The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. LEACH).

DESIGNATION OF THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore laid before the House the following communication from the Speaker:


I hereby appoint the Honorable JAMES A. LEACH to act as Speaker pro tempore on this day.

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

PRAYER
Bishop Alfred A. Owens, J. r., Greater Mount Calvary Holy Church, Washington, DC, offered the following prayer:

Most gracious and everlasting God, we thank You for this, another glorious day that You have allowed us to see, and we honor You for Your undying faithfulness towards us.

Lord, help us to continually hold up the light of Your love, and may we be always mindful of our collective duty to serve each other as we serve You.

Teach us Your ways and lead us in a plain path. Shine Your light upon the road that our Members of Congress must travel. Give them grace and truth to guide their every decision. Unite them under the banner of Your love and allow them to speak with one clear voice that which You would have them say.

Teach us all to lean on Your everlasting arms, and give us the grace to lead according to Your everlasting Word. Amen.

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

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

Mr. PEARCE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker’s approval of the Journal.

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

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE
The SPEAKER pro tempore. Will the gentleman from California (Mr. FILNER) come forward and lead the House in the Pledge of Allegiance.

Mr. FILNER led the Pledge of Allegiance as follows:

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

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

H.R. 3108. An act to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3108) “An Act to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes,” requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GRASSLEY, Mr. GREGG, Mr. MCCONNELL, Mr. BAUCUS, and Mr. KENNEDY, to be the conference on the part of the Senate.

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


The message also announced that pursuant to Public Law 100–175, as amended by Public Laws 102–375, 103–171, and 106–501, the Chair, on behalf of the Democratic Leader, after consultation with the members of the Committee on Health, Education, Labor, and Pensions, and the Committee on Aging, appoints the following individuals as members of the Policy Committee to the White House Conference on Aging:

The Senator from Iowa (Mr. HARKIN); and

The Senator from Nevada (Mr. REID).

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:

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
February 24, 2004

H518

CONGRESSIONAL RECORD — HOUSE


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

Dear Mr. Speaker: Pursuant to the permission granted in Clause 2(h) of Rule I of the rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 13, 2004 at 10:10 a.m.:

That the Senate passed without amendment H. Con. Res. 361.

Appointments:
Board of Visitors United States Naval Academy.
Board of Visitors United States Air Force Academy.

With best wishes, I am Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore, Pursuant to Clause 4 of Rule I, the Speaker pro tempore signed the following enrolled bills on Thursday, February 19, 2004:

H.R. 743, to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes.

S. 523, to make technical corrections and for other purposes.

REMEMBERING VICTIMS OF BROTHERS TO THE RESCUE SHOOTDOWN ON EIGHTH ANNIVERSARY

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to honor the memory of Carlos Costa, Armando Alejandre, Mario de la Pena, and Pablo Morales, who, 8 years ago today, were murdered by the terrorist regime in Havana.

These four brave men, committed to the cause of freedom and democracy in Cuba, ventured out over international waters in search of those who risked it all to reach here, the United States, the land of liberty. But what they came face to face with was the evil, ruthless, and brutal nature of the Castro dictatorship in the form of MiG-29 fighter jets. Like vultures circling their prey, these MiGs closed in, and at 3:21 and 3:27 p.m. aimed their missiles and destroyed these two Brothers to the Rescue planes.

There would be no international outcry. Yet their deaths at the hands of the tyrant and his agents of terror would serve as a catalyst, a call to action, a new Grito de Baire, for Cuba’s internal opposition.

I ask my colleagues to remember these fallen heroes, Carlos, Armando, Mario, and Pablo, and to pray for the enslaved people of Cuba.

ETHICAL CLOUD HANGING OVER WASHINGTON GROWS DARKER

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

Mr. ALLEN. Mr. Speaker, the ethical cloud hanging over Republicans in Washington grows darker.

Every good lawyer and judge knows the importance of avoiding conflicts of interest and the appearance of conflicts of interest. Last month, Supreme Court Justice Antonin Scalia went hunting in Louisiana with Vice President Cheney, on land owned by an oil executive. They flew on Air Force Two, at taxpayer expense.

Three weeks earlier, the Supreme Court agreed to decide In Re Cheney, a case brought to force Vice President Cheney to disclose information about his secret energy task force meetings with oil executives. Justice Scalia said afterwards, “I do not think my impartiality could reasonably be questioned.”

He is wrong. He has no business deciding a case of enormous significance to his friend and hunting companion.

To preserve the integrity of the Supreme Court and to maintain the trust of the public, Justice Scalia should recuse himself from any role in the Cheney case. And Vice President Cheney should have been the first to ask him to do so.

IN SUPPORT OF PROPOSED CONSTITUTIONAL AMENDMENT REGARDING MARRIAGE

(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, after weeks of legal and moral confusion, from Massachusetts to California, today President George W. Bush called on this Congress to adopt a constitutional amendment defining marriage historically and culturally as it has ever been, as the union between a man and a woman. In so doing, President George W. Bush brought moral clarity to the question of marriage.

And so marriage is. Ordained by God, confirmed by law, marriage is the glue that holds our society together, the victimhood of unborn children, trying to divide the Nation.

For three million jobs lost since this President took office, a war in Iraq that we cannot seem to win, 545 of our bravest young men killed, more waiting as sitting ducks, but what we are going to talk about in this House is a constitutional amendment to preserve marriage. Talk about wedge politics at its finest. Talk about something to divide the Nation.

Mr. Speaker, the gentleman from Indiana, and I assume all those who are going to come after him, should look at the history of the United States and the Constitution, the Constitution which represents for us expanding the rights of all Americans, expanding.

We went from giving the right to citizenship to African Americans to giving the right to vote to women, always expanding what the American Dream was about, always expanding what America ought to be. But now we are going to pass an amendment that restricts rights. Now we are going to pass an amendment that says do not look at jobs, do not look at the war in Iraq, do not look at any of the things that bother the American people at their dinner table, their lack of health insurance, their lack of quality education. No, let us focus on this constitutional amendment.

Mr. Speaker, the Commander in Chief has unleashed his Weapon of Mass Distraction.

UNBORN VICTIMS AND MORAL LEADERSHIP

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

Mr. DELAY. Mr. Speaker, this week the House will hear a lot, on the floor and off the floor, about the Unborn Victims of Violence Act, also known as Laci and Conner’s Law, which acknowledges the victimhood of unborn children injured during attacks against their pregnant mothers.

Though the bill says nothing about Roe v. Wade, Casey v. Planned Parenthood, or any abortion law at any level of government in this Nation, we will hear false arguments to the contrary. We will hear the usual arguments, from the usual suspects, that any legislation that in any way recognizes the humanity of unborn children is an assault on the Constitution.

Those of us who support this legislation, who, I should add, represent a point of view shared by more than 80 percent of the American people, will be scolded and have fingers wagged at us by people telling us in ominous tones that they “know what we are doing.”

Well, I should hope so. I hope the whole world knows what we are doing,
sees the stands that we are taking on behalf of pregnant mothers and their families, providing justice and codifying common sense.

There is nothing in Laci and Conner’s Law we should hide from. Indeed, so intuitive is the notion that an attack against a pregnant mother involves two victims, so essential to both natural law and basic human experience, that I would venture to guess that even most children in this country just assume that legislation like the Unborn Victims of Violence Act is already on the books.

This is a no-brainer, Mr. Speaker. Of course Laci and Conner’s Law should be passed. Of course this House and this Nation can stand up for pregnant women and their families and acknowledge the injuries their children suffer at the hand of violent predators and set penalties accordingly.

Defending the family is part of our core agenda in this Congress, and passing Laci and Conner’s Law is one of the ways we can fulfill it. After all, what kind of moral leaders would we be if, given the choice, we rejected the natural instinct of all people that they all have to recoil at news of violence against pregnant mothers?

Fortunately, Mr. Speaker, come Thursday’s vote, we will not have to find out.

SECRETARY OF EDUCATION SHOULD RESIGN

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

Ms. McCOLLUM. Mr. Speaker, yesterday the Secretary of Education branded the 2.7 million teacher-strong National Education Association a “terrorist organization.”

Mr. Paige’s words were a hateful comment, beneath the dignity of any Cabinet Secretary. Rather than trying to achieve the highest standards of civility, setting the best example for American children, Mr. Paige’s “teachable moment” was to stand in the White House and vilify the NEA and America’s teachers by labeling them terrorists, in effect, enemies of America.

This vile language was no joke. It was not insensitive. In fact, it was a deliberate attack, an example of McCarthyism at its worst. In fact, it was a deliberate attack, an example of neo-McCarthyism. And just as in the 1950s, this time, this attack on democratic values and our American way of life is sweeping under the rug every day.

Mr. Speaker, today we owe the country $7,078 billion, being swept under the rug every day. Foreign holdings of our debt now total $3 trillion. Foreign investors financed 70 percent of our record $373 billion debt last year. In January 2002, foreign investors held $1 trillion of our U.S. debt; today it is $1.5 trillion. Japan holds $545 billion, and China holds $349 billion of our debt. By far, the United States’ largest foreign aid program is our interest payments to foreign investors, yet we continue to not want to change our economic game plan to do something about it. The largest single debt tax increase in the history of our country is being perpetrated on us today.

Mr. Speaker, $7,078 billion, that is what we owe today.

THANKING ERIC THOMPSON FOR 35 YEARS OF PUBLIC SERVICE

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

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to commend a South Carolinian who has been a model of public service for the last 35 years. Eric Thompson of North Augusta, South Carolina, retired this January from his post as executive director of the Lower Savannah Council of Governments, where he had worked since 1981.

The Council is a regional planning and development organization serving 6 counties and 45 incorporated municipalities.

Mr. Thompson has helped the Lower Savannah Council secure nearly $172 million in State and Federal grants for cities and counties in the region, which includes Aiken, Allendale, Bamberg, Barnwell, Calhoun, and Orangeburg Counties. He has worked previously as part of planning commissions for Aiken and Brunswick-Glynn County, and currently serves as a member of the Board of Directors of the National Association of Development Organizations, where he has served as president.

South Carolina is so thankful for Eric Thompson’s dedication to State, and I ask all of my colleagues to join me in commending him for his commitment to public service.

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

BLUE DOG DEFICIT UPDATE

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

Mr. STENHOLM. Mr. Speaker, today we owe the country $7,078 billion, being swept under the rug every day. Foreign holdings of our debt now total $3 trillion. Foreign investors financed 70 percent of our record $373 billion debt last year. In January 2002, foreign investors held $1 trillion of our U.S. debt; today it is $1.5 trillion. Japan holds $545 billion, and China holds $349 billion of our debt. By far, the United States’ largest foreign aid program is our interest payments to foreign investors, yet we continue to not want to change our economic game plan to do something about it. The largest single debt tax increase in the history of our country is being perpetrated on us today.

Mr. Speaker, $7,078 billion, that is what we owe today.

MAKE TAX RELIEF PERMANENT

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

Mr. PITTS. Mr. Speaker, the economic numbers we are seeing right now do not lie. Our economy is growing and jobs are being created, but to stay on that track, we need to keep our economy growing. Growth encourages business expansion and entrepreneurship, both of which lead to new jobs, and tax relief encourages growth. That is what we have seen this year.

When small businesses and working families keep more of their own money, they spend it far better than we do here in Washington. But many, even many here in this Chamber today, do not believe that. So we will hear lots of talk about repealing tax cuts and spending more. But, Mr. Speaker, this is the wrong way to go. Raising taxes will hurt this economy. Lower tax rates on American families will unleash the full potential of this economy.

We need to let American workers keep the reward for their hard work. We need to act this year to make the tax relief permanent. This will encourage long-term growth and allow families and small business owners to plan with confidence for the future.

CONGRATULATING SENATOR JANE NELSON

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

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Texas State Senator Jane Nelson on her recent receipt of the Nathan Davis Award for Outstanding Government Service from the American Medical Association.

Senator Nelson is a Republican who represents Senate District 12 in Texas. She is my senator. She was elected to the Texas Senate in 1992 after serving two terms on the Texas State Board of Education. At the board of education, future Senator Nelson led her colleagues on a fight to correct over 5,000 errors in textbooks across the State of Texas.

During all of this activity, Senator Nelson has also managed to own and operate an aircraft component manufacturing firm with her husband Mike, while raising a son and four daughters, three of whom I delivered.

Senator Nelson has made health care policy and advocacy for Texas patients a top priority. She wrote Texas’ first comprehensive privacy law, she fought for HMO reform, and wrote the law returning physical education classes to help fight childhood obesity.

In the most recent session of the State legislature, Senator Nelson worked for liability reform in the health care industry and for relief of rising health care costs. She also sponsored prompt pay legislation, which simply requires HMOs to pay their bills on time.

This is definitely a high honor for Senator Nelson, as it would be for any elected official. In the years to come, hopefully, the Nation will be honoring more great leaders such as Senator Nelson for their hard work and dedication to worthy causes as health care reform.

Senator Nelson, congratulations. I regard you as a friend and mentor, and,
certainly, Texas physicians have no better friend in the State legislature, and you have been a true friend to the family of medicine across the country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

SALT CEDAR AND RUSSIAN OLIVE CONTROL, ASSESSMENT AND DEMONSTRATION ACT

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2707) to direct the Secretaries of the Interior and Agriculture, acting through the U.S. Forest Service, to carry out a demonstration program to assess potential water savings through control of Salt Cedar and Russian Olive on Federal, State, and local lands administered by the Department of the Interior and the U.S. Forest Service, as amended.

The Clerk reads as follows:

H.R. 2707

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 “Salt Cedar and Russian Olive Control Assessment and Demonstration Act.”

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARIES.—The term “Secretaries” means the Secretary of Agriculture and the Secretary of the Interior.

(2) WESTERN UNITED STATES.—The term “Western United States” refers to the States defined by the Act of June 17, 1902 (commonly known as the 1902 Reclamation Act: 43 U.S.C. 371 et seq.), which includes Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Kansas, Oklahoma, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

SEC. 3. ASSESSMENT OF SALT CEDAR AND RUSSIAN OLIVE INFESTATION IN WESTERN UNITED STATES.

(a) ASSESSMENT.—Not later than one year after the date on which funds are first made available under this section, the Secretaries shall complete an assessment of the extent of Salt Cedar and Russian Olive infestation in the Western United States.

(b) CONTENT.—The assessment shall include the following:

(1) To the extent practicable, documentation of the quantity of water lost due to the infestation.

(2) Documentation of the quantity of water saved due to various control methods, including the portion of saved water that reverts to surface water or groundwater supplies and at what rates.

(3) Determination of the optimum control method for the various land types and land uses.

(4) Determination of what conditions indicate the need to remove such growth and the optimal methods for disposal or use of such growth.

(5) Determination of methods to prevent the regrowth and reintroduction of Salt Cedar and Russian Olive and to reestablish native species.

(c) REPORT ON ASSESSMENT.—

(1) PREPARATION AND CONTENT.—The Secretaries shall prepare a report containing the results of the assessment. The report shall identify long-term management and funding strategies that could be implemented by Federal, State, and local land managers and owners on all land management types to address the invasion of Salt Cedar and Russian Olive. The report shall also identify and define goals for further study and where actual field demonstrations would be useful in the control effort.

(2) SUBMISSION.—The Secretaries shall submit the report to the Committee on Agriculture, Resource, Nutrition, and Forestry and the Committee on Energy and Natural Resources of the Senate.

(3) SUPPORT FOR IDENTIFICATION OF LONG-TERM MANAGEMENT AND FUNDING STRATEGIES.—The Secretaries may make grants to institutions of higher education or nonprofit organizations (or both) with an established background and understanding of the public policy issues associated with the control of Salt Cedar and Russian Olive to obtain technical experience, support, and recommendations related to the identification of the long-term management and funding strategies required to be included in the report under subsection (c)(1). Each grant awarded under this subsection may not be less than $250,000.

SEC. 4. DEMONSTRATION PROGRAM FOR CONTROL OF SALT CEDAR AND RUSSIAN OLIVE IN WESTERN UNITED STATES.

(a) DEMONSTRATION PROJECTS.—

(1) PROJECTS REQUIRED.—Based on the results of the assessment and report in section 3, the Secretaries are authorized to carry out a demonstration program of not fewer than three demonstration projects in the Western United States designed to address the deficiencies and areas for further research that were identified in the assessment under section 3.

(2) IMPLEMENTATION.—The Secretaries may enter into an agreement with a State in the Western United States to carry out a demonstration project. If the Secretaries select a demonstration project, they shall submit a demonstration project plan to the Committee on Agriculture, Resource, Nutrition, and Forestry and the Committee on Energy and Natural Resources of the Senate.

(b) ELEMENTS OF PROJECTS.—Before being carried out, the methods and strategies proposed for each demonstration project shall be subject to review by scientific experts, including non-Federal experts, selected by the Secretaries. The Secretaries may use existing scientific review processes to the extent they comply with this requirement.

(c) PROJECT COSTS AND FUNDING SHARING.—The total cost of each demonstration project may not exceed $7,000,000, including the costs of planning, design, implementation, revegetation, monitoring, and reporting. In the case of a demonstration project conducted on lands under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture, but not planned or conducted under this Act, the Federal share of the costs of any activity on private lands funded under the project shall be no more than 75 percent of the total cost of the activity.

(d) REPORTING REQUIREMENT.—During the period in which the demonstration projects are carried out, the Secretaries shall submit to the congressional committees specified in section 3(c)(2) an annual report—

(1) describing—

(2) the progress made in carrying out the projects during the period covered by the report; and

(3) the costs of the projects under subsection (c).

(e) MONITORING.—Demonstration projects shall include the following:

(1) Documentation of the quantity of water saved due to various control methods, including the portion of water saved that reverts to surface water or groundwater supplies and at what rates.

(2) Optimal revegetative states to prevent the regrowth and reintroduction of Salt Cedar and Russian Olive and to reestablish native species.

(f) COOPERATION.—The Secretaries shall use the expertise of their various agencies, as well as other Federal, State, and local governmental institutions of higher education, State and local governments and political subdivisions thereof, including soil and water conservation districts, Indian tribes, and Alaska Native Corporations, in conducting assessments or on implementing Salt Cedar and Russian Olive control activities.

SEC. 5. RELATION TO OTHER AUTHORITY.

Nothing in this Act shall be construed to affect, or otherwise bias, the use by the Secretaries of other statutory or administrative authorities to plan and conduct Salt Cedar or Russian Olive control and eradication that is not planned or conducted under this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) ASSESSMENT.—There are authorized to be appropriated to the Secretaries $5,000,000 for fiscal year 2005 to conduct the assessment required by section 3.

(b) GRANTS.—There are authorized to be appropriated to the Secretaries $1,000,000 for fiscal year 2005 to conduct the assessment required by section 3.

(c) DEMONSTRATION PROJECTS.—There are authorized to be appropriated to the Secretaries $18,000,000 for each of the fiscal years 2005 through 2009 to carry out the program of demonstration projects under section 4.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from American Samoa (Mr. FOLEMOAVAEGA) each will control 20 minutes.

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

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

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

There was no objection.

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

Mr. PEARCE. Mr. Speaker, I ask unanimous consent that H.R. 2707, the Salt Cedar and Russian Olive Control Demonstration Act, provides for the Secretaries of the Interior and Agriculture to carry out a demonstration program...
assessing potential water savings through control of Salt Cedar and Russian Olive on forests and public lands administered by the Department of the Interior and the U.S. Forest Service.

Salt Cedar and Russian Olive are both species that contribute to water loss and can impact the supply of water, increase salinity, lower the potential water that the soil can hold, and increases fire frequency. Last summer in Albuquerque, New Mexico, several hundred acres along the Rio Grande River burned, forcing about 600 people to evacuate from their homes. This fire burned many native cottonwood and willow trees. However, one of the culprits being blamed for the escalation of the fire is the large amount of underbrush that had collected, which was mostly Salt Cedar. Without this build-up of Salt Cedar, the fire probably would not have burned as extensively or with the intensity that it did.

Regardless of what side of the aisle one is on, most can agree that controlling Salt Cedar and Russian Olive is important for water salvage, riparian restoration, salinity control, habitat restoration, and wildlife management.

Salt Cedar is widely distributed and is extensive along riparian areas in the Western United States, particularly along the Colorado, Rio Grande, the Pecos and Gila Rivers. Controlling and hopefully one day completely eradicating Salt Cedar and Russian Olive is important. As we eradicate Salt Cedar, we increase the flow of water in the streams, springs, and rivers, and re-store native plants that are less water-consuming and improve habitat.

Because of the widespread nature of Salt Cedar and Russian Olive, there have been many projects to clear these trees and then to estimate how much water was saved. These increased stream flows and water restoration estimates vary widely. The high ranges from 6 to 9 acre-feet saved per year, down to a low of between zero to 1.5 acre-feet per year, per acre cleared, the last estimate based on a study done by USGS on the Pecos River in New Mexico.

Mr. Speaker, H.R. 2707 will begin to address these problems by providing sound science and, in turn, developing and expanding on innovative approaches to control these harmful weeds.

I urge adoption of the bill.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of this legislation, H.R. 2707. Salt Cedar and Russian Olive have caused tremendous ecological damage in the Southwest. These invasive species crowd out native species while crossing public and private lands, spreading indiscriminately. This invasion has turned into a nightmare for our farming communities. We have spent millions of dollars trying to eradicate this pest. Million of gallons of water...
Mr. Speaker, clearly these species are serious problems across all the United States, but particularly in the Southwest. The challenges they pose to our communities are mam-
ous, but we cannot let them ruin our natural native resources. We can and we must take back the land and water for our communities.

I thank the gentleman from New Mexico (Mr. PEARCE) for his leadership in this struggle.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Texas (Mr. STENHOLM), our most senior ranking member on the Committee on Agriculture, and certainly commend him for his expertise on agriculture-related issues.

Mr. STENHOLM. Mr. Speaker, I thank my friend from American Samoa for yielding me this time.

Mr. Speaker, I rise today in strong support of H.R. 2707. I am an original cosponsor of this legislation, and I worked hard to push it through the House Committee on Agriculture; and I also want to commend highly my colleague from New Mexico (Mr. PEARCE) for his diligent work on the Committee on Resources to make this issue a top priority and shepherd this bill to the floor of the House of Representatives today. Again, I thank my friend from American Samoa (Mr. FALEOMAVAEGA) for his work on bringing it to the floor today.

My friend from New Mexico and I share similar constituencies, and we maintain the same concerns that we must act now to ensure the availability of fresh water in the future. This legislation is not about simply eliminating Salt Cedar and Russian Olive, that are pests. It is about controlling these plants to increase our supplies of fresh water in the Western United States. America’s citizens should not have to compete with invasive pests for an already limited supply of drinking water. I have represented west Texas now for 25 years, and there is virtually nothing of greater daily concern out there than the availability of fresh water. Like much of the West, the 17th Congressional District of Texas has certainly experienced the consequences of drought. Stream banks and lakebeds continued to recede during the dry periods, while Salt Cedar proliferates in these areas.

The devastating results can be seen all over west Texas as dense thickets of Salt Cedar have overtaken native plant species in the Colorado River basin. In fact, the Colorado River Municipal Water District estimated that Salt Cedar consumed more water in 2002 than the district’s largest municipal customer, a city with more than 100,000 people. The combined capacity of the district’s three reservoirs fell below 25 percent during 2002, and it became clear that Salt Cedar was robbing municipalities of this precious resource.

The water district has worked closely with many Federal, State, and local entities to begin brush control projects and restore the watersheds. They have implemented Salt Cedar control projects with reasonable success on both public and private lands. Further, private landowners have successfully partnered with the National Resource Conservation Service to employ brush control on their properties. In several cases, dormant streams and creeks have again begun to flow where those control programs were implemented.

I am convinced that this bill moves towards real solutions to the Salt Cedar and Russian Olive invasion. It lays out the framework for private and public land managers to cooperate with the U.S. Department of the Interior, U.S. Department of Agriculture, local soil and water conservation districts and State agencies to work together on the demonstration programs authorized in this bill. After all, it will take integrated control and management practices to significantly deter the further spread of these non-native species.

I have worked tirelessly during my time in Congress to address the scarce water situation in west Texas, and I can attest that brush control efforts have produced the most lasting results in the 17th district. Most of our Nation faces an urgency to develop long-term plans to ensure that communities will have an adequate supply of drinking water. I truly believe this legislation will help public and private land managers across the Nation United States take a giant step toward implementing more efficient and effective brush control projects that will result in better water conservation.

I close by saying, unlike a barrel of water, a tree cannot soak up as much as 200 gallons of water per day.

Mr. FALEOMAVAEGA. Mr. Speaker, I gladly yield 5 minutes to the distinguished gentleman from New Mexico (Mr. UDALL), one of the cosponsors of this legislation.

Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks. Mr. Speaker, as a cosponsor of H.R. 2707, I am extremely pleased that this bill is on the floor of the House today.

I would like to thank my colleague from New Mexico (Mr. PEARCE) for introducing this important legislation and for his leadership on this issue. I would also like to thank the gentleman from American Samoa for his hard work and his leadership in bringing this to the floor today.

Mr. Speaker, those of us from the West are all too familiar with the water troubles that our communities are facing. Many of us are trying to find commonsense approaches to sustainable water management. This legislation is an important step in that direction.

H.R. 2707 authorizes funds for demonstration projects on the Pecos and Rio Grande rivers to use an efficient way to eliminate the invasive Salt Cedar species. The legislation authorizes up to $7 million per trial for the Army Corps of Engineers to begin examining the most effective methods to remove the Salt Cedar. The invasive Salt Cedar species is very damaging to water efficiency, has no natural enemies such as insects and diseases, and has a ravenous thirst. A large tree can soak up as much as 200 gallons of water per day.

Removing the Salt Cedar alone will not be a panacea for our water troubles, but will certainly go a long way towards improving our water efficiency.

Because of the importance of this task, support of efforts to eradicate non-native plants in New Mexico are widely supported by a diverse number of groups. The Alliance for the Rio Grande Heritage and the Northern New Mexico Sierra Club have supported efforts by the New Mexico legislature to eliminate Salt Cedar and other phreatophytes along the State’s riverbanks.

Farmers and conservationists agree that everything possible must be done to remove Salt Cedars and other invasive species. Addressing a problem of this magnitude will require significant resources; and it is, therefore, important that we develop the most effective approaches. Passing this legislation will allow the Federal Government to make a significant contribution to helping communities throughout the Nation eradicate the Salt Cedar.

Mr. Speaker, the water problems facing the West are complex and politically charged. However, we all stand here today committed to taking an important step in the fight against water shortages by passing this legislation. I urge my colleagues to support this bill.

I thank, once again, the gentleman from New Mexico (Mr. PEARCE).
Mr. PEARCE. Mr. Speaker, I yield myself 2 minutes.

As the assembled body can hear, this bipartisan bill has great importance, and especially throughout the West. I thank the gentleman from Texas (Mr. STENNETT), the gentleman from American Samoa (Mr. FALEOMAVAEGA), and the gentleman from New Mexico (Mr. UDALL) for their hard work on behalf of this bill.

I have areas, Mr. Speaker, in my district which typically get around 16 inches of rainfall a year. In the last several years, we have gotten less than 6 inches in many of those areas; in some areas, as little as 2 inches in the last 12 months.

Mr. Speaker, our entire agricultural production system is at risk. We need to support our farming and ranching. We need to understand that one of the most critical things we can provide for ourselves and our Nation is a secure supply of food.

Mr. Speaker, this bill should begin to deliver more water to the agriculture community of America.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, my district has 200 inches of rainwater a year, and I would be more than glad to share some of my water with my colleagues. Unfortunately, they would have to go many miles to get these 200 inches of water that we would be more than glad to share with our friends here in the continental United States.

Mr. Speaker, I think the spirit of bipartisanship has been demonstrated this afternoon as we debate and discuss this issue; and, again, I urge my colleagues to support this legislation.

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

Mr. PEARCE. Mr. Speaker, I accept the gentleman’s offer of the rain that he has and shares so willingly, and we will address that in the next bill.

Mr. MATHESON. Mr. Speaker, as Utah copes with its most severe drought in recent times, protecting our native species from invasive plants is vital to both agriculture and the environment. It is important to those of us in the West to take those steps necessary to stop non-native species from consuming our precious water resources.

Throughout the development of the West, we have witnessed and vibrant balance between our economic and residential needs and the needs of our native plants and animals. The tamarisk threatens that balance.

For this reason, I support H.R. 2707—the Salt Cedar and Russian Olive Control Demonstration Act. This bill has particular meaning to me and to my constituents, because of the efforts it promotes to eradicate tamarisk.

Overall, experts estimate the economic impact of invasive species in the U.S. to be over $100 billion annually. Scientists have calculated that tamarisk plants soak up an estimated 2,000 gallons of water per day in the West. A single plant can absorb up to 300 gallons of water a day through a taproot that can reach down 50 feet into the water table. Tamarisk, originally introduced by settlers trying to control stream bank erosion, is inedible to most animals and is notoriously difficult to kill. Even when it’s burned, it generates new shoots.

This plant’s effects are particularly devastating to livestock and in our neighboring states, and so I have worked on the Science Committee to create new opportunities to combat tamarisk. This bill is an important step towards eradicating the threat that tamarisk poses in Utah and other Western states, and I will continue to support it and other legislation which furthers our battle to remove this threat.

Mrs. WILSON of New Mexico. Mr. Speaker, I rise today to support H.R. 2707, the Salt Cedar and Russian Olive Control Demonstration Act, introduced by my colleague from New Mexico STEVE PEARCE.

The Russian Olive and Salt Cedar are invasive species that are soaking up our water. Water is the lifeblood of the American West and foundation of our economy. The Salt Cedar can consume up to 200 gallons of water per day during growing season. This is more than the average Albuquerque household consumes in a day.

Additionally, these invasive species are highly flammable and put our communities at risk. In 2003 two major fires, fueled by these invasive species, broke out in the heart of Albuquerque. These fires left 18,000 people temporarily without electrical power, threatened 600 homes and led to the evacuation of about 1,000 people.

This legislation begins an important Federal initiative to reduce the negative effect of these invasive species. Mr. PEARCE. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LEACH). The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 2707, as amended.

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. PEARCE. 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.

SOUTHWEST FOREST HEALTH AND WILDFIRE PREVENTION ACT OF 2004

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2696) to establish Institutes to demonstrate and promote the use of adaptive ecosystem management to reduce the risk of wildfires, and restore the health of fire-adapted forest and woodland ecosystems of the interior West, as amended.

The Clerk read as follows:

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 “Southwest Forest Health and Wildfire Prevention Act of 2004.”

SEC. 2. FINDINGS.

Congress finds that—

(1) there is an increasing threat of wildfire to millions of acres of forest land and rangeland throughout the United States;

(2) forest land and rangeland are degraded as a direct consequence of land management practices, including practices to control and prevent wildfires and the failure to harvest subdominant trees from overstocked stands that disrupt the occurrence of frequent low-intensity fires that have historically removed flammable undergrowth;

(3) at least 39,000,000 acres of land of the National Forest System in the interior West are at high risk of wildfire;

(4) an average of 95 percent of the expenditures by the Forest Service for wildfire suppression during fiscal years 1990 through 1994 were made to suppress wildfires in the interior West;

(5) the number, size and severity of wildfires in the interior West are increasing; the timberland in forestal Forests in the States of Arizona and New Mexico, 59 percent of such land in Arizona, and 56 percent of such land in New Mexico, has an average diameter of 9 to 12 inches diameter at breast height;

(7) the population of the interior West grew twice as fast as the national average during the 1990s;

(8) catastrophic wildfires—

(A) endanger homes and communities;

(B) damage and destroy watersheds and soils;

(C) pose a serious threat to the habitat of threatened and endangered species;

(D) pose a serious threat to the habitat of threatened and endangered species;

(E) reduce rehabilitation costs;

(F) reduce loss of critical habitat;

(G) protect forests for future generations;

(H) reduce the risk of wildfire to forests and communities;

(I) improve wildlife habitat and biodiversity;

(J) increase tree, grass, forb, and shrub productivity;

(K) enhance watershed values;

(L) improve the environment; and

(M) provide a basis in some areas for economically and environmentally sustainable uses.

(10) healthy forest and woodland ecosystems—

(A) reduce the risk of wildfire to forests and communities;

(B) improve wildlife habitat and biodiversity;

(C) increase tree, grass, forb, and shrub productivity;

(D) enhance watershed values;

(E) improve the environment; and

(F) provide a basis in some areas for economically and environmentally sustainable uses.

(11) sustaining the long-term ecological and economic health of interior West forests and woodland, and their associated human communities requires preventing severe wildfires before the wildfires occur and permitting natural, low-intensity ground fires;

(12) more natural fire regimes cannot be accomplished without an effective management intervention before damage from uncontrollable wildfire becomes widespread, with 8 years having already elapsed since the assessment;

(13) ecologically based forest and woodland ecosystem restoration on a landscape scale will—

(A) improve long-term community protection;

(B) minimize the need for wildfire suppression;

(C) improve resource values;

(D) improve the ecological integrity and resilience of these systems;

(E) reduce rehabilitation costs;

(F) reduce loss of critical habitat; and

(G) protect forests for future generations.

(14) although landscape scale restoration is needed to effectively reverse degradation,
The purposes of this Act are—

(1) ADAPTIVE ECOSYSTEM MANAGEMENT.

(a) The term "adaptivemanagement" means a natural resource management process under which planning, implementation, monitoring, research, evaluation, and incorporation of new knowledge are combined into a management approach that—

(i) is based on scientific findings and the needs of society;

(ii) uses adaptive management as an experimental approach to—

(A) develop, implement, monitor, and regulate systems to modify future management methods and policies; and

(iv) uses the resulting new knowledge to modify future management methods and policies.

(b) CLARIFICATION.—This paragraph shall not be construed to mean that the "adaptivemanagement" for the purposes of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.) is the same as the "adaptivemanagement" for the purposes of the Act.

(c) EFFECT OF PRIOR LAWS.—The term "affected areas" includes—

(A) land managers;

(B) stakeholders;

(C) the States of Colorado, Arizona, Colorado, Idaho, Nevada, New Mexico, and Utah; and

(D) the States of the interior West, including political subdivisions of the States.

(2) DRY WOODLAND ECOSYSTEM.—The term "dry forest and woodland ecosystem" means an ecosystem that is dominated by ponderosa pines and associated dry forest and woodland types.

(3) INSTITUTE.—The term "Institute" means an Institute established under section 5(a).

(4) INTERIOR WEST.—The term "interior West" means the States of Arizona, Colorado, Idaho, Nevada, New Mexico, and Utah.

(5) LAND MANAGER.—(A) IN GENERAL.—The term "land manager" means a person or entity that practices or guides natural resource management.

(B) INCLUSIONS.—The term "land manager" includes a Federal, State, local, or tribal land management agency.

(6) RESTORATION.—The term "restoration" means a process undertaken to move an ecosystem or habitat toward—

(A) a sustainable structure of the ecosystem or habitat; or

(B) a condition that supports a natural complement of species, natural function, or ecological process (such as a low-intensity fire).

(7) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(8) SECRETARIES.—The term "Secretaries" means—

(A) the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) the Secretary of the Interior.

(9) STAKEHOLDER.—The term "stakeholder" means any person interested in or affected by management of forest or woodland ecosystems.

(10) SUBDOMINANT TREES.—Are trees that occur underneath the canopy or extend into the canopy but are smaller and less vigorous than dominant trees.

(11) OVERSTOCKED STANDS.—Where the number of trees per acre exceeds the natural carrying capacity of the site.

(12) RESILIENCY.—The ability of a system to absorb disturbance without being pushed into a different, possibly less desirable stable state.

SEC. 5. ESTABLISHMENT OF INSTITUTES.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall establish an Institute in each of—

(A) the State of Arizona, to be located at Northern Arizona University;

(B) the State of New Mexico, to be located at New Mexico Highlands University, while the Secretary finds that the institute model established at New Mexico Highlands University, while demonstrating capability to conduct research described in subsection (c) and (2) other organizations and entities in the interior West (such as the Western Governors' Association).

(f) ANNUAL WORK PLANS.—As a condition of the receipt of funds made available under this Act, for each fiscal year, each Institute shall develop, in consultation with the Secretary, for review by the Secretary, an annual work plan that includes assurances satisfactory to the Secretaries that the proposed work of the Institute will serve the informational needs of agencies with a demonstrated capability to conduct research described in subsection (c) and (2) organizations and entities in the interior West.

(g) ESTABLISHMENT OF ADDITIONAL INSTITUTES.—If after 2 years after the date of the enactment of this Act, the Secretary finds that the institute model established at the locations named in subsection (b)(2) would be constructive for other interior West States, the Secretary may establish 1 institute in each of those States.

SEC. 6. COOPERATION BETWEEN INSTITUTES AND FEDERAL AGENCIES.

In carrying out this Act, the Secretary, in consultation with the Secretary of the Interior, shall, as a condition of the receipt of funds made available under this Act, for each fiscal year, each Institute shall provide assistance to the Secretary to carry out the duties of the Institutes under section 5;

(1) to the extent that funds are appropriated for the purpose, shall provide financial and technical assistance to the Institutes to carry out the duties of the Institutes under section 5;

(2) shall encourage Federal agencies to use, on a cooperative basis, information and expertise provided by the Institutes;

(3) shall encourage cooperation and coordination between Federal programs relating to—

(A) ecological restoration;

(B) wildfire risk reduction; and

(C) wildfire management systems.

(4) notwithstanding section 103 of the United States Code, may—

SEC. 7. ESTABLISHMENT OF AGENCY.

In carrying out this Act, the Secretary, in consultation with the Secretary of the Interior, shall, as a condition of the receipt of funds made available under this Act, for each fiscal year, each Institute shall assist the Secretary to—

(1) develop, conduct research on, transfer, promote, and monitor restoration-based hazardous fuel reduction treatments to reduce the risk of severe wildfires and improve the health of dry forest and woodland ecosystems in the interior West.

(2) translate for and transfer to affected entities any scientific and interdisciplinary knowledge about restoration-based hazardous fuel reduction treatments;

(3) assist affected entities with the design of adaptive management approaches (including monitoring) for the implementation of restoration-based hazardous fuel reduction treatments; and

(4) provide technical assistance to the Institutes to carry out the duties of the Institutes under section 5(a).
The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

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

H.R. 2696 establishes institutes to demonstrate and promote the use of adaptive ecosystem management to reduce the risk of wildfires and restore the health of fire-adaptive forest and woodland ecosystems of the interior West.

This legislation directs the Secretary of Agriculture, in consultation with the Secretary of the Interior, to establish the Ecological Restoration Institute at Northern Arizona University, under the leadership of Dr. Wally Covington, and similar institutes in New Mexico and Colorado, with the purpose of supporting groups to assist in the design and implementation of large-scale forest restoration treatments.

Research shows that large forest fires will continue unless large scale action is taken. The treatment of our forests must begin with solid, sound science to restore the balance of our unhealthy forests. H.R. 2696 will facilitate this important work. I urge adoption of the bill.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I would like to extend my commendation to the gentleman from Arizona for his sponsorship of this proposed bill; and, Mr. Speaker, H.R. 2696 directs the Secretary of Agriculture to establish three university-based institutes to conduct and assist research to assist Federal land managers in the complicated process of reducing risks of wildfires and improving forest health in the interior West.

The bill specifically designates two universities to house institutes, Northern Arizona University in Arizona and Highlands University in New Mexico. The Secretary shall also designate a third institute to be located in the State of Colorado. The bill authorizes $15 million annually for these institutes, subject to appropriations.

Mr. Speaker, I congratulate the bill’s sponsor, again the gentleman from Arizona. I also want to recognize the contributions of the Members on this side of the aisle, the gentleman from Colorado (Mr. UDALL) and the gentleman from New Mexico (Mr. UDALL). I thank them for their help, their sponsorship and their support of this bill.

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5 minutes to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong support of H.R. 2696, the Southwest Forest Health and Wildfire Prevention Act of 2003. This is an extremely important legislation, and I applaud the gentleman from Arizona for his further work on this issue. I also thank the gentleman from American Samoa for his leadership on this important issue.

Mr. Speaker, in my home State of New Mexico, we are experiencing a very serious and prolonged drought. New Mexico does this evaluate our water shortage as well as the difficulties faced by agriculture and livestock communities, but it also makes for very dangerous fire conditions as we approach spring and summer.

Unfortunately, the issue of fire prevention and suppression is extremely controversial. That is why I believe it is important that our country establish a science-based common-sense fire policy. This bipartisan legislation before us lays the groundwork for a science-based strategy to combat wildfire in the West.

H.R. 2696 directs the Forest Service, in consultation with the Department of the Interior, to establish institutes to utilize the use of adaptive ecosystem management to reduce the risk of wildfires and restore the health of fire-adapted woodland in the West. The Agency would be required to provide the institutes with financial and technical assistance. Creating these institutions will create a solid foundation for scientific knowledge and the ability to rapidly convert new insights into technology and tools.

These institutes will also create common ground for environmental, recreational, commercial, and governmental interests to work together and end the gridlock that has often paralyzed forest management initiatives.

Mr. Speaker, I am also extremely pleased that the Forest Service Institute in New Mexico will be centered at New Mexico Highlands University, located in my congressional district. While being centered at Highlands, however, the institute will engage the full resources of the consortium of universities represented in the Institute of Natural Resource Analysis and Management, INRAM. This includes the other New Mexico education institutions of higher learning, such as New Mexico State University, University of New Mexico, New Mexico Highlands, Eastern New Mexico University, and Western New Mexico University.

I would also like to thank the gentleman from Arizona (Mr. RENZI) as well as the gentleman from New Mexico (Mr. PEARCE) and the gentlewoman from New Mexico (Mrs. WILSON) for their work on this provision in the bill. It truly was a bipartisan effort.

By passing legislation and creating these institutions we will provide much-needed assistance to land managers in their ongoing efforts to decrease the severity of fires in our
DOUGLAS COUNTY, OREGON LAND CONVEYANCE

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 714) to provide for the conveyance of a small parcel of land in Douglas County, Oregon, to the county to improve management and of recreational access to the Oregon Dunes National Recreation Area, and for other purposes.

The Clerk read as follows:

S. 714

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

SECTION 1. CONVEYANCE OF BUREAU OF LAND MANAGEMENT LAND IN DOUGLAS COUNTY, OREGON.

(a) IN GENERAL.—

(1) CONVEYANCE.—The Secretary of the Interior shall convey, without consideration and subject to valid existing rights, to Douglas County, Oregon (referred to in this section as the “County”), all right, title, and interest of the United States in and to the parcel described in paragraph (2) for use by the County for recreational purposes.

(2) PARCEL.—The parcel referred to in paragraph (1) is the parcel of land consisting of approximately 66.8 acres under the administrative jurisdiction of the Bureau of Land Management, as generally depicted on the map of “S. 714, Douglas County, Oregon Land Conveyance”, dated May 21, 2003.

(b) PURPOSES OF CONVEYANCE.—The purposes of the conveyance under subsection (a) are to improve management of and recreational access to the Oregon Dunes National Recreation Area by—

1. improving public safety and reducing traffic congestion along Salmon Harbor Drive (County Road No. 251) in the County;
2. providing a staging area for off-highway vehicles; and
3. facilitating policing of unlawful camping and parking along Salmon Harbor Drive and adjacent areas.

(c) SURVEY.—In the exact acreage and legal description of the parcel to be conveyed under subsection (a) shall be determined by a survey—

(1) that is satisfactory to the Secretary; and

(2) the cost of which shall be paid by the County.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, I ask unanimous consent that the remarks of Mr. FALEOMAVAEGA be stricken from the record, and that I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.
fires in areas that are not contained, and with the dumping of trash. If we are successful in implementing this legislation today, we will see control pass to the county who will properly police it, who will develop it into a regular campsite, and who will provide excellent access for OHV users without having to drive on the public roads. They will be directly adjacent to the Dunes National Recreation Area.

This legislation, as passed by the Senate, is identical to legislation introduced into the House, H.R. 514, by myself and the gentleman from Oregon (Mr. WALDEN). So since this is identical, and I believe it enjoys extraordinary widespread and bipartisan support, as the gentleman from Arizona already pointed out. I would recommend this legislation to my colleagues and urge that everyone vote in its favor so that we can enhance these recreational opportunities and protect the public health and safety and do just a little bit to help the economy of the state coast of Oregon.

Mr. Speaker, I thank the gentleman for his generous grant of time.

Mr. RENZI. Mr. Speaker, I continue to reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume to again commend the gentleman from Arizona for his management of this proposed bill, and also thank my good friend, the gentleman from Oregon, for his insights and understanding of the bill and what it will do to benefit the people of Oregon.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate bill, S. 714, as amended.

The question was taken; and the ayes appeared to have it.

Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker’s approval of the J.ournal and motions to suspend the rules previously postponed. Votes will be taken in the following order:

1. Approval of the J.ournal, de novo; H.R. 2707, by the yeas and nays; and S. 714, by the yeas and nays.
2. The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote, without objection.

The Speaker pro tempore. Is there objection to the request of the gentleman from California? There was no objection.

The Speaker pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on the Speaker’s approval of the J.ournal and motions to suspend the rules previously postponed.

The Speaker pro tempore. The Speaker pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker’s approval of the J.ournal and motions to suspend the rules previously postponed. Votes will be taken in the following order:

1. Approval of the J.ournal, de novo; H.R. 2707, by the yeas and nays; and S. 714, by the yeas and nays.
2. The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote, without objection.

There was no objection.

The Speaker pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker’s approval of the J.ournal and motions to suspend the rules previously postponed. Votes will be taken in the following order:

1. Approval of the J.ournal, de novo; H.R. 2707, by the yeas and nays; and S. 714, by the yeas and nays.
2. The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote, without objection.

There was no objection.
Mr. ISAksON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and that make the point of order that a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 381, nays 32, not voting 19, as follows:

[Roll No. 25]

YEAS—381

Abercrombie (AL) 
Acker (NY) 
Akin (IL) 
Allen (TX) 
Andrews (GA) 
Baca (CA) 
Bachus (TX) 
Beauprez (AZ) 
Becerra (CA) 
Bereuter (WY) 
Biggert (IL) 
Billakis (GA) 
Bingaman (NM) 
Bass (CA) 
Bass (NC) 
Bartlett (OH) 
Barrett (SC) 
Ballenger (VA) 
Ballance (NC) 
Baird (WA) 
Baca (NM) 
Ackerman (CA) 
Abercrombie (HI)

Not voting 19, as follows:

—

The vote was taken by electronic device, and there were —

Abe

The result of the vote was announced—

...
BEN CHANDLER follows in the seat of the Honorable Speaker, the Great Compromiser of pre-Civil War years; Kentucky's greatest national legislator, that is until recently, of course. In fact, Henry Clay made history very early in his congressional career. He was elected Speaker immediately upon being sworn in as a freshman from this very Kentucky district.

Mr. Speaker, I yield to the gentleman from Kentucky (Mr. CHANDLER), our colleague from Kentucky's Fourth District.

Mr. LUCA'S of Kentucky. Mr. Speaker, I yield to the gentleman from Kentucky (Mr. ROGERS). It is indeed a pleasure for me to welcome my colleague from Kentucky today.

Ben, it has been kind of lonely up here from Kentucky for us Democrats, and now we have doubled the amount of Democrats from Kentucky, and that is really great.

In Kentucky, we are known for thoroughbred horses. And of course I am very excited about getting to work with Ben.

Mr. Speaker, I yield to the gentleman from Kentucky (Mr. ROGERS) as new Member of Congress.

Maiden speech of the Honorable Ben Chandler as Newest Member of 108th Congress

Mr. CHANDLER asked and was given permission to address the House for 1 minute.

Mr. CHANDLER. Mr. Speaker, Members of this body held this seat, Henry Clay, Speaker, and now we have doubled the amount of Democrats from Kentucky, and that is really great.

In Kentucky, we are known for thoroughbred horses, and of course Ben comes from the heart of the thoroughbred country. And the success of thoroughbreds is based on bloodlines. If one has great bloodlines, they are successful in racing. And Ben comes here with great bloodlines.

And I am sure you are really going to be successful, and I am happy to share this moment with you and all your friends and your family, Jennifer and your three kids. It is great for you to be here. Ben. Thank you.

Mr. ROGERS of Kentucky. Mr. Speaker, I am deeply honored to welcome Kentucky's new Member of Congress from the Sixth District, Ben Chandler, and I am proud to present him at this time to the body.

ANNOUNCEMENT BY THE SPEAKER

The Speaker. The Chair announces to the House that, in the light of the administration of the oath to Representative Chandler, the whole number of the House is adjusted to 434.

SALT CEDAR AND RUSSIAN OLIVE CONTROL DEMONSTRATION ACT

The Speaker. The pending business is the question of suspending the rules and passing the bill, H.R. 2707, as amended.

The Clerk read the title of the bill.

The Speaker. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 2707, as amended, on which the yeas and nays are ordered. This will be a 5-minute vote.
DOUGLAS COUNTY, OREGON, LAND CONVEYANCE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 714.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. Renzi) that the House suspend the rules and pass the Senate bill, S. 714, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 397, nays 0, not voting 36, as follows:

[Roll No. 27]

YEAS—397

DOUGLAS COUNTY, OREGON, LAND CONVEYANCE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 714.

The Clerk read the title of the Senate bill.

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The vote was taken by electronic device, and there were—yeas 397, nays 0, not voting 36, as follows:

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[Roll No. 27]
February 24, 2004

CONGRESSIONAL RECORD—HOUSE

U.S. POLICY UNDERMINES HAITIAN GOVERNMENT

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

Ms. CORRINE BROWN of Florida. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3473.

Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3473.

Ms. CORRINE BROWN of Florida. Mr. Speaker, as a Member elected from Florida, I have always supported the citizens of Haiti, and I was one of the ones that went and witnessed the fair election of Mr. Aristide.

Let me just say that it was just as fair as the election that took place in Florida. But sadly, even though Haiti is right off the shores of Florida, this administration has treated Haitians and the Haitian people like unwanted stepchildren.

Right now in Haiti, people are starving to death and being slaughtered in the streets, and the U.S. is nowhere to be found. U.S. policy has undermined the Government of Haiti. Let me say again, the U.S. policy has undermined the duly-elected Government of Haiti and continues today to threaten the very lives of the Haitian people.

I ask this President, how can he justify our attack of Iraq by claiming we are building a democracy while he sits idly by and watches a democracy in Haiti being destroyed by thugs whose only goal is to steal power from a duly-elected President?

Shame on you, Mr. President.

HONORING ERIC ULYSSES RAMIREZ, AN AMERICAN HERO

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, it is with a heavy heart that I rise today to express the condolences of a grateful Nation. I rise so that this Nation will never forget the service and sacrifice of those fallen while we go to keep us free.

I rise today specifically to honor the life of Eric Ulysses Ramirez. Specialist Ramirez was killed when his unit was attacked by Iraqi insurgents.

Mr. Speaker, as many of us know, domestic violence calls can be the most volatile and unpredictable situations to which police officers respond. After a woman flagged down Officer Lizarraga's police car and asked for help, the officer and his partner went to remove an abusive boyfriend from her apartment. According to official accounts, the suspect emerged with a gun and shot the 31-year-old officer just below his bulletproof vest.

Unfortunately, the officer died from his injuries.

Recognizing the death of Los Angeles Police Department Officer Ricardo Lizarraga.

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

Ms. WATSON. Mr. Speaker, it is with deep sadness and regret that I rise to inform my colleagues of the death of Los Angeles Police Department Officer Ricardo Lizarraga, who was killed in the line of duty on Friday, February 20, 2004, while answering a domestic violence dispute in the area of Western and Vernon Avenue in my district. Officer Lizarraga became the first LAPD officer since 1996 to be shot and killed in the line of duty.

Mr. Speaker, as we continue to remember Black History Month and the accomplishments of African Americans in America, today I would like to recognize Elizabeth City State University, one of our historically black universities located in my congressional district. Elizabeth City Member was founded in 1891, "for the purpose of teaching and training teachers of the colored race to teach in the common schools of North Carolina." I just three decades after the Civil War ended, African Americans worked hard to live up to the ideals of liberty and freedom. Although there were many challenges faced by African Americans, many persevered and took advantage of established institutions such as Elizabeth City State University in the hopes of educating African Americans.

Despite the obstacles, there was a positive belief that the key to a successful future lies in education. This belief remains today. As I think about the bright educators and students trying to be triumphant over adversity, I feel very proud of Elizabeth City State University. I wish Elizabeth City State University continued good fortune and success as they work to educate all of our people.
soft-spoken, hardworking, who loved his job and in April had landed an assignment on a fledgling special problems unit in the Newton division, where his father served and died of injuries related to his service. A fellow officer called Officer Lizarraga a gentle giant, who could look intimidating but all one had to do was talk to him, and he would respond softly. He was very nice, very quiet, and it belied his stature.

Officer Lizarraga was born and raised in Los Angeles and attended Hamilton High School and Santa Monica College. He worked for the Ralphs Supermarket chain before fulfilling a long-time goal of joining the LAPD in September 2001. He leaves a wife, Joyce, and a mother who resides in Mexico.

Mr. Speaker, my deepest sympathies are extended to Officer Lizarraga’s colleagues at the LAPD and his wife, family, and friends. It is my sincerest hope that Officer Lizarraga’s death will not be in vain, but once again remind us that our government must turn their backs on the world stands idly by and not demand for them justice, equality, and democracy? How can we watch blood run in the streets and not provide peacekeeping troops and the dignity to provide all of them an equal opportunity? As the President, who was duly elected, stands against the rage of the insurgents, we stand idly by.

Mr. President, Mr. Secretary of Defense and Secretary of State, it is time now for us to deal with democracy here at our very shore and then, Mr. Speaker, might I say, do not, do not denounce or do not disregard the fact that there will be thousands of Haitian refugees which we have to deal with. We are not addressing the question of those refugees or possible immigrants coming into this country. We need to be prepared and provide the asylum and provide the coverage and the opportunity for them to be here.

I simply say that now is the time for us to act. It is important for peacekeeping troops to go to Haiti now.

A TRAGEDY IS OCCURRING

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

Mr. PAYNE. Mr. Speaker, a tragedy is occurring off our shores. A duly-elected government in Haiti, President Jean Bertrand Aristide’s government, is in jeopardy. He is being challenged by the former FRAPH, a paramilitary group of outlaws and bandits, the former military leaders who are across the border in the Dominican Republic and drug dealers who have taken over parts of that country, using their influence and their military power.

On the other hand, we have a person who is duly elected, President Aristide. I cannot understand why our Nation that stands for democracy all over the world stands idly by while we let thugs who are burning and raping and looting take a free hand.

The French have said we are willing to go in. We have 4,000 troops, as a matter of fact; and they even said, as a matter of fact, U.S.A., we do not need you, just support us.

I urge our government to help the people of Haiti by coming up with a diplomatic solution to the problem in that country.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1997, UNBORN VICTIMS OF VIOLENCE ACT OF 2004

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 108-427) on the resolution (H. Res. 529) providing for consideration of the bill (H.R. 1997) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SUPPORT DEMOCRACY IN HAITI

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

Mr. OWENS. Mr. Speaker, the bloody spectacle of this week is not the release of Mel Gibson’s gory movie exploiting the suffering of Jesus Christ. In this hemisphere, 600 miles from our shores, blood is flowing in the streets of Haiti with the complicity of the Bush administration. This White House and its agents are like Pontius Pilate, pretending to wash their hands while the democratic nation of Haiti is assassinated.

At least one former CIA asset has been identified as a leader of the band of savage guerrillas. The people of the United States must turn their backs on this conspiracy and demand that the democratic nation of Haiti, the democratic government, the duly-elected President of Haiti be supported by the United States Government and that Aristide be allowed to serve out his next 2 years without any compromise with bands of thugs in the street. There is only one opposition. The so-called civil opposition is not civil at all. They operate hand in hand with the violence. Stop the violence and support democracy in Haiti.

ANARCHY IS HAPPENING TO OUR NEIGHBOR

(Mr. MEEKS of New York asked and was given permission to address the House for 1 minute.)

Mr. MEEKS of New York. Mr. Speaker, if not now, when? Blood is in the streets, violence is happening to our neighbor right next door, our third border is at stake. It is time for the United States of America to take serious the activities that are taking place on that island called Haiti, for indeed we should have been there long ago, talking and trying to negotiate and bringing things so that democracy can prevail.

We are the largest democracy on the planet Earth; and if democracy means anything, we should look just 90 miles off our shores and say that we are going to support and stand for democracy and not stand for anything that will be less than that, where mere villains and thugs can then take over a country.

We should stand strong and say that we are not going to allow that to happen, that we want democracy to flourish everywhere, not just overseas, not just away from home, but right on our third border. That protection, we should be mounting the troops together, the United Nations as well as other foreign countries, to bring to the people on the ground peace.

NOW IS THE TIME FOR US TO ACT

(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, the headline reads, "Haitians Man Barricades Against Armed Rebels." Mr. Speaker, this is the 200th year of the anniversary of independence of our friends who live in Haiti. If my colleagues recall, in the founding of our constitutional country, it was the Haitians who helped us claim our independence. How can we stand idly by and not demand for them justice, equality, and democracy? How can we watch blood run in the streets and not provide peacekeeping troops and the dignity to provide all of them an equal opportunity? As the President, who was duly elected, stands against the rage of the insurgents, we stand idly by.

Mr. President, Mr. Secretary of Defense and Secretary of State, it is time now for us to deal with democracy here at our very shore and then, Mr. Speaker, might I say, do not, do not denounce or do not disregard the fact that there will be thousands of Haitian refugees which we have to deal with. We are not addressing the question of those refugees or possible immigrants coming into this country. We need to be prepared and provide the asylum and provide the coverage and the opportunity for them to be here.

I simply say that now is the time for us to act. It is important for peacekeeping troops to go to Haiti now.

HAITI’S HISTORY

(Mr. BROWN of Ohio asked and was given permission to address the House for 3 minutes.)

Mr. BROWN of Ohio. Mr. Speaker, as President Bush makes his decision about sending troops to Haiti, I wish that he would look at Haiti’s history and would look at the history of our relationship with Haiti.

210 years ago, Haiti was a nation as wealthy as the 13 Colonies. After a slave revolt, Haiti in the early part of the next century, in 1804, proclaimed its independence. Our government, a country with slave owners, would not recognize the government of Haiti, a country where slaves were now running the government, running the country, former slaves. We did not recognize them for more than 50 years; and then, Mr. Speaker, the United States Marines in the early part of this century, occupied Haiti.

Some years later, when Papa Doc and Baby Doc Duvalier were in power in Haiti, U.S. interests funded and propped his government up, a bloody dictatorship. When President Aristide is in power, Mr. Speaker, we need to recognize this democracy. We have to deal with that as a democracy of equals.
SPECIAL ORDERS
The SPEAKER pro tempore (Mr. Bishop of Utah). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

OUR ECONOMY
The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DeFazio) is recognized for 5 minutes.

Mr. DeFazio. Mr. Speaker, this book has not hit the best seller list yet, but it should. This lays out the agenda of the President for the future of our economy, jobs, Social Security, and other programs. Actually, we have got to give the principal author, Mr. Mankiw, the President's chief economic adviser, some points for extra-ordinary honesty.

A quote from page 229, in reference to trade, of course, the United States of America is running a huge and growing trade deficit. We will borrow more than one-half of $1 trillion, $500 billion, from overseas to finance this. We are hemorrhaging jobs. U.S. corporations flee overseas to exploit cheap labor and Mr. Mankiw says it is all to the good. "When a good or service is produced more cheaply abroad, it makes more sense to import it than to make or provide it domestically."

He went on to say that exporting trade jobs real to the dream of free trade that economies have talked about for 2 centuries.

But then he says not to worry, because, of course, we have a comparative advantage. Well, the question would be, a comparative advantage in what?

Well, since they told us first we are going to lose those obsolete manufacturing jobs, which I disagreed with, because I do not think you can be a great Nation if you do not make things anymore, but then they said, do not worry, we are going to go to the intellectual jobs. We will do those sorts of things, and we will protect those through these trade agreements. Well, we now find we are exporting those intellectual jobs, and, in fact, we are also losing them to unfair trade.

But it remember this President supported Most Favored Nation status for the bloody dictators of Beijing, the Communist Government of China, because of the insistence of U.S. corporations. It says here, do not worry, we will defend our intellectual property against countries like China, which regularly steal it. It said that if you bring intellectual property into China, within 24 hours it will be on the streets in counterfeit form; but yet this administration says it is all to the good if a country is found to be in violation of their obligations under a trade agreement, the United States could retaliate against those countries, against the entire range of transactions covered by the agreement.

That is right. Could. But guess what? Will not. How many trade complaints has the United States filed against the Communist Government of China for wholesale theft of intellectual property, which is leading to our $124 billion trade deficit with China and the flood of U.S. jobs into that country? None. Zero. None.

A company in my district, Videx, an American dream. The guy started with Hewlett-Packard and came up with a new scanner technology. It is all made in America. All of it. He employs 160 people directly, and even in Texas he has contractors making this good. He has also developed an electronic lock. One day he found out, and he is operating in 44 countries, that he had been cloned. His company had been entirely cloned in China, including the Website, including the software language that says U.S. copyright or patents, translated the Chinese had even gone one better. They took the Videx Website and put a little waving American flag up in the corner on this phony Website for a Chinese company, and condoned by the Chinese Government.

I thought, well, certainly the Bush administration, who say they want rules-based trade, they will help this company. They are for small business; they will help this company. We went to the Commerce Department and the answer was, nope, sorry, you are out of luck. In fact, in a conference call just 2 weeks ago, this company, Videx, Corvallis, Oregon, was told by the Bush Commerce Department, those great defenders of free trade, intellectual property and rules-based trade, that, in fact, they would do nothing to enforce their intellectual property rights or prevent the theft of their entire company and product in China, as is happenning to other American firms, because the big corporations do not want such complaints filed against China because it might make them mad, and they might lose access to the cheap labor to produce the goods that they export back here.

That is what this administration is all about. They talk about small business, but they are just there for a few multinational corporations. They have a real chance here to help an American company to save hundreds of American jobs, to stop the Chinese from stealing that product and the product of many other American firms and stop stealing those jobs. All they have to do is file a complaint.

The company cannot file the complaint at the World Trade Organization. The Bush people stacked the deck. The only way it can be filed is by the United States Government and the Commerce Department, and they are just too busy working on their other business. If they care about the future of this country, they will eschew these radical free trade policies, and they are not only free trade, they are theft policies being pursued by other countries against the U.S.

This is not a level and fair trade field, and it is time that things changed. But I doubt very much under this administration that they will, because small companies cannot afford to contribute the millions of dollars to the reelection campaign that the big ones can.

CONGRESS SHOULD HOLD BROADCAST MEDIA TO A HIGHER STANDARD OF DEENCY
The SPEAKER pro tempore (Mr. Bishop of Utah). Under a previous order of the House, the gentleman from Nebraska (Mr. Osborne) is recognized for 5 minutes.

Mr. Osborne. Mr. Speaker, 100 million people viewed this year's Super Bowl. It was a great football game. Unfortunately, most of the publicity did not focus on the football game, it rather focused on the half-time show and a few ads. Matter of fact, there were 200,000 complaints concerning some of the indecency that were filed. I think this illustrates the culture war we are currently experiencing, because most in the entertainment industry really could not understand the outcry. This is pretty much business as usual. Yet those in middle America were not quite so enthralled. They were hit right between the eyes by the media content that our children are immersed in almost daily.

Many Members of Congress, myself included, were concerned and somewhat outraged, and I just am concerned that this outrage may be short-lived if we look at the history of such things. In 2003, 240,000 complaints were filed with the FCC concerning indecent and obscene programming, yet there were practically no responses by the FCC or by Congress. Few of these complaints were ever answered by the FCC. Complaints are often bundled, they are not counted separately, so there may have been well over 240,000 complaints filed. Only a handful of citations were issued, which resulted in minimal fines, roughly four or five citations. No TV station has ever been fined in the history of the FCC for broadcasting indecent material. Since the FCC began in 1934, no broadcast license has ever been suspended.

The FCC receives $278 million from Congress annually, yet it is largely derelict in the enforcement of its duties. On June 2, 2003, the FCC increased the market share media conglomerates can control from 35 percent to 45 percent. What does that mean? It means in a major media market, one conglomerate can own three TV stations, one newspaper, and eight radio stations. So there has been a huge amount of concentration in the media industry. As well, no adequate control is in place, and there is less local control, there is more emphasis on indecent programming. There is a focus on the bottom line; simply what will sell. Locally-
owned outlets are more sensitive to community standards and are less likely to broadcast indecent material. Congress, I think, needs to reverse this trend towards concentration and move back to that 35 percent of the market that was originally by the standards.

Our children are paying a price. The average young person by the age of 18 witnesses 200,000 violent acts and 40,000 murders on television. They average roughly 6 hours of media exposure per day. Research by the Congressional Public Health Summit in 2000 indicated that children exposed to media violence are more violent later in life; more apt to commit crimes of violence. Studies show that children watching sexually explicit programming adopt more permissive attitudes towards premarital sex and become more promiscuous.

Our out-of-wedlock birth was 5 percent in 1960, and today it is roughly 33 percent. One out of every three children coming into our culture are born with a huge disadvantage. They have two strikes against them. These children, and really all of us in our culture, pay a great price. So what I would urge, Mr. Speaker, is that Congress needs to stay the course, play its part, and hold the FCC to its charge.

The gentleman from California (Mr. BACA) and I have started a caucus, the Sex and Violence in Media Caucus, which we hope people will join. Several weeks ago, Bono uttered an obscenity four times during prime time, and the FCC refused to penalize the broadcast network because they said he used the obscenity as an adjective. As a result, the gentleman from California (Mr. Ose) has introduced the bill Clean Airways Act, H.R. 3687, which defines eight obscene words, and it says if these words are used, no matter whether used as adjectives, verbs, adverbs, pronouns, whatever, they are still subject to penalty. Also, the gentleman from Utah (Mr. Pocan) has introduced H.R. 3717, the Broadcast Decency Enforcement Act, which increases penalties for obscenity from $27,500 to $275,000, a tenfold increase, which may get some people’s attention.

I urge my colleagues, Mr. Speaker, to hold the broadcast media to a higher standard and to require the FCC to enforce commonly held standards of decency.

THE PRESIDENT’S BALLOONING CREDIBILITY DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Emanuel) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, in addressing the Republican Governors Association fund-raiser last night, the President, in a much-touted speech, decided to unveil his reelection strategy. He pointedly accused the current front-runner for the Democratic nomination of having a record of flip-flopping, waffling and temporizing.

Since the State of the Union and since Meet the Press, I have been waiting for this President to offer a vision and an agenda for this country. His strategy has got America stuck in an endless occupation and a jobless economy. And yet, instead of a thoughtful, long-term strategy for how to move forward, yet the President of the United States, after 3 years of governing, has decided his strategy is to tear down his opponent rather than to offer America a vision of tomorrow and the country that we can do to build something tomorrow.

I thought it was very ironic for a President of the United States, who has a growing credibility gap, where people question the validity and the truthfulness of his words, to begin to question the consistency of the front-runner for the nomination of the Democratic Party. I thought it was very interesting because, if I am not mistaken, this was the President of the United States who has flip-flopped on steel tariffs. That has been this President’s record. He flip-flopped within 18 months of having imposed the tariff.

This is a President who, although promoting tax cuts for the very wealthy, promises lower-middle-class tax cut. We now find out, in Paul O’Neill’s book and Ron Suskind’s book, the President of the United States knew that his tax cut went to the top end. He went into a meeting, said, one reporter asked, “Have you ever said, ‘Have you ever said your tax cut was going to the top end?’ And yet he went out and sold his tax cuts as something else and then accused Democrats of class warfare for doing it.

We are here in a debate on some premium prescription drugs. If a pharmaceutical company, a polluter, or you are an insurance company or an HMO, when they say something, you believe it. And yet, when the President of the United States talks about what he is going to do, we are confused as to what he is going to do and what he is not going to do. And we see a credibility gap is his credibility and on their credibility, on their flip-flops and waffling?

The only thing this White House never waffles on is when you are a special interest and you need a special favor. They have been quite consistent if you are a pharmaceutical company, you are a polluter, or you are an insurance company or an HMO. So when this President says he wants to campaign on somebody’s credibility and on their consistency, I as one Democrat welcome that, because we have 3 years of a record. This President has done a phenomenal job of getting America stuck in a jobless recovery and an endless occupation in Iraq.

This is an election about America’s future, not offering the status quo that has put America in the position it is. So if credibility is a question we are going to have in this campaign, let us bring it on.

RISING COST OF PRESCRIPTION DRUGS

The SPEAKER pro tempore (Mr. Bishop of Utah). Under a previous order of the House, the gentleman from Indiana (Mr. Burton) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, there has been a lot of talk over the past few months and debate here in the Congress about the high cost of prescription drugs. I just got a letter from my constituent in Indiana, Joseph Neff. Joseph is 67. He and his wife buy a lot of prescription pharmaceuticals from Canada. In this letter he sent me, it shows a 3-month supply of the products he has been buying from Canada, and he is going to save $3,007 a year by buying pharmaceuticals from Canada, the very same thing he would buy here in the United States, the same identical prescription...
drugs; and yet they cost less in Canada than if he bought them here in the
United States. He is saving 50 percent on the prescription drugs he is buying
from Canada. If he bought them through AARP on a discount card, it
would be even cheaper. So he still saves more by going directly to Canada.

The pharmaceutical industry has been fighting day and night to stop re-
importation of pharmaceuticals. They have gone to the FDA and HHS, and
they have gotten away with it. It is not safe, it is not safe to reimport;
and our health agencies have been going along with it. And yet we held four hearings, and we
asked them to give one example where people have been harmed by pharma-
ceuticals brought in from Canada. They could not name one example. So
the pharmaceutical industry has una-
usual support at our health agencies. They
have undue influence at our health agencies; and as a result, Amer-
ican people are paying exorbitant prices for prescription drugs compared
to what they are paying in Canada, Germany, and other parts of the world.

Just recently there was a poll that
was released by the Associated Press and
stated that a third of American families do not have enough money to afford their pre-
scriptions, and 73 percent of those fami-
lies have to cut their dosages by as
much as half so they can take care of
their health needs. Two-thirds of those polled felt that the Federal Government
should open up this market and
make it easier for people to buy pre-
scription drugs from Canada and other
countries at lower cost.

So why does our government not lis-
ten to the people we represent? There
is no safety issue. That is a bogus argu-
ment. Yet the health agencies continue
to walk in lock-step with the pharma-
ceutical companies saying it is a health risk, and it is simply about
money. The big profits they make in the United States are huge compared
to what they are making in other coun-
tries. We continue to let them do that
when the price they charge should be
fair and equitable throughout the world. All of their profits should not be
loaded on the backs of the American people who are struggling to make ends
meet.

In July of this year, we had a vote on
this floor. The vote overwhelmingly
passed saying that we wanted the re-
import of pharmaceuticals to be
allowed so Americans can get the
breaks that they are getting in other
countries. Even though that passed,
when the Medicare prescription drug
bill came out of conference committee, they left that out.

The other thing that bothers me is
the American people realize that our
government should be negotiating to
make sure that Medicare prescription
drug prices are as low as possible, and
yet there is a pay gap on this issue by
the Congress of the United States that
does not allow our government under the Medicare prescription drug
bill to negotiate with the pharma-
ceutical companies to get the best
price for the American taxpayers. So
we pay the highest prices for pharma-
ceuticals that the pharmaceutical com-
panies want to charge, while in other
countries there are negotiations taking
place between their governments and
the pharmaceutical industry. This just
is not right. This is something my col-
leagues on both sides of the aisle feel
very very strongly about.

Mr. Speaker, we have to take our
health care issue out of the hands of
people who are struggling to make ends
meet. They should not have to cut their
pharmaceutical products in half in
order to stretch them out to take care of
their health needs. They do not want to
pay up to 300 percent more than they are paying in Canada for the phar-
maceticals they get, and they should not be called criminals because they go
across the Canadian border and buy the
very same product up there for less
than they can get it here in the United
States.

In addition, governors of 25 States
and a multitude of cities across the
country are now trying to negotiate with
Canadian pharmaceutical dis-
tributors to buy their pharmaceutical products through these companies
because they will save so much money, and it will help their budgets at the State
and local level. This is a problem that is
not going to go away. The pharma-
ceutical industry and our health agen-
cies need to work on this problem; and,
Mr. Speaker, we are not going to be
bothered until this problem is solved.

JOBS RECESSION
The SPEAKER pro tempore. Under a
previous order of the House, the gen-
tleman from New Jersey (Mr. Pallone)
is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, after 3 years
in the White House, President Bush still has not figured out how to
create jobs for Americans here in the
United States. The economy has yet to
grow to the point where companies feel
confident in hiring new employees. Ac-

cordingly, millions of Americans re-
main unemployed, some for so long
they have actually given up their job
search. If the jobs recession does not end soon, and the economy does not cre-
ate 2.1 million new jobs by the end of this year, then
President Bush will be the first Presi-
dent since Hoover to preside over an economy in which he did not create one net job.

One of the major reasons for the cur-
rent jobs recession is the increased ex-
porting of high-paying white- and blue-
collar jobs overseas. Fortunately, this
phenomenon has not hit New Jersey as
difficult as States like Ohio, Michigan,
North Carolina, and Georgia. However,
New Jersey has still suffered.

I want Members to consider several
era things from the township of Edison

in my congressional district. This week
a Ford plant is scheduled to close, leav-
ing more than 900 New Jersey employ-
ees without jobs. Last year, the Frigi-
daire air conditioning plant closed in
Edison and shifted production to Brazil, leaving 1,600 people unem-

ployed.

One would think that the Bush ad-
ministration would be concerned about
these job losses. Two weeks ago, how-
ever, we learned President Bush and his economic advisors view the move-
ment of American factory jobs and
white-collar work to other families as
a positive transformation that will in
the end enrich our economy.

The President’s chief economist,
Gregory Mankiw, made national head-
lines earlier this month when he said,
“Outsourcing is just a new way of
doing international trade. More things
are tradeable than were tradeable in
the past, and that is a good thing.”

President Bush supported this view in
his annual economic report in which he
wrote, “When a good or service is pro-
duced more cheaply abroad, it makes
more sense to import it than to produce it or provide it domestically here in the
United States.”

But under the President thinks our
economic forecast is so rosy. He is
not concerned about creating jobs here
in the United States; sending jobs over-
seas is fine with him. How can we have
an economic success if we send jobs
overseas, but do not create enough new jobs with comparable wages here in
the United States? It is clear the President
and his economic team are not con-
cerned about that at all.

These statements from President
Bush and his economic advisors are
particularly worrisome after Congress
narrowly approved legislation last year
that would give the President free rein
to negotiate trade agreements with for-


Mr. Speaker, it is time the Bush administration realizes shipping jobs overseas and cutting taxes for the wealthy elite in our country will not create jobs. President Bush and congressional Republicans have had 3 years to work towards jobs here, not some Mexican border. They have totally failed. It is time for Congress to pass measures that will encourage companies to keep jobs here in the United States. It is time we level the playing field and protect American jobs here, rather than continuing to export them overseas.

SECURITY FENCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. Souder) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, I am so sick and tired of listening to the whining about this fence and walls in Israel. First, when I heard the complaining about the wall in Israel, I wondered whether they were complaining about the wall around Jerusalem itself. Walls and fences in the Middle East are as historic as the land itself.

I was in Italy last year, and in pretty much every city they have a castle or a walled fort. That is true all over Europe, Austria, and other places. Walls and fences have been there historically, and they were not to keep people from leaving, to keep people from getting in. They were built in areas where there were disputed territories, or they would not have needed a wall if people were not going to attack them.

In Rome, we see all sorts of walls in different parts of the Roman Empire. It is a historic tradition in Europe. And, of course, there is the Great Wall of China that goes for thousands of miles and is fairly famous. When we look at our own country, let us say the border with Mexico where we have a fence that goes along the border with Mexico, or let us say gated neighborhoods in the United States, are we suddenly going to ban gated neighborhoods? Is the rule when we want to put a fence around our yard or security system at our house in order to keep people from intruding, are we going to say suddenly we need to unlock our doors and we can put no fences up in our own yards? It is the same basic principle of security and the right to protect your property and to keep what you own, live in it that is leading to all this whining about the fence in Israel.

Furthermore, some would add that it is disputed territory. The fact that somebody else has designs on the territory does not mean that you cannot put up a fence. Let us take our border with Mexico. There are some in the country of Mexico that believe that we are getting California through a war where we had a clear overt pressure was kind of controlled, not to mention that the Gadsden Purchase, there were more or less forced Mexico to sell us Arizona and New Mexico, or where we pushed settlers into Texas and Texas declared their independence and we did a fast recognition to bring Texas in. There are many Mexicans who do not believe that border is legitimate, but does that mean we do not have a right as a nation, since we recognize those States, we freely associate and recognize them that we do not have a right to put a fence there to protect ourselves from terrorists, illegal immigrants or drugs? Of course we have that right; and so does Israel have that right.

