urge you and my colleagues to join me in congratulating the members of the Kinnelon Fire Department on the celebration of its seventy-five years protecting one of New Jersey's finest municipalities.

INTRODUCTION OF RESOLUTION HONORING THE JAMES MADISION UNIVERSITY FOOTBALL TEAM

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce a resolution congratulating the James Madison University football team, the ''Dukes'', for their outstanding and historic victory in the National Collegiate Athletic Association's Division One—Double-A Championship Game.

James Madison University is located in Virginia's 6th congressional district, in Harrisonburg, VA. JMU is one of the nearly twenty colleges or universities in my congressional district. The school was established in 1908 as the State Normal and Industrial School for Women, and remained a women's college until 1966.

The school's name was officially changed to honor our Nation's fourth president, one of eight Virginia presidents, James Madison, in 1977.

JMU is currently home to more than 15,000 students and more than 2,000 faculty members. In addition, the JMU athletic program has more than 500 student athletes who compete in eleven men's and thirteen women's sports.

Mr. Speaker, JMU received an at-large-bid to compete in the I–AA playoffs and defeated Lehigh, Furman, and the College of William and Mary (another wonderful Virginia school) to advance to the championship game.

JMU ultimately defeated the University of Montana Grizzlies with a final score of 31 to 21, before 16,771 fans and a national television audience, at the home field of the University of Tennessee-Chattanooga. The Dukes became the first team to win four straight road games in Division I–AA postseason history.

I would like to also congratulate the University of Montana Grizzlies, who were seeking their third national title in ten years. The Grizzlies finished the season with a wonderful record of twelve and three.

I was pleased to participate in a wonderful parade and community celebration a few weeks ago in downtown Harrisonburg to honor the Dukes.

Again, congratulations to James Madison University and I am pleased to have the support of the entire Virginia delegation as I offer this resolution.

CONGRATULATING THE WILKES-BARRE COUNCIL 302 OF THE KNIGHTS OF COLUMBUS ON THEIR 107TH ANNIVERSARY AND HONORING RAYMOND J. LENAHAN FOR HIS SERVICE AS GRAND KNIGHT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the Wilkes-Barre Council 302 of the Knights of Columbus on their 107th Anniversary and to Raymond John Lenahan for his service as Grand Knight.

The Knights of Columbus are an outstanding example of how a fraternal group that seeks social and financial fellowship for its members is also committed to serving others. Council 302, in particular, deserves particular praise because it has the unique distinction of having organized a complete military unit in World War I. Called the Knights of Columbus Ambulance Company of Wilkes-Barre, PA, these men served in France, Belgium, Luxembourg and Germany. The men achieved national recognition for their service to our country.

The Knights of Columbus has always supported charitable work through monetary donations. In 1917, the council raised $5,411 for the War Fund Committee. In 1920, St. Mary's Convent was destroyed by fire and Council 302 presented the Sisters of Mercy with a check for $2,500, raised from voluntary donations.

Another example of the selflessness of the Knights of Columbus is their involvement in blood drives. They began a blood donor campaign with Mercy Hospital in March 1947 and Council 302 is still involved with donations to the local Red Cross.

Throughout the years, the Knights of Columbus have had fine men serve as Grand Knights. Raymond Lenahan has served in that position for the past two years, from 2002 through 2004.

Mr. Lenahan, a native of Hanover Township, is the son of the late Anthony J. and Luella Lenahan. He served as Grand Knight for the Knights of Columbus from 2002 to 2004. Mr. Lenahan resides with his wife Patricia in Forty Fort. The couple has four children and two grandchildren. They are members of St. Aloysius Parish in Wilkes-Barre.

Mr. Speaker, it is my privilege to represent an organization as worthy as the Knights of Columbus. Please join me in congratulating them as they celebrate their 107th Anniversary on Saturday.

INTRODUCTION OF FEDERAL LANDS RESTORATION, ENHANCEMENT, PUBLIC EDUCATION, AND INFORMATION RESOURCES ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. UDALL of Colorado. Mr. Speaker, I am today introducing a bill to provide additional resources for use by the Federal land-managing agencies to restore lands damaged as a result of improper activities and to promote public education about the use of the Federal lands. My Colorado colleague, Representative TANCREDO, is cosponsoring the legislation. I greatly appreciate his support.

The bill is based on one part of a bill introduced by Representative TANCREDO that I cosponsored in the 108th Congress. The purpose of that bill was to improve the ability of the land-managing agencies—the Bureau of Land Management, National Park Service, and the Fish and Wildlife Service in the Interior Department as well as the Forest Service in the Agriculture Department—to adequately enforce the rules that apply to uses of the lands they manage.

In the Resources Committee, Mr. TANCREDO and I worked with Chairman POMBO, Ranking Member RAHALL, and other Members, to develop a substitute that included a number of improvements in the bill. The Resources Committee approved that substitute, which included provisions similar to those in the bill I am introducing today. However, after the Resources Committee completed its work, the measure was reviewed by the Judiciary Committee, which made further changes before the bill went to the House floor.

The most significant change was deletion of the provisions of the bill that allowed the agencies to retain fines paid for violations of land-use regulations and to use those funds for repairing damages to the lands and for public education. I regretted that change because in addition to more adequate authority to enforce regulations, the land-managing agencies need more resources—more money and more people—if we want them to do a better job.

The House passed the bill as revised by the Judiciary Committee, but the 108th Congress adjourned before the Senate could complete action on it. Accordingly, Mr. TANCREDO is reintroducing the House-passed bill and I am cosponsoring that measure. My bill is in effect a companion to his legislation.

As approved by the Resources Committee, the Tancredo-Udall bill of the 108th Congress would have helped with that by allowing the agencies to use money from fines to help pay for some of the restoration work caused by violations of regulations and for public education.

The bill I am introducing today is similar. It would allow agencies to use money collected as fines to be used for repairing damage caused by the actions that lead to the fines or by similar actions. It would also allow them to use the money to increase public awareness of regulations and other requirements regarding use of Federal lands. And it provides that any of the money not needed for those purposes would be credited to the Crime Victims Fund in the Treasury.

Mr. Speaker, this is a modest bill but an important one. I think it deserves the support of

our colleagues and I will do all I can to achieve its enactment into law.

IN RECOGNITION OF MICHAEL WILLIAM MOORE UPON HIS ACHIEVEMENT OF EAGLE SCOUT COURT OF HONOR

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to pay tribute to my constituent Michael William Moore of Eagle Scout troop No. 204 in Lafayette, California, as he receives the distinguished honor of the Eagle Scout rank.

The honor of Eagle Scout is given only to those young men who have demonstrated that that they have fulfilled its rigorous requirements, including living by the Scout Oath and Law, rising through the Boy Scout ranks, earning 21 merit badges, serving as a leader, and planning and leading a service project for their community. This is not an honor given out lightly: this young man is becoming an Eagle Scout because he is intelligent, dedicated, and principled.

I am proud to call Michael William Moore my constituent, for he is a shining example of the promise of the next generation. Indeed, he represents the best of the young people in our country. I extend my sincere congratulations to him and his family, on this momentous occasion.

AYN RAND'S BIRTHDAY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. PAUL. Mr. Speaker, today, on the occasion of the 100th anniversary of the birth of Ayn Rand, these comments. Ayn Rand has long inspired advocates of personal liberty and economic freedom. These ideals of individual responsibility and limited constitutional government are urgently needed in our Nation today.

AYN RAND CENTENARY CELEBRATION

(By Don Ernsberger)

February 2nd marks the 100th Anniversary of the birth of philosopher and novelist Ayn Rand. The Russian born author of Atlas Shrugged, Fountainhead and a number of nonfiction works in economics and ethics became, in the twentieth century, a major influence on the intellectual culture of the United States. Her most famous work, Atlas Shrugged remains ranked by the Library of Congress Center for the Book as the second most influential books ever published.

Ayn Rand was a champion of capitalism and of individual liberty. She had experienced the impact of communism in her native Russia and was an outspoken opponent of both communism and of socialism. She advocated personal responsibility and an objective code of moral behavior. Ayn Rand's fictional and non-fictional works promoted the ideal of the self-reliant individual who values reason, production and self-esteem in their personal lives and rejects the enslavement of others to advance one's own personal goals. A proud immigrant, who chose America, she perceptively grasped the nature of our Constitution: ''The [U.S.] Constitution is a limitation on the government, not on private individuals . . . it does not prescribe the conduct of private individuals, only the conduct of government . . . it is not a charter for government power, but a charter of the citizen's protection against the government.''

Today, February 2, 2005, we celebrate the birth of this influential philosopher and writer who inspired and continues to inspire so many individuals to live rationally, and respect the rights of others. So much of what has made American a great society is found in her writings.

THE CUYAHOGA COUNTY BAR FOUNDATION AND CUYAHOGA COUNTY BAR ASSOCIATION'S 59TH ANNUAL PUBLIC SERVANTS MERIT AWARDS

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. JONES of Ohio. Mr. Speaker, I rise today in recognition of the Cuyahoga County Bar Foundation and Cuyahoga County Bar Association's 59th annual Public Servants Merit Awards, which will be held on Friday, February 11, 2005, in Cleveland, OH. As a veteran of the Cuyahoga County judiciary, I am honored to congratulate these individuals who have offered decades of faithful service to the bench, bar and public of Cuyahoga County.

Kathleen Ann Beluschak, Cleveland Municipal Court Presiding and Administrative Judge Larry A. Jones' nominee, has spent more than 30 years with the Cleveland Municipal Court, and for almost 3 years, she has been the Court's Administrative Services Office Manager. A graduate of West Tech High School, the longtime Cleveland resident lives with her husband Joe near Hopkins Airport with their two dogs, both of which were rescued and brought into the family by Kathleen. She traces her commitment to public service through a number of generations. In fact, two of her grandparents worked for the municipal and federal governments, her mother and uncles were public employees, as is her husband, sister, and 25-year-old son. At the beginning of her career, she thought the recipients of the awards to be ''really old,'' she has now determined to reconsider that opinion.

Pat Cain has been a Probate Court employee since 1981. Nominated by Presiding Judge John J. Donnelly, Pat has primarily worked as a cashier at the Probate Court. Pat worked at other public agencies before joining the Court. Now a resident in Parma with his wife, Jane Varga, an attorney, Pat's blended family includes four adult children and five grandchildren. An active volunteer in many state, county, and local campaigns, particularly judicial races, Pat enjoys time with his family, particularly at their summer home in Marblehead. He highly values wildlife and its protection, and he works hard to provide support at his home for many different species of birds.

Nominated by Juvenile Court Administrative, Judge Joseph F. Russo, Josephine E. Jackson is the Acting Superintendent of the Court's Juvenile Detention Center. After earlier duties in security at local department stores, Josephine has been employed by the court since 1984 in a number of positions in the management of the Detention Center. Josephine's education in the Cleveland Schools continued into a master's program at Cleveland State University. She is challenged daily by working with youths in a correction environment, including those that have mental illness and special needs. In all facets, she encourages her staff to try and provide positive reinforcement to help the children at the Detention Center excel positively in life. She and her husband of nearly 25 years, Bill, live in Moreland Hills. As a part of her efforts to make the Detention Center a positive experience, she organizes regular, seasonal activities, including holiday cookie parties and a summer festival which benefits the Children's Fund.

The nominee of Gerald Fuerst, County Clerk of Courts, Mark Lime has been a Clerk's Office employee since 1977. Starting as a docket clerk, Mark has worked his way up to his current position of Criminal Branch Manager. A Parma resident, he and his wife Deborah have raised four sons, the youngest of whom is a junior at Parma High School. Mark has lived in Parma for many years and attended Padua Franciscan High School and Cuyahoga Community College. Mark is a dedicated coach, active in golf, baseball, and soccer teams on which his four sons have played.

Since 1976, Mary Joyce Ruddy has been employed at the Common Pleas Court's General Division. Presiding and Administrative Judge Richard McMonagle's nominee, Mary Joyce has been Jury Bailiff since 1992. She is in charge of getting jurors to individual court rooms, ensuring jurors' compensation, helping keep all jurors as happy as possible, and most importantly, spearheading the public relations effort encouraging reluctant jurors to serve. A Lakewood resident and graduate of St. Augustine Academy, Mary is mother of Nora, a 14-year-old Magnificat freshman. Family is central to Mary's life, and in recent years, she has spent many hours assisting her parents in their final illnesses. She now spends her time with eight nieces and nephews, all of whom are under the age of 9, and with her siblings.

Cheryl Maureen Simon has been an employee of the U.S. Bankruptcy Court since 1981. Chief Judge Randolph Baxter's nominee, Cheryl is Administrative Manager of the Court's Administrative Department, where she has responsibility for budget, procurement, administrative services, personnel, and other functions. A resident of Moreland Hills with her husband, David, and son, Matt, Cheryl enjoys skiing and traveling.

For over 21 years, Gail F. Valerino has been a judicial secretary with Ohio's Eighth District Court of Appeals. Originally, she worked for retired Judge Joseph J. Nahra, and since early 1999, she has worked for Administrative Judge Michael J. Corrigan, who nominated her for this year's award. In addition to administering the chambers of her Judge in every respect, she has, during Judge Corrigan's year as Administrative Judge, acted as his liaison with the Court's Administrator with regards to the entire Court's organization. Educated in the Parma Schools, she lives in Parma Heights with her son and daughter, and is active in boys' and girls' softball and T-ball leagues. She is also a participant in her Church's volunteer activities. She relaxes by reading and spending time in Marblehead.

REINTRODUCTION OF SAMPLING LEGISLATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. MALONEY. Mr. Speaker, today, I introduce legislation that will ensure that future censuses truly reflect the demographic makeup of this Nation. This bill would clarify Section 195 of Title 13 U.S.C. to allow the most accurate numbers to be used for apportionment and all other purposes.

CONGRATULATING THE 2004 FLORIDA HIGH SCHOOL ATHLETIC ASSOCIATION CLASS 5A STATE FOOTBALL CHAMPIONS

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. PUTNAM. Mr. Speaker, I want to congratulate the 2004 Florida High School Athletic Association (FHSAA) Class 5A State Football Champion Lakeland Senior High School Dreadnaughts from the 12th Congressional District of Florida.

The championship game victory capped an undefeated season for the Lakeland High Dreadnaughts as they finished 15–0 for the third time in the past nine seasons and won their fourth state championship under Coach Bill Castle.

I commend the champion Lakeland High School football team for a wonderful and magical run this year. The people of Florida and all of Polk County are proud of you. You have all demonstrated that hard work, perseverance and unity are the foundation of success.

I applaud Lakeland Head Coach Bill Castle for being awarded this year's Dairy Farmers Award as coach of the year of the Florida Athletic Coaches Association, but most importantly for his commitment to his players and stressing the important values of preparation, hard work, dedication, teamwork, and sportsmanship.

I pay tribute to Lakeland High School students, teachers, coaches and the entire football team on their outstanding achievement.

ACKNOWLEDGING THE SERVICE OF TED STRICKLAND

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge a significant leader in the Denver, Colorado metropolitan area. Mr. Ted Strickland, outgoing Commissioner for Adams County, will be leaving his post after eight years of diligent service.

Commissioner Strickland was born and raised in Austin, Texas. After serving in the military he came to Colorado and began a successful career in the oil and gas industry, becoming Vice President with the Petroleum Information company.

Drawn towards public service, Ted ran for election to the Colorado House of Representatives. He served two years in the House before being elected to the Colorado State Senate. His 24 years in the Senate, 12 of which he served as President of the Senate, were a notable accomplishment.

During that time, he and his wife, Luann, settled in Strasburg, Colorado, on the southern edge of Adams County. Ted's continued desire for public service then led him to seek and win election as an Adams County Commissioner in 1996. As a county commissioner, he continued his hard work for those he represented. He served on the E–470 Public Highway Authority Board, the Front Range Airport Authority Board, the Adams County Economic Development Board, the Adams County Water Quality Association, and on the Denver Regional Council of Governments. With such a wide scope of reach, Commissioner Strickland has left a mark as a valuable public servant.

Mr. Speaker, I ask my colleagues to join me in honoring Mr. Ted Strickland and in wishing him success in all his future endeavors. Wherever his motivations should take him, I am sure success will follow.

IN RECOGNITION OF JOHN PATRICK MAHER UPON HIS ACHIEVEMENT OF EAGLE SCOUT COURT OF HONOR

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to pay tribute to my constituent John Patrick Maher of Eagle Scout troop No. 204 in Lafayette, California, as he receives the distinguished honor of the Eagle Scout rank.

The honor of Eagle Scout is given only to those young men who have demonstrated that they have fulfilled its rigorous requirements, including living by the Scout Oath and Law, rising through the Boy Scout ranks, earning 21 merit badges, serving as a leader, and planning and leading a service project for their community. This is not an honor given out lightly: this young man is becoming an Eagle Scout because he is intelligent, dedicated, and principled.

I am proud to call John Patrick Maher my constituent, for he is a shining example of the promise of the next generation. Indeed, he represents the best of the young people in our country. I extend my sincere congratulations to him and his family, on this momentous occasion.

THE POEM, YOUR SON

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. SESSIONS. Mr. Speaker, we are all deeply saddened by the loss of life of our brave men and women serving in Iraq and Afghanistan. While we all understand the need to spread freedom and democracy throughout the world, words can barely express the emotions and sorrow felt by the families of those who have given the ultimate sacrifice.

A constituent of mine recently brought to my attention a poem that was written in memory of Sgt. Byron Norwood, USMC, by Gene E. Blanton. While this poem is in memory of Sgt. Norwood, I believe that this poem is a fitting tribute to all servicemen and women who have fallen in combat. I would like to share this poem with my fellow colleagues:

YOUR SON

(By Gene E. Blanton)

To the Mothers and the Fathers
Of United States Marines
Who have fought and bled and died
So that freedom's bell still rings

From the Halls of Montezuma
To the shores of Tripoli
From the alleys of Fallujah
To the frozen Yudam-ni

From the sands of Iwo Jima
To the hills around Khe Sanh
From the smoky hell of Belleau Woods
Your Son fought and won

Your Son battled dictatorships
Communism and tyranny
God's Son died to make men holy
Your Son died to make men free

There is a debt we owe Your Son
That we can never repay
We owe Your Son more than platitudes
Heard on Veterans or Memorial Day

Your Son is a son of America
One of the Proud and the Few
Your Son volunteered to do the things
Other men would not or could not do

Your Son was Semper Fidelis
Always Faithful to the end was he
Your Son was a shining example
Of what a man is supposed to be

Now Your Son's been reassigned
To stand guard on Heaven's streets
And when my tour of duty is over
I know that we will meet

I'll thank Your Son for my freedom
For keeping terror on a distant shore
I'll thank Your Son for our way of life
And sacrifice he bore

So tonight when you cry out to God
While praying on your knees
Know that He's a loving God
Who will listen to your pleas

To lose Your Son for freedom's cause
God truly understands
God sent His Son to die for us
So you can see Your Son again

May God continue to bless our solders who are currently in harm's way.

FREEDOM FOR ARTURO PÉREZ DE ALEJO RODRÍGUEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Arturo Pérez de Alejo Rodríguez, a political prisoner in totalitarian Cuba.

Mr. Pérez de Alejo is the president of the Escambray Human Rights Front. Before he became a pro-freedom advocate in a country oppressed by a totalitarian tyrant, he work as a farmer. However, after he realized the true nature of Castro's despotic regime, he joined the pro-democracy movement and began to advocate for a free and democratic Cuba.

According to Amnesty International, Mr. Pérez de Alejo was detained in 2003 for handing out copies of the U.N. Declaration of Human Rights. Despite being detained, and knowing full well the brutal consequences that await those brave men and women that speak the truth under the nightmare that is the Castro regime, he continued to advocate for human rights for the people of Cuba.

Unfortunately, Mr. Pérez de Alejo was arrested on March 18, 2003, as part of Castro's heinous island wide crackdown on peaceful, pro-democracy activists. In a sham trial, he was sentenced to 20 years in the totalitarian gulag.

While confined in the inhuman squalor of the gulag, Amnesty International reports that Mr. Pérez de Alejo has not been able either to receive or to send correspondence in the same way as other prisoners. It has also been reported that he is suffering from several debilitating diseases in the totalitarian gulag. Let us be very clear, he is languishing in a hellish dungeon, unable to communicate with the outside world, because he peacefully advocates for liberty.