Since September 2000, Palestinian terrorists have launched more than 18,000 attacks, killing more than 800 Israelis and wounding 5,600. Such a high number of attacks seem inconsistent with the Palestinian Authority's commitment under the Oslo Accords and Road Map to curb terrorist activities. Without a true partner in peace, Israel alone has been left to defend itself.

One of the best methods of protecting the civilian community in Israel is a security fence. In the last 3 years, not one of the 122 homicide bombers that killed 454 people in Israeli infiltrated from Gaza. Gaza is separated from Israel by a security fence.

Despite this, there has been outrage and wide criticism when they have tried to put a fence at the West Bank. This case, which has now been taken to the court in front of the United Nations, is clearly within Israel's domestic jurisdiction, which demands that the government protects its citizens.

Highlighting this necessity was a bombing of a Jerusalem bus that just killed eight and injured 60. This homicide bombing occurred just before the International Court began hearing the case against the fence. The need for additional security and the need for the fence in Israel has never been more clear.

Opponents argue that the fence poses undue hardship to Palestinian Arabs by limiting their employment opportunities or separating them from other Arabs and each other. Certainly, the fence poses a hardship to Palestinian Arabs. The extra security will undoubtedly cause difficulties when moving from the West Bank into Israel, but the Israeli government has done its best to be as accommodating as possible. In most places, the fence follows the pre-1967 border. Israel has provided passageways for Palestinian Arab farmers to tend their fields, replanted trees uprooted by fence construction, and protected a water reservoir used by West Bank farmers. In recent weeks, Israel has given a large fence citing among its considerations the impact on Palestinian Arabs living near the fence.

As obliging as Israel has been in constructing the security fence, Israel should never be forced to sacrifice its security for convenience. Palestinian Arabs tired of Israel's security measures need only demand that their leaders live up to their commitments to rein in terrorist groups based in the West Bank and Gaza.

It is unfortunate that opponents denounce Israeli efforts to protect itself while ignoring the terrorist attacks that demand need for the fence. At $1.6 million per mile, I am sure that Israel would prefer to spend its money elsewhere. Unfortunately, the current level of terrorist activity precludes Israel from doing that.

Israel does not wish harm upon its neighbors. Since its establishment, it has only wished to live in peace. Regrettably, Israel's neighbors have never shared this vision. Relentless attacks have forced the Israelis to take steps that seem punitive but only serve to defend the State of Israel and its citizens.

I applaud Israel's security measures. Israel simply has done what the United States of America does everyday, which is protect its
citizens from forces that would harm or destroy them.

Mr. CONYERS. Mr. Speaker, I come to the floor tonight to bring to my colleagues' attention the extreme emergency that the country of Haiti finds itself in with gangs, rebels, rapinees, protegé leaders and paramilitary organizations, in combination and in different groups in different parts of the nation of trying to drive out the duly elected President Jean-Bertrand Aristide.

There are a number of activities going on here in the Capitol that are intended to move our government and national and international organizations into an effective combination that would allow peace to quickly come to this beleaguered nation where poverty, suffering and misery is so endemic.

I begin my comments with an appeal to the President of the United States, and I quote from a resolution that has been drafted by our colleague from California (Ms. WATERS) which urges the United States to support the principles of democracy and constitutional rule in the Republic of Haiti under which President Jean-Bertrand Aristide was elected and oppose any and all attempts to remove President Aristide from office prior to the completion of his term under the Constitution of Haiti. And that we additionally condemn the violent activities of groups of thugs, former members of Haiti's disbanded army, and paramilitary organizations in Haiti.

This is an appeal to urge the President of the United States to make a statement, to break his silence and to let the world and the people of Haiti know that this country promotes democracy, respects the right to protest, but appreciates that free speech cannot be equated with violence and intimidation.

In addition, we are seeking to invoke the awesome prestige of the United Nations through its Security Council which will be meeting tomorrow. We intend to communicate, Members of Congress, with the Organization of American States to urge that they continue their important work, that CARICOM be invited to offer assurances; in other words, that we pull these international organizations together and make certain that our country does not by its silence give a wink and a nod to the violence that is going on in Haiti.

Last of all, we appeal to our distinguished Secretary of State, Colin Powell himself, whose ancestors came from the Caribbean. We thank him for his negotiations by which he attempted to reach agreement, and he extended the time. It was finally at 5 p.m. this evening that the rebel opposition rejected and refused to continue any negotiations. And so now we ask the Secretary of State in his wisdom and judgment and the higher council in trying to bring this matter, the differences of other groups and citizens with their President, to a peaceful resolution.

It is very important that we recognize that the United States' role in this is so important since we were prominently involved in bringing a democratic election and a President to Haiti.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. KIRK) is recognized for 5 minutes.

Mr. KIRK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. OWENS) is recognized for 5 minutes.

Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2004 AND THE 5-YEAR PERIOD FY 2004 THROUGH FY 2005

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels on on-budget spending and revenues for fiscal year 2004 and for the five-year period of fiscal years 2004 through 2008. This report is necessary to facilitate the application of section 302 and 501 of the Congressional Budget Act and section 501 of the conference report on the concurrent resolution on the budget for fiscal year 2004 (H. Con. Res. 95). This status report is current through February 6, 2004. The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 95. This comparison is needed to enforce section 501(b) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The second table compares the current levels of discretionary appropriations for fiscal year 2004 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This table also compares the current level of total discretionary appropriations with the section 302(a) allocation for the Appropriations Committee. These comparisons are needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would branch either the section 302(a) allocation or the applicable section 302(b) suballocation.

The last table gives the current level for 2005 of accounts identified for advance appropriations under section 501 of H. Con. Res. 95. This list is needed to enforce section 501 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2004 in excess of $5,158,000,000 (if not already included in the current level estimate) would cause FY 2004 budget authority to exceed the appropriate level set by H. Con. Res. 95.

OUTLAWS

Enactment of measures providing new outlays for FY 2004 in excess of $8,710,000,000 (if not already included in the current level estimate) would cause FY 2004 outlays to exceed the appropriate level set by H. Con. Res. 95.

REVENUES

Enactment of measures that would result in revenue reduction for FY 2004 in excess of $5,304,000,000 (if not already included in the current level estimate) would cause revenue to fall below the appropriate level set by H. Con. Res. 95.
## DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2004—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

(All amounts are in millions of dollars)

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able to buy an AK-47 once again. Soon criminals, gangs, terrorists can go into any gun store and buy any kind of assault weapon that they want. The assault weapons ban expires this September 14. Some in Congress wish this issue would just go away, but Americans overwhelmingly support the ban. Even 66 percent of gun owners support the ban. They support it because it worked and because it protected the rights of law-abiding citizens to own handguns, hunting rifles and shotguns. Once again, a major law enforcement agency in the country has endorsed the ban. The Supreme Court has even upheld a stronger version of the ban.

But nothing will get done if President Bush refuses to add his voice to the effort. He has promised to sign a new assault weapons ban if it reaches his desk, but if his leadership is not here, and if he does not tell Tom DeLay to bring the bill up for a vote, it is never going his desk.

I have introduced H.R. 2088, which would renew the ban while closing its most gaping loopholes. I came to Congress to fight for gun safety. I have fought for common-sense, effective gun measures. I believe most of my colleagues seem beholden to gun pressure groups. Yet we know the American people want to have assault weapons kept off their streets. We cannot let special interests trump the safety of American families and our police officers.

We have 202 days to renew the ban. Failing to do so would be an outrage, and the American people will demand an explanation in November. And there is something that they can do today. I urge all Americans to contact their Members of Congress and their Senators and tell them we want to keep assault weapons off the street. We have got to band together for the safety of our families, our children and our communities. This is something we can do. People talk about they never have a voice in government. I happen to know that having a voice in government is very important. Here in this House, how many times have we seen bills pass by one vote? Or fail by one vote? It is up to the American people to get involved in this.

This evening we have heard so many of my colleagues talk about all the things that are happening in this world, budget deficits, medications that cannot get to our patients. These are all serious problems. But allowing assault weapons back onto our streets again to kill our officers, to go into our schools, is something we can do. This is something where the American people can have their voices heard. We outnumber the NRA. We outnumber those that are trying to stop this.

Since I have been in Congress, I have always tried to amend this one behemoth amendment, but this kind of a gun is only meant for one thing. It is to kill as many people as possible. It is guns like this that we are seeing in Iraq, Israel, Haiti. These are the kind of guns that are used to wipe out people as fast as they can. You are telling me a sportsperson wants these back on the streets again?

Mr. Speaker, I will back here every single week until the American voices are heard, and I will be here to voice those voices.

HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. Lee) is recognized for 5 minutes.

Ms. Lee. Mr. Speaker, I rise tonight to ask the Bush administration why in the world our country appears to be allowing a violent coup d'etat to occur in Haiti. Through a wink and a nod, our administration is allowing this violence to occur, and we must not stand for it.

The democratically elected President of Haiti could be overthrown any minute. At risk, of course, is the safety of over 8 million lives in Haiti. We cannot play politics with rebels and with thugs. They are trying to change their government through the use of force, not by democratic elections. We do not allow coups to take place in the United States, and we should uphold that standard for neighboring countries, neighboring democracies, especially one in our own hemisphere.

Throughout Haiti's 200 years of independence, it has experienced 32 coups, but it appeared that the tragic cycle ended in 1991 with President Aristide's first Presidential victory. After a coup, the United States helped restore then-exiled President Aristide in 1996, and later he ran and was reelected in the fall of 2001. Tonight as we speak, President Aristide is warding off yet another coup attempt and a potential civil war, and democracy is under fire again in Haiti.

Two weeks ago I wrote to Secretary Powell and asked the following questions: One: Does the State Department support the democratically elected Government of Haiti? What practical steps is our government taking to support the democratic process? Two: Is our country supporting and sanctioning an overthrow of the Aristide government by giving a wink and a nod to the opposition? There are also reports that we are covertly funding the opposition.

Third: Is it true that the Haitian opposition parties and leaders have received USAID funding?

Fourth: We understand the Haitian Government made several requests over the last 2 years for equipment and training of Haiti's police force. Why were these requests never responded to?

Secretary Powell said and I quote, "We cannot allow thugs and murderers to overthrow the democratically elected government of President Jean-Bertrand Aristide," but now there appears to be a major disconnect between...
the Bush administration’s words and actions. Their rhetoric says one thing, and their actions say something else.

This Friday, prior to the international diplomatic team traveling to Haiti, members of the Congressional Black Caucus asked the administration to act quickly and prevent the rebels from taking over more cities in Haiti. We are awaiting a response to both of these letters.

We are working to protect democracy in Haiti day and night, but unfortunately people in Haiti are still dying as a result of attacks, human rights abuses, and the like. The ongoing negotiations to broker a peace plan are failing, and it is not at all a result of President Aristide. President Aristide has shown good faith by accepting the Catholic bishops’ plan, the CARICOM plan and now this peace plan.

Haiti is embroiled in violence. Armed rebels are burning down jails and pilfering villages, toting murdered bishops and people in Haiti are still dying as a result of attacks, human rights abuses, and the like. The ongoing negotiations to broker a peace plan are failing, and it is not at all a result of President Aristide. President Aristide has shown good faith by accepting the Catholic bishops’ plan, the CARICOM plan and now this peace plan.

Haiti is embroiled in violence. Armed rebels are burning down jails and pilfering villages, toting M-16s and M-50s. Haiti only has 3,500 police for over 8 million people. It is only common sense that disarming thugs and murderers and forging a cease-fire go hand in hand.

The United States cannot sit back and watch a country especially in our own hemisphere spiral further down into a state of turmoil. Bush must show some leadership and speak out against the violence and the disregard for the rule of law in Haiti. President Bush should speak out in support of the democratically-elected President of Haiti and provide President Aristide the assistance that he needs to promote peace on the ground, allow free and fair elections to take place, and to uphold the Haitian constitution.

How can we sit back and witness a violent attempt to overthrow a government? Is this part of the Bush administration’s regime change policy?

Democracy in Haiti is in grave danger. To stand on the ground, in the streets, at the university, through the halls of government, and in the homes of Haitians. Haitians are dying, and it is apparent that the hope for peace is diminishing.

If we believe, if we truly believe in the possibility of democracy and the potential for global peace, we must not turn a blind eye to our neighbor and long-time ally. This is an urgent cry to our administration, specifically President Bush, to formally request a meeting of the United States Security Council with the hope of bringing the world community’s resources to bear in support of the government of Haiti.

The United States must stop dragging its feet and answer the call President Aristide made again yesterday. He said, "If those killers come to Port-au-Prince, you may have thousands of people who may be killed." We need the presence of the international community as soon as possible.

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**THE SPEAKER pro tempore (Mr. BISHOP of Utah).** Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

**Mr. BLUMENAUER.** Mr. Speaker, we have much serious business to attend to on Capitol Hill these days. Many of us on this side of the aisle are deeply concerned about the Bush economic picture, how sad it is for most of America, including my State, which has struggled with very high unemployment for most of the Bush administration. The administration has fallen 1.8 million jobs short of the promises that were made to the Americans and to this Congress to justify the first two massive tax cuts from the Bush administration. There are significant issues to deal with the national government’s fiscal health, the guarantees of an extra trillion dollars that was going to be available when the tax cuts were brought forward that the President repeated here in Washington, D.C., and out in the hustings.

Now the administration wants to spend another trillion dollars in the face of hemorrhaging red ink to make these tax cuts that benefit a tiny number of Americans, those who need help the least, make their tax cuts permanent. This is something we could debate in Washington, D.C.

There appears to be no concern for the millions of Americans who are being caught in the payment of the millionaires tax, the alternative minimum tax, that was inspired because there were a handful of people who were earning 20 million dollars in today’s dollars that escaped taxation altogether. Congress in its wisdom passed the alternative minimum tax.
Now it has turned into a voracious revenue machine for the Federal Government that is taxing 24 million American families, and that number is due to quadruple to over 12 million families in just a year; and if nothing is done, it is going to put a huge bite, extra taxes, on 41 million American families who will be subjected to the millionaires tax. But the Bush administration is more concerned about making permanent tax cuts for those who need it the least, as opposed to dealing with the American prescription drug benefit from the Medicare trust fund. That is something that is worth debating.

The tax cut that is being pressed would fund the Social Security deficit three times over and avoid a disaster as the baby boom generation approaches retirement.

This administration has refused to join us in the battle against the Republican leadership to extend unemployment benefits for workers who have had them expire. That is worth debating.

Or the loss of manufacturing jobs across this country. It is fascinating to hear the administration's one concrete proposal to increase the number of manufacturing jobs that I have heard in the last 3 years, and that is to reclassify the people who work at McDonald's, providing the service at those restaurants, that they are somehow going to be manufacturing jobs. They are going to change the definition. Debating that.

But what is it that the administration wants to talk about? Not the false choices in Iraq that have put us in a disastrous situation on the ground and putting young men and women in harm's way, not the deadly flawed policy where we are not following through in Afghanistan. They want to talk about gay marriage.

I would strongly recommend that instead of pursuing something that was brought to us by Republican judges in Massachusetts, we let the States alone debate the real issues and not deal with a Federal constitutional amendment banning same-sex marriage.

**HONORING JOHN REDDEN, PASCACK VALLEY’S CITIZEN OF THE YEAR**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Garret) is recognized for 5 minutes.

Mr. Garret of New Jersey. Mr. Speaker, I rise today to honor a distinguished citizen from the Fifth Congressional District from New Jersey, which I represent. Mr. John Redden has been named Pascack Valley's Citizen of the Year.

John is deserving of so much acclaim for his contributions. He works on the board of the Pascack Valley Community Services. He has owned a Westwood-based business for over 20 years. And John, who has a wife and three children, has generously given of his time and money to donate to many community organizations. He has used his passion of sports to encourage athletic involvement in the community for having coached both basketball and baseball.

I might add that John is a worthy recipient of this award not only for the many contributions but in the way that he undertakes them. He supports his community silently, asking no credit whatsoever for his charity to his community. He supports his hometown organizations simply because he loves his neighbors and the community means so much to him.

I commend John for his dedication to his community, and I ask my colleagues to join me in congratulating him on receiving this prestigious award.

**HAITI**

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. Maloney) is recognized for 5 minutes.


Ms. Waters. Mr. Speaker, I just returned from Haiti this past weekend. It was the third time I have been there since January 1. And I am on this floor tonight because I want to share in the most straightforward way that I possibly can it is clear to me that a bloodbath in that country is imminent in spite of the fact that President Jean-Bertrand Aristide has agreed to the peace plan worked out by the international community.

I went down to Haiti this past Saturday to be an observer as the international community, made up of United States, Canada, France, the OAS, and the Inter-American nations, presented the peace plan; and it was a tough peace plan. The plan called for three persons from the international community, these organizations, to select a council of wise persons, of seven wise persons, who would then choose what would end up being a prime minister. First in the plan they offered the President, they said they would give him a name and he would either accept it or reject it. They asked him to come up with more than one name. They ended up agreeing to give him two names that he could choose from, and the President accepted the plan. I was there. He accepted the plan.

The opposition negotiated the peace plan. They have refused to negotiate. They have also sent a signal to groups of thugs and a newly formed army of exiled criminals that they will support the violent overthrow of the democratically elected government of Haiti. These thugs who are armed with very sophisticated weapons, M-16s, go to that capital and try to take the palace, there will be a bloodbath. Lavalos, the millions of people who support the President will be there to protect the capital, and this confrontation will end in the loss of many lives.

It is time for the international community to come to the aid of Haiti. It is time for us to understand that we can avoid this bloodbath in Haiti; and it makes good sense to say to the opposition who refuses to come to the table that the game is up; that, in fact, if they want to be obstructionists, we are going to insist that they get out of the way so that we can move with stabilizing Haiti.

We simply cannot stand by and watch this situation unfold and not recognize that a coup d'état is in progress in Haiti. Immediate international assistance is essential to stop the escalation of violence. The United States should work with the Organization of American States, the nations of the Caribbean community referred to as Caricom, and the OAS to provide assistance to Haiti to stop the violence, disarm the thugs and death squads and protect the Haitian people.

I have been in conversation with the State Department trying to urge them to take some action. I have talked with the OAS representative, to the ambassador from Canada, and have on call the ambassador from France. I have talked with the OAS representative, saying to them somebody must take the lead in putting together assistance to stop the violence. It is quite unfortunate; and if there is a bloodbath, this country is going to have to take some responsibility in it.
The man that is leading the coup d'etat in Haiti was born in New York and holds an American passport. For the life of me, I do not understand what an American, born in New York, with a passport, is doing starting a coup d'etat in another country. Mr. Andy Arpaid, Jr., not only holds an American passport; he owns 15 factories in Haiti, sweatshops.

Unfortunately, we cannot continue. We will continue this at another time.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MECKS) is recognized for 5 minutes.

(Mr. MECKS of New York addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PAYNE) is recognized for 5 minutes.

(Ms. CORRINE BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

(Ms. CORRINE BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AMERICA MUST STAND UP FOR DEMOCRACY IN HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, over the last several weeks, my constituents have watched the escalating violence in Haiti with increasing alarm. Their alarm is caused not just by the brutality and the chaos of the revolt, but by this seeming lack of resolve of our own Haitian government in confronting this threat to democracy in our own backyard.

While the President has responded admirably in dispatching envoys to seek a negotiated solution, I remain concerned that this push for dialogue is not matched by equal resolve to prevent the violent overthrow of a democratically elected government. If the Bush administration turns its back on the democratically elected government of Haiti in this crisis, the President will lose any and all credibility he has on preserving the rule of law.

By now, there should be few illusions about Jean Bertrand Aristide. He is not a paragon of virtue. He deserves an equal share of the blame, along with the legitimate opposition in Haiti, for the political gridlock which has paralyzed Haiti for years and prevented both political maturity and economic growth. But he remains a democratically elected leader, one of the few in Haiti's two violent centuries of independence. To turn our back on him would be to turn our back on the values America was founded upon, the values which have formed our foreign policy since Jefferson through Wilson, through Truman, through Ronald Reagan and Bill Clinton.

Haiti's political deadlock is no excuse for inaction. The forces creating violence in Haiti today are opponents of democracy. If President Bush fails to support the elected government against violent hooligans, the United States will forfeit its role as the leader in this hemisphere. How can we continually advocate for democracy in Cuba when we will not raise our voices for democracy just a few miles away in Haiti?

The President's initial efforts have so far been positive; but I fear that without firm resolve, backed by a credible threat of repercussions, America risks losing her credibility as an advocate for democracy. The President needs to be more forceful in stating that he will not accept the violent overthrow of the Aristide government and that we remain adamant that we will only accept a peaceful, negotiated solution to this crisis.

The President has outlined a bold vision for expanding democracy, freedom, and the rule of law throughout the world. But if the President will not even defend democracy in our own hemisphere, he will expose his vision as little more than empty posturing.

I urge the President to take action to prevent the violent overthrow of the Aristide government and to preserve America's leadership role in fighting for democracy and the rule of law.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

(Ms. CARSON of Indiana addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

(Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)
will there be found any stockpiles of weapons of mass destruction as possessed by Iraq. Nevertheless, our troops have been deployed and stationed in that region since the beginning of the war, and the cost has been tremendous. With the government projected to run a $34 billion deficit in 2004 due to the $13.6 billion we will be spending in interest. In addition, the cost of occupation is more accurately stated as $5.46 billion monthly, of which $1.56 billion is interest.

With respect to the situation in Haiti, there has been a cry for assistance by President Aristide. The poorest country in the Western Hemisphere that is celebrating its 200th anniversary of independence from French rule with over 8 million citizens aided by a 4,000-officer police force has requested humanitarian aid and security forces. The U.S. commitment to deal with the massive refugee exodus that will soon occur is to send them to Guantánamo, Cuba, which received thousands of Haitian refugees during the last crisis 10 years ago, when a military junta seized power from Aristide.

The exodus will indeed be massive; but we can avoid or at least ameliorate it by taking more forceful action to quell the situation immediately.

HON. COLIN L. POWELL, Secretary, Department of State, C Street NW, Washington, DC. Dear Secretary Powell: I am deeply concerned about the escalating violence in Haiti. Haiti has long been suffering with dire economic conditions and the devastation of HIV/AIDS. But now, Haiti has reached a state of crisis. The recent uprising could rapidly degrade into a catastrophic civil war. I respectfully urge you to move immediately to get humanitarian aid and military assistance to the people of Haiti, in order to help bring about some safety and stability.

I understand that you may feel there is no “enthusiasm” present for sending U.S. troops or police to Haiti to help quell the violence. However, I believe that the political will to solve the problem is rising. We, Members of the Congressional Black Caucus have long been supporters of an active role for the United States in providing needed assistance to Haiti. Many other Members of the House and Senate have expressed a willingness to support possible peace-making and peace-keeping activities, to prevent a full-scale civil war so close to our border, and to head off the large exodus of refugees to our shores that it might precipitate.

Furthermore, there is a feeling in the international community and in Haiti itself, that some foreign intervention may now be necessary in Haiti. I hope that you will work with the allies and the United Nations to craft a resolution to this crisis. I am confident that you will exercise your excellent diplomatic skills to craft a political approach that will lead to an increased commitment in Haiti. However, please also consider that it may be necessary to use more forceful means in the shortrun to prevent a humanitarian disaster.

Please let me know if you would like to discuss this matter or if I can be of further service.

Sincerely yours,

SHEILA JACKSON-LEE, Member of Congress.
and a budget deficit of $14 billion. He got a 1.7 million job loss and a budget deficit of $521 billion.

Again, The Washington Post, not exactly a liberal newspaper, a paper that supported President Bush on most of his key initiatives, quoted him a few days ago in the Post, “Bush assertion on tax cuts is at odds with IRS data.” President Bush runs the IRS; and still his statistics, even according to them, are inaccurate.

Now we talked earlier about the tax cuts being the mantra. Whenever there are economic problems or whenever there are jobs lost, the President decides to cut taxes. Well, he also talks about trade agreements. Let me talk for a moment, and then my friend, the gentleman from Oregon (Mr. DeFazio), is also here and will join us and talk about some of these issues also.

The President has said that he is going to bring the Central American Free Trade Agreement to this Congress. When I was down in the Central American countries recently, the American people, steelworkers in Ohio, lumber workers in Ohio where the gentleman from Oregon (Mr. DeFazio) is, paper mill workers, auto workers in my State, rubber workers in my State, tool and die makers in my State, if there is something obvious to all of them, it is they believe an awful lot of their jobs have been lost overseas, because we have seen this kind of hemorrhaging of jobs, shipping of jobs overseas.

This week I was at a plant, Ohio Screw Products, in Elyria, Ohio, in my district, with Dan Imbrogno, who runs this company. They have about 70 full-time and a handful of temporary workers who punch out bolts and make products to be components in other products of all kinds, including some defense work.

But mostly he has seen a threat of jobs going to China, a threat of jobs going to Mexico further south across the southern border in this country; and he just shakes his head, as do the workers that I met with at this company over lunch on one other visit a few months ago, just shake their heads over American trade policy. Why do we keep passing it? Why do we want to extend NAFTA, clearly a more jobs overseas? They said, oh, you Congressmen, you are like dinosaurs. You want to protect the jobs you have, you might tend to some basic give-backs, all that happens with these trade policies; yet President Bush says we have got to do more of them because, frankly, I think that helps his investors, his major campaign contributors, the people who seem to have the most influence in this administration on economic policy.

Not working families, union or non-union; not small businesses that are struggling, but the people that have the influence in this administration; not Ohio Screw Products in O'Leary, Ohio, but the large companies that gain from the trade agreements, they gain profits as they shed workers in this country. Those are the only people that benefit. It is President Bush and his campaign kitty and those companies, those executives and those investors that shift jobs overseas and pad their pockets and make bigger profits and get bigger bonuses.

I yield to my friend, the gentleman from Oregon, who is holding one of his favorite books there that can tell more than I know today.

Mr. DeFazio. Mr. Speaker, I thank the gentleman for yielding. This is a must read for every American who is concerned about the future of our country, whether we will continue to be the leading industrial power in the world, whether there will be a future for Social Security, what will the rules of trade be and what are the objectives. This is the economic report of the President.

Now, we have to give the President's Chair of his Board of Economic Advisors, Council of Economic Advisors appointed by the President, full confidence of the President, we have to give him some credit, because he is distressingly honest. In this book on page 229, he talks about the fact that one of the great benefits of trade is that when a good or service is produced more cheaply abroad, it makes more sense to import it than to make or provide it domestically. Of course he does not deal with the fact that Chinese labor is oppressed and abused, that they have no protections in their workplace. Businessmen if someone is willing to invest in state-of-the-art plants in Mexico to access that cheap labor, and then reimport those vehicles into the U.S. And guess what? The
price did not go down for U.S. consumers, but many U.S. families, those who used to be able to buy the product because they worked in the factories, could not afford to buy that product anymore.

But just as things evolved, and the trade deficit began to accelerate over this last decade; when I introduced legislation to establish the U.S. Trade Deficit Review Commission in 1997, the trade deficit was $111 billion. It is almost quaint today. We are talking about $500 billion. We are going to borrow a half a trillion dollars to finance the purchase of goods overseas by Americans. We are going to borrow another $700 billion to run the Government of the United States and to give tax cuts to the wealthiest of Americans. And a substantial amount of this money, almost all of the $500 billion and 40 percent of the $700 billion, is going to come from overseas. We are giving unbelievable leverage to those bastions of democracy like China, with no direction from the White House at one of his unbelievable staged press events that cost an average of $400,000 each paid for by the American taxpayers, of course; the boxes, when they are all going to make out like kings with these pretend China trips. Mr. Mankiw thinks this is just fine.

Now, the President has tried to back away from this a little bit. He did that famous press event in front of a bunch of boxes which they had to repaint. Actually they said, oh, it was just an overzealous intern from the White House at one of his unbelievable staged press events that cost an average of $400,000 each paid for by the American taxpayers, of course; the boxes, when he went to this one particular plant, he went to this one particular plant, said “Made in China” on them, but he wanted to talk about American jobs; a little embarrassing. So this, of course, intern, with no direction from the political staff at the White House or anybody else, somehow came up with all new labels to run through and label these “Made in the U.S.” “of course another lie.

So what they are doing, Mr. Mankiw is an unbelievably honest man, because he admits that they are exporting jobs, and they think that is good because it makes a few people rich and just impoverishes a majority of the people in this country, and deprives them of their livelihoods, and undermines the industrial and economic might of our country; but the President is trying to pretend that he does not really believe in this stuff, but I guess why is his signature on page 4 if he does not really believe in it? There it is, the President’s signature on this report, basically endorsing these policies.

We cannot continue this way. Do we know what that means? Let us break it down a little bit, and then I will yield back to the gentleman. Our current trade deficit, that is the amount of money we are borrowing from overseas to finance the purchase of goods, many of those goods fabricated by formerly U.S.-based corporations that have now seen fit to chase cheap labor and lack of environmental standards and other things overseas, is $1.5 billion a day. Mr. Speaker, $1.5 thousand million a day.

Now, how is that sustainable? That is $1 million per minute of U.S. wealth that is flooding overseas, giving unbelievable leverage to foreign governments over the U.S. dollar.

Just one last point on this, and then I am certain we will get on to other things. What do the economists say? Oh, do not worry, it has always been this way. What will happen is the U.S. dollar will decline, our goods will become cheaper, and then we will begin exporting again. But as I said to a number of these economists, none of whom can answer this question, I said, I understand how that used to work when we made things, but when we do not make things anymore, how does that work? If the dollar gets cheaper, then all of those imported goods we are buying become more expensive. We will see inflation in the United States. We will see the dollar continue to drop.

We are headed toward an incredible economic train wreck here. And the gentleman from Ohio (Mr. STRICKLAND), who absolutely gets it on these job issues, partly because we live in a State where we have had an economy devastated by these Bush economic policies, but what is disturbing about the economic report that the gentleman mentioned, and then I want to yield to the gentleman from Ohio (Mr. STRICKLAND), who absolutely gets it on these job issues, partly because we live in a State where we have had an economy devastated by these Bush economic policies, but what is disturbing about the economic report that Mr. Mankiw put out, the President’s chief economic adviser, and that President Bush signed, is that they are saying nothing worse is going to be the direction we are going.

So what, we have a huge trade deficit. So what, we have a huge budget deficit. Let us keep doing trade taxes that overwhelmingly go to the most privileged; let us keep doing trade agreements that ship jobs overseas, in large part because profits right now are up for major corporations. So if the companies are making money, as the Secretary of Labor Elaine Chao said, if the stock market is going up, then there is really nothing wrong.

What is wrong, as Mr. Mankiw said, outsourcing is a good thing when blue-collar jobs; white-collar jobs, phone operators, computer engineers, computer programmers, when those jobs go overseas, I think there is something wrong with that, and it is mostly because George Bush and Mr. Mankiw have never looked an Akron rubber worker in the eyes, or never looked a paper worker in Oregon in the eye, or never looked at a Silicon Valley in California, a computer programmer in the eye and say, yes, outsourcing is a good thing. Sorry about your job. Maybe you can get a job at Wal-Mart, or maybe you can get a job at McDonald’s.

Speaking of McDonald’s, and then I will yield to my friend, the gentleman from Ohio (Mr. STRICKLAND), in this economic report, something the media have not paid much attention to, and that is these economists, and these are not exactly people I know of, a lot of these economists who work in America’s factories, but these economists are having a debate inside the Bush administration on how to classify manufacturing.
Now, we have lost one out of six jobs in manufacturing in Ohio. We have lost literally well over 2 million jobs nationally in manufacturing, and they are trying to figure out how to define manufacturing. What they are trying to figure out whether or not to define the fast food restaurant industry as a service job or a manufacturing job, because you know, if you work in McDonald's, it is not just somebody comes up and orders, and you take it off the shelf and give it to them. I am not making this up, it sounds like it, but it is in the Bush administration's book, you have to manufacture these hamburgers. You have to take the bun, you got to unwrap it, you take it out of the box, unwrap it, put the bun down; then you have to take the hamburger, and you have to chemically change the hamburger, it is a chemical process called cooking, put the hamburger on the grill, and put it on the bun after it is cooked. Then you have to get the cheese, and you might have to chemically alter the cheese because you have to melt the cheese. You put the cheese on the hamburger, and then you add a couple of things: You add a slice of tomato, so that is an extra element in the manufacturing. You put the tomato on, unwrap the lettuce, peel the lettuce off the head, so that may be another manufacturing part. This is pretty complex: almost like making a Ford in Ohio or manufacturing steel or making tires in Akron, Ohio, used to be.

Mr. DEFAZIO. Mr. Speaker, if the gentleman would yield, people are going to think we are making this up. I am not making this up. But let us go to the source. Economic Report of the President, signed on page 4 by President George Bush and endorsed by all of his advisers, and it says right here: "When a fast food restaurant," this is page 73, chapter 2, halfway down the page, "When a fast food restaurant sells a hamburger, for example, is it providing a service? Is it competing to manufacture a product?" Well, we can erase that very easily. We can erase that very easily. We can erase that very easily. All we have to do is turn to page 73 and say, I yield to my friend, the gentleman from Ohio, who has been in traditional manufacturing, he has been in manufacturing, he has been in manufacturing, he has been in traditional manufacturing and "Mc" manufacturing. It will be Mc, with the arches, manufacturing.

This is not really funny. It is kind of depressing that they would think that this is what we are going to, in the new era, the new Bush era, the new 21st century, that this is what we are going to call manufacturing; that these workers in O'Leary, Ohio, who have been in manufacturing for 50 years, making $12, $14, $16 an hour, with decent health benefits, with a decent retirement, that they will lose their jobs in manufacturing, they will get another job in manufacturing, working at McDonald's, with no benefits, no health care and no retirement.

Mr. DEFAZIO. Mr. Speaker, if the gentleman would yield, do not forget the farmers and ranchers. I had some cattlemen come to my town hall last week who say, hey, we are next. Not only was Canada a huge threat to our industry and not only are they bringing in stuff that might kill the American people with mad cow disease, but the so-called free trade agreement with Australia, Argentina, other target countries in CAFTA, that is going to kill off the U.S. agriculture people. So we will import the beef that will be probably ground up overseas because that is what this country does. Get it frozen patty's here, we will still manufacture them into a finished device, the tomato is, i.e., Big Mac or a Whopper, we do not want to short-change Burger King here and/or whatever you want to call it, and somehow we will prosper as a Nation by doing this.

I thank the gentleman.

Mr. BROWN of Ohio. Mr. Speaker, the point is that the Bush administration, the Bush's chief economic adviser, Greg Mankiw, with the President's signature on this economic policy, does not see anything wrong with what is going on. Argentina, other countries in CAFTA, that is going to kill off the U.S. agriculture people. Where does it stop?

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there were in 1973 when this trade de-

culture really started in this country.

That was really a key year in terms of
turning the way we did trade.

We have seen our pension system at-
trophy. We have seen wages stagnate in
1973 when this trade de-

February 24, 2004
CONGRESSIONAL RECORD—HOUSE

H547

Mr. STRICKLAND. Mr. Speaker, to-
morning Ohio's Governor Taft is
going to be here in the capital city
to address many of my Representa-
tives from the State of Ohio.

The State of Ohio has been dev-
astated, absolutely devastated and
especially my district that stretches all
along the Ohio River, some 330 miles.
I have perhaps the poorest, the oldest,
and the sickest district in Ohio. I have
got lots of veterans. I have got lots of
unemployed steelworkers. And what
does the President say to them? How
can the President come to Ohio and
own this statement. "When a good or
service is made in one country and
sold in another country it makes sense to
import it"? What does that mean?

We all have constituents and we are
all concerned about our constituents.
I am a little parochial in my concern I
guess because I have got a lot of con-
stituents who do not have jobs, who
have lost jobs. As a result, they have
lost health care. They have lost nearly
everything they have worked their en-
tire lives for, and we have an admin-
istration that is encouraging the
outsourcing of jobs to other countries.

It baffles me. I do not understand
what kind of thinking goes into a docu-
ment like this that is called the "Eco-
nomic Report of the President."

Mr. BROWN of Ohio, Mr. Speaker, re-
claiming my time, think about this: we
have a President who is always at the
beck and call of his corporate contribu-
tors. When it comes time to pass a
Medicare bill, it is written by the in-
surance companies. When it comes
time to pass Social Security
privatization, it is written by Wall
Street. When it comes to pass an en-
vironmental law, the President gives us a
bill written by the chemical companies
or the energy companies. Issue after
issue after issue.

What we have really seen happen from
the gentleman from Ohio's (Mr.
STRICKLAND) suggestion, what we have
seen has been the implementation of
agreements like this, making it harder for us
to compete with Chinese workers, with
Mexico, with Costa Rica, with El Sal-

vador, one of the things that happens is
we have seen a stagnation of U.S.
wages and a weakening of food safety,
environmental standards, and worker
safety standards.

We also see in this body many of my
Republican friends, particularly Rep-
publican leadership, are trying to pass
legislation with the President to cut
time opportunity in the U.S., to weaken en-
vironmental standards in the U.S., to
weaken food safety standards in the U.S.
So what they are doing inter-
nationally is in a lot of ways what they
are doing domestically. It really does
not cause George Bush or Gregory
Mankiw, as chief economic adviser, to
lose a lot of sleep that U.S. wages are
stagnant, does not cause them to lose a
lot of sleep if there is a downward pres-
sure on the world's environmental and
worker safety standards, because that
is what they are doing domestic-
ally.

So when Mr. Mankiw says they can
do it cheaper in other countries, that
means they have comparative ad-
vantage, so send them overseas. The
only way that we are going to compete in
this Bush new world is to weaken our
environmental standards, which is
what they are trying to do anyway; to
cut overtime, which is what they are
trying to do anyway; to end comp time,
which is what they are trying to do any-
way; to roll back food safety, envi-
ronment worker safety, wages, all of
that. That is exactly what they are doing domestically.

It is what these trade agreements
will do internationally. And who bene-
fits? It is not the workers in Mexico.
We have no axe to grind with them. It
is not the slave laborers in China or
the workers in awful conditions that
are not slave labor in China, but the
exploited generally. I was going to say
young women, but really girls because
they are not old enough to be women
yet. We have no quarrel with them.
They are hurt by these trade agree-
mements just like American workers are
hurt; but the investors who fund the
Bush campaign and the chemical com-
panies, the drug companies, the insur-
ance companies, they get their legisla-
tion through. They love these trade
agreements because it means more
profits and it means more bonuses for
these executives.

I yield to the gentleman from Oregon
(Mr. DeFazio).

Mr. DeFAZIO. Mr. Speaker, I come
from a State that back when we were
fighting NAFTA, I was pretty lonely up
there in the Pacific Northwest, and we
were told, what is wrong with you, you
are going to be a major beneficiary.
The State of Oregon on the Pacific
Rim, strategically perched just north
of Mexico and south of Canada, your
State, your people are going to be a big
winner, but it turns out that we are
one of the top 10 losers under NAFTA.

As the gentleman alluded earlier,
lumber and wood products are suffer-
ing because of subsidized Canadian lumber
and wood products. The paper industry
is seeing paper flee overseas to coun-
tries that do not observe any environ-
mental practices or controls, and then
a number of other high-tech in-
dustries have gone elsewhere.

I sat next to a fellow who worked for
Hewlett-Packard on the plane flying
home a week ago, Hewlett-Packard in
Corvallis. I said, what do you do? He
said, I work in the ink jet division. I do
engineering, design, and development.
I said, God, that is really great. I am
glad to see you are still working there.
I was worried about those jobs. He said,
well, no, actually, he said, my entire
division was exported to Bangalore, India.

I am just working on a special project here in the United
States, but my division is gone. The
next design development, the next ink
jet technology is going to come from
Bangalore, India. He said they can get
an engineer there for $8 to $10,000 bucks
a year.

Are we telling Americans they should
go to college for 4 years, incur $50,000
of debt to get a degree in engineering

technology or whatever it is going to
cost them to do it, and then they are
going to work for $8,000 a year, raise
a family, buy a home and all the other
things that are a part of the American
Dream? These people are killing the
American Dream. That is what they are
doing.

There are a few people who are going
to profit from it; and those are the people
that support them; and they are so
insulated from it some of them do not
even realize what they are doing to
destroy our country.

One other point. Sometimes that is
not even enough to say to an Ameri-
can, 4-year, 6-year degree, you are
going to compete with some guy or
woman from India who worked for
$8,000. Sometimes it is not enough.
You know what we also do? We are sub-
sidizing, the American taxpayers,
through our taxes, are subsidizing the
employment of these jobs. Here is a short
list:

Motorola laid off 42,900 workers while
investing $3.4 billion in China with a
$190 million taxpayers subsidy.

In General Electric, 260,000 U.S.
workers, while investing $1.5 billion in
China, $2.5 billion in corporate sub-
sidies paid for by U.S. taxpayers. Insult
to injury. Steal the jobs and destroy the
economic future of our country, our
kids and our grandkids, and charge
us to do it. That is what they are doing to
average wage-earning Americans, because most of this is coming out of Social Security wages, out of payroll taxes.

Mr. BROWN of Ohio. Mr. Speaker, I would now yield to the gentleman from Ohio.

Mr. STRICKLAND. Mr. Speaker, I thank the gentleman from Ohio for yielding once again to me.

I said a little earlier that I feel kind of parochial in these concerns because each of us represents I do not know, 630,000 or so men, women and children. I represent people who are desperate for jobs.

Now, in a little town that my colleague represents that I think he is familiar with, Salem, Ohio, there is a company, the Eiger Company. They make bathroom sinks and wash basins and so on. They decided a few months ago that they would go to China. That means that there are going to be lots of families without a job.

A story today is although the company has not really closed the operation in Salem yet, that is going to happen this spring, I got a call from one of the employees there, and they had just gotten a shipment of goods back from China, and they opened up the crates, and guess what they had on the sides of those sinks and so on? "Made in the USA." The mold had not been changed, so they were forced to grind off the "Made in the USA" label. That is just an example.

I guess in China they can make a bathtub or a wash basin or a toilet for less cost than we can do it in Salem, Ohio, where these workers got living-wage jobs, paid taxes, supported their churches, and cared for their children. They were good, solid, living-wage American jobs. But they can do it for less cost in China, so this administration says, oh, that is where it should be done.

So every worker at the Eiger plant in Salem, Ohio, would know that the community that depends upon those jobs should know, that this administration believes that is the right thing to do. As the President's report says, if it can be done more cheaply somewhere else, that is where it should be done.

If a cheap product is a cheap product or a reduced cost to the consumer is the ultimate good, then maybe what is disturbing to me is that in this economic report, as the gentleman from Oregon (Mr. DeFazio) said, on page 4, signed by President Bush, this economic report put out by the President says that there is nothing wrong with the way the global economy is operating. He said outsourcing is a good thing.

Mr. Mankiw actually said, as we are seeing some of the more highly skilled American workers, radiologists, for example, seeing their jobs threatened, Mr. Mankiw says an MRI or an X-ray will be taken that will be e-mailed to perhaps Bangalore, perhaps somewhere else, and read by a physician there who makes some minute percent of whatever the physician makes here, and then it comes back, because those radiologists are not in as much demand today as they once were. He said, well, it is a competitive advantage. Perhaps we just need to quit training so many radiologists. They cannot compete. We need to maybe train more general surgeons or more family practice doctors.

Let me do a little tour around the world to show what the gentleman said from Oregon said about how simply are not going to be enough people to buy these goods. If a Nike worker in Oregon loses his job to a Nike worker in China, then we lose one less consumer to buy clothes, because the Nike worker in China is not making much to buy anything.

Let me tell a quick story. About 5 years ago, when Congress was considering the fast track legislation to extend NAFTA to Latin America, which President Bush is trying to foist on us, at my own expense, I went to McAllen, Texas, rented a car with a couple of friends, drove across the border and went to Reynoso, Mexico. I went to a worker's home who worked at General Electric Mexico, one of the largest employers in Mexico. The home of these workers were about 20 feet by 30 feet. They lived in a one-room shack: dirt floor, no running water, no electricity. When it rained hard, the dirt floor turned to mud. When you walked behind the shack, you saw a ditch of human and industrial waste.

Who knows what it was. Children were playing nearby, as children will. The American Medical Association said that area along the border is perhaps the most toxic area on the Western Hemisphere. Now, as you walked through this neighborhood of these shacks, you could tell where the workers worked because their homes were constructed out of packing material, boxes, wood platforms, crates, and so on, of the company for which they worked or the supplier for the company for which they worked.

We then visited nearby an auto plant. These workers at this GE plant in this one were making about $45 a week and working about 60 hours a week. But we went to this auto plant, and this auto plant in Reynoso, Mexico, 3 miles from the United States of America. We went just like a GM plant in the United States, just like a GM plant in Lordstown, near my colleague's district, or a Ford plant in Avon Lake or Lorain. It was modern. In fact, it was newer than the auto plants in our State's district. If it was dirty, it was clean, it was the latest technology, and the workers were productive and hardworking.

There was one difference between the Mexican auto plant and an American auto plant. That difference was there was no parking lot in the Mexican auto plant because the workers do not make enough to buy the cars that they make. You can go halfway around the world to Malaysia to a Motorola plant, and you will see the workers do not make enough to buy the cellphone they make. You can come back to the hemisphere and go to Haiti and see that the workers do not make it, to a Disney plant, and the workers do not make it, to buy the toys for their children they make. You can go back around the world to China and go to a Nike plant and see the workers do not make enough to buy the shoes which they make.

The lesson is this continued downhill slide with globalization. If we pass a Central America Free Trade Agreement, if Congress passes the Free Trade Area of the Americas, if Congress continues the tax cuts for the wealthy and continues to allow the drug companies and the insurance companies to sit in the Oval Office, with a Vice President who is still on the Halliburton payroll, I might add, at $3,000 a week, allows them to continue to write legislation, we are going to have a country like Brazil, with a very wealthy group at the top and a bunch of people at the bottom that are not making enough money to buy the shoes and to buy the toys for their kids, and to buy the cars, and to buy the cell phones.

If that is the society we want, then I guess maybe this report says let us keep doing it. But if it is not the society we want, then we need to say no to the Central American Free Trade Agreement, and we need to say no to this economic policy that has caused some of the highest unemployment rates in the country, in Oregon, and has devastated eastern Ohio and northeast Ohio, where I live and damn near the rest of the State. We need to say no to that.

Mr. DeFazio. Mr. Speaker, if the gentleman will yield, when I lay this out to my constituents, they say, well, certainly the CEO could not support that; they would not want to live in those communities or under those conditions or see those things happen. Well, the fact is today's CEOs,
where there is still a manufacturing job, earns 500 times what a worker earns. It is only a couple of decades since the ratio was only 20. They do not live in the same communities. They do not live in the same world. They live on a different planet.

They live behind gates in their mansions with their servants. Now there will be a lot more servants out there for them, and probably the cost of serv-

ants so this will be a great benefit to them. Of course, under Bush we can import those, too, or maybe Americans can work for those low wages. Their kids go to private schools, so they are not worried about what the gentle-

man from Ohio was talking about, the support for our soci-

etal infrastructure, schools and those sorts of things. They do not really need the police. I

and now they have got their hands on the levers of power, and they simply do not care about the majority. But they

might find ways to distract them with the overcrowding and all those sorts of things. But these are true inter-

ational problems, not just gradual globalization and international trade and all the benefits. There are benefits for

them, just not for the masses of America.

Whatever happened to Henry Ford? “My workers are going to be able to afford the product they make.” We all
did better under that system. We created the largest middle class. Everybody did better to-
gether. But a few people got greedy, and now they have got their hands on the levers of power, and they have not even have to deal with the overcrowding of the airline industry, the overcrowding and all those sorts of things. But these are true inter-
national problems, not just gradual globalization and international trade and all the benefits. There are benefits for

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might find ways to distract them with wedge issues, social issues, or some-
thing else to distract them from the loss of their jobs, the opportunity for their kids, the lack of educational op-
portunities, or the future of this country.

I do not think the American people are going to be fooled for very long. They are going to demand changes, and we have to bring about changes. This trade policy is one of the most dev-

astating levers of power that they have to work against the American system, against American workers, and against the wealth of this country, and they are using it ruthlessly.

Mr. BROWN of Ohio. Mr. Speaker, my colleague put his finger right on it when he talked about these workers and the way that they are paid.

The key to our Nation’s success, and the gentleman mentioned Henry Ford

before, the key to our Nation’s success is that workers share in the wealth they create. They are able to do that because we have a democracy. They are able to do that because we have a rel-

atively strong labor union movement. They are able to do that because of mo-

bility of labor. They have all the bunch of reasons in a free society here.

When workers are more productive, as they are in the United States, as they increasingly get more productive, that means their wages should go up. They have all the reasons of the downward pull of these trade agree-

ments. In Mexico, for instance, and I remember David Bonior, the former

Democratic whip, talking about this a dozen years ago, as productivity went up in Mexico, wages did not go up with them because they had a government that was authoritarian by and large, because they did not have free trade unions. They had government-con-

trolled, business-controlled trade unions.

So do we want a country like that? Do we want a country where the work-

ers share in the wealth they produce, or do we want a country like a bunch of Wal-Marts, where the workers barely get minimum wage in many cases, rarely have health benefits, and often have to work off the clock while the Wal-Mart family, several members of the Wal-Mart family, rank as some of the richest people in the country? Bil-

lions of dollars have accrued to many members of the family, billions and bil-

lions, tens of billions to many members of the family, but the workers do not really share in the wealth they produce.

That is a society that I do not think we want. We have seen that this coun-

dry worked best, as the gentleman from Oregon mentioned, when workers at Ford got paid a wage where they could buy the cars, and workers all across the board were paid a decent livable wage that made an absolute difference in their lives.

I go back, Mr. Speaker, to some of the promises we have seen in this ad-

ministration’s economic policy. Under-

stand again that the foundation of their economic policy is more tax cuts for the wealthiest people in our society and more trade agreements that end up shipping jobs overseas. That is the foundation of their society. It makes the wealthy, the Bush contributors, wealthier; it weakens and dilutes the middle class; and it is particularly hard on families barely making it.

We are going to see more promises in the next 8 months, as we have seen all along. This administration promised 34 million jobs. After September 11 they made a promise there would be 34 million more jobs in 2003 than there were when he took office. In fact, what we have seen is they have lost 2 million jobs this year alone. Again, more tax cuts for the rich and more trade agreements that ship jobs overseas. That is what the economic job loss is all about.

President Bush at the same time said we will have a budget deficit of only $14 billion. In fact, the budget deficit is $521 billion. We see these kinds of promises, and we will see them again. We see it in the new economic report. They promise 2.6% of GDP growth this year and now they are backing off that. That is 200,000 jobs a month, and we are creating no jobs per month and we are still losing manufacturing jobs. They simply have not lived up to any of their promises. They simply promise they will live up to is a promise to their corpo-

rate contributors that they will con-

tinue to do them favors, they will con-

tinue to enrich them with their tax policy, and with the new laws they make on the Medicare bill and the Social Security bill and the environ-

mental bills and the energy bills.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN). The gentleman made reference to our former colleague, David Bonior. I remember when NAFTA was passed some 10 years ago; and David Bonior stood on this floor, as did others, and told us the truth. The other side told us what we now know are falsehoods.

They told us if we pass NAFTA we are going to create more jobs in America and raise the standard of living of the folks who live in Mexico. They said it is a win/win. We know that manufac-
turing wage rates have actually de-


clined in Mexico since NAFTA, and we have lost jobs here in this country.

This trade deal is only a part of the overall picture. The gentleman from Ohio (Mr. BROWN) pointed out we have an exploding budget deficit. A Medi-
care bill was passed at 6 a.m. after arm twisting and deals were made, and per-
haps even illegal activities, we do not know for sure, but that is certainly worthy of investigation; and it is being investigated. The facts are we find out that it is not a $400 billion bill; it is a $534 billion bill, in part because there are no cost savings. There is no way to control the costs of prescription drugs in that bill because of our sellout to the pharmaceutical industry, basically.

But I believe this trade issue is the overarching issue because we cannot deal with our health care problems; we cannot deal with all of the other problems that face us, an failing education, prescription drugs for our seniors, care-

ing for our veterans; we just cannot do that unless we solve this trade deal that is bleeding jobs out of this coun-

try.

I get discouraged sometimes, and I would like to ask the gentleman from Ohio (Mr. BROWN), what does the gentle-

man think can be done to reverse this? What is it going to take to re-

verse this?
February 24, 2004

Mr. DeFAZIO. Mr. Speaker, there is one exception to free trade. People have to realize who runs this administration. There is one exception to free trade, and it is for the first time in a trade agreement with Australia. It is a prohibition on the importation or the reimportation of FDA-approved, U.S.-manufactured pharmaceuticals from Australia, not because they are unsafe like the phony baloney they are giving us about Canada, but because they are cheaper there. That is in the trade agreement. What is that doing in the trade agreement if this is not all about big business and multinational corporations? It is not about making things cheaper for American consumers. If it was, why did President Bush insist on prohibiting the reimportation of FDA-approved, U.S.-manufactured drugs from Australia at half the price? It is not about making things less expensive and benefiting our consumers and our society. It is all about benefiting a very privileged few.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Ohio (Mr. STRICKLAND) and the gentleman from Oregon (Mr. DeFAZIO) for their 10 to 15 years of working on these issues.

Mrs. JONES of Ohio. Mr. Speaker, I rise today as a member of the Ways and Means Committee to express my concerns about the Central American Free Trade Agreement. My concerns regarding this agreement cover many issues such as access to U.S. markets for agricultural goods, textiles and apparel, rules that weaken the environment, circumvent domestic courts and sue countries in binding arbitration, and the failure of the CAFTA to include enforceable, internationally-recognized, core labor standards.

CAFTA will lead to the expansion of export-oriented factories that are notorious for poor working conditions and exploitive working environments. Central America’s textile industry is one of the most developed in the region. Companies that hire mostly women aged 15–25 at low wages and under poor working conditions produce most of the clothing.

One of the poorest groups in the region are women that reside in rural areas. In fact, women are the heads of greater than 8 million rural families. Financially vulnerable small and medium sized farms forcing increased impoverishment of rural women.

Additionally, I want to discuss the effect these agreements will have on our trade deficit and how they will harm American workers. The City of Cleveland in my congressional district currently has an unemployment rate of 13.1 percent. Much of that is due to lost jobs in the manufacturing sector. In fact, Cleveland has lost manufacturing jobs in the last four years. Additionally, in the State of Ohio, 18.8 percent of manufacturing job loss can be directly attributed to international trade. I anticipate that the most likely traded item this agreement facilitates will only be more U.S. jobs.

Like NAFTA, the Central American Free Trade Agreement will cause shifts in production from the US that will further engorge the already bloated trade deficit and lead to the loss of more U.S. jobs. Both of these agreements facilitate the shift of U.S. investments while doing little to increase U.S. exports. Even U.S. investors do not escape unscathed, because the agreements contain large loopholes that allow foreign investors to claim rights above and beyond those our domestic investments enjoyed before us. Today is taking us down the path of further job losses and I urge my colleagues to oppose this measure.

Thank you Mr. Speaker, I yield the balance of my time.

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

IMMIGRATION POLICY

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker’s announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, it has been an interesting time. I sat listening to my friends on the other side of the aisle decry the effects of outsourcing of jobs, which of course I agree, there is a significant problem. It is interesting to note also that during this entire time no one talked about that. No one dared mention the word “immigration” in this discussion of 1 hour about jobs. They want to blame it all on President Bush’s policy or the administration’s policies regarding outsourcing. I am certainly critical of the administration’s policy on a number of issues, particularly their immigration policy; but I ask people to be evenhanded in their criticism of what the problem is.

Recently California published a study that had a hand in a year, and certainly we will reintroduce, and I will be interested to see how many on the other side of the aisle will sign on. It is a bill that abolishes the H-1B visa program. This is a program where supposedly American companies would be able to bring in people for a short period of time with very specific skills, skills that were not available here in the United States, no worker possessed them, they had to go overseas to get them.

Now, we have to think about that. Really and truly, how many people do you think there are in the United States presently employed in the high-tech industry or have been employed in the high-tech industry who would not be able to meet the criteria that we have established for these jobs, these certain high-tech jobs? I suggest very few. I suggest that American citizens are quite capable. I believe that we are long overdue to establish high schools, colleges and university system to take the jobs that may be available; but, of course, the difference is American workers were demanding higher pay, and so corporations began to look at H-1B visas to bring in cheap labor. So they forgot about the provision that said you can only bring people into this country under this particular visa status that had special skills and that would go back in a short period of time.

Mr. Speaker, guess what? Nobody has gone back. We have maybe a million people in the country with H-1B visas. Nobody has the slightest idea how many, if any, have gone back home after the 5 years were up that they were supposed to be able to work in the United States. I assure Members most, if not all, of them are still here.

I have a bill to abolish that category. I do not think, no, I am positive there is not a single Member who spoke here for the last hour that is on that bill. How about the bill to attack the L-1 visas status which is now being used by major corporations to bring people in...
for the same reason because they will work cheaper. They are higher-skilled people. We are not talking about people working in low-paying jobs. These are highly skilled people, and companies are bringing them into the United States on E-2 visas status.

Where are these people when we are talking about what is happening to American people because our borders are porous and our immigration policy is dictated by the politics of it and not by the economics of it, at least not the economics of workers in the United States, but certainly the economics of major corporations? In fact, no one disagrees that massive immigration of both legal and illegal workers into this country is a benefit to employers. Cheap labor is a benefit to employers. Cheap labor is cheap to employers. It is not cheap to the rest of us, to the people who pay the taxes for the schools, for the highways, for the housing, for the health care, the incarcerated rates. Those all get passed on to the taxpayer so that there can be a higher profit rate.

I understand that every corporation wants what the Wall Street Journal wants; that is their primary goal, and it is under our system appropriate that they should be seeking the best returns possible for their investors. Then is it not, however, the responsibility of this government to try to do what we can to prevent to the extent possible, without becoming incredibly protectionist and starting trade wars, but are there not things that we can do in this country to try to protect American workers? It is our responsibility.

Should we not be able to control the flow of immigration into this country, recognizing that that massive flow of immigration has an effect on working Americans, if not taking the jobs, certainly of depressing wage rates? But nowhere in the diatribe that we heard for an hour was there one reference to this phenomenon, to the immigration phenomenon. Why? Why, because, of course, as they accuse the public officials of big corporations, big business, they forget that for the most part they are tools of political subgroups that they look to for votes.

It is a political problem we face. It is true that our side of the aisle caters to the business interests who want cheap labor, cheap workers, but also that the other side, the other side of the aisle caters to the immigration community and looks at them as a source of voters and as a political support base, and they are fearful of ever saying anything that might discourage that support base.

If you are going to talk about this issue, then you better talk about all of that issue, all of the problems that we confront in this country because of the fact that we have immigration policies and economic policies that are detrimental to American workers.

This issue, the immigration issue, is certainly one that is contentious, certainly one that causes a lot of very, very intense feelings to emanate out of the Members of the body here, and for a long time an issue no one wanted to talk about. I would come to this floor night after night to bring my concerns to the body and to those people who were listening, but it was a lonely struggle.

I am happy to say that things do appear to be changing, that American voices are being heard. Not too long ago President Bush of the United States proposed a new immigration plan, one that although he said was not amnesty was, from my point of view and, I think, from the point of view of most people, certainly an amnesty plan for people who would be coming here under some sort of guest worker arrangement, and all those people who are here illegally would be given the ability to stay even though they broke the law of the land coming in here.

There has been a significant response to that proposal. Our office, my office in Denver and the office here in Washington combined over the course of about a day and a half or 2 days received almost 1,000 phone calls after the President made that speech. Nothing has happened in this country, not the war, nothing, no proposal for any initiative ever generated that kind of response. 99.99 percent of the people calling were upset by the proposal, were furious, as a matter of fact, at the President for putting it forward. Some of my colleagues, in fact many of my colleagues, heard the message because their phones rang off the hook also. Their e-mails came in by the hundreds and thousands, something that they did not expect.

I do not think it was something that even the White House expected. I think that they felt the President could make this speech, move on, satisfying a certain constituency, hoping that we would dismissively in this Congress, and that it would be something of relatively little note. But boy, oh boy, oh boy, were they wrong. People noticed, and they called, and they are still calling.

It is important, I think, for people who listen to this to recognize that their voices can be heard. I know it is simply a frustrating experience to pick up the phone and write an editorial saying that borders should be eliminated, they don’t matter anymore, they are insignificant, and they just impede the flow of goods and services. And, after all, the only thing that would determine that the flow of goods and services and people, the only thing that should determine that is the market. And so borders are irrelevant, they said. They wrote that every year, year after year, on the Fourth of July, no one bothered to print that editorial on the Fourth of July, they did not hear the President say no more illegal immigration. A lot of media outlets would simply ignore that, as well as the Members of Congress, as well as the President of the United States, be he George Bush or Bill Clinton, would ignore the fact that those people were out there and that they were telling pollsters how they felt, because we always assumed we could finesse this; that although people were upset about it, it was not their number one issue, and, by the way, we have this constituency we are trying to grab onto, this huge constituency, this growing number of people coming into this country as immigrants, and they will become voters, and we want to get their votes, and so we certainly cannot attack the whole process that allowed them to come here, legally or illegally. So we figure we can do this, and all the people who say in those polls that they are against it, they are going to say it, but that is not their number one issue, so they will let it slide.

How did the major media approach this? Anyone that suggested we should look at our immigration policy was xenophobic; at best xenophobic, at worst racist. That is the only way the media ever looked at it, because that is the only way they could explain how someone would stand up on the floor of the House or in a State legislature anywhere in the country, a city council or anyplace else and talk about the possibility that massive immigration into this country could be problematic, and that we had to be able to control it, and that we have to know who is coming into this country. We have to know how many, for what purpose and for how long. In order to call ourselves a civilized nation, that is a requirement, to be able to actually control your borders. That is a requirement.

But the major media would follow the lead of papers like the Wall Street Journal that every single year for years on the Fourth of July would write an editorial saying that borders should be eliminated, they don’t matter anymore, they are insignificant, and they just impede the flow of goods and services. And, after all, the only thing that would determine that flow of goods and services and people, the only thing that should determine that is the market. And so borders are irrelevant, they said. They wrote that every year, year after year, on the Fourth of July, no one bothered to print that editorial in this country followed along.

9/11 comes along, a lot of things changed, and one thing that changed was the Wall Street Journal stopped publishing that editorial on the Fourth of July. It does not mean that they believed it, they just stopped printing it for obvious reasons. But something is happening.
New residents continue to wash over California’s borders, but the State is neither attempting to restrain growth nor building adequate infrastructure to accommodate it. And the boat continues to fill. During the last half of the 20th century, an epoch encompassing six decades and, a generation later, all of the boom’s echoes, the State population grew by more than 24 million. The next 24 million, more than the population of Illinois, Indiana, Iowa and Nebraska combined, will arrive, increasing the total to nearly 60 million within 36 years. Barring the long overdue mother of all earthquakes, a tightening of Federal immigration policy, which is more unpredictable, by the way, than the earthquake, or the Rapture, California’s population, currently at 36 million, likely will double within the lifetime of today’s schoolchildren.

A close look at the numbers suggests that the 1990s began a pattern in which California renew residents each decade than it did the previous decade. The 2000s will witness the greatest 10-year increase in State history, and the number in the 2030s will be even greater.

Come to California, Governor Arnold Schwarzenegger urged the world more than once in his State of the State Address this month, but most residents are not happy about this trend. Even Senator DIANNE FEINSTEIN isn’t happy about it. But I find them, she says, very distressing, and I’ll tell you why. If the growth comes before the ability to handle the growth, what you inevitably will have is a backlash. That’s what drove Proposition 187.

The Eagles were right: This could be heaven, or this could be hell, but the more closely you examine California’s plight, the more the heaven part looks iffy. No other State has so many residents. Texas ranks second, but with almost 20 million, No other State comes close to matching California’s annual net population increase. During the next 25 years, the region is projected to grow by 6 million people. This is not exactly a formula for a Golden State.

Immigrants, specifically Latinos who constitute the majority of the State’s more than 9 million immigrants, inflame the population not just by coming to California, but by having children once they are here. The combined birthrate for California’s U.S. citizens and immigrants who are not Latino has dropped to replacement level, the birthrate for Latino immigrants from Mexico and Central America averages more than three children per mother.

Changes in Federal policy since 1965 have elevated the number of immigrants legally admitted to the United States annually from a few hundred thousand to more than 1 million in recent years. California’s long received more than its share of legal and illegal, than has any other State. It worked out well in some respects, cheap labor, ethnic diversity; not so well in others, social welfare costs, increasing poverty. While the costs are significant, the benefits are so vast and varied from critical high-tech expertise to breathing multicultural richness that anyone but an unrepentant xenophile would agree that they are all incalculable.

But DIANNE FEINSTEIN says that trying to stem the ever-rising count is not a topic of discussion in the U.S. Senate. Though the Earth’s population doubled to 5 billion in a mere 37 years and will more than double again this century, many countries, particularly in Europe, now have low fertility rates, relatively low immigration levels, and are losing population. In sharp contrast, the U.S., at more than 292 million people, the world’s third-most populous country behind China and India, will soon glide past 300 million en route to 400 million before midcentury. “United Nations projections show just eight countries accounting for half of the planet’s population increase between now and 2050,” and of course the United States is one of them.

I will skip to the end of this here. “Researchers at the Rand Corporation think tank,” and the Rand Corporation, by the way, is not known as a conservative think tank by any means, “spotted these troubling trends in 1997 after studying 30 years of economic and immigration data. Rand’s review concluded that ‘the large scale of immigration flows, bigger families, and the concentration of low-income, low-tax-paying immigrants making heavy use of public services are straining State and local budgets.’” California, a $38 billion deficit. Yes, it is definitely straining local budgets.

“The lifeboat keeps sitting lower, water spilling over the gunwales, provisions stretching thin. Yet we keep taking on more passengers, and nobody’s doing much bailing. Is this any way to run a paradise?”

“Shall we just paint ourselves into an overcrowded corner and then see if we can figure a way out?”

“There is more at stake here than mere comfort and convenience. Apply enough stress to any biological system and eventually it falters. The economy is inside an environment. The environment is not inside the economy. Which is to say, the laws of nature will ultimately prevail over the laws of economics.”

He is by saying, “But if the people entrusted to lead the State are not having this discussion, if they’re not grappling with these issues, then who is? That’s a fine thing to think about.
the next time you’re stuck in traffic. Which will be soon.”

It is a great article, much lengthier, of course, than I was able to state here tonight. But people can all go on line, of course, and pull it up. It is called “Infinite Ingress” by Lee Gregory. It is Los Angeles Times, January 25, 2004. It is a great article.

There are astronomical types of issues to deal with here, enormous problems. Certainly they are issues dealing with the environment. I mean, this piece concentrates on that. What is the impact of massive growth rates in this country? Is it always good? Is growth always good? Some will benefit, it is true. Many will not.

The President mentioned in his speech on immigration that we need to match every willing worker with every willing employer. That is a sentiment I know many of my colleagues even in this House believe in. It is sort of an admittance that we can say things like that, and at first glance we would say, sure, that is true, absolutely. What is wrong with that, matching a willing worker with every willing employer?

The one thing that I can tell the Members is no one on the other side may have right, Tom. You are right about that, and we will continue to tell as many Members as we can about the Members who believe in. It is not what I believe is an appropriate goal certainly, and one that I certainly will fight in every way I can. But not too long ago there was a bill on the floor. We were fighting over the budget for the newly created homeland security agency. I think we just had its first year anniversary here a day or so ago. But on the floor of the House when we were creating the budget for this newly created agency, I proposed that no city that passes these plans, these amnesty plans, these sanctuary city policies, would be able to get any funds under that particular grant system, that if it came from Homeland Security. I got 122 votes out of 435. Everybody kept saying this is not the time or the place to talk about that, and it got very contentious. It was about midnight on the floor here, and people got very upset, but we said let us really take a tiny little pen-

There is absolutely no penalty for it. It is on the books. We have it. The President mentioned in his speech, he is putting this forward. It says no State or city can impede the flow of information to the INS or restrict the flow of information from the INS. It is on the books. We have it.

Why is it divisive? What in the world is divisive about it when we simply say, okay, there is already a law, it is already on the books in the Federal Government, we passed it in 1994. It says no State or city can impede the flow of information to the INS or restrict the flow of information from the INS. It is on the books. We have it.

There is one little tiny problem. There is absolutely no penalty for its violation; so States and cities routinely violate it. And I have tried to say let us really take a tiny little penalty, all I was saying that point in time was they should not be able to get a grant under the homeland security agency if they are passing laws saying that they will not even tell the INS if they have arrested an illegal alien within their city boundaries. We could not pass it. We could not pass that amendment. Of course I will try again, and we will continue to tell as many people as we can about the Members who chose to vote against it, and they will have to explain why.

I would love to actually hear an explanation for opposition to that particular proposal. It is really fascinating, other than to say we simply do not want to alienate our constituency. I have had Members to say to me on the floor, after maybe a little 1-hour thing like this, people say, You are right, Tom. You are right about that, but I am not going to support you on this stuff. I have a huge minority constituency in my district.

And I am saying, so what?

If you think I am right about what I say is happening to this country and
the potential for what is going to happen to the country, how can you just so cavalierly say, yes, but I cannot vote for you?

For the last part of this hour, I want to talk a little bit about another aspect of this problem that I think is quite disturbing. It gets to the problem of assimilation, the ability of the United States of America to assimilate huge numbers of people into our society when we are laboring with something else inside the United States. This is not the fault of any immigrant; it is not the fault of massive immigration. It is a result of it, but it is not the fault of it. It is something we are doing to ourselves.

We are becoming wrapped up in, and, really, this has been going on for a number of years, we are becoming wrapped up in this philosophy I sometimes call the cult of multi-culturalism. This is no justification for the multi-culturist philosophy you say simply refers the value of diversity and the fact we have many different cultures that we can explore and we can enjoy in this country. That is all true, certainly, as an Italian and the grandson of immigrants, I am well aware of the value added by immigrants coming to this country from all over the world. I am not arguing that.

I am talking about a different kind of multi-culturalism, a different brand of multi-culturalism. This multi-culturalism is radical multi-culturalism. It says that not only should we celebrate the diversity, but we should make it our universal characteristic. The one thing we should all strive for, and the only thing that is of value as a national goal, is diversity, and that any idea that there is a common national goal is a national agenda limits advances in civil rights for minorities. It is what the schools taught me. But we refuse to even mention them in our history text books.

In a Prentice Hall history textbook used by students in Palm Beach County High School titled A World Conflict, the first five pages of the World War II chapter focused almost entirely on topics such as gender roles in the Armed Forces, racial segregation and the war, internment camps and the women in the war effort. That was World War II, okay? That was it.

Gender roles in the Armed Forces. That was the discussion of World War II. Now, it maybe deserves a line, maybe a paragraph, but this is the analysis of World War II in a history textbook.

In Washington State, a teacher substituted the word “winter” for the word “Christmas” in a carol to be sung at a school program so as not to appear to be favoring one faith over another. The lyrics in Dale Wood’s “Carol from an Irish Cabin” was changed to read “harsh winds blow down from the mountains and blow a white winter to me.”

I was in a school in my district in Colorado not too long ago around Christmas time. I was leaving, and I said “Merry Christmas” to the children I had been talking to in an elementary school. I noticed there was sort of a strange reaction. Some said, “Merry Christmas.” Yes, that’s what I said? I thought that was weird.

As we were walking out, the teacher said to me, “The principal doesn’t really like us using that word.” I said, “What word?” “Christmas.”

This is a public school in my district. I went back to the school and I yelled, I said, “Hey, Merry Christmas.” They were all excited that somebody would actually say it; they could be actually allowed to say it in the school, Merry Christmas.

In a school district in New Mexico, the introduction to a textbook called 500 Years of Chicano History in Pictures states this book was written, “In response to the bicen- nennial celebration of the 1776 American Revolution and its lies.” Its stated purpose is “to celebrate our resistance to being colonized and absorbed by racist empire builders.” The book describes deaths of the Alans, Indians, land speculators and Indian killers; Davy Crockett as a cannon; and the 1857 war on Mexico as an unprovoked U.S. invasion.

The chapter headings included “Death to the Invader,” “U.S. Conquest and Betrayal,” “We Are Now a U.S. Colony in Occupied America,” and “They Stole the Lands.”

“McDougall’s,” another textbook, I remember using a McDougall’s textbook when I was teaching ninth graders in Jefferson County, Colorado, well, the new McDougall’s, “The Americas,” that is the name of the textbook, states that the Reagan-Bush conservative agenda limits advances in civil rights for minorities.

This is not an opinion, this is not an opinion, this is what the textbook says was the Reagan-Bush administration; that conservatives’ bid to dismantle the Great Society social programs could be compared to aban- doning the Nation.” It goes on to include text stating that communism had potentially totalitarian underpinnings. Potentially. This goes on and on and on and on. We have hundreds of examples like this.

Now, why do I bring this up in conjunction with this immigration discussion? Because, I will tell you, it matters. It matters. It matters. It matters. It matters. It matters. We are telling our own children, I went into a school in my own district just a couple of weeks ago, had, again, probably 200, these were high school students, however. They brought them into the auditorium, 200, 250, something like that.

At the end some kid wrote a note to me and said, “What is the most serious problem you think we face in the Nation?” I said, “Let me ask you a question and I can tell you that.” I said, “How many people in here believe you live in the best Nation in the world?” There were maybe two dozen hands, at most, two dozen hands went up, a tenth of the group. A lot of people again very uncomfortable, looking at the teacher on the side of the wall thinking, Gee, I don’t know.

I had the distinct impression that a lot of kids wanted to answer yes, but they were afraid to, because what would they say if somebody challenged them? How would they actually defend that statement? So they just did not say a word.

I said, “Let me ask you, should we be proud of the fact that we are a product of Western Civilization and there are some incredible things Western
Civilization has brought to the world, including, among others, the idea that society should be based upon laws and not upon men; that individuals matter more than the collective; these are uniquely Western thoughts, and we can be proud of them. But we also rewrite history to make events even more problematic for us is despicable; and it makes us wonder, it makes children wonder, it makes Americans wonder who they really are and whether this is all really worth it, it seems to me; who are we, where are we going, and how are we going to get there.

Now, if we have a hard time trying to transfer this knowledge to the children who are coming out of our public schools, think how hard it is to transfer this to the people who are coming here as immigrants, many of whom are not coming for the purpose of being an American. Many of them are coming simply for the purpose of getting a better job. The whole concept of integration and assimilation goes out the window when it clashes with or comes in contact with, because it is really not a clash, but comes in contact with this cult of multiculturalism, and that is why it matters. Immigration policy fits into this discussion.

We need to rethink the way we teach our children and we need to rethink what we tell immigrants. Instead of telling immigrants that there is no reason for them to integrate into our society, that we want them to stay separate, we want them to keep a separate language in the schools, we want them to keep their own political associations of the countries from which they came. We have almost 10 million people in the country who are here with dual citizenship.

I had an interesting conversation with a bishop in Denver, Bishop Gomez, who was arguing with me about this with a bishop in Denver, Bishop Gomez, here with dual citizenship. 10 million people in the country living apart, we want them to keep a separate culture, and that is why it matters. That is why we need to get a handle on immigration, reduce even the amount of legal immigrants, and certainly stop the flow of illegal immigrants into the country, until we can in fact get a handle on this problem.

I have a Web site. On our Web site, WWW.House.Gov/Tancredo, you can go there and see a little pop up thing that says “Our Heritage, Our Hope.” If you go on that you will see these things that you care about, and there you will see a resolution that I am going to introduce on the 3rd of March.

I hope that maybe 8 or 10, maybe more, of my colleagues will join me, however many have the guts to do so, and it will be a very simple resolution. It will say that the Congress of the United States wants to encourage all schools to introduce children who will be able to articulate an appreciation for Western civilization.

Now, one may not think that that should start anything, but I guarantee my colleagues that it will. I guarantee my colleagues it will. I really and truly look with enthusiasm and exhilaration, a certain amount of exaltation, to that debate; to hearing somebody explain to me why we should not teach children to appreciate Western civilization. I guarantee you that they had to disparage any other civilization; I just say that they should be able to articulate an appreciation of Western civilization. Do we think that they can do it today? How many do we think we could do that today? Do we think that they should be able to? Do we think any child should be able to do that graduating from a public school in the United States, or any school, actually? What would be wrong with having that as a goal? I would love to have this debate. Well, we are going to.