Mr. Speaker, it is unconscionable that, in the 21st century, brave men and women are chained to filth because of their belief in the inalienable nature of freedom, and the sanctity of human rights for every person. My colleagues, tonight the democratically elected leader of the United States of America will deliver the State of the Union address to a joint session of our freely elected Congress. As we listen to President Bush address our free Nation, let us also remember those who are suffering to secure their own liberties, in their own countries. We must demand the immediate release of Arturo Pérez de Alejo Rodríguez and every political prisoner locked in the dungeons of tyrants.

RIGHT TO LIFE ACT

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. HUNTER. Mr. Speaker, today, I am introducing legislation that, if passed, will once and for all protect our unborn children from harm. Over 1.3 million abortions are performed in the United States each year and over 38 million have been performed since abortion was legalized in 1973. This is a national tragedy. It is the duty of all Americans to protect our children—born and unborn. This bill, the Right to Life Act, would provide blanket protection to all unborn children from the moment of conception.

In 1973, the United States Supreme Court, in the landmark case of Roe v. Wade, refused to determine when human life begins and therefore found nothing to indicate that the unborn are persons protected by the Fourteenth Amendment. In the decision, however, the Court did concede that, ''If the suggestion of personhood is established, the appellants'' case, of course, collapses, for the fetus' right to life would be guaranteed specifically by the Amendment.'' Considering Congress has the constitutional authority to uphold the Fourteenth Amendment, coupled by the fact that the Court admitted that if personhood were to be established, the unborn would be protected, it can be concluded that we have the authority to determine when life begins.

The Right to Life Act does what the Supreme Court refused to do in Roe v. Wade and recognizes the personhood of the unborn for the purpose of enforcing four important provisions in the Constitution: (1) Sec. 1 of the Fourteenth Amendment prohibiting states from depriving any person of life; (2) Sec. 5 of the Fourteenth Amendment providing Congress the power to enforce, by appropriate legislation, the provision of this amendment; (3) the due process clause of the Fifth Amendment, which concurrently prohibits the Federal Government from depriving any person of life; and (4) Article I, Section 8, giving Congress the power to make laws necessary and proper to enforce all powers in the Constitution.

This legislation will protect millions of future children by prohibiting any State or Federal law that denies the personhood of the unborn, thereby effectively overturning Roe v. Wade. I firmly believe that life begins at conception and that the preborn child deserves all the rights and protections afforded an American citizen. This measure will recognize the unborn child as a human being and protect the fetus from harm. The Right to Life Act will finally put our unborn children on the same legal footing as all other persons. I hope my colleagues will join me in support of this important effort.

INTRODUCTION OF THE PRESCRIPTION DRUG AFFORDABILITY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. PAUL. Mr. Speaker, I rise to introduce the Prescription Drug Affordability Act. This legislation ensures that millions of Americans, including seniors, have access to affordable pharmaceutical products. My bill makes pharmaceuticals more affordable to seniors by reducing their taxes. It also removes needless government barriers to importing pharmaceuticals and it protects Internet pharmacies, which are making affordable prescription drugs available to millions of Americans, from being strangled by Federal regulation.

The first provision of my legislation provides seniors a tax credit equal to 80 percent of their prescription drug costs. While Congress did add a prescription drug benefit to Medicare in the last Congress, many seniors still have difficulty affording the prescription drugs they need in order to maintain an active and healthy lifestyle. One reason is because the new program creates a ''doughnut hole,'' where seniors lose coverage once their prescription expenses reach a certain amount and must pay for their prescriptions above a certain amount out of their own pockets until their expenses reach a level where Medicare coverage resumes. This tax credit will help seniors cover the expenses provided by the doughnut hole. This bill will also help seniors obtain prescription medicines that may not be covered by the new Medicare prescription drug program.

In addition to making prescription medications more affordable for seniors, my bill lowers the price for prescription medicines by reducing barriers to the importation of FDA-approved pharmaceuticals. Under my bill, anyone wishing to import a drug simply submits an application to the FDA, which then must approve the drug unless the FDA finds the drug is either not approved for use in the United States or is adulterated or misbranded. This process will make safe and affordable imported medicines affordable to millions of Americans. Mr. Speaker, letting the free market work is the best means of lowering the cost of prescription drugs.

I need not remind my colleagues that many senior citizens and other Americans impacted by the high costs of prescription medicine have demanded Congress reduce the barriers which prevent American consumers from purchasing imported pharmaceuticals. Congress has responded to these demands by repeatedly passing legislation liberalizing the rules governing the importation of pharmaceuticals. However, implementation of this provision has been blocked by the Federal bureaucracy. It is time Congress stood up for the American consumer and removed all unnecessary regulations on importing pharmaceuticals.

The Prescription Drug Affordability Act also protects consumers' access to affordable medicine by forbidding the Federal Government from regulating any Internet sales of FDA-approved pharmaceuticals by State-licensed pharmacists.

As I am sure my colleagues are aware, the Internet makes pharmaceuticals and other products more affordable and accessible for millions of Americans. However, the Federal Government has threatened to destroy this option by imposing unnecessary and unconstitutional regulations on web sites that sell pharmaceuticals. Any Federal regulations would inevitably drive up prices of pharmaceuticals, thus depriving many consumers of access to affordable prescription medications.

In conclusion, Mr. Speaker, I urge my colleagues to make pharmaceuticals more affordable and accessible by lowering taxes on senior citizens, removing barriers to the importation of pharmaceuticals and protecting legitimate Internet pharmacies from needless regulation by cosponsoring the Prescription Drug Affordability Act.

RECOGNIZING THE FAIRFAX COUNTY HEALTH DEPARTMENT ADULT DAY HEALTH CARE PROGRAM UPON ITS 25 YEAR ANNIVERSARY

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to pay tribute to the Fairfax County Health Department Adult Day Health Care Program as it prepares to celebrate its 25th anniversary.

The Fairfax County Adult Day Health Care centers provide a safe, fun and therapeutic environment for the frail, the elderly and adults who need supervision during the day due to cognitive and/or physical impairments. Each center has a registered nurse who monitors the health status of each participant; a therapeutic recreation specialist who designs daily activities to enhance cognitive and physical function and to offer opportunities for socialization; and several program assistants who

lead the daily activities and provide personal care to the participants. In addition, the program is designed to provide respite, education, and support to family caregivers.

The first Fairfax County Adult Day Health Care Program center opened its doors in Annandale on January 3, 1980. The Annandale center was the first public nonprofit elderly daycare facility in Fairfax County. This program was an exemplary example of interagency collaboration, a visionary approach to providing long-term care services, and innovative use of county resources. Over the next 22 years, four additional centers were opened including: the Lewinsville Adult Day Health Care center in June 1985, the Lincolnia Adult Day Health Care center in January 1990, the Mount Vernon Adult Day Health Care center in July 1990 and finally the Herndon Harbor Adult Day Health Care center in June 2000. In 2006 the county is planning to open a sixth adult day health care center in Fairfax City.

In 1986, the Annandale and Lewinsville Adult Day Health Care centers were the recipients of the National Achievement Award given by the National Association of Counties. The centers were recognized for their new and innovative programs.

Mr. Speaker, in closing, I would like to thank the Fairfax County Health Department Adult Day Health Care Program for the immeasurable contributions they have made to the community by taking care of the sick and elderly. I congratulate the program on its successes over the last 25 years and wish for continued success in the future. I ask that my colleagues join me in applauding this outstanding and distinguished institution.

HONORING THE RETIREMENT OF STATE POLICE CAPTAIN KATHY STEFANI

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. DELAHUNT. Mr. Speaker, I rise today to pay tribute to a woman who has dedicated the better part of her life to ensuring the public safety of our community. She is a pioneer in law enforcement, and a role-model for all who choose to wear the uniform. Dedicated, visionary, and compassionate, she has left a lasting legacy on the Massachusetts State Police, the troopers under her command, and the public she serves.

I'm talking of Capt. Kathy Stefani.

Where I'm from, it's not uncommon for children to want to follow in their parents' professional footsteps. No where is this more so than with the police department. So it was with a special pride that Kathy's father, Gerry Coletta, a good friend and my chief administrative assistant from my tenure as Norfolk district attorney, encouraged her pursuit of a law enforcement career.

Joining the ranks of the Massachusetts State Police force in 1978, she was one of only three women on the job. It was clear from the beginning that her career was going to be special.

In 1995, when she was elevated to the rank of lieutenant, she became the first State Police officer to run the Commonwealth's crime Lab. During her tenure there, she successfully secured a $1 million grant to develop the first DNA testing facilities in Massachusetts.

And, in 1999, when Kathy was promoted again she made more history as the first woman ever to hold the rank of captain. Law enforcement has always been a family affair, and at her promotion ceremony she proudly accepted her husband Michael's badge as her own.

During her 26 years on the force, Captain Stefani has been involved with some of the most important public events in recent memory. Long before we talked about homeland security, she used her position as Troop H commander to push for a more integrated approach for securing large events—including the 2000 Presidential Debate held at UMASS-Boston, the annual Sail Boston events, the July 4th celebrations on the Esplanade.

During her long career she's been recognized with the Superintendent's Commendation, the Distinguished Service Award for Forensic Science and the prestigious State Police Medal of Merit.

But perhaps the greatest compliments come from those who don't know her personally, but benefit from her forward-thinking plan for the State crime lab during the 1990's. Long before televisions shows like CSI made forensic science popular, Captain Stefani recognized the role that DNA testing could play in bringing criminals, especially rapists, to justice. Her perseverance in advocating for this technology has brought solace and comfort to victims and their families.

As Captain Stefani prepares to enter into a well-deserved retirement, I doubt very much that she'll be working on her tennis game. My guess is that she'll continue to be involved professionally—inspiring the next generation in the classroom; being a role-model to those who continue to wear the uniform, like her brother Chip; being an involved mom to her two kids, and a loving wife to Michael; and a devoted daughter to Gerry and Marge.

I'm honored to add my voice to the chorus of friends, family and colleagues who wish her well as she embarks on her retirement. Job well done.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. GRAVES. Mr. Speaker, on Thursday, January 6, 2005, I was unavoidably detained and thus missed rollcall vote No. 7. Had I been present, I would have voted "nay" on rollcall No. 7.

On Tuesday, January 25, 2005, I was unavoidably detained and thus missed rollcall votes Nos. 8 and 9. Had I been present, I would have voted "yea" on both votes.

On Wednesday, January 26, 2005, I was unavoidably detained and thus missed rollcall votes Nos. 10–13. Had I been present, I would have voted "nay" on rollcall Nos. 10, 11, and 12, and "yea" on rollcall No. 13.

CONGRATULATIONS TO 11TH GRADUATING CLASS OF INDIANA UNIVERSITY NORTHWEST'S LEADERSHIP DEVELOPMENT PROGRAM

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and admiration that I offer congratulations to many of Northwest Indiana's most talented, dedicated, and hardworking individuals. On Friday, February 4, 2005, Indiana University Northwest's Leadership Development Program will honor their 11th graduating class.

The Institute for Innovative Leadership is a partnership between Indiana University Northwest and Northwest Indiana's community and business leadership throughout all sectors. The Institute is designed to create a binding link between educational experience and leadership practice. The Leadership Development Program is the core of the Institute. Various resources are utilized to help ensure that students of every level acquire the skills, knowledge, values, motivation and vision needed for success in careers and as citizens.

The Institute for Innovative Leadership will be recognizing and honoring the following 2004 Graduates: Bobbi Atzhorn, Sandra Bowie, Alice Carter, Gail Coleman, Larry Hayden, Crystal Jelks, Brock Lloyd, Ryan Mistarz, Melissa Murdock, Damian Perkins, Mary Louise Rieger, Cora Robinson, Jennifer Stewart, Gabriela Tirado, and Reginald Williams.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating these hardworking individuals. I am very proud to honor them in Washington, DC.

ON THE 12TH ANNIVERSARY OF THE FAMILY AND MEDICAL LEAVE ACT

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. BIGGERT. Mr. Speaker, this Saturday, February 5, 2005, will mark the 12th anniversary of legislation that has made an enormous difference in the lives of millions of working Americans since its enactment in 1993. I speak of course of the Family and Medical Leave Act, FMLA.

I count myself among the Family and Medical Leave Act's strongest supporters. Since its enactment, this law has brought peace of mind and job security during critical times to millions of American workers and their families. The FMLA allows qualified employees to take unpaid leave from their employer for the birth or adoption of a child, to attend to the serious health crisis of a family member, or attend to their own serious medical issue. The law makes clear that no American should have to choose between caring for a gravely ill family member and losing his or her job.

Since its enactment in 1993, millions of Americans have used the FMLA to take time to care for a newborn, to attend to an adult parent or child's serious illness, or perhaps to

attend to their own critical medical needs. They have done so knowing that their job remained safe and secure. Indeed, many employers have gone far beyond the requirements of the FMLA, providing their employees with leave benefits beyond those required under state or federal law.

In congressional hearings on the FMLA, in town meetings, and in speaking with both employers and employees in our districts, we hear that so much of the FMLA works the way Congress intended. As all of us who serve in this body know, however, actions we take here in Congress with the best of intentions often end up going in a direction we don't expect.

In particular, with respect to the FMLA, we have heard that the ''family'' part of Family and Medical Leave has worked well, providing employees a much-needed benefit and the time to care for a newborn or adopted child, while enabling employers to manage and maintain the productivity of their workforce.

It appears that implementation of ''medical'' leave has been less successful. It is plain that Congress intended FMLA to serve as a safety net for employees to meet serious and unforeseen medical needs. The Act was not intended to be—nor dare I say would it have been enacted if it were—a national ''sick leave'' policy. When medical leave is used for those serious health conditions for which it is intended, we hear from employers that morale and productivity are unaffected—indeed, that employees often rally to the aid of a colleague. In contrast, where medical leave is abused, or used beyond its intended purpose, morale and productivity suffer, employers are unable to manage their workplace, and resentment grows in co-workers who are forced to pick up chronic slack.

Similarly, we have heard repeatedly that recordkeeping and notice requirements under the Act are not in tune with the realities of today's workplace, and serve as a barrier to both employers and employees in knowing and exercising their rights. Concerns about misapplying the FMLA have often discouraged employers from providing more generous leave policies to their workers. Research also has shown that confusion surrounding FMLA regulatory requirements has actually served to hurt those it was supposed to help—workers.

Employers and employees alike have expressed concerns that the effectiveness of the law is being hampered by the way the Act has been implemented by regulatory agencies and interpreted by the courts. This is troubling and has, unfortunately, led to charges that the FMLA is a bad law. As a supporter of the FMLA, I would be the first to say that is not true: the FMLA is a good law, although with the benefit of 12 years of experience, perhaps a law in need of fine-tuning. Without action to clarify the law, we will surely see an increasing number of lawsuits challenging FMLA regulations—litigation that costs employees, employers, unions and the courts valuable time, effort and money.

On the anniversary of its enactment, I look forward to working with a wide array of members of Congress on both sides of the aisle and in both chambers of Congress, to keep the best parts of the FMLA intact, while targeting common-sense, necessary improvements where the Act has failed to meet Congressional expectations.

Many issues in Congress are polarized, but restoring the Congressional intent of this law needn't be. I am confident that good minds can and will agree so that we can work to preserve the protections offered to workers by the FMLA, address failings in the Act that serve the interests of neither employers nor employees, and ensure that the benefits afforded to millions of working Americans in the last 12 years will be afforded to millions more in the years to come.

HONORING CONTRIBUTIONS OF CATHOLIC SCHOOLS

SPEECH OF

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. TURNER. Mr. Speaker, I am pleased to join with my colleagues in recognition of Catholic Schools Week.

My district is home to over 30 Catholic schools, serving a whole generation of young people and their families. My district is also home to the University of Dayton, one of the nation's ten largest Catholic universities and the largest private university in the state of Ohio. I am a proud alumnus of the University of Dayton, where I earned my MBA.

Catholic schools have enriched the lives of generations of students. These schools have attained a well-earned reputation for academic excellence, and it is appropriate that Congress pay tribute to their contributions to our country. Catholic schools welcome children from a variety of social and economic backgrounds, and many non-Catholic parents have turned to these schools to educate their children. The theme of this year's week is: ''Faith in Every Student.'' I strongly support the sound, values-based education Catholic schools provide.

I am proud to join my colleagues in support of H. Res. 23, honoring the contributions of Catholic schools in America and thank my colleague, Representative MARK KENNEDY of Minnesota, for bringing this resolution to the attention of the House.

IN HONOR AND REMEMBRANCE OF ANDREW M. KYOVSKY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Andrew M. Kyovsky, beloved son, brother, uncle, colleague and friend to many. His steady and spirited presence radiated warmth and light along the granite walkways of Cleveland City Hall, and his kind and gentle spirit will be deeply missed.

Mr. Kyovsky's 41 year legacy as the key staffer in the mail department of Cleveland City Hall was framed by loyalty, dependability, integrity and concern for others. He rarely missed a day of work, and his love for his job and for the people he worked with reflected daily within the smiles and laughter he enticed from others—from the first-floor receptionist to seven of Cleveland's mayors—including me.

Despite life-long medical challenges, Mr. Kyovsky's spirited demeanor, generous heart and zest for life was never dimmed. His quick smile and kind words served to disarm even the most guarded employee or visitor to City Hall. Whether presenting a rose to a charmed female colleague or offering a kind word to a visitor, Mr. Kyovsky did so with grace, dignity and humanity. His personal difficulties never prevented him from helping others, and he did so daily. Mr. Kyovsky's life was a lesson in humanity, showing us the power of kindness and giving—universal truths infinitely more supreme than any lofty municipal project or political agenda.

Mr. Speaker and colleagues, please join me in honor and remembrance of Andrew M. Kyovsky, whose exceptional work in the mail room at Cleveland City Hall is eclipsed only by the brilliant legacy of his gentle and courageous heart. I offer my deep condolences to his mother, Ann Kyovsky; his sister and brother-in-law, Margaret and Joseph Dzurma; his nieces, Anne Marie and Paula; and also to his extended family and many friends. His friendship, perseverance and unyielding loyalty will forever light the hearts of all whom knew and loved him well.

ACKNOWLEDGING THE SERVICE OF ELAINE T. VALENTE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge an important leader in the Denver, Colorado metropolitan area. Ms. Elaine Valente, outgoing Commissioner for Adams County, will be leaving her post after 16 years of dedicated service.

Commissioner Valente was born and raised in Adams County. She and her husband Larry own the successful Valente's Deli, are proud parents of two accomplished children, and are passionate community activists.

Elaine's interest in her community began long before assuming her role as County Commissioner. She severed on the Adams County Planning Commission, the City of Westminster Urban Renewal Authority, the Westminster Planning Commission, the Citizen's Evaluation for Retention of Judges, and the School District 50 Superintendent's Parent Advisory Committee.

That deep passion to give something back and to help improve the community in which she lives motivated her to run and win election as a County Commissioner in 1988. After her election, Elaine began a noteworthy carrier as a public official. Serving as Chairman of the commissioners, she took an interest in many issues affecting her constituency, helping pave the way for future county development and responsible economic achievement. Elaine's heartfelt desire for progress in the county she knew from birth allowed us all to bask in the results of her accomplished career.

Mr. Speaker, I ask my colleagues to join me in honoring Ms. Elaine Valente and in wishing her success in all her future endeavors. It has been a true privilege to work with such a remarkable public servant.

IN RECOGNITION OF KYLE RICHARD KELSON UPON ACHIEVEMENT OF EAGLE SCOUT COURT OF HONOR

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to pay tribute to my constituent Kyle Richard Kelson of Eagle Scout troop #204 in Lafayette, California, as he receives the distinguished honor of the Eagle Scout rank.

The honor of Eagle Scout is given only to those young men who have demonstrated that they have fulfilled its rigorous requirements, including living by the Scout Oath and Law, rising through the Boy Scout ranks, earning 21 merit badges, serving as a leader, and planning and leading a service project for their community. This is not an honor given out lightly: this young man is becoming an Eagle Scout because he is intelligent, dedicated, and principled.

I am proud to call Kyle Richard Kelson my constituent, for he is a shining example of the promise of the next generation. Indeed, he represents the best of the young people in our country. I extend my sincere congratulations to him and his family, on this momentous occasion.