And then I am going to ask State legislatures all over the country; we have now I do not know how many signed up already, but quite a few State legislatures, and simultaneously they are going to introduce on State resolution in their legislatures saying the same thing. Then we are going to ask parents to go to school districts and bring that resolution to their school district and ask the school district to do exactly true. You can go on line, go to Our Heritage, Our Hope page on our Website, and you can get all the information you want, and you can sign up to help us in this endeavor, and I hope you will. I hope everybody will, because I need your help. But this will be a great, great battle for us to enjoin. It is about time we did so.

Mr. Speaker, there is a reason. There is something of value in Western civilization and the Judeo-Christian heritage, and this place we call the United States, which is the greatest example of that heritage. And as I say, I know that there are warts, and I do not mean to ignore Utah. I am not asking children to be told that there are only wonderful things about Western civilization or about America. I am just asking that they be told the truth, both the bad side and the good side, because today, they will always, I guarantee my colleagues, children will be able to articulate a problem with Western civilization, but I wonder how many can actually stand up today, a high school senior, and be able to effectively say why we are here, and about immigration and the country in which they live and be able to defend it. I certainly want that to happen before we get more people here as immigrants, legal or illegal, who are not coming because they do not want to be Americans.

IRAQ WATCH

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker’s announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for half the remaining time, approximately 27 minutes, as the designee of the minority leader.

Mr. HOEFFEL. Mr. Speaker, I am glad to be back on the House floor with my colleagues, the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from Hawaii (Mr. ABERNATHY), and I think others will join us, for another installment of Iraq Watch. We have been coming to the floor one evening a week since, I believe, last May to talk about our policies in Iraq, to raise questions about the policies where we do not understand those policies, to suggest alternatives, to try to get information before the Members of the Congress and the members of the general public about what is happening in Iraq.

Before turning to my colleagues for this week’s installment of Iraq Watch, let me review a little bit what has been happening, and the last few weeks have been tough weeks for President Bush regarding his policies in Iraq. We know that the chief CIA weapons inspector, Dr. David Kay, returned from Iraq and said that stockpiles of weapons of mass destruction do not exist. He could not find weapons of mass destruction themselves, but he doubts existed before we went to war. He doubts they existed in 2002 or 2003.

This, of course, is completely contrary to the White House assertions in the fall of 2002 and in the spring of 2003 that those weapons of mass destruction existed.

The President continued to advocate his case and, in my judgment, hype the
situation regarding weapons of mass destruction in the State of the Union Address where he talked about weapons of mass destruction-related program activities. I am still trying to figure out exactly what is a weapon of mass destruction, but I can tell my colleagues what it is not. It is not a weapon of mass destruction, because we have not found those in Iraq, according to our chief CIA weapons inspector David Kay.

Then, in his Face The Nation interview, the President talked about Dr. Kay’s report and said that Dr. Kay came home and, number 1, made an interim report and, number 2, suggested that things were worse in Iraq than we thought. Well, in fact, may I say to my colleagues, Dr. Kay came back from Iraq not to make an interim report, but to quit. He said he has had enough. He is frustrated. He says he is not getting the support that he thinks the Iraq Study Group should get in order to focus on the search for weapons of mass destruction. He believes those weapons do not exist. And far from saying things were worse over there than he thought, he said we could not find the things that we were told we would find.

Then, the President finally appointed a commission to study the intelligence regarding Iraq and the weapons of mass destruction. And I am glad that he appointed such a commission, because he made two big mistakes, in my judgment. One, he limited the time, or maybe I should say he expanded the time so that the Commission will not complete its work until well after this fall’s election. Secondly, he limited the scope of the Commission. He asked them to look into the accuracy of the intelligence gathering. And I agree that accuracy must be reviewed, but he did not ask the Commission to review the use of that intelligence by the White House.

Mr. ABERCROMBIE. Will the gentleman yield on that point?

Mr. HOEFFEL. Mr. Speaker, I am delighted to yield to the gentleman from Hawaii. Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman for yielding. On that exact point, if we were just reciting a litany of errors made in the sense of an honest misreading after a genuine inquiry, that would be one thing, but the evidence that the contrary is now coming out. In fact, we even see reports about where was the press? Why was this taking place? And it turns out the source for much of this information, not just for those in the intelligence agencies, but from those reporting on it, was coming from the same sources.

The general public listening to us might say, well, that is all well and good for you folks in the Congress to be mentioning these things now, to be commenting on it now, but we had no access to that. We were not privy to that kind of inquiry on the basis of a position in the Congress where we could actually ask in depth in closed briefings and hearings as to what the source of this information was. Yet we find now in the Washington Post just 2 days ago a report taken from the London Telegraph on commentary from Ahmad Chalabi. That name has been on this floor recently. A gentleman from Massachusetts (Mr. DELAHUNT) has examined Mr. Chalabi’s career in detail. The gentleman from Pennsylvania (Mr. HOEFFEL), I believe, has done the same.

Mr. ABERCROMBIE. Mr. Speaker, let me explain what Mr. Chalabi admitted to. He is now on the Governing Council. This is the body upon which the United States is presently relying. This is the body upon which the United States is presently conducting policy in terms of their being able to take over on June 30, this arbitrary date that has been set by the Bush administration. He now lays claim to the following. He was accused of peddling phony tips about Iraq’s weapons, the very thing that the gentleman from Pennsylvania (Mr. HOEFFEL) has been speaking of. As a matter of fact, from the Washington Post, he shrugged off charges that he had deliberately misled U.S. intelligence. We are heroes in error.

He told the Telegraph in an interview Wednesday in Baghdad, As far as we are concerned, we have been entirely successful. Our objective has been achieved. That tyrant Saddam is gone and the Americans are in Baghdad. What was said before is not important

Quoting it now from the Washington Post, not even to the families of all the killed and wounded.

Mr. DELAHUNT. Mr. Speaker, if the gentleman would yield, not even to the American taxpayers that are putting out some $267 billion to date. That is absolutely outrageous.

What I learned this evening, and I find it particularly disturbing, is that Mr. Chalabi was present in this chamber during the State of the Union that was delivered by President Bush back in January and sat with other members of the Iraqi Governing Council in the box where the First Lady was sitting. This is absolutely unacceptable.

Mr. ABERCROMBIE. Mr. Speaker, let me repeat then for those who may be tuning in and trying to get the context here. Let me repeat exactly what Mr. Chalabi said in the Washington Post, he ended up in London for a period of time and then went ahead and conducted business, banking business, financial services, in the kingdom of Jordan. There he was charged with embezzlement and a series of other crimes that would constitute a felony. He was tried and convicted and was sentenced to 22 years by a Jordanian court. I am sure he would contest that. I am sure that he would proclaim his innocence, but that is a fact, a reality. That cannot be just simply an unflattering description of an individual.

When the king of Jordan came and visited with Members of the House Committee on International Relations, I forget if the gentleman from Pennsylvania (Mr. HOEFFEL) was there, but I posed to the king, who has been an erstwhile ally of the United States and his father before him in the region for decades and has cooperated with the United States in terms of the war against terrorism, I asked the king if he had been consulted by the United States Government because I was aware that Mr. Chalabi had been convicted of a serious crime, an embezzlement of some hundreds of millions of dollars. He said, with certain equanimity, No, I was not.

I did not pursue it because I did not want to cause the king any embarrassment. It was demonstrated at that meeting that he clearly was displeased, and to think that we turned our back on an ally, who according to newspaper reports, and the truth always out, was encouraging defectors to join our forces. In Baghdad, the person upon whom is the principal resource apparently for the intelligence that was delivered to the President, delivered to the Congress, and apparently delivered to reporters who were all supposed to be checking sources.

Part of the thing that we need to remind ourselves and remind the public of is that we are relying on the professional integrity of journalists as well. We are dependent upon it. We are certainly the object of it often enough. We are dependent on them checking their sources to make sure that they are reliable. Let me repeat what he said.

The reason I want to do that is that this is as cynical and sinister a pronouncement as I have heard in my political lifetime. I am quoting Mr. Chalabi, as reported in the Washington Post, We are heroes in error. As far as we are concerned, we have been entirely successful. Our objective has been achieved. That tyrant Saddam is gone and the Americans are in Baghdad. What was said before is not important.
from the Daily Telegraph in London, a British newspaper. Obviously, U.S. officials said last week that one of the most celebrated pieces of false intelligence, the claim that Saddam Hussein had a mobile biological weapons laboratory, had come from a major in the Iraqi intelligence service, made available by the INC.

Those watching us tonight should understand that the INC is an anachronism for the Iraqi National Congress which is the creation of Ahmed Chalabi.

U.S. officials at first found the information credible, and the defector even passed a lie detector test, but in later interviews it became apparent he was stretching the truth and had been coached by the INC.

This is a report from a respected British newspaper that seques exactly the reporting that was done in the Washington Post. This is outrageous and to think that this gentleman was in the White House when he was sitting in the First Lady’s box during the State of the Union, meanwhile we had voted, and many in this chamber had voted a difficult vote, cast an extremely hard vote in terms of war and peace based upon incorrect information the loss of life, the loss of American life by our brave soldiers whose parents, their families and friends, are shocked. I am not. What shocks me is that people would take ostensible intelligence to be true without checking it out thoroughly, precisely because it fits what they would like it to be.

I know when somebody is telling me something I want to hear, something I believe is true, it is very hard to hope that its going to take place. I know that a little bell goes off, a little tremor takes place in me saying, wait a minute, let us make sure that I am not being told something because I want to hear it, because I would like to believe it, because I want it to be so, particularly when the consequences are going to be those of life and death.

When you are making a recommendation and have the authority, particularly as President of the United States, as the Commander in Chief, have the capacity and the authority to act on that recommendation and to make it in turn to the people of this country, then it is incumbent upon you, more than perhaps any other person in this chamber, to be absolutely sure you know what you are talking about, what your sources are and how reliable they are, not just because someone has told you what you want to hear, but because you know it to be factual and the importance is to be clear in terms of war and peace.

Mr. DELAHUNT. Mr. Speaker, I know the gentleman has heard the term before, but when we speak of a blind man in a room with deaf mutes, this is an apt description of absolutely what has occurred in this particular case involving this particular individual by the name of Chalabi, Ahmed Chalabi, a convicted felon.

But let me give another possible motive. And again, this is simply a news story that I am reading to my colleagues and to those that are watching this evening, because I think it is very important that the American people start to understand the dimensions and the magnitude of what occurred here and the absolute need for a thorough transparent presentation of all the facts over an extended period of time to the American people.

This is not about politics. No, it is not. This is about the national security of the United States and how we are viewed by the rest of the world. Our credibility is at risk here. If we perceive another situation that is fraught with peril for our people, and we are not absolutely sure of the world, who is going to believe us?

Let me suggest another motive. This is from Newsday, a New York paper, and it is dated February 15. “U.S. authorities in Iraq have awarded more than $400 million in contracts to a start-up company that has extensive family and, according to court documents, business ties with Ahmed Chalabi, the Pentagon favorite on the Iraqi Governing Council. The chief architect of the violation of the resistance, the Iraqi National Congress, Chalabi is viewed by many Iraqis as the hand-picked choice to rule Iraq.”
What a disaster that would be. And while we know there are very sensitive negotiations and discussions going on currently between elements in Iraq and between the United Nations, clearly Secretary General Kofi Annan has sent a special representative, of African and American interests assuming a role in a future Iraqi Government that clearly, if there is one, is closer to the region, the earlier reference to my conversation with King Hussein from Jordan, will find the report particularly offensive. Clearly there is no support from the Iraqi people.

Mr. ABERCROMBIE. Mr. Speaker, if I may ask the gentleman from Massachusetts, who did the hand-picking? Who did the hand-picking? He did not pick himself. Is there someone in the administration, are there a group of people in the administration?

Mr. HOEFFEL. Of course there are people in the administration.

Mr. ABERCROMBIE. Perhaps the gentleman can enlighten me by answering that question.

Mr. DELAHUNT. Let me read from the official record that I discussed; we are still paying for the tainted intelligence. The American taxpayers are going to foot the bill for Ahmed Chalabi to come to the United States and sit in the First Lady's box. Let me read this: "The decision not to shut off funding for the information-gathering effort could become another liability for Bush as the Presidential campaign heats up, and suggests that some within the administration are intent on securing a key role for Chalabi in Iraq's political future." Let me quote from Page 2340:

> "The convicted felon, Mr. HOEFFEL. The favorite of the CIA is Mr. ABERCROMBIE. Mr. Speaker, we have talked about Chalabi, and rightly so; but he is not apparently the only favorite of the American government involved in positioning themselves for leadership in Iraq."

Mr. ABERCROMBIE. Mr. Speaker, if the question is, is there someone in the administration who is another member of the Iraqi Governing Council? The answer is yes; it is Mr. Chalabi and his friends. Mr. HOEFFEL. The principal source of income that we have already enunciated for Mr. Chalabi and his friends?

Mr. HOEFFEL. Mr. Speaker, where does the money come from?

Mr. ABERCROMBIE. Mr. Speaker, I do not have a clue. Ahmed Chalabi and three other members of Congress are paying up to a combined $100,000 a month.

Mr. ABERCROMBIE. Mr. Speaker, if Mr. Chalabi and his cohorts are paying the money from their personal bank accounts, let me just say that we are not paying the money. They are not paying the money. They are not the ones who have to suffer for the rest of their lives either by having grievous wounds or by having the irrevocable loss of someone that they love as a result of this.

The question for us and the question that we have to ask not just ourselves but the American people are going to have to ask, is, is this going to be allowed? Is this going to be something that the American public is going to allow? The fact of the matter is that the Newsweek cover that the gentleman from Massachusetts (Mr. DELAHUNT) referred to in his remarks just previously could have a headline, "How Dick Cheney Sold the War," the phrase is the headline, like that in terms of its implications, as if you sell a war, not that you are driven into it, not that necessity forced you to come to that sorry and reluctant conclusion, but rather how you sold the war.

Nothing, I think, could be a comment more persuasive to me of how this has been manipulated, how this has been maneuvered in a way that discredits this administration, discredits Mr. Chalabi, who up until now has been close to officials in Vice President Cheney's office, and among top Pentagon officials, is on the Iraqi Governing Council, a body of 25 Iraqis installed by the United States, to help administer the country following the ouster of Saddam Hussein in April.

So here we are. We received false information, as the gentleman indicated in response to the gentleman from Pennsylvania (Mr. HOEFFEL) yielding. He said the Americans are in Baghdad, we got what we want, and he is continuing to get paid. And according to reports from British newspapers, business associates of his just secured more than $400 million of American taxpayer resources for contracts awarded by the CPA, by Paul Bremer.

Mr. ABERCROMBIE. Mr. Speaker, I have never seen a picture or any film of Mr. Chalabi when he was not smiling and he did not have the smug look on his face, and when he did not have the demeanor of someone who had pulled off a coup, when he did not have the look on his face and when he did not have never seen a picture or any film of CPA, by Paul Bremer.

February 24, 2004

These are the same lies and the same fabrications, the same prevarications, the same false statements, the same misleading directions that took us into this war and continue to be repeated in the face of the knowledge that we know is not to be true.

How could it be that these continue to be repeated? Is it any wonder that Mr. Chalabi laughs at us? Is it any wonder that he adopts a smug disposition when we continue to support him, when we continue to pay him due to support the policies that he espoused, and he is able to say what was said before is not important because obviously there are no penalties attached to it?

Mr. ABERCROMBIE. Mr. Speaker, we have talked about Chalabi, and rightly so; but he is not apparently the only favorite of the American government involved in positioning themselves for leadership in Iraq.

In today's Roll Call, one of the Hill newspapers, a fascinating front-page story titled "Iraqi Money Flows" detailing how four different Iraqis seeking power in Iraq are paying over $100,000 a month for lobbying costs and consulting costs here in the United States. It is a million-dollar-plus annual industry.

Mr. ABERCROMBIE. Mr. Speaker, where does the money come from?

Mr. HOEFFEL. The principal source of income that we have already enunciated for Mr. Chalabi and his friends?

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Mr. ABERCROMBIE. Mr. Speaker, where does the money come from?

Mr. HOEFFEL. Mr. Speaker, does the money come from the U.S. taxpayers, that is the question? The president himself, Mr. CHENEY, Mr. DELAHUNT. Let me read from the official record that I discussed; we are still paying for the tainted intelligence. The American taxpayers are going to foot the bill for Ahmed Chalabi to come to the United States and sit in the First Lady's box. Let me read this: "The decision not to shut off funding for the information-gathering effort could become another liability for Bush as the Presidential campaign heats up, and suggests that some within the administration are intent on securing a key role for Chalabi in Iraq's political future." Let me quote from Page 2340:

> "The convicted felon, Mr. HOEFFEL. The favorite of the CIA is Mr. ABERCROMBIE. Mr. Speaker, we have talked about Chalabi, and rightly so; but he is not apparently the only favorite of the American government involved in positioning themselves for leadership in Iraq."

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Mr. ABERCROMBIE. Mr. Speaker, where does the money come from?
We have got a three-headed monster here. The administration itself cannot agree on who should be the next leader of the Iraqi Government. There are three different agencies pushing three different people.

Mr. ELAINE S. CHUNDT. We would hope that that would be the Iraqi people, because if we preach democracy, hopefully we will abide by the decision that the Iraqi people in an election reach on their own. That is a message that I think the American taxpayer is going to end up with a much larger bill than we have already assumed.

Mr. HOEFFEL. Yes. All the firms are identified, the monthly retainers. It is an interesting article. It is a million-dollar industry.

Mr. ABERCROMBIE. Would the gentleman consider submitting an article for the Record so that those who want to read the article in the CONGRESSIONAL RECORD subsequent to our discussion tonight will know all of the details?

Mr. HOEFFEL. I will be delighted to do it.

Mr. ABERCROMBIE. Mr. Speaker, I will ask to have the article that the gentleman from Pennsylvania is referring to entered into the RECORD as part of our deliberation.

[From Roll Call, Feb. 24, 2004]

IRAQI MONEY FLOWS

(By Brody Mullins)

Several well-heeled Iraqis who hope to play central roles in Iraq's emerging government have launched lobbying campaigns in Washington to influence the Bush administration and Congress as they work to shape a permanent government.

The group of Iraqis, which include three members of the U.S.-created Iraqi Governing Council, are spending as much as $100,000 per month on lobbying and public relations efforts to press U.S. officials to create a modern, democratic government that is not dominated by Islamic conservatives.

The three Iraqis began their public relations efforts in Washington more than a decade after another Iraqi member of the Iraqi Governing Council—Ahmed Chalabi—began cultivating ties with President Bush, Cheney and other key administration officials.

According to forms filed with the Justice Department, Ayad Allawi, a member and former president of the Iraqi Governing Council, has begun an expensive lobbying and public relations effort to press U.S. officials to build an independent democratic government that builds on Iraq's existing foundations.

Allawi has already paid more than $300,000 to Washington from Preston Gates Ellis & Rouvelas Meeds LLP to help open doors on Capital Hill and at the White House.

Allawi also hired a former U.S. ambassador to coordinate his Washington effort and a New York advertising firm that once worked for the Beatles to manage his image in the United States.

The public relations effort, which could top $1 million this year, is funded by Mashal Nawab, an Iraqi-born physician who is a close friend and admirer of Allawi, according to the Justice Department forms.

Ahmad Pachachi, another member and former president of Iraq's interim government, hired a Washington public relations firm to help him get his message across to the Bush administration and Congress.

F. Wallace Hayes, working on a pro bono basis for now, will write press releases for the 70-year-old Pachachi that "promote democracy in Iraq," according to the Justice Department forms.

Meanwhile, Baqir J. abor, an Iraqi exile appointed by the United States to run Iraq's housing and construction department, has hired former U.S. ambassador to Iraq (R-La.) and influential Washington lobbying firm to help arrange a series of meetings with the Bush administration during his upcoming visit to the United States.

Officials at Livingston Group said J. abor is not a formal client of the firm. Other details of Livingston's work with J. abor are not yet available because J. abor first asked Livingston for help only last month.

The new public relations campaigns in Washington come as the Bush administration struggles to complete an interim constitution for Iraq by the end of the month in order to turn control of the government over to Iraqis this year.

In the past few days, it has become clear that the United States will fail to meet both deadlines.

Over the weekend, the Kurds in northern Iraq—which comprise 20 percent of the country—rejected key parts of the constitution.

Meanwhile, Paul Bremer, the U.S. administrator in Iraq last week that it is unlikely that Iraq will be able to hold an election for at least another year.

By hiring lobbyists in Washington, the Iraqi leaders hope to play a central role in the emerging government.

The Iraqis who have hired lobbyists are each former exiles who want the United States to create a democratically elected government.

Iraqi's Shites make up as much as 60 percent of the country, but they lack political and ethnic rivals, the Kurds and the Sunnis.

The leader of Iraq's Shiite conservatives, Grand Ayatollah Ali Sistani, hopes to schedule quick elections, knowing that he and his allies would dominate the government if elections are held soon.

Allawi, J. abor and Pachachi, the three Iraqis, have attempted to build on the existing foundations.

Allawi's lobbying effort was expected to end this spring when the United States was
expected to hand control over the government to Iraq. But with the prospects of meeting that deadline dim, the lobbying and public relations efforts are expected to continue.

Mr. DELAHUNT. If the gentleman will yield, I think I can answer his question at least in part here. As the gentleman from Pennsylvania just indicated, there are rival camps now that presumably the American taxpayer is supporting in their lobbying efforts in terms of securing more resources and more tax dollars from Congress and the administration. But it would appear that Mr. Chalabi has an advantage. According to the Roll Call edition of today, it reports that unlike the Iraqi newcomers to Washington, Chalabi has worked for years in Washington cultivating friendships with key players like Cheney, like Vice President Dick Cheney, Paul Wolfowitz and Richard Perle, all gentlemen that we have heard from during the course of debate that many in the majority party have described as so-called neoconservatives.

The Roll Call article goes on to indicate that since 1999, Shea & Gardner has represented Chalabi and his Iraqi National Congress in Washington for $10,000 a month. So Mr. Chalabi certainly was an individual of some affluence. Clearly that was the impression that the Jordanians had when they convinced him of embezzling some $10 million American dollars from a significant financial institution in Jordan. But that was $10,000 a month. For your edification, for those of the viewing audience, they should be aware that one of the partners at Shea & Gardner is James Woolsey, the former CIA Director who has been an outspoken advocate for military intervention in Iraq.

Mr. ABERCROMBIE. If the gentleman will yield, I want to make sure I understood right, because I have had some conversations with Mr. Woolsey. They were affable. I considered them informative and straightforward. I just want to make sure you mean when he was talking to me about these issues, he was part of a firm that was being paid $10,000 a month by one of the individuals, by Chalabi himself?

Mr. DELAHUNT. By Chalabi himself. Mr. ABERCROMBIE. That was never revealed to me. I must say, and I want it on the record, that I resent that. If I knew that at least, that is okay. I am an adult. I am perfectly capable of differentiating between someone's sincerely held views and business associations they might have. If somebody represents to me that, look, I just want to tell you that we have a business relationship with this person, but I hope you will grant me that I am speaking to you, giving you my best and sincerest personal judgment regardless of my connection, I can accept that, and I would hope, similarly, because I like to think that I am a person, I hope, of some integrity, and I would do the same. If I have strong views about something, I will certainly tell people the whys and wherefores of it. But as a Member of Congress and having had conversations with Mr. Woolsey concerning some of these issues, not to have that kind of information, I think, is a subterfuge.

I am sorry to say it. It pains me. It pains me to say that. What you just said to me is, in fact, shocking. If people want to be cynical about it or think that I am just making some rhetorical flourish, they can think so, but it is not. I do not deal with my affairs that way. I do not deal with other people that way. I feel personally offended, to tell you the truth, that such a thing could take place. I had no idea that there was that kind of relationship, because I think that might have colored what was said to me.

Mr. DELAHUNT. I would hope, and yet it would appear to be a remote possibility, given all that we know, that Mr. Woolsey was unaware of the representation possibly by another partner.

Mr. ABERCROMBIE. If the gentleman will yield further, Mr. Woolsey has appeared on television numerous times as a commentator. He has been introduced as the head of the CIA. I have seen him often making commentary and being asked for his perspective, and never once have I heard on any of those television shows, never once, unless I missed it, maybe I tuned in in the middle, maybe there is something that I did not observe ever once on any of those shows that any of those hosts ever indicated that he is being paid by a member of the Governing Council, or that his firm is being paid by a member of the Governing Council, and that therefore, at the very least, on the basis of full disclosure that we should know that so that you can take that into account if you think that is pertinent with respect to what he is saying.

I wonder if in some of these television shows and radio shows and even those newspaper columnists who are quoting Mr. Woolsey are aware or whether they have made the inquiry as to whether or not such a situation exists. What bothers me as a Member of Congress, does this mean that I have to ask every single person that speaks to me, every single person with whom I have a conversation for a list of particulars as to what their associations are before I engage in a conversation or can expect on my part to receive information that is the best judgment of this person rather than the paid retorts and paid-for positions of someone who is in the hire of somebody else.

Mr. DELAHUNT. I share your disappointment, not reply, and find it so incredulous that you would presume that there is some responsible answer why that disclosure was never made.

Maybe this is a question of inaccurate reporting, but this is what appeared today in the Roll Call magazine that is distributed throughout the Capitol building.

Mr. ABERCROMBIE. Mr. Speaker, if the gentleman would yield again to me, the newspaper article, again, I am presuming that it is accurate. Does it indicate that this is a current relationship?

Mr. DELAHUNT. Let me read it again, and let me go on because there is more information.

Mr. ABERCROMBIE. Mr. Speaker, I realized I am taking time up here, but I am genuinely upset and shocked by this because I feel personally used. I mean, some of these conversations took place on official trips of the United States Government.

Mr. DELAHUNT. Again, I am reading for the gentleman's benefit and for those who are viewing our conversation here this evening: "Since 1999 Shea & Gardner has represented Chalabi and his Iraqi National Congress in Washington for about $10,000 a month. One of the partners at Shea & Gardner is James Woolsey, the former CIA director. "Chalabi also gets help from Francis Brooke, a political consultant, and Riva Levinson, a Washington firm founded by Charles Black, a long-time ally of President Bush. "These contacts have paid off: at this year's State of the Union address, Chalabi sat in the VIP box with the first lady, Laura Bush. Chalabi was also one of the few Iraqis permitted to meet face to face with Saddam Hussein in his cell in the hours after his capture in late December. "Chalabi has long been considered the favorite of the Defense Department officials to lead Iraq's new government."

Mr. HOEFFEL. Mr. Speaker, there is something else troubling about this. The gentleman from Hawaii (Mr. ABERCROMBIE) is correct and he is right to be personally offended by the lack of disclosure. And it is also clear from this article that a lot of money is being spent to influence the gentleman from Hawaii and me and the gentleman from Massachusetts (Mr. DELAHUNT) and every other Member of Congress, and we have a right to know who is being paid to influence us and what the subject matter is.

But the fact that this article also demonstrates that the Bush administration is pushing three different people to be the next leader of the Iraq government leads to the following question: What does come next in the larger governance question? We know that Paul Bremer has been advocating on behalf of the Bush administration this concept of caucuses, that when the Bush administration leaves Iraq on June 30, at least the civil authority is pulled out, that Paul Bremer has been pushing for caucuses to take the place of direct elections and somehow lead to a representative form of self-governance for Iraq.

The problem is none of the Iraqis like that idea. The head of the majority
Shiite Muslims do not like that idea. The Kurds do not like that idea. That is not going to happen. What is going to take the place of the American-appointed 25-member group of what most Iraqis think are American puppets, the Iraqi Governing Council, is what? Whose interests are our friends, personal and otherwise, to take their place, particularly if the Bush administration has three different favorites to lead the next government? What comes next? Have we got an arbitrary deadline set by the President of June 30 to withdraw the civilian authority, a date that seems more based upon the upcoming election than any ability of the Iraqi people to actually conduct a self-government?

Mr. DELAHUNT. Mr. Speaker, is the gentleman suggesting that there is no exit strategy?

Mr. HOEFFEL. I could not have said it better. There is clearly no exit strategy. In fact, there are three different strategies, if the Roll Call article is correct, about who is supposed to lead the next government, and all of them are supposed to come to fruition by June 30.

Iraq Watch has to come to fruition in 5 minutes tonight. I want to give my two colleagues an opportunity to make any closing comments.

Mr. ABERCROMBIE. Mr. Speaker, I would just like to say in that regard that this is my 30th year in public service. I have made friendships and conducted business, legislative business, and evolved personal relationships over those 30 years with a great number of individuals. I have particularly valued those who are sometimes disparagingly referred to as special interests or lobbyists as if that is seen by many people as a derogatory term or a term of derision. And I do not see it that way. I have friends who lobby on behalf of those 30 years with a great number of individuals. And I do not see it that way. I want to make it clear in terms of my expressed disappointment with regard to this revelation about Mr. Woolsey; and now I guess I am going to have to wonder about everybody else too that I have a conversation with. I am not trying to keep people from making a living. It does not bother me any. As I say, I have friends who lobby on behalf of what are called special interests. We all have special interests. We are a multiplicity of special interests. One has only to read the Federalist Papers to understand that. In fact, it can be seen as the bulwark of a democratic republic because we have factions and many interests competing with one another for attention and for approbation. There is no question about that. The only question to be answered in that is do we know that, do we know who they are and what they are and why they are and so on so we can discern what the difference is?

I have no problem with people who are our friends, personal and otherwise, making their positions known to me or to anyone else in Congress or anywhere else in public office. What bothers me is when positions are represented to us and we do not know that someone, in fact, is a paid representa
tive, particularly on issues of war and peace, life and death. The folks know and the Speaker knows that I am a member of the Committee on Armed Services and those is the kinds of things we vote on every day, and I do not know, regardless of party, takes seriously, deadly seriously, I might say without any sense of irony attached to it, take seriously their responsibility.

But we are dependent in the Congress on getting good information. The President of the United States is dependent upon getting good information and making solid judgments based on that information. Anybody who fails to give the best possible information with the fullest knowledge behind it and the resources is undermining the Constitution of the United States and failing their responsibilities as a citizen. In this regard, then, I feel ill used in this process by Mr. Woolsey, and I feel very definitely that the press and the Congress need to make inquiries of everybody who comes before us presenting that information and perspective to us upon which we have to act in matters of life and death. Everybody has to have the fullest inquiry made of them as to what their sources of income are and what their sources of information are, whether they are tainted.

Mr. HOEFFEL. Mr. Speaker, if I can add to the gentleman’s comments, specifi
cally about what appears to be the distortion of information in Iraq. I am not speaking of Mr. Woolsey. I am speaking of the Iraqi Governing Council representatives, Mr. Chalabi and others. I do not want to see them benefit any more than they already have from their relationships if they have misled this country and this government, and I hope that Congress can figure out a way to deny those individuals, if we can show they intentionally misled us, from any further contracts with the U.S. Government, promotion by the U.S. Government. If we have been intentionally misled, if we had gone to war in part under their false pretenses, and particularly, as I believe happened, there have been additional American deaths because of that faulty information, we need to cut off those relationships and prohibit any further financial relationships with these malefactors.

I yield to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding. I think what he is saying is what we need is something that does not exist here in Washington at this moment in our history. And that is openness and transparency and accountability, and it is not happening. To think that, and I do not know whether it was the gentleman from Pennsylvania (Mr. PAUL) or the gentleman from Hawaii (Mr. ABERCROMBIE) that mentioned it, they continued to benefit and with an attitude that arrogance is not a suitable adjective. It is far beyond ar
grace. And it is time to lay everything out on the table or the American people will lose confidence, not only in the President but in the Congress.

Mr. ABERCROMBIE. We can conclude, Mr. Speaker, by saying that, at least for the three of us, I think I can speak, there will be openness and transparency and accountability on this floor.

Mr. HOEFFEL. Mr. Speaker, I thank my colleagues for their comments. Iraq Watch will be back next week.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to: (The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.
Mr. EMANUEL, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Mr. CONYERS, for 5 minutes, today.
Mr. OWENS, for 5 minutes, today.
Mrs. MCCARTHY of New York, for 5 minutes, today.
Mr. LEE, for 5 minutes, today.
Mr. BLUMENAUER, for 5 minutes, today.
Mr. DAVIS of Illinois, for 5 minutes, today.
Ms. MALONEY, for 5 minutes, today.
Ms. WATERS, for 5 minutes, today.
Mr. MEeks of New York, for 5 minutes, today.
Mr. PAYNE, for 5 minutes, today.
Ms. CORBINE of Florida, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mr. GEORGE MILLER of California, for 5 minutes, today.
Ms. WATSON, for 5 minutes, today.
Mr. CARSON of Indiana, for 5 minutes, today.
Mr. STRICKLAND, for 5 minutes, today.
Ms. JACKSON-LEE of Texas, for 5 minutes, today.
Ms. CARSON of Florida, for 5 minutes, February 25.
Ms. MANSARLING, for 5 minutes, February 25.
Mr. OSBORNE, for 5 minutes, February 25.
Mr. BURGESS, for 5 minutes, February 25.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.
### EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

**REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. PHIL S. ENGLISH, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 18 AND DEC. 21, 2003**

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¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

**REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. AARON H. LEVY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 5 AND JAN. 10, 2004**

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**REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003**

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</tbody>
</table>

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

---

**SENATE ENROLLED BILL SIGNED**

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 523. An act to make technical corrections to laws relating to Native Americans, and for other purposes.

---

**ADJOURNMENT**

Mr. HOEFFEL. Mr. Speaker, I move that the House do now adjourn. The motion was agreed to; accordingly (at midnight), the House adjourned until tomorrow, Wednesday, February 25, 2004, at 10 a.m.
<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Date</th>
<th>Country</th>
<th>Foreign currency or U.S. dollar equivalent</th>
<th>U.S. dollar equivalent</th>
<th>Per diem ¹</th>
<th>Transportation</th>
<th>Other purposes</th>
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<td>10/22</td>
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¹ Per diem constitutes lodging and meals.
² If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.
³ Military air transportation.
## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003—Continued

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<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem 1</th>
<th>Transportation</th>
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</tr>
</tbody>
</table>

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.
3 Military air transportation.

**BILL YOUNG, Chairman, Jan. 28, 2004.**

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem 1</th>
<th>Transportation</th>
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<td>Hon. Michael Turner</td>
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<tr>
<td>Hon. John Kline</td>
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<td>10/7</td>
<td>Kuwait</td>
<td>389.00</td>
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<tr>
<td>Hon. Thomas E. Hawley</td>
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<td>10/7</td>
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<td>389.00</td>
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<tr>
<td>William H. Natter</td>
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<td>10/9</td>
<td>Kuwait</td>
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<td>Hon. Mac Thornberry</td>
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<tr>
<td>Hon. Vic Snyder</td>
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<td>Hon. Rob Simmons</td>
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<td>10/19</td>
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<td>Kuwait</td>
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</table>

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.

**THOMAS K. BAKER.**

---

**CONGRESSIONAL RECORD — HOUSE**

February 24, 2004

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, OFFICE OF SURVEYS AND INVESTIGATIONS, HOUSE OF REPRESENTATES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

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<thead>
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<th>Name of Member or employee</th>
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<th>Country</th>
<th>Per diem 1</th>
<th>Transportation</th>
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<td>10/19</td>
<td>Kuwait</td>
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<td>36,964.26</td>
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<td>45,576.86</td>
</tr>
</tbody>
</table>

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.

**BILLY LONG, Chairman, Jan. 28, 2004.**
REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003—Continued

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<th>Name of Member or employee</th>
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<th>Date Departure</th>
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CONGRESSIONAL RECORD—HOUSE
February 24, 2004
H565

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

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### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003—Continued

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<th>Name of Member or employee</th>
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<th>Per diem ¹</th>
<th>Transportation</th>
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1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
3 Military air transportation.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem ¹</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
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<td>Foreign currency</td>
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<td>1,190.00</td>
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1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

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<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem ¹</th>
<th>Transportation</th>
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</table>

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

### HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.
### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003—Continued

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</tbody>
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**Note:**

1. Per diem constitutes lodging and meals.
2. If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.
3. Military air transportation.
4. Round trip airfare.

---

**REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ONWAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003**

<table>
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<tr>
<th>Name of Member or employee</th>
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<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent or U.S. currency$^2$</th>
<th>Transportation</th>
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<th>Other purposes</th>
<th>Total</th>
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**Note:**

1. Per diem constitutes lodging and meals.
2. If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.
3. Military air transportation.

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**REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003**

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<th>Name of Member or employee</th>
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<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent or U.S. currency$^2$</th>
<th>Transportation</th>
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<th>Other purposes</th>
<th>Total</th>
<th>U.S. dollar equivalent or U.S. currency$^2$</th>
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</table>

**Note:**

1. Per diem constitutes lodging and meals.
2. If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.
3. Military air transportation.
REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003—Continued

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Committee total: 56,795.00 77,770.00 550.00 135,015.00

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Military air transportation.

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REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON PRINTING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

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REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2003

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NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS
OFFICE OF COMPLIANCE

Hon. J. Dennis Hastert,
Speaker of the House, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to Section 303(b) of the Congressional Accountability Act of 1995 (2 U.S.C. 1384(b)) ("Act"), I am transmitting on behalf of the Board of Directors of the Office of Compliance the enclosed Second Notice of Proposed Procedural Rule Making for publication in the Congressional Record.

We request that this notice be published in the Congressional Record. The Act specifies that the enclosed Notice be published on the first day on which both Houses are in session following this transmission. Any inquiries regarding this notice should be addressed to the Office of Compliance, Room LA-200, 110

On October 15, 2003, an announcement that the Board of Directors intended to hold a hearing on December 2, 2003 regarding the proposed procedural rule amendments was published in the Congressional Record at H9475 and S12599. On November 21, 2003, a Notice of the cancellation of the December 2, 2003 hearing was published in the Congressional Record at S15394 and H12304.

The Board of Directors of the Office of Compliance has determined to issue this Second Notice of Proposed Amendment to the Procedural Rules, which includes changes to the initial proposed amendments, together with a brief discussion of each proposed amendment. As set forth in greater detail herein below, interested parties are being afforded another opportunity to comment on these proposed amendments.

The complete existing Procedural Rules of the Office of Compliance may be found on the Office’s web site: www.compliance.gov.

How to submit comments:
Comments regarding the proposed amendments to the Rules of Procedure of the Office of Compliance set forth in this NOTICE are
invited for a period of thirty (30) days follow-
ing the date of the appearance of this NOT-
TICE in the Congressional Record. In addi-
tion to being posted on the Office of Compli-
ance’s web site at www.compliance.gov, this NOTICE is also
available in the following alternative for-
mats: Large Print, Braille. Requests for this
NOTICE or alternative format should be
made to: Bill Thompson, Executive Director, or
Alma Candelaria, Deputy Executive Di-
ger, Office of Compliance, at 202-724-9250
(voice) or 202-426-1912 (TDD).

Submission of comments must be made in
writing to the Executive Director, Office of Com-
promise, 110 Second Street, S.E., Room
LA-200, Washington, D.C. 20540-1999. It is
requested, but not required, that an electronic
version of any comments be provided on an
accommodating disk. The comments may also be submitted by facsimile to the
Executive Director at 202-426-1913 (a non-
toll-free number). Those wishing to receive
confirmation of the receipt of their com-
ments are requested to provide a self-ad-
dressed, stamped post card with their sub-
mmission. Copies of submitted comments will be available for review on the Office’s web site
at www.compliance.gov, and at the Office
of Compliance, 110 Second Street, S.E., Wash-
ington, D.C., on Monday through Friday (non-Federal holidays) between the hours of 9:30 a.m. and 4:30 p.m.

Supplementary Information: The Congres-
sional Accountability Act of 1995 (CAA), PL
104-1, was enacted into law on January 23, 1995. The CAA applies the rights and protec-
tions of 11 federal labor and employment
statutes to covered employees and employ-

offices within the Legislative Branch of
Government. Section 301 of the CAA (2 U.S.C.
187) establishes the Office of Compli-
ance as an independent office within that
Branch. Section 303 (2 U.S.C. 187b) directs that
the Executive Director, as the Chief Op-
erating Officer of the agency, adopt rules of
procedure governing the Office of Compli-
ance, subject to approval by the Board of Di-
rectors of the Office of Compliance. The
rules of procedure generally establish the
process by which alleged violations of the
laws made applicable to the Legislative
Branch under the CAA will be considered and
resolved. The rules also include procedures for
counseling, mediation, and election between
filing an administrative complaint with the
Office of Compliance or filing a civil action
in U.S. District Court. The rules also include
the procedures for processing Occupational
Safety and Health investigations and en-
fource, as well as the process for the con-
duct of administrative hearings held as the
result of the filing of an administrative com-
plaint under all of the statutes applied by
the Act, and for appeals of a decision by a
hearing officer to the Board or to the Di-
rectors of the Office of Compliance, and for the
filing of an appeal of a decision by the Board of Direc-
tors to the United States Court of Appeals for the
District of Columbia Circuit. The rules also en-
title matters of general applicability to the
dispute resolution process and to the op-
eration of the Office of Compliance.

The proposed amendments to the Rules of
Procedure are the result of the experience of
the Office in processing disputes under the
CAA during the period since the original
adoption of the rules in 1996.

How to read the proposed amendments:
The text of the proposed amendments shows
[deletions within brackets], and added text in italic. Textual additions which have been
made for the first time in this second
notice of the proposed amendments are
shown in brackets. Textual deletions which
have been made for the first time in this
second notice of the proposed amend-
ments (are bracketed with double brackets.
] Only subsections of the rules which in-
clude proposed amendments are reproduced
in this notice. The insertion of a series of
small stars (**) indicates that the unamended text within a section has not been
reproduced in this document. The inser-
tion of a series of stars (****) indicates
that the unamended text of entire sections of
the Rules have not been reproduced in this
document. For the text of other portions of
the Rules which are not proposed to be
amended, please access the Office of Compli-
ance web site at www.compliance.gov.

PROPOSED PROCEDURAL RULE AMENDMENTS
PART I—OFFICE OF COMPLIANCE

Office of Compliance Rules of Procedure
As Amended—February 12, 1998 (Subpart A, section 1.02, ‘‘Definitions’’), and as proposed to be

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§ 1.07 Branch of the Office of Compliance

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§ 9.06 Destruction of Closed Files
§ 9.07 Payments [(of)] pursuant to Decisions or
Awards under Section 415(a) of the
CAA
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Rules

§ 10.03 Filing and Computation of Time. (a) Method of Filing. Documents may be
filed in person or by mail, including expres-
s, overnight and other expedited delivery. When specifically authorized by the Executive
Director, or by the Board of Directors in the
case of an appeal to the Board, any document
may also be filed by electronic transmis-
slated in a designated format. Requests for
counseling under section 2.03, requests for med-
iation under section 2.04 and complaints under
section 5.01 of these rules may also be filed
by facsimile (FAX) transmission. .
. . .

Discussion: The electronic filing option is in addi-
tion to existing filing procedures, and
represents the decision of this agency to
to begin to explore the process of migration to-
der electronic filing. In response to com-
mments on the proposed rule, the Board has added Board of Direc-
tors authorization authority to ensure that the
Executive Director cannot unilaterally
assume Board authority regarding a matter
pending before the Board. Because of limits in available technology, it will remain ne-
cessary to designate a particular format for
2.03 Counseling.
(a) Initiating a Proceeding; Formal Request. In order to initiate an proceeding under these rules, an employee shall [formally] file a written request for counseling with the Office regarding an alleged violation of the Act, as referred to in section 2.01(a) above. All [formal] requests for counseling shall be confidential, unless the employee agrees to waive his or her right to confidentiality under section 2.03(e)(2), below.

Discussion: The purpose of this amendment is to delete the undefined term “formal”, and require all written requests for counseling to be in written form. Several commenters suggested that institution of a requirement that the counseling request be in writing would constitute an undue burden on the parties. However, as noted in section 1.1, all filing must be in writing.43 Such a waiver may only occur when “the Office and a covered party agree to notify the employing office of the allegations.” 1 U.S.C. 143(a). The process for such a waiver is set out in the existing Procedural Rules at section 2.03 (e)(2), which requires a written waiver in order form. A written request for counseling is an entirely different document.

(c) When, How, and Where to Request Counseling. A written request for counseling must be in writing, and [:] shall be [made] filed with the Office of Compliance at Room LA-200, 110 Second Street, S.E., Washington, D.C. 20540; telephone 202-724-9250; FAX 202-426-1913; TDD 202-426-1912, not later than 180 days after the alleged violation of the Act. A suggestion that a copy of the end of the counseling Notice to the parties 60 days after the expiration of the period recommended by the Executive Director, the Office will [consider the case to be closed in its official files] issue a Notice of End of Counseling, as specified in section 2.04(i) of these Rules.

Discussion: The amendment reflects the Board’s conclusion that controversies referred to agency grievance procedures may be close to disposition at or near the end of the stipulated referral period. In such circumstances, the requirement for a return by the employee to the Office within 10 days after the end of the period recommended by the Executive Director, the Office will [consider the case to be closed in its official files] issue a Notice of End of Counseling, as specified in section 2.04(i) of these Rules.

2.04 Mediation.
(e) Duration and Extension.
(1) The mediation period shall be 30 days beginning on the date the request for mediation is received, unless the Office grants an extension.

(2) The Office may extend the mediation period upon the joint written request of the parties or of the appointed mediator on behalf of the parties to the attention of the Executive Director. The request [may be oral or] shall be written and [shall be noted] and filed with the Office no later than the last day of the mediation period. The request shall state the reasons for the extension. The request shall not extend the mediation period for more than 30 days and shall not extend the mediation period for more than 60 days in the aggregate. In general, the mediation period shall not be extended to exceed 90 days. The request for extension shall be decided by the Office in the same manner. Approval of any extensions shall be within the sole discretion of the Office.

Discussion: The amendment assures that an adequate record of such a request be made. In response to comments, the Board...
February 24, 2004

CONGRESSIONAL RECORD—HOUSE

H571

has added language allowing the assigned mediator to submit the request on behalf of the parties.

(i) Conclusion of the Mediation Period and Notice of Request. Notice of the mediation period, the parties have not resolved the matter that forms the basis of the request for mediation, the Office shall provide the employee, and the employing office, and any representatives, with written notice that the mediation period has concluded. The written notice to the employee will be sent by certified mail, return receipt requested, and will be (hand) personally delivered, evidenced by a written receipt, and it will also notify the employee of his or her right to elect to file a complaint in accordance with section 5.01 of these rules or to file a civil action pursuant to section 408 of the Act and section 2.06 of these rules.

Discussion: The purpose of this amendment is to reflect the provision of the flexibility of personal delivery. In response to comments, the Board has also formalized the requirement that proof of delivery be evidenced by a written receipt.

* * * * *

2.06 Filing of Civil Action.

(c) Communication Regarding Civil Actions Filed with District Court. [__(1) The party filing any civil action with the United States District Court pursuant to sections 404(2) and 408 of the Act shall request information from the Office re-”]

With respect to any request for extensions of time to file any request for extensions of time to file any petition or other document or submission with the Board in any case in which the Executive Director has not rendered a determination on the merits, such determination shall continue until revoked by the Board.

Discussion: The amendment authorizes the Executive Director to perform the ministerial act of granting extensions of time in which to file documents when specifically authorized to do so by the Board. In response to comments, the Board has required written delegation of authority, and has limited that delegation to submissions after a petition for review has been filed. The Board has also prohibited such a delegation in any case in which the Executive Director has issued a determination on the merits in the underlying proceeding.

* * * * *

$0.01 Filing, Service and Size Limitations of Motions, Briefs, Responses and other Documentation

(a) Filing with the Office; Number. One original and three copies of all motions, briefs, responses, and other documents must be filed, whenever required, with the Office or Hearing Officer. However, when a party is aggrieved by the decision of a Hearing Officer or other matter or determination reviewable...
by the Board files an appeal with the Board, one original and seven copies of both any appeal brief and any responses must be filed with the Office. The Officer, Hearing Officer, or Board may require any party to submit an electronic version of any submission on a disk in a designated format.

Discussion: The addition of “other matter or determination reviewable by the Board” is intended to make the collective bargaining impasses pursuant to Part 2422 of the Office of Compliance Rules regarding labor-management relations, negotiability determinations made pursuant to Part 2424 of the same Rules, review of arbitration awards under Part 2425 of the same Rules, and determinations regarding collective bargaining representation rights under Part 2426 of the same Rules, requests for general statements of policy or guidance under Part 2427 of the same Rules, enforcement of standards of conduct decisions and orders by the Assistant Secretary of Labor for Labor Management Relations pursuant to Part 2428 of the same Rules, and determinations regarding collective bargaining impasses pursuant to Part 2470 of the same Rules. The term “matter” was included by the Board on further consideration, because some of the procedures referred to in the labor-management relations Rules are addressed to the Board in the first instance. Submission by electronic version is in addition to the provisions for filing paper submissions. This addition reflects the decision of this agency to begin exploring the process of migration toward electronic filing. Because of limits in available technology, it remains necessary to designate a particular format for electronic disk transmission. In response to comments, the Board has added a new provision to allow for a “request” rather than a requirement. The availability of submissions on disk, particularly of lengthy documents, can save the Office time and expense in handling such documents.

§9.03 Attorney’s fees and costs.

(a) Request. No later than 20 days after the entry of a Hearing Officer’s decision under section 7.16 or after service of a Board decision, the complainant may request the Hearing Officer, if she is a prevailing party, to submit a request to the Hearing Officer who heard the case initially, asking for an award of attorney’s fees and costs. Following the form specified in paragraph (b) below, all motions for attorney’s fees and costs shall be submitted to the Hearing Officer. [The Board or the Hearing Officer, after giving the respondent an opportunity to reply, shall rule on the motion.

Discussion: This amendment clarifies the rules for filing requests for attorney’s fees with the Board of Directors.

§9.05 Informal Resolutions and Settlement Agreements.

(b) Formal Settlement Agreement. The parties may agree formally to settle all or part of a disputed matter in accordance with section 7.16 or after service of a Board decision. If the particular formal settlement agreement was in absentia, the Hearing Officer who heard the case initially, a party to the agreement becomes aware of the alleged violation. Such complaints may be referred by the Attorney General to a Hearing Officer for a final and binding decision. The procedures for hearing and determining such complaints shall be governed by subparts F, G, and H of these rules.

Discussion: The Board disagrees with commenters who suggest that statutory authority to settle disputes regarding the alleged violation of settlement agreements. Under section 434 of the Act, the Executive Director has the authority to approve all settlement agreements under the Act entered into at any stage of the administrative or judicial process. No settlement agreement can “become effective” unless and until such approval has been given. The Office is concerned that many settlement agreements do not include provisions for disputed matters related to the interdictions of aircraft engaged in illicit drug trafficking, pursuant to Public Law 107–108, 22 U.S.C. 2291–4. (H. Doc. No. 106–138), to the Committee on Armed Services.

§9.06 Violation of a Formal Settlement Agreement. A violation of a formal settlement agreement shall be in writing and submitted to the Executive Director. A formal settlement agreement cannot be rescinded after the signatures of all parties have been affixed to the agreement voluntarily signed by all parties, or as otherwise [(required)] permitted by law.

Discussion: This proposed rule reflects the existing procedure for processing payments under section 415(a) of the Act. Since section 415 does not authorize automatic stays of order to appeal, parties are advised to seek such a stay from the appropriate forum. Adding an automatic stay of order to appeal, unless an automatic stay of order to appeal has been exhausted would require an amendment of the Act.

§9.07 Revocation, Amendment or Waiver of Rules.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XI, executive communications were taken from the President’s table and referred as follows:

6747. A communication from the President of the United States, transmitting Requests from the judicial Branch for FY 2004, (H. Doc. No. 108–160), to the Committee on Appropriations and ordered to be printed.

6748. A letter from the Under Secretary, Department of Defense, transmitting Appropriations and ordered to be printed.


6750. A communication from the President of the United States, transmitting Report including matters relating to post-liberation Iraq as consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law No. 107–243); (H. Doc. No. 108–160); to the Committee on International Relations and Ordered to be printed.


6753. A letter from the Chairman, U.S. Commodity Futures Trading Commission, transmitting the FY 2003 report pursuant to the Federal Managers’ Financial Integrity Act, pursuant to 31 U.S.C. 352(c)(3); to the Committee on Government Reform.

6754. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule.—Modification of Class E Airspace; Polson, F.A.A. [Docket No. FAA–2003–16207], airspace Docket No. 03–ANM–10] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6755. A letter from the Paralegal Specialist, FAA, Department of Transportation,
transmitting the Department's final rule— Establishment of Class D and E Airspace; Olive Branch, MS; Amendment of Class E Airspace; Memphis, TN [Docket No. FAA-2003-1650; Amendment No. 83-28] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

656. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule— Modification of Class E Airspace; Charlotte, IA. [Docket No. FAA-2003-16502; Airspace Docket No. 03-ACE-89] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

657. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule— Modification of Class E Airspace; Waverly, IA. [Docket No. FAA-2003-16504; Airspace Docket No. 03-ACE-86] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

658. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule— Modification of Class E Airspace; Oskaloosa, IA. [Docket No. FAA-2003-16500; Airspace Docket No. 03-ACE-84] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

659. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting The Department’s final rule— Modification of Class E Airspace; Springfield, MO. [Docket No. FAA-2003-16763; Airspace Docket No. 03-ACE-100] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

660. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule— Airworthiness Directives; Airbus Model A 330-200 and -300 Series Airplanes [Docket No. FAA-2003-16780; Amendment No. 39-15462-AD; Amendment Nos. 127-8, 134-298 and 136-88] (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

661. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule— Airworthiness Directives; Bombardier Model DHC-8-100, -102, -103, -200, -202, -301, -311, and -315 Series Airplanes [Docket No. FAA-2003-16781; Airspace Docket No. 03-ACE-72] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

662. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule— Airworthiness Directives; Dassault Model Falcon 2000 Series Airplanes [Docket No. FAA-2002-233-AD; Amendment No. 2120-AA64] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

663. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule— Airworthiness Directives; Bombardier Model Challenger 604 and 605 Series Airplanes [Docket No. FAA-2003-16783; Airspace Docket No. 03-ACE-67] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

664. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule— Modification of Class E Airspace; Winterfield, IA. [Docket No. FAA-2003-16782; Airspace Docket No. 03-ACE-68] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

665. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule— Airworthiness Directives; Dassault Model Falcon 2000 Series Airplanes [Docket No. FAA-2002-233-AD; Amendment No. 2120-AA64] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

666. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule— Airworthiness Directives; Dassault Model Falcon 2000 Series Airplanes [Docket No. FAA-2002-233-AD; Amendment No. 2120-AA64] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

667. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule— Airworthiness Directives; Bombardier Model Challenger 604 and 605 Series Airplanes [Docket No. FAA-2003-16783; Airspace Docket No. 03-ACE-67] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

668. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule— Airworthiness Directives; Dassault Model Falcon 2000 Series Airplanes [Docket No. FAA-2002-233-AD; Amendment No. 2120-AA64] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

669. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule— Airworthiness Directives;畋zhou Model ATR42 and ATR72 Series Airplanes [Docket No. FAA-2003-16784; Airspace Docket No. 03-ACE-73] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

670. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule— Modification of Class E Airspace; Greenfield, IA. [Docket No. FAA-2003-16504; Airspace Docket No. 03-ACE-103] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

671. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule— Modification of Class E Airspace; Marysville, KS. [Docket No. FAA-2003-16505; Airspace Docket No. 03-ACE-93] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

672. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule— Modification of Class E Airspace; Tipton, IA. [Docket No. FAA-2003-16501; Airspace Docket No. 03-ACE-88] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

673. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule— Modification of Class E Airspace; Osceola, IA. [Docket No. FAA-2003-16502; Airspace Docket No. 03-ACE-89] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

674. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule— Modification of Class E Airspace; Winterfield, IA. [Docket No. FAA-2003-16782; Airspace Docket No. 03-ACE-68] received December 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
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6783. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Fokker Model F.28 Mark II Series Airplanes (Docket No. 2004-NM-10-AD; Amendment 39-13447; AD 2004-03-03) (RIN: 2120-AA64) received February 23, 2004, pursuant to 5 U.S.C. 301(a)(4) as referred to the Committee on Transportation and Infrastructure.

6784. A letter from the United States Trade Representative, Executive Office of the President, transmitting a report on the intent to initiate negotiations for a free trade agreement between the United States and Thailand, pursuant to Section 210(a)(3) of the Trade Act of 2002, to the Committee on Ways and Means.

6785. A letter from the Chair, Office of Compliance, transmitting Second notice of proposed procedural rule making under Section 303(b) of the Congressional Accountability Act of 1995 for publication in the Congressional Record, pursuant to 2 U.S.C. 1384(b); jointly to the Committees on House Administration and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on February 11, 2004, the following reports were filed on February 18, 2004]

Mr. BOEHLERT: Committee on Science. H. Con. Res. 189. Resolution providing for consideration of the bill (H.R. 1997) to amend the Code of Military Justice to protect unborn children from assault and murder, and for other purposes (Rept. 108-107). Referred to the House Calendar.

Mr. SENSENIBRENNER: Committee on the Judiciary. H. Res. 530. A resolution urging the Administrator of the Federal Trade Commission to issue a final rule to initiate negotiations for a free trade agreement with the United States and the Republic of China to end its human rights violations in China, and for other purposes; to the Committee on Armed Services.

Mr. PAYNE (for himself and Mr. FLAKE): H.R. 3823. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Belarus; to the Committee on Ways and Means.

H. Res. 528. A resolution urging the President to convene the United Nations Commission on Human Rights to introduce a resolution calling upon the Government of the People’s Republic of China to redress human rights violations in China, and for other purposes; to the Committee on International Relations.

H. Res. 530. A resolution urging the appropriate representative of the United States to the 6th session of the United Nations Commission on Human Rights to introduce a resolution calling upon the Government of the People’s Republic of China to redress human rights violations in China, and for other purposes; to the Committee on International Relations.

Mr. BIGGERT (for herself, Mr. STRICKLAND, Ms. GINNY BROWN-WAITE of Florida, Mr. MCCOTTER, Mr. BURTON, Mr. PAUL (for himself and Mr. FLAKE): H.R. 3822. A bill to amend the Animal Health Protection Act to direct the Secretary of Agriculture to establish an electronic nationwide livestock identification system, and for other purposes; to the Committee on Agriculture.

By Mr. PAUL (for himself and Mr. FLAKE): H.R. 3822. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Belarus; to the Committee on Ways and Means.

By Mr. RENZI:

H. Con. Res. 365. Concurrent resolution supporting the goals and ideals of National Purple Heart Recognition Day; to the Committee on Armed Services.

By Mr. KILDEE (for himself, Mr. QUINT, and Mr. LEVIN):

H. Con. Res. 365. Concurrent resolution expressing the sense of the Congress regarding negotiating, in the United States-Thailand Trade Agreement, access to the United States automobile industry; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, Ms. ROS-LEHTINEN, Mr. ROHRABACHER, Mr. PENCE, Mr. PAYNE, Mr. Brown of Wisconsin, Mr. SHEARMAN, Mr. COX, Mr. PITT, Mr. ZIRKELBACK, Mr. JO ANN DAVIS of Virginia, Mr. GREEN of Wisconsin, Mr. BERMAN, Ms. HARRIS, Mr. KING of New York, Mr. MCNULTY, Mr. ROTMEN, Mr. CAPUANO, Ms. KAPTUR, Mr. HOLT, Mr. CHABOT, Mr. UDALL of New Mexico, Mr. FERGUSON, Mr. SHIMKUS, Mr. KIRK, Mr. BURR, Mr. BLUMENAUER, Mr. SOUTER, Mr. FRANKS of Arizona, Mrs. KELLY, Mr. MCGOVERN, Mr. MCKEON, Mr. ANDREWS, Mr. PICKERING, Ms. MCCARTHY of Missouri, Mr. SCHIFF, Mr. AKIN, and Mr. MENENDEZ): H. Res. 530. A resolution urging the appropriate representative of the United States to the 66th session of the United Nations Commission on Human Rights to introduce a resolution calling upon the Government of the People’s Republic of China to redress human rights violations in China, and for other purposes; to the Committee on International Relations.

By Mr. BURTON of Indiana, Mrs. BIGGERT (for herself), Mr. STRICKLAND, Ms. GINNY BROWN-WAITE.
Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. THOMBERNY.
H.R. 80: Mr. ROTHMAN.
H.R. 77: Mr. BAIROD.
H.R. 173: Mr. SOUDER, Mr. VAN HOLLSEN, MR. HARMAN, and Mr. J. OHN.
H.R. 218: Mr. BURNS, Ms. SCOTT of Georgia, Mr. LUDT of Georgia, Mr. GONZALEZ, Mr. BOEHLERT, Ms. MAJETTE, and Ms. SLAUGHTER.
H.R. 290: Mrs. CHRISTENSEN of Florida, Mr. MURPHY, and Mr. BERNARD.
H.R. 296: Mr. BROW of Ohio.
H.R. 300: Mr. JONES of North Carolina.
H.R. 339: Mr. HALL.
H.R. 375: Mr. JOHNSON of Connecticut.
H.R. 391: Mr. KELLER and Mr. CHABOT.
H.R. 463: Mr. TONS of Maryland, and Mr. SESSION.
H.R. 984: Mr. TIBERI, Mr. FRANK of Massachusetts, Mr. BLUMENAUER, Mr. RANGEL, Mr. ENGLE, and Mr. Filner.
H.R. 984: Ms. SLAUGHTER, Mr. CUMINGS, and Mr. DUNCAN.
H.R. 714: Mr. GORDON.
H.R. 716: Ms. MILLENDER-McDONALD.
H.R. 802: Mr. SOLIS.
H.R. 814: Mr. ROTHMAN, Mr. BERNARD, Ms. WATERS, Mr. PALLONE, Mr. JEFFERSON, Mr. LATOURRE, Mr. LEWIS of Georgia, Mr. HUGHES of Georgia, Mr. MENENDEZ, and Mr. CUMMINGS.
H.R. 847: Mr. FROST and Mr. EMANUEL.
H.R. 852: Mr. WEINER.
H.R. 857: Mr. WELLER, Mr. ROYCE, and Ms. LETO.
Loretta Sánchez of California.
H.R. 876: Mr. PITTS, Mr. GUTIERREZ, Mr. KILPATRICK, Mr. GILLMOR, Mr. OXLEY, Mr. TURNER of Ohio, Mr. SPARR, and Mr. CASE.
H.R. 931: Mr. GIBBONS, Mr. TAYLOR of Mississippi, and Mr. QUINN.
H.R. 933: Ms. SLAUGHTER.
H.R. 994: Mr. PETERSON of Minnesota and Mr. GORDON.
H.R. 972: Mr. PETERSON of Minnesota.
H.R. 976: Ms. LEE, Mrs. CHRISTENSEN of Minnesota, Mr. SERRA, Mr. MURPHY, Mr. KENDRICKS, Mr. FRANK of Massachusetts, Mr. WATERS, Mr. LOWEY, and Ms. HASTINGS of Florida.
H.R. 1002: Mr. WEKLER.
H.R. 1029: Mr. GEORGE MILLER of California.
H.R. 1057: Mr. BARTLETT of Maryland, Mr. RODGERS, and Mr. WAMP.
H.R. 1083: Mr. CRAMER.
H.R. 1084: Mr. MURPHY.
H.R. 1117: Mr. DEMINT and Mr. TURNER of Ohio.
H.R. 1231: Ms. BONO.
H.R. 1236: Mr. GARRETT of New Jersey.
H.R. 1267: Ms. CORREIA.
H.R. 1336: Mr. BOUCHER, Ms. McCARTHY of New York.
H.R. 1365: Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. LOFGREN, Mr. OBTER, Mr. Gordon, Mr. Hastings of Florida, Mr. Stenberg, and Mr. FRANK of Massachusetts.
H.R. 1434: Mr. BALLENC, Mr. BRADY of Pennsylvania, Mr. CARSON of Indiana, and Mr. BELL.
H.R. 1478: Mr. HONDA.
H.R. 1508: Mrs. McCARTHY of New York.
H.R. 1513: Mr. TIAHRT.
H.R. 1532: Mr. WYNN, Mr. ROYCE, and Mr. RENZI.
H.R. 1563: Mr. PASCRELL and Mrs. BONO.
H.R. 1608: Mr. CALVERT and Mr. EMANUEL.
H.R. 1615: Mr. CAPUANO and Mr. SIMMONS.
H.R. 1655: Mr. CLARK of Massachusetts.
H.R. 1677: Mr. LEWIS of Georgia.
H.R. 1731: Mr. NEY, Mr. HENSARLING, Ms. SCHAKOWSKY, Mr. BURGESS, Mr. SMITH of Texas, and Mr. BAIROD.
H.R. 1736: Mr. J. OHN, Mr. FROST, Ms. DE LAURO, Mr. BELL, MS. SLAUGHTER, and Mr. Filner.
H.R. 1749: Mr. BISHOP of New York.
H.R. 1755: Mr. DEMINT.
H.R. 1758: Mr. GORDON.
H.R. 1793: Mr. BAIROD.
H.R. 1918: Mr. GORDON.
H.R. 1919: Mr. MEEHAN.
H.R. 1994: Mr. ANDREWS.
H.R. 2045: Mr. SIMPSON.
H.R. 2107: Mr. RAHALL, Mr. DEUTSCH, Ms. SCHAKOWSKY, Mr. DELAHUNT, Mr. BOUCHER, and Mr. MORAN of Virginia.
H.R. 2133: Mr. DEUTSCH.
H.R. 2137: Mr. DEUTSCH.
H.R. 2198: Mr. RODRIGUEZ and Mr. WEKLER.
H.R. 2246: Mr. BAIROD, Mr. GRIJALVA, and Mr. MCINTYRE.
H.R. 2247: Ms. JACKSON-LEE of Texas, Ms. WATSON, Mr. MEEHAN, Ms. DAVIS of California, Ms. RAND of Massachusetts, and Mr. MALONEY.
H.R. 2262: Mr. PETERSON of Minnesota.
H.R. 2293: Mr. DEMINT, Mr. NEUGEBAUER, Mr. GINGREY, Mr. HENSARLING, Mr. FEENEY, Mr. BEACH, Mr. MURDOCH of Florida, Mr. WILSON of South Carolina, Mr. BAIROD of Texas, Mr. JONES of North Carolina, and Mr. NORWOOD.
H.R. 2294: Mr. SOUDER.
H.R. 2318: Mr. BRADY of Pennsylvania and Mr. BURTON of Indiana.
H.R. 2387: Mr. BACHUS and Mr. DELAHUNT.
H.R. 2495: Mr. BAIROD.
H.R. 2496: Mr. DEMINT, Mr. NEUGEBAUER, Mr. GINGREY, Mr. HENSARLING, Mr. FEENEY, Mr. BEACH, Mr. MURDOCH of Florida, Mr. WILSON of South Carolina, Mr. BAIROD of Texas, Mr. JONES of North Carolina, and Mr. NORWOOD.
H.R. 2408: Mr. BAIROD.
H.R. 2409: Mr. VAN HOLLSEN.
H.R. 2519: Mr. BRADY of Pennsylvania.
DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3737: Mrs. JONES of Ohio, Mr. UDALL of Colorado, Mr. WU, Mr. MATSU, Mr. HASTINGS of Florida, Mr. JENES, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Ms. ROYBAL-ALLARD, Mr. MEeks of New York, Mrs. LOEY, Mrs. MCCARTHY of New York, and Mr. OWENS.
The Senate met at 9:30 a.m. and was called to order by the Honorable Saxby Chambliss, a Senator from Georgia.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of grace and glory, we owe you far more than we can ever repay. Thank you for your gift of abundant life and freedom from the chains of evil. Thank you also for the love of family, for the joy of health, and for the challenges that make us stronger.

Lord, deliver us from pride and ingratitude. Inspire our leaders with your presence. May each senator enable you to lay the foundation for every decision he or she makes. Protect these leaders as they come and go.

Continue to keep each of us from falling. Empower us to be faithful to our high calling to be your sons and daughters. Bless our military and all who risk their lives for freedom. We pray this in your gracious name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable Saxby Chambliss led the Pledge of Allegiance, as follows:

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

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Stevens).

The legislative clerk read the following letter:

U. S. Senate,
President pro tempore,

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Saxby Chambliss, a Senator from the State of Georgia, to perform the duties of the Chair.

Ted Stevens,
President pro tempore.

Mr. Chambliss thereupon assumed the Chair as Acting President pro tempore.

**RESERVATION OF LEADER TIME**

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

**RECOGNITION OF THE ACTING MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

**SCHEDULE**

Mr. Ensign. Mr. President, today the Senate resumes consideration of the motion to proceed to S. 2061, the OB/GYN medical malpractice bill. Senators who wish to speak on the bill are encouraged to come to the floor during today's session. The Senate will recess from 12:30 until 2:15 for the weekly party lunches.

At 5 p.m. the Senate will vote on the motion to invoke cloture on the motion to proceed to the bill. As a reminder, last night the majority leader filed cloture on the motion to proceed to S. 1805, the gun liability bill. The cloture vote on the motion to proceed to the gun liability bill will occur on Wednesday.

I ask unanimous consent that the time until 12:30 p.m. be equally divided between the two managers or their designees; provided further that the time from 2:15 until 4:50 p.m. be equally divided in the same manner; with the final 10 minutes prior to the 5 p.m. cloture vote equally divided between the two leaders or their designees, with the majority leader in control of the final 5 minutes.

Mr. Reid. Mr. President, this is an equitable distribution of time and will save a lot of confusion. We therefore agree.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**HEALTHY MOTHERS AND HEALTHY BABIES ACCESS TO CARE ACT OF 2003—MOTION TO PROCEED**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to consideration of S. 2061.

Mr. Ensign. Mr. President, I wish to make a few opening comments on the medical liability bill. Last year we had a debate in the Senate on proceeding—not voting on but proceeding—to an overall medical liability reform bill. That vote was 49 to 48 in favor of going to the bill. Unfortunately, the rules of the Senate provide that one needs 60 votes. Otherwise, a filibuster, as it is commonly referred to, is continued. You cannot proceed to debating the legislation or to votes or amendments.

There are currently 19 States, according to the American Medical Association, that are in crisis. Nineteen States are experiencing some kind of crisis with their medical system because of problems with medical liability insurance. All but 5 States of the remaining are showing some problems, the type of problems that have led to those 19 States being in crisis.

We had the vote last year and couldn't get it done. Senator Gregg and I have introduced the bill before us today, the Healthy Mothers and Healthy Babies Access to Medical Care Act. This bill limits the scope of reform of the medical liability system to the practice of obstetrics and gynecology and the doctors involved in those practices.

Using my own State as an example, at the University of Nevada School of Medicine...
Medicine there has been a dramatic decrease in the number of medical students deciding to go into obstetrics. This is happening at a time when Nevada is the fastest growing State in the country. Southern Nevada — Las Vegas, in particular — is growing at a rapid rate. This is a growing metropolitan area in the Nation. Not only are we not adding the OB/GYNs we need, we are actually losing them.

The other side will argue that the General Accounting Office did a survey of medical examiners how many doctors have given up their licenses, and they found out nobody had given up their licenses, that should not surprise anybody because they are not going to give them up. That is what these doctors are not quitting practice in Nevada and other States — Pennsylvania, West Virginia, Washington State, Mississippi, and many others around the country. It means they haven't given up their licenses, they're just staying in the practice. Nobody has given up their licenses, that should not surprise anybody because they are not going to give them up. That is what these doctors are doing. They are not quitting practice in Nevada and other States. That is a shame because it has worked so well.

In California — Los Angeles, for example — OB/GYN medical liability insurance is somewhere a little over $50,000 a year. In Las Vegas, we don't have and haven't had this wonderful MICRA law on the books, premiums can run anywhere from $130,000 up to $200,000 a year. One of the reasons why we lost many doctors in Las Vegas, you have to limit the number of deliveries you do, especially if you are practicing in high-risk deliveries.

If you are a woman who has a high-risk pregnancy, you want the best possible doctor you can get. Unfortunately, those doctors are having to limit their practice or retire or leave the State because they cannot afford medical liability coverage any longer. This is a crisis — a crisis of access to health care for women who need the health care, women who are in search of gynecological services or women who are about to deliver babies. The stories — there are many of them — are tragic in many circumstances.

This is, by the way, only one area of our health care system that is in crisis. Trauma is another place, and we are going to talk about this this year. The level I trauma center in Las Vegas closed a couple of years ago because the doctors could not afford to practice there because of the liability. There were some lawsuits that actually had merit to them; some of them did but most of them did not. Because of the potential liability, the doctors said we cannot afford to work there. So the level I trauma center that serves a four-State region had to close. That is the same level I trauma center, for those who followed the national news this last year, where Roy Horn of Siegfried and Roy was treated after the tiger had attacked him. It is an excellent level I trauma center. It saves many lives.

We had a press conference last year where a woman whose father was in Las Vegas and had an accident while the level I trauma center was closed. He had to be transferred to another hospital because of the delays in caring for him. We could definitely argue that this man would be alive today if the trauma center had not closed. That trauma center was only closed for 1 week, and it was closed for that reason. That is the reason we must get this medical liability crisis under control so that our trauma centers are not closing, so that women have access to their OBs, gynecologists, and nurse midwives, who are also covered under this bill. They sometimes get left out of the discussion, but they are a very important part of our health care delivery system in this country and delivering healthy babies.

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being called for one reason only: To get a roll call. It is a bill being called today to put Senators on the spot. Vote yes; vote no. Why? Because, frankly, there are some on one side of the issue who want to demonstrate that they are concerned about the rising cost of insurance and that they want to find a solution. What we have with this issue a long time ago. Before I was elected to Congress 21 years ago, I was a practicing lawyer. I used to defend doctors who were sued for medical malpractice. I have had a little bit of experience in this issue a long time ago. I come to understand the nature of these lawsuits and how complicated and painful many of them are. Then I was on the other side of the table, representing patients who went into a doctor's office or a hospital and were injured and they sought compensation because of these injuries. So I have seen both sides of the issue. I come to this debate with the belief that we need to bring all of the parties together to find a solution. We have a bill on the floor. I am afraid, does not come close to addressing a serious national issue.

Mr. President, I see that the Democratic leader, Senator DASCHLE, has taken to the floor. I am giving a rather lengthy speech. At this point, I would like to yield the floor to the Senator from South Dakota and then I can resume after he is finished. The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I thank the distinguished Senator from Illinois for his courtesy, and I appreciate very much the leadership he has provided. He has said on many occasions that it is imperative we address this issue in a meaningful, comprehensive way. Senators on both sides of the aisle recognize that this situation will not resolve itself; that it must be addressed. But like him, I share the concern that the bill before us just doesn't do that.

Last year, the Senate was asked to consider a bill that promised to reduce insurance rates for doctors and nurses by restricting the legal rights of injured patients. That bill was rejected by a strong bipartisan margin in the Senate for one simple reason: It was a sham. It put the profits of insurers ahead of the rights of patients, while offering doctors no real relief whatsoever.

Today we are being asked to consider yet another bill that seeks to close the doors of the courthouse to victims of malpractice. This is a problem of expanding health care access for women and infants. Once again, the Senate should reject this bill for what it is: A maneuver designed to protect the profits of insurance companies, HMOs, pharmaceutical companies, and medical device manufacturers.

Democrats and Republicans agree that skyrocketing malpractice insurance premiums are a serious challenge. Too many doctors, especially obstetricians and gynecologists, are being forced to pay exorbitant premiums because of the arbitrary and often unreasonable formulas for OB/GYNs. This is a national problem, and it demands our attention. But let us be careful. This bill actually does nothing to help doctors. Despite the claims of the insurance companies, every piece of available evidence shows that malpractice insurance premiums have increased in the last few years. We have a situation, again documented by the Medical Liability Monitor, that States with caps saw increases of as much as 54 percent last year. States without caps saw increases of no more than 14 percent last year.

A recent study by the Weiss rating organization found that caps on non-economic damages failed to result in lower premiums for doctors, despite the fact that they did not reduce the amount that insureds had to pay to victims. Insurers merely kept the savings for themselves and left doctors to fend for themselves.

In the months since we last discussed this issue, the GAO and the CBO both released reports demonstrating that the primary factor driving insurance premiums higher is not malpractice awards, but the insurance companies' desire to recover their investment losses. After trying to pass the cost of their bad investments to doctors, they are now trying to do the same thing by limiting the rights of injured patients.

Even the insurance industry admits that caps will not protect doctors from higher insurance premiums. A press release published on March 13, 2002, by the American Insurance Association stated: "Insurers never promised that tort reform would achieve specific premium savings. . . ."

Just last year, Bob White, president of the largest medical malpractice insurer in Florida, stated: "No responsible insurer can cut its rates by a medical malpractice tort reform bill passes. . . ."

Take it from the insurers themselves, no doctor should expect lower insurance rates as a result of this bill, and no woman should expect greater access to health care for themselves or their babies.

What women should expect, on the other hand, is a two-tiered legal system that restricts their rights in the courthouse if they are hurt by negligence of a doctor, HMO, drug company, or medical device manufacturer. This bill is unjust. It restricts women's access to the legal system while preserving it actually for whatever.

Under this bill, if a man shows signs of lung cancer and his illness is misdiagnosed due to the negligence of his doctor, he can recover damages to compensate him fully for his injuries. But if a woman with cervical cancer suffers the same negligence, her damages will be arbitrarily capped. If a woman is prescribed defective blood pressure medication by an internist, he can recover full damages. But if a woman is prescribed blood pressure medication during pregnancy that causes blood clots, her damages will be capped.

The real problem with this bill is not merely that it values the injuries of men and women differently, as troubling as that is, the real problem is that it presumes that politicians in Washington are better able to determine how to compensate injured patients.

Every year, tens of thousands of women and infants are injured at the hands of OB/GYNs. Nine years ago, Colin Gourely of Nebraska suffered complications at birth due to his doctor's negligence. Today, he has cerebral palsy and is confined to a wheelchair. In his short life, he has needed five surgeries to correct bone problems and sleeps in a cast every night to prevent further orthopedic problems.

Shannon Hughes from South Carolina was in the middle of a difficult labor. Despite repeated calls, the doctor wouldn't come until her 35th hour of labor. It turned out that the umbilical cord was wrapped around her baby's neck cutting off oxygen. Today, Shannon's son, Tyler, is severely brain damaged and bedridden. He requires constant medical care and is fed through a tube.

When Alexandra Katada was born in McKinney, TX, the doctor stretched her spine, destroying her nerves, leaving her partially paralyzed. The baby's elbow was pulled from its socket and broken. She died 8 months later from her spinal injuries.

Let us be clear: No amount of money can compensate a parent for their child's pain, but malpractice awards are not simply about money. They are about offering victims a sense of justice, a way to hold accountable those responsible for their injuries or the death of their loved ones.

Some have said that without limits, this legal system looks more like a lottery. But no jury award could ever make the parents of Colin Gourely or Tyler Hughes or Alexandra Katada feel
that they were holding a winning ticket.

Malpractice awards are decided by juries and approved by judges. This is the same system on which we rely to decide life and death issues in capital cases. Sometimes it is not just juries and judges to fairly evaluate how to deliver justice for the victims of medical malpractice?

Democrats are eager to work together to get the legislators to craft a real solution to the problem of rising malpractice premiums. But, once again, rather than working with us to craft a true compromise that would address the problems of increasing insurance premiums, the Republican leadership has decided to bring this bill to the floor with the same level of problems, the same concerns we had 7 months ago.

If our colleagues were serious about combating the rising cost of malpractice premiums, they would join us in supporting bipartisan legislation that includes both long-term and short-term solutions that directly address the rising premiums without harming Americans—sensible ways such as individual tax credits to offset costs when premiums rise sharply; reasonable limits to punitive damages; prohibitions against commercial insurers engaging in activities that violate Federal antitrust laws; sensible ways to reduce medical errors; and direct assistance to geographic areas that have a shortage of health care providers due to dramatic increases in malpractice premiums.

The Senate faced a similar situation discussing concerns about the rising terrorism insurance rates. Some thought then that the only solution was to undo the jury system. Instead, the Senate worked together and developed a bipartisan solution that fixed the problem and brought down insurance rates dramatically.

We should pursue the same model for addressing this problem as well. The question is do malpractice rates a serious problem. Doctors and patients deserve a real answer. This bill is not it. I urge my colleagues to reject closure.

I yield the floor.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from South Dakota because he has raised an important issue of concern in this debate and that is one I have initiated in my opening remarks. We need to have a constructive bipartisan conversation about a serious national problem. Instead, this bill, S. 2061, was introduced just a few days ago without a committee hearing, reference to committee, without any attempt to find common ground and find a solution. In fact, it is being called today so there will be a vote on record and nothing else. I am anticipate the bill will not go forward.

I spoke to doctors in Illinois over the weekend, doctors who share my concern about the medical malpractice premium situation in our State. I have told them what we are doing today is frankly a political exercise. It is an exercise to come up with a roll call vote so those on one side of the issue can go to their constituents and say they have worked hard. We brought this bill to the floor, we have been stopped, and we cannot get back to it because we are so busy. Frankly, that is no solution. In State after State, including my State, there is a real problem and brought down insurance rates dramatically.

They are a fraction of what they are in Illinois. There is no question that malpractice premiums are a serious problem that needs to be addressed. It is not just in the obstetrical/gynecological area. The OB/GYN issue is an important one, but there are other areas of need, relating to trauma care, neurosurgery, and orthopedic surgery. The list is long and we need to address it in a serious and responsible way.

This bill, however, is being brought to us on a moment’s notice. This bill is being brought to us in an effort to really check off the box that says, yes, we considered medical malpractice and now we are going to move on. That is unfair and it is unfortunate, and we can do better.

I will tell my colleagues a story about some of the situations I know of in my State. Eduardo Barriuso, who is a physician in the Humboldt Park area of Chicago, pays $304,000 a year for medical practice insurance. He earns about $175,000 because the patients he sees are poor patients, Medicaid and Medicare patients. Doctors who depend on Medicaid and Medicare are not wealthy individuals, but they perform a valuable function because if they were not there to serve the poorest of the poor, then who will?

This doctor says that faced with $104,000 in annual premiums and a loss of coverage, from the wrong thing is done and they are finding malpractice premiums are a fraction of what they are in Illinois.

There is no doubt in my mind there is a serious problem that needs to be addressed. It is not just in the obstetrical/gynecological area. The OB/GYN issue is an important one, but there are other areas of need, relating to trauma care, neurosurgery, and orthopedic surgery. The list is long and we need to address it in a serious and responsible way.

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the American Trial Lawyers. This was the journal of the American Medical Association. They published a study that told us and warned us that we have a serious problem in America.

The study found injuries in U.S. hospitals in the year 2000, for just one year, led to approximately 32,600 deaths, at least 2.4 million extra days of patient hospitalization, and additional costs of up to $93 billion. These injuries did not include adverse drug reactions or malfunctioning medical devices.

Dr. Carolyn Clancy, Director of the Agency for Health Care Research and Quality, called medical errors “a national problem of epidemic proportions.”

This was at a hearing before the Government Affairs Committee last June. She said Congress and the Bush administration need to make sure health care professionals work in systems that are designed to prevent mistakes and catch problems before they injure patients.

According to the Institute of Medicine, the medical errors epidemic has caused more American deaths per year than breast cancer, AIDS, and automobile accidents combined. It is the equivalent to a jumbo jetliner crashing every 24 hours for an entire year.

More than 70 studies of the past decade have documented serious quality problems in medical treatment, yet this bill before us today, S. 2061, does absolutely nothing to address this underlying problem of patient safety. How can we in good conscience talk about a medical malpractice problem and conclude the only place we need look is to the courtroom, to the patient once injured who goes to the courthouse seeking some compensation, some accountability for an injury that was absolutely no fault of their own? Yet the bill before us is absolutely silent when it comes to making doctors’ offices, hospitals, and patient treatment safer.

This last Sunday in the New York Times, an interesting article on patient safety was published. I ask unanimous consent that the article be printed in the Congressional Record.

There being no objection, the material was ordered to be printed in the Record, as follows:


**RUNNING A HOSPITAL LIKE A FACTORY, IN A GOOD WAY**

(By Andrea Gabor)

On the face of it, SSM St. Joes Health Center, a small hospital in suburban St. Louis, does not seem very revolutionary in business terms. The hospital is a nonprofit institution run by the Franciscan Sisters of Mary. The chief executive, Alan Kevin Kast, is a former seminarian who begins his meetings with prayer and refers to his hospital as a ministry. A crucifix hangs in every room.

Yet St. Joes is also guided by business objectives. The 354-bed hospital, part of SSM Health Care, which has 20 hospitals in four states and is led by Sister Mary Jane Ryan, is in line with health care companies around the world, using the quality and productivity techniques that helped strengthen American industry in the 1980’s, the hospital has improved patient care and reduced medication errors, waiting time in the emergency room and infection rates. It has even sharply reduced costs.

Other hospitals are also starting to use some of the techniques that have made industry more efficient in its quest to improve quality and save money. Every year, preventable medical errors cost $9 billion, and ten of those are common among 19 hospitals that participated in a recent study by the Agency for Healthcare Research and Quality, part of the Department of Health and Human Services, and Johns Hopkins University.

Whether in industry or in health care, a quality strategy “gives a unified vocabulary for thinking about production, as a system with a focus on customers,” said Donald Berwick, founder of the Institute for Healthcare Improvement, an advocacy organization based in Boston.

Many hospitals are using a road map provided by General Electric, which has been selling its productivity-enhancing, cost-cutting, six sigma process, along with medical imaging equipment, to hospitals around the country. Six Sigma is a statistical measure that can be applied to any industry or to any goals, ranging from reducing errors to 3.5 parts per million. Two years ago, for example, the North Shore-Long Island Jewish Health System contracted with GE Medical Systems’ Six Sigma Group, a division of Public Health to help start a leadership training center. Similarly, after close to a decade of cost-cutting, the Yale New Haven Hospital also recently signed up with GE.

New devotees of quality are beginning to measure and analyze everything from waste and waiting time to infection rates and the number of readmissions in narrow timeframes, as well as organizational barriers to improvement.

In a culture ruled by a fear of malpractice, the focus on quality involves a shift from secrecy to transparency—including reporting and dissecting mistakes.

That shift may be helped by a provision of the Medicare legislation passed in December that withholds a small part of Medicare payment if a hospital refuses to disclose quality data, or “databreach,” which, said one speaker, is an incredibly historic,” said Robert Galvin, director for global health care of G.E. and the founder of the Leapfrog Group, an industry consortium that works to improve health care.

A few hospitals, including Dartmouth Hitchcock Medical Center in New Hampshire and the nine hospitals that form the Wisconsin Collaborative for Healthcare Quality, have begun to publish comparative quality data on their Web sites, including statistics like mortality rates.

At St. Joes, where a quality strategy was first embraced in the late 1980’s, measurement, standardization and analysis are obsessions. “When I came here, everything was done differently,” said Filippo Ferrigni, who has led the hospital’s intensive care unit since 1987. “We didn’t even measure blood pressure the same way in everyone. We decided we needed to have internal standards for measurement of at least blood pressure, pulmonary artery pressure, temperature, the fundamental building blocks of medicine.”

The quality push at St. Joseph and the other hospitals in the group has led to systematic improvements. One initiative, for example, dealt with the single most important leverage point for reducing mortality that’s available to hospitals — insulin. Dr. Ferrigni said, “This is incredibly powerful stuff.”

The effort, however, also demonstrated a major organizational challenge. “Doctors write orders, but nurses have to make it work,” Dr. Ferrigni said. He explained that the glucose initiative significantly increased nurses’ workloads.

Blood sugar, once measured four times a day, now must be measured 12 times a day in intensive care. Once nurses saw the impact of the glucose testing, however, “they got all over it,” Dr. Ferrigni said.

Some of the greatest quality challenges involve persuading employees in various departments to cooperate. Consider the effort, known as Project J, to cut waiting time in emergency rooms.

The goal is to evaluate patients with life-threatening illnesses or injuries in just 30 seconds and to reduce the time needed to admit patients to a hospital bed from the emergency room to 30 minutes. Improvements in the emergency room involved a number of departments. When X-rays were needed, it often took an hour for an X-ray technician to get to the emergency room. To solve the problem, one X-ray technician was permanently transferred there. Or, in admitting psych patients, the hospital had to wait for an evaluation by an outside psychological social worker before a patient could get into the emergency room, a process that averaged 90 minutes. To reduce the wait, the hospital hired a psychological social worker.

Within two years, SSM St. Joes has met its objectives in the emergency room. 94 percent of the time, up from about 65 percent when the project began. To help keep the organization on track, patients receive a coupon for $10 of groceries when SSM misses its 30/30 target. The hospital spent $14,450 in 2003 on coupons. The hospital now spends about $200,000 more each year on increased emergency room staffing. But a jump in admissions has

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At St. Joes, the zeal for quality improvement is helping the sickest patients. When Dr. Ferrigni read an article in a recent issue of The New England Journal of Medicine about high blood pressure and increased chance of infections, he knew that he had found his next big opportunity for improving patient care. Infections acquired in hospitals are all too common, according to a report released in December by the government’s Agency for Healthcare Research and Quality; about two million patients are infected each year at a cost of more than $4.5 billion.

The stress of illness results in higher glucose levels for most patients—not just those with diabetes but also women who are trying to keep their blood sugars down if lowering glucose levels in the intensive care unit by giving patients intravenous insulin would lower infection levels. Initially, the project ran into “tremendous resistance,” he said. Doctors were concerned that giving patients insulin might result in brain injury and seizures. Dr. Ferrigni, however, persuaded his colleagues to allow him to gradually reduce blood sugars of patients in the intensive care unit. As blood sugars declined among the patients, overall mortality in the unit declined, too.

The results were so astonishing that the hospital decided to make the reduction of glucose levels one of its quality goals. The effort, said Galvin, is a credit to the Carnegie Corporation of Public Health to help start a leadership training center. Similarly, after close to a decade of cost-cutting, the Yale New Haven Hospital also recently signed up with GE.

New devotees of quality are beginning to measure and analyze everything from waste and waiting time to infection rates and the number of readmissions in narrow timeframes, as well as organizational barriers to improvement.

In a culture ruled by a fear of malpractice, the focus on quality involves a shift from secrecy to transparency—including reporting and dissecting mistakes.

That shift may be helped by a provision of the Medicare legislation passed in December that withholds a small part of Medicare payment if a hospital refuses to disclose quality data, or “databreach,” which, said one speaker, is an incredibly historic,” said Robert Galvin, director for global health care of G.E. and the founder of the Leapfrog Group, an industry consortium that works to improve health care.

A few hospitals, including Dartmouth Hitchcock Medical Center in New Hampshire and the nine hospitals that form the Wisconsin Collaborative for Healthcare Quality, have begun to publish comparative quality data on their Web sites, including statistics like mortality rates.

At St. Joes, where a quality strategy was first embraced in the late 1980’s, measurement, standardization and analysis are obsessions. “When I came here, everything was done differently,” said Filippo Ferrigni, who has led the hospital’s intensive care unit since 1987. “We didn’t even measure blood pressure the same way in everyone. We decided we needed to have internal standards for measurement of at least blood pressure, pulmonary artery pressure, temperature, the fundamental building blocks of medicine.”

The quality push at St. Joseph and the other hospitals in the group has led to systematic improvements. One initiative, for example, dealt with the single most important leverage point for reducing mortality that’s available to hospitals — insulin. Dr. Ferrigni said, “This is incredibly powerful stuff.”

The effort, however, also demonstrated a major organizational challenge. “Doctors write orders, but nurses have to make it work,” Dr. Ferrigni said. He explained that the glucose initiative significantly increased nurses’ workloads.

Blood sugar, once measured four times a day, now must be measured 12 times a day in intensive care. Once nurses saw the impact of the glucose testing, however, “they got all over it,” Dr. Ferrigni said.

Some of the greatest quality challenges involve persuading employees in various departments to cooperate. Consider the effort, known as Project J, to cut waiting time in emergency rooms.

The goal is to evaluate patients with life-threatening illnesses or injuries in just 30 seconds and to reduce the time needed to admit patients to a hospital bed from the emergency room to 30 minutes. Improvements in the emergency room involved a number of departments. When X-rays were needed, it often took an hour for an X-ray technician to get to the emergency room. To solve the problem, one X-ray technician was permanently transferred there. Or, in admitting psych patients, the hospital had to wait for an evaluation by an outside psychological social worker before a patient could get into the emergency room, a process that averaged 90 minutes. To reduce the wait, the hospital hired a psychological social worker.

Within two years, SSM St. Joes has met its objectives in the emergency room 94 percent of the time, up from about 65 percent when the project began. To help keep the organization on track, patients receive a coupon for $10 of groceries when SSM misses its 30/30 target. The hospital spent $14,450 in 2003 on coupons. The hospital now spends about $200,000 more each year on increased emergency room staffing. But a jump in admissions has
more than made up for that cost. In 2002, St. Joseph garnered about 68 percent of all new emergency room admissions in St. Charles County. After years without growth, the hospital also experienced an increase in inpatient admissions in general in 2001, and the same increase in 2002.

Some major health care institutions, like Johns Hopkins in the Mayo Clinic, have been pursuing quality initiatives for years, but generally the mantra has been slower to penetrate big institutions. Large teaching hospitals, which juggle teaching, research and patient care, have special challenges. Because of their residency programs and other dynamics, they may not be effective at the hospital level, or in the intensive care unit, which had its own dynamics. At Yale-New Haven, one big question is whether a hospitalwide quality effort can succeed when only 10 percent of the hospital's 2,600 physicians are full-time. The rest are community physicians or professors at the School of Medicine.

The hospital began its Six Sigma effort in the intensive care unit, which had its own staff of nurses. The project involved reducing a relatively high rate of bloodstream infections that occur in patients with catheters.

When management broached the subject with Heidi Frankel, director of surgical critical care at the hospital and a doctor at the Yale-New Haven, she was skeptical. "This isn't an assembly line; it's an I.C.U.," Dr. Frankel recalled saying. "It turned out to be a brilliant and inspired thing to use rigid improvement techniques to deal with a patient model because there are many things we do that are repetitive, and that we could standardize."

After winning over fellow doctors and residents, Dr. Frankel standardized the catheterization procedure and created a training video for the regular influx of new residents. During the first year, the surgical intensive care unit cut its catheter-related infection rates by about 75 percent. A rigorous quality strategy appeals to many hospitals not only because it controls costs, but also because it can improve care. But the process can take years to master. That is why, at St. Joseph's, the true believers would also recommend a little prayer.

Mr. DURBIN. Let me just note a few things about it. It is entitled "Running a Hospital Like a Factory, in a Good Way."

The article tells a story of a hospital in suburban St. Louis, the SSM St. Joseph Health Center. It is a very complimentary article. The hospital is a nonprofit institution run by the Franciscan Sisters of Mary and the chief executive, a former seminarian, has really decided to make St. Joseph's hospital different. They have decided they are going to go after quality control and the reduction of patient injuries and accidents at their hospital. They are using techniques that are used by private industry. I will quote from the article:

Other hospitals are also starting to use some of the techniques that have made the hospital industry more efficient in its quest to improve quality and reduce costs. Every year, patients experience medical errors costs $9 billion, and tens of thousands of lives, according to a recent study by the Agency for Healthcare Research and Quality.

Mr. CORNYN. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield for a question.

Mr. CORNYN. In my own State of Texas, that passed a constitutional amendment along with implementing legislation to reduce the cost of medical liability insurance, there have been seen reductions offered by medical liability carriers of 12 percent in one case and projected to be as much as a 19 percent reduction in medical liability insurance.

While I certainly would agree with the Senator from Illinois that reduction of errors is an important goal, would he not find a reduction of medical liability insurance rates of 12 to 19 percent one way to reduce the cost of health insurance and health care generally, in a way that would benefit the public generally?

Mr. DURBIN. I thank the Senator from Texas. I am aware of his State's efforts, and I am not going to comment on it, but I read a little bit about it.

I will say to him I will be citing some statistics in the course of my remarks that will show that the caps on recoverable damages are one way to reduce the cost of medical malpractice premiums, and I think the Senator would find it interesting that in the process of implementing this legislation, there have been reduced premiums in some States but not in others. It is an unpredictable outcome, when you reduce the exposure of a doctor for his malpractice, as to whether or not the cost of medical malpractice premiums goes down.

I would further say to the Senator from Texas, if our goal is simply to reduce medical malpractice premiums, frankly, we could stop people from suing in court. We could basically say to the jury, you can go to a courthouse if you are a victim. Malpractice insurance would cease to exist in that case.

What we are trying to do here is find a balance, a balance that is just and fair and says if you are an innocent victim of medical negligence, you are entitled to a day in court and a reasonable recovery. That doesn't mean you can come in and expect punitive damages in every instance, or some enormous punitive damages. What we should be able to say that if you are a victim, you will be able to recover a reasonable amount for your injuries.

I say to the Senator from Texas, in this bill, this jury of the Senate has decided that we know the maximum amount any woman or baby should be entitled to recover in a medical malpractice action for noneconomic losses. We are saying here that, regardless of the facts, regardless of the culpability of the doctor, for a particular set of circumstances, regardless of how serious the injury is, the maximum amount any woman or baby should be able to recover in a medical malpractice action for noneconomic losses is $250,000 for pain, suffering, and disfigurement.

I say to my friend from Texas, there are some who say that is just the price you have to pay; if you want to keep malpractice premiums down, you are going to have to say we have circumstances there is going to be an outcome that makes us feel a little uncomfortable. I am going to give examples of specific cases where $250,000 in...
yield for a further question.

Mr. CORNYN. I am happy to yield without yielding the floor.

Mr. CORNYN. The Senator from Illinois makes an important point, and that is there will invariably be one or two, or a handful of cases, or an example you can point to where a $250,000 limit on noneconomic damages might seem to be too low. But would the Senator agree that what we are trying to do is use a rather indirect means to try to accomplish a greater good for the patients who are denied access to health care?

For example, in 154 of the 254 counties in my State, a woman cannot find a baby doctor to deliver her baby because of the cost of malpractice insurance. Many obstetricians simply decide to give up and retire or to move somewhere else where malpractice liability rates are lower.

Would the Senator doubt that we can find an example where the amount is lower than a jury perhaps might award, why shouldn’t we take a step in the direction of bringing some predictability and thus bringing some reasonableness in reducing these liability rates for liability insurance so people can have access to doctors where they live?

Mr. DURBIN. The Senator from Texas makes an excellent point. I think that is the reason, I would say to my colleague, why once this bill is debated and ultimately voted on, we are engaging in a hypothetical exercise.

Wouldn’t the Senator from Illinois deem it important for this body to have a chance to come to this debate and ultimately vote to see what the will of this body and the people we represent is when it comes to trying to get some handle on reducing the costs of liability insurance so more mothers can have access to obstetricians and more people can have access to health insurance by reducing health insurance costs?

Mr. DURBIN. I agree with the Senator from Texas. I thank him for his comments which I believe are good faith comments.

In my rank on this side, I do not set the calendar of how bills are determined; your leader, Senator Frist, does that. I suggest the best place to start is not on the floor of the Senate but for a group, on a bipartisan basis, to try to come up with an honest answer to this issue and bring it to the floor and stand together to try to pass this bill in a responsible way. Simply bringing a bill, take it or leave it, a few days, no committee hearings, does that. I suggest the best place to address frivolous lawsuits is on the Senate floor so I will go through a few points I think we both can see there has been a problem.

The medical malpractice premiums in parts of your State and parts of my State that are being charged record high levels. These premiums are forcing my good doctors in Illinois to retire, move away to another State or to an area that is friendlier when it comes to the cost of the premiums. There is a denial of coverage. There is a denial of services to a lot of poor people in Texas, Illinois, and a lot of other States.

Shouldn’t we come together instead of a take it or leave it bill that has never been referred to the Senate judiciary committee, even been the subject of a hearing, does not address issues of medical safety and other issues we can agree should be part of this conversation? Shouldn’t we at the end of this debate on this bill sit down and begin to try to find common ground and compromise that would serve the goal the Senator is suggesting, the greater good, to make sure these good doctors across America will be there when we need them?

I thank the Senator from Texas.

Mr. CORNYN. If the Senator will yield for a final question.

Mr. DURBIN. I am happy to yield the floor.

Mr. CORNYN. I appreciate the spirit in which the comments are offered by the Senator from Illinois, because this is a subject where we do need to have a rational debate. Unfortunately, because the debate under this bill, allow the flow debate and actually vote, we are engaging in a hypothetical exercise.

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I see a few other colleagues on the floor so I will go through a few points quickly and return to the Senate later in the day if there is an opportunity.

This particular bill does not address the problems of malpractice premiums in an honest fashion. The problem with malpractice premiums is a cyclical insurance problem. We have had crises before with high premiums in the 1970s and 1980s that is exactly what has happened in the law to address this, some in tort reform and some in insurance reform.

This bill does not even look at the insurance companies that are offering medical malpractice insurance. What it is basically saying is that we are not even going to ask the question as to whether these companies are overcharging doctors and hospitals. Instead, we are going to say that the only culprits, the only people who are at fault is the plaintiff, the vic-
the pharmaceutical companies and the medical device companies have a death grip on this Congress. They get what they want. We saw that when we considered the prescription drug bill for seniors and we are seeing it again. There is a group of doctors that come into this body here, not one that passes through the traffic in the Senate, where somebody is not looking for a way to increase the profits and reduce the liability of pharmaceutical companies. This is a further illustration of it.

There are a few things I could point out, drugs or devices that have been used. Let me give one from the State of Georgia. A&A Medical, a Georgia-based manufacturer of OB/GYN devices such as forceps, failed to sterilize tens of thousands of devices from 1999 to 2002, posing life-threatening injuries to women. Former staff of this company told FDA investigators that sterile and nonsterile devices were routinely shipped in the same batches. A month after the company voluntarily recall its products, the FDA seized and destroyed the company's inventory. The owners of A&A Medical left the country after the seizure.

These are the kinds of companies we are talking about in this bill. This is not a question about whether a doctor could deliver a baby in Texas, Connecticut, Ohio, or Alabama. It is a question about whether or not these companies will be held accountable for their wrongdoing.

There is an approach that can be used and should be used that can bring a positive outcome. Senator Lindsey Graham from the State of South Carolina and I have introduced bipartisan legislation. We have worked to try to include in this legislation the key elements that we think are necessary for medical malpractice reform. Let me tell you what they include.

First, dealing with medical safety, establish a system to share the medical error information among providers and patient safety organizations. The information shared will be immune from legal discovery so there is some transparency in what occurs but no liability, so a greater likelihood they would exchange information.

Also, consistent with the Institute of Medicine, the bill creates a new center for quality improvement. We provide immediate relief for doctors and hospitals.

If there is one point I make, it is this: If Senators are hearing back home that medical malpractice premiums are too high and that you should vote for this bill, keep in mind what Senator Ensign of Nevada said in the debate we had a few months ago on a similar bill. Capping noneconomic losses will not reduce medical malpractice premiums for doctors for 4 to 6 to 8 years. Why? Because there is a long time it takes for doctors to talk about. Today that constitute negligence can result in court suits tomorrow, next year, and for years to come when those injuries are finally discovered. If we cap noneconomic losses today, there will not be a relief for doctors in their medical malpractice premiums for years to come.

Senator Graham and I considered that and said we have to deal with this directly. That means offering a tax credit, particularly to those doctors in specialties where the premiums have gone too high. Doctors today deduct the cost of medical malpractice premiums from their business income. We would go further and offer to doctors and hospitals a tax credit when their premiums skyrocket. That is the only reasonable way to provide immediate relief. We have given tax breaks to a lot of wealthy people across America under this Bush administration. Why can't we, when it comes to the medical professionals, say they should have a tax credit so that skyrocketing premiums do not force them out of business into retirement or to move their practice?

In our legislation, we reduce frivolous lawsuits. We put in the Durbin-Graham bill penalties for attorneys who file frivolous lawsuits: The first time, damages; the second time, even harder, we would subject them to losing their license to practice law for a frivolous lawsuit. There is no reason any doctor or any person, for that matter, should be subjected to a lawsuit which ties them up at great expense, costs their insurance company money, and raises their premiums when, in fact, that lawsuit is frivolous. There are few of these, but there should be none. We think there should be a penalty for those who take advantage.

We also stop any competitive activities by insurers under the McCarran-Ferguson Act, and we provide resources to help hard-hit areas of doctor shortages, particularly rural and inner-city areas, through the Department of Health and Human Services.

We also address the issue of reinsurance. This is a topic we never talk about. Most medical malpractice premiums are charged against the initial policy, which covers all the damages; the second time, even serious; the third time, even more serious; the fourth time, they are not 4, 6, and 8 years from the initial verdict. Reinsurance is charged.

As this chart illustrates, this is Hurricane Andrew; reinsurance costs skyrocketed in damage claims. Then it directly means offering a tax credit, particularly to those doctors in specialties where the premiums have gone too high. Doctors today deduct the cost of medical malpractice premiums from their business income. We would go further and offer to doctors and hospitals a tax credit when their premiums skyrocket. That is the only reasonable way to provide immediate relief.

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practice of medicine throughout America. Senator DURBIN expressed concern in the conversations he has been having with doctors in his State, even though he opposes this bill. I traveled to Alabama this past week and visited five different hospitals. I was at Fayette, Wedowee, and Gadsden and Alexander City. As I traveled the State talking to doctors, to hospitals about their insurance premiums, it is a very real problem.

This is not a new issue. We have been talking about it for a number of years. The reform of litigation of malpractice cases in California is the model for this legislation. It has worked very well in California.

The people who are paying the premiums, people who are subjected to lawsuits, people who care about this every day, people who are giving up their practice every day as a result of abusive lawsuits, they support this legislation. Do they not know what this is all about? Do they not know what we are asking for? These are matters that are quite serious.

I believe capping noneconomic damages has a good effect. When you look at a doctor who delivers a baby, is that doctor a guarantor of a healthy baby? They can’t do that. They cannot be the guarantor that every birth they preside over will result in a healthy baby. They are responsible if they are negligent and that negligence causes damage to a child. There is no doubt about that. So that is what we need to focus on.

The limit on damages does not limit damages for injuries in care for a child who lives many years with a great disability. They can recover unlimited amounts for that.

Under California law, these are some of the verdicts that have been rendered to compensate families for children who were born with serious disabilities: In December 2000, $34 million verdict was rendered because of a 5-year-old with cerebral palsy after a mishandled birth; $25 million in San Diego County because a boy had severe brain damage; $27 million in San Bernardino for a woman who was a quadriplegic because of failure to diagnose a spinal injury; $21 million in Los Angeles for a newborn girl with cerebral palsy and mental retardation as a result of a birth-related injury. They go on.

These are real recoveries to compensate people for economic losses they will have in the future and to allow them every possibility to see that the child or the person who is injured can be taken care of with the best conditions we can make. We are concerned about the explosion of punitive damages. Some people say the person who did wrong ought to be punished.

As a matter that we need to think about, the system is out of whack. The person who commits malpractice is not the one who is punished. The person who commits malpractice—for the most part, hopefully, certainly, all of them doctors—has insurance. They don’t pay the verdict. The insurance company pays the verdict. How do they get the $21 million or whatever they have to pay out in the verdict? How do they get that money to compensate the victim? They get it from everybody; the innocent and those who commit errors. It is driving up the cost to practice.

I have a wonderful friend, an OB/GYN, in my hometown of Mobile. We go to church together. He was telling me about a doctor that just gave up his practice. He handled 60 or 80 births a year. His insurance was $50,000 a year. That is almost $1,000 per birth. This week, I was in a hospital in Alabama. They told me 3 years ago they gave up deliveries—there were 200 deliveries a year in this small town, and the hospital had less than 50 beds—because they could not afford the insurance. The hospital quit doing it. The physician in the community also quit delivering babies. That is driving good physicians out of health care.

No group of doctors in America has the hammer falling harder on them than the doctors delivering our babies. The are getting hit with extraordinary increases. They are getting sued to an extraordinary degree. We need to do something about it. We have bills here, and whatever the bill is, they say “we need to do something, but this isn’t the right bill.” They say “there are problems, I will admit, Senator, but this isn’t the right bill.” They say “you have not done this or that,” and on and on. The result of that is we never pass anything. I believe it is time to do something about this issue. We can do something about this.

When you look at the cost of delivering babies in America today, the liability cost is a very significant portion of it. Not only that, doctors—particularly those who have been practicing for a number of years—do not like the agony of going through a lawsuit. There is the combination of premiums and the threat of being dragged through court for long periods of time, and that is not good. That is why they are quitting.

I was at one of the hospitals in Gadsden this week. One of the nurse supervisors came up to me after I had been speaking. She said “I think we were going to do something about the liability problem. She said she and the hospital had been in litigation. She had been away from the hospital for 10 days during the trial of this case. They were not negligent and they won the lawsuit, but millions of dollars were spent on that litigation. This is happening all over America. Most of the cases are defendants’ verdicts, but many cases are coming in with extraordinarily high verdicts. In cases out of Alabama, decided by the Supreme Court, raised real questions about how do you decide what punitive damages ought to be. Does the jury just feel bad this day or look at the victim and feel sympathetic, or are they more sympathetic to one person than another? They come up with $50 million for one person, and maybe in a similar situation they would come up with $500,000. These are aberrational verdicts in the country.

We are saying that there should be a limit for compensating noneconomic damages. It is modeled on a successful program in California. I believe we are coming to a national crisis in health care. It is a crisis that ought to be confronted. It is not going to go away. A big part of it is litigation. If you don’t believe it, ask any doctor or hospital you know. They sue everybody, including the nurses, doctors, the aids, the hospital, the manufacturer of the hospital bed, or whatever, that might be possibly construed as being connected. All of that adds up to a tremendous burden, a tremendous cost on our health care system.

If you look at health care costs, they are continuing to go up. One of the factors is litigation costs, which are going up even faster than other costs. We need to contain that and bring some rationality into it. I am willing to listen to another idea. I am not saying California is perfect, but I will say it is working there. I believe it will work for our country. I thank our majority leader, Dr. BILL FRIST, for bringing this up. It is time to debate this. We need to pass something soon to protect the availability of health care. We need to make sure hospitals and doctors are not quitting delivering babies. That hurts us in America and hurts health care in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I have been listening to the arguments posed by our colleague from Illinois, Senator DURBIN, and our colleague from Alabama, Senator SESSIONS. I find myself sort of agreeing with both of these individuals. Clearly, this is an area that cries out for some solution. We have been back at this issue over and over again. Like my colleague from Alabama, and I suspect my colleague from Illinois as well, I was home in Connecticut over the past week and I have received letters from radiologists, and I have talked to OB/GYNs and others. I think there is a desire in the rate of premiums for OB/GYNs, which I will address in a minute. This is an area that clearly needs to be addressed. So I appreciate the comments of my colleague from Alabama, that is, to see if we cannot find solutions to this.

As the Senator may recall, I have not been shy when it comes to tort reform issues, having authored the securities litigation reform bill, uniform standards legislation, and having dealt with the issue of terrorism insurance, and Y2K legislation with BOB BENNETT. I am someone who wishes we were debating class action reform now. There, we
have an agreement. It is not going to satisfy everybody, but I have agreed with Bill Frist and others. Senators Schumer and Landrieu and I have worked across party lines to come up with a compromise solution on class action. So, this is a bill I believe we could actually adopt.

Here we are going to spend 2 days debating a cloture motion we both recognize is probably going to fail this evening. But we have a class action reform bill we can get done. I regret I am not arguing on behalf of that proposal, rather than standing here and reluctantly disagreeing with this particular bill; although I am agreeing with my colleague from Alabama that we cannot allow year after year to go by without addressing this issue. I regret we didn’t make the effort here we did on class action. On class action, once the cloture motion was defeated on the motion to proceed, people reached out and said let’s see where we can find common ground on this, and they did, and they did do that. Only time will tell if the compromise will work. That is how you have to function in this body, when you have 100 Members representing different constituencies and ideas and priorities. There is a commonality and purpose to try to arrive at an answer to a staggering problem. One of the problems—not all, but one of the problems—is associated with health care. I will go into that in a minute, but we have to pause and reach out and see if we cannot find that common answer. It may not satisfy everybody, but certainly it will come up with some intelligent responses to this problem.

So I say to my constituency in Connecticut, and elsewhere, I am listening to you and I hear you. I know we have to answer this. The question is, is this particular proposal the answer to the problem we face, with the rising inc

The question is, Is the solution being proposed by this legislation actually going to address this problem? Again, if I thought it would do that, I would be very tempted to support this legislation, as someone who has offered legislation dealing with frivolous lawsuits and other claims. I am not adverse to tort reform. In fact, I am disappointed. We are discussing this instance, and we are also going to be talking about the tort liability of gun manufacturers. It is going to be interesting to hear people on that issue.

The legislation proposed in the Energy bill to deal with MTBE. Senator Schumer of New York eloquently made the case, asking why we should be eliminating the liability of a product that was causing such damage. I am frustrated to know that we are protecting people from liability because of the political pressures that occur.

I am prepared to support intelligent tort reform, but this problem, as serious as it is, is not the solution. Will this legislation do anything to reduce premiums? Let me tell you why I don’t think it does.

If we are limiting the ability of women and young children to hold accountable doctors, nurses, insurance companies, and others for harm resulting from a mistake, we certainly must make sure we are doing so for a very good reason.

The answer to the question posed above is a resounding no, in my view. The suggestive link between jury awards and rising premiums has not been established at all. In fact, to the contrary. Nor is there a link between medical malpractice cases and access to health care. In fact, the evidence suggests quite the opposite.

The two pillars upon which this bill is based are deeply flawed, in my view. First, some would suggest jury awards have exploded, in both numbers and dollar amounts. That is something we will hear over and over, that victims are winning more and more so-called jack-

The argument used by supporters of this legislation is based are deeply flawed, in my view. They are tracking health care costs. In other words, malpractice awards are rising exactly in the manner we would expect. They are tracking health care costs.

Of course, a rise in premiums might also be explained by an increase in the number of malpractice claims. That is also an argument we are hearing. Again, this is not the case. Between 1995 and 2000, the number of claims filed actually decreased by 4 percent, and the number of medical malpractice payouts decreased by 8.2 percent between 2001 and 2002. So we are not seeing these numbers go up financially, nor are the actual numbers of malpractice cases increasing. Both are the
two pillars upon which this bill is based. It is the reason people are saying we need to have the cap on these noneconomic awards.

The case made by supporters of this legislation is further damaged, in my view, by the argument that those States that currently have caps on noneconomic damages with States that have no such caps. As I mentioned previously, my home State of Connecticut has the third highest average premium for OB/GYNs, and it has no cap. However, seven of the 10 States with the highest premiums do have caps. Last year, premiums actually increased by 17.1 percent for OB/GYNs in States with caps compared to a 16.6 percent increase in States without caps.

In the year 2003, the average premium for an OB/GYN in States with caps was $363,000. The average premium in States without caps was $59,000. So if anything, the States that have caps on patient damages actually correspond to higher insurance premiums for doctors.

I said that rather quickly. Let me run by it again and make the case. The argument is that if you don’t have caps, then these premiums go up. But if you look at places that have caps, seven of the 10 States with the highest premiums for OB/GYNs do have caps—seven of the 10. Last year, premiums actually increased by 17.1 percent in States with caps—an increase of 17.1 percent—compared to 16.6 percent in States without caps.

Again, if anything, the evidence suggests caps on patient damages actually correspond to higher insurance premiums for doctors.

The ineffectiveness of caps is illustrated by the experience in the State of California. Ironically, supporters of caps in California as the model for limiting noneconomic damages. The State does, in fact, have a $250,000 cap and premiums have remained stable relative to the rest of the country. However, California adopted the cap in 1975, right after 13 years in California, with a cap of $250,000, premiums increased by 450 percent. This is comparable to a nationwide trend during that same period.

Then in 1988, California did something else. It passed comprehensive insurance reform. Only at that point did insurance premiums stabilize, decreasing 2 percent between 1988 and 2001. So for 13 years, when they had caps on the award, they actually had premiums go up 450 percent, tracking the national average. In 1988, they put a cap on insurance premiums. Then they began to see the decline.

So California is a good example, but look to all of California. I could continue to quote numbers to underscore my point, but I do not want to bore my colleagues with recitations of data. I think it is important because without understanding the argument, we cannot understand how best to deal with a very legitimate problem of trying to get these premium costs down. Does this solution meet that problem? One has to look at the data, and the facts, and the facts are not holding this point up very well, in my view.

The point is very simple: The number of medical malpractice claims is not rising. The amount awarded to victims is consistent with inflation. The story in States with caps is similar to that without caps. Based on this evidence, we are being asked to limit the rights of pregnant mothers and infants. I do not think we ought to do that. The facts fail utterly to dictate such a conclusion if neither the number nor the amount of malpractice awards can explain rising premiums, then what is the explanation? Something is going on that is causing these premiums to continue to skyrocket as they are in my State and others across the country. According to several analyses that have been done, the increase in premiums does in fact correlate with the stock market.

One recent study showed that premiums very closely tracked the insurers’ economic cycle. During good economic times, insurers slash premiums in order to attract as much business as possible. Insurance companies receive their money from two sources. They get it from premium payments as well as investments. So when there is a good, healthy market going on, then they will reduce premiums because the cycles in the market are allowing them such economic growth. When there is a downturn in the economy and the stock market is not doing as well, the insurance industry is faced with only one other solution and that is to raise the premiums in order to keep the cashflow coming in.

So it is not complicated. As someone who comes from a State with a lot of insurance companies, I know that is how this is done. There is not some great magical secret out there. This is exactly how it occurs. So, obviously, during good economic times, insurers will cut the premiums in order to attract as much business as possible, which makes sense. This is because every new policy brings in additional float, money to invest in a booming market so they bring in the dollars. However, when the market turns and investment returns are weak, as has happened in the last few years, insurers raise their rates or, in some cases, knowing what the facts are and knowing that this is happening, the result is often a crisis in the availability and affordability of insurance, and that is exactly what we are seeing today.

I will take a moment to address one other claim made by the supporters of this bill, and that is that rising premiums have reduced access to care for women and infants. Again, this is a very significant claim and needs to be addressed. Once again, I do not think this fact supports that argument.

Between 1999 and the year 2002, the number of OB/GYNs across the country actually increased by 1,700 people. Only 6 States out of 50 saw a decrease in the number of OB/GYNs. That is not good news for those six States, but the argument that across the country this is occurring is not borne out by the facts. Actually, there were 1,700 new OB/GYNs in 44 States, so the number is stable or increasing, and in 6 States the number is going down. We ought to be conscious of that because that could be a trend that needs to be addressed. Again, I underscore what I said at the outset. This is a serious problem but a serious problem demands a serious solution. Unfortunately, this bill is not that answer.

As an interesting note, by the way, where are we losing OB/GYNs, half of those six States have caps on the amount that can be collected in noneconomic terms. We are talking about a bill that places caps on noneconomic awards, and in 6 States the number of OB/GYNs is declining, and yet three of the six States have actual caps. One has to ask oneself: If this is failing in half of the States in terms of attracting or keeping OB/GYNs, is this bill or this idea the right solution to this problem? I think the conclusion is no, it is not, unfortunately, if those are the facts. A GAO report from August of last year identified access to care as a problem—and I am quoting—"in scattered, often rural areas where providers identified other long-standing factors that also affect the availability of services." The question was, why is this happening? The General Accounting Office comes back and said there are a lot of other factors that are causing a decline in the number of OB/GYNs. In addition, the GAO found—and I am quoting them again—that many of the reported provider actions were not substantiated or did not affect access to health care on a widespread basis.

Unfortunately, this bill is a misguided attempt to solve a health care problem with a tort solution. I am disappointed that we are not using this time today to discuss the real issues. One issue I wish we were discussing is class action reform because I think we have come up with an answer that a majority of us could support. Regrettably, we are not spending two days debating that issue. We are debating a bill that is not going to go anywhere because the solution that is being called for does not do the job. So instead of doing the one valuable days that have in the Chamber to deal with some issues before we adjourn for elections and conventions, we are not debating class action reform, we are
debating a bill that is going nowhere. That does not make any sense to me at all in terms of this agenda. So this is a waste of our time.

Let me get into other areas of health care because there are health care problems that are addressed in H.R. 3. I am not disappointed, though, that we are not going to debate class action reform but instead these tort reform issues. We do have problems with access to care in our country. We do have a patient safety problem in this country, and we do have a health care quality issue in this Nation of ours. We do have a problem with rising health care costs in the Nation. This bill does not answer any of those problems.

Why are we not discussing real solutions to the issue of access to health care, to patient safety, to health care quality in this country, and to the problem of rising health care costs? The problem is, we have a great risk of dying. The Institute of Medicine has estimated that every year 18,000 of our fellow citizens die prematurely in this country as a result of the effects of medical errors. A study conducted by the Rand Corporation and published in the New England Journal of Medicine last year reached a similar conclusion. Individuals received the recommended treatment for their condition in only 55 percent of the cases, according to that study. In other words, nearly half the time patients did not receive the appropriate care. Why are we not debating that and discussing that issue today?

There are a variety of proposals to address this real threat to the American public. I am currently working with our colleagues on both sides of the aisle on issues that would have some real impact on the quality of care in our country. One meaningful step we can take almost immediately is to encourage the use of information technology in the health care setting. The Senator from New York, Mrs. CLINTON, is deeply interested in this subject matter, as are several other colleagues. Improving quality is the best tool we have to address rising health care costs. Supporters of this legislation have told us today that you would have you believe medical liability costs are the main driver of rising health care costs. But that is simply not the case. The Congressional Budget Office has estimated that malpractice costs represent only 2 percent of the overall health care costs in our country.

We ought to address this issue, but let's talk about it in the context in which it is really a problem. Furthermore, while health care costs more than doubled between the years 1987 and 2001, the total amount spent on medical liability premiums rose by only 52 percent over that same period. The real drivers of health care costs are the cost of drugs and the cost of hospital care and hospital spending. We should be using the time we have to pursue proposals to address these issues, including expanding the use of inexpensive generic prescription drugs, better chronic disease management and preventive medicine, and improving health care quality and efficiency.

Let me finish by saying, as ranking member of the Subcommittee on Children and Families, improving the health of children and families is a high priority of mine and many others who serve on that committee, including the President of the Senate. If my colleagues are genuinely interested in healthier mothers and healthier babies, I suggest they solve all the problems, and I have worked very hard on a number of issues. We do not have the time in my Senate career authoring bills dealing with tort reform. This is one of them. This is not tort reform. This is an issue that people face every day and doctors face with rising premiums. There is a way of addressing that problem. When we get around to doing it and working on it, we can take some pride in passing something that does something meaningful in this area. This bill doesn't do it.

I hope cloture will be denied. I yield the floor.

Mr. VOINOVICH. Mr. President, I rise today in strong support of S. 2061, the Healthy Mothers and Healthy Babies Access to Care Act, and I strongly encourage my colleagues to vote for it today. My colleagues may disagree on this very important legislation.

I would like to point out in the beginning of my remarks, in response to some of the statements that have been made on the floor today, that there has to be a reason the American College for Obstetrics and Gynecology, the American Medical Association, and just about every medical group in the United States of America is supportive of this legislation. We would not be talking about it unless they really believed the passage of this legislation would have a dramatic impact on the liability costs that OB/GYNs are experiencing, causing so many of them to leave their practices.

This is a personal issue for me. Last summer when my daughter-in-law was expecting her fourth child, she learned that after the delivery, her doctor would no longer deliver babies. At the time, her doctor was in a four-physician group, all of them obstetricians. The doctors in this group suggested they solve all the problems, yet their insurance premiums had skyrocketed from $81,000 to over $381,000 in just 3 years. That is $75,000
February 24, 2004

CONGRESSIONAL RECORD — SENATE

S1479

LOSS INFLATION

AIR claims this shows "that since 1975, medical malpractice paid claims per doctor have tracked medical inflation very closely." In fact, the graph and the underlying data suggest exactly the opposite. First, they make an erroneous comparison. Since AIR uses real (or constant) medical dollars, the AIR data does not distinguish between the effects of medical inflation and real growth. Any increase in the ratio is a "real" increase in excess of medical inflation. One cannot compare real increases in insurance premiums with real increases in medical inflation.

Second, the data show loss costs have increased significantly faster than inflation. Using data from the AIR report, we plotted the ratio of medical inflation (CPI) and loss costs to show how each has grown since 1975. One sees that the losses per doctor have grown at a much higher rate than either medical malpractice premiums or medical inflation. In order for losses in 2001 to have equaled the build-up created by inflation in medical care during the period 1975-2001, companies would have only needed to reduce the amount of paid losses by approximately 60%. Therefore, losses, not inflation, are the problem.

ECONOMIC EFFECT

The other claim made by AIR is that "insurance premiums for doctors were driven up by medical malpractice reform, a greater demand for medical services, and a greater willingness to file malpractice suits." These variables, however, are only weakly correlated. The correlation coefficient for the relationship between premiums and the number of medical malpractice suits is 0.10, and the correlation coefficient for the relationship between premiums and the stock market has also fueled the crisis. These arguments are both misleading and inaccurate. The root cause of the problem is the movement of the two variables. The correlation coefficient has to be greater than 0.75 for us to claim the observed effect between the two variables is significant.

As a measure of the economy, we used the year-over-year change in GDP; as a measure of investment yield, we used the yield on a 5-year Treasury note. To measure medical malpractice premiums, we analyzed the correlation of the change in losses per doctor with the change in GDP and the change in investment yield. To test whether premiums go up when the investment yield goes down, we analyzed the correlation between premiums and the change in yield as well as the correlation between the change in premiums and the change in yield.

One could reasonably claim that the premiums (or increases in premiums) are dependent not upon the company's performance this year but upon its performance in the previous year. To test this hypothesis, we regressed both premiums and

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1 Graphs not reproducible in the Record.
change in premiums to both the economy and investment yield in the previous year. For thoroughness, we also analyzed the correlation between both premiums and change in premiums with the change in yields in the prior year. We also considered alternate measures for GDP and yield. We used industrial production as an alternate measure of the economy and the 10-year Treasury note as an alternate measure of yield. We also analyzed the effect of the slope of the yield curve and the change in slope had on premiums. We performed all of the analyses above on these new variables.

In all different regressions between the economy, yield, and premiums, the highest coefficient of determination was 0.1505. Therefore, we can state with a fair degree of certainty that investment yield and the performance of the economy and interest rates do not influence medical malpractice premiums.

STOCK MARKET EFFECT

But what about the stock market? How did the drop in the equity markets affect insurance company performance? Are companies raising premiums because they lost money on Enron and WorldCom?

Obviously, the market decline affects insurance companies like every other investor, but the magnitude of the losses gets lost in the media hype. We analyzed the equity exposure in two stages. Stage one: Did medical malpractice companies have an unusually large amount of equities in their portfolio? Stage two: Given their level of equity exposure, did they invest prudently in the market or did they gamble by investing in technology or telecom stocks?

Using NAIC filings, we can determine the amount of assets invested in equities.

Over the last five years, the amount medical malpractice companies have invested in equities has hovered fairly constant. However, in 2001, the equity allocation was 9.03%. We can also compare how the medical malpractice sector compares to other P&Cs sectors.

This graph shows that medical malpractice companies have less invested in equities than other sectors of the industry. Even if the equity allocation is not large relative to the industry or other insurance sectors, is 10% the correct amount for medical malpractice insurers to invest in equities? Many companies invest their assets as a fiduciary of the policyholders. As such, they must invest according to a “prudent investor” standard. This requires the company not only to consider the risk in an investment, but the risk to the portfolio as a whole. Prudent investors know that diversifying across asset classes can enhance return and reduce volatility. A simple analysis shows a conservative investor will have at least 10% invested in equities. Thus, a prudent insurance company should have some allocation to equities.

If the degree of equity exposure was not unusual, was the investing? Again using NAIC filing data, we can analyze the distribution of equity investments for medical malpractice companies and compare it to S&P performance.

<table>
<thead>
<tr>
<th>Sector</th>
<th>Medical malpractice companies</th>
<th>S&amp;P sector return</th>
</tr>
</thead>
<tbody>
<tr>
<td>Energy</td>
<td>5.6</td>
<td>-11.0</td>
</tr>
<tr>
<td>Materials</td>
<td>1.9</td>
<td>-5.4</td>
</tr>
<tr>
<td>Industrials</td>
<td>33.9</td>
<td>26.2</td>
</tr>
<tr>
<td>Consumer Discretionary</td>
<td>35.9</td>
<td>23.7</td>
</tr>
<tr>
<td>Consumer Staples</td>
<td>7.3</td>
<td>-0.2</td>
</tr>
<tr>
<td>Healthcare</td>
<td>14.1</td>
<td>18.8</td>
</tr>
<tr>
<td>Financials</td>
<td>17.8</td>
<td>14.5</td>
</tr>
<tr>
<td>Technology</td>
<td>17.3</td>
<td>-1.9</td>
</tr>
<tr>
<td>Telecos</td>
<td>6.3</td>
<td>34.0</td>
</tr>
<tr>
<td>Utilities</td>
<td>14.5</td>
<td>-4.5</td>
</tr>
</tbody>
</table>

We see that medical malpractice companies had returns similar to the market as a whole. This indicates that they maintained a diversified investment portfolio. As medical malpractice companies did not have an unusual amount invested in equities and since they invested these monies in a reasonable market—risk trade-off, we conclude that the decline in equity valuations is not the cause of rising medical malpractice premiums.

WHERE DO WE GO FROM HERE?

In order for any form of insurance coverage to be viable, the insurance company must receive more in premium dollars and investment income than they pay in losses and expenses. A simple measure of this is the ratio of paid losses to premiums. Over the last 27 years, and especially over the last 16, the paid loss ratio in medical malpractice coverage has steadily increased. Without some form of relief, this is not a good sign.

Although the paid loss ratio is a good starting point, that metric excludes other expenses such as adjuster expenses, general operating expenses, etc. as well as income from investments. A.M. Best provides the combined loss ratio (paid loss + change in reserves + expenses) for the medical malpractice industry. By subtracting the paid loss ratio, from the combined ratio, we can get an estimate of the other expenses for an insurance company. The average expense ratio for medical malpractice companies was 43% when investment income is included and 74% when investment income is excluded.

Over the last 27 years, the average paid loss ratio was 47% and the minimum paid loss ratio was nearly 75%. In other words, for every dollar that comes in the door, 75 cents is paid out. When combined with the expense ratios cited earlier, it is clear that it has been extremely difficult—if not impossible—for insurance companies to earn a profit writing medical malpractice insurance. Further, at this level of expense, after the company pays its losses and expenses, there is very little “float” on which they can earn investment income.

Medical malpractice paid loss ratio 1975-2001

<table>
<thead>
<tr>
<th>Year</th>
<th>Average loss ratio</th>
<th>Minimum loss ratio</th>
<th>Maximum loss ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>1975</td>
<td>46.8</td>
<td>15.9</td>
<td>74.4</td>
</tr>
</tbody>
</table>

To increase profitability, companies must effect one of three changes: reduce their losses, increase their premium rates, or increase their investment income. As the industry, in aggregate, cannot control return on investments, they have only two choices. Using the methodology above, we can estimate the magnitude of the change required to restore profitability to the industry.

If losses are held constant—i.e., no change in losses and expenses, then we are left with increasing premiums to restore the industry to profitability. For premiums to have kept up with medical inflation for the period 1975–2001, they would have to increase by 41%. For premiums to have kept up with the increases in paid losses since 1975, they would have to increase by 32.5%. For the industry’s median company to break even on its 27-year average, premiums would need to rise by 59%. For the loss ratio to drop to its

St. Paul had the luxury of falling back on other lines of business. Unfortunately, many special medical malpractice companies, such as state PIAA companies, do not have other lines of business to fall back on.

RATING AGENCY RESPONSE

The reaction of rating agencies to these trends is another important ingredient in the medical malpractice landscape. Principal concerns of the agencies are “solvency” and the “leverage” built into the premium and surplus structures of the companies. While agencies usually express the benchmarks for the measurements (ratios) in ranges, trends are also important. Either level or trend can result in a downgrade of a company’s rating, a serious event in the corporate life of an insurer.

In 2001, medical malpractice companies had an average premium-to-surplus ratio of 0.72. As premiums are increased, this ratio will rise. If premiums rise too quickly, we would have a spike in the premium ratio, but it takes time for the increased premiums to show up in surplus. Unless rating agencies account for this, a company could find they cannot raise their rates by the required amount for fear of impairing their rating. In fact, several companies have been downgraded recently, with premium leverage given as the primary reason. The situation is exacerbated by the fact that with the industry suffering from reduced capacity as a result of the St. Paul type experiences, companies are adding to their surplus. This puts further strain on their leverage ratios.

TAMING LOSSES

If companies cannot raise their premiums, then they must be able to control the burgeoning increase in losses. Our analysis suggests that the level of losses would
and unavailable medical liability insurance. Of the respondents, 86 percent no longer practice obstetrics, which forces a potential of some 14,000 pregnant Ohio women to find new OB/GYNs to provide their obstetric care. This situation has kept the练习 dozens of testimonial letters from doctors saying they are quitting their practice because of the rising cost of medical liability insurance. A friend of mine shared with me a letter from an OB/GYN in Dublin, OH, who decided to retire from his practice because of the rising cost of medical liability insurance. He wrote the following to his patients:

On June 17, 2003, I received my professional liability insurance rate quote for the upcoming year and it is 68 percent higher than last year's rate. I have seen my premiums almost triple during the past two years, despite never having had a single penny paid out on my behalf in twenty-seven years as a physician. Even worse, during this time the insurance companies had reduced the amount of coverage that I can purchase from $5 million to only $1 million per occurrence. Verdicts have skyrocketed, often exceeding $3 million. If I were to purchase this policy, I would be putting all of my family's personal assets at risk every time a baby was delivered or a patient was injured. I refuse to do that.

I have therefore decided to retire from private practice on July 31, 2003, the final day of my current liability insurance policy. This is not a decision that I take lightly, but unfortunately it becomes necessary. For many of you, I have been part of your life for more than a decade. I have attended the births of so many of you and have stood by your side during some of the most challenging moments of your lives. It has truly been an honor.

I received another letter from Dr. Ben Alvarez. He worked for Beachwood OB/GYN. He sent a letter informing his patients he was relocating to Minnesota this March. He says, in part:

The decision to leave Ohio is the direct result of the medical malpractice crisis: with a clean record, my annual premium will reach $30,000, well over $10,000 a year, and will not, in good conscience play the insurance company’s game—it’s just that simple. What’s not simple is saying goodbye to a community and to the people that I have come to love. I have been blessed with so many of you the joy of a new baby’s arrival; prayed about the outcome of surgery; and shared the painful moments. This is not the statistics. I have experienced with so many of you the joy of a new baby’s arrival; prayed about the outcome of surgery; and also shared the painful moments.

I ask unanimous consent to have the complete letter printed in the RECORD.

Finally, I will finish up with a summary.

The magnitude of these changes suggests that the eventual solution to the current malpractice problem will be a blend of premium increases and tort reform. Since the financial shortfall compounds itself over time, it is imperative that the solution set be developed as quickly as possible. Without significant relief in fairly short order, the country may find itself facing an accelerating loss of available medical care.

The article goes on to say:

The crisis is rather the result of a generally unconstrained increase in losses and, over several years, inadequate premium income to cover those losses.

The article also goes on to say:

We see that medical malpractice companies had returns similar to the market as a whole. This indicates that they maintained a diversified equity investment strategy. As medical malpractice companies did not have an unusual amount invested in equities and since they invested these moneys in a reasonable market-like fashion, we conclude the decline in equity valuations is not the cause of rising medical malpractice premiums.

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The magnitude of these changes suggests that the eventual solution to the current malpractice problem will be a blend of premium increases and tort reform. Since the financial shortfall compounds itself over time, it is imperative that the solution set be developed as quickly as possible. Without significant relief in fairly short order, the country may find itself facing an accelerating loss of available medical care.

I contend that acceleration is well underway not only in OB/GYN but in other aspects of the medical profession.

According to a November 2000 study of the American College of Obstetricians and Gynecologists, 59 percent of responding Ohio OB/GYNs have been forced to make changes to their practice such as quitting obstetrics, retiring, relocating, decreasing gynecologic procedures, no longer performing gynecologic surgery, decreasing the number of deliveries, and/or decreasing the amount of high-risk obstetric care because of unaffordable...
for the rest of the country as well. Obstetrics/gynecology is among the top three specialties in the cost of professional liability insurance premiums. Nationally, insurance premiums for OB/GYNs have increased dramatically. The median premium increased 367 percent between 1982 and 1998. The median rate rose 7 percent in 2000, 12½ percent in 2001, 15.3 percent in 2002, with increases as high as 69 percent according to a survey by the Medical Liability Monitor, a newsletter serving the liability insurance industry.

According to the Physicians Insurance Association of America, OB/GYNs were first among 28 specialty groups in the explosion of 'soft' claims against them in 2000. OB/GYNs were the highest of all the specialty groups in the average cost of defending against a claim in 2000 at a cost of almost $35,000. In the 1990s they were first, along with family physicians, general practitioners, in the percentage of claims against them closed with a payment of 36 percent. They were second after neurologists in the average claim payment made during the same period. Although the number of claims filed against all physicians climbed in recent decades, the phenomena do not reflect an increased rate of medical negligence. In fact, OB/GYNs win most of the claims filed against them. In 1999, an American College of Obstetricians and Gynecologists survey of its members found that over one-half, 54 percent of claims against OB/GYNs were dropped by plaintiff attorneys, dismissed by the court, without payment; 54 percent of the cases that did proceed. OB/GYNs won 70 of 10 times. Enormous resources are spent to deal with these claims, only 10 percent of which are found to have merit.

The threat that these claims can be staggering and often mean that physicians invest less in new technologies that help patients. In 2000, the average cost to defend a claim against the OB/GYN was the highest of all physicians. A 1999 American College of Obstetricians and Gynecologists, the typical OB/GYN is 47 years old, has been in practice for 15 years and can expect to be sued 2.53 times over his or her career. Over one-quarter of the residents have been sued for care provided during their residency. And that is another problem we are seeing in this country: Many residencies are going unfulfilled because of the medical malpractice lawsuit abuse growth in this country. Medical school enrollments have been impacted by what young people are seeing happening in the medical profession in this country. In 1999, 76 percent of American College of Obstetricians and Gynecologists fellows reported they had been sued at least once so far in their career. The average claim takes over 4 years to resolve. I know from anyone who has been through the 167 part that it is 4 years of stress as they worry about what is going to happen as a result of the outcome of that litigation.

The legislation we are debating today gets us on our way to turning these statistics and stories around. It provides a commonsense approach to our litigation problems that will help keep consumers from bearing the cost of costly and unnecessary litigation while making sure that those with legitimate grievances have recourse through the courts.

Throughout my career in public service, health care has been one of my top priorities, wanting access to quality, affordable health care. We do have a problem in this country in terms of access to quality health care. In my State, I have conducted eight listening sessions. The result from all those sessions, regardless of who was there, is that the system is broken, and we need to plow new ground.

When the quality is not there, when people die or are truly sick due to negligence or other medical error, they should be compensated. We want that. But when healthy plaintiffs file meaningless lawsuits to shake the money tree to get as much as they can get, there is a snowball effect and all of us pay the price.

The last time I spoke on this subject, I had the front and back cover of the white pages and the yellow pages of the Cleveland phonebook. The front cover and back cover of both of them were advertisements for personal injury lawyers giving specific examples of encouraging people to file suits based on the information they had in their advertisement.

For the system to work, we must strike a delicate balance between the rights of aggrieved parties to bring lawsuits and the rights of society to be protected against frivolous lawsuits and outrageous judgments that are disproportionate to compensating the injured and made at the expense of society as a whole.

I have been concerned about this issue since my days as Governor of Ohio. In 1996, I essentially had to pull teeth in the Ohio Legislature to pass a tort reform bill. I signed it into law in October of 1996. Three years later, the supreme court ruled it unconstitutional. If that law had withstood supreme court scrutiny—and it should have; we now have what I call a balanced supreme court in Ohio—Ohioans would not be burdened by medical malpractice problems they face today: Doctors leaving their practice, patients unable to receive the care they need, and the cost of health insurance going through the roof.

During my time in the Senate, I have continued my work to alleviate the medical liability crisis. To this end, I have worked with the American Tort Reform Association to produce a study in August of 2002 that captured the impact of the crisis on the Ohio economy. In order to share these findings with my constituents and colleagues. Guess what we found. What we have in this country today, in my opinion, not only in this area but in a lot of areas, is a litigation tornado that is ripping through the economy. We found in Ohio that the litigation crisis costs every Ohioan $636 per year and every Ohio family of four $2,544. These are alarming figures, and these are from 2 years ago. Which family do you know that can pay $2,500 for the lawsuit abuse of a few individuals?

Next to the economy and jobs, the most important issue facing our country is health care. In fact, it is a major part of what is wrong with the economy. We have too many uninsured, and those who have insurance face soaring premiums every year, making it less likely they can continue to pay them. In addition, employer concerns about spiraling costs and in some cases don’t even provide insurance.

I have talked to one employer after another. They say: I want to provide health insurance for my workers, but I cannot afford to do it at $10,000 for a family of four. I am asking my employees to pay more of the premiums. In many instances my employees cannot afford to pay the premiums so they are going without health care. We have a real problem. Medical malpractice lawsuit abuse reform is having a dramatic impact on the cost of health insurance, in spite of what some of my colleagues have said. Providing the sort of commonsense approach to this problem found in the Healthy Mothers and Healthy Babies Access to Care Act is a win-win situation. The bill will help decrease the rising cost of health care. It will give patients access to care and it will reduce the risk of medical liability insurance for those physicians who provide prenatal delivery and postpartum care to mothers and babies.

Patients will not have to give away large portions of their judgments to their attorneys. Truly injured parties can recover 100 percent of their economic damages. Punitive damages are reserved for those cases where they are truly justified. Doctors and hospitals will not be held liable for harms they did not cause and physicians can focus on what they do best—practicing medicine and providing health care.

I urge my colleagues to vote for cloture, so we can debate this approach and have an up-or-down vote on this legislation impacting on our most important patients: Pregnant women and their newborn babies.

There was some concern made of the General Accounting Office study of the medical liability crisis and access to care. I ask unanimous consent to have printed in the RECORD the response of the American Medical Association to that General Accounting Office report. It is very important.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

MEDICAL LIABILITY CRISIS AND ACCESS TO CARE—AMA’S RESPONSE TO THE GENERAL ACCOUNTING OFFICE, SEPTEMBER 2003

The U.S. General Accounting Office (GAO) recently released two reports related to
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America’s medical liability crisis. [U.S. General Accounting Office, Medical Malpractice Insurance: Multiple Factors Have Contributed to Increased Premium Rates, GAO-03-702 (July 2003)]. Medical Malpractice: Implications of Rising Premiums on Access to Health Care, GAO-03-836 (August, 2003). The first report (june 2003) confirms that, since the mid-1990s premiums have increased, and many states with non-economic damage caps; Medical liability premiums in states with strong caps on non-economic damages grew at a slower rate than states without caps on non-economic damages.

We appreciate the GAO’s efforts and recognize that it is difficult to quantify the medical liability crisis. Among its findings, the GAO confirmed that:

1. Increased losses on claims are the primary contributor to higher medical liability premiums (GAO 03-702, p. 15);
2. Premiums were higher (GAO 03-702, p. 14) and grew more quickly (GAO 03-836, p. 30) in states without non-economic damage caps than in states with non-economic damage caps;
3. Physician responses to medical liability pressures were not identified in the four non-crisis states without non-economic damage caps (GAO 03-836, p. 3);
4. Insurers are not charging/profiting from excessively high premium rates (GAO 03-702, p. 32); and
5. None of the insurance companies studied experienced a net investment loss (GAO 03-702, p. 25).

However, the GAO’s August report fails to accurately reflect the severity of the current crisis. Numerous changes to the GAO methodology would strengthen the basic findings of the report. Changes in obstetric services affect access to health care services.

Examining all crisis states. To date, the AMA, in conjunction with its federation of state medical associations, has identified 19 states in a medical liability crisis. The GAO investigated access problems in only five of these states. In each of those states it found examples of reduced access to care. The GAO would have found similar access problems if it had examined the other 14 crisis states. In fact, the GAO did not identify any access problems in the four non-crisis states it examined. Therefore, the GAO’s conclusion that access problems are not widespread is not supported.

Recognizing increased impact on rural areas. Health care access problems do not have to affect every part of a state to create crisis conditions. Health care by its nature is local, where a loss of just one or a few physicians or other health care providers in a community can have a dramatic impact on the availability of health care services in that community. Many rural areas suffered from physician shortages prior to the recent escalation of premium rates. It is possible that medical specialists in those areas where access is already threatened that one would first notice the impact of physician’s relocation or curtailment of services.

Physician counts were based on state licensure data, which do not accurately reflect the number of physicians practicing in a given location. Actual physician practice location information must be used instead. GAO has identified 19 States that have a medical liability crisis.

They also suggest recognizing the increased impact on rural areas, which GAO did not do; approximately measure physician mobility. Physician accounts were based on State licensure data which do not accurately reflect the number of physicians practicing in specific locations. Access to physician practice location information must be used instead.

I can tell you I have not completely read the GAO report, but I have read portions of it. Its connection to reality in my State is not there. I have talked to David Walker about it. I have talked to people who did the report and encouraged them to look at some of the suggestions the AMA made and perhaps do another study that would reflect what we are facing. It is an issue that on today in this country in terms of medical malpractice increases and what it is doing to access to health care.

I would like to end my remarks with the words of Dr. Evangelene Andarsio. Dr. Andarsio is an OB/GYN from Dayton, OH. I met Dr. Andarsio at a physicians rally in Ohio. I will never forget that day. It was October of 2002. It was very cold. I was freezing. In fact, when I got up, my teeth were chattering. But Dr. Andarsio started to speak. I thought to myself, this doctor is just going to go on and on and on. And I was cold. But as she started, as I listened intently to what she was saying, I was moved by her remarks. This was truly a dedicated physician who loved her patients, loved what she was doing, and who was unable to practice medicine the way she wanted to because of this malpractice lawsuit. Abuse problem is confronting us.

I would like to close with a quote from her speech:

Help us to maintain an ability to have a practice that offers patients excellent access to—continue one of the most important relationships in our lives—the doctor-patient relationship—thus maintaining individualized and compassionate care.

That is what much of this debate is about. It is about physicians being able to practice medicine the way they want to, the way they did back when my wife Janet and I were having our four children. There is a special relationship between an OB/GYN and a family. It breaks my heart to see so many of them leaving the practice of medicine because of these malpractice costs with which they are confronted.

We do have a crisis. This Senate is going to have to face up to it. I am hoping that we will have 60 votes today to move forward. I think we need to debate this issue.

This issue has to be debated and the American people who are not aware of the crisis need to be made aware of it.
I yield the floor.

Mr. GREGG. Mr. President, what is the present situation of relative to time?

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

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Such cases account for 30 percent of all claims against OB/GYNs but research shows physician error is responsible for fewer than 4 percent of neurologically impaired infants. Despite the rarity of physician error in these cases, the average award in these cases has been $350,000. As the little cases go to verdict, the average award is $1 million. In the last 17 years, the average award has doubled to $350,000.

Today, the median award in child-birth cases has risen to over $2 million. This is the highest category of award for all types of medical liability cases. American women should not be misled by these statistics. They should not worry that despite annual advances in medical technology and training there is somehow an increasingly poor level of obstetric care in this country.

No, these troubling statistics do not mean America’s medical schools have lowered standards and a rash of incompetent obstetricians has begun to practice medicine. In fact, according to the Society of Obstetricians and Gynecologists, over 80 percent of all cases that went to verdict against an OB/GYN are premised on the doctors being incompetent. In other words, on average eight out of 10 cases that went to trial against OB/GYNs were not meritorious.

It is the dramatic increase in awards noted above and the specter of such awards in settlement negotiations that is driving malpractice premiums through the roof, not a lowering of medical standards for practice.

Looking at my own State, the immediate result of skyrocketing liability premiums is the doctors pack up and move to a State such as California with liability reform or they just simply close their doors altogether. When this happens, the ultimate victims, of course, are the patients, the mothers and their children.

Let’s take a look at the Commonwealth of Kentucky. Kentucky does not have a medical liability reform system. Not surprisingly, liability insurance rates for OBs in my State increased 64 percent in one year from 2002 to 2003. Also not surprisingly in the last 3 years, Kentucky has lost one-fourth of its obstetricians.

Moreover, Kentucky has lost nearly half its potential obstetric services during this time when one fifth of those who have limited their practices.

As this chart I have shows, roughly 60 percent of the counties in the Commonwealth of Kentucky have no obstetrician at all—none. These are counties in red on this map. It is a majority of the counties in my State that have no obstetricians at all.

Other counties, such as Perry County, down in southeast Kentucky, down this way, technically have a practicing OB/GYN, but one doctor has stopped delivering babies within the last year, so if you are in Perry County, that doesn’t do you much good. Still other counties, such as Greenup, Lawrence, and Johnson Counties, in northeast Kentucky, have just one OB/GYN in each county, so if you are a woman in those counties you better hope there is not another woman having a baby when you are, or the doctor isn’t out of town or busy with another patient. And if we are going to have to drive through the hils on the backroads of eastern Kentucky to try to find a doctor to deliver your baby. All told, 82 of Kentucky’s 120 counties have no OBs, or just have one OB.

According to Dr. Doug Milligan of Lexington, who specializes in caring for women with high-risk pregnancies, 11 OBs in eastern Kentucky have recently quit delivering babies or left the State, forcing women to drive for hours.

According to Dr. Milligan, apart from problems with delivering babies, some women are developing complications because they are not getting prenatal care.

So what should we conclude from all of this? The situation I have just described is not, unfortunately, unique to Kentucky. As you will hear from my colleagues, States across the country have been hit by these storms. So I commend Senator Gregg and Senator Ensign for trying to address this important problem.

As I have said earlier, their legislation is modeled on reforms that have worked the test of time in California, and it has been endorsed by the American Medical Association, the American College of Obstetricians and Gynecologists, and a host of other medical organizations.

I hope a dozen brave souls on the other side of the aisle will give the Senate a chance to consider this bill. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand there was an agreement for the allocation of time evenly divided between the two parties this morning, and that there has also been an agreement to divide the time during the afternoon.

I have talked with my leadership. They have indicated I could use 10 minutes of our time this afternoon, for the Democratic side, and use it at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. What adjustment has to be made in the afternoon will be made.

Mr. President, I intend to speak to the issue before us, medical malpractice, in a moment. I will yield myself 6 minutes now and then I will speak on the medical malpractice in just a moment.

The FEDERAL MARRIAGE AMENDMENT

Earlier today the President announced his endorsement of the Federal marriage amendment. By endorsing this shameful effort to write discrimination back into the Constitution, President Bush has betrayed his campaign promise to be "a uniter, not a divider."

The Constitution is the foundation of our democracy and it reflects the enduring principles of our country. We have amended the Constitution only 17 times in the two centuries since the adoption of the Bill of Rights. Aside from the amendment on prohibition, which was quickly recognized as a mistake and repealed 13 years later, the Constitution has often been amended to expand and protect people’s rights, never to take away or restrict their rights.

By endorsing this shameful proposal, President Bush will go down in history as the first President to try to write bias back into the Constitution.

Advocates of the Federal marriage amendment claim it will not prevent States from granting some legal benefits to same-sex couples, but that is not what the proposed amendment says. By foreclosing the right to marriage for same-sex couples, the amendment would prohibit States from enforcing many existing State and local laws, including laws that deal with civil unions and domestic partnerships. It would also stop other laws that have nothing to do with such relationships.

Just as it is wrong for a State’s criminal laws to discriminate against gays and lesbians, it is wrong for a State’s civil laws to discriminate against gays and lesbians by denying them the many benefits and protections provided for married couples.

The proposed amendment would prohibit States from deciding these important issues for themselves. This Nation has made too much progress in the on-going battle for civil rights to take such an unjustified step backwards now.

We all know what this is about. It is not about how to protect the sanctity of marriage, or how to deal with activist judges. It is about politics, an attempt to drive a wedge between one group of citizens and the rest of the country, solely for partisan advantage.

If we have rejected that tactic before and I hope we will do so again.

The timing of today’s statement is also a sign of the desperation of the President’s campaign for reelection. When the war in Iraq, jobs and the economy, health care, education, and many other issues are going badly for the President and his reelection campaign is in dire straits, the President appeals to prejudice in a desperate tactic to salvage his campaign.

I am optimistic the Congress will refuse to pass this shameful amendment. Many of us on both sides of the aisle have worked together to expand and defend the civil rights of gays and lesbians. Together, on a bipartisan basis, we have fought for a comprehensive Federal prohibition on job discrimination on the basis of sexual orientation. We have fought together to expand the existing Federal hate
MR. KENNEDY. Mr. President, today's vote of S. 2061 is a test of the Senate. In the past, this body has had the courage to reject the simplistic and ineffective responses proposed by those who contend that the only way to help doctors is to further hurt seriously injured patients. Unfortunately, we saw in the patients' Bill of Rights debate, the Bush administration and congressional Republicans are again advocating a policy which will benefit neither doctors nor patients, only insurance companies. Caps on noneconomic damages and other extreme "tort reforms" are not only unfair to the victims of malpractice, the do not result in a reduction of malpractice insurance premiums.