INTRODUCTION OF FREE FLOW OF INFORMATION ACT OF 2005

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. BOUCHER. Mr. Speaker, I am pleased today to join with my colleague from Indiana, Mr. PENCE, in introducing the Free Flow of Information Act, legislation which will advance the public's right of access to information of broad public interest.

Our measure addresses an increasingly common problem. Last year, 12 reporters were threatened with jail sentences in federal courts for refusing to reveal confidential news sources. Reporters rely on the ability to assure confidentiality to sources in order to deliver news to the public. The ability of news reporters to assure confidentiality to sources is fundamental to their ability to deliver news on highly contentious matters of broad public interest. Without the promise of confidentiality, many sources would not provide information to reporters, and the public would suffer from the resulting lack of information.

Thirty-one states and Washington, DC, currently have statutes protecting reporters from compelled disclosure of sources of information. It is time to provide similar protections in the federal courts.

I have long believed that the Freedom of the Press provision of the first amendment should be interpreted by the courts to empower reporters to refrain from revealing their sources. Since the courts have not found this privilege to attend the first amendment, a statutory grant of the privilege has become necessary.

In deciding to introduce this measure, I have concluded that the public's right to know should outweigh the more narrow interest in the administration of justice in a particular federal case. In fact, in many instances the critical information which first alerts federal prosecutors to conduct justifying a criminal proceeding or first alerts civil litigants to facts giving rise to a private cause of action is contained in a news story which could only have been reported upon assurance of anonymity to the news source.

I commend my colleague Mr. PENCE for his leadership on this measure and look forward to working with him to obtain rapid approval of the bill in the House.

ON THE DEATH OF LONGSHOREMAN MATT PETRASICH

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Ms. HARMAN. Mr. Speaker, a tragedy occurred Monday at the Port of Los Angeles when longshoreman Matt Petrasich—a 40–year veteran of the docks—was killed as he supervised workers unloading cargo from a ship. The entire port community is stunned by this unexpected loss.

Mr. Petrasich was something of a Pied Piper at the port, a hatch boss beloved by younger workers who vied to work on his shifts and respected by his peers for his years of hard work, sparkling sense of humor and big heart. Just ask Danny Miranda, president of ILWU Local 94, who said, ''Everybody on this waterfront is grieving. He was loved by a lot of people. . . . He was the life of the party. Just a wonderful person.''

Work on the waterfront is often fraught with danger. The men and women who toil on the docks know the risks better than anyone else. But their around-the-clock contribution keeps Americans in work, business inventories full and our seaports more secure.

As best we understand the fatal accident, Mr. Petrasich was crushed by a container about 9:30 in the morning as he worked aboard the Panamanian-flagged Ever Deluxe ship. It was a crane operator who first spotted his body and notified port authorities.

It was also a crane operator, John Rivera of ILWU Local 13, who 3 weeks ago, on a Saturday night, noticed something strange. While moving cargo off a ship, he spotted from his perch high above the docks three people crawling out of a hole in the side of a container. Port inspectors opened the container and found inside 28 men and 4 male teenagers from China—illegal stowaways who had hidden themselves 10 days earlier at the Chinese port city of Shekou. The container manifest listed the contents simply as ''clothing.''

Mr. Speaker, in an era of terrorism and WMD proliferation, the threats against America emanate from the shadows, from underground black markets, from sleeper cells, and even from cargo containers in the Port of Los Angeles innocently labeled ''clothing.''

If not for Mr. Rivera, that container would almost certainly have made its way past port inspectors and into Greater Los Angeles. That cargo could have been a 32–man terrorist cell—13 more than the 19 terrorists who attacked us on 9/11. As ILWU Local 13 president Dave Arian rightly notes, ''We are the eyes and ears of the port.''

So as we mourn the sudden and shocking loss of Matt Petrasich, we should also celebrate the vigilance and dedication of the men and women who work day and night at the port—the supervisors, the crane operators, the shift workers and, of course, hatch bosses like Matt.

I offer my deepest condolences to Cathe Bjazevich Petrasich, his wife of 24 years, and to his family, his friends and co-workers. The Port of Los Angeles has lost a special man.

IN RECOGNITION OF LAZAR AND FRANCIA PIRO

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. CARDOZA. Mr. Speaker, it is with the greatest pleasure that I rise today to honor Lazar and Francia Piro on the occasion of their 40th Wedding Anniversary.

Lazar Piro and Francia Yacou met in Beirut, Lebanon in the early 1960's and married soon after on January 31, 1965. They began a family in 1966 with the birth of their daughter Caroline. Their family quickly grew with the births of their two sons, George in 1967, and Serj in 1968. Ten years later, in July 1979, the Piros left Lebanon for Turlock, California where Lazar's brother and Francia's sisters resided. Shortly after arriving in the United States, the family moved again as Lazar took a job with a dental company in Des Moines, Iowa in 1980. The family resided in Iowa until 1985, at which time Lazar decided to start his own business and return to California. Twenty years later, Piro Trading International remains a thriving family business in Stanislaus County.

In addition to creating and maintaining a successful family business, Lazar and Francia raised three successful children. All three of their children obtained college educations, each having attended California State University, Stanislaus. Caroline, who now works with her father in the family business, currently resides in Turlock with her husband Sam and their 12-year-old son George. Serj also resides in Turlock, where he is a Territory Manager for a pharmaceutical company. George, a FBI agent, now lives in Herndon, Virginia with his wife Mona and their two sons Lazar, 12 and Marcus, 9.

Throughout the years, the Piros have been admired for their strong relationship, and respected for their commitment to the community. Francia has dedicated her life to her husband and family, as a devoted wife and mother of three. With her support and companionship, Lazar remains deeply involved in the community. Since settling down in Turlock, he has dedicated himself to the Assyrian community having founded an organization aimed at providing aid to those in need. He currently participates in many committees and boards throughout the County, including the Assyrian National Council of Stanislaus County.

It is my honor and privilege to join Lazar and Francia's family and friends in recognizing the very special and momentous occasion of their 40th Wedding Anniversary. Our community benefits greatly from the splendid example they have set. Marriages such as theirs form a sound foundation for our country, and contribute greatly toward making this a better

world in which we live. I ask all of my colleagues to join me in offering Mr. and Mrs. Lazar and Francia Piro best wishes for continued happiness.

INTRODUCTION OF THE WIND CAVE NATIONAL PARK BOUNDARY REVISION ACT OF 2005

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Ms. HERSETH. Mr. Speaker, I rise today to introduce the Wind Cave National Park Boundary Revision Act of 2005.

South Dakota's Wind Cave National Park was one of our nation's first national parks and is one of the jewels in our national park system. President Theodore Roosevelt signed the legislation creating Wind Cave National Park on January 9, 1903. With that act, Wind Cave became the first cave in the world to be designated as a national park.

The cave itself, after which the park is named, is one of the world's oldest, longest and most complex cave systems, with more than 114 miles of mapped tunnels. To this day, cave enthusiasts continue to explore the cave and map new passages. In fact, Wind Cave has very recently become recognized as the fifth-longest cave in the world. It is well known for its exceptional display of boxwork, a rare, honeycomb-shaped formation that protrudes from the cave's ceilings and walls.

While the cave is the focal point of the park, the land above the cave is equally impressive, with more than 28,000 acres of grasslands, forests, and streams. The park is one of the few remaining mixed-grass prairie ecosystems in the country, and is a National Game Preserve that provides a home for abundant wildlife such as bison, deer, elk and birds.

The Wind Cave National Park Boundary Revision Act will help expand the park by approximately 20 percent in the southern ''keyhole'' region. The current landowners are willing sellers that would like to see it protected from development and preserved for future generations. The land is a natural extension of the park, and boasts the mixed-grass prairie and ponderosa pine forests, including a dramatic river canyon. The addition of this land will enhance recreation for hikers who come for the solitude of the park's back country. It will also protect archaeological sites, such as a dramatic buffalo jump, over which early Native Americans once drove the bison they hunted.

This plan to expand the park has strong support in the surrounding community. Most South Dakotans recognize the value in expanding the park, not only to encourage additional tourism in the Black Hills, but to permanently protect these extraordinary lands for future generations of Americans to enjoy.

Governor Michael Rounds has expressed his support for the park expansion and both Senators in South Dakota's delegation, TIM JOHNSON and JOHN THUNE, are introducing companion legislation in the Senate to expand the park boundaries.

I believe that this expansion can be achieved without a reduction in the acreage accessible to the public for hunting, and without a loss of tax revenue to county governments. Also, I would look to the National Parks Service to tackle issues like chronic wasting disease and deal with them effectively. These are reasonable concerns that should be met as this process moves forward.

Wind Cave National Park has been a valued American treasure for more than 100 years. We have an opportunity with this legislation to expand the park and enhance its value to the public so that visitors will enjoy it forever. It is my hope that my colleagues will support this expansion of the park and pass this legislation in the near future..

INTRODUCTION OF MAGLITE PATENT EXTENSION

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. BACA. Mr. Speaker, while many manufacturers have been cutting costs by relocating overseas or contracting to foreign companies, one small flashlight manufacturer has decided to stay put in the U.S.A.

Right now that company is in danger and needs our help.

Mag Instrument, maker of the Maglite flashlight, filed for a reissue patent in 1990 but was not approved until 2003—13 years later. The delay in that 2-year extension led to countless foreign manufacturers copying the design, flooding foreign markets with their knock-offs ever since.

The Maglite patent expires this year. If we let that happen we can expect a flood of knock-offs here in the U.S.A., jeopardizing 900 American jobs and a great American product.

Today, I am proud to introduce legislation to extend the patent for the Maglite flashlight for an additional 2 years.

The Maglite flashlight is not some fancy medicine or artificial heart, but nonetheless represents American innovation and the ability of one man to turn a great idea into ''the American dream.''

The Maglite is a beloved tool of police officers, firefighters, and E.M.T.'s nationwide. Military units often replace their service issue flashlights with Maglites. Engineers at the USS *Cole* credited this flashlight with helping them to save lives and to keep the ship from sinking.

That is why I am proud to introduce this legislation today along with 10 of my colleagues, and the support of the National Association of Police Organizations, its 52 affiliates and my hometown police organization, the San Bernardino County Safety Employees' Association.

Mr. Speaker, I urge my colleagues to join me by cosponsoring this bill. We need to make sure our police officers and first responders have this nearly indestructible American-made steel flashlight instead of a fragile foreign knock-off flashlight made of aluminum or plastic.

We need to keep the seal ''Made in the U.S.A.'' on this great all-American flashlight.

ON BEHALF OF DR. CHARLES HAMILTON

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. BOUSTANY. Mr. Speaker, I rise today and recognize the achievements and accomplishments of a great and beloved physician from Lafayette, Louisiana. Dr. Charles Hamilton passed away on Friday, October 22, 2004 after a battle with cancer of the esophagus. On his retirement, Dr. Hamilton was asked, ''What are the most memorable events of your medical career?'' His response was simple, ''Practicing in Lafayette.''

From 1954 to 1988, Dr. Hamilton practiced pediatrics as a partner in the Hamilton Medical Group. Dr. Hamilton worked as a physician field representative for the Joint Commission on the Accreditation of Healthcare Organization from 1989 to his retirement in 2003. Dr. Hamilton's special interest remained in the delivery of high quality medical care and it is toward that end that he pursued further education and practice in the field of healthcare administration. Dr. Hamilton was acutely aware of the treatment of children because he was the parent of a chronically ill child. His son, Charles Hamilton, was born with the blood-clotting disorder, Hemophilia.

Dr. Hamilton was special for many reasons but one reason was his embrace and protection of the hemophilia community. Dr. Hamilton developed a reputation for his diligence, sensitivity, and resourcefulness in treating children with hemophilia; these characteristics are often missing in hemophilia treatment. In fact, one single parent brought her son with hemophilia to see him after moving to Lafayette. Dr. Hamilton later married that single mother, Janice Hamilton and adopted her young son, Charles. In a community where fathers often abandon children with hemophilia, or otherwise are not involved with treatment, Dr. Hamilton embraced a family with this dreaded disorder. Sadly, Dr. and Mrs. Hamilton lost their son Charles in 1979 due to complications from a bleed.

Because of their son's illness and untimely death, Dr. Hamilton worked side by side with his wife in her determination to improve the quality of life for people with hemophilia and their families in the United States. For their efforts Dr. and Mrs. Hamilton were given the inaugural Charles Stanley Hamilton Legacy Award for Lifetime Achievement from the Hemophilia Federation of America.

Dr. Hamilton served numerous local, state and national organizations because community service was an important aspect of his overall beliefs. Dr. Hamilton worked with the Louisiana Epilepsy Association, Louisiana Chapter of the National Hemophilia Foundation, which he served as President, the National Hemophilia Foundation, and the Hemophilia Federation of America. His wife, Janice Hamilton, and three surviving children and 5 grandchildren survive Dr. Hamilton. Louisiana has lost a great public servant with no equal.

IN RECOGNITION OF RON STEWART

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize Ron Stewart for his many years of public service and the many contributions he has made to the people of Colorado. I want to thank him on behalf of all Boulder's citizens for the depth and diversity of contributions he has made to ensure that Boulder County remains a very special place to live.

A lifelong resident of Longmont, Ron has been active in Colorado politics for over 30 years. During college he organized the Young Democrats in Longmont for several years and was elected Chair of the Boulder Democratic Party at the age of 21. He graduated with a Bachelor of Arts degree in Political Science from the University of Colorado and did graduate work at the University of Colorado in Denver in Public Administration. He served as Executive Director of the Colorado State Party from 1972 through 1975 and was elected to the Colorado Senate in 1976 where he served two terms, retiring as Senate Minority Leader.

Before being elected as Boulder County Commissioner in 1984, Ron was a member of the Mile High United Way Board of Directors and Chairman for the Political Action for Conservation. From 1977–1982 he served on the Boulder County Parks and Open Space Advisory Committee, and he was a member of the Colorado Environment Lobby Board of Directors from 1985–1986.

He has earned several honors, including ''Outstanding Senator'' in 1984 from the Colorado Social Legislation Committee and ''Friend of Education Award'' from the Colorado Education Association in 1986, and has received awards from PLAN Boulder County, Boulder County Audubon, and the Colorado Chapter of Trout Unlimited. He also has been recognized nationally for his work on intergovernmental cooperation. This year, the American Planning Association bestowed upon him the very prestigious Distinguished Elected Official Award.

As a county commissioner, Ron has served with distinction from 1985–2005. He has been a visionary in the development of Boulder County's Open Space Program, leading the effort to protect the county's natural beauty and preserve its agricultural heritage. Commissioner Stewart has gained nationwide respect and admiration for his commitment to orderly land use planning that is built on cooperation and consensus, particularly through the Super-IGA. In presiding over an era of de-centralization of services, Commissioner Stewart has been a vigorous advocate for improving county government accessibility. In developing new ways to involve stakeholders in the county's policy making process, he has done much to make government more understandable to its constituents. In trying to find ways to lessen the impacts of policy changes on those constituents least able to adjust to them, he has shown his compassion for the less fortunate.

I am particularly appreciative of the work Commissioner Stewart has done to invigorate the Boulder County social services delivery system, by fostering collaboration in program development and management, leading the way to innovative problem-solving, the most notable examples being the Genesis and IMPACT programs. Commissioner Stewart's advocacy for enhanced funding of social programs has made all the difference in a number of ballot questions, notably the Worthy Cause Tax, and as a result, Boulder County's nonprofit human service agencies get the support they need.

Commissioner Stewart has been a careful custodian of the taxpayers' dollars, managing the county's budget with restraint and according to the highest ethical standards. He has consistently represented the Office of County Commissioner with grace and dignity.

On a personal level, I know Ron to be a remarkable leader, a dependable colleague, and a kind person with an infectious laugh. It is my sincere hope that his retirement from the office of County Commissioner will open the door to a future of rewarding experiences. Mr. Speaker, I ask my colleagues to join with me in thanking Ron Stewart for all of the good and important work he has done for Boulder County and Colorado.

IN RECOGNITIION OF SAMUEL STEPHEN DRUCKER UPON HIS ACHIEVEMENT OF EAGLE SCOUT COURT OF HONOR

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to pay tribute to my constituent Samuel Stephen Drucker of Eagle Scout troop No. 204 in Lafayette, California, as he receives the distinguished honor of the Eagle Scout rank.

The honor of Eagle Scout is given only to those young men who have demonstrated that they have fulfilled its rigorous requirements, including living by the Scout Oath and Law, rising through the Boy Scout ranks, earning 21 merit badges, serving as a leader, and planning and leading a service project for their community. This is not an honor given out lightly: this young man is becoming an Eagle Scout because he is intelligent, dedicated, and principled.

I am proud to call Samuel Stephen Drucker my constituent, for he is a shining example of the promise of the next generation. Indeed, he represents the best of the young people in our country. I extend my sincere congratulations to him and his family, on this momentous occasion.

MEDICAL INNOVATION PRIZE FUND

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. SANDERS. Mr. Speaker, I wanted to share with you a summary of H.R. 417, legislation I recently introduced that would change the paradigm for financing medical R&D and pricing prescription drugs in the United States.

Rather than rely on high drug prices as the incentive for R&D, the bill would directly reward developers of medicines, on the basis of a drug's incremental therapeutic benefit to consumers, through a new Medical Innovation Prize Fund. Prices for prescription drugs to consumers would be at low generic prices immediately upon entry to the market.

By breaking the link between drug prices and R&D, we can provide more equitable access to medicine, end rationing and restrictive formularies, and manage overall R&D incentives through a separate mechanism that can be increased or decreased, depending on society's willingness to pay for medical R&D. The bill, by rewarding only truly innovative products that provide new therapeutic benefits to consumers, would also dramatically reduce wasteful expenditures such as those on research, development and marketing of ''me-too'' medicines.

SUMMARY OF THE MEDICAL INNOVATION PRIZE FUND

The current system for financing research and development of new medicines is broken. High prices are a barrier to access. Companies invest too much in non-innovative ''me-too'' products and too little on truly innovative medicines. Massive expenditures on marketing of products consume too many resources with very little if any net social benefits.

My legislation, H.R. 417, creating the Medical Innovation Prize Fund is an attempt to fundamentally restructure this system. It presents a new paradigm for R&D of new medicines. This is how it would work:

The legislation would separate the markets for products from the markets for innovation. Products would become generics immediately after FDA approval.

The innovators would be rewarded from a massive Medical Innovation Prize Fund, MIPF.

The MIPF would make awards to developers of medicines, based upon the incremental therapeutic benefits of new treatments.

The MIPF would also have minimum levels of funding for priority healthcare needs such as: (1) Global infectious diseases; (2) diseases that qualify under the U.S. Orphan Drug Act; (3) neglected diseases primarily affecting the poor in developing countries.

These pay-outs would take place over the first ten years of use of a medicine. The payments from the MIPF would always go to the developer of the new medicine, regardless of who actually sells the product to consumers.

The legislation proposes to set the MIPF pay-outs at .5 percent of the national income of the United States (as measured by GDP).

An independent Board of Trustees would manage the MIPF. Trustees would include key government officials, as well as persons from the private sector, representing industry, patient groups and medical researchers.

Inventors would be free to obtain patents, and to use patents normally, until the FDA approves a new medicine. At that point, the patent owner would be remunerated from the MIPF, rather than from royalties on high drug prices.

TRIBUTE TO U.S. MARINE CORPORAL CHRISTOPHER L. WEAVER

HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. LINDER. Mr. Speaker, this morning, I was informed by one of my staff that a childhood acquaintance of his, U.S. Marine Corporal Christopher L. Weaver, was killed in action in Iraq just last week.

His death is a reminder that this current war on terror has affected American families and their friends every day since September 11, 2001, in Afghanistan, Iraq, and across the globe. In this case, Corporal Weaver grew up in the city of Fredericksburg, Virginia. This quiet but intelligent and energetic young man was a lifelong Boy Scout who eventually attained the rank of Eagle Scout. He was also a graduate of Virginia Tech University, where he became a Reservist for the United States Marine Corps. After serving for 6 years in the Marine Reserves, Corporal Weaver was asked to serve his country by going to Iraq. It was there, in the Al Anbar Province of Iraq, that Corporal Weaver was killed on January 26, 2005.

I do not pretend to believe that all will share the same views of our presence in Iraq, and while I am encouraged by the acts of democracy playing out over the nation's countryside this past weekend, only history can tell whether our means will inevitably lead to their intended ends. Nevertheless, while we may not all agree on the substance or rationale behind this war, we can agree that this war has had a profound effect on all Americans.