Once more, we must stand resolute. We must not sacrifice the fundamental legal rights of seriously injured patients on the altar of insurance company profits. We must not surrender our most vulnerable citizens—seriously injured women and newborn babies—to the avarice of these companies.

This bill contains most of the same arbitrary and unreasonable provisions which were decisively rejected by a bipartisan majority of the Senate last year. The only difference is that last year's bill took basic rights away from all patients, while this bill takes those rights away only from women and newborn babies who are the victims of negligent obstetric and gynecological care. That change does not make the legislation any more acceptable. On the contrary, it adds a new element of unfairness.

This legislation would deprive seriously injured patients of the right to recover fair compensation for their injuries by placing arbitrary caps on compensation for non-economic loss in all obstetrical and gynecological cases. These caps only serve to hurt those patients who have suffered the most severe, life-altering injuries and who have proven their cases in court.

There are the women who suffered serious brain injuries at birth and will never be able to lead normal lives. They are the women who last organs, reproductive capacity, and, in some cases even years of life. These are life-altering conditions. It would be terribly wrong to take their rights away. The Republicans talk about deterring frivolous cases, but caps by their nature apply only to the most serious cases which were proven in court. These badly injured patients are the last ones we should be depriving of fair compensation.

A person with a severe injury is not made worse solely by receiving reimbursement for medical bills and lost wages. Noneconomic damages compensate victims for the very real, though not easily quantifiable, loss in quality of life that results from a serious, permanent injury. It is absurd to suggest that $250,000 is fair compensation for a child who is severely brain injured at birth and, as a result, can never participate in the normal activities of day-to-day living; or for a woman who lost her reproductive capacity because of an OB/GYN's malpractice.

This is not a better bill because it applies only to patients injured by obstetrical and gynecological malpractice. That just makes it even more arbitrary.

The entire premise of this bill is both false and offensive. Our Republican colleagues claim that women and their babies must sacrifice their fundamental legal rights in order to preserve access to OB/GYN care. The very idea is outrageous.

For those locales—mostly in sparsely populated areas—where the availability of specialists is a problem, there are far less drastic ways to solve it. It is based on the false premise that the availability of OB/GYN physicians depends on the enactment of draconian tort reforms. If that were accurate, States that have already enacted damage caps would have a higher number of OB/GYNs per 100,000 women. However, there is in fact no correlation. States without caps actually have 28.4 OB/GYNs per 100,000 women, while States with caps have 25.2 OB/GYNs per 100,000 women.

And that is only one of many fallacies in this bill. If the issue is truly access to obstetric and gynecological care, why has this bill been written to shield from accountability HMOs that deny needed medical care to a woman suffering complications with her pregnancy, a pharmaceutical company that fails to warn of dangerous side effects caused by its new fertility drug, and a manufacturer that markets a contraceptive device which can seriously injure the user? Who are the authors of this legislation really trying to protect?

In reality, this legislation is designed to shield the entire health care industry from basic accountability for the robberies business is being run by their infrequent children. It is a stalking horse for broader legislation which would shield them from accountability in all health care decisions involving all patients. While those across the aisle like to talk about doctors, the real beneficiaries will be insurance companies and large health care corporations. This legislation would enrich them at the expense of the most seriously injured patients; women whose entire lives have been devastated by medical neglect and corporate abuse.

When will the Republican party stop worrying about injured patients and start worrying about the consequences of its wrongdoing?

If we were to arbitrarily restrict the rights of seriously injured patients as the sponsors of this legislation propose, what benefits would there be to less accountability for health care providers will never improve the quality of health care. It will not even result in less costly care. The cost of medical malpractice premiums constitutes less than two-thirds of 1 percent—of the Nation's health care expenditures each year. Malpractice premiums are not the cause of the high rate of medical inflation.

In this era of managed care and cost controls, it is ludicrous to suggest that the major problem facing American health care is "defensive medicine." The problem is not "too much health care," it is "too little" quality health care.

A CBO report released in January of this year rejected claims being made about the high cost of "defensive medicine." Their analysis "found no evidence that restrictions or tort liability reduce medical spending." There was "no statistically significant difference in per capita health care spending between States with and without limits on malpractice torts."

The White House and other supporters of caps have argued that restricting an injured patient's right to recover fair compensation will reduce malpractice premiums. But, there is scant evidence to support their claim. In fact, there is substantial evidence to refute it. In the past year, there have been dramatic increases in the cost of medical malpractice insurance in States that already have damage caps and other restrictive tort reforms on the statute books, as well as the States that do not. No substantial increase in the number or size of malpractice judgments has suddenly occurred which would justify the enormous increase in premiums which many doctors are being forced to pay.

The reason for sky-high premiums cannot be found in the courtroom.

Caps are not only unfair to patients, they are also an ineffective way to control medical malpractice premiums. Congressional and national studies show that medical malpractice premiums are not significantly lower on average in States that have enacted damage caps and other restrictions on patients rights than the States without these restrictions. Insurance companies are merely pocketing the dollars which patients no longer receive when "tort reform" is enacted.
Focusing on premiums paid by OB/GYN physicians, the evidence is the same. Data from the Medical Liability Monitor shows that the average liability premium for OB/GYNs in 2003 was actually slightly higher in States with caps — $63,276— than in States without caps—$59,224. It also showed that the rate of increase last year was higher in States with caps—17.1 percent—than it was in States without caps—16.6 percent.

This clearly demonstrates that capping malpractice damages does not benefit the doctors it purports to help. Their rates remain virtually the same. It only helps the insurance companies earn even bigger profits. As Business Week Magazine concluded after reviewing the data, “the statistical case for caps is flimsy.” That was in the March 3, 2003 issue.

If a Federal cap on non-economic compensatory damages were to pass, it would sacrifice fair compensation for injury victims for a vain attempt to reduce medical malpractice premiums. Doctors will not get the relief they are seeking. Only the insurance companies, which created the recent market instability, will benefit.

Insurance industry practices are responsible for the sudden dramatic premium increases which have occurred in some States in the past 2 years. The explanation for these premium spikes can be found not in legislative halls or in courtrooms, but in the boardrooms of the insurance companies themselves.

Insurers make much of their money from investment income. Interest earned on premium dollars is particularly important in medical malpractice insurance because there is a much longer period of time between receipt of the premium and payment of the claim than in most lines of casualty insurance. The industry creates a “malpractice crisis” whenever its investment income is threatened. The combination of a sharp decline in the equity markets and record low interest rates in recent years is the reason for the sharp increase in medical malpractice insurance premiums. What we are witnessing is not new. The industry has engaged in this pattern of behavior repeatedly over the last 30 years.

Last year, Weiss Ratings, Inc., a nationally recognized financial analyst conducted an in-depth examination of the increasing damages in medical malpractice cases. Their conclusions sharply contradict the assumptions on which this legislation is based. Weiss found that capping damages does reduce the amount of money that malpractice insurance companies pay out to injured patients. However, those savings are not passed on to doctors in lower premiums.

Between 1991 and 2002, the Weiss analysis shows that premiums rose by substantially more in the States with damage caps than in the States without caps. The 12-year increase in the annual malpractice premium was 48.2 percent in the States that had caps, and only 35.9 percent in the States that had no caps. In the words of the report: On average, doctors in States with caps actually suffered a significantly larger increase than doctors in States without caps. In short, capping damages violates the expectations of cap proponents.

Doctors, especially those in high-risk specialties, whose malpractice premiums have increased dramatically over the past few years, do deserve premium relief. However, only the insurance companies lose money on their investments, they should not be able to recover those losses from the doctors they insure. Unfortunately, that is what is happening now.

Doctors and patients are both victims of the insurance industry. Excess profits from the boom years should be used to keep premiums stable when investment earnings drop. However, the insurance industry will never do that voluntarily. Only by recognizing the real problem can we begin to structure an effective solution that will bring an end to unreasonable high medical malpractice premiums.

There are specific changes in the law which should be made to address the abusive manner in which medical malpractice insurers operate. The first and most important would be to subject the insurance industry to the Nation’s anti-trust laws. It is the only major industry in America where corporations are free to conspire to fix prices, withhold and restrict coverage, and engage in a myriad of other anticompetitive actions. A medical malpractice “crisis” does not just happen. It is the result of insurance industry schemes to raise premiums and to increase profits by forcing anti-patient changes in the tort law. I have introduced with Senator LEAHY, legislation which will at long last require the insurance industry to abide by the same rules of fair competition as other businesses. Secondly, we need stronger insurance regulations to make malpractice insurers set aside a portion of the windfall profits they earn from their investment of premium dollars in the boom years to cover part of the cost of paying claims in lean years. This would smooth out the extremes in the insurance cycle which have been so brutal for doctors. Thirdly, to address the immediate crisis that some doctors in high risk specialties are currently facing, we should provide temporary premium relief. That is particularly important for doctors who are providing care to underserved populations in rural and inner city areas.

Unlike the harsh and ineffective proposals which will not help physicians without further harming seriously injured patients. Unfortunately, the Republican leadership continues to protect their allies in the insurance industry and refuse reasonable solutions to the malpractice premium crisis.

This legislation—S. 261—is not a serious attempt to address a significant problem being faced by physicians in some States. It is the product of a party caucus rather than the bipartisan deliberations of a Senate committee. It was designed to score political points, not to achieve the bipartisan consensus needed to enact major legislation. For that reason, it does not deserve to be taken seriously by the Senate.

I withhold whatever time I have to suggest the absence of a quorum.

Mr. KENNEDY. I withhold suggesting the absence of a quorum.

HEALTHY MOTHERS AND HEALTHY BABIES ACCESS TO CARE ACT OF 2003—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will stand in recess until the hour of 2:15 p.m. Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer [Mr. Voinovich].
I am deeply concerned that we are needlessly compromising patient safety and quality health care. We know about 4 percent of hospitalizations involve an adverse event, and 1 percent of hospitalizations involve an injury that would not have occurred without medical care.

These numbers have been consistent in large studies done in New York, California, Colorado, and in my home State of Utah. However, the equally troubling statistic is that only 14 percent of those cases end up in court. Yet, these cases can result in claims, and less than one-fifth—17 percent—of claims filed actually involve a negligent injury.

This situation has been likened to a traffic cop who regularly gives out more tickets to drivers who go through red lights. Clearly, nobody would defend that method of ensuring traffic safety, and we should not accept such an insufficient and inequitable method of ensuring patient safety. Numbers are a harbinger of the current state of the medical liability system. I personally believe we can do better for the American people, and the Healthy Mothers and Babies Act is an important step in that path.

The problem is particularly acute for women who need obstetrical and gynecologic care because OB/GYN is among the top three specialties with the highest professional liability insurance premiums. This has led to many doctors leaving practice and to a shortage of doctors in many States, including my home State of Utah.

Studies by both the Utah Medical Association and the Utah Chapter of the American College of Obstetricians and Gynecologists underscore the problem in my State. Over half—50.5 percent—of family practitioners in Utah have already given up obstetrical services or never practice obstetrics. Of the remaining 48.5 percent who still deliver babies, 7.7 percent say they plan to stop providing OB services within the next decade. Most plan to stop within the next 5 years.

An ACOG survey from August 2002 revealed that over half—53.16 percent—of OB/GYNs in Utah have changed their practice, such as retiring, relocating, or dropping obstetrics because of the medical liability reform crisis. This change in practice leaves 1,458 pregnant Utahns without OB/GYN care.

The cost crisis, while affecting all medical specialties and practices, hits OB/GYN practices especially hard, and I suspect this is true of every State in the Union. Astonishingly, over three-fourths, 76.5 percent, of obstetricians/gynecologists report being sued at least once in their career. Indeed, over one-fourth of OB/GYN doctors will be sued for care given during their residency. These numbers have discouraged Americans from seeking medical care, and they do not show that the medical system has improved. Currently, one-third of OB/GYN residency slots are filled by foreign medical graduates compared to only 14 percent one decade ago. OB/GYN doctors are particularly vulnerable to unjustified lawsuits because of the tendency to blame the doctor for brain-injured infants, although research has proven that physician error is responsible for less than 4 percent of all neurologically impaired babies.

In August 2003, a GAQ report concluded that actions taken by health providers as a result of skyrocketing malpractice premiums have contributed to health care access problems. These problems include reduced access to hospital-based services for deliveries, especially in rural areas. In addition, the report indicated that States that have enacted tort reform laws with caps on noneconomic damages have slower growth rates in medical malpractice claims and payments. From 2001 to 2002, the average premiums for medical malpractice insurance increased about 10 percent in States with caps on noneconomic damages. In comparison, States with more malpractice cases experienced an increase of 29 percent in medical malpractice premiums.

Medical liability litigation directly and dramatically increases health care costs for all Americans. Unfortunately, many of these cases are brought in order to get the defense costs by, in many respects, lawyers who are not true to their profession, who are personal injury lawyers seeking to make a buck.

In addition, skyrocketing medical litigation costs indirectly increase health care costs by changing the way doctors practice medicine. Defensive medicine is defined as medical care that is primarily or solely motivated by fear of malpractice claims and not by the patient’s medical condition. According to a survey of 1,800 doctors published in the Journal of Medical Economics, more than three-fourths of doctors believed they must practice defensive medicine. A 1998 study of defensive medicine by Mark McClellan, our current head of the FDA who has been nominated now to be head of CMS, used national health expenditure data that showed medical liability reform has a high percentage. Those cases that are brought in order to get the defense costs by, in many respects, lawyers who are not true to their profession, who are personal injury lawyers seeking to make a buck.

The recent Institute of Medicine report, "To Err is Human," concluded that the majority of medical errors do not result from individual recklessness or the actions of a particular group. This is not a bad apple problem. More commonly, errors are caused by faulty systems, processes, and conditions that lead people to make mistakes or fail to prevent their mistakes. We must make changes in the health care system and processes that allow errors to occur and to identify better when malpractice has not occurred.
The reform I envision would address litigation abuses in order to provide swift and appropriate compensation for malpractice victims, redress for serious problems, and ensure that medical liability costs do not prevent patients from accessing medical care because it has become too expensive for their OB/GYN doctors to continue their practice.

The Healthy Mothers and Healthy Babies Access to Care Act will allow us to begin ensuring women and babies get the medical care they need and deserve. Without tort reform, juries are awarding astounding and unreasonable sums for pain and suffering. A sizable portion of those awards goes to the attorneys rather than to the patients. The result is that doctors cannot get insurance and patients cannot get the care they need and deserve.

All Americans deserve the access to care, the crisis care, and the legal protections that States such as California provide their residents. Today's bill will allow us to begin to address this crisis in our health care system, gives women and their babies access to their OB/GYN doctors, and enables doctors to provide high-quality, cost-effective medical care. I strongly support this legislation and urge my colleagues to support it.

Mr. REID. Mr. President, I ask unanimous consent that be the order.

I yield the floor.

The PRESIDING OFFICER. Who yields the floor?

The Senator from Nevada.

Mr. CRAIG. Mr. President, I ask unanimous consent that during the debate this afternoon with respect to the cloture vote, any Democratic speakers be limited to 10 minutes each. The reason I propound this request is that we have less than half of what our counterparts in the Senate have. We have a number of speakers who have a desire to speak. If we have a limited time, they will not be able to do that. I ask unanimous consent that be the order.

Mr. REID. Mr. President, I do not object to that. I appreciate the time consideration. The Senator from California is kind enough to allow me to proceed without unanimous consent that she immediately follow me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I do not object to that. I appreciate the time consideration. The Senator from California is kind enough to allow me to proceed without unanimous consent that she immediately follow me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, first, I am here to speak on this issue and ask our colleagues to support it. Many of my colleagues have already spoken of the pressing need for this legislation, so I will not repeat their words now. What I will speak about is how the medical liability crisis has hit each and every region of the country, the Pacific Northwest. I believe the situation as it exists there provides clear evidence of the need for national reform.

My story is the tale of two States, my home State of Idaho and our neighbor to the west, Oregon. Idaho enacted its original tort reform legislation in 1987. This legislation limited the award of noneconomic damages in personal injury cases at $400,000. This limit was indexed to inflation. Oregon also enacted tort reform legislation in 1987. Like the Idaho law, the Oregon law limited the award of noneconomic damages in personal injury cases. Oregon's law placed this limit at $500,000. Unlike Idaho however, where the tort reform measure withstood judicial scrutiny, and has since been strengthened by the Idaho State Legislature in 2003, Oregon's law was struck down by the State supreme court in 1999.

Since the cap was removed, there have been 20 settlements and jury awards of more than $1 million. As expected, the costs of these awards have been passed on to medical professionals in the form of higher medical malpractice insurance premiums. The Eugene Oregon Register Guard reported on March 19, 2003, that obstetricians who have base coverage ($1 million per claim, $3 million aggregate per year) through Northwest Physicians Mutual and a doctor-owned insurance company, have seen their premiums increase nearly threefold, from $21,895 in 1999 to $61,203 in 2003. The same article referred to a statewide survey conducted by researchers at Oregon Health and Science University which found that since 1999, 125 doctors have quit delivering babies in Oregon—representing about 25 percent of doctors providing obstetric care. Nearly half of these physicians, 48 percent, cited insurance costs and 41 percent said they feared lawsuits.

The article goes on to tell the story of an Oregon physician who is abandoning his practice in Eugene, in order to establish a new practice in Coeur d'Alene. A recent article stated that he was attracted to Idaho because the State has safeguards in place for doctors. These safeguards have helped keep malpractice premiums down in Idaho. Indeed, the Idaho Medical association reports that physicians in Idaho for some high-risk specialties, such as obstetrics and gynecology, pay about half of what their counterparts in Oregon pay.

While I welcome any healthcare providers who choose to leave Oregon, I do not wish to see women of a neighboring State, or any State, suffer from lack of available health care because medical providers cannot afford to purchase malpractice insurance in their home State.

Now as a firm proponent of our Federal system, I have always believed that it is preferable to solve problems at the level of government closest to the people. And my preference here would be to allow State governments to address this issue as it affected many States. However, many other States have either not enacted reform legislation, or as in the case of Oregon, have found their efforts at reform sidetracked by overzealous judges. And, as the medical liability crisis in the 19 States identified by the AMA now threatens to overwhelm the entire Nation's medical liability system, I feel that now is the time to address this issue at the national level.

A Federal law is required to ensure that reforms will be effected in all States. Furthermore, the language of S. 1489 will protect States with existing caps. At the same time it will protect health care providers by establishing a Federal standard for noneconomic damages limits, even if such caps are barred by a State constitution, such as in Oregon. By allaying State autonomy in the setting of liability limits, this bill respects our tradition of federalism.

Since this body refused to vote for cloture on a related bill last July, the gavel has fallen on this issue. I am optimistic that this Congress is ready to move ahead with legislation to improve patient safety and reduce medical errors, and we need urgently to address the medical liability crisis so that more women are not denied access to quality medical care because it has become too expensive for their OB/GYN doctors to continue their practice.

The Healthy Mothers and Healthy Babies Access to Care Act is kind enough to allow me to conclude my remarks.
Idaho not only held its law but then strengthened that law in 2003. Here is the rest of the story. Idaho strengthened its law in 2003. Oregon struck down its law in 1999. But they both started in the same place. Since the cap was in place in Oregon, there have been 20 settlements for injury awards of well over a million dollars.

As expected, the cost of these awards has been passed on to the medical professional in the form of higher medical malpractice insurance premiums. Eugene, Oregon Register Guard reported on March 19, 2003, that obstetricians who have base coverage—that is, $1 million per claim, $3 million per aggregate per year—through Northwest Physician Mutual, a doctor-owned insurance company, have seen their premiums increase nearly threefold, from $21,895 in 1999, to 61,203 in 2003. The same article referred to a statewide survey conducted by researchers at Oregon Health and Science University, which found that since 1999, 125 doctors have quit delivering babies in Oregon—representing about 25 percent of the doctors providing obstetric care. Nearly half of these physicians, 48 percent, cited insurance costs, and 41 percent said they feared lawsuits.

The article went on to talk about one Eugene, OR, physician who moved to Coeur d’Alene, ID. The reason he moved to Idaho is because in our State of Idaho, their insurance premiums are substantially lower because the cap we placed in the law has held the test of the courts.

The reality is that we are trying to set the stage nationwide. We are all aware—and many colleagues have come to the floor of the Senate to talk about it—of the studies done, the GAO report, the high-cost States, and the OB/GYN doctors fleeing from those States, and as a result making it very difficult in some instances for pregnant women to receive needed health services. To provide a solution in just a moment. But, it be a solution to rising malpractice insurance premiums in the country. Today, it is 11 percent.

California's premiums grew 167 percent over the past 25 years compared to 505 percent in other States. So the growth in California is just about less than a third of what it is in the rest of the United States.

In California, patients get their money faster. Cases in California settle 23 percent faster than in States without caps on noneconomic damages. And OICRA allows patients to obtain health care costs, recover for loss of income, and receive the funds they need to be rehabilitated. And California's malpractice premiums are now one-third to one-half lower on average than those in Florida and New York.

The proposal I would put out for people to study today takes those parts of MICRA which I thought could serve as a national model. For example, a schedule of attorney's fees; a strict statute of limitations requiring that medical negligence claims be brought within 1 year from the discovery of an injury or within 3 years of the injury's occurrence; the requirement that a claimant give a defendant 90 days notice of his or her intent to file a lawsuit before a claim can actually be filed; allowing defendants to pay damage awards in periodic installments; and allowing defendants to introduce evidence at trial to show that claimants have injured been compensated for their injuries, but not that their workers' compensation benefits, disability benefits, health insurance, or other payments; and permitting the recovery of
unlimited economic damages. All of these points are now in play in California. I believe they are applicable nationwide.

The differences from the California MICRA that I would propose would be in two key areas. The first would be noneconomic damages, and the second would be punitive damages. The California MICRA law has a $250,000 cap on noneconomic damages. That is what is proposed in the pending bill. In contrast, I propose a national $500,000 fixed cap, a general cap on noneconomic damages. This cap would allow a State to impose a lower or a higher limit, but it would be pivotal for those States where the State laws do not currently allow a State to set a cap. This would allow in those States for the cap to be $500,000.

In catastrophic cases where a victim of malpractice was subject to severe disfigurement, severe disability, or death, there would be the greater of $2 million or $50,000 times the number of years of life expectancy of the victim. This handles the situation of a very young victim who was really the victim of egregious malpractice.

In my proposal, the $250,000 cap would have less onerous punitive damages standards than California law. California law would require a plaintiff to prove punitive damages under the very high standard of fraud, oppression, or malice. Under this standard, I am not aware of a single case where a plaintiff has obtained punitive damages in California over the past 10 years. However, if the State wanted to keep that—any State—they could under my proposal. But I would offer a four-part test where a plaintiff would have to show by clear and convincing evidence that the defendant (1) intended to injure the claimant unrelated to the provision of health care; (2) understood the claimant’s potential exposure and provided or failed to provide health care services, the defendant deliberately failed to avoid such injury; (3), acted with a conscious, flagrant disregard of a substantial and unjustifiable risk of unnecessary injury which the defendant failed to avoid; or (4), acted with a conscious, flagrant disregard of acceptable medical practices in such circumstances.

I firmly believe a variant of this type could lead to a compromise in the Senate. I have worked with my own medical association, the California Medical Association, both flatly rejected this proposal last year. They refused any cap for noneconomic damages above $250,000 even in catastrophic cases. To me this makes little sense because a $250,000 cap in 1975, which was when the cap was put in play in California, adjusted for inflation, was worth $389,000 in 2002. If $250,000 was adequate in 1975, why wouldn’t a figure of a half a million—key word—be more—be more than the cap adjusted for inflation, be acceptable in 2004? If a victim receives $250,000 today, it is the equivalent of $40,000 in 1975 dollars.

There are many specific instances of why a $250,000 noneconomic damage, especially today, remains too low. Let me just give you one case. I happened to meet this woman, and it is a case that I think makes my argument irrevocable. Linda McDougal. She is 46. She is a Navy veteran, an accountant, and a mother. She was diagnosed with an aggressive form of cancer and underwent a double mastectomy. Two days later, she was told that she had cancer. She didn’t have cancer, and the amputation of her breasts was not necessary. A pathologist had mistakenly switched her test results with another woman who had cancer.

A cap on noneconomic damages must take into account severe morbidity produced by a physician’s mistake, such as amputating the wrong limb or transfusing a patient with the wrong type of blood. I remain a supporter of malpractice insurance reform. If at any time there would be physician support, I believe then the necessary votes in this body could be generated for a plan such as I have just endorsed.

In conclusion, I will vote against this bill but stand ready to participate in a solution along the lines I have mentioned.

I thank the Chair, and I thank the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, before Senator FEINSTEIN leaves the Chamber, she has laid out what may well be a very reasonable alternative for this body and our colleagues in the House to consider with respect to medical malpractice. She has played a vital role as we have worked over the last several years to craft a compromise on class action reform and offered maybe the critical amendment to the bill.

What I would like to do in the 10 minutes I am going to speak is consider an amendment that I feel can, the approach in bringing this medical malpractice bill to the Senate today with the approach that has been followed as we have tried to bring class action reform legislation to the Senate floor.

Let me step back for a moment. For those who may be listening to this discussion, class action reform seeks to address the issue of when a class of people are harmed what kind of redress is available. I don’t think most of us would agree that if a person were harmed by a product, good, or service that they had come in contact with or acquired that that person should be made whole. I think we would also agree if a whole class of people were somehow damaged by a product, good, or service that they came in contact with that the class of people should be made whole.

The question is in what forum should that be done? As I said, the damaged class, the plaintiff class—where do they turn to for redress to gain compensation for their injury or for their harm?

In my view, and I think it is a view probably shared by a majority of my colleagues, we believe that if the plaintiff class happens to be in a State different from the State that the defendant is from, our Constitution would suggest that maybe in those cases that rather than the court be located in the State where all of the plaintiffs are located, if the defendant is from another State, that the fair thing to do to both the defendant and the plaintiff is to litigate that matter in Federal court. That has been a subject of some debate.

It is not an issue that involves limits on punitive damages, economic, noneconomic damages, pain and suffering. The debate does not lie there. Rather, the debate lies in the area of in what court, in what jurisdiction should those kinds of questions be resolved.

I have been in the Senate for a bit more than 3 years. During that course of time, there have been any number of hearings in the Senate Judiciary Committee and in the House Judiciary Committee to bring before the respective panels in both bodies those who believe that we need to change the status quo with respect to class action litigation and those who think that what we have is just fine.

Proponents and advocates have had the opportunity to speak their points of view and to testify repeatedly in the Senate and in the House. In fact, over the last couple of years, this is what has happened in the Senate: Legislation has been developed in committee, it has been debated in committee, it has been amended in committee, and it has been brought to the floor in an effort to try to have it debated, amended, and voted on.

Last fall, we were able to get 59 votes to proceed to the bill, to take it up and offer amendments on the floor, but on class action we felt just short of the 60 votes needed. So we went back and we did some more work. Those of us who think changes are necessary worked with some of our Democrat colleagues, three of them especially, and others as well, to come up with changes that would make the bill better, fairer, and more defensible.

 Hopefully, within the next several weeks we will have the opportunity to debate that on the floor and to offer further amendments to class action reform legislation.

It has been a long process, some would say too long. What happens is we start off with a reasonable proposal, debate it in committee, improve it in committee, report it out of committee, and then we are going to have the opportunity to bring that bill to the floor and it will be altered, I think improved, when that same bill comes to the floor.

Once the bill is on the floor, we will have an opportunity for full and open debate to consider what people like about it and do not like about it. They can offer their changes and we will have an up-or-down vote at the end of
the day when we have amended the bill. That is what we call regular order. That is the way an issue of this nature should be decided.

To my knowledge, maybe in the last 3 years there has been one hearing in one committee in the Senate on the issue of medical malpractice. If there have been others, I am not aware of them. A year ago, there was one hearing in one committee on this issue. I do not believe the bill has been marked up in any kind of a committee. They did not vote on that bill in that committee. They did not seek to amend this medical malpractice bill in that committee. Instead, we simply found a related bill appearing on the Senate agenda with no opportunity to offer amendments, to improve it as maybe Senator Feinstein, Senator Dorgan, or others would like to do but, rather, to have to kind of take it or leave it. That is not regular order and that is not the way to build consensus, particularly when you are trying to address a difficult and as contentious as this one.

Another issue we have been dealing with, which involves litigation reform, is the subject of asbestos. We all know that for many years people used asbestos in all kinds of projects, construction, automobiles, brakes, ship construction. Asbestos was commonly used. We later found out that it kills people. It causes asbestosis, mesothelioma and other diseases. We all have been working for years to try to figure out how do we compensate the victims of asbestos exposure to make them whole. That process is one that has gone on for any number of years, too. The process we followed there is the opportunity to fully debate the issue in committees, to hold hearings in committees, where people who are for and against it have a chance to express their views. There are a lot of interested parties such as insurance companies, manufacturers, labor unions, the trial bar, and others that have had the opportunity to add their input. I hope what we now have coming to the Senate floor sometime later this spring is legislation that says maybe the way we handle asbestos litigation in this country can be improved on so we make sure people who are sick and dying of asbestos exposure get the help they need, and make sure people who are not sick will not ever be sick and do not siphon off money from those who are sick.

We need to come up with a fair system and one, frankly, that will stem the loss of companies, corporations, and businesses that are going bankrupt by the scores of asbestos exposure.

If we compare the way this body has approached class action reform legislation, in a very deliberate and thoughtful fashion, with plenty of opportunity for debate and changes, and compare that with what is before us today, it is night and day. There is really very little similarity.

I suggest to our friends on the other side of the aisle that on this particular issue if they are interested in finding a fair and reasonable solution, there are a number of us on this side of the aisle who would be willing to engage with them to find that. In the meantime, I would suggest they take a look at what States are doing.

Senator Feinstein talked about her own State. In Delaware, the Governor put together a group, not a partisan group but a group that includes the trial bar, health providers, hospital representatives, government and outside of government, to try to figure out if we needed to make any changes in our own State with respect to medical malpractice.

In the end, they said: We do not think we have a problem in Delaware with physicians being unable to get the coverage at a reasonable price. We do not have out of control jury awards. This is not a huge Delaware problem. Rather, they did suggest one change which I think is instructive. What they did suggest was a stronger guide for the certification of medical malpractice litigation to certify that it is not a frivolous lawsuit. If someone wants to bring a suit before it ends up in court, there will be a panel of knowledgeable people that area that are sick and dying of asbestos exposure who will look at the assertion of the plaintiff and decide whether or not this is a frivolous lawsuit. If it is, the litigation does not go forward. That is what one State is doing, as a temporary measure.

I close by saying this: Unlike asbestos litigation reform, which needs a national solution, unlike class action litigation reform, which I believe needs a national solution, for the most part States can deal with on a case-by-case, State-by-State basis involving around medical malpractice. I think for the most part we are better off pursuing that. Not everybody will agree with me on that point, but I think most people agree on this point, and that is the right way to legislate on these contentious issues is the approach we have taken with respect to class action reform and the approach we are taking with respect to asbestos litigation reform, where all sides have the opportunity to be heard, Members get to offer their amendments in committee and on the floor and then we go forward. That is the way to do business, and if we do business on those bases and in that accord, I think we all will be able to not only talk about doing something that needs to be done but actually accomplish it. I yield the floor.

The PRESIDING OFFICER (Mr. Trent). The Senator from New Jersey.

**CHICKEN HAWKS**

Mr. LAUTENBERG. Mr. President, I rise to discuss a troubling issue that has plagued our political debate for many years and now has come to a head. It is the issue of the chicken hawk.

We so much admire the eagle, the bird of strength, the bird that portrays the courage of America, the willingness to support our country no matter what the cost. That is what the eagle says to me. At times it has been an endangered species. But there is another bird I want to talk about today. That bird is called, in my view, the chicken hawk. There is such a bird, but usually it is the one who is chasing the chicken.

Those of us who answered our Nation's call for military service at wartime have not been grandhawks. That is the issue. We served our country and, frankly, many of my colleagues who answered the call are not always willing to talk about their experiences.

But now I see a disturbing trend from the other side of the political aisle. More and more, Senators in this body are tagged as lax on national security or homeland security or support for the military because of votes they took against problematic defense bills over the years. For years the charge coming from the other side was that these Senators are somehow or other less patriotic, less supportive of defense, and it is a shameful and grotesque charge. In my view these charges typically come from people I would simply call chicken hawks.

My definition of a chicken hawk is someone who talks tough on national defense and military issues, casts aspersions on others who might disagree on the vote, but when they had a chance to serve, they were nowhere to be found. Now they are attacking the Senator from Massachusetts for opposing bloated or poorly designed defense bills. Is it known how much courage it takes to vote against a bad Defense authorization or appropriations bill? We all know it takes a lot of political courage, because even if the bill contains wasteful and damaging provisions, the vote can be twisted by your opponents. But when faced with a bad defense bill, those who support the military always vote for it. They take the easy road. They always vote for it, no matter what it says. How much courage does it take to vote for a bad defense bill? None. Zero. It is the easy thing to do.

Our colleague, the distinguished junior Senator from Massachusetts, is being attacked this week by the other side of the aisle as being weak on support for the military and compromising the defense of our country. I say to those on the other side of the aisle that call, in my view, the chicken hawk. That is the way an issue of this nature should be decided.

To my knowledge, maybe in the last 3 years there has been one hearing in one committee in the Senate on the issue of medical malpractice. If there have been others, I am not aware of them. A year ago, there was one hearing in one committee on this issue. I do not believe the bill has been marked up in any kind of a committee. They did not vote on that bill in that committee. They did not seek to amend this medical malpractice bill in that committee. Instead, we simply found a related bill appearing on the Senate agenda with no opportunity to offer amendments, to improve it as maybe Senator Feinstein, Senator Dorgan, or others would like to do but, rather, to have to kind of take it or leave it. That is not regular order and that is not the way to build consensus, particularly when you are trying to address a difficult and as contentious as this one.

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service in Vietnam, the Senator from Massachusetts won the Silver Star, the Bronze Star, three Purple Hearts—that means he was wounded three times; it is a miracle he is still alive—the Combat Action Ribbon, the Navy Presidential Unit Commendation Ribbon, the National Defense Service Medal, the Vietnam Service Medal, and the Vietnam Campaign Medal. How dare they challenge his commitment to our defense? His patriotism?

The Senator’s action took courage. It is the same courage the Senator showed when he refused to vote for defense bills merely because they were defense bills. As a man who has seen a battlefield, he has a keen understanding of military needs and military policy and he voted accordingly. He actually did what his constituents sent him here to do: evaluate legislation on its merits and vote with your conscience and your obligation to our citizen.

Did it take courage? Of course. Integrity? Of course. Was it an easy thing to do? Absolutely not. The easy thing to do would be to simply vote for all the defense bills, no matter what they say, and not vote on any others. It is a measure of patriotism. That is what the chicken hawks do. That is the easy road.

It is the same easy road we see when someone files for five student deferments and then claims an old football injury should prevent him from fighting for his country. Only a chicken hawk would attack a political rival who lost three limbs in Vietnam as being soft on defense.

So I say to my colleagues on the other side of the aisle, we are not going to put up with these insinuations that attack our patriotism, our support for our troops, anymore. Because real patriotism and real support for our Nation’s defense should not be judged on whether we ignore our constitutional duty and rubberstamp legislation. Real patriotism and support for the defense of this country has to do with answering the call. In my view, as a fellow veteran, the Senator from Massachusetts not only answered the call to fight for his country, but also to perform his duty and judge legislation on its merits.

I served in the Army. It doesn’t mean I should approve $1,500 toilet seats or poorly designed military equipment that is being procured simply because of political influence. In fact, I believe because I served, I have the duty to the men and women who are now in the military to make sure our military is strong and is as free from waste and corruption as possible, and our military men and women are protected to the fullest extent possible during their service and, when they are veterans, to provide for their health care needs and other services without question.

Our job is to think as Senators and not bow to everything defense contractors or Pentagon officials want. The Senator from Massachusetts has voted for plenty of defense spending increases, but he has also voted to prevent bad programs from moving forward. He does his duty to his country and to his constituents.

The way I see it, the President and his proxies are attempting to bring American politics back to the days of dirty tricks. We saw it in 2000, not against just Al Gore but also against the most serious Republican challenger, the Senator from Arizona. The way the campaign coordinated attacks on the Senator from Arizona that questioned his commitment to our troops. Outrageous. An attack on a man who not only fought for this Nation but spent years as a prisoner of war. They didn’t stop there. They even attacked the Senator’s family.

I want the administration and its allies in Congress to know we are not going to put up with these despicable smear campaigns. From now on, they question our commitment to our troops and the defense of this Nation at their own peril.

We saw it just the other day, I think it was yesterday. In a speech that was public and was given by members of the NEA, the National Education Association, who stick up for the quality of our teachers, for their ability to earn a living, for the ability to take the courses they need—to talk about them as terrorists. They didn’t even say that the chicken hawk line I just talked about.

With that, I will yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding we are considering S. 2061, with 10-minute allocations of time for each Senator who is recognized?

The PRESIDING OFFICER. The Senator from Illinois?

Mr. DURBIN. Mr. President, it is my understanding we are considering S. 2061 with 10-minute allocations of time for each Senator who is recognized?

The PRESIDING OFFICER. The Senator from Illinois?

Mr. DURBIN. Mr. President, I rise pursuant to that order to speak for 10 minutes about S. 2061. This bill which is pending before the Senate addresses a very serious national issue of medical malpractice. Medical malpractice insurance premiums have increased in my State of Illinois and across the Nation. Because of those increases, a lot of good doctors have been forced to a position where they have to retire or relocate their practices. I have met with those doctors. I understand the problems and dilemmas they face. I think we need to address that here in the Congress. This point is dramatized by the fact that the bill before us is unfortunately not a bill which has been the product of any effort to find compromise or common ground or bipartisan answer to this national challenge.

This bill without referral to committee was sent to the floor of the Senate. It is a bill which, frankly, was introduced by Senator Gregg of New Hampshire, a bill which ordinarily would have been referred to the Senate Judiciary Committee. The bill did not go to that committee. Senator Gregg does not serve on that committee. The bill was sent to the floor. I am afraid what I am afraid is going to happen is that the bill is also trying to make certain we make a record rollover on this issue so that those who are supporting this bill will go back to some members of the medical community and say all Senators who voted against it don’t want to help us improve malpractice law, medical practice premiums. That couldn’t be further from the truth for this Senator.

I have strong feelings about what we need to do. I believe we need to address the issue in a comprehensive way. We shouldn’t be afraid to look at all aspects of this challenge.

The first aspect of this challenge is that doctors tend to be attacked. Today in hospitals and doctors’ offices across America. Don’t take my word for it. The Journal of the American Medical Association reached that conclusion and said medical errors are of epidemic proportion in America. The Institute of Medicine estimated that in any given year, 24,000 to 98,000 Americans lose their lives because of medical negligence. This bill doesn’t even address that issue. It addresses malpractice in a courtroom. It doesn’t address it in a doctor’s office or in a hospital.

The first thing we should do is see how we can work with the medical community and the hospitals to reduce errors—reduce negligence. We need to address the incidence of these grievous injuries and death that occur as a result.

Currently, when you look at the universe of possible medical negligence—errors, reduce negligence. We need to address the incidence of these grievous injuries and death that occur as a result.

Second, if you are worried about the cost of medical malpractice premiums, isn’t it reasonable to ask whether the insurance companies are treating doctors and hospitals fairly? This bill doesn’t have a word in it about insur—insurance companies and their responsibilities. Why are we afraid to even ask? Why wouldn’t we have all the books open to find out whether what is happening to doctors’ medical malpractice insurance is a result of some insurance companies which should be answerable.

The third element is tort reform. I used to practice law. I was a trial lawyer. I defended doctors for many years and hospitals—and I sued them. I have been on both sides of the table. I understand those lawsuits, or at least how they were conducted in Illinois 20 years ago. So I have at least a passing experience with this issue. I think in my
practice I would never have considered taking a so-called frivolous lawsuit forward. It costs too much money. It takes too much time. You wouldn't want to put your plaintiff client through it, you wouldn't want to waste your time, or money, and you wouldn't want to run the risk of the day that you would lose—or worse, be sanctioned by the court for raising a frivolous lawsuit. I think there are ways to stop it. A small percentage of lawsuits shouldn’t be filed against doctors. This bill doesn’t deal with frivolous lawsuits, and it should.

The last element it should address in tort reform is that one that I think is essential; that is, to make certain, while we try to reduce the likelihood of frivolous lawsuits, we don’t close the courthouse door for those innocent patients who are the victims of medical negligence. That is what this bill does. This bill says that instead of a jury in your hometown deciding what your injury is worth instead of your peers in the community, your neighbors sitting in the jury box considering the evidence and the law and deciding what the value of your child’s life is, or your child’s health, we instead will make that decision here on the floor of the Senate. We will say that no matter what lawsuit you have filed for medical malpractice relating to OB/GYN, you cannot recover under any circumstances, regardless of what happened to the baby, any more than $250,000—$250,000 for pain, suffering, and disfigurement.

Two-hundred and fifty-thousand dollars may sound to some like a lot of money. Let me give you a few specific examples of cases I know of, and you decide whether $250,000 is a lot of money.

A settlement was reached last Friday in Chicago—a city I am honored to represent—in the case of Evelyn Arkebau and her son, Andrew A.J. Arkebau, on October 4, 1998. Evelyn went into labor at 5:30 in the morning with her second child. She had her first child by Cesarean section, so there was a risk second child. She had her first child by Cesarean section, so there was a risk of uterine rupture. Early in the afternoon, the doctor began to administer Pitocin to speed up labor.

At 6:15 p.m.—more than 12 hours later—the doctor cut off the Pitocin and told Evelyn to start pushing. Evelyn pushed for more than an hour and a half, and it was indeed through a quadriplegic child. At 9:45 p.m., Pitocin was finally stopped and the baby was delivered. The baby was near death at the time of delivery. Today, that child is 6 years old and permanently disabled. He has severe cognitive dysfunction and is partially paralyzed in all four of his extremities. He has motor problems, and he can’t walk. His speech is not understandable. He is fed through a tube in his stomach because he cannot feed himself. He has paralysis of the vocal cords. He requires care 24 hours a day and extensive therapy.

There are Senators who, when they come to the floor and talk about how low oxygen in labor, they have had the experience of a baby facing a lifetime—long or short—in a terrible situation. During the trial, a nurse working the night of Andrew’s birth testified that the anesthesiologist was with her in a private room on the hospital’s fourth floor, and she had three different pages to respond to this emergency C section before going to the fifth floor delivery room where Evelyn was. This baby—quadriplegic and spastic for the rest of his life with a mind that is functioning has a body that cannot be used.

This bill, S. 2061, says the jury of the Senate will decide the cases exactly like this—that that baby and that baby’s family can recover no more than $250,000 for pain and suffering. That is not fair. It is not just. It is not reasonable. It may reduce medical practice premiums but at the cost of justice.

Gina Santoro-Cotton was 29 years old and pregnant with her first child. Her prenatal course was normal. She was admitted to the hospital 1 week after her due date to induce labor. The drug Pitocin was used. Within a few hours of starting Pitocin, deceleration of the fetal heart rate was noted. The baby heartbeat was not registered, which is normally done when there are signs that the baby is in distress.

By early afternoon, the fetal monitor signs showed signs of oxygen deprivation to the baby—a clear warning sign. The Pitocin was still not stopped. At 2:45 p.m., the baby had a prolonged drop in his heart rate. The Pitocin was finally stopped and the baby was resuscitated in its mother’s womb. Within 10 to 15 minutes, this baby appeared. Rather than stopping the Pitocin, the dose was increased.

At 7:30 p.m., there were still severe decelerations on the fetal monitor strips. Pitocin was increased.

At approximately 9:45 p.m., Pitocin was finally stopped and the baby was delivered. The baby was near death at the time of delivery.

Today, that child is now 6, lives 20 years, is it worth $10,000, $12,000, $1,000 a month for what that family will go through? I don’t think so.

Let me discuss one last case. Terri Sadowski was pregnant with her second child. At 34 weeks, she went into preterm labor and had a rupture of her membranes. Medication was not successful in stopping her labor so she was transferred from a community hospital to a high-risk referral center, to the care of a perinatologist, a specialist in high-risk pregnancies.

The perinatologist decided to let Terri proceed with labor and deliver normally even though the baby was in a breech position. The doctor also decided to administer Pitocin, a medication to bring on contractions. Within 3 hours of starting the Pitocin, the fetal heart rate began to show signs that the baby was in distress. A normal heart rate for a baby in the mother’s womb is 120 to 160 beats per minute. This baby’s heart rate was dropping in the 70s. By the time Terri was ready to start pushing, the fetal monitor strips showed significant fetal heart rate decelerations with a consistent heart rate in the 60s and 70s. Despite the overwhelming evidence that the baby was in severe distress, a decision to perform an emergency C section was not made for 40 minutes.

An emergency C section was done but the baby had no movement and was unresponsive. She developed seizures shortly after birth. She sustained severe brain damage due to lack of oxygen in labor in delivery. Had the perinatologist performed a C section, the baby could have been a normal, healthy baby.

That baby lived for 1 year in a vegetative state. During her short life, she had multiple hospital admissions for pneumonia, bowel obstructions, unable to suck, and she required tube feedings and constant suctioning to keep her airway clear. At the time of her death, she had frequent seizures.

Think about this for a moment. Think about the happiness each of us has been lucky enough to experience in life—a family and children. And then think about something going wrong in that delivery room, something that results in a baby facing a lifetime—long or short—in a terrible situation.
The parents were not at fault. They were not at fault in any of these cases. Eventually they went to court and asked for compensation for what they would face for medical bills, what they would face for pain and suffering, and a jury from the community decided what it was worth.

This bill says it really should not be a decision of a jury, it should be a decision of the Senate, a one-size-fits-all, one solution for every problem, $250,000, take it or leave it. That is not right.

I say to my friends in the medical profession, I know you are not perfect, you are humans; you do make mistakes. Quite honestly, those who have dealt with doctors and have great respect for them know that the overwhelming majority of doctors are good men and women, well trained, dedicated to their profession, who make sacrifices every single day way beyond what we are asking them to do.

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. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senator goes into a quorum call, the time for the quorum call be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. 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. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BIRTH OF SENATOR BYRD'S FOURTH AND FIFTH GREAT-GRANDCHILDREN

Mr. DASCHLE. Mr. President, later this afternoon, many of us will have an opportunity to see one another after the recess. I will make a prediction that we will notice a special twinkle in Senator Byrd's eye as we visit with him this afternoon. There is good reason. Actually, there are two very good reasons.

In the last month, Senator Byrd became a great-grandfather for the fourth and fifth times. Hannah Byrd Clarkson was born 4 weeks ago today, on January 27, weighing 10 pounds 3 ounces.

Hannah is the second child of another member of our Senate family, Mary Anne Clarkson, of the Bill Clerk's Office, and her husband James Clarkson. She joins her older sister Emma.

Hannah's cousin, Michael Yew Fatemi, was born on February 11. Michael is Senator Byrd's fifth great-grandchild, and his first great-grandson. He is named in honor of his uncle John Michael Moore, Senator Byrd's beloved grandson, who died in a car accident. Michael is the first child of Senator Byrd's granddaughter Fredrik Fatemi, and his wife Jenny.

Few people live long enough to see and hold even one of their great-grandchildren. To be able to welcome five of them into the world is a rare blessing, indeed.

I was deeply touched by Senator Byrd's kind words to me and my family on the births of my grandchildren, Henry and Ava.

I am sure I speak for the entire Senate family—and people throughout America—in wishing Senator Byrd and his wife Erma many happy hours with Hannah, Michael, and all of their family members.

February 24, 2004

CONGRESSIONAL RECORD—SENATE

S1495

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. BOND. 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. BOND. Mr. President, going to the doctor for a checkup is hard enough these days between juggling family and work schedules. Few of us get all the checkups and screenings we need. Making matters worse, more and more doctors are closing their practices or limiting the services they offer.

They are doing so because they cannot afford the increasing costs of medical malpractice insurance which they are required to carry.

According to the American Medical Association, 19 States are in a full-blown medical liability crisis, including the home State of the occupant of the chair and mine.

In Missouri, physicians' average premium increases for 2002 were 61 percent on top of increases the previous year of 22 percent. What happens? Well, 31 percent of the physicians surveyed by the Missouri State Medical Association said they were thinking about leaving their practice altogether.

Almost one in three physicians in Missouri considered leaving their practice because they cannot afford the exorbitant medical malpractice insurance cost caused by the lawsuits brought against them frivolously, and many of them, I assume, against doctors.

Doctors who have practiced for years in Missouri are closing their doors.

But this is not just a problem for doctors. They are well educated. They can move elsewhere and resume their practice, as difficult and unfair as that is. The real damage and pain is being felt by the patients.

Last summer we considered a comprehensive bill, S. 11, The Patients Right To Try Act. Unfortunately, the motion to proceed was not successful. Because this issue is so critical to the health care of all Americans and because the crisis continues to grow, inaction
should not be an option because the outcome of considering the same comprehensive reform bill again is clear.

Today we have narrowed our focus on the health care needs of women and babies.

As the American College of Obstetricians and Gynecologists last year said: An ailing civil justice system is severely jeopardizing patient care for women and their newborns. Across the country, liability insurance for OB/GYNs has become prohibitively expensive. Premiums have tripled and quadrupled practically overnight. In some areas, OB/GYNs can no longer obtain liability insurance for their practices fold or abruptly stop ensuring doctors. When OB/GYNs cannot find or afford liability insurance, they are forced to stop delivering babies, curtail surgical services or close their doors. The shortage of care affects hospitals, public health clinics, and medical facilities in rural areas, inner cities and communities across the country.

It is a real problem in Missouri. A survey conducted by the American College of Obstetricians and Gynecologists in August of 2002 said 55 percent of their members from Missouri have been forced to change their practice, retire, relocate, decrease surgery, stop practice or close. OB/GYNs are losing the number of deliveries, and decrease the number of high-risk obstetric care.

Last year, Missouri lost a total of 33 obstetricians. I want to share with you a few examples.

A St. Joseph, MO, practice, the only practice in Northeast Missouri to accept Medicaid, lost one-third of its doctors after the insurance company would no longer offer insurance to OB/GYNs. St. Joseph now has only seven OB/GYNs serving its population.

A Missouri doctor who has been in private practice for 3 years experienced a 400 percent increase in his liability premiums over the past 3 years and received a quote for $108,000 in 2004. This OB/GYN is considering quitting obstetrics in order to find affordable insurance.

A gynecological oncologist in Missouri left a group practice and eliminated a rural outreach clinic because of rising professional medical liability premiums. Women with gynecologic cancers in St. Genevieve, Carbondale, and Chester now have to drive over 100 miles to see a gynecological oncologist and receive the care they deserve," said the doctor.

An OB/GYN in St. Ann, MO, was forced to close his practice last year because of medical liability costs that rose 100 percent. The practice had delivered about 400 babies a year.

Twelve doctors at the Kansas City Women's Clinic used to serve women in both Missouri and Kansas. But, because of rising medical liability insurance rates, the clinic could not find a single company that would offer them a medical malpractice insurance policy they need for their office in Missouri.

I should say parenthetically, I have been approached by some lawyers who practice medical malpractice plaintiff cases, and they said: The problem is the insurance companies are making too much money. It is not the lawyers. That is strange when the insurance companies can't even stay in business. They can't stay in business because of the lawyers.

As a result at the end of 2002 they closed their doors to their Missouri patients. There were over 6,600 visits a year in their Missouri office. Now, these women must either travel to Kansas to see their OB/GYN or find a new doctor elsewhere.

Two Kansas City, inner city OB/GYNs who serve low-income, high-risk patients had to sell their practices to their hospital in order to continue to serve patients in Missouri. Excess malpractice litigation has created an environment that forced two doctors—committed to serving some of the most vulnerable women in Kansas City—out of business. They are no longer in independent practice.

One OB/GYN practice in Missouri had to take a $1.5 million loan to pay the malpractice insurance for this year. That does not even include the cost of the tail coverage.

Other doctors in Missouri are considering going without insurance for their tail coverage because they simply can't afford the premiums.

Women are having a hard time getting the care they need and communities are losing their trusted doctors. We have a health care system that is in crisis in Missouri.

The bill before us today, the Healthy Mothers and Healthy Babies Access Act to Care Act in the Senate, is to protect access to prenatal, delivery, and postnatal care for women and babies by reducing the excessive burden the liability system places on the delivery of OB/GYN services.

This bill will protect the right of an injured patient to recover fair compensation while at the same time prevent clear lawsuit abuse.

The bill protects the right of injured patients to receive full economic damages that cover the out-of-pocket expenses that a victim might incur due to a doctor's negligence, such as hospital costs, doctor bills, long-term care, other medical expenses, and lost wages. This bill also includes a $250,000 cap on noneconomic damages, with deference to existing and future State caps.

This bill maximizes the amount of awards received by injured patients by limiting the contingency fee to a reasonable, sliding scale.

Too often large percentages of an injured patient's award go to attorneys, leaving the patient with less money for their medical care and other needs. Injured patients are entitled to an overwhelming amount of their award after settling or winning a lawsuit.

Currently, lawyers in many States can take up to 40 percent of all awards and settlements, robbing the injured patients of their award. We think by protecting injured patients by limiting lawyers to 15 percent of any payment over $500,000 makes good sense.

These are just a few of the many vital reforms contained in this bill. I urge my colleagues to protect access to quality health care for women and babies and support the Healthy Babies, Healthy Mothers Access to Care Act.

We cannot afford to have OB/GYNs to continue closing their practices, reducing the number of babies they deliver or eliminating care for high-risk patients. We need to protect the uninsured because of excessive frivolous lawsuits brought by plaintiff attorneys.

Ms. MIKULSKI. Mr. President, I oppose S. 2061, the Healthy Mothers and Healthy Babies Access to Care Act. It should be called the "Insurance Companies First Act." This is extreme legislation that puts the interests of the insurance industry ahead of the interests of women, their families and their doctors. It applies only to women seeking obstetrics and gynecological services—that's it. Every other patient can recover full damages. But under this bill only women will be limited in what they can recover for medical error. This bill penalizes patients, while doing nothing to prevent doctors from being gouged by insurance companies.

This bill is legislative malpractice. First of all, the procedure for considering this bill is seriously flawed. The bill was brought to the full Senate without hearings, without consideration by the Judiciary Committee. There was no chance for patients, doctors or others affected by this bill to testify. There was no Committee Report to analyze the effects of the extremely complex and controversial legislation.

The result is a bill that targets some of the most serious cases of medical error, restricts the rights of women and infants, while doing too little to protect doctors from the high cost of insurance. It is the same broad brush legislation that we have dealt with unilaterally only this time they limit it to obstetrical and gynecological services and by design only restrict the rights of women patients.

Proponents of the bill say they wanted to streamline the bill, to address the area of medicine with one of the highest premium rates and they claim that the beneficiaries will be women who will have improved access to health care. But since when has limiting one's rights improved anything? And how does taking a woman's right to full recovery and only her rights provide her a benefit?

The real beneficiaries of this bill are the insurance companies. They get to sewer their profits while others who provide care of infants who suffer because of medical error will face unfair caps in the remedies they receive. These are often stay at home mothers who need resources to care for their families and their infants who may need constant care, but the cap on noneconomic damages will prevent them from getting those resources. It's unfair to penalize these women because
they can't recover economic damages. I think the Senate can do better.

I oppose this legislation for three reasons:

As a Senator from Maryland, I cannot support legislation that gives Maryland a deal. This legislation would override the Maryland law and place a $250,000 cap on non-economic damages. Maryland law strikes an important balance, providing a much higher cap on non-economic damages. The cap increases each year to offset inflation. It started at $500,000 and is now $635,000. It also has no caps on punitive damages. The Maryland law is supported by both physicians and patient advocates.

Yet the Republican bill would preempt Maryland law. It would put women and infants in Maryland at a disadvantage. It would severely limit their ability to get relief for the death, physical impairment or disfigurement that they suffer as a result of serious medical error.

This legislation shuts the courthouse door. It denies justice to women and women only. It denies justice to those who must care for a mentally disabled child for his or her whole life because of their new born infant's mistake during prenatal or post-natal care. It denies justice to women who needlessly lost a child during delivery because of a serious medical error. It does this by imposing arbitrary caps instead of enabling juries to determine damages. I have faith in juries made up of members of the community to reach a fair verdict.

Who would be hurt by this legislation?

Someone like the mother from Baltimore whose newborn baby suffered brain damage because an emergency section was not performed in time. Her mother had gone to the hospital reporting that there was decreased fetal movement. Someone like the mother from Baltimore whose newborn baby suffered brain damage because an emergency section was not performed in time. Her mother had gone to the hospital reporting that there was decreased fetal movement. Someone like the mother from Baltimore whose newborn baby suffered brain damage because an emergency section was not performed in time. Her mother had gone to the hospital reporting that there was decreased fetal movement. Someone like the mother from Baltimore whose newborn baby suffered brain damage because an emergency section was not performed in time. Her mother had gone to the hospital reporting that there was decreased fetal movement. Someone like the mother from Baltimore whose newborn baby suffered brain damage because an emergency section was not performed in time. Her mother had gone to the hospital reporting that there was decreased fetal movement. Someone like the mother from Baltimore whose newborn baby suffered brain damage because an emergency section was not performed in time. Her mother had gone to the hospital reporting that there was decreased fetal movement.

Instead of penalizing patients, we need legislation to help doctors who are facing skyrocketing insurance costs. A doctor's number one priority is the care of his or her patients. We should make sure that it is easy for them to do so, knocking down the roadblocks to practice that excessive insurance premiums create. S. 2061 won't do that. It won't provide doctors with real relief today.

This is why the Senate should consider alternatives such as that proposed by Senator DURBIN, which focuses on solving the problems where they start. Senator DURBIN addresses the root of the problem, creating greater accountability for doctors through a voluntary error reporting database, economic help for those who face growing premiums, punishment for frivolous lawsuits, grants to provide physicians and hospitals with malpractice insurance, has led to a shortage of doctors, and critically, an end to the immunity that insurance companies face from anti-trust regulations.

Yet instead of helping patients and doctors, the cap is caught up in a political game. It doesn't have to be this way. We have worked together in the past to pass legislation that helps victims and lowers insurance costs. The terrorism insurance legislation is a prime example. We passed it because there was a national will and the urgency to do something that provided real solutions.

Today, we are faced with the same national will. And I urge my colleagues to act in a sensible way. One thinks to think the women and their children. One that addresses all forms of medical error, not just those affecting women and puts the rights of all patients first. The public is demanding that we do something, as more and more patients are coming forward and making serious medical mistakes and more doctors are unable to treat patients because of rising premiums. We now need the political will to help doctors without hurting patients.

I will opposed to the Senate cloture vote on the cliff. We need to send this bill back to the Judiciary Committee for full consideration of the issue of medical liability as well as the impact of limiting women's rights to recovery on their health and well-being and that of their new born infants.

Mr. LAUTENBERG. Mr. President, I rise to talk about the bill that is the subject of today's cloture vote on the motion to proceed. We must be fooled by the seemingly friendly title of this bill. The Healthy Mothers and Healthy Babies Access to Care Act of 2003 does nothing to promote the health of mothers or babies. This bill will devastate the rights of parents and children, but it will help neither patients nor doctors. The real beneficiaries will be insurance companies, HMOs and large medical corporations. Sponsors of this bill insist that we pass it, that we pass the Senate last July. It is almost as if the proponents of that bill, having lost the Senate last July, are now saying that the Senate has done nothing to date the manifestation of injury. Thus, a pregnant woman who contracts HIV through a transfusion but only learned of the disease 4 years after the transfusion would be barred from filing a claim. In addition, the bill limits the rights of injured newborns by requiring that actions on their behalf be brought within three years from the date of the manifestation of injury.

The legislation unfairly reduces the amount of time that an injured woman has to file a lawsuit. Under the bill, a newborn would have to file suit no later than 1 year from the date the injury was discovered or should have been discovered, but not later than 3 years after the "manifestation" of injury. Thus, a pregnant woman who contracted HIV through a transfusion but only learned of the disease 4 years after the transfusion would be barred from filing a claim. In addition, the bill limits the rights of injured newborns by requiring that actions on their behalf be brought within three years from the date of the manifestation of injury. This is in direct contradiction to the laws of many States, which preserve the rights of minors to seek legal redress upon the age of majority.

The bill limits non-economic damages to $250,000 in the aggregate, regardless of the parties against whom an action is brought. Noneconomic damages compensate patients for very real injuries such as the loss of fertility, excruciating pain, and permanent and severe disfigurement. They also compensate for the loss of a child or a spouse. These are real damages, and juries are able to calculate them fairly. How do you calculate the economic damages to infants who sustain life-long injuries during childbirth or stay-at-home mothers who lose their fertility due to a defective drug taken during the course of pregnancy? Their injuries may be almost completely non-economic and this bill would have a devastating impact.

This bill is an appallingly cynical attack on the rights of mothers and their babies. In many ways, it is even more insidious than the bill that failed in the Senate last July. It is almost as if the proponents of that bill, having failed to eliminate that right for all patients injured by negligence, decided they would simply target the rights of the most vulnerable: pregnant mothers and their babies.
Mrs. MURRAY. Mr. President, today the Senate is voting on a political gimmick that will punish women and children and do nothing to address the real medical malpractice crisis that is crippling healthcare throughout our State.

Doctors are facing escalating costs that are unsustainable, but instead of addressing this problem with a common-sense and immediate fix, the majority is engaging in a blame game. We don’t have time for the blame game.

Instead, we should be debating the bipartisan bill I am cosponsoring with Senators GRAHAM and DURBIN, the Better Health Act, S. 1374. If the Senate leadership really wants to help doctors and patients, they will bring up the widely-supported Graham-Durbin bill for a vote and stop playing games at the expense of women and babies.

The saddest part of this exercise is that we should be spending this time discussing a real solution, like the bipartisan bill I am cosponsoring with Senators GRAHAM and DURBIN, the Better Health Act, S. 1374. If the Senate leadership really wants to help doctors and patients, they will bring up the widely-supported Graham-Durbin bill for a vote and stop playing games at the expense of women and babies.

Every day they deny a vote on this bipartisan bill speaks volumes about their interest in a real solution.

The Graham-Durbin bill would give doctors an immediate 20 percent tax rebate on their malpractice premiums, promote insurance affordability at all levels, and block frivolous lawsuits. That’s the type of comprehensive, immediate and effective solution our doctors, patients and communities deserve.

My action plan to fix the malpractice crisis has four steps. The first thing we have to do is get doctors and hospitals some immediate relief—because the clock is ticking. Even if proposals to cap non-economic and punitive damages were passed this year, it is impossible to predict when—if ever—doctors and hospitals would see relief. That is not good enough for me, and it is not good enough for the doctors in my community. I want doctors and hospitals to get relief.

Under the Graham-Durbin bill, doctors in high-risk specialties would be eligible for a tax credit that’s 20 percent of their malpractice premium. High-risk doctors would get a 10 percent tax credit. For-profit hospitals would get a 15 percent tax credit, and non-profit hospitals would get new grants. Immediate financial relief directly to doctors and hospitals must be part of any solution to the malpractice crisis.

Second, we have to cut down on frivolous lawsuits. Under the Graham-Durbin bill, every plaintiff attorney that files a medical malpractice case would be required to include an affidavit by a qualified health care professional verifying that malpractice has occurred. No more launching lawsuits that don’t have merit. And anyone who was found to be involved in this activity would be punished with strict, and increasingly harsh, civil penalties. We are not going to tolerate frivolous lawsuits, and that’s the second part of the Graham-Durbin bill.

Third, we need to provide additional protections for doctors who are doing the right thing and serving patients through Medicare, Medicaid and SCHIP. Doctors with a 25 percent case load of Medicare, Medicaid, and State Children’s Health Insurance Program, SCHIP, patients would be protected from punitive damages under the Graham-Durbin bill. Exemptions would only be allowed for cases involving sexual abuse, assault and battery, and falsification of records. Other than that there will be no protection for doctors who are doing the right thing and serving Medicare, Medicaid and SCHIP patients.

Finally, the Graham-Durbin bill says the Federal Government should underwrite some of the risk in malpractice insurance—just as we have with terrorism and flood insurance. Doctors and hospitals should not have to shoulder the burden of a broken insurance market.

If the Senate leadership is serious about helping doctors and patients, it will bring up the bipartisan Graham-Durbin bill. It provides immediate and direct financial relief to doctors and hospitals. It cuts down on frivolous lawsuits. It limits liability for doctors with high Medicaid caseloads, and it provides Federal help for a broken insurance system.

As I have done for the past 10 years, I will continue to advocate for the policies that truly help women and infants and I will continue to stand up for my doctors, patients and communities who deserve an immediate and comprehensive solution to the malpractice insurance crisis. I welcome the support of any Senator who wishes to sign onto the legislation I have outlined today.

Mr. ALEXANDER. Mr. President, I express my concern once again with the rising cost of medical liability insurance. Last July we debated this issue in the Senate, and unfortunately we did not reach cloture on this important issue. Today we are limiting our debate on the issue to care for mothers and babies. We must protect a woman’s access to obstetric and gynecological care to ensure healthy mothers and babies. The increasing cost of medical liability insurance is creating a patient access crisis because doctors are leaving the practice of medicine.

At Hardin County General Hospital in Savannah, TN, the OB/GYN left the hospital to go practice in another state because the insurance premium was...
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too high. High medical liability insurance is one more reason it is difficult to recruit specialists to rural areas.

In 2002, the average net medical liability premium for an OB/GYN in Tennessee was $33,600. In 2003, the premium increased to $43,800, and in 2004, it increased again to $49,408. This is a 47 percent increase over the past 3 years. This sort of increased cost is not sustainable. I continue to be worried about who will deliver babies in my state.

I believe that S. 2061, the Healthy Mothers and Healthy Babies Access to Care Act of 2004, will help protect access to care for mothers and babies in Tennessee. This bill will still allow unlimited economic damages, but it places a sensible cap on non-economic damages. I hope we reach cloture on the motion to proceed so that we can consider this very important legislation.

Mr. BYRD. Mr. President, I am concerned about the increasing costs of malpractice insurance and a lack of access to medical providers in West Virginia and other States. The current challenges facing the medical malpractice system are complex and require a multifaceted solution.

Unfortunately, this issue has become highly politicized with powerful interests lobbied against each other. Patients and their doctors are being squeezed in the middle. It is long past time to give some peace of mind to patients and doctors alike who are caught in this political tug of war. We ought to have a wide-ranging debate in the Senate on how to best reform the medical liability and insurance system and also prevent medical errors.

I am disappointed that the administration and the Senate leadership have adopted a take-it-or-leave-it and one-size-fits-all approach to this issue. Especially in more rural areas of this country, we have a serious shortage of doctors and a lack of access to quality medical care close to home. Too often, families must travel long distances to see a physician, and even farther if specialized care is required. I hope that, by proceeding to the medical malpractice bill, the Senate can have a constructive debate and reach a commonsense consensus on this important issue.

Mr. CHAFEE. Mr. President, today I will vote in favor of invoking cloture on the motion to proceed to S. 2061, the Healthy Mothers and Healthy Babies Access to Care Act. My vote is not an endorsement of S. 2061 as it was introduced in the Senate. In fact, I have concerns about various aspects of the bill including the $250,000 cap on non-economic damages and I anticipate supporting amendments to S. 2061 if the Senate has an opportunity to fully debate this legislation.

However, I believe that reform of the medical liability system should be considered as part of a comprehensive response to surging medical malpractice premiums that endanger Americans’ access to quality medical care by causing doctors to leave certain communities or cease offering critical services, such as obstetrical care. For this reason, I will vote for cloture on S. 2061 in an effort to move the legislation for a Senate floor vote.

Mr. FEINGOLD. Mr. President, once again we are faced with an ill-considered medical malpractice bill coming to the Senate floor without any committee consideration. Some argue that we face a ‘malpractice crisis’ that is driving doctors from the practice of medicine, particularly in the field of obstetrics and gynecology, or OB/GYN. But we have not yet explored that issue in the Senate at all. No committee has held hearings or marked up a bill on this topic. Instead, an extreme proposal has been brought directly to the floor and Senators are expected to vote for it because there is a crisis. That is not how the legislative process should work on an issue of importance to so many people.

I would like very much for Congress to address the problem of malpractice insurance premiums once we understand the seriousness of the problem and the effectiveness of the proposed solutions. But by bringing this bill directly to the floor, the majority shows that it is not serious about addressing the problem. It just wants to play a political card. To the extent that there really is a malpractice insurance problem, it is a cynical exercise, designed only to fail and to provide fodder for political attacks. I will vote "no" on cloture.

Ms. CANTWELL. Mr. President, I will not be voting for S. 2061, a bill that imposes very low damage caps on non-economic damages in cases involving obstetrical services. I cannot support the bill before us today because I do not believe it would be effective in reducing the very serious problem that we have with medical malpractice premiums.

The fundamental premise of the bill is that by placing a very low cap on the amount persons injured in obstetrical cases could receive for noneconomic damages, insurers would respond by reducing premiums for physicians and hospitals. However, multiple studies have now shown that premiums for physicians in States that have already imposed such caps have continued to increase. According to the Medical Liability Monitor, overall, premiums are 6.8 percent higher for OB/GYNs in States with caps than States without caps, and premium increases last year were slightly higher in States with caps on damages, than in States without them. That is why the Seattle Times, the Seattle Post Intelligencer, The Tacoma News Tribune, The Everett Herald and the Bellingham Herald have all reported: in opposition to $250,000 caps in the last 2 weeks. As the editorial board of the Spokane Spokesman wrote last June 4 about proposals to cap damages, "No doctor would pre-scribe radical surgery based on anecdotes or conflicting data."

In the process of educating myself about this issue over the past year, including meeting with hundreds of Washington State physicians and hospital administrators, touring 29 rural hospitals, and reviewing the claims history of Physicians Insurance, Washington State’s leading provider of malpractice insurance, I have asked many of these individuals if they believed the cap on damages should be. The fact that I have received answers ranging from zero to $5 million illustrates the difficulty in determining what a damage limit should be without reference to specific facts. I believe that juries made up of Washington State residents are better positioned to make a determination of appropriate compensation after hearing the facts of an individual case, than are Senators trying to find a one-size-fits-all solution. Washington State has the third best tort system in the country according to the Chamber of Commerce. Our State has long banned punitive damages, and as a result, we are pitting noneconomic damages, without the knowledge of the jury, could lead to very unfair results for Washington State residents.

Imposing a $250,000 cap on non-economic damages is radical. The $250,000 cap is based on a California law that was enacted in 1975 and has never been adjusted for inflation. While I wish that it were not true, Washington residents are sometimes harmed by negligent care in the course of obstetrical cases, and they suffer genuine damages. Despite efforts to create an exception for the most serious and egregious cases, there is no exception in the bill before the Senate for even the worst cases. Non-economic damages compensate patients for real injuries including the loss of fertility, loss of a child, or loss of a spouse, as well as for excruciating pain and permanent and severe disfigurement. Caps on noneconomic damages disproportionately affect women and children because they lack the work history to make economic damages very meaningful.

That is not to say that we do not have a very serious problem in our State. Individual physicians have experienced premium increases of up to 75 percent and hospitals have suffered even greater increases. Increases have hit specialists, including obstetricians, particularly hard. This adds to pressures already being borne by physicians and hospitals in our State as a result of our abysmal Medicare reimbursement rate. Washington currently ranks 41st in the Nation and receives only $4,303 per beneficiary. Physician practices and small businesses of our hospitals are nonprofit entities. They cannot be expected to absorb these huge increases without help.

That is why I support many measures that would actually help doctors with the problem of rising insurance costs. I believe that we should be exploring the creation of best practices for physicians, which, if followed, would protect
physicians from law suits. I also believe that specialized malpractice courts could be a useful tool in curbing abuses of the system.

I also support legislation introduced by Senators Lindy B. Boggs and Dick Durbin, which relies on damage caps to reduce future premiums, the Graham-Durbin bill provides tax credits to physicians and hospitals to help offset the increases in malpractice insurance. It would also create a medical mistake database, reimburse the current law that prevents federal regulators from examining whether the insurance industry is engaging in anticompetitive behavior and price manipulation to artificially inflate premiums, and impose stricter standards to demonstrate that a malpractice case has merit before it proceeds.

I am committed to finding solutions to these problems to ensure that Washingtonians continue to have access to quality affordable care throughout every stage of life in our community. The bill on the floor unfortunately is not part of that solution. Hopefully, the debate doesn't stop today and these other alternatives will be considered.

Mr. Frist. Mr. President, today we will be voting on a cloture motion to allow the Senate to proceed to debate S. 2061, the Healthy Mothers and Healthy Babies Access to Care Act. I strongly urge my colleagues to vote for the cloture motion on the motion to proceed.

We have had a good discussion over the last few days, and it is clear that our medical litigation system is failing the American people. It is failing our communities, our hospitals, our doctors, our families and, most importantly, our patients. OB/GYNs and the women and babies they serve have been uniquely affected. Reform of this broken system is desperately needed, and we must act.

The upcoming vote will allow us to fully debate this critical issue. If action is delayed, we know what will happen: patients will suffer, women will suffer, and babies will suffer. OB/GYNs will continue to flee their practices and drop obstetrical services, and more States will be added to the AMA crisis list, a list that already has 19 States.

I have received letters from doctors all over America, including from my home State of Tennessee, demonstrating the devastating effect of the crisis. In Tennessee, about 68 percent of the OB/GYNs have gone up 68 percent over the last 4 years, and Tennessee is not even considered a crisis State by the AMA—yet.

One doctor from Athens, TN, writes:

As an obstetrician in East Tennessee whose liability insurance premiums increased 33 percent in the year 2002, it is becoming progressively difficult and risky for me to continue to deliver babies. Many of my colleagues have either retired or quit doing obstetrics. This is going to severely limit what is already excellent care in this country for the obstetrical patients especially in this part of the State.

As these real life stories show, this health care crisis is real, spreading and uniquely affects OB/GYNs. The current medical liability system is costly, inefficient and hurts all Americans. In addition to damaging access to medical services, the current medical litigation system creates problems throughout the entire health care system:

- It costs the country billions of dollars every year in defensive medicine. The fear of lawsuits forces doctors to practice defensive medicine by ordering extra tests and procedures. Though the numbers are hard to calculate, well researched reports predict savings from just tens of billions of dollars per year.
- It costs the tax payers billions. The CBO has estimated that reasonable broad reform will save the Federal Government $14.9 billion over 10 years through savings in Medicare and Medicaid.
- It impedes efforts to improve patient safety. The threat of excessive litigation discourages doctors from discussing medical errors in ways that could dramatically improve health care and save hundreds or thousands of lives. I am a strong supporter of patient safety legislation which I hope we will pass this year. But in addition to patient safety legislation, we need to address the underlying problem—our liability system.

We must reform this broken liability system. That is why I strongly support the Health Mothers and Healthy Babies Access to Care Act. I thank my colleagues, Senator Gregg, who skillfully led this debate; and I thank Senator Ensign, a leading proponent of reform, who has seen the current crisis close up in his own State of Nevada.

This legislation will protect women's access to care and ensure that those who are injured are fairly compensated. Again, I encourage my colleagues to move this legislation forward. We cannot afford further delay.

Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

Mr. Specter. 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. Specter. Mr. President, I support legislation which would address the serious problems faced today by doctors, hospitals and other medical professionals who provide obstetrical and gynecological services and at the same time provide balance to treat fairly people who are injured in the course of medical treatment.

While most of the attention has been directed to OB/GYN malpractice verdicts, the issues are much broader, involving other errors, insurance company investments and administrative practices.

I support caps on noneconomic damages so long as they do not apply to situations such as the paperwork mix-up leading to the double mastectomy of a woman, or the death of a 17-year-old woman on a North Carolina transplant case where there was a faulty blood type match or comparable cases in the OB/GYN services area.

An appropriate standard for cases not covered could be analogous provisions in the Pennsylvania law, which limit actions against governmental entities or in the limited tort context which exclude death, serious impairment of bodily function, and permanent disfigurement or dismemberment.

Beyond the issue of caps, I believe that liability reform could save billions on the cost of OB/GYN malpractice insurance by eliminating frivolous cases by requiring plaintiffs to file with the court a certification by a doctor in the field that it is an appropriate case to bring to court. This proposal, which is now part of Pennsylvania State procedure, would be expanded federally, thus reducing claims and saving costs. While most malpractice cases are won by defendants, the high cost of litigation drives up OB/GYN malpractice premiums. The proposed certification would reduce plaintiffs' joinder of peripheral defendants and curtail defense costs.