History immortalizes those whose selfless acts and deeds of bravery were made in the hopes of bringing a greater good not just for their country, but for humanity as a whole. We know them as heroes. I am proud of the service and the sacrifice made by those troops who have given their lives so that people can live in freedom. Corporal Weaver and those across the nation that we have lost may not have considered themselves to be heroes. America, however, should. And though these heroes may no longer be in this world, their families and their fellow citizens should know that they continue to live on in our minds, in our hearts, and in our prayers now and forever.

THE SMALL BUSINESS HEALTH FAIRNESS ACT OF 2005

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to introduce the ''Small Business Health Fairness Act of 2005.''

Our Nation's small businesses are the backbone of our economy, and unfortunately, the cost of health care is placing an unbearable burden on many of them.

Sixty percent—over 24 million—of uninsured Americans work in small businesses. Some of these people are offered insurance and turn it down because they can't pick up their part of the tab.

This bill allows small businesses to band together to form Association Health Plans, AHPs. These AHPs will lower the cost of health care for small businesses and thereby significantly expand access to health coverage for uninsured Americans by, among other things: (1) Increasing small businesses' bargaining power with health care providers, and (2) giving employers freedom from costly state-mandated benefit packages.

Basically, the legislation puts small businesses on equal footing with large employers and unions when it comes to buying health care. That's why AHPs will increase the number of insured Americans by up to 8 million people.

The cost-saving benefits of AHPs would help the small employers of Main Street access coverage at a more affordable price.

AHPs aren't the only solution to the number of uninsured in America, but they certainly take a large step in the right direction.

It is the least Congress can do to ensure that the American people will receive better health care at a more reasonable price.

I urge my colleagues to cosponsor this important legislation.

INTRODUCTION OF THE KEEP OUR PROMISE TO AMERICA'S MILITARY RETIREES ACT IN THE 109TH CONGRESS

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. VAN HOLLEN. Mr. Speaker, I rise to inform my colleagues that today I have introduced the ''Keep Our Promise to America's Military Retirees Act'' in the 109th Congress along with Representatives CHET EDWARDS of Texas, JEFF MILLER of Florida, and DUKE CUNNINGHAM of California. This bipartisan bill addresses recent developments and offers meaningful remedies to the ''broken promise'' of health care for military retirees.

We have sent thousands of troops to do battle in Iraq and Afghanistan. We are creating a new generation of veterans who have been willing to make the ultimate sacrifice for our country. Our government must be accountable for the promises it makes to young men and women who are asked to serve our country in this way.

For generations, recruits for military service were promised by their own government that if they served a career of 20 years in uniform, then they and their dependants would receive health care upon retirement. But while these career soldiers put their lives on the line for our country, the government did not keep its end of the contract.

The Courts have laid to rest the question of who is responsible for making good on promises of lifetime health care that were made to young men and women who joined the service during World War II and the Korean eras. In June of 2003 the U.S. Supreme Court decided not to consider an appeal to a November 18, 2002 Federal Appeals Court ruling in a suit filed against the government of the United States on behalf of World War II and Korean era military retirees. Retired Air Force Colonel George ''Bud'' Day, a highly decorated Congressional Medal of Honor recipient, filed a breach of contract suit on behalf of two retired colonels who contended they had been recruited into military service as young men with the promise of lifetime health care upon retirement after serving at least 20 years in uniform.

In 1956, long after Col. Day's clients signed up for military duty, Congress enacted the first laws that defined, and began to limit, the level of health care that would be provided to military retirees. These laws, which took effect on December 7, 1956, made health care available at military facilities conditioned on space availability—in other words, military retirees had to go to the end of the line and wait for health care. Subsequent laws removed them entirely from the military health care system when they became eligible for Medicare, resulting in a dramatic reduction in health care benefits.

The Appeals Court ruled against the plaintiffs on a technicality, arguing that promises by recruiters were invalid because only Congress could authorize military health care, which Congress had not done when the plaintiffs entered the service. But although the retired colonels lost their case on that technicality, I believe they won their moral battle on principle because the Court acknowledged the injustice of their case. As the Court said:

> We cannot readily imagine more sympathetic plaintiffs than the retired officers of the World War II and Korean War era involved in this case. They served their country for at least 20 years with the understanding that when they retired they and their dependents would receive full free health care for life. The promise of such health care was made in good faith and relied upon. . . . Perhaps Congress will consider using its legal power to address the moral claims raised by Schism and Reinlie on their own behalf, and indirectly for other affected retirees.

It is ironic, Mr. Speaker, that American soldiers are fighting—and dying—for freedom in Iraq while American veterans and military retirees have to fight for health care to which they are rightfully entitled. Military retirees are understandably outraged by comments made by Dr. David Chu, Under Secretary of Defense for Personnel and Readiness, that demonstrate a callous disregard for their past service and sacrifice. In a January 25, 2005 article in the Wall Street Journal, Dr. Chu, discussing federal dollars obligated to health care for our veterans and military retirees, was quoted as saying, ''The amounts have gotten to the point where they are hurtful. They are taking away from the nation's ability to defend itself.''

Dr. Chu was quoted again on February 1 in an Associated Press story about proposed increases in benefits to survivors of soldiers killed in battle. This is directly from that story:

> Chu said he was concerned that in recent years Congress had gone too far in expanding military retiree benefits, but he said the proposed increase in survivor benefits was well justified.
>
> Bigger military benefits that apply mainly to retirees and their families are making it harder for the Pentagon to afford financial incentives targeted at maintaining today's military, Chu said.
>
> ''They are starting to crowd out two things: first, our ability to reward the person who is bearing the burden right now in Iraq or Afghanistan,'' Chu said. ''(Second), we are undercutting our ability to finance the new gear that is going to make that military person successful five, ten, 15 years from now.''

I do not think Dr. Chu meant to imply that it is wrong that we provide earned and promised health care benefits to our military retirees, veterans and their families; at least I hope that Dr. Chu was implying that Congress needs to address the dilemma within the federal budget where the needs of ongoing military operations and active duty personnel are forced to compete with the needs of military retirees and veterans. But the implications of Dr. Chu's words are undeniable—that keeping the promises our country made to our military veterans and retirees simply is not a priority.

Military retirees and their families, who have been misled by empty promises in the past,

see the root of the dilemma in Dr. Chu's words: that they have served their purpose to America and are no longer needed, that they—who served a career in uniform to protect our freedoms—are now looked upon as a burden on society, that they have been used up and thrown away like an old worn out paper bag.

That is why our offices have received thousands of brown paper bags in the mail, with messages written on them urging this body to pass the Keep Our Promise to America's Military Retirees Act. I am told that, as of today, military retirees and their families and supporters have sent over 20,000 paper bags to Congress and that more are arriving every day.

The Keep Our Promise to America's Military Retirees Act was originally introduced in 1999 to acknowledge the promises made in good faith to America's military retirees. That version of the bill led to the enactment of Tricare for Life, TFL, which went a long way to restore health care to military retirees over age 65. But more needs to be done to keep our promises to that elderly group of retirees and to make sure that younger retirees receive the level of health care to which they are entitled.

Our new bill offers more meaningful restitution for broken promises by waiving the premium that World War II and Korean era military retirees must pay to enroll in Medicare Part B, a requirement of TFL. The new bill also addresses broken promises made to military retirees who joined the service after 1956. Even though laws were on the books beginning in 1956 that defined and limited military retiree health care, the sad truth is that the empty promise of lifetime health care was used as a recruiting tool for many years beyond the scope of the Col. Day's case, to those who entered the military after 1956. This is documented in recruiting literature well into the 1990s. We must keep our promises to them, too.

These retirees, mainly from the Vietnam and Persian Gulf eras, qualify for the military health care program known generally as Tricare. Tricare works well for many military retirees but fails to deliver quality health care for others. Some retirees cannot receive care at military bases due to lack of space availability. Base closures have cut off access for many retirees, and too many of them cannot find private doctors who will put up with bureaucratic inefficiencies or low reimbursements they have encountered with Tricare.

I believe strongly that military retirees who are not well served by Tricare deserve an alternative. The Keep Our Promise Act has offered these retirees the option of enrolling in the Federal Employees Health Benefits Program, FEHBP; the bill improves this benefit for military retirees by reimbursing them for expenses they incur under FEHBP that they would not have incurred under Tricare and makes certain improvements to the military pharmacy benefit.

The Courts have ruled. It is up to Congress to make good on the promises that were made—and broken—to our military retirees. They are not asking for handouts—they ask only for what was promised to them and what they earned. We need to do right by our military retirees, and to show our future military retirees that their government will live up to the promises it makes to them. We need to enact into law the important provisions of the Keep Our Promise to America's Military Retirees Act.

KAZAKHSTAN PROMOTES RELIGIOUS TOLERANCE

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. CHANDLER. Mr. Speaker, this week nearly 4,000 people will attend the National Prayer Breakfast, including 1,500 representing 170 nations from all continents of the world. What began in 1952 as a small gathering, led by President Eisenhower and Senator Frank Carlson of Kansas, has evolved over time to being a much larger ecumenical event, particularly as it relates to international participation. As my colleagues know, the Senate and House prayer groups are official sponsors of the National Prayer Breakfast.

While many of the major faiths are represented, with a special emphasis this year on involving leaders from Israel and Palestine, the purpose has not changed: to emphasize the principles and teachings of Jesus of Nazareth as the best means of achieving reconciliation and peace in a troubled world.

Our Nation is challenged as never before to deal with religious extremism and the increasing militarism of certain faiths occurring in many countries around the world. That is why I appreciate the example of Kazakhstan, whose president, Nursultan Nazarbayev, is making a considerable effort to deal with religious diversity in his country and in the region. In fact, all of the world's great religions—Islam, Christianity, Judaism, and Buddhism, are present and thriving in Kazakhstan, thanks to a climate of tolerance and openness in that country.

Kazakhstan today is a model of religious diversity. One half of the country's 15 million people are Muslim and roughly one-half are Orthodox Christian, with 40 other religions and 100 ethnic minorities among its citizens. Leaders of the major religious sects, including Russian Orthodox and other Christian as well as Jewish leaders, all say there is full freedom of religion in Kazakhstan.

Pope John Paul II, on a visit to Kazakhstan, called it an "example of harmony between men and women of different origins and beliefs." Kazakhstan is emerging as an example of regional stability given its positive atmosphere regarding religious expression and lack of interethnic and inter-religious conflicts.

In September 2003, Kazakhstan hosted the first ever congress of leaders of world and traditional religions. Upon conclusion of the congress, 120 religious leaders from 18 different religions unanimously adopted a declaration renouncing terrorism and promoting the true values of all religions—tolerance, truth, justice and love of one another as the basic tenets of all religious teachings. The delegates pledged to combat violence by propagating the peaceful values of their different faiths.

Mr. Speaker, I was pleased to learn that Mr. Nurtai Abikayev, who is Speaker of the Upper House and chairman of Kazakhstan's National Security Council, will be attending this year's National Prayer Breakfast and a featured speaker at the International Luncheon. It demonstrates not only President Nazarbayev and Speaker Abikayev's personal commitment to the idea of religious tolerance in their country and throughout Central Asia, but to also learn more about our country's tradition and beliefs and how America's religious and ethnic diversity has also become a source of strength in our Nation.

As one who sits on the House International Relations Committee, I have come to appreciate the difficulty and challenge these countries face in making the transition to Western-style democracies where freedom and free markets are new experiences. It has been uneven, to be sure, and there is plenty of room for criticism. But I do applaud Kazakhstan's leadership and example in insuring that religious freedom will be a cornerstone of building a freer society in that country.

Mr. Speaker, I would like to conclude by inserting into the RECORD the Declaration of the Participants of the First Congress of Leaders of World and Traditional Religions.

ARTHRITIS PREVENTION, CONTROL AND CURE ACT OF 2005

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Ms. ESHOO. Mr. Speaker, I'm very pleased to join my colleague Representative PICKERING in introducing the Arthritis Prevention, Control and Cure Act of 2005, which authorizes programs and funding that will allow the Federal Government to better coordinate and increase our investment in efforts to prevent, treat, and care for persons with arthritis and related diseases. The bill represents the most significant Federal effort to address arthritis since the passage of the National Arthritis Act a generation ago. The Arthritis Prevention, Control and Cure Act of 2005 addresses this important issue by:

Enhancing the National Arthritis Action Plan by providing additional support to federal, state, and private efforts to prevent and manage arthritis;

Developing a National Arthritis Education and Outreach Campaign to educate the healthcare profession and the public on successful self-management strategies for controlling arthritis;

Organizing a National Arthritis and Rheumatic Diseases Summit to look at challenges and opportunities related to basic, clinical and translational research and development efforts;

Providing greater attention to the area of juvenile arthritis research through the creation of planning grants for innovative research specific to juvenile arthritis, as well as the prioritization of epidemiological activities focused on better understanding the prevalence, incidence, and outcomes associated with juvenile arthritis; and

Creating incentives to encourage health professionals to enter the field of pediatric rheumatology through the establishment of an education loan repayment and career development award programs.

Arthritis is the leading cause of disability in the United States with 70 million Americans living with a form of the disease. With the

aging of the baby boomers, the Centers for Disease Control and Prevention, CDC, predicts the number of people over 65 with arthritis or chronic joint symptoms will double by 2030. Nearly 300,000 children in the United States are living with a form of juvenile arthritis. Arthritis is a painful and debilitating chronic disease affecting men, women and children alike.

Currently, the Federal investment in juvenile arthritis research is only $23 per affected child. The CDC estimates that the annual cost of medical care for arthritis is $51 billion, and the annual total costs, including lost productivity, exceed $86 billion. Early diagnosis, treatment, and appropriate management of arthritis are critical in controlling symptoms and improving quality of life.

In 1975, nearly 30 years ago, Senator Alan Cranston of California introduced the last major piece of arthritis legislation. It was signed into law by President Gerald Ford. The bill, the National Arthritis Act, set our Nation on an important path in the fight against arthritis. It led to the creation of an institute at NIH focused on arthritis, and laid the foundation for a national arthritis public health strategy.

Today, arthritis is still claiming the lives of millions of Americans and we must reinvigorate our research and education efforts to offer individuals with arthritis more hope for a better life and eventually a cure. I believe the Arthritis Prevention, Control and Cure Act of 2005 will do just that.

TRIBUTE TO CARMINE CARRO

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. WEINER. Mr. Speaker, when residents of Marine Park were being threatened by the New York City Department of Transportation because Parks Department trees were tearing up their sidewalks, Carmine Carro confronted city hall.

When two women from Marine Park broke the gender barrier by competing in a Citywide boccie tournament, Carmine Carro cheered them on.

When vandals sprayed racist graffiti on PS 207 in Marine Park, Carmine Carro donated all the paint and supplies the students needed to whitewash the wall.

When Carmine passed away earlier this week, New York lost a classic. Carmine was an old school New Yorker, devoted to his community, Marine Park, and a dogged advocate for his neighbors.

Carmine moved to Marine Park in the 1960s, and rose to become president of the Marine Park Civic Association—one of the oldest civic associations in New York City. Under Carmine, the MPCA built on its long tradition of making Marine Park one of the most vibrant neighborhoods in Brooklyn.

Carmine worked every year to organize a Halloween walk attended by as many as 20,000 community members. He served as Park Warden for Marine Park for five years. He was a member of the local school board and vice-chairman of Community Board 18.

Carmine Carro was the Mayor of Marine Park. He represented the best of what New York can be. He will be sorely missed.

IN RECOGNITION OF PAUL DANISH

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Paul Danish for his decades of exemplary public service to Colorado. Paul is one of Boulder's outstanding political and journalistic figures, and I want to thank him on behalf of all Boulder's citizens for his fine service as County Commissioner for the past twelve years. He has shared his skills, experience, humor, and passions with us, and he is much treasured in turn by his community.

Born in Chicago, Paul moved with his family to Colorado in the 1940s and attended the University of Colorado in 1960. He received a bachelor's degree in history from CU and did graduate work in political science. To put his student period in perspective, he was instrumental during his years at CU in the transformation of the University Memorial Center cafeteria from the Indian Grill to the interim Roaring Fork to the lasting Alfred Packer Grill.

Paul Danish's journalism career began with the student newspaper, Silver and Gold, which later changed its name to the Colorado Daily. He has been a reporter for the United Press International, the San Francisco Chronicle, and Boulder's Town and Country Review. He was technical editor for the Joint Institute of Astrophysics in Boulder and the Negev Institute for Arid Zone Research in Beer Sheva, Israel. His work experience includes being a special assistant to the late University of Colorado President Roland Rautenstraus and editor for Talmey-Drake Research in Boulder.

He served as a Boulder City Council member from 1976 to 1982. In the early 1970s, Boulder residents were seriously concerned about the adverse impact of unplanned growth on the area's environment. Paul authored Boulder's original growth management plan which was passed by the voters in 1976. The Danish Plan limited population growth by restricting the number of building permits that could be issued each year for residential subdivisions. After the expiration of the Danish Plan in 1982, Boulder has continued to successfully manage growth based on his original strategies.

Paul has never hesitated before political rough and tumbles, and in 1995, he won a well-fought four-way campaign to fill the vacancy for Boulder County Commissioner. Who among the 300-some vacancy committee members will ever forget the speech-of-a-lifetime he gave the day of that vote? He has never been 'short' on the free give and take of ideas, or on his irresistible tendency to be honest and forthright, or on time for coffee with a friend.

As a county commissioner, Paul has been very involved in the cleanup and future use of the Rocky Flats site. He has been an effective advocate for an aggressive cleanup, protecting worker safety, and ensuring that former workers are compensated for any adverse health effects they may have encountered while working there. He has also worked tirelessly for sound land-use and sensible growth throughout the county. Citizens of Boulder will miss his tenacious commitment to policies that serve the environment and the education and health of people.

For many years, Paul wrote columns for the Colorado Daily after it became privately owned, and he was a contributing editor to the Soldier of Fortune magazine. His writings are always alive and kicking with subjects ranging from prairie dogs and Greek agoras to national politics and international issues. In person, he combines a distinguished intellect with a genial sense of fun. A volunteer on the way to work for his early campaigns could always find his headquarters by the peals of laughter emanating from his gardens and front door. And he continues to throw great celebration parties in Boulder's finest tradition.

Paul Danish has made important contributions to the protection and preservation of the quality of life in Boulder County, as well as to the diversity of views in our communities. I ask my colleagues to join me in thanking Paul Danish for the courageous stands he has taken for the people of Boulder and his unswerving dedication to principles of free expression. I wish him congratulations on his accomplishments and good health and happiness to him and his family in the future.

IN RECOGNITION OF BRETT ALEXANDER SISTO UPON HIS ACHIEVEMENT OF EAGLE SCOUT COURT OF HONOR

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to pay tribute to my constituent Brett Alexander Sisto of Eagle Scout troop No. 204 in Lafayette, California, as he receives the distinguished honor of the Eagle Scout rank.

The honor of Eagle Scout is given only to those young men who have demonstrated that that they have fulfilled its rigorous requirements, including living by the Scout Oath and Law, rising through the Boy Scout ranks, earning 21 merit badges, serving as a leader, and planning and leading a service project for their community. This is not an honor given out lightly: this young man is becoming an Eagle Scout because he is intelligent, dedicated, and principled.

I am proud to call Brett Alexander Sisto my constituent, for he is a shining example of the promise of the next generation. Indeed, he represents the best of the young people in our country. I extend my sincere congratulations to him and his family, on this momentous occasion.

INTRODUCTION OF THE EMPLOYEE CHANGING ROOM PRIVACY ACT

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. PETRI. Mr. Speaker, today, with my colleague, Congressman ROB ANDREWS, I am introducing the Employee Changing Room Privacy Act.

This legislation would prohibit the video or audio monitoring of an employee in any area on an employer's premises where an employee changes clothing.

Unfortunately, there have been a number of cases where employers have been caught engaging in secret surveillance via video or audio equipment of their employees in these situations on the job site.

For example, the Wall Street Journal reported that 19 locomotive engineers sued their employer in Oakland County (Michigan) Circuit Court, charging that their employer had hidden a camera in a locker-room exit sign. A worker at a State college was shocked to discover that her employer had secretly videotaped her changing her clothes in her office after work. A waitress at a restaurant was spied on in the employee changing room when she got dressed for work.