Another doctor from Athens, TN, writes:

As an obstetrician in East Tennessee whose liability insurance premiums increased 23 percent in the year 2003, it is becoming progressively difficult and risky for me to continue to deliver babies. Many of my colleagues have either retired or quit doing obstetrics. This is going to severely limit what is already excellent care in this country for the obstetrical patients especially in this part of the State.

As these real life stories show, this health care crisis is real, spreading and uniquely affects OB/GYNs. The current medical liability system is costly, inefficient and hurts all Americans. In addition to damaging access to medical services, the current medical litigation system creates problems throughout the entire health care system:

- It costs the country billions of dollars every year in defensive medicine. The fear of lawsuits forces doctors to practice defensive medicine by ordering extra tests and procedures. Though the numbers are hard to calculate, well researched reports predict savings from just tens of billions of dollars per year.
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This legislation will protect women's access to care and ensure that those who are injured are fairly compensated. Again, I encourage my colleagues to move this legislation forward. We cannot afford further delay.

Mr. President, I ask unanimous consent that a list of groups that support S. 2061 be printed in the RECORD. Without objection, it is so ordered.

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Further savings could be accomplished through patient safety initiatives identified in the report of the Institute of Medicine.

On November 29, 1999, the Institute of Medicine, IOM, issued a report entitled: To Err Is Human: Building a Safer Health System. The IOM report estimated that anywhere between 44,000 and 98,000 hospitalized Americans die each year due to avoidable medical mistakes. However, only a fraction of these deaths and injuries are due to negligence; most errors are caused by system failures. The IOM issued a comprehensive set of recommendations, including the establishment of a nationwide mandatory reporting system; incorporation of patient safety standards in regulatory and accreditation programs; and the development of a non-punitive culture of safety in health care organizations. The report called for a 50 percent reduction in medical error rates by the year 2005.

The Appropriations Subcommittee on Labor, Health and Human Services and Education, which I chair, held three hearings to discuss the IOM’s findings and explore ways to implement the recommendations contained in the report.

The fiscal year 2001 Labor-HHS appropriations bill contained $50 million for a patient safety initiative and directed the Agency for Healthcare Research and Quality, AHRQ, to develop guidelines on the collection of uniform error data; establish a competitive demonstration program to test best practices; and research ways to improve provider training. In fiscal year 2002 and fiscal year 2003, $55 million was included to continue these initiatives. We are awaiting a report, which has been delayed after being scheduled for issuance in September, 2003, by the Department of Health and Human Services, which will detail the results of the patient safety initiative.

There is evidence that increases in OB/GYN insurance premiums have been caused, at least in part, by insurance company losses, the declining stock market of the past several years, and the general rate-setting practices of the industry. As a matter of insurance company calculations, premiums are collected and invested to build up an insurance reserve where there is considerable lag time between the payment of the premium and litigation which results in a verdict or settlement. When the stock market has gone down, for example, that has resulted in insufficient funding to pay claims and the attendant increase in OB/GYN insurance premiums. A similar result occurred in Texas on homeowners insurance where cost and availability of insurance became an issue because companies lost money in the market and could not cover the insured losses on hurricanes.

In the pending legislation to put caps on jury verdicts in OB/GYN cases, due regard should be given to the history and development of trial by jury under the common law where reliance is placed on average men and women who comprise a jury to reach a just result reflecting the values and views of the community.

Jury trials in modern tort cases descend from the common law jury in England and intended to be representative of the average members of the community in which the alleged trespass occurred. This coincides with the incorporation of negligence standards of liability into trespass actions.

This “representative” jury right in civil actions was protected by theseventh amendment to the Constitution. The explicit trial by jury safeguard in the seventh amendment to the Constitution were adaptations of these common law concepts harmonized with the sixteenth amendment’s clause that local juries be used in criminal trials. Thus, the jury right is a traditional and constitutional safeguard that has been included in the Bill of Rights.

The right to have a jury decide one’s damages has been greatly circumscribed in recent decisions of the United States Supreme Court. An example is the analysis that the court has recently applied to limit punitive damage awards.

In recent cases, the Court has shifted its Seventh Amendment focus away from two centuries of precedent in deciding that a claim of punitive damage awards will be decided on a de novo basis and that a jury’s determination of punitive damages is not a finding of fact for purposes of the re-examination clause of the Seventh Amendment. The procedures required of a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law. Then, in 2003, the Court reasoned that any ratio of punitive damages to compensatory damages greater than 9:1 will likely be considered unreasonable and disproportionate, and thus constitute an unconstitutional deprivation of property in non-personal injury cases. Plaintiffs will inevitably face a vastly increased burden to justify a greater ratio, and appellate courts have far greater latitude to disallow or reduce such an award.

These decisions may have already, in effect, placed caps on some jury verdicts in malpractice cases which may involve punitive damages.

Consideration of the many complex issues on the Senate floor on the pending legislation will obviously be very complex. The markup in committee or the submission of a committee report and a committee bill.

The pending bill is the starting point for analysis, discussion, debate and amendment. It is to be hoped to proceed with the caveat that there is much work to be done before the Senate would be ready, in my opinion, for consideration of final passage.

Mr. President, I yield the floor.

Mr. ENSIGN. Mr. President, we had a debate today—sort of a debate, because we are only debating whether to proceed to a debate on the issue of whether we are going to continue to allow legal medical malpractice suits to go forward and allow nurse-midwives to be able to practice in this country because of the runaway cost of medical liability insurance. The Democrats are not even allowing us to proceed to the bill, just like last year; so we tried to pass a more comprehensive reform. If they don’t like the bill, let’s amend the bill. But to have no debate on the bill, it seems to me, they are completely turning their backs on the women and children of this country, and those babies yet to be born.

I had a discussion this afternoon with the President of the American College of Obstetricians and Gynecologists. I was talking to her about the numbers of students going into the field of obstetrics and gynecology. Last year, the number of students who have applied to go into obstetrics and gynecology. She pointed out a statistic in the State right next door, Utah. That number actually was the lowest they have ever had in the last 20 years. There are no new physicians this year who decided to go into obstetrics and gynecology. That is an alarming figure for the future.

For those people saying it is a problem but it is not that bad—the problem is bad today and it is going to get much worse in the future.

There have been statistics bantered about as to why this happened and why that happened. However, the bottom line is shown pretty well in this picture. This building is located in a very busy thoroughfare in Las Vegas. This is a picture taken last week. The sign says, “OB/GYN—For Lease.” The report is what is going on in many places in Nevada and other parts of the country—OB/GYN practices are shutting down.

There are obstetricians and gynecologists leaving my State. It is the fastest growing State in the country by far, yet we have OB/GYNs leaving. They are stopping their practices. Some of them are retiring early. Some of them are limiting their practices to only the practice of gynecology. For those people who work for the insurance companies, they have to limit the number of babies that they deliver each month.

My wife and I have had three wonderful children. Three of the most remarkable experiences of my life were the births of our three children. I know a husband and wife team, Joe and Kirsten Rojas, both of them OB/GYNs. They are passionate about what they do. They love to deliver babies. We are not only losing OB/GYNs, and often they get interrupted, and they have to go off and deliver a baby. Some of the hardest working people are OB/GYNs. Yet now they cannot afford to
keeper. They have to limit the number of deliveries.

The Rojases are our friends. We talk with them, and they have actually talked about leaving Nevada to go to California to practice their passion of delivering babies. They love Las Vegas. As a matter of fact, Dr. Joe Rojas, his father, was my mom's gynecologist. Actually, he did surgery on my wife when she had a medical condition. I graduated high school with Dr. Joe Rojas. He was born and raised in southern Nevada, and his wife now is in practice in Nevada, and they may have to leave their beloved home because they cannot afford the high costs of medical liability insurance.

I want to put up another chart that shows the comparison of the rates in States around the country compared with California. Some people are saying the insurance rates are rising or falling because of the stock market, or insurance companies are just raising the rates because of some kind of actuarial tables. The bottom line is on this chart. This puts it into context.

The one State where we have had medical liability reform for any length of time has been since the mid-1990s: after surviving multiple court challenges, is the State of California. They enacted what is called MICRA. It is a strong medical liability reform law that, frankly, you could not get passed in their State of California today because the trial lawyers are so powerful. Over the years the trial lawyers have made so much money off of lawsuits that they are, I would argue, the most powerful political lobby in the United States today.

But in California they were able to enact a medical liability reform bill. Their rates are down here shown by the blue line. You see very little increase over the years all the way through 1999. The rest of the country is shown by this red dashed line. You can see the rates going up. This only goes through about 1999. If we took it out to the year 2004, to today, you would see another spike going up right now.

Actually the biggest increases in medical liability insurance we have seen have been in the last few years. This crisis is growing and getting worse year by year.

Let us just compare a few cities in two States that have enacted good medical liability reform versus cities in four States that have not.

Los Angeles in California: They have their MICRA law which is an effective medical liability reform law. Denver, CO: Once again, they have had a law on the books for about 10 years. They have an excellent law there.

Let us look here at OB/GYNs. There are some other specialties and the comparison is very fair, but we stay with OB/GYNs.

Los Angeles, a little over $54,000 a year; Denver, their premiums are about $31,000 a year; New York City, $89,000; Los Angeles, $108,000. By the way, this number, because this is 2002 data, is very low. In Las Vegas, it is somewhere between $140,000 and $200,000 a year, depending on how many babies they are delivering and whether they are dealing with difficult pregnancies. Looking on: Chicago, $120,000, and Miami, $201,000 per year in medical liability premiums.

Some people say these are rich doctors. Has anybody talked to an OB/GYN and asked them money they make these days? In Maryland, they get paid $1,400 for a delivery—not just a delivery but all the pre-care, the delivery, and the aftercare—$1,400 for all of those visits, including the hospital time. In the State of Nevada, Medicaid pays $1,200. That is about what managed care pays in the State of Nevada as well. These are not rich doctors.

By the way, we are not just talking about doctors; we are talking about physicians. This crisis was the last time you talked to a rich nurse-midwife? They are in a crisis as well. A lot of them are having to leave their practices. In 2 States, legislators they have enacted excellent reforms, in too few States, nothing done.

That is the simplest evidence we can give as to why it is so desperately needed to enact the bill we have on the floor today. It will protect people involved in the delivery of babies and those involved in the practice of gynecology.

We have heard anecdotal stories about women delivering babies literally on the side of the road because they had to leave before the obstetrician left town. This is happening in my State, in Arizona, in Mississippi, in West Virginia—there are 19 States currently in crisis. Of the States that are left, all but five are showing signs of crisis will head into the next year worse and worse.

How bad does the situation have to get before this body and those who defend the trial lawyers finally say enough is enough? How bad does it have to get? How many women have to be denied the care they need?

In the State of Nevada, sometimes politics drives this argument. Sometimes it drives many pieces of legislation around here. In the State of Nevada, our level I trauma center closed a few years ago. Just prior to its closing, Democrat leaders in our State said there was no way they would pass medical liability reform—no way—it would never see the light of day. Our level I trauma center closed. What happened? Because of that closing, 3 weeks later a medical liability reform bill was passed in the State of Nevada. That medical liability reform bill is not a good one—it does have some good components, but it certainly does not go far enough. In the State of Nevada, we are trying to close the loopholes that were left open by that bill. The politics that can be generated out of debating the bill and going forward can be a positive thing for actually getting this bill passed. The level I trauma center that closed in my State is the same level I trauma center where Roy Horn—the famous entertainer from Siegfried and Roy who was attacked by the tiger this last year—was treated. Had the trauma center not been reopened, Roy Horn would probably not be with us today.

The reason it is so apparent that this legislation would work is because we have the numbers here to show that in States who have enacted liability laws, much of the costs have been constrained. Case in point, the reason our level I trauma center was allowed to reopen was that our Governor stepped in and said: We will cover the level I trauma center under the State's liability protection.

What does the State of Nevada have for liability protection? It has a $50,000 cap for total damages, which is much more severe than we have in this bill. We have only a $250,000 cap on noneconomic damages. You can get as much as you want out of economic damages, and you can get as much as a jury says. Whatever your medical costs, you can get all of those. But on pain and suffering, with some of the most outrageous runaway jury awards, we limit it to $250,000.

Some say you are limiting the access to courts when you do that. In the State of California, once again, there have been tens of millions of dollars awarded in loss of income. For instance, a child was injured, and in one case $44 million was awarded by a jury. We are not limiting the access. We are trying to get rid of the frivolous lawsuits that are plaguing this Nation and leading to this crisis. There is a direct correlation.

Senator DASCHLE stood on the floor earlier today and said this bill would not help doctors. I question that statement because the doctors are supporting this bill. Virtually every medical association in this country is supporting this bill today. If it is not providing relief to the doctors, why are they supporting this bill? The answer is obvious. The answer is, it will help. It will help our entire system, and it will help those women and children who are being denied access to care right now. Unfortunately, if we don't do something, this situation in the future is only going to get worse and worse and worse.

The bill we have before us today, Senator Greggs and I introduced, I appreciate all of the great work he has done on this bill, which is a narrowed down version of what we tried to pass last year. What we tried to pass last year was a comprehensive bill. If we are not able to move to this bill today, we are going to try to do emergency room and trauma and a good supportive bill packaged together. If we can't get that done, we are going to do inner-city and rural health care areas—underserved areas.
We are trying to drive this issue home to the American people. They realize where their representatives stand. Some have said you are trying to get a rollcall vote. You are darned right we are. We are trying to let people know who are out there trying to stand with women and children with this bill and who stands with the trial lawyers.

Mr. ENSIGN. Another friend of mine in southern Nevada, whom I was talking to about this last year, is one of the best OB/GYNs we have in southern Nevada. He focused his practice on difficult pregnancies, on the high-risk pregnancies, pregnancies with complicating factors. Maybe there is diabetes involved. That is a very common problem. One of my goddaughters who babysits our children has gestational diabetes. It is not an uncommon problem among women. During that time, there can be complications develop because of diabetes. It can be a very serious problem for many mothers. Babies can be in danger. They need the best OB/GYNs we have in our state. If you were told that because of the state of the health of the mother you could be limited or that the infant may have already died. Our bill and any bill would allow those highly trained physicians, usually you do not end up with any problems.

Because my friend is in the high-risk category—by the way, he has never had a lawsuit against him—his insurance company this past year said he had to severely limit the number of babies he could deliver. This is his passion, and now he has to limit the number of high-risk deliveries. That means some other OB/GYN who is not as highly trained is going to have to deliver those babies.

If you are getting ready to deliver and you have a high-risk pregnancy, you would want the best possible medical care you could get. You would want the most highly trained physician. If you were told that because of our medical liability crisis in this country—I am sorry, you cannot go see your doctor—the one you have to go to, because they had to limit the number of babies they could deliver in this month, imagine how that whole family would feel—the father, the mother, the grandparents. It puts an unnecessary risk on that delivery we should not be facing.

While no one wants to have medical malpractice cases, there are mistakes that occur in medicine. I am a veterinarian by profession. There are human mistakes. There is gross negligence. Those people should have the right to access care. They often have the ability of a remedy. I argue that our legislation actually gets them the remedy faster. It limits the attorney’s fees so more of the money goes to the victim. It also gets the money to the victim faster. Right now it can take 5, 6, 7, 8, 9, 10 years. A lot of times the patient may have already died. Our bill gets them the compensation they need much more quickly and in a fair manner.

I have heard it described that this bill discriminates against women. That would be like saying the whole State of California and the whole State of Colorado discriminates against women.

The health care system in this country—California and Colorado are the two best examples of medical liability reform having been enacted and have been enacted for enough time to see it work. The patients who are injured actually get the compensation they need. We do not have the proliferation of frivolous lawsuits we see in the rest of the country in the healthcare field. There are many areas of tort reform we need to address. This happens to be one of them.

Any defender of the trial bar first? Or are we going to put the patients at the forefront. That is what we ought to do. That is what we ought to stand for. We ought to stand up when fragile democracies, but I do stand here as someone who believes that if we are going to defend democracy, we have to be willing to defend the trial bar and seek recognition, they will be the principal victims of this instigation. The Aristide government in Haiti. There have been major problems there. I accept that and understand that. But no one denies this government was duly elected by the people of Haiti and it is being threatened today by a group of thugs and rebels, many of them who come from the previous death squads and ousted armed forces members which ruled that country with a brutal hand, who make up the majority of the people holding the second and fourth largest cities in Haiti.

I am not standing here as some political defense of a specific administration, but I do stand here as someone who believes that if we are going to defend democracy, we have to be willing to defend the trial bar and seek recognition, they will be the principal victims of this instigation.

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Equally important are the intangible effects of this instability in this little country. Chief among them is the growing chaos in civil society. Indeed, the very fabric of Haitian society is at risk as pro and antigovernment factions, armed with every imaginable weapon, are increasingly clashing in the streets. Just in the last 2 weeks, more than 50 people have been killed in politically charged street protests. This violence took a new and disturbing turn when a group of armed gangs seized the towns of Cap Haitien and Gonaives, Haiti's second and fourth largest cities. They burned police stations and homes of supporters of Haitian President Jean Bertrand Aristide.

The year 2004 was to be a year of rejoicing and celebration for the people of Haiti as they were expected to proudly celebrate 200 years of independence. Instead they are forced to flee from their communities to escape seemingly indiscriminate violence. They are fearful that in my visit they will be behind these armed attacks. They have audaciously identified themselves to local and international journalists. They are former members of the Haitian armed forces and former members of the RAPH, the so-called paramilitary organizations that terrorized Haitians in the early 1990s. They were responsible for the deaths of thousands of Haitians and the flight of tens of thousands more who were prepared to risk their lives at sea coming to this country rather than bear the repression and violence that was a daily occurrence in that country. They are back in Haiti, and they are within an eyelash of taking control of Haiti again. We are going to see the effects of it here in a matter of days.

These armed thugs have publicly announced that they intend to march on Port-au-Prince within hours. In fact, within 15 minutes of my address today, a declaration was made by the so-called political opposition in Haiti on whether to accept the recommended political solution that would bring about a new Prime Minister, sort of a copresidency with the present elected government. That is the offer to be made. It has been rejected in the last several days by these gangs and the opposition.

At 5 o'clock they are going to announce whether they are willing to try it again. I hope they will try. I hope they will be made by the so-called political opposition in Haiti on whether to accept the recommended political solution that would bring about a new Prime Minister, sort of a copresidency with the present elected government.

Our position as of right now is that we won't do anything. We are not going to step up until there is some political context in which to operate.

There will be a political context when we let these thugs know that we are not going to tolerate the overthrow of this government by asking others to join us. I hope the administration would be prepared to act, particularly in light of what I anticipate to be the rejection of the offer of a political solution.

While I commend CARICOM, the Caribbean community's organization, for ongoing efforts to find a temporary solution to the political crisis, these efforts have so far been fruitless because the political opposition hopes they will be able to watch an overthrow of this elected government and then count on the U.S. Government to come in and sanction them, as if somehow they have arrived in power legitimately.

Let me say to them today: If you think for a single second you are going to get any support out of this Congress by overthrowing an elected government, you are fooling yourselves. It is not going to happen.

This government of ours needs to speak loudly and clearly to these people that this is not what the United States is for. It is an endorsement of every action by the Aristide government any more than we endorse every action of other governments around this hemisphere or elsewhere. To sit back and sort of wink, in a sense, that it is OK for these gangs and thugs and literally drug dealers, some of the worst elements that that country has ever seen, come back into power and be able to overthrow this government is a huge mistake.

It is occurring on this administration's watch. To allow it to happen will be tragic. Let there be no doubt the United States will suffer, along with the Haitian people, if we permit this to go on. Haiti is located only miles from our doorstep. Lawlessness in Haiti only ripens conditions for narcotrafficking and illegal migration.

Haiti is already a major transit site for drugs coming into this country. We know that already. If we think we are going to get a better deal from these gangs that are about to overthrow this country, we are making a mistake. Engagement with the Haitian people is clearly in the best interests of both our peoples.

Not only is the lack of real leadership on the part of our own country disgraceful and disappointing, it is dangerous. Without that leadership, there will be worse violence and greater chaos.

Once security has been restored, the administration has at its disposal the tools to move both sides toward a political compromise, should it choose to utilize them. With respect to the Government of Haiti, we must provide direct assistance to the Haitian police, assistance in the form of training and equipment in return for compliance with the CARICOM initiative.

With respect to political parties and civil society, the United States should revoke U.S. visas to any of these organization members who are unwilling to participate wholeheartedly with the diplomatic efforts to find compromise or who support or condone violence. If it takes legislating on banning these people from getting visas, I will do it. These people travel to the United States all the time and then turn around and provide support to these thugs and then anticipate coming here when it gets a little dangerous. They have no right to come to America, if they participate in this action going on in Haiti as we speak.

The Dominican Republic and other Caribbean countries must take action to stop these territories from being used as a transit point for illegal arms shipments to Haiti or as staging areas for armed Haitian opposition groups. Equally important, the United States and the international community must stop ignoring the negative impact that our economic policy of withholding assistance to the Haitian people is having on Haiti's stability.

Corruption aside, the Haitian government's lack of resources would prevent them from stopping these gangs that are about to overthrow the elected government of Haiti, in my view. It is disingenuous of the Bush administration and the international community to cut off hundreds of millions of dollars in aid to these desperately poor people, some of the poorest people in the world. They needed just a small amount of help, and we were unwilling to give them any over the last 3 or 4 years. It is no wonder that chaos is running wild in that country today.

The administration will take far more concrete steps to respond to this crisis than they have presently. My hope is that within a matter of minutes the political opposition and
others will agree to the political solution offered to them. If not, the United States and the international community need to step up and offer to send in armed forces, if necessary, to protect the overthrow of this illegitimately elected government.

Mr. ENSIGN. Madam President, is the situation regarding time?

The PRESIDING OFFICER. The time has expired.

Mr. ENSIGN. Of the 10 minutes remaining, 5 minutes is for the minority and 5 is for the majority leader, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. ENSIGN. The majority leader has the last 5 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. ENSIGN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. 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. ENSIGN. The distinguished Senator from Nevada, my colleague, Senator ENSIGN, has been waiting for the minority leader to come. The time is here for the majority to use. If the minority leader decides to use 5 minutes, I ask unanimous consent that the majority be given the final 5 minutes to speak on this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

The junior Senator from Nevada is recognized.

Mr. ENSIGN. Madam President, I want to sum up this debate telling one story and making a few other points. Some on the other side of the aisle claim “they want to make health care a birthright for every single child born in this country.” Yet they are driving the very doctors who bring America’s babies into the world out of their medical practices.

Let me remind you of Melinda Sellard’s story. She is the unfortunate woman who went through a horrifying experience of delivering a baby on the side of the road in the middle of the night because her doctor had quit obstetrics altogether due to exorbitant insurance premiums. En route, she and her husband had to drive right past the Copper Queen Community Hospital, which closed its maternity ward 2 months later because of the medical liability crisis. Instead, the Sellards were forced out onto the highway to try to get to the only hospital within 6,000 square miles with obstetricians who could afford malpractice insurance.

After enduring the excruciating pains of labor without anesthesia, Melinda was forced to give her newborn infant CPR, since the baby was not breathing immediately after delivery. She finally got her newborn breathing, wrapped him in a sweater she was wearing, and drove the rest of the way to the hospital where the emergency staff cut the umbilical cord in the parking lot.

I urge you to think of Melinda and the other mothers in this country who have lost their doctors and to stand up to the trial lawyers and support cloture on this bill. The “objects in your rear view mirror that are closer than you think” should never be a newborn child on the side of the road.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Madam President, I know that time is close to having the vote. I will use my leader time. I want to make a couple of additional remarks about this bill.

We have had a great deal of discussion today and comments made by some of our Republican colleagues about the hardships malpractice insurance premiums place on doctors. There is no difference of opinion in that regard. Both Republicans and Democrats agree this is a time and it certainly demands our attention. But I think we have to reject cloture this afternoon for the simple reason this bill does nothing to solve it. As we have heard most of the day, every piece of available evidence shows capping damages has no impact on the cost of malpractice insurance.

Reports from the General Accounting Office, the Congressional Budget Office, Weiss Ratings, and the Medical Liability Monitor all confirm malpractice awards are not the primary factor driving the cost of malpractice insurance higher. Even the insurance industry admits caps won’t protect doctors from higher insurance premiums. Just last year, Bob White, president of the largest medical malpractice insurer in Florida, stated, “No responsible insurer can cut its rates after a [medical malpractice tort reform] bill passes.”

Doctors deserve our help. They need our help. They certainly want it. But no doctor should expect lower insurance rates as a result of this bill. It is wrong to take away the women’s right in the courtroom merely to protect the profits of the insurance companies.

This bill would create, for the first time, an unjust two-tiered legal system, actually restricting the rights of women and infants who are hurt by the negligence of a doctor, HMO, drug company, or even a medical device manufacturer.

If a man is prescribed defective blood pressure medication by an internist, he can recover full damages under the bill. If a woman is prescribed blood pressure medication during pregnancy that causes preeclampsia, her damages will be arbitrarily capped. There may even be a constitutional question involved in this disparity between men and women.

The idea that men and women should have unequal access to the legal system offends, if not the Constitution, certainly our sense of justice. But the real problem with this bill isn’t merely that it values the injuries of men and women differently, as troubling as that is. The real problem is that it presumes that somehow those of us in this Chamber are better able to determine how to compensate injured patients in a preemptive way, knowing ahead of time all of the circumstances. Knowing exactly these people are likely to be affected by the decisions we make today is something I don’t think anyone could acknowledge they have the ability to do.

This morning, I spoke with Colin Gourely of Valley, NE. At his birth, he suffered complications due to his doctor’s negligence. Today he has cerebral palsy and is confined to a wheelchair. He has had five surgeries to correct his bone problems that have occurred as a result of this serious misjudgment in medical care.

Politicians in Washington can’t decide what is just compensation for Colin’s pain or the pain of any injured patient. We shouldn’t apply the one-size-fits-all remedy for the tens of thousands of women and infants who are injured each year.

The fact is, no amount of money can ever compensate a parent for their child’s pain, but malpractice awards are not simply about money. They are about offering victims a sense of justice, a way of holding accountable those responsible for their injuries or the death of their loved ones.

Malpractice awards are decided by juries and approved by judges. This is the same system we rely on to decide life or death issues in capital cases. Why wouldn’t we use this system to fairly evaluate how to deliver justice for the victims of medical malpractice? There are real solutions that can bring down the cost of malpractice insurance, and Democrats are eager to work with our Republican colleagues to implement them. We have talked about tax credits to offset the high cost of premiums, prohibitions against commercial insurers engaging in activities that violate Federal antitrust laws, sensible ways to reduce medical errors, direct assistance to geographic areas that have a shortage of health care providers, due especially to malpractice insurance premiums.

So if our colleagues are as concerned about the plight of doctors as they have indicated again today, I hope they will work with us to devise a real solution. Let’s drop the maneuvers that protect only the profits of insurers and HMOs and pharmaceutical companies, and let’s have a serious discussion about how we solve the problem for our Nation. Let’s try to turn the attention we have to have that conversation and ultimately come to some solution. Doctors and patients deserve it. They deserve an answer. This bill is not it.
As a result, once again I urge my colleagues to reject cloture. I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 429, S. 2061, a bill to improve obstetrical and gynecological services and provides improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services:

Bill Frist, Judd Gregg, Kay Bailey Hutchison, Lisa Murkowski, Susan Collins, Elizabeth Dole, Michael B. Enzi, James M. Inhofe, John Ensign, Craig Thomas, John Cornyn, Pat Roberts, Sam Brownback, Orrin G. Hatch, Charles Grassley, Mitch McConnell, Jon Kyl.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to Calendar No. 429, S. 2061, a bill to improve obstetrical and gynecological services and provides improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Utah (Mr. BENNETT) is necessarily absent.

Mr. FEID. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. JOHNSON) and the Senator from Massachusetts (Mr. KERRY) would each vote "nay".

The yeas and nays resulted—yeas 48, nays 45, as follows:

NAYS—45

Akaka          Delphine          Lieberman
Baucus         Feingold          Lincoln
Bayh           Feinstein         Mikulski
Bingaman       Graham (FL)       Murrill
Breaux         Harkins           Nelson (FL)
Cantwell       Helling          Pryor
Carper          Inouye            Reed
Clinton         Jeffords         Reid
Conrad          Kennedy          Rockfeller
Crapo           Kohl              Sarbanes
Daschle         Lautenberg        Schumer
Dodd            Leafs             Shelby
Dorgan          Levin             Wyden

NOT VOTING—7

Bennett        Edwards          Miller
Boxer           Johnson         Corzine
Mack            Kerry

THE PRESIDING OFFICER (Mr. ALEXANDER). On this vote, the yeas are 48, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

MORNING BUSINESS

Mr. FRIST. Mr. President, I now withdraw my motion and ask that there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas is recognized.

TRADITIONAL MARRIAGE

Mr. CORNYN. Mr. President, in 1996, the Congress voted overwhelmingly to pass the Defense of Marriage Act. This is a bipartisan bill, where Members of both parties in both Houses voted overwhelmingly to define marriage as an institution in traditional terms, between a man and a woman. This, as you may recall, was in part a response at the time to judicial decisions implementing civil unions. This body, just like approximately 38 States, has now passed defense of marriage acts defining marriage in traditional terms.

Last September, the Senate Judiciary Committee’s subcommittee on the Constitution held a hearing at which we elicited testimony on this issue: Is the Defense of Marriage Act in jeopardy?

The reason we had that hearing is because the U.S. Supreme Court, last year, made some pretty significant decisions, one of which was Lawrence v. Texas, which, if the rationale was going to be followed through, would seem to place the Defense of Marriage Act in jeopardy, saying that somehow violated the Constitution, thus opening the way to marriage between same-sex couples.

At the time we had people, as you might imagine, as in every hearing, some of whom said, oh, no, the Defense of Marriage Act will stand as long as it is the will of Congress and the will of the American people. Others said more presciently, as it turns out, that if there are judges who want to use the decision of the U.S. Supreme Court in Lawrence v. Texas, and to extend that, indeed, yes, the Defense of Marriage Act could be in jeopardy—indeed, the very definition of marriage between a man and a woman that is part of the Federal law and, as I said, I believe see 38 States.

Well, of course, the day that many thought would come only remotely in the future came much more quickly, when the Massachusetts Supreme Court decided that, indeed, traditional marriage violated the Massachusetts Constitution. Now, some might say, well, since it was a matter of State constitution law, it is limited only to the State of Massachusetts. But a closer reading of that decision reveals that one of the bases upon which the Massachusetts Supreme Court decided that traditional marriage violated the Massachusetts Constitution was a U.S. Supreme Court decision in Lawrence v. Texas, interpreting the U.S. Constitution.

So as it turns out, there is a much closer relationship between the State court constitutional decision and a decision under the Federal Constitution.

Well, once the Massachusetts Supreme Court did, some said, oh, hold that marriage was no longer limited to men and women in Massachusetts, some said this was just a State matter and there was no reason for the Federal Government to get involved, and there was no reason for the other States to be concerned. Yet over the last week or so, we have seen that individuals have moved—I saw one report in the Washington Post of people leaving Maryland and going to San Francisco and getting married—in defiance of State law, I might add—where the city of San Francisco, the mayor, and others, would issue marriage licenses, and then people would return to places such as Maryland. Or people would show up in San Francisco and act of civil disobedience by the mayor and municipal officials there, seek to get married, even though California law is consistent with Federal law and the law of other States defining marriage in traditional terms.

Indeed, we see in New Mexico and in Chicago, where the mayor said if same-sex couples sought to get married, he saw no reason to issue them marriage licenses. Indeed, in Nebraska, a lawsuit in Federal Court is being defended by the attorney general of Nebraska under the Federal Constitution seeking to define marriage in no unconstitutional terms, to allow it not to be limited to just traditional marriage.

So this is not an issue that has been raised by Members of Congress initially. This is a matter that has been injected into the public arena by activist judges who have decided to radically redefine the institution of marriage in Massachusetts and other States and go beyond what they gave resoundingly all across this Nation.

It is in that light I believe we in this body have a responsibility to ask what
are the implications of the Massachusetts decision in this brush fire across the country where local officials and others are in acts of civil disobedience defying State law to issue marriage licenses and what are the ramifications of the decision. It is important to point out you can believe in the constitutional understanding of the separation of powers, and yet in a way that would so radically transform this fundamental social unit that is so important to who we are as people and as families, and one that is the best and most optimal arrangement found yet in the history of mankind to have and raise children so that they will be productive citizens.

I have come to the same reluctant position as I know the President announced he has today and believe that indeed the Constitution will be amended. The question is whether we the people are going to amend it by using article V of the Constitution, which creates an admittedly difficult process but one which is important to make sure that it is not done flippantly, too fast or without adequate deliberation. It is time to consider whether we ought to amend the Constitution and have the power provided in article V of the Constitution to say: Not so fast, judge. We the people ultimately have the power within our hands to decide how this institution will be defined and we think there is a positive social good to define marriage in traditional terms.

So I believe it is important, as the President has concluded in his announcement today, that we consider a constitutional amendment.

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ratification, which is the process by which that Constitution can be amended.

In my lifetime, I never imagined I would be standing on the Senate floor having to say I believe in the traditional institution of marriage between a man and a woman. I just thought, of all the other issues we would be debating in this body, whether they are matters of war and peace, job creation, access to health care, education, or the important issues that affect the people in this country, the last issue I ever thought we would have to address would be a redefinition of marriage, but I submit that is where we are.

Reluctantly, as many of us come to this discussion—and I think if one looks at the polls we have all followed in the news media in the last few weeks since this issue has been splashed across our TV screens, our newspapers, the Internet, and elsewhere, one sees that the American people are getting the sense that something has gone terribly wrong, that somehow their values and their traditions are being disrespected in a way that needs correction.

As more and more people find out about the way this came about, through a sort of—well, I would call it judicial lawlessness; in other words, judges who are not interpreting the law but who are taking it upon themselves to redefine what the Constitution means and indeed redefine this basic social unit in our civilization, I think they are encouraging apretty unwise and they are going to expect us to take up a discussion of this constitutional amendment in a reasonable, deliberative, civil sort of fashion.

I hope we can rise to that challenge. Indeed, if one looks at the vote in the Defense of Marriage Act, one sees there is an overwhelming bipartisan group in this body and in the other body who believe that the institution of marriage is a positive social good and worthy of protection. We will be afraid to talk about it in a frank and open way, to listen to the concerns of those who may be not yet convinced, to take those into account and then, as a Senate, we can discharge our responsibility under article V of the Constitution to begin the process of allowing the American people to vote on the definition of marriage.

We know who is voting now and it is a handful of judges and municipal officials encouraging civil disobedience. They are issuing marriage licenses in violation of State law, for example, in California and elsewhere. Ultimately, if we are going to preserve something that I think is infinitely worthy of preservation—and that is government of the people, by the people and for the people—this is something we are going to have to do. This is a responsibility we are going to have to accept and we are going to have to risk the possibility that some mischaracterize what we are trying to do as being disrespectful of other people. That is not what this is about.

I would condemn rhetoric or language which would appear to be disrespectful of other people, but that does not mean at the same time that I do not believe the institution of marriage is worthy of protection.

I look forward to the hearing we are going to have in the Constitution Subcommittee on March 3, I believe at 10 in the morning. I anticipate that perhaps later in the month, maybe the week after we come back from the March recess, we will have another hearing. The chairman of the Judiciary Committee, of course, reserves the right to make that final decision. At that time, we will begin to take up language, which we might then consider first in committee but then on this floor, that would preserve the definition of marriage for the American people and not allow ourselves to be dictated to by judges who are pursuing some other agenda, one that the overwhelming number of American people are not prepared to accept.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALENT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING BLACK HISTORY MONTH: SUPPORTING THE SICKLE CELL TREATMENT ACT

Mr. TALENT. Mr. President, I rise today to honor Black History Month by supporting the Sickle Cell Treatment Act, which is S. 874, and inviting my colleagues to join me and my chief cosponsor, Senator SCHUMER, in doing the same. I am very pleased we now have over 40 cosponsors in the Senate for this bill. We certainly would welcome more. I invite our colleagues to look carefully at this act and to support it. It is an important measure. It deals with a disease that affects many hundreds of thousands of Americans and a disease that really has not received enough attention and enough visibility in the last few years.

This bipartisan, bicameral legislation is designed to treat and find a cure for sickle cell disease, which is a genetic disease which primarily affects but not exclusively African Americans. About 1 in 300 newborn African-American infants is born with this disease, but the disease also affects people of Hispanic, Mediterranean, and Middle Eastern ancestry, as well as Caucasians.

More than 25 million Americans, mostly but again not exclusively African Americans, have the sickle cell trait, which is not the same as having the disease.

Why focus on sickle cell disease? Because it is the most common genetic disease that is screened in American newborns. People with the disease have red blood cells that contain an abnormal type of hemoglobin. These cells have a sickle shape, hence the name of the disease, that makes it difficult for the cells to pass through small blood vessels, and can carry the appropriate amount of oxygen or nutrients or antibiotics, if that has been prescribed. The tissue that does not receive normal blood flow because of the disease eventually becomes damaged and can and often does cause potentially life-threatening complications.

Stroke in particular is the most feared complication for children with sickle cell disease. It may affect infants as young as 18 months. I have personally talked with a number of parents whose children have had strokes as toddlers. One of the difficulties with this disease is recognizing it—and I will talk about that in just a minute—recognizing its symptoms. Young children can have strokes without their parents even realizing it for some time.

While some patients live without symptoms for years, many others do not survive infancy or early childhood.

I became involved with this effort because an African-American doctor from St. Louis, Dr. Michael DeBaun, who treats children with sickle cell disease. When you meet the practitioners who specialize in treating people who have this disease, you meet a sense of American heroism. Dr. DeBaun is one of them. After meeting and visiting with him about a year ago, I realized the hardship this disease puts on families and especially on the children, who often have to receive blood transfusions after blood transfusion in order to avoid strokes. And, yes, in order to stay alive.

About one-third of children with sickle cell disease suffer a stroke before age 18. These children require frequent transfusions, sometimes 15 to 25 units of blood a year, to prevent subsequent strokes.

If you study the disease, you will also learn firsthand how it can affect the daily lives of children. I will just use one example, 9-year-old Isaac Cornell, whom I also had the privilege of meeting. He is one of Dr. DeBaun’s patients and attends fourth grade at Gateway Elementary School in St. Louis. About four times a year, Isaac misses school with severe episodes of pain, with each episode lasting about 5 to 7 days. Every 4 weeks Isaac has to go for a blood transfusion at St. Louis Children’s Hospital where he’s treated by Dr. DeBaun. Isaac has a permanent port installed in his upper chest to allow for the transfusions. That is one of the reasons he cannot play contact sports or join the wrestling team.

Sickle cell disease affects Isaac’s decisions every day. He has to drink plenty of water to lubricate his cells, he has to be careful not to overexert himself—and that is certainly difficult for a 9-year-old boy—and he has to be careful to get plenty of rest. Because so
many patients like Isaac are struggling with this disease, in April of 2003, Senator SCHUMER and I introduced the Sickle Cell Treatment Act. Our friends, Representatives DANNY DAVIS and RICHARD BURR, introduced a companion bill, S. 1735, in the House, which now has 39 bipartisan cosponsors. S. 874, which is the bill Senator SCHUMER and I introduced, has 41 bipartisan cosponsors as well as the support of dozens of prominent African-American child health advocates, as well as union and church groups—including—

I am going to read the list. This is not a complete list, but it includes the Congressional Black Caucus, the Sickle Cell Disease Association of America, the American Medical Association, the National Association of Children’s Hospitals, the National Association of Community Health Centers, the NAACP, the Children’s Defense Fund, the Health Care Leadership Council, United Food & Commercial Workers Union—Minority Coalition, the UF CW Faces of Our Children, United Church of Christ, and National Baptist U.S.A. These advocates, as well as the others who support this legislation, know the bill will make a difference in the lives of kids such as Isaac, who are struggling with sickle cell disease.

I want to outline four key ways in which the bill makes a difference. First, it increases access to affordable, quality health care. The provision provides for maximum reimbursement for Medicaid recipients for physician and laboratory services targeted to sickle cell disease that are not currently reimbursed or are under reimbursed by Medicaid. Importantly, however, the bill does not increase the number of Medicaid eligibles and the Federal Medicaid match will stay the same. We have structured this bill so it is very affordable.

The bill also enhances services available to sickle cell disease patients. This is a crucial aspect of the bill. When you have this disease, you have to stay on top of it. You have to manage this disease. I mentioned Isaac Cornnell before, how he drinks water and gets adequate rest and is careful not to overexert himself. You also have to know the various respects in which the symptoms of the disease can show up. This is a tricky, sneaky disease. I was talking with another parent whose son is struggling with occasional hospital problems. This is something people with this disease struggle with, because when they get periodontal disease and some form of antibiotic is prescribed by their dentist, they can’t be certain the red blood cells will carry the antibiotic to the infected point, so—indeed any infections they have are particularly dangerous.

Obviously there is a whole medical side to this we have to be aware of, but in addition, and this is where the bill is crucial. They need to receive counseling and education as well as screening, genetic counseling, community outreach. Education and other services are crucial. Currently, those kinds of services are not reimbursed under Medicaid unless they are performed by the physicians such as Dr. DeBaun. Dr. DeBaun simply does not have the time, certainly not as much as he would want to spend, the hours and hours he does it at one time, he’s got a set of patients, with each patient, in order to go over all the various ways in which this disease can affect their lives.

So it is important that Medicare reimburse for these—done by counselors or outreach personnel who are not physicians. They are perfectly appropriate and able to do it. The bill would allow nonmedical personnel such as counselors to spend time with sickle cell disease families to discuss how they can manage the disease. That, by the way, will end up saving the Government money because it will prevent strokes and other serious episodes that then Medicaid does appropriately reimburse.

The bill also enhances services available to sickle cell disease patients and for training health professionals.

Finally, the bill establishes a sickle cell disease research headquarters. This provision of the bill creates a national coordinating center, which also would be operated by the Department of Health and Human Services to coordinate and oversee sickle cell disease funding and research conducted at hospitals, universities, and community-based institutions to help ensure efficiency so we can share information about the disease, accountability to make sure the taxpayers’ dollars are being used well, and also help us get best practices and monitor outcomes for the disease so we can improve services to people who have it around the country.

I cannot overemphasize the outpouring of support for Senator SCHUMER and I have received for this bill. I am going to read a couple of the stories he has had. I have myself received personal handwritten letters from sickle cell disease patients who expressed their gratitude for this legislation and who asked what they can do to help pass the bill since they know how many families it will help.

For example, Allynce Renee Ford of Blue Springs, MO, wrote, and I will paraphrase: I was pleased to read of your bill to increase funding for treatment and research. My twin sons were born with sickle cell in 1973 and suffered from this debilitating disease all their lives. They both lost the battle to painful complications in 2002.

Please believe me, it is a painful life-constricting disease both for the victims and their families. Even though I do not have any other children to lose to the disease, I mourn for all the other parents who will lose their children in the future—today, tomorrow, someday. I want to help those parents. Thank God there will be help for sickle cell disease victims—help not just in the form of additional funding—and the bill is very affordable—but help in the form of greater visibility, community support. This bill is lifting the profile of this disease which has remained in the corner for too long. The business exclusively in the past has been the business of those struggling and the small community helping them. We need to show these people that the country is with them.

In conclusion, it is critical to help this historically underserved population. Many of these people do not even know they carry the trait or they have the disease until consequences visit them. I think this bill is one of those that could have lessened or mitigated in some respect had they had prior knowledge.

I ask my colleagues to join me and Senator SCHUMER to honor Black History Month by cosponsoring this Sickle Cell Disease Treatment Act. I cannot think of a better way to honor this month than to help all of the families, most of whom are African-American families, who are living and struggling with this disease.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

FAILURE TO PROCEED TO S. 2061

Mr. FRIST. Mr. President, I will be closing in a very few moments, but I want to express my disappointment in not being able to proceed to the bill. We have been on the motion to proceed the last 2 days to a bill that reflects a pressing problem, a crisis in many States. It has to do with a medical liability system that is having an impact now, not just on physicians paying for their insurance, but on the quality of care, access to care throughout the United States of America.

I do not believe the full impact of the medical malpractice paradigm is truly understood by the average American. Like a cancer, this malady is eating into the heart of the medical system in critical areas such as obstetrics.

Dr. Sean White of Kingsport is a perfect example of what is happening. Dr. White moved to Tennessee in 2002 due to the outrageous increases in medical malpractice premiums in Pennsylvania. A staggering 7-physician group increase of $230,000 forced a 30-year-old practice to utterly dissolve. Alone, Dr. White’s medical malpractice premiums were estimated to increase by $30,000 to $110,000.

And this wasn’t just any practice, but an OB-GYN group focusing principally on one of the most precious of
all practices, the delivery of babies. Medical malpractice malignancy ultimately claimed the two senior physicians in the practice, as they retired early, while Dr. White was forced to leave town.

"They really had to scramble," Dr. White said of his fellow colleagues who didn't have the option to retire early. "They went to two local hospitals and asked them to just employ them because they couldn't afford to pay their bills anymore. And now they're not sure how to pay the bills anymore," Dr. White left the Bethlehem practice in 2002 because the bank requested a lien on his home and the co-signature of his wife, Tracy, to finance his malpractice premiums for that year.

"I could see the hand-writing on the wall," Dr. White said. "But I have delivered so many babies in that community. You invest so much time and energy into the practice and develop such a rapport with people. I delivered half of my daughters' friends, the children of my own friends. It was very difficult to just pack up and leave."

Collectively, Bethlehem's 72,000 residents lost the better part of a century of combined experience when Dr. White left. Since Tennessee and his two senior partners took early retirement. Let me underscore here, a better part of a century of experience claimed by extraordinary medical malpractice premium hikes.

In addition to taking a loss in order to buyout his partnership in Bethlehem, Tennessee has hardly been a refuge for Dr. White and his family. Yes, malpractice malignancy is also eating away in my own home state, where Dr. White's personal medical malpractice premiums jumped to $65,000 this year, up $20,000 from just last year in Tennessee. Statistics indicate that as many as nine in 10 obstetric physicians have been in the practice of delivering babies for more than 10 years, Dr. White said. This despite the fact that maternal death rates have plummeted to all time lows in this country.

"The trial lawyers will tell you they are trying to weed out the bad apples," Dr. White said. "Obviously, with 90 percent being sued, they're not all bad apples."

And that is the crux of the issue here. Mr. REID. Will the Senator yield?

Mr. FRIST. I would be delighted to yield.

Mr. REID. Mr. President, through you to the distinguished majority leader, I got a call from a dear friend in Nevada to talk to a surgeon. He is very active in public affairs, a very close friend of our Republican Governor. He told me that in Nevada, where the Governor called a special session that we have caps, the insurance rates have not been affected at all; they are still going up. Mr. President, I asked St. Paul. They pulled out. Another company came in and doctors are always concerned with what they call the "tail," to make sure if something happens after their policy expires that they are covered for acts that took place in the past. He went with a new company. They pulled out after a year and a half. Now he is going to have to try a new company. The problem for 1 year, have coverage for today and acts that took place in the past.

I say to my friend, the distinguished Senator from Tennessee, a physician, this medical malpractice is something we have to address. I don't know the best form to do it. But when we do it, we are not only going to have to deal with some of the policies outlined by both parties today, but we will have to take a look at what the insurance industry is doing to my friend and other physicians. This is not just a problem generated solely by the trial bar; the insurance industry has some culpability.

I hope the distinguished majority leader, when again we get to this issue, will help us come up with a framework and we can discuss this issue. Part of the discussion has to be directed toward the insurance industry.

Mr. FRIST. Mr. President, let me respond through the Chair that the problem has gotten so big that patients are being hurt and potential patients are being hurt. It is a crisis. It is a complex problem.

As a physician, and as one who sees patients, I recognize they are being hurt by this system, and we have to start somewhere. Part of it is being able to proceed to debate. If the timing was not right, I would go back, and do it at another time. We will come back to it. This problem is not going to go away. I look forward to addressing it again.

This particular bill is not a comprehensive bill. We are not talking about all of the doctors out there. Rather, we took one specialty. I am a little perplexed how to come back to it because I want to keep the issue out there. Patients are being hurt, and we are going to do it. We will work together to figure out the best way to try to have an appropriate forum for what is a complex issue. Hopefully, we will bring it back in some shape or form in the next several weeks.

THE PRESIDING OFFICER. The Senator from Florida is recognized.

CRISIS IN HAITI

Mr. GRAHAM of Florida. Mr. President, I wish to share a few observations and thoughts about the current circumstances, the tragic circumstances in our near neighboring country of Haiti. Haiti was once a beautiful country. It was one of the jewels of the Caribbean. Its people, who secured their freedom from France in 1804, have suffered a long history of despair, poverty, and misery. This country has now fallen into chaos.

Regrettably, Haiti is one of the poorest nations on Earth. It is ranked 172 out of 208 countries in per capita gross national income. It is the only country in the Western Hemisphere to be labeled a least-developed nation.

Haitians are also among the most malnourished people in the Western Hemisphere. The United Nations Organization reports that the average daily caloric intake for Haitians is the lowest in the hemisphere and on a par with the poorest nations in Africa.

Violence is on the rise. At least 70 people have been killed in the recent uprising, and the number of dead and wounded grows daily.

Indeed, the country of Haiti now faces twin crises. The first is the possible collapse, if not the violent overthrow, of a democratically elected government, with no agreed-upon follow-up governmental structure. An opposition leader predicted on Sunday that the capital, Port-au-Prince, would fall to armed rebels in 2 weeks.

Second is the humanitarian catastrophe, primarily triggered by the violence and the disruption that the violence has created.

The current humanitarian crisis is forcing poor Haitians to literally eat the seeds they have saved for spring plantings. With nothing planted, there will be no harvest. These desperate food shortages will strike at the same time the weather improves, and a massive exodus by sea will be feasible and more likely.

The question before the United States and the world is, What should be our priorities? Tragically, it appears that our administration has taken a firm stance on the side of indifference. This may prove to be the longest running and biggest crisis of all for Haiti. The diplomatic effort this past weekend, unfortunately, has accomplished nothing to date.

Cap Haitien, the second largest city in Haiti, fell to the rebels the day after Secretary of State left the country. We sent 50 marines to Port-au-Prince on Monday to protect our embassy. From what I can tell, there is no administration plan B.

Furthermore, I have detected very little concern for the potential impact of this crisis on the United States itself, with my State of Florida being on the front lines.

As we have seen repeatedly over the past two decades, one of the impacts of this catastrophe will almost certainly be a dramatic increase in the number of refugees risking their lives in leaky and unsafe boats to try to escape the violence.

Yet there has been little or no contact between Federal agencies and the State and local authorities, our first responders, to prepare for the potential influx of refugees. The principal agencies of the Federal Government have limited capacities to handle yet another immigration crisis, and the Department of Homeland Security, which includes the Bureau of Immigration and Customs Enforcement, has the capability to handle only 150 additional
refugees once they reach our shores. This is in large part because of, in my judgment, the inappropriate use of what is supposed to be a temporary holding facility as, in fact, the permanent prison for long-term detainees. But that is not the story. The Defense Department is understandably hesitant to mix Haitian refugees with the detainees from the war on terror at Guantanamo Bay, Cuba.

The Bush administration's feeling—which was shared by others in the international community—that the problem in Haiti is a political crisis, and that until these paltry and late-starting diplomatic efforts run their course, there is no basis for dealing with the humanitarian crisis. When asked at a briefing yesterday what the administration is planning to do to halt the violence, Scott McClellan, the White House spokesman, responded:

We remain actively engaged in these diplomatic efforts to bring about a peaceful political solution to the situation in Haiti. That is simply and obviously not enough. Our first priority must be the humanitarian crisis and finding a way to halt the violence which has fueled it. A political solution should, of course, be actively pursued, but not at the cost of abandoning efforts to address the humanitarian crisis and loss of lives which are occurring daily in Haiti. There was already a humanitarian crisis as seen by the level of malnourishment. It is now crashing to new levels with the killings and the threats of violence which have forced international aid organizations to reduce support to the poor and impoverished of Haiti. If we wait for a political settlement, we will be tolerating more scores of the poor and impoverished of Haiti. If we continue to wait for a political solution, the country will be controlled by armed gangs, drug dealers, and thugs. These conditions represent a clear threat to the national security of the United States of America and to the security of friendly allies even closer to Haiti than we are.

It is estimated, for example, that approximately 20 percent of the population of the Bahamas represents Haitian refugees. Allowing the crisis in Haiti to continue could destabilize the Bahamas and its other neighbors, such as the Dominican Republic.

What do we need to do to avoid a humanitarian tragedy? What do we need to do to make that priority No. 1? First, we need to see a sense of urgency on the part of the United States, and that sense of urgency needs to start at the White House. Just a few days ago, I met with the top administration official who effectively said that it was the policy of the administration to stand on the sidelines and hope that someone else—France, Canada, the Organization of Caribbean Nations, CARICOM, or the Organization of American States—would take the lead in settling the problem. That is unacceptable as American foreign policy. There is no other alternative but the use of U.S. influence. We must become engaged at a serious and sustained level or, failing to do so, be prepared to pay the cost of chaos 700 miles off our coast and on the seas which separate us from Haiti.

Second, the next step should be a police presence of sufficient scale that it can quell the violence. This can and should be done under the auspices of the Organization of American States, but the United States must be a leader and full participant.

Third, to assure the success of that police presence, the U.S. military should serve as a visible backup force. Recently, this visible backup force was writ large off the coast of Liberia when we sent a marine amphibious group aboard Navy ships to stand by off the coast while we put ashore a marine security team to protect our embassy. If we can provide the powerful influence of U.S. 3,000 miles away, certainly we can do so in our own neighborhood.

Next, we must enhance our humanitarian presence starting with emergency deliveries of additional foodstuffs and medical supplies, and we must assure that delivery of those supplies is available throughout the countryside.

Next, given the indifference of the State Department and the National Security Council, the President should seriously consider the appointment of a high-level delegation to Haiti, such as that represented by President Carter, Senator Nunn, and General Powell in 1994, to make certain that our expectations, as well as our level of commitment, is clear.

Next, we must enhance our capacity to understand what is happening inside Haiti. In a manner which is eerily similar to the situation in the late 1980s and the early 1990s, our capacity to gather information inside Haiti is woefully inadequate to the scale and the significance of the crisis.

Among other problems, all diplomatic personnel are confined to the capital Port-au-Prince. As one senior administration official described it:

Our intelligence is very thin.

This limited understanding, without question, has contributed to our allowing the situation to reach near anarchy without the United States asserting itself. These circumstances in Haiti are part of a disturbing pattern of our current international relations. One, by its unwillingness to engage in a leadership role in the world, with the tragic exception of Iraq, this administration is different from other nations. We have ceded to China the leadership for negotiations with North Korea over its nuclear capability. We have ceded to the French, the Canadians, the OAS, and the Caribbean leadership our sovereignty in dealing with the crisis in Haiti.

That loss of sovereignty comes at a heavy price in our ability to influence events and to make international organizations from a position of strength. How can we challenge China on its trade practices when we are relying on China to handle the most sensitive negotiations with North Korea? Just a year ago, our fragile relations with France were at risk. Now, are those relations with China at risk?

On August 25, 2000, speaking at Florida International University in Miami, FL, candidate George W. Bush declared:

This crisis can be the century of the Americas. . . . Should I become president, I will look South not as an afterthought, but as a fundamental commitment to my presidency. . . . Those who ignore Latin America do not fully understand America itself.

After crises in Argentina, in Bolivia, in Venezuela, and now this test in Haiti, the Bush administration has yet another credibility crisis and yet another failure of intelligence. While not as disastrous as Iraq, the capacity to disrupt the plots of September 11 or the misinformation which led us to war in Iraq, again we have a failure of intelligence to inform national leadership as to the true state of an international situation or of national leadership to effectively utilize the intelligence which was provided.

Had we secured and utilized accurate and timely information on Haiti, possibly our response would not have been as impotent and retarded as it now is. Finally, this is the latest example of the need for a United States or international capacity to respond effectively in nation sustaining, even nation building, after our military has successfully secured the territory.

In 1994, the United States effectively invaded Haiti in order to remove a military dictatorship and replace its democratically elected president. We did that with the kind of surgical precision that has come to characterize our military efforts. We then proceeded to spend almost $3 billion attempting to sustain and build the nation of Haiti. I suggest that today, 10 years later, Haiti is in worse condition than it was when we invaded in 1994. The other nations that militarily intervened so effectively: recruitment, training, support, the exercises of actions, have allowed us to have such a string of successes in the military phase of dealing
with a hostile or chaotic foreign situation. Unfortunately, none of those characteristics is true of the efforts that are made after the war concludes. We need to take the leadership, either unilaterally or, I believe, preferably with other members of the international community. We need to develop a capability which has the same characteristics of recruitment, training, support. Having exercised, before actual use, the security, the development of democratic institutions, the restoration of a governmental structure, the building of infrastructure necessary to support the population and a market economy, which can be available after the bullets stop flying, assures our future investments in nation sustaining and nation building are not as ineffective as they have been in the last decade.

The failure to have such a capacity after the 1994 invasion is a primary reason why today we stand on the edge of the volcano of chaos in Haiti yet again, 10 short years later. Let us do the job, but added that without the international community present in Haiti, and without the aid of international partners, Haiti is it. The world community cannot afford to just stand by and do nothing. With the police, the soldiers, the armed thugs patrolling the streets and the elected president appealing for international protection, Haiti is on the verge of another major humanitarian and political crisis. It’s understandable that the Bush administration has “no enthusiasm,” as Secretary of State Colin Powell put it, to intervene militarily. However, there is a moral and practical need for democracy hundreds of miles away in Haiti.

Now that Haiti is in flames again, an epidemic of hand-wringing is spreading from Washington to the United Nations to the Elysée Palace in Paris.

Where was everybody when the first puffs of smoke appeared years ago? When President Jean-Bertrand Aristide started relying on thugs to maintain order? When brave journalists were murdered for writing and broadcasting the truth? When peaceful protests were repulsed by violent means? Today, in the belated haste to do something—anything—there is a danger of failing to adopt the right set of priorities.

PREVENT A DISASTER

The first response should be to prevent a full-scale humanitarian crisis, and it is already late in the day. It shouldn’t take an armed invasion of Haiti to put an end to the holocaust of the people. As President Bush tries to install democracy thousands of miles away in Iraq, he no longer can remain disengaged from the moral and practical need for democracy here.

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The first response should be to prevent a full-scale humanitarian crisis, and it is already late in the day. It shouldn’t take an armed invasion of Haiti to put an end to the holocaust of the people. As President Bush tries to install democracy thousands of miles away in Iraq, he no longer can remain disengaged from the moral and practical need for democracy here.

Arrested should be held to the commitments he made to his people. He needs to disarm and disband the vigilante groups, disassociate himself from their operations and bring political opponents to the negotiating table. The world community has an interest in protecting Aristide, but it stems from his standing as a democratically elected president. But even worse. Far from endorsing his presidency, international intervention would be a slap at the character of a man who sold himself to the world as a champion of democratic principles and then betrayed those very principles.

Washington has a major role to play in defusing this crisis—and a big stake in the outcome. This country, after all, restored Aristide to power, and it will become the destination of any mass exodus of Haitian refugees. After the United States, Europe and the Caribbean were preparing to present Aristide and opposition groups a plan for political reform and a more active role in trying to broker a political settlement. Even if the violence can be quelled in the coming days, a humanitarian crisis is already upon one of the poorest countries in the world. The world community should quickly unite behind an effort that offers humanitarian aid and protects both human rights and Haiti’s sovereignty.

ON HAITI, U.S. CAN’T WAIT

As President Bush tries to install democracy thousands of miles away in Iraq, he no longer can remain disengaged from the moral and practical need for democracy hundreds of miles away in Haiti.

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On Haiti, U.S. can’t wait.

With violence and chaos spreading in Haiti, the world community cannot afford to just stand by and do nothing. With the police, the soldiers, the armed thugs patrolling the street and the elected president appealing for international protection, Haiti is on the verge of another major humanitarian and political crisis. It’s understandable that the Bush administration has “no enthusiasm,” as Secretary of State Colin Powell put it, to intervene militarily. However, there is a moral and practical need for democracy in Haiti.

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A suspension of political demands from his opponents because violence threatens the survival of all political factions in the country. Mr. Aristide bears a burden of political responsibility. A band of thugs must not be allowed to depose an elected president through violence. Mr. Graham has pointed out, if we can send a military force to Liberia to protect our interests, we can do the same in Haiti, the sooner the better.

DEMOCRACY TAKES TIME

The fundamental problem is that Haiti is a failed state, and will remain one until de facto democracy takes root. Atrocities and political repression have dominated in Haiti for years. We need to take the leadership, either unilaterally or, I believe, preferably with other members of the international community.

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have to have the sense that we're all in this together, With America saying, "We're behind you." But it is important, as he said, "to make sure the Haitian people understand and believe this, that we are not there to prop him up."

That's the message the international delegation that Secretary of State Colin Powell made clear in Haiti yesterday, arresting supporters of President Jean-Bertrand Aristide and looting their possessions. The move was taken to prevent the situation from getting out of hand, but it has not been without its risks. The failure to begin that effort now will surely result in future revolts, future dictators and future tides of desperate refugees headed for America's shores.

Mr. LAUTENBERG. Mr. President, I rise today to express my concern about the violent political crisis engulfing Haiti. We dare not remain silent when faced with such a widespread insurrection in the backyard of our own country. It is precisely at such a time when the United States is prepared to take any action that we must act.

There is still time for the political opposition to take the lead in seeking a political settlement to the crisis. For several years it has delegated the arbitration of Haiti's mounting domestic conflict to well-meaning but powerless diplomats from the Organization of American States or the Caribbean Community, known as Caricom. In particular, it has declined to exercise its considerable leverage over the civilian opposition parties, some of which have been supported by such U.S. groups as the International Republican Institute and which have rejected any political solution short of Mr. Aristide's immediate resignation. Apart from Mr. Powell's statement, the administration's rhetoric has mostly been directed at Mr. Aristide, who has always needed to be seen as the only one left standing in the way that Haiti is governed."

White House spokesman Scott McClellan.

Mr. Aristide is guilty of supporting violence, aiding and abetting the thugs now demanding Mr. Aristide depart—and their failure to back a compromise agreement brokered by the United States and other mediators.

Yet the opposition's unwillingness to stand up to the former army leaders and opposition thugs now demanding Mr. Aristide depart—and their failure to back a compromise agreement brokered by the United States and other mediators—has effectively shut down Parliament and now rules by decree. He has politicized the police and courts and uses special police brigades and armed gangs of his supporters to terrorize civilians and break up opposition demonstrations.

Mr. Aristide does not lead to a rapid restoration of the same discredited forces that ruled Haiti before he came to power. These include thuggish leaders of the country's officially disbanded army and the murderous paramilitary groups that supported military rule. Some of these elements have already re-entered Haiti from the neighboring Dominican Republic.

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choices; they have consolidated power, eviscerated the role of the parliament, and allowed corruption and cronism to corrode the government.

Indeed, over the past few years, as our foreign policy attention has shifted eastward to the Gulf of Mexico, East Asia, and the Middle East, we have been dangerously neglect of Haiti’s ongoing political dissolution and Aristide’s failed leadership. I believe that the current violent expression of political opposition, which has taken the lives of over 300 Haitians in the past two weeks, derives directly from the Haitians’ frustration with their government. Haitian political rights have been chipped away since Aristide’s re-election, based on only five percent voter turnout, created a political stalemate. The Haitian parliament has since stopped functioning, prompting international aid donors to block millions of dollars in aid for a government that has taken the lives of over 3 Haitians in the past two weeks. The resulting economic situation is bleak. Most of Haiti’s 8 million people live on less than $1 per day and it ranks 150 out of 175 countries on the United Nations Human Development Index.

But the government has exacerbated Haiti’s economic crisis. The U.S. State Department classified the country’s current situation as “economic stagnation” caused by ineffective economic policies, political instability, a deteriorating public health system, a lack of functioning judiciary, and the migration of skilled workers.

On the other hand, we know that this month’s violent outburst is not the only means for Haitians to express political opposition. For years, legitimate opposition groups have opposed Aristide’s government and most of them do not condone today’s violence. Instead they endorse new elections and a peaceful transition of power.

We have a unique obligation to stand up for Haiti. Our two countries are inextricably linked—by the virtue of our similar histories, because of our involvement in Aristide’s return to power, and as a result of the influx of Haitians who have come to our shores seeking refuge from the economically and politically ravaged country. These Haitian Americans have contributed greatly to American life and I am proud to have a talented young man of Haitian origins on my staff and to represent nearly 60,000 Haitian Americans in my State.

The Bush administration has advocated for a negotiated political solution to the crisis. Yesterday, Southern Command has dispatched a small military team to Haiti to provide the ambassador and the embassy staff with an enhanced capability to monitor the current situation. Secretary of State Colin Powell recently met with regional officials and the Canadian and Haitian ambassadors to discuss a possible Canadian police force for Haiti. I support the State Department in its efforts to forge a negotiated political solution brought about by dialogue, negotiation, and compromise and fully support the power-sharing agreement put forth by Secretary Powell and international community. I urge the opposition groups to accept this proposal to share power with Aristide and to work towards early elections.

I also ask my colleagues to follow this crisis closely and to join me in demanding that President Bush, Secretary Powell and other foreign policy advisors take leadership role, facilitating negotiations between the Haitian government and the opposition factions.

If the opposition accepts the power-sharing agreement, Secretary Powell should enlist French, United Nations, and Caricom help to see that forceful diplomatic intervention ends the current stand-off. The next step is for the U.S., in concert with international organizations, to assist Haiti in creating a unity government, a council of advisors and the installation of a new prime minister. American diplomacy and influence can be effectively massed to convince both Aristide and the opposition to accept these reform measures.

U.S. hegemony, wealth, and power have, over the course of our country’s history, generated myriad international obligations to resolve global conflicts and preserve peace and security. Our responsibilities emerge no clearer than when conflicts arise in our own neighborhood. It is time to break with a recent policy of U.S. dismissal and neglect regarding Haiti’s self-destructive government and devastating economic situation.

I urge my colleagues to join with me in insisting that the administration, with Congressional support, rise to fulfill the responsibilities of global leadership.

HONORING OUR ARMED FORCES

SPC BILLY JESS WATTS

Mr. THOMAS. Mr. President, I express our Nation’s deepest thanks and gratitude to a young man and his family from Meeteetse, WY. On February 5, 2004, SPC Billy Jess Watts was killed in the line of duty while preparing to deploy to Iraq to serve his country in the war on terrorism. While traveling in a military convoy to a final training exercise before leaving for duty in Operation Iraqi Freedom, SPC Watts died when the vehicle he was riding in hit an explosive-laden auto and rolled over.

SPC Watts was a member of the Wyoming Army National Guard’s 2-300 Field Artillery Battalion. He enjoyed the outdoors, hunting and camping, and loved watching NASCAR racing and pitching horseshoes. He loved his family and his country. SPC Watts’ profound sense of duty led him to join the U.S. Army following his high school graduation, and the National Guard. He returned to Wyoming. He was an American soldier.

It is because of people like Billy Watts that we continue to live safe and secure. America’s men and women who answer the call of service and wear our Nation’s uniform deserve respect and recognition for the enormous burden that they willingly bear. Our people put everything on the line everyday, and because of these folks, our Nation remains free and strong in the face of danger.

SPC Watts was survived by his wife Connie and his son Austin John, as well as parents, Bill and Bertha, sisters, Betty and Barbara, and his brothers in arms of the 2-300 Field Artillery Battalion. We say goodbye to a husband, a father, a son, a brother, and an American. Our Nation pays its deepest respect to SPC Billy Jess Watts for his courage, his love of country and his sacrifice, so that we may remain free. He was a hero in life and he remains a hero in death. All of Wyoming, and indeed the entire Nation are proud of him.

JAMES, L.uke, Ohio. Mr. President, you don’t have to do much more than open the morning newspaper or tune on the evening news to understand that the enemies of freedom are working hard in Iraq. They lay ambusches for our troops, set off bombs by remote control, and drive explosive-laden autos into crowds of innocent Iraqis who want nothing more than a brighter future for their country and their children.

Terrorists connected with al-Qaida, foreign interests and Baathist loyalists conspire to destroy the dream of a free Iraq before it is fully born. They will fail.

But Saddam Hussein, a one-man weapon of mass destruction who preyed on his countrymen and threatened his neighbors, is in custody. His murderous sons are dead. His lieutenants and henchmen are captured, killed, or moving nearer those fates with each passing day.

The same fates await those who would steal the dream of liberty and replace it with a nightmare of repression, corruption and domination. America’s front line in her war against terrorism is now in the fields of Afghanistan and the streets of Iraq instead of in the skies over New York and Washington, DC.

Like Americans everywhere, I was thrilled to see the statues of Saddam Hussein knocked from their pedestals. Those images reminded me that the Iraqi people needed our help, our tanks, our troops, and our commitment to topple a brutal dictator. I am proud of our military and America’s commitment to make the people of the Middle East more free and secure.

Without a doubt, our military men and women will face more difficult days in Iraq, and the Iraqi people will be tested by the responsibilities that come with freedom. Everyone expects more violence. Freedom is messy—nowhere more so than in a country that has just shaken off a brutal dictator-ship.
Today I rise to honor who made the ultimate sacrifice one can make for his country.

A few days ago I stood in Arlington National Cemetery to honor the memory of 2LT Luke S. James.

Lieutenant James was the son of Arleen James, a native of Hooker, OK, and a graduate of Oklahoma State University. He was killed in Iraq on January 27, 2003 during a roadside ambush near Iskandariyah.

Lieutenant James was assigned to the 2nd Battalion, 505th Infantry out of Fort Bragg, NC. He'd only been in Iraq a few days.

Our prayers and debt of appreciation now go to his family. He is survived here on the homefront by his wife Molly, his 6-month-old son, Bradley, his parents Brad and Arleen James, his sister Sharla, and his brother Kirby.

"That was his dream (to serve in the Army)," Molly James said in a recent interview. "He wasn't afraid to go. He was able to do his duty and die with honor." As we watch the dawn of a new day in Iraq, we must never forget that the freedom we enjoy every day in America is bought at a price.

2LT Luke James did not die in vain. He died so that many others could live freely. And for that sacrifice, we are forever indebted. Our thoughts and prayers are with him and his family and with the troops who are putting their lives on the line in Iraq.

CONTROL AND DISPOSAL OF RADIOACTIVE SOURCES

Mr. AKAKA. Mr. President, I rise today to express concern that the threat posed by the detonation of a "dirty bomb" has not been adequately addressed. Controlling access to the radioactive materials needed to fabricate such a weapon remains a challenge today, just as it did in the days immediately following the terrorist attacks of September 11, 2001. Security improvements have been slow to come. Dirty bombs continue to threaten the people and the economy of the United States.

Radioactive sealed sources are all around us. They are used widely in medicine, research, industry, and agriculture. Some of these sources are more risky than others, and Congress must take action to ensure the control and safe disposal of these sources that pose the greatest risk. These sources, known as "greater-than-Class-C" sealed sources, are of major concern because of their potential for use in the fabrication of a dirty bomb.

To address this risk, I introduced S. 1045, the Low-Level Radioactive Waste Act of 2003, this past May. My bill addresses the efforts made by the Department of Energy, DOE, to recover and dispose of thousands of domestic greater-than-Class-C, biological sources. This measure was developed after three different U.S. General Accounting Office reports I requested showed that the efforts being made by DOE and other Federal agencies to control and dispose of these radioactive sources, both domestically and internationally, have not gone far enough.

Provisions of S. 1045 were included in H.R. 6, the Energy Policy Act of 2003, but this bill will continue, radioactive sources remain a threat to our country. Over the holidays, there was a serious concern about the possible detonation of a dirty bomb at one of the large open-air New Year's Eve celebrations around the country. The DOE took serious and prudent action to detect possible terrorist activities and thankfully this situation did not end in tragedy. However, next time we may not be so lucky. The lack of a safe, secure, and permanent disposal site for unwanted radioactive sealed sources places our country at risk.

Thousands of sealed sources await disposal, some requiring security measures greater than those in place at current storage facilities. The problem posed by these sources will not go away by itself. Universities and industry do not have the means or facilities to secure these materials and are seeking Federal Government assistance. In my home state of Hawaii, DOE is currently seeking the assistance of the DOE to remove large unwanted radioactive sources, belonging to DOE, that are no longer useful for their research. While DOE is working on a solution, the source remains in Hawaii awaiting disposal. My bill would require the DOE to fulfill their statutory obligation to develop a disposal facility for all of these sources, in consultation with Congress, and would also require that DOE explore Federal and non-Federal alternative disposal options to make sure that the best disposal method is chosen.

However, my concern over radioactive material does not end here. I will continue my work to improve Federal oversight of radioactive sources and devices. Just a few weeks ago in New Jersey, a gauge containing radioactive material was damaged, and its radioactive material is still missing. Creating a disposal facility for this class of radioactive waste is only the beginning of getting this problem under control. We need to improve the licensing and tracking of these widely used sources and devices, so that they will not fall into the wrong hands.

While the United States has taken some steps to secure radioactive sources and devices, the problem of unsecured sources remains. Creating a disposal facility for this class of radioactive waste is only the beginning of getting this problem under control. We need to improve the licensing and tracking of these widely used sources and devices, so that they will not fall into the wrong hands.

LESSONS FROM A CLEAN AIR LISTENING TOUR

Mr. JEFFORDS. Mr. President, I have spoken many times about my serious concern for our Nation's deteriorating air quality, and I am pleased today to speak on behalf of those Americans who are working tirelessly at the regional and local levels to protect our air quality, and who have expressed their concerns to me. Many Americans are breathing polluted air, and the Clean Air Act has not done enough to protect their health and their environment. They also worry that, under the leadership of our President, Congress will work to weaken the existing Clean Air Act.

On a nationwide Clean Air Listening Tour I initiated in 2003, I heard first-hand from Americans who are tired of breathing polluted air, and have spoken many times about my serious concern for our Nation's deteriorating air quality, and who have expressed their concerns to me. Many Americans are breathing polluted air, and the Clean Air Act has not done enough to protect their health and their environment. They also worry that, under the leadership of our President, Congress will work to weaken the existing Clean Air Act.

Ashville is situated in close proximity to the Great Smoky Mountains National Park, the most visited National Park in the Nation nine million visitors every year. Sadly, this majestic park is also the Nation's most polluted, as reported by the National Parks Conservation Association. Its visibility is tied for the worst with the Everglades National Park, in Boston, MA, the public demands that the Federal Government work immediately to clean their air.

The Smokies have the highest rate of acid precipitation among the parks, at more than 200 pounds per acre. This is six to seven times the nitrogen pollution that local soils can process. In fact, the highest peak in the Smokies can be as acidic as vinegar.
The total number of hourly ozone exceedences in the Smoky Mountains far outnumbers other parks at over one hundred and thirty-three thousand per year. Ozone exposure in the Smokies is twice that of the region’s most ozone-ridiculous cities—Knoxville, TN, and Atlanta, GA.

These statistics mean that in the Smoky Mountains, dozens of tree and plant species are damaged, streams are dying, aquatic wildlife populations are declining and area residents face increased mortality and chronic lung ailments. Plus, the fish that people consume are poisoned with toxic mercury, which can cause a number of birth defects and health problems in adults.

What is causing all this dreaded pollution? While cars and industry contribute substantially to the problem, old, dirty power plants are my greatest concern. About 30,000 premature deaths occur every year due to power plant pollution alone. Incredibly, North Carolina Utilities serve 800,000 people each because of this pollution. And, hundreds of thousands of children are born annually at risk of birth defects and neurological damage from their mothers’ exposure to mercury.

I sincerely appreciate the participation and support of my distinguished colleagues Senator Ted Kennedy and Congressmen Mike Capuano, Jim McGovern, and Bill Delahunt, and Tom Reilly in standing with me on September 22, 2003, at the New England Aquarium to bring attention to the serious mercury pollution problem facing New England. Also lending their support during the press conference were Ed Toomey, Aquarium President and CEO, and Armond Cohen, Executive Director of the Clean Air Task Force in Boston. The Aquarium and Task Force have been leaders in mercury and air pollution-related research, education, and advocacy.

At the public forum, Cindy Luppi, Organizing Director of Clean Water Action in Boston, and Jane Bright of HealthLink in Marblehead, Massachusetts spoke about the grassroots Northeast Clean Power Campaign, representing over 300 organizations from Maine to Connecticut that are all fighting to reduce power plant pollution in the region. Ms. Luppi also provided compelling findings from a Tufts University study: direct costs of environmentally-attributable neurobehavioral disorders, such as those caused by mercury pollution, in Massachusetts alone total between $40 million and $150 million each year, with indirect costs totaling an additional $100 million to $400 million. Also, Ms. Luppi presented the findings of a 2002 Massachusetts Department of Environmental Protection study which demonstrated that the removal of 65 to 90-plus percent of mercury in flue gas has been demonstrated to be technologically and economically feasible. In other words, there is no excuse to delay mandating tough national mercury reductions under the Clean Air Act.

States are quickly following suit. However, States are keenly aware that since much of the pollution they experience blows in from elsewhere, a national solution is crucial. In my listening session at the Grove Park Inn on May 19, 2003, I heard witnesses testify in compelling language how air pollution affects Smoky Mountain communities, and how standing together to protect public health.

North Carolina State Senator Steven Metcalf, Buncombe County Commissioner and Chair of the Land of Sky Regional Council David Gantt, as well as John Shonton, Vice President of the National Environmental Trust, joined me in a press conference to launch the listening session. Hugh Morton, Owner of Grandfather Mountain, which is a scenic travel attraction near Linville, NC, began the public forum with a slide show illustrating the devastation that air pollution has on his business. Slide after slide showed trees made bare by acid rain, and vistas clogged with haze. There is no doubt in his mind that such pollution threatens the environmental and economic productivity of the mountain.

Don Barger, Senior Director of the Southeast Regional Office of the National Parks Conservation Association, Brownie Newman, Executive Coordinator of the Western North Carolina Alliance, Elizabeth Ouzts, State Director of the North Carolina Public Interest Research Group, and Michael Shore, Managing Director of the local Environmental Defense, added to the concerns by describing how grassroots action has led to a high level of public awareness about air pollution and its effects, and how that action has resulted in State legislation to begin cleaning the air.

Dr. Clay Ballantine, an Asheville physician and medical expert on power plant-related health damage, also provided excellent testimony. Given that air pollution decreases lung function, causes pneumonia and respiratory infection, and lead to premature death, Dr. Ballantine is concerned about the suffering he sees first-hand. I am grateful to all of these witnesses for participating in the listening session, and for sharing their expertise with me. Since Asheville ranks sixth in the nation in per capita deaths caused by power plant pollution, and since North Carolina is facing million-dollar in additional pollution-related health costs, local citizens there have every reason to be concerned, and every right to be outraged that this administration plans to do nothing to help them. The administration has worked to effectively neutralize and eviscerate nearly all major protections in the Clean Air Act. From dropping all enforcement cases against the worst violators of New Source Review, to the recent proposal to delist utilities for mandatory compliance with the Clean Air Act, this administration should make all of us angry. These actions are an insult to all Americans, and a slap in the face. From Asheville, NC to Boston, MA, Americans made clear to me their desperation and frustration at being told they have to wait a decade or more for this administration and this Congress to clean their air, while the hundreds of thousands of asthma attacks and birth defects continue to cross the state line.

Residents of Boston, MA are especially worried about the potential dangers of mercury pollution from power plants, as the Boston economy, which is highly reliant on recreational fishing and tourism, may become affected by declining consumer confidence in the safety of local fish. Fortunately for some New England residents, states such as Massachusetts and Connecticut are already moving ahead with emission reduction plans.
During the listening session, Dr. Jill Stein, a physician and President of the Massachusetts Coalition for Healthy Communities, and Dr. Bill Bress, State Toxicologist for the Vermont Department of Health, detailed the serious and life-threatening effects of mercury exposure through consumption of contaminated fish. Nearly 10 percent of American women have high mercury blood levels above EPA’s safe health threshold. Pregnant women who eat small amounts of fish can inadvertently put their developing babies at risk of mental retardation, seizures, cerebral palsy, vision and hearing problems, abnormal gait and speech, and learning disabilities. EPA has estimated that 630,000 children are born at risk each year due to mercury exposure in the womb. This is twice EPA’s previous estimate.

An astonishing 50 percent of Americans who eat fish regularly exceed the mercury health limit, and 10 percent exceed the level set by a factor of four. Adults are also susceptible to developing heart, kidney, and immune system disorders due to mercury consumption. Anglers and certain ethnic groups who eat large amounts of fish face two to five times these health risks. Clearly, dramatically curbing mercury pollution will improve all of our lives.

Dr. Steve Petron, Board Member of the National Wildlife Federation and Senior Ecosystems Scientist for CH2M Hill, demonstrated how toxic mercury pollution from power plants harms our Nation’s aquatic wildlife. Those species that depend on fish for food are the most at risk. Because of this, loons, bald eagles, otters, amphibians, and other animals are already facing or could soon face decline. And lastly, Dr. Praveen Amar, Director of Science and Policy for the Northeast States for Coordinated Air Use Management, NESCAUM, represented State air quality regulatory agencies. He said that mercury control technologies are available and affordable, and by expressing the need for smart Federal environmental laws to drive technology innovation and application. As a recent NESCAUM report found, “where strong regulatory drivers exist, substantial technological improvements and steady reductions in control costs follow.”

That’s where Congress comes in. We are elected to serve the people of this Nation. Where people are becoming sick and are dying because of air pollution, something must be done. We must never knowingly allow such suffering to continue if we have the ability to act, and we do. Time and time again, mothers, fathers, doctors, scientists, and community members ask for our help.

At the bare minimum, we should be protecting current law. But to truly benefit the public good, we must pass tough legislation to force dirty power plants and other polluters to start behaving like good citizens. The air is not their toxic waste dump. It is not theirs to pollute for free, even though this administration is encouraging them to think that way. If it belongs to anyone, the air belongs to those children who play outdoors, or those families who go fishing and take trips to our scenic national parks, or to the poorest of us who are unlucky enough to live in close proximity to a coal plant. The air belongs to all of us. We should treat it like the most precious resource we know. Americans from around the country have learned this important lesson. Congress and this administration must now do the same.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator Kennedy and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, and remove the funding of police services of any kind is unacceptable in our society.

In February 1999, Steve Garcia was returning to his home from a party wearing women’s clothing and shoulder length hair. He died of a gunshot wound to the head because none of his jewelry was stolen, police suspect that he was targeted because of the way he was dressed.

I believe that Government’s first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

RETIREMENT OF TOM RYAN

Mr. SPEKTOR. Mr. President, March 1 marks a very special occasion—although it is with mixed feelings I report that Tom Ryan, the key Department of Labor Budget Analyst for employment and training programs is retiring following more than 32 years of a most distinguished career. As the members of the Appropriations Committee can attest, Mr. Ryan’s work in this area has been extraordinary, in its breadth, its depth, and in its effectiveness. As needs arose and even when crisis is has come to the lives of so many job seekers within our Nation, Mr. Ryan has been a pillar of strength in helping people as he worked tirelessly with us to ensure that funding for the right training opportunities were available when job seekers needed them.

On behalf of the members of the Appropriations Committee, I would like to take this opportunity to express our heartfelt thanks to Mr. Ryan for his vision which has so often guided us in formulating creative solutions to funding job training programs, in caring for the many and so many of those who are in critical need of assistance. The complexities of funding these programs during the challenging years of fiscal austerity have been met with a determination to find solutions, and the countless people receiving job training and employment assistance are well-served, due in no small measure, to Mr. Ryan’s efforts and his dedication to these endeavors. For these efforts and many more we extend our congratulations to Mr. Ryan and wish him an enjoyable and well-deserved retirement.

ADDITIONAL STATEMENTS

TRIBUTE TO ERNIE MARX

Mr. BUNNING. Mr. President, I take a moment today to pay tribute to Ernie Marx of Louisville, KY for his service to the people of Kentucky and his willingness to teach understanding and tolerance to our Commonwealth’s youth.

Mr. Marx is a survivor of the Holocaust and has used this tragic event in human history as an inspiration to educate the youth of our country about tolerance and respect. He has focused his efforts on middle and high school students, speaking about his experiences before hundreds of different groups.

One such event was on Tuesday, April 29, 2003, when Mr. Marx spoke at the annual Yom HaShoah commemoration at Fort Knox, KY. Yom HaShoah, or Holocaust Remembrance Day, is an important day of reflection for Americans and people throughout the world. Mr. Marx’s own message to our soldiers at Fort Knox was about hate and tolerance. He told the soldiers that they can prevent a Holocaust, saying, “You are our hope and are fighting for our freedom.”

The fall Mr. Marx led his 54th trip to Washington, DC to educate children and citizens about the Holocaust. He brings these groups, primarily students, to visit the Holocaust Museum and teaches them about tolerance and understanding. I am certain he will continue to lead these trips in the tradition of the Holocaust Museum’s mission of education.

From Atherton High School in Louisville, KY to the Henry County Middle School in New Castle, KY, Ernie Marx has had a profound impact on the youth of the Louisville region. I would like to honor his dedication, leadership and commitment to the people of Kentucky.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3783. An act to provide an extension of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

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-6390. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report of actions taken by the President of the United States under Presidential Determination 2004-08 relating to the Russian Federation; to the Committee on Armed Services.

EC-6391. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, four quarterly Selected Acquisition Reports for the quarter ending September 30, 2003; to the Committee on Armed Services.

EC-6392. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report of the Office of Inspector General for the period from April 1, 2003 through September 30, 2003, along with the classified Annex to the Semiannual Report on intelligence-related or classified and sensitive subjects; to the Committee on Governmental Affairs.

EC-6393. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report to the Committee on the Cooperative Threat Reduction Act of 1993 with respect to Ukraine; to the Committee on Foreign Relations.

EC-6394. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the Trade Act of 2002; to the Committee on Finance.

EC-6395. A communication from the President of the United States, transmitting, pursuant to law, a report relative to United States assistance for the interdiction of aircraft engaged in illicit drug trafficking; to the Committee on Foreign Relations.

EC-6396. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the Authorization for Use of Military Force Against Iraq Resolution; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of February 12, 2004, the following reports of committees were submitted on February 18, 2004:

By Mr. GREGG, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 741. A bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes (Rept. No. 108-226).

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. ROBERTS (for himself and Mr. CORZINE):

S. 2105. A bill to improve the Federal shore protection program; to the Committee on Environment and Public Works.

By Mr. BUNNING (for himself, Mr. MILLER, Mr. ALEXANDER, and Mr. KENNEDY):

S. 2106. A bill to amend the Internal Revenue Code of 1986 to provide capital gains treatment for certain self-created musical works; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. LEAHY, and Mr. DOMENICI):

S. 2107. A bill to authorize an annual appropriation of $200,000 for mental health costs through fiscal year 2009; to the Committee on the Judiciary.

By Mr. HARRIS (for himself, Mr. KENNEDY, Mr. LIEBERMAN, and Ms. CANTWELL):

S. 2108. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that consumers receive information about the nutritional content of restaurant food and vending machine food; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. WARNER, Mr. SCHUMER, Mr. DEWINE, Mr. LEVIN, Mr. COFFEE, Mr. DODD, Mr. JOHNSON, Mrs. BOXER, Mrs. CLINTON, Mr. REED, and Mr. LAUTENBERG):

S. 2109. A bill to provide for a 10-year extension of the assault weapons ban; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 2110. A bill to amend the Internal Revenue Code of 1986 to extend the Highway Trust Fund provisions through March 31, 2005, and to authorize the use of alternative simplified credit for the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 736

At the request of Mr. ENSIGN, the name of the Senator from South Dakota (Mr. COLEMAN) was added as a cosponsor of S. 736, a bill to amend the Animal Welfare Act to strengthen enforce- ment of provisions relating to animal fighting, and for other purposes.

S. 1004

At the request of Mr. WARNER, Mr. SCHUMER, Mr. DURBIN, Mr. LEVIN, Mr. COFFEE, Mr. DODD, Mr. JOHNSON, Mrs. BOXER, Mrs. CLINTON, Mr. REED, and Mr. LAUTENBERG:

S. 1295. A bill to amend the Internal Revenue Code of 1986 to repeal the requirement that private colleges and universities pay Federal income tax on interest income from certain endowment funds; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 98

At the request of Mr. ALLARD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States, to prohibit financial holding companies and national banking associations, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 469

At the request of Mr. KOHL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 469, a bill to amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and in the United States, and for other purposes.

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At the request of Mr. WARNER, Mr. SCHUMER, Mr. DURBIN, Mr. LEVIN, Mr. COFFEE, Mr. DODD, Mr. JOHNSON, Mrs. BOXER, Mrs. CLINTON, Mr. REED, and Mr. LAUTENBERG:

S. 1295. A bill to amend the Internal Revenue Code of 1986 to repeal the requirement that private colleges and universities pay Federal income tax on interest income from certain endowment funds; to the Committee on Finance.
Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1335

At the request of Mr. GRASSLEY, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Virginia (Mr. ALLEN) were added as co-sponsors of S. 1335, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flex plans, transferring arrangements, and a credit for individuals with long-term care needs.

S. 1374

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a co-sponsor of S. 1374, a bill to provide health care professionals with immediate relief from increased medical malpractice insurance costs and to deal with the root causes of the current medical malpractice insurance crisis.

S. 1380

At the request of Mr. SMITH, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a co-sponsor of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1392

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a co-sponsor of S. 1392, a bill to amend the Richard B. Russell National School Lunch Act to improve the nutrition of students served under child nutrition programs.

S. 1393

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a co-sponsor of S. 1393, a bill to amend the Richard B. Russell National School Lunch Act to reauthorize and expand the fruit and vegetable pilot program.

S. 1466

At the request of Mr. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a co-sponsor of S. 1466, a bill to facilitate the transfer of land in the State of Alaska, and for other purposes.

S. 1597

At the request of Mr. ALLEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a co-sponsor of S. 1597, a bill to provide mortgage payment assistance for employees who are separated from employment.

S. 1704

At the request of Ms. COLLINS, the name of the Senator from Oregon (Mr. SMITH) was added as a co-sponsor of S. 1704, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 1726

At the request of Mr. ALEXANDER, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Mississippi (Mr. COCHRAN) were added as co-sponsors of S. 1726, a bill to reduce the preterm labor and delivery for women and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1840

At the request of Mr. CONRAD, the name of the Senator from Arizona (Mr. KYL), the Senator from Alabama (Mr. SESSIONS), the Senator from Nebraska (Mr. HAGEL) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 1840, a bill to amend the Food Security Act of 1985 to encourage owners and operations of privately-held farm and ranch land to voluntarily make their land available for access by the public under programs administered by States.

S. 1873

At the request of Mr. DASCHLE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a co-sponsor of S. 1873, a bill to require employers at a call center who either initiate or receive telephone calls to disclose the physical location of such employees, and for other purposes.

S. 1902

At the request of Mr. REED, the name of the Senator from Maryland (Ms. MCMULLEN) was added as a co-sponsor of S. 1902, a bill to establish a National Commission on Digestive Diseases.

S. 1916

At the request of Ms. LANDRIEU, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from California (Mrs. BOXER), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. CORZINE), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 1916, a bill to amend title 10, United States Code, to increase the minimum benefit payable for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 1948

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. CORZINE) was added as a co-sponsor of S. 1948, a bill to provide that service of the members of the organization known as the United States Cadet Nurse Corps during World War II constituted active military service for purposes of laws administered by the Secretary of Veterans Affairs.

S. 1949

At the request of Mr. BIDEN, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Nevada (Mr. HAGEL), and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1949, a bill to establish The Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict reconstruction, and for other purposes.

S. 2011

At the request of Mr. HAGEL, the name of the Senator from Nebraska (Mr. NELSON) was added as a co-sponsor of S. 2011, a bill to convert certain temporary Federal district judgeships to permanent judgeships, and for other purposes.

S. 2020

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a co-sponsor of S. 2020, a bill to prohibit, consistent with Roe v. Wade, the interference by the government with a woman's right to choose to bear a child or terminate a pregnancy, and for other purposes.

S. 2056

At the request of Mr. BROWNBACK, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from Kansas (Mr. ROBERTS), the Senator from Arizona (Mr. KYL), the Senator from Alabama (Mr. SESSIONS), the Senator from Nebraska (Mr. HAGEL) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 2056, 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. 2061

At the request of Mrs. DOLE, her name was added as a co-sponsor of S. 2061, a bill to improve women's health access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services.

S. 2065

At the request of Mr. ENSIGN, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from Ohio (Mr. VOINOVICH), the Senator from Kentucky (Mr. BUNNING), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Nebraska (Mr. HAGEL), the Senator from Alabama (Mr. SESSIONS), the Senator from Utah (Mr. HATCH), the Senator from Illinois (Mr. FITZGERALD) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 2061, supra.

S. 2067

At the request of Mr. JOHNSON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a co-sponsor of S. 2067, a bill to restore health care coverage to retired members of the uniformed services, and for other purposes.

S. 2080

At the request of Mr. DASCHLE, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Maryland (Mr. SARBANES) were added as co-sponsors of S. 2080, a bill to amend the Worker Adjustment and Retraining Notification Act to provide protections for employees relating to the offshoring of jobs.
Mr. LAUTENBERG. Mr. President, I rise to introduce the Coastal Restoration Act of 2004 for myself and Senator CORZINE. Since 1995, the Federal beach nourishment program has been a regular target of the White House Office of Management and Budget, OMB. Under several budgets, there have been at least five efforts to radically change or terminate the program. The 1996, Congress passed the Shore Protection Act as Section 227 of the Water Resources Development Act of 1996. That legislation was the first statement by Congress since 1946 of its intent that the Nation needed an ongoing Federal beach nourishment program. Unfortunately, that has not stopped OMB from trying to change Federal policies by making budget proposals that would cripple the program. The Coastal Restoration Act, CRA, restates the congressional intent regarding the importance of the Federal beach nourishment program. The CRA makes it clear that changes in administration policy will not prevent feasibility and other types of studies from being processed through the Corps of Engineers and sent to Congress. The legislation emphasizes the role of Congress in determining which beach nourishment projects should be authorized for construction. It also re-states and strengthens existing law that periodic renourishment is an integral part of the ongoing construction of a beach nourishment program. This bill states the intent of Congress that preference shall be given to projects that: 1, where there has been a previous investment of federal funds; 2, where regional sediment management plans have been adopted to integrate coastal beach nourishment, navigation, and environmental projects; 3, where there is a need to prevent or mitigate damage to shores, beaches, and other coastal infrastructure where that damage is caused by Federal activities; or 4, where the project promotes human health and safety as well as the quality of life for individuals and families. This recognizes that a primary purpose for establishing the Federal beach nourishment program in 1946 was the promotion of public recreation. My bill will also raise the low priority now accorded by the U.S. Army Corps to the recreational benefits of beach nourishment. It makes it clear that changes in administration policy, including the recent OMB proposals that would cripple the program, are not to be permitted. The Coastal Restoration Act of 2004 re-establishes the congressional intent that the Nation needed an ongoing Federal beach nourishment program and that preference shall be given to beach nourishment projects that serve the following purposes: 1, where there has been a previous investment of Federal funds; 2, where regional sediment management plans have been adopted; 3, where there is a need to prevent or mitigate damage to shores, beaches, and other coastal infrastructure; 4, where the project promotes human health and safety as well as the quality of life for individuals and families. This recognizes that a primary purpose for establishing the Federal beach nourishment program in 1946 was the promotion of public recreation. My bill will also raise the low priority now accorded by the U.S. Army Corps to the recreational benefits of beach nourishment. It makes it clear that changes in administration policy, including the recent OMB proposals that would cripple the program, are not to be permitted. The Coastal Restoration Act of 2004 re-establishes the congressional intent that the Nation needed an ongoing Federal beach nourishment program and that preference shall be given to beach nourishment projects that serve the following purposes:

1. Where there has been a previous investment of Federal funds;
2. Where regional sediment management plans have been adopted; and
3. Where there is a need to prevent or mitigate damage to shores, beaches, and other coastal infrastructure;
4. Where the project promotes human health and safety as well as the quality of life for individuals and families.

This recognizes that a primary purpose for establishing the Federal beach nourishment program in 1946 was the promotion of public recreation.
SEC. 2. FEDERAL AID IN RESTORATION AND PRO-
TECTION OF SHORES AND BEACHES.

The first section of the Act entitled “An Act authorizing the participation in the cost of protecting the shores of publicly owned property”, approved August 13, 1946 (33 U.S.C. 426e), is amended to read as follows:

“SECTION 1. FEDERAL AID IN RESTORATION AND PRO-
TECTION OF SHORES AND BEACHES.

(a) Declaration of Policy.—

(1) Policy.—It is the policy of the United States to promote shore and beach protection projects and related research that encourages the protection, restoration, and enhancement of beaches, other coastal resources of the environment; and other coastal infrastructure on a comprehen-

sive and coordinated basis by Federal, State, local governments and private persons.

(b) Purposes.—The purposes of this Act are—

(A) to restore and maintain the shores, beaches, and other coastal resources of the United States (including territories and pos-
sessions); and

(B) to promote the healthful recreation of the people of the United States.

(3) Priority.—In carrying out this Act, preference shall be given to areas—

(A) in which there has been a previous in-

vestment of Federal funds;

(B) where regional sediment management plans have been adopted;

(C) with respect to which the need for pre-
vention or mitigation of damage to shores, beaches, and other coastal infrastructure is attributable to Federal navigation projects or other Federal activities; or

(D) that promote—

(i) human health and safety; and

(ii) the quality of life for individuals and families.

(b) Implementation.—The Secretary shall pay the cost of carrying out shore and beach protection projects and related research that encourages the protection, restoration, and enhancement of shores, sandy beaches, and other coastal infrastructure (including projects for beach restoration, periodic beach nourishment, and restoration or protection of State, county, or other shores, public coastal beaches, parks, conservation areas, or other environmental resources).

(c) Federal Share.—

(1) In general.—Subject to paragraphs (2) through (4), the Federal share of the cost of a project described in subsection (b) shall be determined in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(2) Exception.—In the case of a beach erosion control project the primary pur-

pose of which is recreation, the Federal share shall be equal to the Federal share for a beach erosion control project the primary purpose of which is storm damage protection or environmental restoration.

(3) Remainer.—

(A) In general.—Subject to subparagraph (B), the remainer of the cost of the con-
struction of a project described in subsection (b) shall be paid by a State, municipality, other political subdivision, nonprofit entity, or private enterprise.

(B) Exception.—The Federal Government shall bear all of the costs incurred for the restoration and protection of Federal prop-
erty.

(4) Greater federal share.—In the case of a project described in subsection (b) for the protection and restoration of a State, county, or other publicly-owned shore, coastal beach, park, conservation area, or other environmental resource, the Chief of Engineers shall bear a greater share of the cost than that provided in paragraph (1) if the area—

(A) includes—

(i) a zone that excludes permanent human habitation;

(ii) a recreational beach or other area de-

termined by the Chief of Engineers;

(B) satisfies appropriate criteria for con-

servation and development of the natural re-

courses of the environment; and

(C) extends later than a sufficient distance to include, as approved by the Chief of En-

gineers—

(i) protective dunes, bluffs, or other nat-

ural features;

(ii) such other appropriate measures ad-

dopted by the State or political subdivi-

sion; and

(iii) appropriate facilities for public use.

(5) Recommendations for shore and beach protection projects.—

(A) In general.—In recommending to Congress projects for Federal participation, the Secretary shall recommend projects for the restoration and protection of shores and beaches that promote equally all national economic development benefits and pur-

poses, including recreation, hurricane and storm damage reduction, and environmental restoration.

(B) Report.—The Secretary shall—

(i) identify projects that maximize net benefits for national benefit;

(ii) submit to Congress a report that de-

scribes the findings of the Secretary.

(d) Periodic Beach Nourishment.—In this Act, when the most suitable and economical remedial measures, as determined by the Chief of Engineers, would be provided by periodic beach nourishment, the term ‘‘construction’’ shall include the deposit of sand fill at suitable intervals of time to furnish sand supply to protect shores and beaches for a period of time determined by the Chief of En-

gineers and authorized by Congress.

(e) Private Shores and Beaches.—

(1) In general.—A shore or beach, other than a public shore or beach, shall be eligible for Federal assistance under this Act if—

(A) there is a benefit to a public shore or beach, including a benefit from public use or from the protection of nearby public prop-

erty; or

(B) the benefits to the shore or beach are incidental to the project.

(2) Federal share.—The Secretary shall adjust the Federal share of a project for a shore or beach, other than a public shore or beach, to reflect the benefits described in paragraph (1).

(f) Authorization of Projects.—

(1) In general.—Subject to paragraph (2), no Federal share shall be provided for a project under this Act unless—

(A) the plan for that project has been spe-
cifically adopted and authorized by Congress after investigation;

(B) in the case of a small project under sections 3 or 5, the plan for that project has been approved by the Chief of Engineers.

(2) Studies.—

(A) In general.—The Secretary shall—

(i) recommend to Congress studies con-

sidering shore and beach protection projects that meet the criteria established under this Act and other applicable law;

(ii) conduct such studies as Congress re-

quests; and

(iii) support the results of all studies re-

quested by Congress to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representa-

tives.

(B) Recommendations for Shore and Beach Protection Projects.—

(i) In general.—The Secretary shall—

(ii) consider whether there is any other project being carried out by the Secretary or other Federal agency that may be com-

plementary to the shore or beach protection project; and

(iii) if there is such a complementary project, undertake efforts to coordinate the projects.

(3) Shore and Beach Protection Projects.—

(A) In general.—The Secretary shall con-

struct or beach protection project authorized by Congress, or separable element of such a project, for which Congress has ap-

propriated funds.

(B) Agreement.—

(1) Requirement.—After authorization by Congress, before the commencement of construction of a shore or beach protection project or separable element, the Secretary shall offer to enter into a written agreement for the authorized period of Federal participa-

tion in the project with a non-Federal in-

terest in respect to the project or separa-

ble element.

(iii) Terms.—The agreement shall—

(ii) specify the authorized period of Fed-

eral participation in the project; and

(iii) ensure that the Federal Government and the non-Federal interest cooperate in carrying out the project or separable ele-

ment.

(g) Extension of the Period of Federal Participation.—At the request of a non-Fed-

eral interest, the Secretary, acting through the Chief of Engineers and with the approval of Congress, shall extend the period of Federal participation in a beach nourishment project that is economically feasible, engineered sound, and environmentally acceptable for such additional period as the Secretary determines appropriate.

(h) Special Consideration.—In a case in which funds have been appropriated to the Corps of Engineers for a specific project but the funds cannot be expended because of the time limits of environmental permits or similar environmental considerations, the Secretary may carry over such funds for use in the next fiscal year if construction of the project, or a separable element of the project, will cause minimal environmental damage and will not violate an environ-

mental permit.”

By Mr. BUNNING (for himself, Mr. MILLER, Mr. ALEXANDER, and Mr. HATCH):

S. 2106. A bill to amend the Internal Revenue Code of 1986 to provide capital gains treatment for certain self-created musical works; to the Committee on Finance.

Mr. ALEXANDER. Mr. President, I applaud Senator Bunning for introducing the bill to amend the Internal Revenue Code of 1986 to provide capital gains treatment for certain self-created musical works and I am proud to be a co-sponsor of this bill.

This bill will make songwriters eligible for the capital gains tax rate when
they sell their portion of a song catalogue. It treats the taxation of songwriters fairly so that they are on equal footing with musical publishers. Many songwriters are self-employed small business owners, but they are distinguishable from other similar small business owners, such as authors, because the rate of pay for songwriters is set by the Federal Government.

Historically, almost all professional songwriters assigned their copyright to a music publisher. As a result, the songwriters did not own the song or receive any royalty payments from the song. The songwriters did not own the copyright, and therefore, were not required to participate in any expenses toward exploiting it. Currently, songwriters and music publishers are equal, joint-venture business partners. The publisher serves as the songwriter’s agent in getting songs recorded or placed, otherwise known as “co-publishing.” Under this scenario, the songwriter and publisher equally share expenses of, among other things, demos costs and legal fees, and they equally share in any royalty income. Alternatively, the songwriter is the music publisher and bears all of the expenses of, among other things, demo costs and legal fees. Under the first scenario, the songwriter is subject to ordinary income tax, rather than capital gains tax, despite the fact that the sale of the song catalogue was actually a capital gain and should have been taxed as a capital gain. A capital gain is the result of a sale of a capital asset. Clearly, a song catalogue is a capital gain because it is an asset of the songwriter.

Under current law, music publishers are eligible for the capital gains tax rate when they sell their portion of a song catalogue, but songwriters are not. When the publishing rights or the song catalogue is sold, music-publishing companies are allowed to claim the capital gains tax rate on their portion of the sale. However, because the songwriter wrote the song, they must pay ordinary income tax on their share of the sale even though they share in expenses toward exploiting the copyright.

I am proud to be a cosponsor of this bill because it levels the tax playing field between songwriters and music publishers.

By Mr. DeWINE (for himself, Mr. LEAHY, and Mr. DOMENICI):

S. 2107. A bill to authorize an annual appropriation of $10,000,000 for mental health courts through fiscal year 2009; to the Committee on the Judiciary.

Mr. President, I rise today to introduce a bill that would reauthorize America’s Law Enforcement and Mental Health Project. This program addresses the impact that mentally ill offenders have on our criminal justice system and the impact that system has on the offenders and their special needs.

My interest, in experience with this issue began over thirty years ago, when I was working as Assistant County Prosecuting Attorney in Greene County, OH, and then as County Prosecutor. What I learned then—and what I have continued to encounter throughout my career in public service—is that our State and local correctional facilities are saturated for far too many mentally ill individuals in our Nation.

A recent J ustice Department study revealed that 16 percent of all inmates in Federal prisons and local jails today are mentally ill. The American Jails Association estimates that 600,000 to 700,000 seriously mentally ill persons each year are booked into local jails, alone. In Ohio, nearly 1 in 5 prisoners need psychiatric services or special accommodations.

Far too many of our Nation’s mentally ill persons have ended up in our prisons and jails. In fact, on any given day, the Los Angeles County Jail is home to more mentally ill inmates than any other incarceration in the United States. What happens is that all too often, the mentally ill act out their symptoms on the streets. They are arrested for minor offenses and wind up in jail. They serve their sentences or are paroled, but find themselves right back in the system only a short time later after committing additional—often more serious—crimes.

Throughout this destructive cycle, law enforcement and corrections spend time and money trying to cope with the unique problems posed by these individuals. Certainly, many mentally ill offenders must be incarcerated because of the severity of their crimes. However, those who commit very minor non-violent offenses don’t necessarily need to be incarcerated; instead, if given appropriate care early, their illnesses could be addressed, helping the offenders, while reducing recidivism and decreasing prison overcrowding on our police and corrections officials.

That’s why, four years ago Senator DOMENICI and I introduced America’s Law Enforcement and Mental Health Project, to begin to identify—early in the process—mentally ill offenders within our justice system and to use the power of the courts to assist them in obtaining the treatment they need. This program has been a success. In pilot programs around the country, mental health courts have begun to help local communities take steps toward effectively addressing the issues raised by the mentally ill in our justice system, and these steps must continue. That’s why Senators LEAHY and DOMENICI join me in cosponsoring this bill to reauthorize this important program.

America’s Law Enforcement and Mental Health Project established a Federal grant program to help States and localities develop mental health courts and community-based programs. These courts are specialized courts with separate dockets. They hear cases exclusively involving nonviolent offenses committed by mentally ill individuals. Fundamentally, mental health courts enable State and local courts to offer alternative sentences or alternatives to prosecution for those offenders who could be served best by mental health treatment. These courts were designed to address the historic lack of coordination between local law enforcement and social service systems and the lack of interaction within the criminal justice system.

To deal with the separate needs of mentally ill offenders, these mental health courts are staffed by a core group of specialized professionals, including a dedicated judge, prosecutor, public defender, and court liaison to the mental health services community. The courts promote efficiency and consistency by centrally managing all outstanding cases involving a mentally ill defendant referred to the mental health court.

Mental health court judges decide whether or not to hear each case referred to them. The courts only deal with defendants deemed mentally ill by qualified mental health professionals or the mental health court judge. Similarly, participation in the court by the defendant is mandatory. However, once the defendant volunteers for the Mental Health Court, he or she is expected to follow the decision of the court. For instance, in any given case, mental health court judge, attorneys, and health service providers may all agree on a plan of treatment as an alternative sentence or in lieu of prosecution. The defendant must adhere strictly to this court-imposed treatment plan. The court must then provide supervision with periodic review. This way, the court can quickly deal with any failure of the defendant to fulfill the treatment plan obligations. The mental health courts provide supervision of participants that is more intensive than might otherwise be available, with an emphasis on accountability and monitoring the participant’s performance. In this sense, the mental health courts function similarly to drug courts.

Mr. President, mentally ill persons who choose to have their cases heard in a mental health court often do so because that is the first real opportunity that many of these people have to seek treatment. A judicial program offering the possibility of effective liaison—rather than jail time—gives a measure of hope and a chance for rehabilitation to these defendants.

The successes of mental health courts are encouraging and show that we can improve the health and safety of our communities through these programs. For example, in Ohio, the Fairfield Municipal Mental Health Court began its program on January 1, 2001. Of those participating in the Fairfield program, 46 percent are bipolar, 42 percent suffer from other mental illness, and 12 percent are schizophrenic. It recently conducted its first “graduation” ceremony of program participants. The program’s
first graduate came to them hostile, uncommunicative, and unable to function in society due to her bipolar mood disorder. Two years later, she left the program confident, talkative, healthier, and reconnected to her family and friends.

Many jurisdictions across America have established mental health courts as a result of the program that we established four years ago. Our Nation's communities are trying desperately to find the best way to cope with the problems associated with mental illness. Law enforcement agencies and correctional facilities remain challenged by difficulties posed by mental illnesses. Mental health courts offer a solution.

Mental health courts have shown great success, and we must ensure their continuation. Our Nation has long been enriched by the dual ideals of compassion and justice, and these programs are a wonderful embodiment of both, and I urge my colleagues to join in support of this important legislation.

I ask unanimous consent that the text of the bill be printed in the Record.

Without objection, the bill was ordered to be printed in the Record, as follows:

S. 2107

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

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.


By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. LIEBERMAN, and Mrs. CANTWELL):

S. 2108. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that consumers receive information about the nutritional content of restaurant food and vending machine food; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I rise to introduce a bill, the Menu Education and Labeling Act, on behalf of myself and my colleagues, Senators KENNEDY, LIEBERMAN, and CANTWELL.

More than 65 percent of American adults are overweight, and more than 30 percent are clinically obese. We lead the world in this dubious distinction, which is growing worse. In the past 20 years, obesity rates have doubled among American adults and children, while they have tripled among teens. If we do not change course, kids attending school today will be the first generation in American history to live a shorter lifespan than their parents.

The issue is far from merely cosmetic; it is a medical and economic. The obesity epidemic is linked with mental illness. Sixty percent of overweight youth already have at least one risk factor for heart disease which is the No. 1 killer of adults in the U.S. Obesity also causes or contributes to $117 billion a year in health care and related costs, more than half borne by taxpayers.

There is no simple solution to the complex problem of obesity, but we must start taking meaningful steps to address this growing problem by giving people the tools they need to lead healthier lifestyles. That is why my colleagues and I are introducing this bill today to extend nutrition labeling beyond packaged foods to include foods at chain restaurants with 20 or more locations, as well as food in vending machines. This common-sense idea will give consumers a needed tool to make wiser choices and achieve a healthier lifestyle. It is a positive step toward addressing the obesity epidemic.

In 1990, Congress passed the Nutrition Labeling and Education Act, NLEA, requiring food manufacturers to provide nutrition information on nearly all packaged foods. The impact has been tremendous. Not only do nearly three-quarters of adults use the food labels this year, studies indicate that consumers who read labels have healthier diets.

Restaurants, which are more and more important to Americans' diet and health, were excluded from the NLEA. As a result, Americans consume more than a third of their calories at restaurants at the very time when nutrition and health experts say that rising caloric consumption and growing portion sizes are causes of obesity. We also know that when children eat in restaurants, they consume twice as many calories as when they eat at home. Consumers say that they would like nutrition information provided when they order their food at restaurants, yet, while they have the nutrition information in supermarkets, at restaurants they can only guess.

Vending machine food sales also play a large role in contributing to the diets of Americans. Over the last three decades vending machine sales have shot up eighty-five percent after inflation. Most vending machine sales include foods of low nutritional value. The Menu Education and Labeling Act will require fast-food and other chain restaurants, as well as vending machine vendors, to list nutrition information clearly—so consumers can make better choices about the foods that they eat.

Let there be no doubt: obesity is indeed an epidemic, and it is continuing to grow among adults and children, at both a public health crisis and we must address it. Although this bill alone will not halt rising obesity in its tracks, it provides consumers with an important tool with which to make better choices about the food that they and their children consume. It is a critical step in solving one of the most pressing health problems today.

In the coming weeks I will be offering additional initiatives to give Americans the tools they need to stay healthy and address risk factors like obesity and mental health that are associated with the rising medical and financial costs of chronic illnesses. The common thread will be an emphasis on preventing unnecessary disease and illness.

By Mrs. FEINSTEIN (for herself, Mr. WARNER, Mr. SCHUMER, Mr. DEWINE, Mr. LEVIN, Mr. CHAFEE, Mr. DODD, Mr. JEFFORDS, Mrs. BOXER, Mrs. CLINTON, Mr. REED, and Mr. LAUTENBERG):

S. 2109. A bill to provide for 10-year extension of the assault weapons ban; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise on behalf of myself and Senators WARNER, SCHUMER, DEWINE, LEVIN, CHAFEE, DODD, JEFFORDS, BOXER, CLINTON, REED and LAUTENBERG to offer legislation that will reauthorize the 1994 assault weapons ban—which is now set to expire on September 13, 2004—for another ten years.

First of all, I first like to thank my courageous colleague from Virginia, Senator WARNER, for joining me in this effort. Senator WARNER voted against the assault weapons ban in 1994. But this year, Senator WARNER was willing to revisit his position on the issue. He saw that—contrary to the fears of many in 1994—the ban has done nothing to hurt innocent gun owners. Instead, the ban has only made it harder for criminals to get access to military style firearms. A willingness to look at issues like this with an open mind, particularly this issue, shows courage and a commitment to making the right decisions that should be emulated by all public servants, and I want to again thank Senator WARNER for this.

Second, I would like to speak about who else supports this legislation. Those who join us in supporting a reauthorization of the assault weapons ban include: Fraternal Order of Police; National League of Cities; United States Conference of Mayors; National Association of Counties; International Association of Chiefs of Police; National Association of Police Organizations; International Brotherhood of Police Officers; U.S. Conference of Catholic Bishops; National Education Association; Americans for Gun Safety; The Brady Campaign/Million Mom March; NAACP; American Bar Association; and the list goes on, and on.

More than ten years ago—on July 1, 1993—Gian Luigi Ferri walked into 101 California Street in San Francisco carrying two high-capacity TEC-9 assault pistols. Within minutes, Ferri had murdered eight people, and six others were wounded. This tragedy shook San Francisco, and it shook the entire Nation.

The American people saw in that incident and so many others that came before and after it the incredible devastation that could be inflicted with military-style assault weapons—weapons designed and manufactured with one goal in mind—maximum lethality.
It all started, really, on August 1, 1966, when Charlie Whitman climbed the clock tower at the University of Texas and killed more than a dozen people in an hour and a half shooting spree before he was finally killed himself.

The day Whitman climbed that tower was the first time Americans realized that they could become the random victims of gun violence no matter where they were, and no matter what they were doing, in a lot of other places.

When a man named Charles Whitman killed 6 and wounded 19 others on Long Island, NY, in 1993, when a gun-wielding individual walked into a schoolyard with an AK-47 and killed 5, wounding 30 others. In Stockton, CA, in 1989, when drifter Patrick Purdy walked into a schoolyard with a .47 with a large capacity ammunition magazine.

It is often only when a gunman stops to reload that bystanders or the police can move in to stop the shooting. And if the gun’s magazine holds hundreds of bullets, that could take a long time, and more deaths.

This is vitally important, because grievance killings by disgruntled members of society have taken an increasing number of lives in recent years. And when those grievance killers wield high capacity weapons, the toll on lives is exponentially increased.

The grievance killings have been across the Nation, in every forum: In a San Ysidro, CA, McDonald’s in 1984, when a gunman with an Uzi killed 21 and wounded 18 others. In Stockton, CA, in 1989, when drifter Patrick Purdy walked into a schoolyard with an AK-47 and killed 5, wounding 30 others. In Long Island, NY, in 1993, when a gunman killed 6 and wounded 19 others on a commuter train—he was only brought down when he finally stopped to reload. In Pearl, MS, in 1997 when 2 students were killed. In Paducah, KY, in 1998 when 3 students were killed. In Jonesboro, AR, in 1998 when 5 were killed, and 10 more wounded. In Springfield, Ill., when 2 were killed, and 22 wounded. In Littleton, CO, when 12 teens and one teacher were killed in Columbine High School. In Atlanta, GA in 1999 when a troubled day trader killed his wife, 2 children and several people trading stocks. At a Granada Hills, CA, Jewish Community Center when a gunman wounded three and killed a Filipino-American postal worker—many of us remember that one touching photo of small children being quickly led by the street to escape the gunfire. No child should have to go through that. At a Fort Worth, TX, Baptist church where seven were killed and seven more wounded at a teens church event, all by a man with two guns and 9 high capacity clips, with a capacity of 15 rounds each.

Recognizing the earliest of these shootings as a problem that needed to be dealt with, Congress finally took notice. In the 101st Congress, we in Congress did something that no one had succeeded in doing before—we banned the manufacture and importation of military-style assault weapons. We were told it could not be done—but we did it. I was even told by colleagues on my own side of the aisle that I was wasting my time—that the gun lobby was just too strong. I hear many of the same arguments today.

But we succeeded in 1994, and we will succeed this year. We succeeded, and we will succeed, because the American people will accept no less of us.

The goal of the 1994 legislation was to keep these high capacity weapons out of the hands of potential criminals. It was the first time these high capacity weapons fell by more than 65 percent between 1995 and 2002.

The ATF has found that the proportion of banned assault weapons used in crime has fallen from 3.57 percent in 1995 to just 1.22 percent by 2002. Now these are not big percentages—most crimes are not committed by assault weapon owners.

But it is important to note that crimes committed with assault weapons often result in many more deaths than crimes committed with other guns. A simple robbery with a handgun is far less likely to result in multiple deaths than a drive-by shooting with an Uzi, or a grievance killing in a school using an AK-47 with a high capacity ammunition magazine.

And contrary to the near-hysterical rhetoric coming from the NRA at the time, no innocent gun owner lost an assault weapon. No gun was confiscated as a result of the ban. The sky did not fall. And life went on—but it went on with fewer grievance killers, juveniles, and drive-by shooters having access to the most dangerous of firearms.

Despite these results, House Majority Leader Tom DeLay said last year that House Republicans will let the Assault Weapons ban die when it sunsets after ten years.

To those of us who have been in Congress for some time, this comes as little surprise—after all, the House actually voted to repeal the original assault weapons ban soon after it was signed into law.

But the good news is that the President of the United States does support reauthorizing the ban.

In April of last year, White House spokesman Scott McClelland said of the Assault Weapons ban, “The president supports the current law, and he supports reauthorization of the current law.”

That is what we are doing with this legislation—reauthorizing the current law. Period.

I know the President agrees with me when I say that I don’t believe that banned guns like the AK-47, the TEC-9, the Street Sweeper should be manufactured or imported into the United States. These are military guns, with no purpose but the killing of other human beings. They have pistol grips and other features designed solely to allow the weapons to be more easily fired, and more easily fired from the hip in close quarters combat—or, tragically, in places like the schoolyard in Stockton, where five children died, the McDonalds in San Ysidro, the law firm at 101 California Street in San Francisco, Columbine High School, or so many other places where maniacs with their military guns were able to shoot large numbers of people in short periods of time.

That is why I believe that Congress should reauthorize the 1994 law, which expires next September 13. And that is undoubtedly why the President also supports our efforts.

I know there will be some who will say that the current law doesn’t go far enough—and frankly, I agree. I would prefer to expand the ban to California law, so that we prohibit the copycat assault weapons that manufacturers so cravenly designed following the ban.

Senator Lautenberg has introduced legislation to do this, and I co-sponsored that bill. Ideally, we would pass legislation that fully prevents craven manufacturers from circumventing the ban.

But in an environment where the NRA has such a stranglehold on gun legislation, we will need all the help we can get just to keep the current ban.

The current ban has been effective in limiting the supply of these most dangerous guns. Even the copycat guns are too dangerous, because they are easier to conceal, harder to fire from the hip.

And no matter whether the ban has been entirely effective or not, what is the argument for letting these banned guns back on the streets?

Who is clamoring for new TEC-9s?

Who is clamoring for newly manufactured AK-47s?

These are guns that are never used for hunting. They are not used for self defense, and if they are it is more likely they will kill innocents than intruders.

These guns—and everyone knows it—have but one purpose, and that purpose is to kill other human beings. Why would we want to open the floodgates again and let them back on our streets? There is simply no good reason.

This debate should not be about whether the assault weapons ban is perfect. This debate should be about whether the guns need to come back—and the American people know that they do not.

With the President, law enforcement, and the American people behind us, we
can succeed. We can beat the NRA’s narrow, special interest agenda and keep these guns off the streets.

I urge my colleagues to read the dozens of editorials in support of the ban, to listen to their constituents, to ask us questions, and to make the only decision that makes sense—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. 2109
Ordered to be printed in the RECORD, as the endorsement of just about every representative of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.
This Act may be cited as the “Assault Weapons Ban Reauthorization Act of 2004”.

SEC. 2. 10-YEAR EXTENSION OF ASSAULT WEAPONS BAN.
Section 110105 of the Public Safety and Recreational Firearms Use Protection Act (18 U.S.C. 921 note) is amended to read as follows:

"SEC. 110105. SUNSET PROVISION.
"This subtitle and the amendments made by this subtitle are repealed September 13, 2014.

Mr. WARNER. Mr. President, I rise today in support of reauthorizing the Assault Weapons Ban.

Signed into law in 1994, the Assault Weapons Ban placed a 10-year prohibition on the domestic manufacture of semi-automatic assault weapons and high capacity ammunition clips. The 10-year ban ends on September 13, 2004. Consequently, unless Congress and the President act prior to September 13, 2004, weapons like UZIs and AK-47s will once again be produced in America, and more and more often, these weapons will fall into the hands of criminals who lurk in our neighborhoods.

For a number of years now, President Bush has indicated that he supports reauthorizing the assault weapons ban. To date, though, no legislation has been introduced in the Senate to accomplish the President’s goal. While measures have been introduced to make the ban permanent or to even expand the ban further, no legislation has been introduced to simply reauthorize the Assault Weapons Ban for another ten years.

I am pleased today to introduce, with Senator FEINSTEIN, legislation that models exactly what the President has indicated he would sign into law: a straight 10-year reauthorization of the Assault Weapons Ban.

Not only does President Bush support this legislation—law enforcement does as well. The men and women of law enforcement know that this legislation makes communities safer. In a letter dated February 18, 2004, the Grand Lodge of the Fraternal Order of Police writes, “It is the position of the Grand Lodge that we will support the reauthorization of current law, but we will not support any expansion of the ban.” This endorsement comes in addition to the endorsement of just about every other major law enforcement organization, and in addition to the endorsements of chiefs of police all across Virginia.

Now, admittedly, I have not always been a supporter of the Assault Weapons Ban. Ban legislation came before the United States Senate for a vote in 1993, I opposed it. At the time, I believed Senator FEINSTEIN’s legislation would do nothing to help reduce crime in this country, and I believed it would be a back door way to take firearms out of the hands of law abiding gun-owners and hunters.

Ten years have since passed from the day of that vote. Over the course of those ten years, I have watched the bill be signed into law, and I have watched its implementation. I have studied the law and its affect on crime, and I have watched carefully to see how it affects law abiding gun-owners.

Based on the ten years of history of the Assault Weapons Ban, my thoughts on the ban have evolved. Ten years of experience provides us with key facts. The Assault Weapons Ban has helped to dramatically reduce the number of crimes using assault weapons. It has made America’s streets safer, and it protected the rights of law abiding gun-owners better than many of us predicted. In fact, the law explicitly protects 670 hunting and recreational rifles.

Moreover, we all know that the world has dramatically changed since that Senate vote in 1993. September 11, 2001, has forever changed our country and has taught us many lessons.

No longer is America protected by the great oceans. The war on terror is not only being fought abroad, but now here at home. September 11 showed us that terrorism lurks in the shadows of our own backyard. Given the world today, now is not the time to make it easier for terrorists to acquire deadly rapid fire assault weapons and use them in mass killings.

Now, over my 25 years plus in the United States Senate, I have always tried to stand up for what is right, regardless of politics. I believe that is why the good people of the Commonwealth of Virginia have given me their trust and elected me to represent them in the United States Senate for five terms.

I know that reauthorizing the Assault Weapons Ban is the right thing to do.

I am pleased to join Senator FEINSTEIN in introducing this legislation, and it is my hope that the Senate will act expeditiously and send this legislation to President Bush to sign into law.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):
S. 2110. A bill to amend the Internal Revenue Code of 1986 to extend the High Volume Ethanol Excise Tax Credit through March 31, 2004, and to add the volumetric ethanol excise tax credit (VEETC), and for other purposes; to the Committee on Finance
Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat:

(1) each expiring provision of paragraphs (1) through (9) of section 40(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

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

SEC. 3. ALCOHOL AND BIODIESEL EXCISE TAX CREDIT AND EXTENSION OF ALCOHOL FUELS INCOME TAX CREDIT.

(a) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application) is amended by inserting after section 6425 the following new section:

SEC. 6426. CREDIT FOR ALCOHOL FUEL AND BIO-DIESEL MIXTURES.

"(a) ALLOWANCE OF CREDITS.—There shall be allowed as a credit against the tax imposed by section 4081 an amount equal to the sum of:

"(1) the alcohol fuel mixture credit, plus

"(2) the biodiesel mixture credit.

"(b) ALCOHOL FUEL MIXTURE CREDIT.—

"(1) IN GENERAL.—For purposes of this section, the alcohol fuel mixture credit is the product of the applicable amount and the number of gallons of alcohol used by the taxpayer in producing any alcohol fuel mixture for sale or use in a trade or business of the taxpayer.

"(2) APPLICABLE AMOUNT.—For purposes of this subsection—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the applicable amount is 50 cents.

"(B) AMOUNT FOR AGRI-BIODIESEL.—In the case of any biodiesel which is agri-biodiesel, the applicable amount is $1.00.

"(3) BIODIESEL MIXTURE CREDIT.—For purposes of this section, the term 'biomass-based diesel fuel' means a mixture of biodiesel and diesel fuel (as defined in section 402(g)(4)); the term 'biodiesel mixture' means a mixture of biodiesel and diesel fuel (as defined in section 402(g)(3)), determined without regard to any use of kerosene, which—

"(A) is sold by the taxpayer producing such mixture to any person for use as a fuel, 

"(B) is used as a fuel by the taxpayer producing such mixture, or

"(C) is removed from the refinery by a person producing such mixture.

"(4) CERTIFICATION FOR BIODIESEL.—No credit shall be allowed under this section unless the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer of the biodiesel which identifies the product produced and the percentage of biodiesel and agri-biodiesel in the product.

"(5) OTHER DEFINITIONS.—Any term used in this subsection which is also used in section 40A shall have the meaning given such term by section 40A—

"(G) TERMINATION.—This subsection shall not apply to any sale, use, or removal for any period after December 31, 2009.

"(H) MIXTURE NOT USED AS A FUEL, ETC.—

"(1) IMPOSITION OF TAX.—For purposes of this section with respect to alcohol or biodiesel used in the production of any alcohol fuel mixture or biodiesel mixture, respectively, and—

"(A) any person—

"(i) separates the alcohol or biodiesel from the mixture, or

"(ii) without separation, uses the mixture other than as a fuel, then there is hereby imposed on such person a tax equal to the product of the applicable amount and the number of gallons of such alcohol or biodiesel.

"(2) APPLICABLE LAWS.—All provisions of law, including penalties, shall, insofar as applicable and not inconsistent with this section, apply in respect of any tax imposed under this subsection and no such tax was imposed by section 40B and not by this section.

"(3) COORDINATION WITH OTHER REPAYMENT PROVISIONS.—No amount shall be payable under paragraph (1) with respect to tax imposed by section 40B if there was not a fuel credit (as determined under section 4041(m)(2)) or a denatured alcohol, and

"(4) TERMINATION.—This subsection shall not apply with respect to any alcohol or biodiesel mixture (as defined in section 6426(b)(3)) or alcohol (as so defined) sold or used after December 31, 2010.

"(B) TAXABLE FUEL.—The term 'taxable fuel' has the meaning given such term by section 40A—

"(1) IN GENERAL.—For purposes of this section, the biodiesel mixture credit is the product of the applicable amount and the number of gallons of biodiesel used by the taxpayer producing biodiesel mixture for sale or use in a trade or business of the taxpayer.

"(2) APPLICABLE AMOUNT.—For purposes of this subsection—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the applicable amount is 50 cents.

"(B) AMOUNT FOR AGRI-BIODIESEL.—In the case of any biodiesel which is agri-biodiesel, the applicable amount is $1.00.

"(3) BIODIESEL MIXTURE CREDIT.—For purposes of this section, the term 'biomass-based diesel fuel' means a mixture of biodiesel and diesel fuel (as defined in section 402(g)(4)); the term 'biodiesel mixture' means a mixture of biodiesel and diesel fuel (as defined in section 402(g)(3)), determined without regard to any use of kerosene, which—

"(A) is sold by the taxpayer producing such mixture to any person for use as a fuel, 

"(B) is used as a fuel by the taxpayer producing such mixture, or

"(C) is removed from the refinery by a person producing such mixture.

"(4) CERTIFICATION FOR BIODIESEL.—No credit shall be allowed under this section unless the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer of the biodiesel which identifies the product produced and the percentage of biodiesel and agri-biodiesel in the product.

"(5) OTHER DEFINITIONS.—Any term used in this subsection which is also used in section 40A shall have the meaning given such term by section 40A—

"(K) TERMINATION.—This subsection shall not apply to any sale, use, or removal for any period after December 31, 2009.

"(L) MIXTURE NOT USED AS A FUEL, ETC.—

"(1) IMPOSITION OF TAX.—For purposes of this section with respect to alcohol or biodiesel used in the production of any alcohol fuel mixture or biodiesel mixture, respectively, and—

"(A) any person—

"(i) separates the alcohol or biodiesel from the mixture, or

"(ii) without separation, uses the mixture other than as a fuel, then there is hereby imposed on such person a tax equal to the product of the applicable amount and the number of gallons of such alcohol or biodiesel.

"(2) APPLICABLE LAWS.—All provisions of law, including penalties, shall, insofar as applicable and not inconsistent with this section, apply in respect of any tax imposed under this subsection and no such tax was imposed by section 40B and not by this section.

"(3) COORDINATION WITH OTHER REPAYMENT PROVISIONS.—No amount shall be payable under paragraph (1) with respect to tax imposed by section 40B if there was not a fuel credit (as determined under section 4041(m)(2)) or a denatured alcohol, and

"(4) TERMINATION.—This subsection shall not apply with respect to any alcohol or biodiesel mixture (as defined in section 6426(b)(3)) or alcohol (as so defined) sold or used after December 31, 2010.

"(C) BIODIESEL MIXTURE.

"(1) IN GENERAL.—For purposes of this section, the biodiesel mixture credit is the product of the applicable amount and the number of gallons of biodiesel used by the taxpayer producing any biodiesel mixture for sale or use in a trade or business of the taxpayer.
shall pay (without interest) to such person an amount equal to the excess of the regular tax rate over the incentive tax rate with respect to such fuel.

(2) DEFINITIONS.—For purposes of paragraph (1)—

(A) REGULAR TAX RATE.—The term ‘regular tax rate’ means the aggregate rate of tax imposed by section 4081, with respect to fuel described in subsection (c) thereof.

(B) INCENTIVE TAX RATE.—The term ‘incentive tax rate’ means the aggregate rate of tax imposed by section 4081, with respect to fuel described in subsection (c) thereof.

(3) COORDINATION WITH OTHER REPAYMENT PROVISIONS.—No amount shall be payable under this section with respect to any aviation fuel with respect to which an amount is payable under subsection (d) or (l).

(4) TERMINATION.—This subsection shall not apply with respect to any mixture sold or used after September 30, 2007.

(11) Paragraphs (1) and (2) of section 6427(i) of such Code are amended by inserting “(f),” after “(d),”.

(12) Section 6427(i)(3) of such Code is amended—

(A) by striking “subsection (f)” both places it appears in subparagraph (A) and inserting “subsection (e),”

(B) by striking “gasoline, diesel fuel, or kerosene used to produce a qualified alcohol mixture (as defined in section 4081(c)(3))” in subparagraph (A) and inserting “a mixture described in section 4626,”

(C) by adding at the end of subparagraph (A) the following new flush sentence: “In the case of an electronic claim, this subparagraph shall be applied without regard to clause (i).”,

(D) by striking “subsection (f)” in subparagraph (B) and inserting “subsection (e),”

(E) by striking “20 days of the date of the filing of such claim” in subparagraph (B) and inserting “45 days of the date of the filing of such claim” by striking “the electronic claim” and

(F) by striking “ALCOHOL Mixture” in the heading and inserting “ALCOHOL FUEL AND BIODIESEL MIXTURE.”

(13) Section 6427(j) of such Code is amended—

(A) by striking paragraph (1) and inserting the following new paragraph:

“(1) BIODIESEL MIXTURE CREDIT.

(B) by striking paragraph (2) and inserting—

“(A) IN GENERAL.

(1) BIODIESEL.

(II) any credit was determined under this section—

(i) for the taxable year in which such sale or use occurs.

(ii) only if the sale or use described in subparagraph (B) is in a trade or business of the taxpayer, and

(iii) for the taxable year in which such sale or use occurs.

(B) QUALIFYING BIODIESEL Mixture.

The term ‘qualifying biodiesel mixture’ means a mixture of biodiesel and diesel fuel (as defined in section 4081(c)(3)), determined without regard to any use of kerosene, which—

(i) is sold by the taxpayer producing such mixture to any person for use as a fuel, or

(ii) is used by a person for purposes of this section with respect to the retail sale of any biodiesel and

(iii) without separation, uses the mixture other than as a fuel.

(16) Section 9503(c)(2)(A)(i) of such Code is amended by adding a new par

(2) CREDIT FOR AGRI-BIODIESEL.—The term ‘agri-biodiesel’ means biodiesel derived solely from vegetable oils from corn, soybeans, sunflower seeds, cottonseeds, canola, crambe, rapeseeds, safflower seeds, rice bran, and mustard seeds, and from animal fats.

(3) MIXTURE OR BIODIESEL NOT USED AS A FUEL, ETC.—

(A) MIXTURES.—If—

(i) any credit was determined under this section with respect to biodiesel used in the production of any qualified biodiesel mixture, and

(ii) any person earns a benefit provided with respect to such biodiesel solely by reason of the application of section 6426 or 6427(e),

then there is hereby imposed on such person a tax equal to the product of the rate applicable under subsection (b)(2)(A) and the number of gallons of such biodiesel in such mixture.

(B) BIODIESEL.—If—

(i) any credit was determined under this section with respect to the retail sale of any biodiesel, and

(ii) any person mixes such biodiesel or uses such biodiesel other than as a fuel, then there is hereby imposed on such person a tax equal to the product of the rate applicable under subsection (b)(2)(A) and the number of gallons of such biodiesel.

(2) CASUAL OFF-FARM PRODUCTION NOT ELIGIBLE.—No credit shall be allowed under this section unless the taxpayer obtains a certification (in the manner prescribed by the Secretary) from the producer or importer of the biodiesel which identifies the product produced and the percentage of biodiesel and agri-biodiesel in the product.

(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(A) BIODIESEL.—The term ‘biode

GIBLE.

(2) AGRIBIODIESEL.—The term ‘agri-biodiesel’ means biodiesel derived solely from virgin oils, including esters derived from virgin vegetable oils from corn, soybeans, sunflower seeds, cottonseeds, canola, crambe, rapeseeds, safflower seeds, rice bran, and mustard seeds, and from animal fats.

(3) MIXTURE OR BIODIESEL NOT USED AS A FUEL, ETC.—

(A) MIXTURES.—If—

(i) any credit was determined under this section with respect to biodiesel used in the production of any qualified biodiesel mixture, and

(ii) any person

separates the biodiesel from the mixture, and

(iii) without separation, uses the mixture other than as a fuel, then there is hereby imposed on such person a tax equal to the product of the rate applicable under subsection (b)(2)(A) and the number of gallons of such biodiesel in such mixture.

(B) BIODIESEL.—If—

(i) any credit was determined under this section with respect to the retail sale of any biodiesel, and

(ii) any person mixes such biodiesel or uses such biodiesel other than as a fuel, then there is hereby imposed on such person a tax equal to the product of the rate applicable under subsection (b)(2)(A) and the number of gallons of such biodiesel.

(2) AGRI-BIODIESEL.—The term ‘agri-biodiesel’ means biodiesel derived solely from vegetable oils from corn, soybeans, sunflower seeds, cottonseeds, canola, crambe, rapeseeds, safflower seeds, rice bran, and mustard seeds, and from animal fats.

(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(A) BIODIESEL.—The term ‘biode

GIBLE.

(2) AGRIBIODIESEL.—The term ‘agri-biodiesel’ means biodiesel derived solely from virgin oils, including esters derived from virgin vegetable oils from corn, soybeans, sunflower seeds, cottonseeds, canola, crambe, rapeseeds, safflower seeds, rice bran, and mustard seeds, and from animal fats.
Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 24, 2004, at 10 a.m. for a joint hearing with the House of Representatives' Committee on Veterans' Affairs, to hear the legislative presentation of the Disabled American Veterans.

The hearing will take place in room 216 of the Hart Senate Office Building at 2:00 p.m. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, February 24, 2004, at 10 a.m. to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Tuesday, February 24, 2004, from 10:00 a.m.—12:00 p.m. in Dirksen 628 for the purpose of conducting a hearing.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. MCBRIDE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, February 25, 2004, at 9:30 a.m. in Room 416 of the Russell Senate Office Building to conduct a hearing on the President's Fiscal Year 2005 Budget Request. Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

Mr. CRAG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, February 25th, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 1254, to resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation, and for other purposes; S. 1575 and H.R. 1062, to direct the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada; S. 1778, to authorize a land conveyance between the United States and the City of Craig, Alaska, and for other purposes; S. 1819 and H.R. 2727, to direct the Secretary of Agriculture to convey certain land to Landers County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries; and H.R. 3924, to extend the term of the Forest Counties Payments Committee.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-4350.

For further information, please contact Frank Gladics at 202-224-3278.

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. COCHRAN. Mr. President, I would like to announce that the Subcommittee on Agriculture, Nutrition, and Forestry is meeting on Tuesday, February 24, 2004, at 2:00 p.m. in the Hart Senate Office Building.

The purpose of the subcommittee hearing is to discuss the development of a national animal identification plan.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, February 24, 2004, at 10:00 a.m. for a hearing titled "Preserving a Strong United States Postal Service: Workforce Issues."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, February 24, 2004, at 10:00 a.m. to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, February 24, 2004, at 10:00 a.m. to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Tuesday, February 24, 2004, from 10:00 a.m.—12:00 p.m. in Dirksen 628 for the purpose of conducting a hearing.
The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON TERRORISM, TECHNOLOGY AND HOME LAND SECURITY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Terrorism, Technology and Homeland Security be authorized to meet to conduct a hearing on “Virtual Threat, Real Terror: Cyberterrorism in the 21st Century” on Tuesday, February 24, 2004, at 10 a.m., in Dirksen 226.

WITNESS LIST

Panel I: Mr. John Malcolm, Deputy Assistant Attorney General, DOJ, Washington, DC; Mr. Keith Lourdeau, Deputy Assistant Director, FBI, Washington, DC; and Mr. Amit Yoran, director of the National Cybersecurity Division, DHS, Washington, DC.

Panel II: Mr. Dan Veron, Author, Burke, VA; Mr. Howard Schmidt, Chief Information Security Officer, eBay, San Jose, CA; and Mr. Michael Vatis, Executive Director, Task Force on National Security in the Information Age, New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ENSIGN. Mr. President, I ask unanimous consent that Dr. Rita Redberg, a legislative fellow for Senator HATCH, be granted floor privileges during consideration of S. 2061, the Healthy Mothers and Healthy Babies Access to Care Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that privileges of the floor be granted to Lauren Doyle, a legislative fellow in my office.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that Patrick Shen and Brett Tolman, detailees on the Judiciary Committee staff, be granted the privileges of the floor for the duration of this session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALENT. Mr. President, I ask unanimous consent that one of my staffers, Telly Lovelace, be permitted the privilege of the floor for the rest of the afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING 200TH ANNIVERSARY OF THE BIRTH OF CONSTANTINO BRUMIDI

AUTHORIZING PRINTING OF “HISTORY OF THE UNITED STATES CAPITOL”

PERMITTING USE OF ROTUNDA OF THE CAPITOL FOR COMMEMORATION OF HOLOCAUST

Mr. Frist. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following resolutions which are at the desk en bloc: H. Con. Res. 264, H. Con. Res. 358, and H. Con. Res. 359.

The PRESIDING OFFICER. The clerk will report the concurrent resolutions by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 264) authorizing and requesting the President to issue a proclamation to commemorate the 200th anniversary of the birth of Constantino Brumidi.


A concurrent resolution (H. Con. Res. 359) permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

There being no objection, the Senate proceeded to consider the concurrent resolutions.

Mr. Frist. Mr. President, I ask unanimous consent that the concurrent resolutions be agreed to, the preambles, where applicable, be agreed to, the motions to reconsider be laid upon the table en bloc, and any statements relating to the concurrent resolutions be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 264) was agreed to.

The concurrent resolution (H. Con. Res. 358) was agreed to.

The concurrent resolution (H. Con. Res. 359) was agreed to.

MEASURE READ THE FIRST TIME—H.R. 3783

Mr. Frist. Mr. President, I understand that H.R. 3783 which came over from the House is at the desk, I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3783) to provide an extension of the authority of the Transportation Equity Act for the 21st Century.

Mr. Frist. I now ask for its second reading and object to further proceedings on this matter.

The PRESIDING OFFICER. Objection is heard.

Mr. Reid. Mr. President, will the Senator yield?

Mr. Frist. Yes.

Mr. Reid. Mr. President, I know H.R. 3740 is an important piece of legislation. It extends the highway bill now in effect for 4 months. I have not spoken to Senator INHOFE today, but we have communicated through staff. He and I would rather have a 1-month extension. It is my understanding that the two leaders have met and think that 60 days would be an appropriate time. I want everybody to be on notice that if there is any effort to extend this beyond 60 days, I will do whatever I can to make sure that is not the case.

It is so important that we move this most important piece of legislation to 4 months, as there will be no bill this year. We have spent too much time over here. It now appears that the debate is over dollars. It is not about the content of the bill itself.

I hope the two leaders understand the grief and difficulty that Senators INHOFE and I and Kit Bond and Senator Jeffords have gone through to get to the point where we are. I will agree with the decision of the two leaders, but when it comes back from the House, I hope there will be an agreement to split the difference after that.

Mr. Frist. Mr. President, in all likelihood, we will be looking at 2 months. Again, for those listening now, a lot of people said 1 month. A lot of people said 4 months. A lot of people said a year. So this was negotiated again with both sides, and we understand the immediacy and the importance of this bill, which I do also strongly support.

ORDERS FOR WEDNESDAY, FEBRUARY 25, 2004

Mr. Frist. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, February 25. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the motion to proceed to S. 1805, the gun liability bill; provided that the time until 10:30 a.m. be equally divided between Senators Craig and Reed of Rhode Island, or their designees, and the vote on the cloture motion occur at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. Frist. Mr. President, tomorrow the Senate will resume consideration of this motion to proceed to S. 1805, the gun liability bill. The cloture vote on the motion to proceed will occur at 10:30 a.m., and that will be the first vote of the day.
It is my hope that we will invoke closure and begin consideration of the bill shortly thereafter. For the remainder of the day, we will work through amendments on the gun liability bill. Senators who wish to offer amendments should contact the managers to schedule time for floor consideration. Senators should expect rollcall votes throughout the afternoon as we proceed in the amendment process.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. Frist. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Wednesday, February 25, 2004, at 9:30 a.m.
February 24, 2004
CONGRESSIONAL RECORD — Extensions of Remarks

EXTENSIONS OF REMARKS

DENTON FIRE DEPARTMENT AAWARDS

HON. MICHAEL C. BURGESS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. BURGESS. Mr. Speaker, I rise today to congratulate the Denton Fire Department for their nominations of their department employees. For 130 years this fire department has fought to save the lives of citizens of the Denton area. This fire department has 122 firefighters and officers, eight 911 dispatchers, and one RSVP volunteer. It is not the equipment in these stations that makes Denton a safer place; it is the personnel that are hard at work to keep this community safe.

The philosophy of the fire department is that prevention is key to reducing the fire loss of our city. This department is able to maintain its high standards by acting towards arising situations and regulations. These firefighters take a proactive approach of educating citizens about fire safety and life safety through CPR classes and first aid classes. Even with these programs in place, the Denton Fire Department strives to continue improvement in the quality of service provided to citizens by aggressively training officers in all areas of expertise. All of our fire department's continuing education programs exceed requirements suggested by the Texas Department of Health. This is proof that our firefighters are above average.

The individuals who work at the Denton County Fire Department are to be commended for their achievements in this past year. Without dedicated individuals the Denton County Fire Department would not serve at the high level it does. Brad Fuller, Brad Lahart, and Mike Tucker received Meritorious Service awards for their hard work and dedication of going beyond the normal job requirements to serve the Denton area. Also, Tim Tarlton's Crew at Station 3 "B" Shift has been awarded the Crew Meritorious Service Award for their methods of getting the message to children about fire safety in public schools. Likewise, Lisa Parker, who serves the Denton Fire Department with a cheerful personality and a positive attitude, has been awarded the EMS Excellence award. Furthermore, Jeff Knoes has been awarded special recognition for serving the Denton community in dual roles as a firefighter and paramedic since 1999.

The fire administration provides the leadership, vision and resources that our personnel need to provide the highest quality service to our citizens. The city staff and fire department employees coordinate efforts to maintain the quality of safety necessary for a city of Denton's size.

Firefighters are a necessary part of public life. Like in any other part of life, there are those who deserve special recognition. The individuals honored here today are some of those individuals.

CONGRATULATING THE EXPORT-IMPORT BANK ON ITS 70TH ANNIVERSARY

HON. MICHAEL G. OXLEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. OXLEY. Mr. Speaker, today I want to help observe a landmark anniversary for an institution that sustains the jobs of thousands of Americans. On January 12, 2004, marked the 70th anniversary of the Export-Import Bank, the official export credit agency of the United States. The Bank will have a celebration of this anniversary in the near future. The Export-Import Bank is an independent U.S. Government agency that creates and sustains American jobs by providing direct loans to buyers of U.S. exports, guarantees to commercial loans to buyers of U.S. products, and insurance products which greatly benefit short-term small business sales.

In an ideal world, export contracts would be won or lost on the basis of the cost and quality of the products being sold. However, as long as foreign expert credit agencies provide concessionary financing to companies from their countries, the Export-Import Bank of the United States must "level the playing field" by protecting American exporters. The Export-Import Bank fills the necessary role of creating and sustaining American jobs here in the United States, where they are sorely needed.

Since its founding in 1934, the Export-Import Bank has supported over $330 billion of U.S. exports from businesses large and small. In FY 2003, it supported $14.3 billion in exports. Currently, about 85 percent of Export-Import transactions directly benefit small businesses. This amounts to almost 20 percent of the Bank's financings. The Export-Import Bank Reauthorization Act was signed into law on June 14, 2002 (Public Law No. 107-189). This Act reauthorized the Export-Import Bank through 2006 and made other appropriate changes to the charter of the Bank. The House Financial Services Committee continues to conduct oversight over the implementation of this Act.

Again, I extend my congratulations to the Export-Import Bank on its 70th anniversary.

TRIBUTE TO THE NATIVITY OF OUR SAVIOR CHURCH IN PORTAGE, IN, DURING THEIR 40TH ANNIVERSARY

HON. PETER J. VISCLOSKEY
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. VISCLOSKEY. Mr. Speaker, it is with great honor and enthusiasm that I congratulate the Nativity of Our Savior Church in Portage, IN, as they celebrate their 40th anniversary. During the weekend of September 11, 2004, and September 12, 2004, the Nativity of Our Savior Church will be celebrating their anniversary with an Anniversary Celebration Mass and an All-Parish Anniversary Celebration Family Picnic.

The Catholic faith began in Portage in the 1600's with early settlers and French trappers, and they named the area "New France." In 1882, Joseph Bailly, one of those early settlers, established a trading post which he called "Bailly-Town." This area included a chapel for his family as well as other nearby villagers to worship in. During the early 1960's, the Diocese of Gary purchased the land that is now the Nativity Parish and School.

As the population grew in Portage, Bishop Andrew Grutka along with other parish members, established a larger church, which was called "The Chapel on the Mall" because it was located at the north end of the Portage Shopping Mall. In 1964, this 10' by 50' drive-in church was visited by over 450 cars at each Sunday mass. It was in July 1965 that the Nativity of Our Savior Church was officially established with Father Joseph Till as its first pastor. On October 31, 1965, during the Feast of Christ the King, Nativity of Our Savior became a permanent church and it was formally dedicated by Bishop Grutka on Saturday, March 12, 1966.

In September 1975, the Nativity School opened its doors to 95 students in its first year. Since the founding of the Nativity of Our Savior Church in 1964 and the opening of the school in 1975, there have been many influential pastors who have led the congregation. These include: Father Joseph Till, Father William Spranger, Monsignor Carl Mengeling, Monsignor John Morales, Father John Scott, Father Patrick Kalich, and currently Father Walter Rakoczy. Today, the Nativity of Our Savior Church has over 2,200 registered families, over 200 students in their parish school, and over 600 students in their religious education program.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating the Nativity of Our Savior Church on their 40th anniversary. They have provided support and guidance for all those in the Portage community, and will continue to serve their community through their selfless dedication and commitment.

TRIBUTE TO ELBIE J. HICKAMBOTTOM, SR.

HON. ADAM B. SCHIFF
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. SCHIFF. Mr. Speaker, I rise today in solemn remembrance of Elbie J. Hickambottom, Sr., who passed away on the evening of December 31, 2003. Elbie Hickambottom began his life in Okmulgee, OK, in 1924. In 1925 his family...
moved to Pasadena, CA, where he grew up and attended Pasadena public schools. As a young adult he attended Pasadena City College and though his education was interrupted by his service in the military, he continued his academic pursuits at USC and completed his BA degree from the University of Omaha. 

Mr. Hickambottom served in the U.S. Army during World War II and at 19 years old was one of the youngest first sergeants in Europe. He was recalled by the Army during the Korean war and commissioned as a second lieutenant. After 20 years of distinguished service, he retired in 1967 with the rank of major. During his career, he was awarded many decorations including twice receiving the Medal for Outstanding Service and three times the Army Commendation Medal. Elbie was a past commander of the Pasadena chapter of the Military Order of the World Wars and a recipient of the Pasadena Chamber of Commerce Patriot of the Year Award.

After Elbie’s military retirement, he joined the Pasadena Redevelopment Agency in 1967 where he served as director of Relocation and Property Management, managing programs that assisted displaced families and small businesses. He subsequently worked as senior vice president of Municipal Services, Inc. a private redevelopment consulting firm from which he retired in 1985. In 1979 Mr. Hickambottom was elected to the Pasadena Unified School District Board of Education, where he served until he retired from the board in 1994. A champion for excellence in education and a strong voice for improving academic achievement for all students, particularly for disadvantaged and minority students, Elbie was often the voice of the school board. He was an active member of the California Coalition of Black School Board Members, where his tenure included holding office on the Executive Board.

A dedicated community volunteer, Elbie participated in many organizations, including the NAACP, the Pasadena Educational Foundation, Young and Healthy, the Pasadena Commission on Children and Youth, Project Day, ROTC, and various other civic groups.

Elbie is survived by his wife of 52 years, Dolores, and children Anne Marie, Elbie Jr., Leslie and John, sisters Verdia Arnold and Wilmer Lane, niece Robin Foster, sister-in-law Agnes Brumfield, two brothers-in-law, Joseph Wilmer Lane, niece Robin Foster, sister-in-law Leslie and John, sisters Verdia Arnold and Leslie and John, sisters Leslie and John, and a large and loving extended family.

Elbie’s contributions to the community, particularly for disadvantaged and minority students, were evident in a recent event in my district. I am honored to acknowledge Kristy Wickliff a resident of Southlake, Texas, who is being honored by the E9–1 Institute for the heroic act of saving her father’s life in April of 2003. Kristy, age five at the time, successfully called 9-1-1 and then proceeded to the medicine cabinet where she was able to obtain and administer medication to her father while he was suffering from diabetic shock. Miss Wickliff will receive the Enhanced 9–1–1 Institute’s “Citizen in Action” Award on Tuesday, February 24, 2004.