Mr. Speaker, these are just a few examples of the conduct that the legislation Congressman ANDREWS and I are introducing today is intended to prevent. The Employee Changing Room Privacy Act would help ensure that workers can go to work without wondering whether their employer has hidden a video camera in the bathroom or a microphone in the office ceiling.

Under the Employee Changing Room Privacy Act, an employer who violates the prohibition against video or audio monitoring of any area on an employer's premises where workers change clothing would be liable to the U.S. Government for a civil penalty of up to $10,000 for each violation.

The bill also authorizes the Secretary of Labor to seek injunctive relief against an employer so as to stop future violations of the prohibitions contained in the legislation.

Enactment of the Employee Changing Room Privacy Act would strengthen the right to privacy at a time when the growing use of surveillance technologies at the workplace has endangered this most fundamental of American values.

CONGRATULATING THE U.S. HOUSE OF REPRESENTATIVES PAGE SCHOOL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. SHIMKUS. Mr. Speaker, as Chairman of the U.S. House of Representatives Page Board, it gives me great pleasure and pride to rise to congratulate our own House Page School for ranking first in the Nation among small-size schools in Advanced Placement U.S. History, based upon 2004 AP test scores.

The school of 72 students, all enrolled in a junior-year high school curriculum, had the highest percentage in its category of its total student population scoring three or higher out of a total five on the AP U.S. History examination, as reported in the College Board's 2005 Advanced Placement Report to the Nation.

This is a notable achievement for our Page Program. Because of the high demands of the Pages' work schedule, traditional AP courses are not offered at the school and Pages must therefore prepare for the AP exam on their own, assisted by an enhanced honors program with an emphasis on AP exam preparation. We should be justifiably proud of our House Pages who rise to attend classes at 6:45 a.m., after which they report to the House floor for a day's work helping the House of Representatives. For most all of them, this experience is their first long excursion away from home, family, and friends. That they have brought distinction to themselves and to their school is testament to their scholarly abilities, hard work, and dedication of their teachers.

I would like, Mr. Speaker, to recognize the Page School principal, Linda Miranda, our Government/U.S. History instructor, Ron Weitzel, the other school faculty, the Page Residence Hall staff, and the Chief Pages for creating and fostering a total learning environment that helped to make this achievement possible. A 200-year program, the Page Program is a venerable congressional institution that has grown and matured with the Congress. This achievement confirms that the Page Program is helping the young people who pass through it to meet the challenges of life ahead. We remain committed in the Program to not only provide a unique work experience, but continue the pursuit of academic excellence.

TRIBUTE TO DOTTY DELASSUS OF WEBSTER GROVES

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. CARNAHAN. Mr. Speaker, my remarks today are to pay tribute to the life of a valued public servant, Ms. Dorothy "Dotty" Delassus, of Webster Groves, MO.

Ms. Delassus has long been active in public service to her community. Since 1996, she has served as a Webster Groves City Councilwoman where she represented the citizens of Webster to several Commissions, including the Green Space Advisory and Parks and Recreation Commissions.

In addition to her service on the City Council, Ms. Delassus was involved in many civic organizations. She co-chaired Make-A-Difference Day and was a member of the National League of Cities, Missouri Municipal League, the Webster University Collaborative, Unite 2000 Advisory Council, and the St. Louis County Municipal League.

Mr. Speaker, the outpouring of support by friends, family, and the community made it evident to all what an extraordinary person and public servant Ms. Delassus was. Her husband and two children are a great testament to her life, and her vision and love of people will live on through them. My prayers are with her family, friends, and community today, as we honor her life.

IN HONOR OF CONGRESSWOMEN CAPITO AND SLAUGHTER

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Ms. SOLIS. Mr. Speaker, today Ms. BROWN-WAITE of Florida and I rise on behalf of the Congressional Caucus for Women's Issues to honor the achievements of two outstanding women. Congresswomen SHELLEY MOORE CAPITO and LOUISE M. SLAUGHTER proudly and capably served as the Co-Chairs of the bipartisan Women's Caucus in the 108th Congress.

The Women's Caucus has a proud history, which began on April 19, 1977, when fifteen Congresswomen held the first meeting of the Congresswomen's Caucus. They were drawn together in the spirit of bipartisanship with the common goal of improving the lives of women across the country. This tradition has been carried on for three decades.

Congresswoman CAPITO, the Republican leader of the caucus, has lent her expertise in financial services to promote financial literacy among women. She also spearheaded the passage of a House resolution honoring the important contributions of working women in World War II. The "Rosie the Riveter" resolution had the unprecedented sponsorship of every woman Member in the House. For these contributions and many more, the membership of the Women's Caucus honors her service.

Congresswoman SLAUGHTER, the Democratic leader of the caucus, has a long history of fighting for women's rights. She played a major role in the passage of the Violence Against Women Act of 1994 and has continued to lead the caucus in the fight against sexual assault in the military and the promotion of equal opportunity under Title IX. We are grateful for her commitment and dedication to improving the lives of women nationally and internationally.

On behalf of the Congressional Caucus for Women's Issues, we are proud to build on the momentum established by the dedicated leadership of Congresswomen SLAUGHTER and CAPITO. Their invaluable perseverance on behalf of women has set an important legacy that the Caucus will build upon for years to come. Thank you for your outstanding service as Co-Chairs of the Women's Caucus.

SALUTING THE LEO COUNCIL 957 OF THE KNIGHTS OF COLUMBUS OF FINDLAY, OHIO

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. OXLEY. Mr. Speaker, it is my honor today to salute the Leo Council 957 of the Knights of Columbus of Findlay, Ohio as they celebrate their centennial year jubilee.

The Knights of Columbus of Findlay have sustained a rich tradition built upon the foundations of faith and philanthropic service. Leo Council 957 was started by a small group of Catholic men with the assistance of State Deputy John O'Dwyer of Toledo in the fall and winter of 1903–1904. Their hopes were to organize a fraternal organization to support their church and serve their community. After tireless work and recruiting, 75 new members joined from Findlay, Carey, North Baltimore, Cygnet and Bowling Green. The Supreme Council issued the original charter for the newly established Leo Council 957 on January 26, 1905, which was signed by 86 people.

Since its founding 100 years ago, Leo Council has grown to nearly 500 members. Through the dedication and efforts of the members of Leo Council, the Knights of Columbus has become a positive influence in the church and community.

The spirit of volunteerism and service of the Knights of Columbus is encouraging to all of us. Since their founding, they have provided

support though a variety of charitable works both domestically as well as internationally. For the past century, the Knights have provided an insurance program for widows and orphans of its deceased members. Additionally, the Knights have raised substantial funds to assist mentally challenged and disabled individuals. Most recently, they have worked along with Catholic Relief Services to raise funds for the victims of the devastating tsunami that hit Southeast Asia in December.

The patriotism and positive influence of the Knights is recognized every morning by students reciting the Pledge of Allegiance in classrooms across the Nation. In 1954, it was the Knights of Columbus who petitioned President Eisenhower and Congress to add the words ''under God'' to the Pledge of Allegiance.

Today, I would like to remember those committed men who organized Leo Council 100 years ago and those who have strived to maintain its membership's vigor and progress. I am proud to congratulate the members, their spouses and families on this momentous occasion.

HONORING CONTRIBUTIONS OF CATHOLIC SCHOOLS

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. RYAN of Ohio. Mr. Speaker, I rise today in recognition of House Resolution 23, honoring the contributions and academic excellence of Catholic schools. The week of January 30–February 5 has been designated ''Catholic Schools Week'' by the National Catholic Educational Association and the United States Conference of Catholic Bishops, to honor the educators, administrators, and over 2.5 million students at Catholic schools across the country for their continued dedication to the educational process.

Catholic Schools Week began in 1974, and has annually promoted a different theme to guide its message. The theme for this year's Catholic Schools Week is ''Faith in Every Student,'' which demonstrates parochial educators'' commitment to melding the invaluable process of learning with the guiding principles of Catholicism. And as important as the intellectual development is, it pales in comparison to the lessons of compassion and service to others.

As a beneficiary of a Catholic education, I deeply appreciate the role that the schools play. My Catholic educational experience gave me the desire to learn, the willingness to adapt, and the moral compass by which to lead. This education gave me the basis for the beliefs that continue to guide me today. Children in Catholic schools receive a good education from highly-qualified teachers and strengthen it with a daily commitment to faith, both in school and after the final bell rings.

I wish our nation's Catholic schools continued success, and pledge my support as they continue their ongoing commitment to quality education.

THE MILITARY FAMILIES FINANCIAL SECURITY ACT OF 2005

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. DAVIS of California. Mr. Speaker, I rise today to introduce the Military Families Financial Security Act of 2005. This bill will ensure the brave men and women who serve our country will not have to worry about losing critical services their dependent children need.

The men and women who serve in our Armed Forces are everyday heroes. I know about the valor of military families from my own experience as a military wife when my husband was stationed in Japan during the Vietnam War. As a wife and mother in a foreign country with two young children, I observed that many servicemembers were also mothers and fathers and were making the same sacrifices I was. Just as these brave men and women are working to protect our nation, we must likewise protect them and their loved ones through the laws and policies we enact.

In San Diego and around the country, some military families rely on the Supplemental Security Income program (SSI) for means-tested financial assistance. This safety net program is designed to protect qualifying families from poverty and provides access to valuable social services such as Medicaid. Without SSI, some special-needs families would not be able to cover their medical expenses.

Current regulations threaten some military families' eligibility. They face a unique risk of losing benefits due to the way military pay is treated under SSI rules. The Social Security Administration (SSA) considers anything outside basic pay as ''unearned income.'' This method hurts servicemembers and their families since there are more than 30 types of military pay in addition to basic pay. These different pays, considered unearned income, result in higher countable income and affect eligibility. Just a few dollars can make all the difference in the world to these military families.

My legislation would change how the SSA calculates income for SSI eligibility by treating most military compensation as earned income. This simple change will keep families eligible for SSI benefits and simplify the administration of this program.

Last year, in testimony before the Human Resources Subcommittee of the Ways and Means Committee, Social Security Commissioner JoAnne Barnhart stated her support for such a proposal, which was part of the President's FY05 budget.

As Commissioner Barnhart stated, ''The provision would treat cash military compensation and civilian wages alike, and thus eliminate the present unfair and disadvantageous treatment of cash military compensation other than basic pay under SSI. The proposal would increase SSI benefits for most military families with disabled children, which are currently about 3,000 families. It would be a significant program simplification in these cases and would have a relatively small program cost of only $2 million over 10 years.''

She also mentioned how ''determining the difference in the types of military pay is time consuming and error prone, and the guidelines for making such determinations covers 14 pages in SSA's operating instructions.''

As a proud member of the House Armed Services Committee, I am committed to improving the quality of life of the men and women who serve our country. This legislation is fair, overdue and demonstrates our nation's appreciation. This legislation will give servicemembers peace of mind from knowing that their duties will not jeopardize their families' eligibility for SSI benefits and related services.

I urge you, Mr. Speaker, and all of my colleagues to pass this critical legislation into law.

CONGRATULATING DAVID E. HAYES ON HIS ELECTION AS CHAIRMAN OF THE INDEPENDENT COMMUNITY BANKERS OF AMERICA

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. TANNER. Mr. Speaker, I rise today to recognize the accomplishments of David E. Hayes, an outstanding leader in our community and the new chairman of the Independent Community Bankers of America, a group that represents almost 5,000 community bank members.

He is also the President and Chief Executive Officer of Security Bank in Dyersburg, Tennessee. A native of West Tennessee, Mr. Hayes began his banking career in Memphis in 1967, and since then, he has amassed an impressive résumé that includes leadership roles in many community and state level banking organizations.

David has demonstrated his commitment to West Tennessee not only through his professional career, but also through his enthusiastic involvement in the local community. He has served as the chairman of the Dyersburg Chamber of Commerce, chairman of the Dyer County United Way, and president of the Dyer County Heart Association. He has also been an active member of the Dyer County Industrial Development Board and the Executive Committee of the Dyersburg State Community College Foundation Board. He and his wife of 37 years, Sara, have two children, David Jr. and Amy, and two young grandchildren, Joanna and David.

Mr. Speaker, I ask you to please join me in congratulating Mr. Hayes on his election to the chairmanship of the Independent Community Bankers of America. We in West Tennessee are very proud of his outstanding achievement.

A TRIBUTE TO BILL PRICE ON THE OCCASION OF HIS 90TH BIRTHDAY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. LANTOS. Mr. Speaker, it is with great pleasure that I invite my colleagues to join me in paying tribute to Mr. Bill Price, a lifelong supporter of the labor movement, a strong advocate for the rights of senior citizens, and a founding member of both the Senior Action Network and the California Alliance for Retired

Americans. Mr. Price will be honored for his truly exceptional contributions to his community at his 90th birthday celebration on February 24, 2005.

Since his early years working in the hotel industry in Seattle, Mr. Price has been a dedicated union leader. In 1937, he helped to organize employees who voted to join the Building Service Employees, Local 6. After serving for two years in the U.S. Navy, Mr. Price moved to San Francisco in 1947 to work in his father's grocery store. There, he joined the Retail Clerks Local 648 and was an active member. By the early 1960s, Mr. Price was elected to the Executive Board of Local 648, in which he served first as Vice President, then Organizer, and eventually Business Agent until his retirement.

Mr. Speaker, after retiring, Mr. Price has been busy working to better the quality of life for seniors, families, and working people. A founding member of both the Senior Action Network (SAN) and the California Alliance for Retired Americans (CARA), Mr. Price currently serves as the President of SAN and as Vice President of CARA. Both of these organizations value his leadership, enthusiasm, and persistent efforts on behalf of senior citizens in the Bay Area. True to his selfless nature, Mr. Price asked that his birthday present be celebrated through the continued support of these two organizations that he has worked so hard to create and develop.

In addition to his commitment to the labor movement and the welfare of senior citizens, Mr. Price is also an avid sports fan. A season ticket holder for both the San Francisco 49ers and the Giants, he continues to find time to root for the local teams.

Mr. Speaker, as Mr. Price celebrates his 90th birthday, I urge my colleagues to join me in honoring his outstanding achievements and remarkable dedication to the well-being of his community. I look forward to celebrating many more milestones with Mr. Price in the future.

IN MEMORY OF K. PATRICK OKURA

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. HONDA. Mr. Speaker, I rise today to remember and honor the life of K. Patrick Okura. Pat, as he was known to all who were fortunate enough to know him, led a long and accomplished career in the field of mental health and civil rights advocacy. My condolences go out to, Lily, his wife and life long partner who stood at Pat's side for more than 60 years.

Pat's own life spanned more than ninety years and was certainly intertwined with the historic events of those years.

Pat went to UCLA where he earned his a degree in psychology in the early 1930s. At UCLA he also played varsity baseball, which was unheard of for an Asian American at that time. He faced harsh protest from his teammates the entire two years he played at UCLA, but he became the first Asian American to play and letter in a major sport at a West Coast college or university.

Pat and his wife Lily had been married for just two months in December, 1941 when our government gave them just four days to pack only what they could carry and sent them to live in an internment camp.

While in an assembly center at the Santa Anita race track, Pat and Lily were able to avoid going to an internment camp when Father Flanagan of Boys' Town convinced federal officials that his orphanage in Nebraska needed someone with Pat's psychology background. Pat worked at Boys' Town for 18 years, providing counseling and administering psychological tests.

After Boys' Town, Pat was appointed chief probation officer of the Douglas County Juvenile Court and helped establish a separate juvenile court system for the state of Nebraska. The Nebraska Psychiatric Institute later recruited Okura to head up the Community Psychiatric Services division, where he became the state planner for mental health and launched five successful mental health centers in the state.

In 1970, Pat's work in Nebraska prompted then-National Institute of Mental Health, NIMH, Director Bertram Brown, to recruit Pat to become his executive assistant in Washington, DC. Pat saw this position as giving him an opportunity to help minorities and children and address delinquency. Pat worked at NIMH for 17 years, retiring in 1985.

In 1988, when the U.S. government paid the Okuras and all other former internment camp prisoners $20,000 each, Pat and Lily used that money along with personal savings to start the Okura Mental Health Leadership Foundation, which helps Asian Pacific Americans overcome racial, language and other barriers.

Pat's lifetime involvement with the Japanese American Citizens League, JACL, was filled with major accomplishments as well.

After joining the JACL at the age of 25, Pat moved up through the leadership ranks, gradually assuming greater and greater responsibility in this civil rights organization. In 1937, at the age of 26, he served as the Executive Director of the Los Angeles JACL Office. Pat founded the Omaha JACL Chapter in 1947.

By 1962 he became JACL National President and remained in office for three years. As JACL national president, Pat had the JACL march with Martin Luther King, Jr. in 1963, resisting opposition from some JACL members, who did not want to get involved.

Even into his 90s, Pat was an active member of the Washington, DC chapter of the JACL.

Mr. Speaker, I have only touched on the eventful and accomplished life of K. Patrick Okura, but clearly this was a man whose life represented a large part of our collective history.

IN HONOR OF RALPH B. THOMAS ON THE OCCASION OF HIS RETIREMENT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. DAVIS of California. Mr. Speaker, it is with great pleasure that I rise today to congratulate Ralph B. Thomas of the San Diego Border Patrol Sector. Mr. Thomas celebrates his retirement after 28 years of service in immigration policy and operations. I am honored to have this opportunity to pay tribute to an exceptional public servant.

In 1960, after a long day of campaigning for the presidency, John F. Kennedy arrived at the University of Michigan in Ann Arbor to find thousands of students waiting to hear him speak. He challenged the assembled students with the following immortal statement: "Ask not what America will do for you, but what together we can do for the freedom of man." These fateful words launched the Peace Corps.

A twenty-something Ralph Thomas learned of this challenge and answered it. In 1961, he joined the newly established international volunteer organization and traveled to the Philippines. He taught English as a Second Language in an elementary school and gave support to 35 volunteers in education and community development assignments as a volunteer leader.

Ralph Thomas completed his doctoral studies in Asian history and culture at the University of Pennsylvania in 1971, and taught Asian and American history at the University of Pennsylvania and Adrian College in Michigan.

His deep interest in urban and ethnic issues led to positions as Director of Black/White Curricula for the Education Development Center in Cambridge, Massachusetts, and as a process observer for the Detroit Education Task Force.

His involvement in immigration matters resulted from his friend and fellow Peace Corps/Philippines volunteer Leonel Castillo being named Commissioner of the Immigration and Naturalization Service in 1977. After working as a Special Assistant to the Commissioner for two years, Ralph became Deputy Director of the Select Commission on Immigration and Refugee Policy. The Select Commission recommended a number of the policy changes enacted as part of 1986 and 1990 immigration reform legislation. Ralph returned to the INS as a special assistant and consultant for the first two years of the Reagan Administration.

In September 1983, Ralph was selected as an appellate examiner for the new Administrative Appeals Unit. In 1984, he was transferred to an inspector position in the Office of Refugees, Asylum and Parole. From 1986 to 1991, he served as Deputy Assistant Commissioner. Ralph spent six more years in the INS Office of Congressional and Public Affairs before coming to the San Diego Sector.

Ralph's career spans the arenas of international development, education, immigration policy and border management. His sincerity, modest demeanor and community involvement make him a true public servant. For example, when impassable road conditions at Border Field State Park threaten to cancel a mass organized in memory of those who lost their lives crossing the border, Ralph stepped in. The mass took place as scheduled.

As Special Assistant to the Chief Patrol Agent of the San Diego Border Patrol Sector, Ralph has impressed me with his dedication to conveying the magnitude of the Border Patrol's work. I have experienced first-hand the rugged and steep terrain along the Imperial Beach-Tijuana border and flown over the expanse of the San Diego-Tijuana border with Ralph and Border Patrol Chief William Veal. Border Patrol agents are working hard to secure our borders.

On behalf of the people of San Diego, I would like to extend my sincere appreciation

for Ralph's commitment and my best wishes for his retirement. I wish him, his wife Janet, and their son, Michael, the very best in their new endeavors. My office will miss his hard work, hearty laugh and quick wit.

INTRODUCING THE ARTHRITIS PREVENTION, CONTROL, AND CURE ACT OF 2005

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. PICKERING. Mr. Speaker, I rise today to introduce the Arthritis Prevention, Control, and Cure Act of 2005.

With more than 100 different forms, arthritis is one of the most widespread and devastating chronic diseases in the United States. These conditions are extremely costly to our health care system, our economic vitality, and erode the quality of life for nearly 70 million, or one in every three Americans who suffers from arthritis or chronic joint symptoms. It is estimated that 300,000 children are affected by juvenile arthritis, a disease with high prevalence yet widely unknown, that causes deformity, blindness and in some cases death. As the number one cause of disability in the United States, arthritis is a painful and debilitating disease affecting men, women and children alike—arthritis has no boundaries. Simple, daily tasks like brushing teeth, pouring a cup of coffee and even just getting out of bed become excruciating obstacles for millions of people with the disease.

The costs associated with arthritis are immense. The disease results in 750,000 hospitalizations, 44 million outpatient visits and 4 million days of hospital care every year. The estimated total costs of arthritis in the United States, including lost productivity, exceeds $86 billion.

While the current impact of the disease is quite astounding, efforts now can help prevent and control arthritis for future generations. Despite myths that inaccurately portray this illness as an old persons' disease, two-thirds of those with osteoarthritis are under the age of 65. Maintaining a healthy weight and being physically active are both steps that can prevent this form of arthritis. More broadly, the pain and disability accompanying all types of arthritis can be minimized through early diagnosis and appropriate disease management.

This legislation will bring critical Federal resources to bear on a significant public health problem facing this country. This legislation will lessen the burden of arthritis on society and on individual citizens, like my constituent, Alfred Price of Brandon, Mississippi. Mr. Price has suffered from rheumatoid arthritis for more than 50 years, and I have witnessed over the years how this disease has ravaged his body.

In recent years, research into the prevention and treatment of arthritis has led to measures that successfully reduce pain and improve the quality of life for millions. This legislation would develop a National Arthritis Education and Outreach Campaign to educate healthcare professionals and the public on successful self-management strategies for controlling and preventing arthritis. To ensure greater coordination and intensification of federal research efforts, this legislation would create a National Arthritis and Rheumatic Diseases Summit to look at challenges and opportunities related to arthritis research within all the agencies of the Department of Health and Human Services. Finally, this legislation expands research for juvenile arthritis at the National Institutes of Health through the creation of planning grants for innovative research. To address the severe shortage of pediatric rheumatologists, it creates incentives to encourage physicians to enter the specialty field through the establishment of education loan repayment and career development award programs.

Mr. Speaker, we must make the necessary investments in the fight against arthritis—our Nation's number one cause of disability. This legislation will improve the quality of life for millions of adults and children and save our nation valuable human and economic resources. I urge all my colleagues from both sides of the aisle to support this legislation and enact it in a timely manner so millions of Americans, like Mr. Price, can live life with less pain.

TRIBUTE TO THE HONORABLE S. PAUL EHRLICH, M.D.

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Ms. ESHOO. Mr. Speaker, I rise today to honor a distinguished American, Dr. S. Paul Ehrlich, who died on January 6, 2005.

Dr. Ehrlich served our Nation with great distinction as Acting Surgeon General in the Nixon, Ford and Carter administrations and as the United States Representative to the World Health Organization. He received the Public Health Service's Outstanding Service Medal, the Distinguished Service Medal and the Meritorious Service Medal. Dr. C. Everett Koop, the Surgeon General under President Reagan, said that Dr. Ehrlich "did more than anyone I've ever known for American health."

Dr. Ehrlich was among six Surgeons General who in 1994 urged Congress to ban smoking in public buildings and to enact stricter controls on secondhand smoke and the sale and advertising of tobacco. His commitment to the health of all Americans and to stopping the spread of AIDS led him to oppose a federal policy that would require minors to get parental consent before receiving contraceptives and information on birth control.

Dr. Ehrlich was born and educated in Minnesota, where he earned his medical degree. He served our Nation in the Coast Guard, and received a master's degree in Public Health from the University of California. He taught at Georgetown University, the University of Texas and the University of California. He was diagnosed with Multiple Sclerosis in 1981 and lived bravely with the challenges of his disease for more than twenty years.

Dr. Ehrlich was the devoted husband of Geraldine McKenna Ehrlich, proud father of three accomplished and loving daughters, Susan, Paula, and Jill, and the doting grandfather of one.

It has been a personal privilege to have known the Ehrlich family for many years and to have had Jill Ehrlich Robinson as my Legislative Director and Chief of Staff. Her integrity and public service are an eloquent statement about she and her father who gave so much to better our country.

Mr. Speaker, I ask my colleagues to join me in honoring this good and great American and in extending our deepest sympathy to his family. Dr. Ehrlich's life as an outstanding physician bettered the health and the soul of our Nation.

LEGISLATION TO ESTABLISH THE ATCHAFALAYA NATIONAL HERITAGE AREA IN LOUISIANA

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. BAKER. Mr. Speaker, Atchafalaya refers to both a river and a large wetlands region of Louisiana; the name derives from the Choctaw hacha falaia, meaning "Long River." The river itself serves as a major tributary of the Mississippi and Red rivers, and runs through a swampy wetlands called the Atchafalaya Basin, which is about 20 miles in width and 150 in length. The Atchafalaya Basin is rich with wildlife, including three hundred bird species, as well as crawfish, shrimp, crabs, frogs, snakes, nutrias, beavers, raccoons, foxes, alligators, and black bears. Since the 18th century, Cajun fishermen and trappers have depended on the basin and river for their livelihoods and culture. Today, I rise with all my colleagues from Louisiana to offer legislation to preserve this unique area of natural, cultural, historic and recreational resource as a National Heritage Area.

This legislation will designate the Atchafalaya Trace Commission as the local coordinating entity of the Heritage Area. In 1997, the Atchafalaya Trace Commission was created by the Louisiana Legislature and was charged with planning and managing the Atchafalaya Heritage Area to help our communities save important cultural and natural resources. I support their mission to enhance the positive benefits of tourism and create a sustainable, healthy economy. I commend the Atchafalaya Trace Commission in their leadership in preservation and advocacy on behalf of the Atchafalaya Heritage Area.

Mr. Speaker, the legislation that I submit today also establishes a procedure for the voluntary inclusion of private property in the Heritage Area. I believe this is important in balancing both public and private interests in such a diverse natural and cultural area.

In conclusion, I believe the establishment of the Atchafalaya National Heritage Area will provide the direction and resources needed to maintain what the area has to offer for generations to come. I look forward to working with my colleagues in the House of Representatives to pass this important legislation.

CHANGING THE WAYS AND MEANS COMMITTEE ON BEHALF OF THE DEMOCRATS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. STARK. Mr. Speaker, when the Ways and Means Committee held our organizational meeting earlier today, I offered an amendment to change the committee rules on behalf of the Democrats. My amendment would have allowed the minority party to conduct oversight hearings on the administration when the majority refused to do so. Such a change is vitally important because, with Republicans controlling both Congress and the White House, it is clear that they do not want to expose problems that exist in the Bush administration.

Below is my statement in support of the amendment I offered. It was defeated on party lines. I encourage my colleagues and the public to read this statement and take notice of the fact that Congress' duty to conduct oversight is being undermined in this Republican-run House of Representatives. The full statement follows:

As we consider changes to the Committee's rules, I have an amendment to offer on behalf of the Democrats.

The purpose of my amendment is to restore the duty of oversight to our committee. Since President Bush took office, House Republicans have decided that conducting oversight of the Administration is not a necessary function. We'd like to fix that.

My amendment is very straightforward. It would allow the Ranking Member to request in writing that the Chairman hold a hearing regarding alleged ethical misconduct or any violation of the law by an Administration employee. If the Chairman chose not to hold a hearing within 30 calendar days, then the minority would be allowed to move forward with an official Ways and Means Hearing. We would schedule it. We would invite the witnesses. We would have subpoena authority as well.

Why is this amendment needed?

This amendment is vitally necessary because the Committee on Ways and Means is no longer doing its job with regard to protecting the integrity of the programs under our jurisdiction.

The lack of oversight is a problem across our committees in Congress, but let me provide three prime examples of this problem with the Ways and Means Committee's jurisdiction:

Medicare: There are at least two incidents—that we know of—related to the Medicare debate from the 108th Congress.

First, the Committee failed to fulfill its duties investigating former CMS Administrator Tom Scully's actions to gag Chief Actuary Rick Foster from responding to our requests relating to the Medicare bill in 2003. Given that I had always assumed we had a mutual interest in protecting the prerogatives of the Committee and Congress, I was surprised and disappointed that the majority doesn't apparently share this view.

The Chairman may well try to make the case that we held two hearings on this last year. While we did hold one routine hearing on the Trustees Report, which happens each year, the other one came about only because Democrats forced it through the use of House Rule 11. However, because we had no subpoena authority, neither Tom Scully nor Domestic Policy Advisor Doug Badger were willing to testify at the hearing. Since they were the key witnesses, our hearing was fairly meaningless. The Chairman had said he would support additional efforts if ''laws had been broken.'' Later independent analysis from both CRS and GAO found that laws had indeed been broken, but the promised oversight never materialized.

Separate from the Scully incident was the discovery that CMS had paid consultants to produce news videos on the Medicare prescription drug bill. GAO found that these ads were covert propaganda and should not have been allowed. In their report, the GAO General Counsel stated, ''In a modest but meaningful way, the publicity or propaganda restriction helps to mark the boundary between an agency making information available to the public and agencies creating news reports unbeknownst to the receiving audience.''

Marriage Promotion: Now we're discovering that the use of propaganda was not limited to promoting last year's Medicare bill. Everyone has already heard about the Department of Education grant to conservative talk show host Armstrong Williams. But, that isn't in our committee's jurisdiction. Other examples are however.

Thanks to the work of reporters at the Washington Post, Salon and USA Today (thankfully those entities still do oversight), it has been discovered that HHS has provided grants to columnists to promote Bush's marriage promotion agenda.

Specifically, Maggie Gallagher, a syndicated columnist, was paid $21,500 to promote the Bush marriage agenda in her columns. She is president of the Institute for Marriage and Public Policy, a frequent television guest, and has written on marriage for the New York Times, Wall Street Journal and Weekly Standard. She did not disclose that HHS had paid her to promote the marriage initiative when she was touting it in columns and on television.

Michael McManus, a conservative author and self-proclaimed marriage expert, who writes a syndicated column ''Ethics & Religion'' also received federal funds from HHS to train ''marriage mentors'' ($4000) and $49,000 to promote marriage among unwed couples. He did not disclose this relationship when writing in support of the marriage initiative in his columns during this same time.

Social Security: Last week, two Social Security Administration employees came forth to raise their concerns that government employees within SSA are being required to promote President Bush's Social Security privatization agenda. Aside from being improper, this is probably illegal as well. Our Senate Democratic Colleagues exposed this latest example of potential wrongdoing.

Mr. Chairman, these are three glaring examples of potential misuse of taxpayer funds in areas all under the jurisdiction of our committee. Yet, we've done nothing to investigate these allegations to discover if they are improper—or worse, to find out if the problems are even more widespread.

Many of us on the Democratic side of the aisle have stepped up to investigate these allegations. We've requested GAO reports as I've cited above. Unfortunately, there is no enforcement for GAO when they find violations of the law. It is up to us in Congress to pursue remedies or to change the law to prevent future violations.

I urge my colleagues to support my amendment. It seems very clear that Republicans don't intend to do this oversight on their own. At least give us the ability to conduct these hearings and do our best to protect the taxpayers from the misuse of government resources.

VOTING OPPORTUNITY AND TECHNOLOGY ENCHANCEMENT RIGHTS (VOTER) ACT OF 2005

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. CONYERS. Mr. Speaker, today I rise to introduce on behalf of myself and 25 colleagues the Voting Opportunity and Technology Enhancement Rights Act, or the VOTER Act of 2005, legislation that will help ensure that all voters who are eligible to vote are able to vote and have their vote properly counted in Federal elections.

We have just experienced the second consecutive presidential election where issues were raised concerning irregularities and improprieties. For example, in Ohio we learned of the misallocation of voting machines, which led to lines of 10 hours or more and disenfranchised scores, if not hundreds of thousands, of predominantly minority voters. We also learned of numerous incidents of voter intimidation, as well as the dissemination of misleading information. Members on both sides of the aisle acknowledge that further reforms are needed to ensure that all of our citizens' rights to vote are protected.

As a result, the VOTER Act will provide for a uniform Federal write-in/absentee ballot; require states to provide for a verifiable audit trail; ensure that provisional ballots cast anywhere in a state are counted; eliminate disparities in the allocation of voting machines and poll workers among a state's precincts; mandate early voting and election day registration procedures; protect against improper purging of registration lists in federal elections; provide for a study regarding making election day a public holiday; ease voter registration requirements; allow voter identification by written affidavit; study eliminating partisan election officials from administering federal elections; enhance training for election officials; require the use of publicly available open source software in voting machines; provide uniform standards for vote recounts; prohibit voting machine companies from engaging in political activities; and enhance legal protections against voter intimidation and threats.

The legislation is supported by the NAACP, the NAACP Voter Fund, the Progressive Democrats of America, the UAW, the Black Leadership Forum, Rainbow Push, and the National Voting Rights Institute. The legislation is the House counterpart to S. 17, legislation introduced in the Senate by Senator CHRIS DODD on behalf of the Senate Democratic Leadership.

It is imperative that we have elections that count every vote of every eligible voter. A provisional ballot cast anywhere in the State of Ohio should count just as it does in the State of Iowa. There is no reason that voters in inner city areas should be forced to wait in long lines, while their counterparts in the suburbs are able to vote immediately. If voters in Oregon can vote early, why can't voters in Michigan; if citizens of Idaho enjoy same day registration, why can't voters in Florida; and if voters in Wisconsin can have their elections administered by nonpartisan boards, why can't the rest of us?

If there is any issue that is central to our democracy, it is ensuring that eligible voters are

able to participate in our elections. Enacting the VOTER Act of 2005 will help ensure that we restore trust in our election system.

The following is a section-by-section of the VOTER Act:

Section 1—Short Title and Table of Contents
Section 2—Findings and Purposes

Details a number of concerns regarding fairness of federal elections that justify a federal legislative response.

Section 3—Enhanced Protections Against Voter Intimidation, Threats, Coercion, and Deception

Creates new requirement that unfair or deceptive acts or practices in or affecting voting in Federal elections are prohibited and the Attorney General is empowered and directed to prevent persons, partnerships, or corporations from using unfair or deceptive acts or practices in or affecting Federal elections via civil or criminal remedy.

Creates a corollary private right of action.

Amends 42 USC 1971 and 18 USC 245 to specify that deceptive and coercive voter intimidation is unlawful.

Provides for an enhanced system for DOJ to track, document, and monitor election irregularities.

Section 4—National Federal Write-In Absentee Ballot

Requires the Election Assistance Commission (EAC) to prescribe a national Federal write-in absentee ballot and that any person qualified to vote in a Federal election be permitted to cast a vote using that ballot.

Provides that a federal write-in absentee ballot will be counted so long as the ballot is postmarked or signed before the close of the polls on election day and received by the appropriate State or election official on or before the date which is 10 days after the date of the election.

Section 5—Verified Ballots

Provides that voting systems shall have an independent means of voter verification which requires each voter to verify the ballot before it is cast and counted with a paper, audio, pictorial, or electronic record and that uniform and nondiscriminatory standards for such verified ballots be established by the EAC.

Requires that any means of verification shall be preserved and made available for use in any audit.

Requires that the EAC standards provide for partial audits of voting machines to ensure that the voting machines are properly functioning and accurate and in the event that voting machines' are not properly functioning and accurate, the record of the verified ballot will be used for the official vote count.

Requires that the EAC and the states will produce reports on the implementation of the verified ballot.

Section 6—Requirements for Counting Provisional Ballots

Requires that each state shall count any provisional ballot which is cast at a polling place within the state if the individual who cast such a ballot is otherwise eligible under state law to vote.

Section 7—Minimum Required Voting Systems and Poll Workers in Precincts

Requires that each state shall provide for the minimum required number of functioning and accurate voting machines and poll workers for each precinct on the day of any Federal election or during early voting for any Federal election.

Requires the EAC to issue standards regarding the minimum number of voting machines and poll workers.

Section 8—Election Day Registration

Permits any individual on the day of a Federal election to register to vote and to cast a vote in such election.

Requires the EAC to develop an election day registration form for elections for Federal office.

Section 9—Integrity of Voter Registration List

Requires that not later than 45 days before any Federal election, each state shall provide public notice of all names that have been removed from the state voter registration list and that prior to the removal from such a list, a voter must receive proper notice that will be prescribed by the EAC.

Section 10—Early Voting

Requires that each state shall allow individuals to vote in an election for Federal office not less than 15 days prior to the day scheduled for such election in the same manner as voting is allowed on election day.

Requires the EAC to issue standards for the administration of early voting.

Provides that same day voter registration will occur during early voting.

Section 11—Acceleration of Study on Election Day as Public Holiday

Requires the completion of a study on Election Day as a public holiday by the EAC no later than 6 months after the enactment of this bill.

Section 12—Improvements to Voting Systems

Requires punch card systems to provide a means of verification and audit ability.

Section 13—Voter Registration

Requires voter registration forms to include an affidavit to be signed by the registrant attesting to both citizenship and age rather than having the registrant check boxes on the voter registration form attesting to both citizenship and age.

Requires that any form developed or used by a State for voter registration in Federal elections must include an affidavit attesting citizenship and age instead of the questions and statements under HAVA sec. 303b4(A).

Requires states to establish voter registration through the Internet with the standard established by the EAC.

Section 14—Establishing Voter Identification

Permits voter identification to be established through a written affidavit when a voter is voting in person or through the mail and eliminates the need for any other form of identification, which has the effect of overruling the HAVA requirement that first time voters who register by mail must provide a photo ID when voting.

Requires the EAC to establish the standards for establishing voter identification.

Section 15—Impartial Administration of Elections

Requires that states issue a public notice concerning any changes to the administration of an election since the most recent prior election.

Requires that states must provide access to any polling place to voting and civil rights groups, and nonpartisan domestic and international observers and that such access may be denied only through a public notice that will be issued not later than 24 hours after such denial.

Requires that the EAC conduct a study on the administration of Federal elections in states by nonpartisan election boards, rather than Secretaries of State.

Section 16—Strengthening the Election Assistance Commission

Requires the EAC to submit any budget requests to the Congress and all relevant House and Senate Committees, in addition to the President or the Office of Budget and Management.

Requires that the Director of the National Institute of Standards and Technology provide the EAC with the assistance needed to perform the duties required of it under this Act if such assistance is requested.

Provides for the necessary appropriations to the EAC to perform its duties under this Act.

Section 17—Additional Protections to Ensure Fair Administration of Federal Elections

Provides that no individual may serve as an election official at any polling place used for Federal office unless the individual has been certified through the poll worker certification program established by the EAC.

Requires that each state shall ensure that all voting machines used by the state for elections for federal office use open source software which may be accessible for inspection by the public and that the standard for public viewing of the open source code be established by the EAC.

Requires that the EAC will establish a national standard for the conducting of a recount of the results of any election for Federal office.

Prohibits states from entering into any agreement with an entity regarding the manufacture, distribution, installation, servicing, or other activity with respect to a voting machine if that entity contributes to a campaign for public office and standards on such conflicts of interest will be established by the EAC.

Section 18—Authorization of Appropriations

Provides for the necessary appropriations to the states to perform their duties under this Act, $2 billion in 2006 and thereafter, such sums as may be necessary.

Section 19—Effective Date

Requires operative provisions to take effect on January 1, 2007.

COMMENDING COUNTRIES AND ORGANIZATIONS FOR MARKING 60TH ANNIVERSARY OF LIBERATION OF AUSCHWITZ

SPEECH OF

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. HONDA. Madam Speaker, I rise today to recognize a tragic anniversary, one which we can never afford to forget. Last week, my colleagues and I voted unanimously in support of a resolution commending countries and organizations for marking the 60th anniversary of the liberation of Auschwitz-Birkenau and urging a strengthening of the fight against racism, intolerance, bigotry, prejudice, discrimination, and anti-Semitism.

January 27, 2005—marked the day 60 years ago that Soviet troops opened the gates of the Auschwitz-Birkenau concentration camp in Poland and liberated the Jewish prisoners who had managed to survive the atrocities committed within those walls.

I join with many others in remembering those who perished, in honoring their memory, and in promising survivors: "never again."

Countries around the world will commemorate this event as a reminder to us all of what can befall humanity when we turn away from injustice and fail to speak out when those in power single out innocents for persecution.

Together, we have made progress in battling anti-Semitism around the world. As part

of its effort to say ''never again'', the United Nations General Assembly last week, commemorated the six million Jews who perished in the Holocaust, a signal that the UN will assert leadership in the ongoing struggle against anti-Semitism.

This year's memorial ceremonies are particularly important because concentration camp survivors are aging at a rapid rate and may not be able to participate in such future events.

Despite ongoing efforts, Jews throughout the world continue to suffer vandalism, verbal assaults, and even physical attacks. On this day of commemoration, we should all resolve to work towards a world where the Holocaust can never happen again.

TO RENAME THE POST OFFICE IN BARRIO LOGAN, CA

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. DAVIS of California. Mr. Speaker, I rise today to honor a great man who stood up for justice and fair treatment for all Americans.

During his life, Cesar E. Chavez was committed to providing fair wages, better working conditions, decent housing, and quality education for all. He organized in Southern California and accomplished a great deal to improve the living and working conditions for the people of San Diego.

Mr. Chavez also made tremendous sacrifices for all Americans, serving the United States proudly in the Navy during World War II.

His spirit and his vision are still alive today and I am determined to celebrate what he stood for and his great accomplishments.

Mr. Speaker, today, I introduce legislation to rename the post office located at 2777 Logan Avenue in the Barrio Logan section of San Diego as the ''Cesar E. Chavez Post Office.''

This is the least we can do to honor such a great but humble man dedicated to justice. Please join me in giving Mr. Chavez his rightful place in American history.

TRIBUTE TO FEDRICK INGRAM, MIAMI-DADE COUNTY TEACHER OF THE YEAR

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. MEEK of Florida. Mr. Speaker, I rise to honor Mr. Fedrick Ingram of Carol City High School, who was honored this past Tuesday as Miami-Dade County Teacher of the Year.

Mr. Ingram, known for his discipline and drive, has pushed his students to excel in music and academic studies. For the first time in 10 years, Miami Carol City's Band received straight superiors in this year's District Band Competition, and was even invited to perform during the Sugar Bowl last month.

While many schools are placing less importance on fine arts, Mr. Ingram has shown what value an amazing fine arts program can have. As Band Director and Fine Arts Department Chairperson, he has motivated his students both in the classroom and the band room—and his results have been amazing. Last year, more than two-dozen of his students amassed $300,000 in college scholarships. Under his leadership, his students have increased their self-esteem and have improved their grades, test scores and graduation rates.

Ingram founded the Miami All-Stars Band Camp in 2002, giving many low-income families the opportunity to send their children. His last camp included nearly 300 students all of which were given the opportunity to work with college band directors and local musicians for an intensive one-week collegiate training course.

Mr. Ingram shares his life's passion daily. Mr. Speaker, I recognize him for his accomplishments and commend him for his hard work and innovation.

INTRODUCTION OF THE UDALL-EISENHOWER ARCTIC WILDERNESS ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. MARKEY. Mr. Speaker, today I am introducing, with Representative NANCY JOHNSON and over 100 of my colleagues, legislation that would permanently protect the Coastal Plain of the Arctic National Wildlife Refuge from development by granting it full wilderness status, consistent with the rest of the Refuge. The Udall-Eisenhower Arctic Wilderness Act of 2005 honors two great visionaries by protecting, in their name, this extraordinary piece of America's wilderness. Republican President Dwight D. Eisenhower began the bipartisan legacy to protect this majestic land when he set aside the core of the Refuge in 1960. Twenty years later, in 1980, Democratic Representative Morris Udall succeeded in doubling the size of the Refuge, thereby protecting even more of this pristine wilderness from oil drilling. As Mo Udall said at the time, ''In our lifetime, we have few opportunities to shape the very Earth on which our descendants will live their lives. In each generation, we have carved up more and more of our once-great natural heritage. There ought to be a few places left in the world the way the Almighty made them.''

President Eisenhower and Mo Udall had the vision to protect a remote but very special piece of wilderness for America's future generations. It is now our responsibility to stop those who would tear down this legacy. This legislation would, at long last, complete the job they began.

The Arctic National Wildlife Refuge is a national treasure. It is a Federal land given legal protection so that the pressures of development today do not over-run the need to preserve for tomorrow a unique place for the undisturbed enjoyment of future generations. The Arctic Refuge does not belong to the oil companies; it does not belong to one party; it does not belong to one State. It is a public wilderness trust, and we are the trustees.

The coastal plain of the Refuge is the biological heart of the ecosystem and is critical to the survival of caribou, polar bears, and over 160 species of birds. A Department of the Interior study suggests that oil development would contribute to a 20–40 percent decline in the Refuge's caribou population, and similar declines in wolverine and musk oxen populations. When you drill in the heart, every other part of the biological system suffers.

The U.S. Fish and Wildlife Service calls the coastal plain the ''center for wildlife activity'' in the Refuge. If the drillers get their way, a refuge for wildlife will become something else—a place for caribou, grizzlies, polar bears and wolves to practice their social skills with oil riggers, pipelines, roads, pumping stations, bulldozers, helicopters, airstrips, and everything else necessary for a state-of-the-art ''environmentally-conscious'' oil field. Like their counterparts in the zoo, the wildlife will be required to adapt to living in an oil field, and they will be ''wildlife'' no more. A place that has been ''forever wild'' will be gone—gone forever—never to be retrieved.

If Congress authorizes drilling in the Refuge, it will scar an untouched landscape, evict wildlife from its traditional habitats, turn tundra potholes for ducks into catch basins for drilling wastes, and provide a precedent to invade every other wildlife refuge in the United States of America.

Let's be clear—if we want to be able to protect the wildlife refuge system later, we must protect the Arctic National Wildlife Refuge now.

You have surely heard the argument that we have no choice, that we have soldiers in the oil fields of the Middle East that need to come home, that we must reduce our dependence on oil from unstable foreign suppliers.

Let's be clear again—we have a choice, a better choice, and the sooner we steer the debate away from drilling for 6 months' worth of oil in the Arctic Refuge, the sooner we can actually do something real about oil imports.

The United States consumes 25 percent of the world's oil but controls only 3 percent of the world's reserves. 76 percent of those reserves are controlled by the OPEC cartel; that is our weakness. Our strength lies not in sacrificing our wildlands; our strength lies in harnessing our technological genius. We are a technological superpower. It is time to start acting like one.

From an energy standpoint, drilling in the wildlife refuge is completely unnecessary. Transportation—cars, SUVs, and trucks—account for approximately three-quarters of all U.S. oil consumption. If we improve the average fuel economy of cars, mini-vans, and SUVs by just 3 miles per gallon, we save more oil within ten years than would ever be produced from drilling in the Arctic National Wildlife Refuge. Technology already exists that will allow us to dramatically increase fuel economy, not just by 3 mpg, but by 15 mpg or more—five times the amount the industry could possibly drill out of the Refuge.

The debate over drilling in the Arctic National Wildlife Refuge is surreal when you consider that the country which is sending our young men and women abroad to shed their blood in the Middle East oilfields is the same country which subsidizes the consumption of oil at home as if it were an infinite resource.

Let me cite just one obscene example. The Administration's current energy policy provides $35,000 in tax deductions for the purchase of a Hummer, but a mere $2,000 for the purchase of a hybrid vehicle. A hybrid gets 50 miles per gallon, a Hummer gets 10 miles per

gallon. Do the math. Oil is not infinite, but our capacity to subsidize the waste of oil seems boundless. The Administration's energy policy is like a hamster spinning in his wheel—lots of activity, no progress. According to the Administration's own Energy Information Administration, passage of the Energy Act will result in our dependence on foreign oil soaring from less than 65 percent today to 80 percent in 2025.

The public understands that. In a recent Zogby poll, Americans soundly rejected the link between drilling in the wildlife refuge and energy independence. Only one in six respondents agreed that more domestic oil drilling is the way to reduce our foreign oil dependence. More than two-thirds believe the United States should promote increased fuel economy and alternative energies instead of drilling. Americans have also made it clear to Congress that they disagree with attempts to make an end run around the legislative process by cramming the fate of the Arctic Refuge into the 2005 Budget resolution. The people of America recently expressed their disapproval of this ''backdoor maneuver'' by a margin of 59 to 25 percent.

Even the oil companies have publicly announced that they are shifting their focus away from the Arctic Refuge and toward fields in other parts of the North Slope of Alaska; so should Congress. BP, ConocoPhillips and ChevronTexaco have all quietly walked away from this political drilling frenzy, suggesting that there are higher priorities for the oil industry than drilling in this refuge. Is it possible that oil companies know something that the politicians do not?

If we allow this Congress to turn the Coastal Plain of the Arctic Refuge into an industrial footprint, the impact on the land and the wildlife would be permanent and the hoped-for energy benefit only temporary. Let us join the American people in saying, unequivocally, that there are places that are so rare, so special, so unique that we simply will not drill there as long as alternatives exist.

We have an opportunity to preserve the Arctic Refuge as the magnificent wilderness the way God made it. It is arrogant and immoral to sacrifice this ecological gem when we have better ways to meet our energy needs, and no other place with such environmental significance on Earth. We do not dam Yosemite Valley for hydropower. We do not strip-mine Yellowstone for coal. And we should not drill for oil and gas in the Arctic Refuge.

CARIBBEAN NATIONAL FOREST ACT OF 2005

HON. LUIS FORTUÑO

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. FORTUÑO. Mr. Speaker, during these cold Washington winter days, when the temperature hovers near freezing and another snow emergency is called, I wanted to take this opportunity to remind my Colleagues of my Puerto Rico. I hope that my Colleagues will think of the lush tropical island with warm sun, the inviting white beaches and the aqua blue waters. That is my Puerto Rico but my home is much, much more than that.

While for many, their thoughts of Puerto Rico end at the beaches, the fact is that the Island is a diverse landscape with vibrant communities, impressive mountains and a tropical rainforest that is home to hundreds of species of plants, trees and vertebrates. It is that part of my homeland that I would like to bring to my Colleagues attention today.

The Caribbean National Forest, the only tropical rainforest in the U.S. Forest System, is a historic and natural treasure to both Puerto Rico and our Nation. The Spanish Crown proclaimed much of the current CNF as a forest reserve in 1824. Recently the CNF celebrated its 100th anniversary, commemorating the date when President Theodore Roosevelt reasserted the protection of the CNF by designating the area as a forest reserve.

Located 25 miles east of San Juan, the forest is a biologically rich. The CNF ranks number one among all national forests in the number of species of native trees with 240. In addition, the CNF has a wide variety of orchids and over 150 species of ferns. There are over 100 species of vertebrates in the forest. Of particular note is the endangered Puerto Rican parrot. At the time that Columbus set sails for the New World, there were approximately one million of these distinctive parrots, today there are under 100.

The CNF is integral to the lives of hundreds of thousands of Puerto Ricans. It is a major source of water to the island. The CNF receives over 10 feet of rain each year. As a result, the major watersheds in the CNF are able to provide water to over 800,000 residents. In addition, the CNF provides a variety of recreational opportunities to the nearly 1,000,000 Puerto Ricans and tourists each year. Families, friends and school groups come to the forest to hike, bird watch, picnic, swim and enjoy the scenic vistas.

A resource this special needs to be protected for current and future generations. For this reason, I am introducing today my first legislation as a Member of Congress, ''The Caribbean National Forest Act of 2005.'' My legislation builds upon earlier proposals introduced in the House and the Senate. These proposals, endorsed by the Bush Administration, The Wilderness Society and the National Hispanic Environmental Council, would protect approximately 10,000 acres of the most crucial portions of the CNF as the El Toro Wilderness. My bill would insure that this crucial watershed, this diverse and vibrant ecosystem, and a major recreational destination in Puerto Rico will remain available for generations to come.

Mr. Speaker, soon after I was elected to office by the people of Puerto Rico. I visited the CNF and met with Forest Supervisor Pablo Cruz. During my visit, I recalled the many times that I have visited the CNF with my family and friends. I want this special place to be there for our future generations. My legislation, the Caribbean National Forest Act of 2005, will make that goal a reality.

THE EDUCATION, ACHIEVEMENT AND OPPORTUNITY ACT

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. SMITH of New Jersey. Mr. Speaker, this week marks the 31st Anniversary of National Catholic Schools Week, a week in which Catholics spotlight the important mission of providing quality education and strong character building of the 7,955 Catholic Schools across the country.

In conjunction with this important recognition as well as National Catholic Schools Appreciation Day, I have introduced legislation designed to ensure that the federal government appropriately assists parents with the financial burdens associated with their children's education at a public or private school. My legislation, the Education, Achievement and Opportunity Act will provide refundable tuition tax credits for the educational expenses incurred by parents of children enrolled in elementary and secondary school. The legislation offers parents of elementary school children up to $2,500 in tax relief, while parents of a child in high school could claim up to $3,500 in assistance.

Parents who choose to send their children to a Catholic school, or any private school, already pay twice for their child's education: once through their taxes and a second time for the tuition. These out-of-pocket expenses can certainly add up for some families and may pose an enormous obstacle to others. Sadly, many parents struggle—and some may have to forgo a Catholic School education—or any religious based school education—for financial reasons.

Recognizing the unique and enriching educational value that Catholic schools provide, I feel it is important that every parent have the option to send their children to such a school if they wish. It is important to note that not only parents of children in the Catholic School system will benefit from this legislation. The tax relief contained in my proposal can be utilized by parents of children in private and public schools to pay for a variety of educational expenses. Most significantly, the tax credits are designed to help parents with the cost of tuition. However, the tax credits can be used to help meet the costs of other educational needs: (1) computers, educational software, and books required for course of instruction; (2) academic tutoring; (3) special needs services for qualifying children with disabilities (4) fees for transportation services to and from a private school, if the transportation is provided by the school and the school charges a fee for the transportation; and (5) academic testing services.

The Education, Achievement and Opportunity Act proposes a tax credit, not a voucher, so the total amount of educational resources available for all school age children will increase. Under a voucher system, if a school loses enrolled students to a competing school, that school may lose the funding along with the student. Under my plan, that negative outcome is avoided.

There are over 59 million youngsters in elementary and secondary schools across the U.S. today—about 10 percent of these students are enrolled in private, parochial and rabbinical schools. If the public education system had to suddenly absorb all of these students, they would be financially unable to do so. Therefore, the public schools benefit from the existence of the private schools as well.

As every child is unique, so are their educational needs. It is important to support our nation's public school systems which are critical in providing educational opportunities for all. At the same time, it is important to support

those parents who have a desire to provide a secure academic education for their children but in a faith oriented setting.

It is my belief that the tuition tax credit should be available to all, no matter what their race, color or national origin. And make no mistake: the public school system will and must continue to remain the backbone of our nation's education system. However, we must never forget that the public school system was created to serve students—not the other way around. If a student is performing poorly in a school for one reason or another, parents should have the opportunity to move their child to what may be a better setting. And the federal government should help—not stand in the way.

To truly make good on our promise that "No Child is Left Behind," ensuring that Catholic Schools are included in this national promise brings us closer to achieving this important goal. A child is a child, regardless of which school system they are enrolled. The children enrolled in Catholic, private and rabbinical schools deserve nothing less that our full support.

I urge my colleagues to support the Education, Achievement and Opportunity Act.

TRIBUTE TO MR. EDWARD MALCOLM CHAPMAN

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. SHAYS. Mr. Speaker, I rise to mourn the death and celebrate the life of Mr. Edward Malcolm Chapman.

Edward Malcolm Chapman was born in Greenwich, Connecticut to Malcolm and Jessie Chapman on December 14, 1942.

While growing up in Greenwich, Ed attended the Greenwich school system. He was a member of the high school choir, played in the band where he was the first student to go Allstate in their freshman year. He attended Bethal A.M.E. Church where he sang in the choir. He graduated from Westchester Business School and graduated with a degree in Business and attended music school in Stamford, Connecticut.

Eddie entered the work force at a young age. He held several positions in the work force from the technological end to the consultive; Bunker Ramo; Perkin Elmer; and Digital Equipment Corporation. He spent the last nine years of his career at Drake Beam Morin, "DBM" becoming a very present part of the lives of many displaced individuals, consulting and encouraging them to be ever faithful in their present journey.

In keeping a rhythm with all life's great gifts, Ed was able to hit the golf course before photographing his five grandchildren, in the middle of preparing egg rolls in the wok to the melodious sounds of Stan Getz, all while hearing, listening, and understanding the problems of others.

He openly received the Lord and Saviour Jesus Christ into his life in 1997 while attending Full Harvest International Church under Bishop Clarence E. McClendon. He was baptized in the summer of 2002, and excitedly proclaimed the Word of God with every opportunity. It is Ed's fondest wish that we continue to convey the Gospel throughout the world.

He is survived by his wife, Pamela Chapman; his parents, Malcolm and Jessie Chapman; his children, Darlene, Kimberly, Darrin, and Jamal; his brother, Arnold; his sisters, Deborah and Diane; his five grandchildren, Olivia, Austin, Karl, Lauryn, and Xavier; and a host of family and friends.

Ed's giving and loving spirit lives on through all who survive him and his presence though never forgotten will often be missed.

CONGRATULATIONS TO JOHN KNAPP

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. LEVIN. Mr. Speaker, I rise today to offer congratulations to John Knapp on his retirement from the city of Roseville.

Occasionally, we hear of people who are described as "fixtures of their communities." John Knapp is a good example of what is meant by this term. For all the years that I have had the pleasure of serving in Congress, John Knapp has been serving the people of Roseville, Michigan. Since I began representing the city of Roseville a few years ago, John Knapp and the city of Roseville have always seemed to be a perfect match—they both epitomize the best in the definition of "community."

John Knapp has held the position of City Manager in Roseville since April 11, 2000. He came to Roseville in 1984, where he held the position of City Controller for over 15 years. Thereafter, John served as Interim City Manager, in addition to his duties as City Controller, from December 31, 1999, until his formal appointment in April, 2000. John's life of public service began long before this in the Wayne County Treasurer's Office, where he served for over 22 years.

During John's years as City Manager of Roseville, he oversaw the completion of the building addition to the Roseville Police and Court Building. He was also instrumental in the development of Veteran's Memorial Park.

Mr. Speaker, I ask my colleagues to join me in applauding John Knapp for his years of effective service to the city of Roseville and for his tireless commitment to the well-being of its citizens. My best wishes to John with whom I have been privileged to develop a personal friendship, and to his wife of 40 years, Karen, for a healthy and happy retirement.

THE SHUTTLE WILL FLY

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. DELAY. Mr. Speaker, I rise to honor the victims of the space shuttle *Columbia* disaster, and also to honor the survivors here on the ground, who have worked without interruption for two years to see that the legacy of those seven explorers lives on.

Against a striking blue sky that Saturday morning, the shuttle burst like a star, and our friends, our astronauts—who, as President Bush said, faced their dangers willingly because they knew they had a "high and noble purpose in life"—were gone.

That day our Nation mourned their loss and gave thanks that such men and women lived.

And that day, our space program, brought low by tragedy, began a new ascent in the hard, hard work of discovery.

Because no organization works with higher stakes, no organization has ever had to be as good as NASA at recovering from mistakes and adapting to new and more dangerous challenges.

That is why, as we remember the *Columbia* seven, those of us still inspired by America's mission in space joined our sorrow with hope when we heard the news that the shuttle could soon return to flight.

NASA's "Return to Flight Task Force" reported this week that the space shuttle *Discovery* could be cleared to fly again as early as this summer.

This news is not only great, Mr. Speaker, but noble.

The legacy of the *Columbia* seven was a legacy of exploration and discovery not despite the risks, but, in a way, because of the risks—because knowledge has no price.

Every astronaut who has ever suited up for NASA is driven by the same spirit that drew early man out of his cave and into the light.

We crossed an ocean, then a continent, and walked the surface of the moon, not in search of profit but knowledge.

America's mission in space is nothing less than the answering of ancient questions, on behalf of all the nations and all people who have ever stared into the night sky and wondered.

Intrepid, wise, and good, the *Columbia* seven—sons and daughters, brothers and sisters, parents and friends—left us that day two years ago, but their souls echo still in the brave and brilliant they left behind at NASA.

The shuttle will fly, Mr. Speaker, and the *Columbia* seven wouldn't have it any other way.

So today, we remember, we mourn, and we hope, confident as Americans always are, that those who died in a quest to conquer ignorance can never die in vain.

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, February 3, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 7

Time to be announced
Homeland Security and Governmental Affairs
Business meeting to consider the nominations of Michael Chertoff, of New Jersey, to be Secretary of Homeland Security, and Allen Weinstein, of Maryland, to be Archivist of the United States.
Room to be announced

FEBRUARY 8

9:30 a.m.
Foreign Relations
To hold hearings to examine stabilization and reconstruction regarding building peace in a hostile environment.
SD–419

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the role of credit rating agencies in capital markets.
SD–538

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine the implementation of Titles I through III of P.L. 106–393, the Secure Rural Schools and Community Self-Determination Act of 2000.
SD–366

2 p.m.
Finance
To hold hearings to examine revenue proposals in the President's proposed budget for fiscal year 2006.
SD–215

FEBRUARY 9

11:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

2:30 p.m.
Environment and Public Works
To hold hearings to examine the President's proposed budget for fiscal year 2006 for the Environmental Protection Agency.
SD–406

FEBRUARY 10

9:30 a.m.
Armed Services
To hold hearings to examine the proposed Defense Authorization Request for Fiscal Year 2006 and the Future Years Defense Program.
SH–216

Foreign Relations
To hold hearings to examine lessons learned regarding the tsunami response.
SD–419

Judiciary
Business meeting to consider pending calendar business.
SD–226

FEBRUARY 15

9:30 a.m.
Indian Affairs
To hold hearings to examine the President's fiscal year 2006 budget request for Indian programs.
SR–485

10 a.m.
Veterans' Affairs
To hold hearings to examine the Adminstration's proposed fiscal year 2006 Department of Veterans Affairs budget.
SR–418

2:30 p.m.
Foreign Relations
To hold hearings to examine CIA document disclosure under the Nazi War Crimes Disclosure Act.
SD–419

Judiciary
To hold hearings to examine certain issues relative to CIA document disclosure under the Nazi War Crimes Disclosure Act.
SD–226

FEBRUARY 16

9:30 a.m.
Indian Affairs
To continue hearings to examine the President's fiscal year 2006 budget request for Indian programs.
SR–485

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the semiannual monetary policy report to Congress.
SD–106

FEBRUARY 17

9:30 a.m.
Armed Services
To resume hearings to examine the proposed Defense Authorization Request for Fiscal Year 2006 and the Future Years Defense Program.
SH–216

Foreign Relations
To hold hearings to examine democracy on the retreat in Russia.
SD–419

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine National Park Service's implementation of the Federal Lands Recreation Enhancement Act.
SD–366

MARCH 1

10 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2006 for the Department of the Interior.
SD–366

MARCH 2

10 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2006 for the Forest Service.
SD–366

MARCH 3

9:30 a.m.
Armed Services
To resume hearings to examine the proposed Defense Authorization Request for Fiscal Year 2006 and the Future Years Defense Program.
SH–216

10 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2006 for the Department of Energy.
SD–366

MARCH 8

9:30 a.m.
Armed Services
To hold hearings to examine military strategy and operational requirements in review of the Defense Authorization Request for fiscal year 2006.
SH–216

2 p.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the Disabled American Veterans.
345 CHOB

MARCH 9

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the Veterans of Foreign Wars.
SH–216

MARCH 10

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Blinded Veterans Association, the Non-Commissioned Officers Association, the Military Order of the Purple Heart, the Paralyzed Veterans of America and the Jewish War Veterans.
345 CHOB

APRIL 14

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Military Officers Association of America, the National Association of State Director of Veterans Affairs, AMVETS, the American Ex-Prisoners of War, and Vietnam Veterans of America.
345 CHOB

APRIL 21

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Fleet Reserve Association, the Air Force Sergeants Association, the Retired Enlisted Association, and the Gold Star Wives of America.

345 CHOB

SEPTEMBER 20

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.

345 CHOB

Daily Digest

HIGHLIGHTS

The House of Representatives and Senate met in Joint Session to receive the President's State of the Union message.

Senate

Chamber Action

Routine Proceedings, pages S833–S908

Measures Introduced: Fifteen bills and three resolutions were introduced, as follows: S. 257–271, S. Res. 34–35, and S. Con. Res. 9. **Page S886**

Measures Reported:

S. Res. 34, authorizing expenditures by the Committee on Health, Education, Labor, and Pensions.

S. Res. 35, authorizing expenditures by the Committee on Veterans' Affairs. **Page S886**

Measures Passed:

Adjournment Resolution: Senate agreed to H. Con. Res. 39, providing for an adjournment of the House of Representatives. **Page S908**

Nomination: Senate continued consideration of the nomination of Alberto R. Gonzales, of Texas, to be Attorney General. **Pages S834–73**

A unanimous-consent agreement was reached providing for further consideration of the nomination following 2 hours of morning business on Thursday, February 3, 2005. **Page S908**

Escort Committee—Agreement: A unanimous-consent agreement was reached providing that the Presiding Officer 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 the President of the United States into the House Chamber for the joint session to be held tonight, Wednesday, February 2, 2005, at 9 p.m. **Pages S907–08**

Messages from the President: Senate received the following message from the President of the United States:

Transmitting the report on the State of the Union delivered to a Joint Session of Congress on February 2, 2005; which was ordered to lie on the table. (PM–2) **Pages S878–81**

Messages From the House: **Pages S881–82**

Measures Referred: **Page S882**

Executive Communications: **Pages S882–86**

Additional Cosponsors: **Pages S886–87**

Statements on Introduced Bills/Resolutions: **Page S887**

Additional Statements: **Pages S878–S907**

Authority for Committees to Meet: **Page S907**

Adjournment: Senate convened at 9:15 a.m., and adjourned at 10:07 p.m., until 9 a.m., on Thursday, February 3, 2005. (For Senate's program, see the remarks of Acting Majority Leader in today's Record on page S908.)

Committee Meetings

(Committees not listed did not meet)

TSUNAMI PREPAREDNESS ACT

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the U.S. Tsunami Warning System, and S. 50, to authorize and strengthen the National Oceanic and Atmospheric Administration's tsunami detection, forecast, warning, and mitigation program, after receiving testimony from Senators Frist and Landrieu; John H. Marburger, III, Director, Office of Science and Technology Policy; Brigadier General John J. Kelly, USAF (Ret.), Deputy Under Secretary of Commerce for Oceans and Atmosphere, National Oceanic and Atmospheric Administration; Charles G. Groat, Director, U.S. Geological Survey, Department of the Interior; Arden L. Bement, Jr., Director, National Science Foundation; Roger A. Hansen, Alaska Earthquake Information Center, University of Alaska, Fairbanks; Eileen L. Shea, East-West Center, Honolulu, Hawaii; and Daniel T. Cox, Oregon State University College of Engineering, Corvallis.

CLEAR SKIES ACT

Committee on Environment and Public Works: Committee concluded a hearing to examine S. 131, to amend the Clean Air Act to reduce air pollution through expansion of cap and trade programs, to provide an alternative regulatory classification for units subject to the cap and trade program, after receiving testimony from James L. Connaughton, Chairman, Council on Environmental Quality; Brian Houseal, Adirondack Council, Albany, New York; John D. Walke, Natural Resources Defense Council, New York, New York; and Abraham Breehey, International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers, Fairfax, Virginia.

SOCIAL SECURITY

Committee on Finance: Committee held a hearing to examine the long term outlook for social security, focusing on economic, budgetary, and programmatic perspectives, and the aging of the population of the United States, receiving testimony from Douglas Holtz-Eakin, Director, Congressional Budget Office; and Stephen C. Goss, Chief Actuary, Social Security Administration.

Hearing recessed subject to the call.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported an original resolution (S. Res. 34) authorizing expenditures by the Committee.

Also, committee adopted its rules of procedure for the 109th Congress and announced the following subcommittee assignments:

Subcommittee on Education and Early Childhood Development: Senators Alexander (Chairman), Gregg, Burr, Isakson, DeWine, Ensign, Hatch, Sessions, Dodd, Harkin, Jeffords, Bingaman, Murray, Reed, and Clinton.

Subcommittee on Bioterrorism and Public Health Preparedness: Senators Burr (Chairman), Gregg, Frist, Alexander, DeWine, Ensign, Hatch, Roberts, Kennedy, Dodd, Harkin, Mikulski, Bingaman, Murray, and Reed.

Subcommittee on Employment and Workplace Safety: Senators Isakson (Chairman), Alexander, Burr, Ensign, Sessions, Roberts, Murray, Dodd, Harkin, Mikulski, and Jeffords.

Subcommittee on Retirement Security and Aging: Senators DeWine (Chairman), Isakson, Hatch, Sessions, Roberts, Mikulski, Jeffords, Bingaman, and Clinton.

NOMINATION

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of Michael Chertoff, of New Jersey, to be Secretary of Homeland Security, after the nominee, who was introduced by Senators Corzine and Lautenberg, testified and answered questions in his own behalf.

ASBESTOS

Committee on the Judiciary: Committee concluded a hearing to examine FELA issues relating to asbestos, focusing on asbestos-related diseases, other dust diseases, and development of legislation to establish a trust fund to compensate workers with asbestos-related diseases, including the Fairness in Asbestos Injury Resolution (FAIR) Act, after receiving testimony from Edward Becker, Third Circuit Court of Appeals Judge, Philadelphia, Pennsylvania; Laura Welch, Center to Protect Workers Rights, Silver Spring, Maryland; Michael B. Martin, Maloney, Martin, and Mitchell, LLP, Houston, Texas; David Weill, University of Colorado Health Sciences Center, Denver; Lester Brickman, Yeshiva University Cardozo School of Law, New York, New York; Paul E. Epstein, University of Pennsylvania School of Medicine, Radnor; Paul R. Hoferer, BNSF Railway Co., Fort Worth, Texas, on behalf of the Association of American Railroads; Donald F. Griffin, International Brotherhood of Teamsters, Washington, D.C.; and Theodore Rodman, Ardmore, Pennsylvania.

COMMITTEE FUNDING RESOLUTION

Committee on Veterans' Affairs: Committee approved for reporting an original resolution (S. Res. 35) authorizing expenditures by the Committee.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Measures Introduced: 100 public bills, H.R. 507–606; 2 private bills, H.R. 607–608; and; 9 resolutions, H. Con. Res. 43–45, and H. Res. 62–67, were introduced. **Pages H347–53**

Additional Cosponsors: **Pages H353–54**

Reports Filed: No reports were filed today.

Speaker: Read a letter from the Speaker wherein he appointed Representative LaHood as Speaker Pro Tempore for today. **Page H289**

Chaplain: The prayer was offered today by Rev. Aubry L. Wallace, Chaplain, Chilton County Sheriff's Department in Clanton, Alabama. **Page H289**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Commending the Palestinian people for conducting a free and fair presidential election: H. Res. 56, commending the Palestinian people for conducting a free and fair presidential election on January 9, 2005, by a 2/3 yea-and-nay vote of 415 yeas to 1 nay, Roll No. 17; and **Pages H292–99, H325–26**

Urging the European Union to maintain its arms embargo on the People's Republic of China: H. Res. 57, urging the European Union to maintain its arms embargo on the People's Republic of China, by a 2/3 yea-and-nay vote of 411 yeas to 3 nays, Roll No. 18. **Pages H299–H303, H326**

Iraq Free Election Resolution: The House agreed to H. Res. 60, relating to the free election in Iraq held on January 30, 2005, by yea-and-nay vote of 404 yeas to 9 nays with 3 voting "present", Roll No. 19. **Pages H303–10, H327**

The resolution was considered under a unanimous consent agreement reached yesterday, February 1. **Page H310**

Support for equal access of military recruiters to institutions of higher education: The House agreed to H. Con. Res. 36, expressing the continued support of Congress for equal access of military recruiters to institutions of higher education, by a yea-and-nay vote of 327 yeas to 84 nays, Roll No. 16. **Pages H310–15, H317–25**

H. Res. 59, the rule providing for consideration of the resolution was agreed to by voice vote. **Pages H315–17**

Committee Leave of Absence: Read a letter from Representative Tierney wherein he requested a leave of absence, effective immediately, from the Committee on Government Reform due to pending appointment to the Permanent Select Committee on Intelligence. **Page H317**

Committee Resignation: Read a letter from Representative Thompson (MS) wherein he resigned from the Committee on Agriculture, effective immediately. **Page H317**

Committee Elections: The House agreed to H. Res. 62, electing the following Members and Delegates to the following standing committees:

Committee on Agriculture: Representatives Pomeroy, Boswell, Larsen (WA), Davis (TN), and Chandler. **Page H317**

Committee on the Budget: Representative Kind. **Page H317**

Committee on Government Reform: Representative Norton. **Page H317**

Committee on Resources: Representatives George Miller (CA), Markey, DeFazio, Inslee, Udall (CO), Cardoza, and Herseth. **Page H317**

Committee on Science: Representatives Hooley (OR), Jackson-Lee (TX), Zoe Lofgren (CA), Sherman, Baird, Matheson, Costa, Al Green (TX), and Melancon. **Page H317**

Committee on Small Business: Representatives Faleomavaega, Christensen, Davis (IL), Case, Bordallo, Grijalva, Michaud, Linda Sánchez (CA), Barrow, and Bean. **Page H317**

Committee on Veterans' Affairs: Representatives Strickland, Hooley (OR), Reyes, Berkely, and Udall (NM). **Page H317**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, February 9. **Page H328**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 2 p.m. on Friday, February 4, 2005, unless it sooner has received a message from the Senate transmitting its concurrence in H. Con. Res. 39, in which case the House shall stand adjourned pursuant to that concurrent resolution. **Page H328**

Committee Elections: The House agreed to H. Res. 64, electing Representatives Crenshaw, Wicker, and Ros-Lehtinen to the Committee on the Budget. **Page H339**

Recess: The House recessed at 3:41 p.m. and reconvened at 4:50 p.m. **Page H339**

Committee Elections: The House agreed to H. Res. 65, electing Representatives Hastings (WA), Chairman; and Representatives Biggert, Smith (TX), Hart, and Cole to the Committee on Standards of Official Conduct. **Page H339**

Committee Elections: The House agreed to H. Res. 66, electing the following Members to the following standing committees:

Committee on Education and the Workforce: Representative Souder. **Page H339**

Committee on Financial Services: Representative Pearce. **Page H339**

Committee on International Relations: Representative Barrett (SC). **Page H339**

Committee on Small Business: Representatives Shuster, Bradley (NH), and Keller. **Page H339**

Committee on Veterans' Affairs: Representatives Nunes and Turner. **Page H339**

Recess: The House recessed at 4:53 p.m. and reconvened at 8:45 p.m. **Pages H339–40**

State of the Union Message: President George W. Bush delivered his State of the Union address to a joint session of Congress, pursuant to the provisions of H. Con. Res. 20. He was escorted into the House chamber by a committee comprised of Representatives DeLay, Blunt, Pryce, Shadegg, Pelosi, Hoyer, Menendez, and Clyburn and Senators Frist, McConnell, Santorum, Hutchison, Kyl, Dole, Hatch, Thomas, Reid, Durbin, Stabenow, Schumer, Dorgan, and Clinton. **Pages H340–44**

Later, it was agreed that the President's message be referred to the Committee of the Whole House on the State of the Union and ordered printed (H. Doc. 109–3). **Page H344**

Committee Resignation: Read a letter from Representative Souder wherein he resigned from the Committee on Resources, effective today, February 2. **Page H344**

Senate Messages: Messages received from the Senate today appear on page H289.

Senate Referrals: S. 167 was referred to the Committees on the Judiciary and House Administration. **Page H344**

Quorum Calls—Votes: Four yea-and-nay votes developed during the proceedings today and appear on pages H325, H325–26, H326 and H327.

There were no quorum calls.

Adjournment: The House met at 10 a.m. and at 10:08 p.m., pursuant to the provisions of H. Con. Res. 39, stands adjourned until 2 p.m. on Tuesday, February 8.

Committee Meetings

ARMED FORCES ADEQUACY

Committee on Armed Services: Subcommittee on Military Personnel held a hearing on the adequacy of Armed Forces. Testimony was heard from the following officials of the Department of Defense: GEN Richard A. Cody, USA, Vice Chief of Staff, LTG James R. Helmly, USA, Chief, Army Reserve; LTG H. Steven Blum, USA, Chief, National Guard Bureau; LTG Roger C. Schultz, USA, Chief, Army National Guard, all with the Department of the Army; David S. C. Chu, Under Secretary, Personnel and Readiness; and Thomas F. Hall, Assistant Secretary, Reserve Affairs.

COMMITTEE ORGANIZATION; OVERSIGHT PLAN

Committee on the Budget: Met for organizational purposes.

The Committee approved an Oversight Plan for the 109th Congress.

COMMITTEE ORGANIZATION; OVERSIGHT PLAN

Committee on Education and the Workforce: Met for organizational purposes.

The Committee approved an Oversight Plan for the 109th Congress.

COMMITTEE ORGANIZATION

Committee on Energy and Commerce: Met for organizational purposes.

COMMITTEE ORGANIZATION; OVERSIGHT PLAN

Committee on Financial Services: Met for organizational purposes.

The Committee approved an Oversight Plan for the 109th Congress.

CONFRONTING RECIDIVISM

Committee on Government Reform: Held a hearing entitled "Confronting Recidivism: Prisoner Re-entry Programs and a Just Future for All Americans." Testimony was heard from Representatives Portman and Davis of Illinois; Felix Mata, Project Manager, Ex-Offender Initiative, Office of Employment Development, Baltimore, Maryland; Paul A. Quander, Jr., Director, Court Services and Offender Supervision Agency, District of Columbia; Reggie Wilkinson, Department of Rehabilitation and Correction, State of Ohio; and public witnesses.

COMMITTEE ORGANIZATION; OVERSIGHT PLAN

Committee on Resources: Met for organizational purposes.

The Committee approved an Oversight Plan for the 109th Congress.

HUBBLE SCIENCE OPTIONS

Committee on Science: Held a hearing on Options for Hubble Science. Testimony was heard from Lou Lanzerotti, Chair, Committee on the Assessment of

Options for Extending the Life of the Hubble Space Telescope, National Academy of Sciences; and public witnesses.

COMMITTEE ORGANIZATION

Committee on Transportation and Infrastructure: Met for organizational purposes.

COMMITTEE ORGANIZATION; OVERSIGHT PLAN

Committee on Ways and Means: Met for organizational purposes.

The Committee approved an Oversight Plan for the 109th Congress.

NATIONAL SECURITY—EMERGING THREATS

Select Committee on Intelligence: Held a hearing on emerging threats to national security. Testimony was heard from the following former officials of the Department of Defense: Richard Perle, Assistant Secretary, International Security Policy; and Kurt Campbell, Deputy Assistant Secretary, Policy; R. James Woolsey, former Director, CIA; and public witnesses.

COMMITTEE MEETINGS FOR THURSDAY, FEBRUARY 3, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine the effects of Bovine Spongiform Encephalopathy (BSE) on United States imports and exports of cattle and beef, 11 a.m., SD–106.

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings to examine the Federal Bureau of Investigation's Information Technology Modernization Program, Trilogy, 2 p.m., SD–192.

Committee on Armed Services: to hold hearings to examine U.S. military operations and stabilization activities in Iraq and Afghanistan, 10 a.m., SH–216.

Committee on Energy and Natural Resources: to hold hearings to examine global energy trends and their potential impact on U.S. energy needs, security and policy, focusing on the 2005 annual energy outlook, perspectives on emerging world energy trends, including key factors affecting energy supply (such as OPEC and Russia) and energy demand (such as Asia), 10 a.m., SD–366.

Committee on the Judiciary: business meeting to consider S. 5, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and S. 256, to amend title 11 of the United States Code, 9:30 a.m., SD–226.

Committee on Veterans' Affairs: to hold hearings to examine benefits for survivors of those killed in the line of duty, 10 a.m., SR–418.

Special Committee on Aging: to hold hearings to examine current and future social security issues, 2 p.m., SD–628.

House

No committee meetings are scheduled.

Next Meeting of the **SENATE**

9 a.m., Thursday, February 3

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 2 hours), Senate will continue consideration of the nomination of Alberto R. Gonzales, of Texas, to be Attorney General, with up to 8 hours for debate equally divided, and that following the use or yielding back of time, Senate will proceed to a vote on confirmation of the nomination.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

2 p.m., Tuesday, February 8

House Chamber

Program for Tuesday to be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

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