If it were not for the E9–1–1 Institute’s dedication to improving the 9–1–1 system or their commitment to education, our ability to save lives and property would be greatly hindered by a lack of communication.

The 9–1–1 service is a necessary part of our daily lives. Like those who have used the service in a time of crisis, the individuals who work to make 9–1–1 a better system deserve to be honored.

**CAMPAIGN FINANCE REFORM**

**HON. MICHAEL G. OXLEY**

**OF OHIO**

**IN THE HOUSE OF REPRESENTATIVES**

**Tuesday, February 24, 2004**

Mr. OXLEY. Mr. Speaker, during the lengthy debate over campaign finance reform, some of us warned that appearances can be deceiving. The McCain-Feingold bill was supposed to empower ordinary voters, who were evidently thought incapable of exercising their own reason during election campaigns. The power shift has actually been to the uneducated media and unaccountable special interest groups, mostly liberal, who have concentrated their control over what voters see and hear. Other voices have been muted, which is why U.S. Supreme Court Justice Antonin Scalia called the failure to strike down the law “a sad day for freedom of speech.”

I commend your attention this George Will column published in the Washington Post on February 22.

**RENDERING POLITICS SPEECHLESS**

*(By George F. Will)*

Two years ago President Bush, who had called it unconstitutional, signed the McCain-Feingold bill—furtively, at 8 a.m. in the Oval Office. The law expanded government restrictions on political speech, ostensibly to combat corruption or the “appearance” thereof. Bush probably signed it partly because the White House, thinking corruptly or appearing to do so, saw reelection advantage in this fiddling with the First Amendment.

And partly because the nation’s newspaper editorial writers nearly unanimously in praise of McCain-Feingold. The editorialists’ advocacy of McCain-Feingold could appear corrupt: The bill increases the political influence of unregulated newspaper editorializing relative to increasingly restricted rival voices (parties, candidates and their financial supporters).

Last December the Supreme Court found no constitutionally significant contributions to the 2000 presidential campaign. It held that “the law as written and as applied to the petitioners appears to offend the First Amendment.” The Court stopped short of striking down the law because, as the Constitution says, Congress shall make “no law abridging the freedom of speech.” Congress has broad latitude to combat corruption and appearance of corruption. There is the appearance of corruption when a legislator’s views attract contributions from like-minded people, and then he acts in accordance with his and their views.

Today McCain-Feingold itself does not just appear to be corrupting. It is demonstrably and comprehensively so.

Most campaign money is spent on speech—disseminating ideas, primarily by broadcasting. McCain-Feingold’s stated premise was that there is “too much” money in politics—hence, it follows, too much speech. McCain-Feingold’s prudently unmentioned premise was that legislators know—and should legislate—the correct quantity of speech about themselves, the proper times for it and certain restrictions on the content of it.

Such legislation may not be corrupt, but it may appear so. And appearances are the essence of ethics, as understood by Washington’s ethics industry.

Perhaps the White House embraced McCain-Feingold because it doubled to $2,000 the permissible ceiling on “hard money” contributions crucial to the president’s re-election campaign. Also, Republican national committees do better than their Democratic counterparts at raising smaller hard-dollar contributions.

Supposedly, the principal purpose of McCain-Feingold was to ban “soft money” contributions to the parties ostensibly for “party-building” purposes. The delusional assumption of many McCain-Feingold enthusiasts was that when such contributions were banned, the people who had been eager to exert political influence by such contributions would say “Oh, well” and spend their money instead on high-definition televisions. Or something.

Actually, McCain-Feingold was moral grandstanding by many liberals who had no intention of abiding by its spirit. As that is, for that matter—any more than they intended to abide by existing campaign finance law.

To compensate for Republican advantages in raising hard money, liberal-interest groups and entities that are technically disconnected from the party but allowed to receive unlimited soft dollars. Allowed, that is, as committees to the Gore-Bush campaign.

Actually, McCain-Feingold has been a means in which to report the failure to strike down the law. It appears that she intends to influence a federal election. Nothing wrong with that. Citizens are supposed to do that. But liberals have had the prime mover role in enacting laws against doing so with soft money, which organizations such as ACT exist to receive.
ACT says it “will coordinate with progressive organizations.” But it had better not coordinate with the Democratic Party or candidates. There would be nothing morally wrong in that. It should be a fundamental right—indeed, a civic virtue—for groups such as ACT to coordinate with like-minded political parties. But “coordination” would continue unmonitored.

House Republicans are now trying to subpoena records of these Democratic groups, clearly hoping to have a chilling effect on them. This is disgusting—but Democrats deserve it because they have entangled America’s core liberty, political speech, in an ever-thickening web of regulations they now are evading.

On Wednesday the Federal Election Commission, which is now in charge of deciding what speech is legal under McCain-Feingold and Supreme Court ambiguities, issued a ruling—many more to follow—of exquisite opacity. The chairman of the Republican National Committee said it “effectively shut[s] down” groups such as ACT and others. A spokesman for ACT cheerily said the group would continue “to operate robustly and effec-tively.” It is a constitutional obscurity that no one now knows—or, pending many more FEC and court rulings, can know—what political speech is legal in this nation where one speech is the only remaining element longer even pertinent to protecting such speech.

TRIBUTE TO THE ACCOMPLISHMENTS OF THE BOYS & GIRLS CLUBS OF NORTHWEST INDIANA THROUGHOUT ITS 50 YEARS OF SERVICE

HON. PETER J. VISCLOSKY OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and pleasure that I stand before you today to recognize the many accomplishments of the Boys & Girls Clubs of Northwest Indiana throughout its 50 years of service to the Northwest Indiana community. As the citizens of Lake County, Indiana celebrate the 50th Year Jubilee of the Boys & Girls Clubs of Northwest Indiana, we are reminded of the dedication and valiant efforts that have been made to incorporate education and community leadership in the region.

Boys & Girls Clubs of Northwest Indiana began in the early 1950’s when Mr. Paul Guist, Mr. Sid Holub, Mr. Robert Salvaggi and several other Gary businessmen decided that the children of Gary needed a place to go, complete with worthwhile activities, to help keep kids from spending time on street corners. This led to the incorporation of the Steel City Boys Club of Gary, Indiana on August 7th, 1954.

The Boys Club was incorporated in 1954 when it operated in the hallways, auditorium, gymnasium and one room in the old Beveridge School in Tolestee. Its official name became Steel City Boys Club. In 1956, another club opened in the Webster School Gym located in Glen Park. This was the year that the organization also became a United Way Agency. An additional club eventually moved into the basement of the Assyrian Church and was later located at 7th and Adams was established through the efforts of Mr. John William Anderson of the Anderson Company. Through Mr. Anderson’s gift, the Old Moose Lodge building at 7th and Adams was purchased in 1965. Mr. Anderson and the Anderson Company donated the money and manpower to see that the building was completely renovated and ready for operation in October, 1967. The New Boys Club facility officially opened on October 23, 1967, officially dedicated as the John Will Anderson Boys Club.

Another Boys Club was opened in 1969 in the Salesian Prep School in Cedar Lake, and in November, 1976 that club moved to West 133rd Avenue. In 1982, the new Cedar Lake Club was built on 133rd Street where it remains today. In 1973, Katherine House and the East Chicago Boys Club merged to form the East Chicago-Katherine House Boys Club and became a unit of the Steel City Boys Club organization. In 1976, the John Will Anderson Club moved to the former Young Men’s Christian Association building on 5th Avenue in Gary where it remains today. In 1977, the Steel City Boys Club corporate name was changed to the Boys Clubs of Northwest Indiana. In March of 1979, the Hammond Boys Club was established in the Miller School in Hessville, and today a new building built in 1994 proudly stands on Calumet Avenue. The Lake Station Club was opened in July of 2001.

In 1988, Boys Clubs of Northwest Indiana officially changed its name to Boys & Girls Clubs of Northwest Indiana—as girls were recognized as official club members. In place of the Boys & Girls Clubs of Northwest Indiana’s growth and changes, their philosophy has never changed—to inspire and enable all young people, especially those from disadvantaged circumstances, to realize their full potential as productive, responsible and caring citizens.

Mr. Speaker, at this time, I ask that you and my other distinguished colleagues join me in honoring and congratulating the Boys & Girls Clubs of Northwest Indiana, as well as its staff and community leaders on their 50th anniversary. Their many great accomplishments and service to Lake County, Indiana will forever be cherished and commended.

COMMORATING BLACK HISTORY MONTH

HON. ADAM B. SCHIFF OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. SCHIFF. Mr. Speaker, as we celebrate Black History Month, I rise to pay tribute to the extraordinary African-American men and women, past and present, who have shaped the rich history of our Nation.

The month of February has been designated as Black History Month to celebrate the remarkable accomplishments of African-Americans throughout history. This year’s national theme, “The Vanishing of Education in the 50th Anniversary,” commemorates the historic Supreme Court decision declaring that segregation had no place in the laws of a free republic.

Over 50 years ago, in the Midwest town of Topeka, KS, a little girl named Linda Brown rode a bus 5 miles to school each day even though a public school was located only four blocks from her house. The school was not for all and the little girl met all of the requirements to attend—except for the color of her skin. It is hard to imagine that merely 50 years ago, public schools across our country were deeply segregated.

A team of brave lawyers from the NAACP would later appear before the Supreme Court to demand the justice contained within our founding principles—to demand equality for young Linda Brown and for all who had been denied the basic right of equality for far too long.

On May 17, 1954, the United States Supreme Court spoke unanimously and with great clarity when it declared that “separate educational facilities are inherently unequal.” This decision continues to have an impact on our country today. Just last year, the Supreme Court upheld the core principles of Brown v. Board when it ruled that maintaining diversity in higher education is a compelling governmental interest.

I was pleased to join other Members of Congress in filing an amicus brief with the Court expressing our belief that democratic values are enhanced by the interchange between students of diverse backgrounds and indicating our full support for the efforts of universities to create a more vibrant and enriching learning environment.

The decision in Brown v. Board would also forever change the landscape of the struggle for racial justice and equality in the United States and demonstrate the ability of individuals to effect true change. The congressional district that I represent can certainly recognize the ability of individuals to break through color barriers. Growing up in Pasadena in the early to mid-1900s, a young Jackie Robinson was an all-around athlete that would later change the sports world. Robinson won letters in football, baseball, basketball, and track at Pasadena’s Muir Technical High School and Pasadena Junior College. Soon after, he would become the first athlete at UCLA to play on four varsity teams.

On April 15, 1947, Jackie Robinson would take the field to play for the Brooklyn Dodgers—a pioneer as the first African-American to play major league baseball. Robinson not only opened the door to pro sports for other African-American athletes, but his remarkable accomplishment would help chip away at prejudices in the minds of Americans and jumpstart the process of dismantling existing barriers throughout our society.

In this month of February, let us not only celebrate the accomplishments of those brave Americans who fought for racial justice, but let us work to keep their vision alive by continuing to break down barriers that exist and working to ensure equality of opportunity for all Americans.

GAYLORD ENTERTAINMENT

HON. MICHAEL C. BURGESS OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Gaylord Entertainment on their successful completion of the marvelous new Gaylord Texan Resort and Convention Center on Lake Grapevine ideally located in Grapevine, TX. The Gaylord Texan Resort and Convention Center will be tremendous venue for performances by local and national entertainers.
CONGRESSIONAL RECORD — Extensions of Remarks February 24, 2004

HON. BARNEY FRANK
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. FRANK of Massachusetts. Mr. Speaker, trying to decide what is the greatest hypocrisy in politics is a hard job, but I believe that by sheer dollar volume the support of many who call themselves free market conservatives for the leading aspects of America’s agricultural policy qualifies for the prize.

Few areas in public policy in this country are as heavily subsidized by the taxpayers, rigged against consumers, blatantly unfair to poor people in other parts of the world, and contemptuous of the whole notion of competition and free enterprise as American agriculture policy in various of its aspects.

I am frequently puzzled to hear many who declaim their staunch allegiance to free trade, low taxes, no government intervention in the economy, the free market, and unmaligned competition make an implicit exception when the subject is corn, cotton, wheat, peanuts, sugar, or other commodities. Apparently, there are people who believe that the works of Ludwig von Mises and Friedrich Hayek contain an invisible footnote that says that none of this applies to agriculture.

In the February 12 Washington Post, just before we went on our mid-winter break, George Will documented the blatant inconsistency with regard to the sugar program of the U.S., noting correctly that it has once again contributed to the decline in the U.S. by people who had been manufacturing candy. I disagree with much of Mr. Will’s conservative approach to economic matters, so I do not agree therefore with everything he says in this column. But I salute his intellectual honesty in urging that the conservative economic principles he professes be applied across the board, without the exception for agriculture made by so many others who claim to be his conservative conferees.

[Sweet and Sour Subsidies]

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many of the remaining Teamster jobs paid $19 an hour. Many signs in the abandoned Chicago facility were in Spanish, Polish and Greek for the immigrant workforce, most of whose families stayed in Mexico. Losing that was cheaper there, but so is 92 percent of the raw material for hard candy—sugar. By moving outside the United States, Brach’s can pay the world price of sugar, which is one-half to one-third of the U.S. price as propped up by import quotas.

Life Savers, which for 90 years were made in America, are now made in Canada where labor costs are comparable but the yearly cost of sugar is $10 million less. Chicago’s Ferrara Pan Candy Co., maker of Jawbreakers and围绕 “Boston Baked Beans,” has moved much of its production to Mexico and Canada.

Dueling economic studies, few of them disinterested, purport to demonstrate that more American jobs are saved or—much more plausibly—lost because protectionist quotas raise the price of sugar for 280 million Americans. In the life of this republic, in which rent-seeking—bending public power for private advantage—is pandemic, sugar quotas are symptomatic.

It was built on the North Dakota radio station that Robert Zoelick, the U.S. trade representative, vowed that he would stand like Horatius at the bridge to block Australian sugar. It was to be considered, he said, the bearable transaction costs of democracy, keeping North Dakota’s, Minnesota’s and other states’ growers of sugar beets as well as Florida’s, Louisiana’s and other states’ growers of sugar cane from starving.

Or seceding. Or, heaven forfend, being forced to grow something else. But protectionism is uncompetitive, unsound and unhealthy—indeed, lethal.

Unconservative? Protectionism is a variant of what conservatives disparage as “industrial policy,” today nonconservatives do it. It is government supplanting the market as the picker of economic winners. Another name for industrial policy is lemon socialism—survival of the unfit.

Unseemly? America has no better friend than Australia. Yet such is the power of American sugar interests that the Bush administration forced Australia to acquiesce in continuing quotas on its sugar exports to America. That was a price for achieving the not-exactly “free trade” agreement. It is sad and sad. But look on the bright side: Restrictions on beef imports will be phased out over 18 years.

Is protectionism lethal? Promoted by Democrats, harkening their compassion, protectionism could somewhat flatten the trajectory of America’s rising prosperity. But protectionism could kill millions in developing nations by slowing world growth, thereby impeding those nations from achieving prosperity sufficient to pay for potable water, inoculations, etc. Developed nations spend billions on agriculture subsidies that prevent poor nations’ farmers from competing in the world market.

Sugar quotas, although a bipartisan addiction, are worst when defended by Republicans who actually know better and who lose their ability to make a principled argument against the Democrats’ protectionist temptation. Fortunately, splendid trouble may be on the horizon.

Last September’s collapse of the World Trade Organization’s ministerial meeting in Cancun was a shot in the foot that the perennial “peace clause” was not renewed. For nine years it has prevented the WTO from treating agricultural subsidies as what they obviously are: market distortions incompatible with free trade. For Americans, a fight over that is worth having, and losing.
Whereas, Mr. Sprague has been instrumental in forming partnerships to increase water use efficiency in Orange County.

Whereas, Mr. Sprague has taken a primary role in focusing the CALFED efforts towards meeting Southern California’s supply reliability and water quality needs.

Whereas, Mr. Sprague has been involved in providing expert testimony on a myriad of water issues at both the State and Federal level.

Therefore, I join with the entire Orange County Congressional delegation in acknowledging the vital role that Stanley E. Sprague has played in Orange County’s water supply, and wish him well upon his retirement from the Municipal Water District of Orange County.

CURRENT STATUS OF RELATIONS BETWEEN THE UNITED STATES AND TAIWAN

HON. PETE SESSIONS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. SESSIONS. Mr. Speaker, in the last ninety years, Taiwan and the United States of America have been allies, partners, and friends. In times of need and turmoil, both countries have always come to each other’s aid. In the aftermath of the tragedies of September 11th, 2001 Taiwan immediately offered condolences to the victims of those terrorist attacks, expressed shock over the attacks and condolences to the victims of those terrorist attacks, expressed shock over the attacks and condolences to the victims of those terrorist attacks.

The Sacramento Senator Lions Club was chartered on April 5, 1954 to become a part of the Lions Clubs, the world’s largest service organization. Lions Clubs are non-political, non-sectarian, non-reserved and composed of the community’s leading business and professional people. The purpose of a Lions Club is more than good fellowship and club social life. The purpose is to recognize community needs and develop means of meeting them, either through its own effort or in cooperation with other agencies. Lions Clubs are active and effective medium for national and world service, exerting tremendous influence for national welfare, international amity and human progress socially, culturally and economically. For the past 50 years, the Sacramento Senators Lions Club embodies all of the best qualities that Lionism represents.

The Senate resolution expresses solidarity with the American people. Taiwan’s government ordered flags be flown at half-mast for two days, took every action to protect U.S. citizens on the island, including stepped-up security at the American Institute in Taiwan, and asked all Taiwan offices in the U.S. to cancel their National Day celebrations.

Today Taiwan is under pressure by China. China accuses Taiwan’s planned peace referendum as a move toward Taiwanese independence and says it would push Taiwan to the “abyss of war.” Such rhetoric is a clear distortion of Taiwan’s true intent. In the face of an overwhelming military threat against Taiwan, Taiwanese president Chen Shui-bian in this referendum is asking his voters whether they should buy more anti-missile weapons if China refuses to withdraw missiles targeted at Taiwan and whether Taiwan should open up talks with China about issues of peace.

Taiwan has no intention to provoke China into conflict. It merely aims to avoid war and free its people from the fear that they now face on a daily basis. Taiwan, our ally and friend, is a democracy with a competitive party system and they should have the inherent right to self-determine their own policies and the future of the island without the prospect of fear. I sincerely urge a continuation of peace across the Taiwan Straits as well as the good relations between the Taiwanese people and Americans.

HONORING THE SACRAMENTO LIONS CLUB ON THEIR 50TH ANNIVERSARY

HON. ROBERT T. MATSUI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. MATSUI. Mr. Speaker, I rise today to honor an organization with a distinguished history of community service to the Capital Region. The Sacramento Senator Lions Club will be celebrating their 50th Anniversary Celebration on March 6, 2004. As the members and friends of the Sacramento Senator Lions Club gather to celebrate this momentous occasion, I ask all my colleagues to join me in saluting one of Sacramento’s most important and respected civic groups.

The Sacramento Senator Lions Club was founded upon the principle that the club should strive to provide its members with the opportunities to collectively serve the community through efforts of fund-raising and hands-on-service projects. Today, the Sacramento Senator Lions Club is a vital service organization that is composed of civic-minded persons of both sexes and many diverse ethnic backgrounds.

The Sacramento Senator Lions Club has a history of community service that stretches beyond Sacramento and across international borders. The Sacramento Senator Lions Club reached a winning agreement with the Osaka Tezukayama Lions Club of Japan during the International Lions Clubs in New Orleans in 1977. In recent years, mutual donations have been made to projects in Osaka, Japan. Donations to the Sacramento Senator Lions Club service projects have a deep and meaningful impact in the fragrance garden for the visually handicapped and the Japanese garden for children at the FairyTale Town. In addition, the Sacramento Senator Lions Club is also actively involved in helping many other local organizations; Cancer Companion for the Blind, City of Hope, My Sister’s House for Abused Women, just to name a few. The Sacramento Senator Lions Club commitment to improve the quality of life for people from all different walks of life is truly commendable and admirable.

The Sacramento Senator Lions Club is internationally renowned as one of the most successful and respected Lions Club chapters in the world. The lofty status of the Sacramento Senator Lions Club was confirmed when their member, Kay K. Fukushima, was elected to be the 86th President of the International Association of Lions Club for the year 2002-2003.

Mr. Speaker, as the friends and family of the Sacramento Senator Lions Club gather to celebrate their 50 years of great service to the people of Sacramento, I am honored to pay tribute to one of the Capital Region’s most active service organizations. I ask all my colleagues to join me in wishing the Sacramento Senator Lions Club continued success in all its future endeavors.

IN RECOGNITION OF ANNE CISLE MURRAY FOR HER COMMITMENT TO HELPING CHILDREN AT RISK

HON. ELLEN O. TAUSCHER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mrs. TAUSCHER. Mr. Speaker, I rise to pay tribute to Anne Cisle Murray, whose commitment to helping children at risk is being honored by the Boys Hope Girls Hope organization of Illinois as the 2004 recipient of the Joseph S. Kearney Heart of Gold award.

Boys Hope Girls Hope of Illinois is a privately funded organization that reaches out to children who have shown academic promise, yet live with a family or in a community that has put them at risk. The mission of BHGH is to provide these children with stable home and professional environments that support them in all their endeavors up through college.

Originally from Hamilton, Ohio, Anne Cisle Murray graduated from the University of Notre Dame with a business degree in 1974, a member of the first co-ed graduating class. In 1979 she married Steve Murray with whom she has three children, Tricia, Dan and Mac. Anne’s devotion to her family has carried over into her Community through the time and effort she dedicated to the at-risk youth of Illinois. Her accomplishments and hard work as a mother, mentor and organizer in the public service arena will be recognized and commended in our national Association.

Since joining Boys Hope Girls Hope of Illinois, Anne Cisle Murray has served all the executive positions on the organization’s Women’s Board. In addition to her presence on the Board of Directors and the Marketing Committee, she has also served as President, Vice President, Secretary and Auction Chairperson.

On a personal level, Anne and her family have been generous to the BHGH organization for many years. Anne reaches out to the community by welcoming young students in to her home to facilitate social interaction and familiarity with the other program families. Her general thoughtfulness and care ensure the success of the BHGH program and its participants.

Anne Cisle Murray’s determination to enrich the lives of children has made her a priceless member of Boys Hope Girls Hope of Illinois. By investing her time and love into children into this organization, Anne Cisle Murray has helped to make the future brighter for the at-risk children of Illinois.
The more than 250 awards that WQED Multimedia has won over the years, including 60 Emmy's and 12 Peabody's, bear witness to the consistently high quality of programs the organization is producing.

Today, over 1,000,000 Pittsburgh households depend upon WQED. It is now the parent company of WQED TV Channel 13, WQED radio Channel 89.3 FM, WQEZ radio Channel 89.7 FM in Johnstown, Pittsburg-BURGH magazine, local and national television and radio productions, www.wqed.org, and the WQED Education Resource Center.

Pittsburgh is justifiably proud of WQED Multimedia. Its broadcast, print, and Internet productions educate and entertain millions of Americans across the country. I want to congratulate WQED Multimedia on its 50th anniversary. I hope that WQED's high-quality contributions to our community—and this Nation—will continue for many years to come.

HONORING JULIO AVAEL FOR HIS OUTSTANDING CONTRIBUTION TO THE KEY WEST COMMUNITY

HON. ILEANA ROS-LEHTINEN
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to recognize Mr. Julio Avela, Key West City Manager for his significant contribution to the citizens of the city of Key West. As a tribute to his dedication, the Mayor and the Board of County Commissioners have designated Saturday, February 21, 2004, as Julio Avela Day.

During his 8-year tenure as Key West City Manager, Julio has demonstrated a profound commitment to our community. He has been especially instrumental in enhancing the government through implementation of historic preservation projects, neighborhood and park revitalization, and other citywide infrastructure improvements.

Julio's hard work has enabled him to become not only a dynamic city manager, but also an energetic member of the community.

HONORING SHARP HEALTHCARE'S WOMEN'S SYMPOSIUM

HON. RANDY "DUKE" CUNNINGHAM
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. CUNNINGHAM. Mr. Speaker, I rise today to recognize the 14th Annual Sharp Women's Health Symposium. This year's symposium, scheduled for Saturday, February 28 at the San Diego Convention Center, focuses on women recharging for their health, their families, and themselves. The Sharp Women's Health Symposium's mission is to empower women to assume greater personal responsibility for their own health and the health of their families. I offer the following resolution in recognition of the Sharp Women's Health Symposium:

Whereas, since 1989, Sharp HealthCare has hosted a daylong health symposium for women in San Diego and this event is widely recognized as one of the most successful women's health symposiums in the country offer women a day of fun and health education. Since 1989, more than 16,000 women have attended the symposium.

Whereas, the Sharp Women's Health Symposium has become one of the largest women's health events in the country. One of the attractions of this event is keeping the focus on San Diego community and wellness resources. While the event reaches nearly 2,000 women in San Diego, many women travel great distances to attend the symposium because currently, there isn't an event in their geographical area that meets their needs like the symposium does.

Mr. Speaker, I applaud Sharp healthcare for providing extensive health care services to San Diego women. If I had a child, Sharp Healthcare is the healthcare system I would choose, and I have no doubt that many of my colleagues share this sentiment.

HONOR THE EFFORTS OF TAYLOR ELEMENTARY SCHOOL

HON. JON C. PORTER
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. PORTER. Mr. Speaker, I rise today to recognize Taylor Elementary School of Henderson, NV, for the efforts of its administrators, faculty, students, and community in promoting the importance of reading. Through their participation in the National Reading Is Fundamental Competition, members of Taylor Elementary School exemplify how our children thrive when given support—both in the classroom and from the surrounding community.

As they work to achieve national recognition for the Reading Is Fundamental efforts, the children and faculty of Taylor Elementary have gained the aid of the entire Henderson community; including high school students, local business men and women, and the mayor of Henderson, Jim Gibson. The importance of reading to these children and the teachers whoights the fact that true breakthroughs in education occur most effectively in the classroom. I ask that my colleagues join me in commending the efforts of those involved and
wish Taylor Elementary School all the best of luck in their future endeavors.

INTRODUCTION OF A BILL TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO ALLOW A CREDIT AGAINST THE ALTERNATIVE MINIMUM TAX WHERE STOCK ACQUIRED PURSUANT TO AN INCENTIVE STOCK OPTION IS SOLD OR EXchanged AT A LOSS

HON. JIM GERLACH OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. GERLACH. Mr. Speaker, I am pleased to rise today to ask for my colleagues’ support on a bill I recently introduced. The bill will remedy a great injustice inflicted upon numerous taxpayers as a result of the operation of the Alternative Minimum Tax, AMT, system on the sale of shares of stock acquired by the exercise of incentive stock options, ISOs.

Many companies offer ISOs to reward the innovation and loyalty of their employees. Instead of being a reward, however, this generosity can result in an exorbitant tax burden on the employee. To illustrate, imagine an employee chooses to exercise his or her ISO to purchase 1,000 shares at $10 each when the fair market value of those shares is $100 per share. On paper, the employee just made $90,000. At the end of the tax year, the AMT forces the employee to pay a tax on the $90,000 gain of more than $25,000, based on a taxpayer earning $75,000 per year and supporting a family of four.

ISOs often require an employee to hold shares for a certain period of time. In my illustration, the employee is finally able to sell his shares a year later when, as has been the case many times over during the recent years, the unpredictability of the market forces the stock price down to $40 per share. The employee gains $30 per share for a total gain of $30,000. The employee, however, already paid taxes on a $90,000 gain. The tax liability on a $30,000 gain is just over $9,000—approximately $16,000 less than what was paid in the year the ISOs were exercised. Due to the complicated nature of the AMT tax system, it could take the employee up to 11 years to recover that additional money paid to IRS on a liability that he did not actually owe. That is money that our economy badly needs to be reinvested.

My bill will rectify this injustice in our tax system by recommending the Internal Revenue Code to allow an immediate refundable credit in the tax year a taxpayer sells his or her shares, when that sale is made at a fair market value which is less than the fair market value used to determine the tax in the year the ISO was exercised. This refundable credit will make it a return of money that the individual taxpayer paid into the general revenue but which he or she did not actually owe.

I ask all Members to join me in this effort to rectify this unbearable and unjustified tax burden from many middle-income families.

HON. ROB SIMMONS OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. SIMMONS. Mr. Speaker, earlier this month the media reported that Rover and Opportunity were exploring the Martian surface. Mars is about 35 million miles from Earth, yet man can reach that alien world.

On December 17, 1903, at Kitty Hawk, North Carolina, an equally awe-inspiring event took place. It was there that Wilbur and Orville Wright gave birth to man’s ability to fly by successfully testing the first powered, heavier-than-aircraft that achieved sustained flight with a pilot aboard. The first flight was only 120 feet, far less than the distance to Mars, but that single event defined the 20th Century.

In the December 2003 issue of Aircraft Owners and Pilots Association Magazine, I learned, through an article written by my brother, Tom Simmons, that our family has a connection to the Wright Brothers. Our Great Uncle Arthur Ruhl was one of only six journalists in May 1908 to watch the Wright Brothers work with their aircraft at Kitty Hawk. An article about what Uncle Arthur saw appeared in Colliers magazine on May 30, 1908. But this story doesn’t end with Uncle Arthur’s article. He sent a copy of his story to the Wright Brothers and Orville sent back a warm reply. Emboldened by the inventor’s response, and his own curiosity, Uncle Arthur wrote back and asked if he could take a flight. Orville responded that they had so many requests they were limiting their passengers to Army officials.

Undaunted, Uncle Arthur continued his correspondence with Orville Wright. By 1910 the Wright Brothers were exhibiting their aircraft because the public was paying to watch the flights. Who should be covering one of the exhibitions for Colliers Weekly but Uncle Arthur. He was watching Orville Wright train one of his students when the inventor extended the long-sought invitation.

Uncle Arthur found the adventure exhilarating. He wrote, “It was now that we seemed, indeed, to be going like the wind—a wonderful sensation, like nothing else, so near to the earth, yet spurning it.”

I fly between Washington and my home in Connecticut just about every weekend. Today air travel does not ignite the awe described by Uncle Arthur. But it is an amazing thing—the ability to fly thousands of miles around the world in a matter of hours, or to set foot on a planet that our ancestors looked at every night with amazement and wonder. I can now look at flight through the eyes of my Uncle Arthur; and I will probably never look at the trip between Washington and Connecticut so casually ever again.

HONORING THE JUNIOR LEAGUE OF LUBBOCK
HON. RANDY NEUGEBAUER OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. NEUGEBAUER. Mr. Speaker, I rise today to honor and acknowledge the Junior League of Lubbock as they celebrate their 50th Anniversary. Through the course of my life, I have seen the Junior League do amazing things. As their mission statement reads, they were created to be “an organization of women committed to promoting voluntarism, developing the potential of women, and improving their community through effective action of trained volunteers”. As innovative and radical as this mission statement sounded half a century ago, the League stands firm today, backed by a half century of successes.

In February of 1954, The Junior Welfare League of Lubbock was born into the Association of Junior Leagues International. Armed with a charter that was approved on March 15 of the same year, theirs has been a story of untiring determination and commitment. They have, over the past fifty years, been the gateway for several incredible women who have dedicated themselves to the cause of society.

The League has consistently helped these women gain invaluable training and leadership skills, while providing for innumerable volunteer opportunities. Moreover, the fundraisers conducted by the organization over the past years have borne fruit in the form of approximately three million dollars. This amount has added to the sparkle of the Lubbock community in the form of several outstanding and worthwhile projects. For example, Ronald McDonald House, Safety City, Fire Safety House, Children’s Advocacy Center, and Legacy Play Village are just a few of the many noted accomplishments.

In this age and era, one often hears of how the cloud of selfishness and distrust has pandemonium over our world. However, looking upon an organization like the Junior Welfare League of Lubbock, one cannot help but experience the light of compassion and giving that motivates it. It is even more impressive when one considers the discipline with which the volunteers work and coordinate. Without doubt, the League has whole-heartedly striven to fulfill the goals that they set when they were first formed.

The 183rd member to join the Association of Junior Leagues International, the Lubbock League was named as one of the Top 100 Leagues today. Indeed, it is impossible to imagine Lubbock without its beloved Junior Welfare League. Through their various volunteer projects, the organization has been instrumental in propelling Lubbock’s growing prosperity. More importantly, it has served as an influential wind wane for the youth, and has repeatedly inspired the community to take up more volunteer projects. The organization’s integrity and service-minded approach has endeared it to all the residents of Lubbock, and I am sure that I am not alone when I say that it has become a part of Lubbock history and society.

To dream of social work is not difficult. However, to actually persevere toward implementing that dream is not easy because it takes a lot of dedication, creativity and initiative. And so, when we celebrate 50 years of existence of the Lubbock’s Junior Welfare League, we are actually celebrating those qualities and people that have made these 50 years a successful reality.

Mr. Speaker, please join me in extending hearty congratulations to the Junior League of Lubbock. I applaud them and extend my sincere wishes for all their future endeavors.
HONORING AND RECOGNIZING UNC CHARLOTTE CHANCELLOR EMERITUS DEAN WALLACE COLVARD

HON. SUE WILKINS MYRICK OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mrs. MYRICK. Mr. Speaker, I would like to honor and recognize UNC Charlotte Chancellor Emeritus Dean Wallace Colvard. On February 24, 2004 he will receive an award that recognizes his lasting impact on our nation. Dr. Colvard, now 83, is the 2004 recipient of the Echo Award Against Indifference, given by the Echo Foundation in honor of his lifelong commitment to equity and justice.

Dr. Colvard is best known for his courageous stand against racial discrimination in 1963 as president of Mississippi State University, when he challenged an unwritten state policy and allowed the basketball team to travel to Loyola of Chicago to compete in the NCAA tournament against African American players. Although his team lost, 61–51, Colvard and Mississippi State won national respect for their quest to end segregation—and opened doors of opportunity for future generations.

Forty years later, in 2003, Mississippi State made national news for earning its second trip to the NCAA, and Colvard’s actions were chronicled in a Sports Illustrated story looking back on the historic event. To this day, Colvard downplays the significance of his decision, saying he only did what was right.

Dr. Colvard was born in the Appalachian Mountains in Grasssy Creek, N.C. in 1921—in a home with no electricity, indoor plumbing or running water. He was the first member of his family to go to college, entering the work-study program at Berea College in Kentucky with $100 in his pocket. Those humble beginnings instilled in him a lifelong commitment to equity and justice.

He went on to earn a Master of Arts degree in animal physiology from the University of Missouri and a doctoral degree in agricultural economics from Purdue University. He has served as superintendent of North Carolina Agricultural Research Stations; professor and head of the animal science department and later, dean of agriculture at North Carolina State College; president of Mississippi State University; and first chancellor of The University of North Carolina at Charlotte. He played an instrumental role in shaping the new university by securing regional and national accreditation for its programs and building a campus to accommodate enrollment that swelled from 1,700 to 8,705 students during his chancellorship.

Dr. Colvard was also instrumental in creating the Discovery Place Science Museum in Charlotte, and the North Carolina School for Math and Science in Durham—the nation’s first public, residential high school that emphasizes a science and mathematics curriculum. Among Colvard’s many honors are the United States Department of Agriculture’s National Outstanding Civilian Award (1966); the University of North Carolina University Award (1989); the North Carolina Public Service Award, presented by Gov. James Martin (1990); and honorary degrees from Purdue University, Belmont Abbey College, UNC Charlotte and Berea College.

Indeed, I am privileged to have been encouraged and inspired by her work, and I thank her for giving me the honor of representing her in the U.S. Congress.
CONGRATULATIONS TO THE
HELIAS HIGH SCHOOL MARCHING
CRUSADERS

Mr. SKELTON. Mr. Speaker, it has come to
my attention that the Helias High School Marching Crusaders represented their school and
their band in the field competition, parade and jazz band
categories.

Mr. Speaker, the Helias High School Marching Crusaders represented their school and
their band in the field competition, parade and jazz band
categories.

Under the direction of Ray Cardwell, the
students placed first for middle-sized schools in
the field competition, parade and jazz band
categories.

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of Sonoma’s 2004 Alcaldesas, or honorary mayors.

For more than 10 years, Sue Holman and Susan Weeks have volunteered countless hours to Sonoma Valley’s Meals on Wheels program. They work 5 days a week preparing 2 gourmet meals for housebound residents. A typical meal includes a baked chicken, cauliflower, gravy, mushroom, bread sauce, spicy lamb logs, linguini and clams, tape meal and roast beef. Over the past 10 years, they calculate that they have prepared a quarter of a million meals.

In addition to all of the food preparation, they purchase, shop for groceries, do all of the baking, maintain inventory control and supervise the 90 volunteers who package and deliver the food and assist in the kitchen.

They recognize that many of the people they serve live alone and try to make each day special. Each holiday has a theme meal, and each client receives a personalized present or two at Christmas of Hanukkah and on their birthday, plus a split of wine or champagne.

They are able to maintain a high quality of fare and bolster the spirits of the people they serve while running the only all-volunteer Meals on Wheels program in the State of California.

In recognition of their contributions, the city of Sonoma designated them “los dos Alcaldesas,” following a 28-year-old tradition of selecting someone in the community who works selflessly on behalf of others. The Alcalde/Alcaldesa reflects the town’s Spanish and Mexican heritage and the “honorary mayors” will preside at all ceremonial functions on behalf of the city.

Susan Weeks settled in Sonoma 18 years ago following an international career that took her to Jerusalem, South Africa and Washington, D.C. In addition to Meals on Wheels, she has also been active in public safety and infrastructure issues, and working with the Verano Springs Association and the Sonoma Valley Citizens Action Committee.

Sue Holman is a retired investment banker who has been in Sonoma 11 years. An animal lover, she was one of the driving forces in the establishment of Sonoma’s only dog park.

Mr. Speaker, Susan Weeks and Sue Holman provide an invaluable service to their community and it is appropriate that we honor them today as Sonoma, California’s 2004 Dos Alcaldesas.

Hon. Richard E. Neal of Massachusetts in the House of Representatives

Tuesday, February 24, 2004

Mr. NEAL. Mr. Speaker, I rise today to recognize and honor the contributions made by Mr. Jeremy Pava and Mrs. Ann Pava to the Jewish community. Over the courses of their lives, they have contributed greatly both their service and generosity to the advancement of Jewish causes in New England. Mr. Pava currently serves on the boards of both the Association of Modern Orthodox Day Schools at Yeshiva University as well as the Jewish Orthodox Feminist Alliance. She also serves as the President of the Jewish Federation of Greater Springfield in Massachusetts. In 1999 Ms. Pava received this same Federation’s Young Leadership Award.

Jeremy currently sits on the finance committee of the Heritage Academy and continues to serve as a trustee of the Harold Grinspoon Foundation, whose mission is to create a Jewish future. In the past, he has been the president of Congregation Kedimoh and the campaign chair for the Young Men’s Division of the Jewish Federation of Greater Springfield. In 1999 he received the Kedimoh Brotherhood Humanitarian Award. At present, he also is a managing partner at Aspen Square Management, a real estate investment company in West Springfield.

Alone their actions are more than noteworthy, however, together they have given even more to the Jewish community. They are a founding family, and generous supporters, of the Hebrew High School of New England in West Hartford, which opened in 1996. Additionally, Mrs. Pava was the founding President. HHNE is the only Jewish high school between New York and Boston, serving families from different observant backgrounds in Springfield, Hartford, and New Haven regardless of their financial situation.

This school has grown significantly since its inception in 1996. This burgeoning school is now pushing the limits of its current location, thanks in no small part to the work of Mr. and Mrs. Pava. They have both contributed immensely to the school’s vitality and growth. As a result, they are to be honored at the Hebrew High School’s first Annual Scholarship Dinner. The proceeds will go towards a new building to house the school, so that it may continue to grow and serve more members of the Jewish community in New England.

Mr. Speaker, I am proud to pay tribute to two extraordinary people from the Springfield area. Their work for HHNE, Jewish education, and the Springfield community is commendable, and the standard they set for public service is outstanding. People, such as the Pavas, are what make Springfield such a wonderful area. Their work for HHNE, Jewish education, and Mexican heritage and the rivalry and bolster the spirits of the people they serve while running the only all-volunteer Meals on Wheels program in the State of California.

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Mr. Speaker, Susan Weeks and Sue Holman provide an invaluable service to their community and it is appropriate that we honor them today as Sonoma, California’s 2004 Dos Alcaldesas.

Hon. Richard E. Neal of Massachusetts in the House of Representatives

Wednesday, February 11, 2004

Mr. OBERSTAR. Mr. Speaker, continuing my earlier statement, time is again running out in our effort to reauthorize our Federal highway, public transit, and transportation safety programs. The Transportation Equity Act for the 21st Century expired on September 30, 2003, and Congress passed a 5-month extension, which expires on February 29. On September 24, during consideration of that extension bill, I stated: “I am afraid . . . we will be back here on this floor once again pleading for another extension of time to keep the programs running once again expiring . . . I do not want to be back on this floor saying again what I said 6 years ago, time is running out.”

Well, time is running out and we must again extend the programs. Why? Because ideology, not good policy, is driving this debate.

On November 19, 73 Members of the Committee on Transportation and Infrastructure introduced H.R. 3550, authorizing $375 billion for the highway, transit, and transportation safety programs. You may recall that the bill has 137 cosponsors. The Transportation and Infrastructure Committee was poised to mark up this legislation last week, but the Republican Leadership has delayed its consideration.

Despite the fact that the funding levels included in our bill were derived from the Department of Transportation’s highway and transit needs report, the Administration strongly opposes additional infrastructure investment. Last week, the President submitted his Budget to Congress and it flat-lined the highway and transit programs, and did not include one additional dollar for highway and transit investment over the next 6 years.

Why? When our country’s economic strength, improve business productivity, and our desire to create a safe, efficient transportation system are all dependent upon increasing investment in our infrastructure, why does the Administration oppose such investment? It cannot be because of any renewed Republican concern about the size of the deficit—the President proposes $1.2 trillion of new tax breaks that, if enacted, would result in a total of $3.2 trillion of new tax breaks, primarily targeted at the wealthiest Americans, since assuming office in 2001.

When this Administration and the Republican-led Congress have presided over an economy that has seen the number of unemployed workers increase by 2.4 million workers and the construction industry is suffering under a 9.3 percent unemployment rate, why does this Administration oppose infrastructure investment that its own Department of Transportation estimates will create 47,500 jobs and $6.2 billion for every $1 billion of Federal funds invested? I am sure that the 800,000 construction workers who look for work each month would gladly line up for the more than 1.7 million construction jobs this bill will create and sustain over the next six years, including 445,000 jobs this year alone.

Why? Because the Administration and some of the Republican Leadership would rather kneel at the altar of “no new gas taxes” than develop the policy necessary to invest in our Nation’s infrastructure. A few days ago, in an interview, President Bush implied that the highway and transit programs were fueling the Federal budget deficit. Nothing could be further from the truth. Nearly all the expenditures from these programs are funded by the Highway Trust Fund. The Trust Fund is financed by revenues from user fees. It is a “pay-as-you-go” program; outgoing expenditures are tied to incoming revenues; and the revenues may only be used for infrastructure investment.

The Trust Fund is a model of fiscal discipline. The Byrd Amendment serves as an anti-deficiency mechanism that prevents the Trust Fund from over-spending. This system of user fees has been well-tested by decades of experience. It provides a clear and unambiguous way to provide the revenues required to make the necessary improvements to the system.
It is for these reasons that the bipartisan leadership of the Transportation and Infrastructure Committee propose to restore the purchasing power of the gas tax, which was last increased more than a decade ago. Under the Committee’s proposal, the gas tax would increase by a nickel and the average commuter would pay an additional $360 per year. The user fee system has served us well. We should further utilize the strengths of that system to generate the necessary revenues to meet the needs of the transportation system. Regrettably, the reason we are here today with another extension bill is because Administration ideology and political expediency is trumping good policy. The reauthorization bill is again delayed. As we approach the summer construction season, States will be slow to make the necessary investments during these uncertain times. Good-paying jobs will be lost or never created. Last fall, State transportation officials estimated that an extension bill would mean $2.1 billion in project delays and the loss of more than 90,000 jobs. This extension simply compounds those losses.

Instead, we now face vigorous behind-the-scenes efforts by the Administration and the Republican Leadership to cut the funding levels in our bipartisan bill and develop budget schemes that shift money from one account to another—to increase revenue to the Highway Trust Fund by decreasing the user fee. While I will work with all parties to ensure that we find the necessary resources to increase our transportation investment, I will not support smoke-and-mirror proposals that simply further ideological objectives or political expediencies at the cost of the long-term interests of the highway and transit programs.

Faced with these current roadblocks, we must again extend the highway, transit, and transportation safety programs or face a shutdown of both the Department of Transportation agencies and Federal surface transportation funding.

Mr. Speaker, before I close, there is one other very important element of this extension that deserves mention. That element is its continued support of the Disadvantaged Business Enterprise (DBE) program, as that program is set forth in TEA 21. Since enactment of the Surface Transportation Assistance Act of 1982, Congress has included a program to aid socially and economically disadvantaged businesses in successfully compete for transportation construction contracts. Because of this program, we have made impressive strides in increasing the participation of minority- and women-owned businesses in Federally-assisted transportation construction contracts. Today, more than 20,000 DBE’s participate in the program. However, as recent evidence demonstrates, it continues to be a compelling need for the DBE program.

The current program is narrowly tailored to allow States to set and refine goals for participation of disadvantaged businesses in Federally-assisted transportation construction contracts. These goals must be appropriate for the State’s population. Further, the current program requires States to try and meet those goals by race-neutral means. It is only when race-neutral means fail to achieve sufficient DBE participation, that race-conscious means may be used. Indeed, all recent data provided by the States have shown, the lasting effects of discrimination are such that the overwhelming majority of States must continue to use race-conscious means to try and achieve their participation goals. For example, my home state of Minnesota established a goal for 2002 of 10.3 percent DBE participation in Federally-assisted transportation construction contracts. Minnesota officials determined that only 2.6 percent of this goal could be achieved with race-neutral means. There would need to be met using race-conscious means. Despite its good-faith effort to achieve this self-imposed goal, Minnesota was only able to achieve 6.63 percent DBE participation.

Minnesota’s experience demonstrates two important facts. First, as courts throughout the country have found, the DBE program is truly one of setting goals; it is not a quota system. States must make a good-faith effort to achieve its goal. Second, the goal setting required by the DBE program is crucial to increasing participation of DBE’s in Federally-assisted transportation contracts. In Minnesota state-funded transportation contracts, where there was no DBE goal established, DBE participation was only 4.42 percent.

By extending this program today, we specifically reaffirm the government’s compelling interest in ensuring that States receiving Federal funds for transportation construction make a good faith effort to ensure participation by minority- and women-owned businesses in these construction projects.

Mr. Speaker, I urge my colleagues to support H.R. 3783.

HONORING SUSAN BOOTH FOR HER OUTSTANDING COMMITMENT TO PUBLIC SERVICE

HON. ROSA L DELAURO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the many gathered to pay tribute to an outstanding member of our community, Susan Booth, as she is honored by the Devon Rotary and named a Paul Harris fellow. The Paul Harris fellow recognition was created in memory of Paul Harris, the founder of Rotary, as a way to show appreciation for contributions to the foundation’s charitable and educational programs. Every Paul Harris fellow receives a pin, medallion and a certificate when he or she becomes a fellow, identifying the recipient as an advocate of the foundation’s goals of world peace and international understanding. The commitment and dedication that Susan has demonstrated is indeed a reflection of all that the Rotary stands for. It is wonderful to see her work so proudly recognized by her community.

Founder of the Archway Foundation, Susan has spent nearly 15 years collecting donations to feed and clothe homeless children in Romania. Inspired by a television program about Romanian orphans abandoned when communism collapsed, Susan, a railroad conductor on a commuter train between Connecticut and New York’s Grand Central Station, switched to night shifts so that she could earn the necessary funds. Upon completing her degree, Susan went to Bucharest on a week’s vacation in search of these Romanian orphans who were living in sewers and abandoned buildings. With only a short list of contacts, Susan was fortunate to find an individual who knew where to look. “In that sewer, I found my life’s work,” she has said. Indeed, she has dedicated countless hours to her mission.

Operating out of her own home and a post office box, Susan collects clothing and donations and has been awarded hundreds of thousands in charitable grants. Through her hard work and the generosity of her contributors, Archway has been able to purchase two small homes in Romania as well as employ several Romanians. Orphans are used in a soup kitchen from which volunteers take food out to hundreds of homeless children every week and provide groceries to squatter families who take refuge in abandoned buildings.

It is not often that you find an individual with such dedication and commitment. Susan’s good work has touched the lives of thousands of needy children. More importantly, she has inspired countless numbers of people to donate their time and energy to provide one of life’s most precious gifts: hope.

I am proud to stand today to join the Devon Rotary and the many family and friends who have gathered this evening in extending my sincere thanks and heart-felt congratulations to Susan Booth as she is named a Paul Harris fellow. Yours is a legacy that is sure to continue to inspire generations to come.

INDIA DISSOLVES PARLIAMENT; ELECTIONS COMING; MINORITY NATIONS SHOULD VOTE FOR FREEDOM

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. TOWNS. Mr. Speaker, I noticed the other day that India is dissolving its Parliament on February 6. They will be having new elections soon, perhaps as soon as March. These elections, unlike ours, change faces, but don’t seem to change policy. The repression of minorities continues no matter who wins. This repression has killed over 250,000 Sikhs since 1984, over 300,000 Christians in Nagaland since 1947, over 85,000 Kashmiri Muslims since 1988, and tens of thousands of other minorities. More than 52,000 Sikhs, as well as tens of thousands of other minorities, continue to be held as political prisoners. Yet India cites elections like the ones upcoming to show that it is a democracy. That isn’t very democratic for the minorities, is it, Mr. Speaker? As I have said before, the mere fact that they have the right to choose their oppressors doesn’t mean they live in a democracy.

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, has issued an open letter to the Sikhs in Punjab on the elections urging the Sikhs in Punjab to reject all major parties and vote for candidates inclined to support the freedom of Khalistan, the Sikh homeland that declared its independence on October 7, 1987. That is the only way the Sikhs can survive. Dr. Aulakh said, “If the decision is corrupt, he points out, and the Congress Party organized the June 1984 attack on the Golden Temple, the seat of Sikhism.
We can support this cause by stopping U.S. aid to India until human rights are fully honored for all people there and by declaring our support for a free and fair vote on the subject of independence for Khalistan, for Kashmir, for Nagaland, and for all the minority nations of 5th Asia.

Mr. Speaker, I would like to put the Council of Khalistan’s open letter on the upcoming elections into the Record at this time.

COUNCIL OF KHALISTAN,
Washington, DC, February 9, 2004

OPEN LETTER TO THE KHALSA PANTH

DEAR KHALSA PANTH: WAHEGURU JI KA KHalsa, WAHEGURUJI KI FATEH!

The Indian government has dissolved Parliament. New elections are coming, perhaps as soon as March. Elections under the Indian Constitution will not free the Sikh Nation. Use this opportunity, however, to elect committed, honest Sikhs who are committed to freeing Khalistan to Parliament. Do not support L.K. Advani’s party. They are corrupt and have betrayed the Khalsa Panth. Not even a single Akali protested the unprecedented corruption of Badal. They have disgraced the name of the old Akalis who sacrificed their lives for the well being of the Sikh Nation.

The Guru gave sovereignty to the Sikh Nation. (“In Grieb Sikhin Ko Deon Patshahi.”) The Sikh Nation must achieve it. We always remember it by reciting every morning and evening, “Raj Kare Ga Khalsa.” Now is the time to decide what we want to do every morning and evening.

The fire of freedom still burns strong and bright in the heart of the Sikh Nation. Last year Sikhs openly held seminars in Punjab on the subject of Khalistan. This is a very good sign and we salute the people who participated in these seminars. They are keeping the flame of freedom lit. Now I urge Sikhs to unite and take action to liberate our homeland, Punjab, Khalistan. It is time to start a Shantmai Morcha to liberate Khalistan and the Akali Dal.

Never forget that the Akali Takt Sahib and Darbar Sahib are under the control of the Indian government, the same Indian government that has murdered over a quarter of a million Sikhs in the past twenty years. The Jathedar of the Akali Takt and the head priest Sahib thought that the Indian government tells them. They are not appointed by the Khalsa Panth. The SGPC, which appoints them, does not represent the Sikh Nation anymore. They have become the puppets of the Indian government and have lost credibility with the Sikh Nation. Otherwise they would be working to organize a “third front” to challenge the Indian government, and would not be supporting the murder of over 200000 Sikhs. This is what the Akali Dal means when it says, “We are for the people of India.”

The time to achieve our independence is now. The Indian government is no longer the same; it is now a puppet of the United Nations. The Indian government has lost its credibility with the people of the world. They have been transformed into a puppet of Islamic fundamentalism. They have sold out their people for foreign currency. They have lost all credibility with the Sikh Nation. This is why the Akali Dal was defeated in the elections by the Congress Party.

The time to achieve our independence is now. India is not one country. It has 18 official languages. Soon Kashmiri will be free from Indian occupation. Now America is involved. They are just voting to condemn your children and grandchildren to continued slavery under brutal Brahmin theocratic rule. The time to achieve our independence is now. India is not one country. It has 18 official languages. Soon Kashmiri will be free from Indian occupation. Now America is involved. They are just voting to condemn your children and grandchildren to continued slavery under brutal Brahmin theocratic rule.

Remember the words of Guru Granth Sahib: “In the inner heart of man, the spirit of the true Man is present unto all.” This is the true Man. It is the Man of God, the Man of the Panth, the Man of the Sikh Nation. It is Time to liberate the Nation. The Indian government has murdered over a quarter of a million Sikhs in the past twenty years. The Indian government has destroyed the moral fabric of the Sikh religion. What happened to the concept of fairness and honesty?

The Akalis say Badal’s prosecution is morally degenerate. They are destroying the moral fabric of Sikhism as a religion and a society. They should be ashamed of themselves. In addition to stealing from the people of Punjab, Mr. Badal worked against the cause of Sikh freedom. Badal was under the complete control of his masters in New Delhi. As a Hindu nationalist, BJ P. has a long record of betraying the Sikh Nation.

The Akali Dal conspired with the Indian government in the murder of the Golden Temple. If Sikhs will not even protect the sanctity of the Golden Temple, how can the Sikh Nation survive as a nation? The Akali Dal has lost all its credibility. The Badal government was so corrupt openly and no Akali leader would come forward and tell Badal and his wife to stop this unparalleled corruption. That is why the Akali Dal was defeated in the elections by the Congress Party.

The Singh Nation can neither forgive nor forget it. The Golden Temple is the property of all Sikhs. It rightfully belongs. A free Khalistan is a must for the survival of the Sikh nation and will provide an optimal environment for the Sikh Nation to progress to its optimum potential politically, religiously, and economically.

Panth Da Sewadar,
Dr. Gurmit Singh Aulakh,
President, Council of Khalistan.

HONORING JULIE DEMARIA

HON. ZOE LOFGREN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Ms. LOFGREN. Mr. Speaker, I rise today to honor Julie DeMaria and her family, and the people of San Jose on the establishment of Operation Care and Comfort.

Operation Care and Comfort is a self-funded, all-volunteer organization whose sole purpose is to supply care packages to the men and women of our military serving overseas. Since last summer Julie rallied neighborhood volunteers and businesses to donate items, including T-shirts, pins, hats, and food items to send in the care packages. Most importantly hand written letters of support are included in each package to the troops, showing our gratitude and support for their service to our country.

Because of Julie’s efforts, the San Jose community has now shipped over 27,500 pounds of care packages to our troops and she is still going! Her devotion to her community and love for her country does not go unrecognized.

On behalf of the House of Representatives, I want to thank Julie DeMaria, her family, and all the volunteers of her community involved in Operation Care and Comfort for their service to the United States.

REMEMBERING LUCILLE WESTBROOK

HON. MIKE ROSS
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. ROSS. Mr. Speaker, I would like to take this time to rise in honor of the life and lasting memory of Lucille Westbrook.

Lucille, a fifth-generation Arkansan, was born in the small town of Howardsville, attended Nashville public schools, and spent her life as an involved citizen, advancing issues dearest to her and worked to preserve the heritage of her community and state. She passed away Saturday, January 31, 2004, at the age of 86.

Described by those who knew her well as “brilliant” and “beloved”, Lucille was a well known face and name to the citizens of Howard County. Early in her life, she worked for...
HONORING THE ACHIEVEMENTS OF
LT. COLONEL PETE GANDY

HON. JEFF MILLER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the achievements of one of my constituents, who will soon be joining the ranks of the retired commissioned officers of the United States Air Force, Lt. Colonel Pete Gandy.

Colonel Gandy, a master navigator with 3,600 flying hours and a graduate of the Squadron Officers School and Air Command and Staff College, has served his country honorably and faithfully for the past thirty years.

Upon graduation through the ROTC program at Memphis State University, he was commissioned a Second Lieutenant in the Air Force. Colonel Gandy later received training as a navigator at Mather Air Force Base in California.

Throughout Colonel Gandy’s career, he was assigned a multitude of important missions for the betterment of our country’s security. His work history and past responsibilities have served as a testament of faith and trust that America has bestowed upon him.

While on active duty, he was assigned Chief of the Munitions Maintenance Division, 1st Strategic Air Division at Vandenburg AFB, California, where he was responsible for test launches for Minuteman III and Titan II ICBM re-entry vehicles. Colonel Gandy also served at Strategic Air Command Headquarters at Offutt AFB, Nebraska where he was involved with planning and installation of Minuteman III missiles at SAC bases in North Dakota.

After his training as a radar navigator, Colonel Gandy was assigned to a B-52 combat crew of the 5th Bomb Wing, Minot AFB, North Dakota. He served as an instructor and flight examiner with the Wing’s Standardization and Evaluation Division. Afterwards, he went on a tour to U Tapao Air Base, Thailand and Anderson, AFB, Guam. Upon Colonel Gandy’s return to the United States, he received orders to the Plans, Policy, and Programs Division at Head-quarters SAC where he worked to increase our Nation’s security.

While on inactive duty in the Tennessee Air National Guard as a C-130 navigator, he participated in numerous exercises and deployments to Europe, Central and South America, and Southwest Asia in support of Operations Just Cause and Desert Shield.

In July 1993 Colonel Gandy received a commission in the Louisiana State Guard, promoted to the rank of Colonel, and served as the Disaster Preparedness Liaison for the City of New Orleans. This assignment made him a key player with the state and the city to improve hurricane preparedness.

During his career he was awarded the Defense Service Medal, Air Force Commendation Medal, and the Air Medal for Meritorious Achievement, among others.

Much of his service has been due to the total and unwavering support of his wife, Janice and two children David and Tricia.

On behalf of the United States Congress, I would like to recognize this brave airman for his service and contributions to our Nation and its security. As a member of the United States Congress, I want to thank Colonel Gandy for his service to our Nation, Mark.

TRIBUTE TO MARK MARCHUS

HON. SCOTT MCNINIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. McNINIS. Mr. Speaker, I would like to take this opportunity to recognize Mark Marchus and thank him for his many contributions to Routt County, Colorado. After 6 years of impeccable service to the Routt County Regional Building Department, Mark announced his impending retirement. He has done much to enhance his community, and I would like to take this opportunity to thank him for his service.

During his tenure with the Routt County Regional Building Department, Mark distinguished himself as an able and competent leader. He made the department more customer friendly, and was instrumental in developing a computer tracking system to aid contractors to monitor each step involved in receiving a building permit. He also implemented an interactive voice system that allows contractors to request building inspections until Midnight the day before. These technological improvements significantly improved the department’s efficiency.

Mr. Speaker, it is a great privilege to honor Mark Marchus and wish him all the best as he steps down on April 30 from the Routt County Regional Building Department. He has dedicated his time and energy toward the betterment of the Routt county community and certainly deserves the praise and admiration of this body of Congress and this Nation, Mark, thank you for your dedicated service.

Congratulations to Charles Flack, Jr., of Dallas, Pennsylvania, who received the Community Service Award from the Seligman J. Strauss Lodge No. 139 of the B’nai B’rith. Mr. Flack received the award on February 22, 2004 at the 58th annual Lincoln Day Dinner. I ask that my colleagues join me in congratulating Mr. Flack for this well-deserved honor and expressing our appreciation for the positive contributions he has made to Northeast Pennsylvania as both a businessman and as a member of the community.

For nearly a quarter of a century, Mr. Flack has served as Chairman and CEO of Diamond Manufacturing Company, a West Wyoming-based company that employs 250 individuals and has grown to become North America’s largest supplier of perforated metals. In 1998, the Greater Wilkes-Barre Chamber of Business and Industry bestowed upon Mr. Flack the Diamond Manufacturing Company’s Small Business of the Year Award, and in 2001, Diamond Manufacturing earned the distinction of being one of the Best Places to Work in Pennsylvania. These achievements are especially noteworthy because Rusty and his brother Hal inherited Diamond Manufacturing under tragic circumstances when their father died suddenly at an early age. Although only in their twenties when they took over the business, Rusty and Hal have led Diamond not only to survive, but to thrive.

Mr. Speaker, I do not rise today merely to extol the success Mr. Flack has had as a businessman, though those accomplishments should not be dismissed. Despite the responsibilities any small business demands from its owner, Rusty has always remained involved in numerous civic, religious and educational endeavors and organizations. In each instance, he has performed with a commitment worthy of the award he is about to receive. I have called upon him myself on numerous occasions to seek his counsel and request his assistance in mediating difficult situations. The respect with which he is held within the community helped enormously in bringing adverse parties together.

Among his many civic activities, Mr. Flack currently serves as Chairman of the Wyoming Valley Health Care System, the largest employer in Luzerne County; as the treasurer of the Wyoming Seminary, a prominent K–12 preparatory school in Northeastern Pennsylvania; and as a trustee for the College of Misericordia, a leading institution of higher learning. As an active member of the Prince of Wales Episcopal Church, Mr. Flack has sung in the choir, taught religion to young churchgoers, and served in the vestry as a senior warden.

Mr. KANJORSKI. Mr. Speaker, I rise today to recognize my very good friend, Charles ‘Rusty’ Flack, Jr., of Dallas, Pennsylvania, who received the Community Service Award from the Seligman J. Strauss Lodge No. 139 of the B’nai B’rith. Mr. Flack received the award on February 22, 2004 at the 58th annual Lincoln Day Dinner. I ask that my colleagues join me in congratulating Mr. Flack for this well-deserved honor and expressing our appreciation for the positive contributions he has made to Northeast Pennsylvania as both a businessman and as a member of the community.

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Mr. Speaker, earning the esteem of the B’nai B’rith deserves this body’s recognition because it is a widely respected organization dedicated to the community it shares with people of all faiths. It is a privilege for me to stand before the House of Representatives to honor an individual like Charles “Rusty” Flack, Jr. I offer my friend’s congratulations to him on becoming a recipient of a Community Service Award, and I urge my colleagues to join Seligman J. Strauss Lodge No. 139 and me in extending our gratitude and admiration to a remarkable citizen who has distinguished himself as a businessman and a civic leader.

KERRY STATEMENT CALLING SIKHS TERRORISTS A MISTAKE

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. TOWNS. Mr. Speaker, as an American and a Democrat, it was not good news when I was informed by Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, that Senator JOHN KERRY, the frontrunner for my party’s nomination for President, had made a speech in Oklahoma on January 31 in which he described the Sikhs as terrorists. This is a mistake on Senator KERRY’s part and one I hope he will correct promptly.

I have been following South Asian affairs for some time now and I can tell you that Sikhs are committed to freedom. I have met members of the Sikh community here in the United States, which is half a million strong, and they are hardworking people who are dedicated to their families, their religion, America, and freedom for their Sikh brothers and sisters back home in Punjab, Khalistan.

The Indian government has been oppressing the Sikhs ever since independence. Shortly after India got its independence, the Indian government sent out a memo describing Sikhs as “a criminal class” and ordering police to take special measures to suppress them. This is shameful. Since 1984, India has murdered over 250,000 Sikhs, according to the Punjab State Magistracy and human-rights organizations. They hold over 52,000 political prisoners. Some have been in illegal custody without charge or trial for 20 years. Mr. Speaker, two decades! Is that a democratic way to do things?

India’s propaganda machine is working overtime to maintain this false picture of Sikhs as a “criminal class” and ordering police to take special measures to suppress them. They have even hired two lobbying firms, ex-...
Khat Si,...normally referred to in English as the Mendicant Buddhist Order, in Southern Viet-
nam. This order represents a unique combina-
tion of Theravada and Mahayana Buddhism.
On the Second day of the Second month in
the Year of the Horse (1954) during a time
of political turmoil, Master Minh Danh Quang
went missing and the Monks and Nuns of this
order observe his disappearance each year as
a religious ceremony.
According to the Bhikshu Buddhist Council,
this year marks the 50th anniversary to cele-
brate the long-lasting work of Buddhist Master
Minh Danh Quang and his foundation of the Vi-
etnamese Sakya Muni Dharma School of Bud-
dhism. Although, Master Minh Danh Quang is
not with us today, his followers continue their
Master’s teachings in Vietnam and all over the
world.
I am pleased to know that in my City of San
Jose, California, the Vietnamese Bhikshu Bud-
dhist Council can freely meet, worship, and
practice their faith without fear of persecution.
But that is not enough. We must demand
that all Buddhists around the world, and others
attempting to practice and worship their faith,
are able do so freely without fear of persecu-
tion.
We must continue passing legislation like
the Vietnam Human Rights Act to promote
freedom and democracy in Vietnam and House
Resolution 427 that praises the coura-
geous leadership of the Unified Buddhist
Church of Vietnam and the urgent need for re-
ligious freedom and related human rights in
Vietnam.
We cannot sit idly by as the Vietnamese
government continues to oppress its people
while hiding behind the veil of free trade.
On this special day, I recognize the 50th Anni-
siversary of the remembrance of Buddhist Master
Minh Danh Quang and reassert my commit-
mint to fighting for human rights in Vietnam.

IN LASTING MEMORY OF DR.
DONALD L. MILLER

IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. ROSS. Mr. Speaker, I would like to take
this time to honor the life of Dr. Donald L. Mil-
ler. He lived a life devoted to the love, care
and education of others and leaves a legacy
carried on by the many lives he touched; ei-
ther directly through personal relations or indi-
rectly through his efforts to improve the quality
of health care now available to Arkansans.
Dr. Miller was born in Little Rock, received
his doctorate of medicine from the University
of Arkansas for Medical Sciences, and spent
nearly his entire life devoting energy and vi-
sion to the improvement of health care in Ar-
kanzas.
Dr. Miller was a member of numerous com-
nunity, university, and professional commit-
tees and organizations including the American
Medical Association, the American College
of Physicians, and the First United Methodist
Church. However, it was his work with Area
Health Education Center programs that gained
him the greatest notoriety. Dr. Miller served as
an influential force in getting the program
under way in the state and became Director of
the Pine Bluff Area Health Education Center.
As Director, he earned the esteem of his fel-
low members of the American College of Phy-
sicians, who would write that “his greatest
achievement has been the development of the
most productive AHEC program in Arkansas.”
In 1995, they presented Dr. Miller with the
Robert Shields Abernathy Award for Excel-
lence in Internal Medicine in recognition of his
achievements and sustained commitment to
the program.
Under the vision and leadership of Dr. Mil-
lcr, countless students as well as residents of
internal medicine and family practice are more
adequately trained in the various technical as-
pects of health care through the work of the
Pine Bluff AHEC. As a result, many quality
physicians have been attracted to the area
where they now provide quality health care to
the citizens of Southeast Arkansas. It is yet
another indication of the broad impact Dr. Mil-
lcr has had on his state, his community, and
his fellow citizens.
My thoughts and prayers are with his wife,
Peggy, and his daughters, Mollie, Sheila, and
Karen. I extend my sincerest sympathies to
them and can only hope that we find some
solace in the lasting legacy of Donald Miller as
his spirit lives on in each of us.

HONORING THE ACHIEVEMENTS
OF LT. COL. ROBERT L. REINLIE

HON. JEFF MILLER
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. MILLER of Florida. Mr. Speaker, I rise
today to pay tribute to Lt. Col. Robert L.
Reinlie for his tireless fight for his fellow vet-
erans.
Lt. Col. Reinlie and the late William O.
“Sam” Schism engaged Col. George “Bud”
Day, Medal of Honor recipient and former
POW, as their attorney. By becoming a plain-
tiff in a 1996 lawsuit, Lt. Col. Reinlie chal-
lenged the United States government to honor
healthcare commitments made to WWII/Korea
era military retirees.
Lt. Col. Reinlie’s extraordinary farsighted vi-
sion recognized the need for a plan to support
his legal efforts. Lt. Col. Reinlie took it upon
himself to begin organizing, what later became
the Class Act Group.
With untiring and aggressive pursuit, Lt. Col.
Reinlie’s efforts were extended into a nation-
wide grass roots network that was instru-
mental in forging Congressional legislation fa-
vorable to military retirees. Lt. Col. Reinlie
helped initiate this grass roots initiative
through billboards, letter writing campaigns,
demonstrations, phone and fax communication
blitzes, meetings, marches, web sites, letters
to editors, press releases, all geared to influ-
encing Congressional attention. His dynamic
and selfless leadership and commitment drove
him to a presence in Class Act Group office
spaces, even when extensive surgery was im-
minent and during extended rehabilitation.
His tireless dedication served as a contrib-
uting and encouraging factor for his attorney,
Col. Day, and the legal fight to the United
States Supreme Court. This fight led by Lt.
Col. Reinlie was critical in bringing to the
military retiree medical benefit now re-
ferred to as TRICARE for Life and The Sen-
ior Pharmacy Program. The WWII/Korea era mil-
itary retiree fight is not over and Lt. Col.
Reinlie, at the young age of 82, is still in the
battle to honor his fellow veterans.
Mr. Speaker, I, on behalf of the United
States Congress, salute Lt. Col. Reinlie. With
the encouragement and significant contribu-
tion from his wife Marilyn, he reflects a great credit
upon himself, our Nation, and the courage of
soldiers that gave us the freedom we enjoy
today. I offer my sincere thanks for all that he
has done for Northwest Florida and this great
Nation.

TRIBUTE TO JOE ESPINOZA

HON. SCOTT McINNIS
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. McINNIS. Mr. Speaker, it is with pro-
found sadness that I rise before you today to
pay tribute to the life and memory of Joe
Espinoza, who passed away recently at the
age of ninety-two. Joe embodied the ideals of
patriotism, integrity and love of family that we,
as Americans, have come to expect from our
public servants. As his family mourns the loss,
I believe it is appropriate to remember Joe
and pay tribute to his contributions to his city,
state and country.
Joe began his service to this nation as a
Marine in World War II, and following an hon-
orable discharge, returned to Colorado where
he and his wife, Melissa, opened their family
restaurant and bar, El Patio. He entered a life
of public service in 1978 when he was elected
Mayor of San Luis, an office he held for three
terms. During his tenure, Joe enjoyed the dis-
tinction of being the town’s oldest mayor. He
is survived by two sons, Josito and Abby; four
daugthers, Theresa, Margaret, Joetta, and
Claudine; twenty-two grandchildren, thirty-one
great-grandchildren, and one great-great
grandchild.
Mr. Speaker, it is an honor to rise before
this body of Congress and this nation to pay
tribute to the memory of Joe Espinoza.
He was a beloved family man and public servant
who also made numerous contributions to his
community. The San Luis community and the
State of Colorado will truly miss Joe, and my
thoughts go out to his family during this dif-
cult time of bereavement.

CHARLES ADONIZIO, JR. HONORED
POSTHUMOUSLY BY PITTSTON
SUNDAY DISPATCH

HON. PAUL E. KANJORSKI
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. KANJORSKI. Mr. Speaker, I rise today
to draw the attention of my colleagues in the
U.S. House of Representatives to the life of
my very good friend, the late Charles “Cugsy”
Adonizio. On Sunday, February 24, 2008, the
Pittston Sunday Dispatch honored his life with
the Joseph Saporito Award for Lifetime of
Service to Greater Pittston. A loving husband
to Helen for 57 years and the father of six chil-
dren, Charles Adonizio, Jr. passed away last
October at the age of 88 years old.
The editor of the Sunday Dispatch, Ed Ack-
erman, recently wrote an excellent story out-
lining the life of this community-spirited man
who inspired so many in the Greater Pittston area of Northeastern Pennsylvania. I would like to reprint that article below.

**J O S E P H S A P O R I T O L I F E T I M E S E R V I C E A W A R D**

If you knew “Cugsy” Adonizio you knew he was happy when he was happy. He’d tell a funny story and inevitably his laughter turned to tears. Such paradox tells the story of Cugsy’s life. He was successful, yet humble, strict yet compassionate, powerful yet gentle.

In his later years, as he battled a heart condition, Cugsy became weak yet strong. He needed assistance of a cane as he walked a couple of miles each day. And while walking was difficult for him, swinging a golf club was not. He scored a hole-in-one at the age of 81.

And the paradox continues since his death on October 26 at 88 years old. “In a funny way,” his wife Helen says, “he’s more alive than ever. I talk to him all the time and, in his own way, I believe he answers me.”

Charles Adonizio Jr.—“Cugsy” to most, just “Cugs” to his wife of 57 years—is today honored with the Joseph Saporito Award for Lifetime of Service to Greater Pittston.

He received a similar honor in 1979 when he was named Pittston Man of the Year by St. Michael School for Boys. It was a fitting tribute for a man who dedicated a good part of his life to helping troubled youth.

As a Pittston Police Probation Officer for Luzerne County from 1902 until his retirement in 1982, Cugsy earned a reputation as a compassionate disciplinarian. He was more concerned with rehabilitation than punishment. He saw a system that needed fixing. He saw a system that needed fixing.

Cugsy graduated from Pittston High School (later returning as school director) and attended Duquesne University, where he was named on their Who’s Who list.

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He served in the U.S. Navy during World War II and was a full lieutenant at the time of his discharge. He spent 33 months on active duty in the Pacific.

He organized the Wyoming Valley Naval Reserve and became its first commanding officer. He retired in 1955 as a Lieutenant Commander.

He was a Past Exalted Ruler of the Pittston Elks, Fourth Degree and Life Member of the Knights of Columbus, Past Commander of Fort Pittston Post V.F.W., and first President of the Our Lady of Mount Carmel Elks.

He and Helen are parents of six children: Judy Yanchek, Gloria Blandina, the late Judy Christine Thompson, Charles III, Jane Adonizio Lukas, and Dr. Patrick.

**SIKHS PROTEST INDIAN GENOCIDE ON REPUBLIC DAY**

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. TOWNS. Mr. Speaker, on January 26, India celebrated its Republic Day, the anniversary of the adoption of its Constitution. Now if it would only live by that constitution.

The Council of Khalistan organized a successful protest outside the Indian Embassy here in Washington. While India celebrated, minorities are being killed. India has murdered over 250,000 Sikhs since 1984, over 300,000 Christians in Nagaland, over 85,000 Kashmiri Muslims, and tens of thousands of other minorities. There are tens of thousands of political prisoners, according to Amnesty International. These include over 52,000 Sikhs, a study from the Movement Against State Repression showed. That doesn’t sound like a republic to me.

In the later years, as he battled a heart condition, Cugsy became weak yet strong. He needed assistance of a cane as he walked a couple of miles each day. And while walking was difficult for him, swinging a golf club was not. He scored a hole-in-one at the age of 81.

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plebiscite for the freedom of the Sikh Nation,” he said. “India should also allow self-determination in Christian Nagaland, Kashmir, Assam, and the other nations fighting for freedom to bring peace to South Asia.”

“As Professor Darshan Singh, a former Jathedar of the Akal Takht, said, ‘If a Sikh is not for Khalistan, he is not a Sikh.’” Dr. Aulakh noted, “These attackers seek to undermine our historic commitment to freedom for our God-given birthright of freedom,” he said. “Without political power, religions cannot flourish and nations perish.”

HONORING ESTHER MEDINA, EXECUTIVE DIRECTOR OF THE MEXICAN AMERICAN COMMUNITY SERVICES AGENCY, INC

HON. ZOE LOFGREN OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Ms. LOFGREN. Mr. Speaker, I rise to acknowledge the great contributions of Esther Medina, the executive director of the Mexican American Community Services Agency, Inc. (MACSA). Founded in 1964, MACSA has established itself as the leader in the Latino community in the area of advocacy, social justice, youth services, implementation and operation of two charter schools and the development of affordable housing.

Esther Medina was hired as the executive director of MACSA in 1982. At that time, MACSA was on the verge of losing funding from the United Way and was put on a 3-month corrective action plan to prove fiscal solvency, stable management and leadership.

At that time, the finances were in such disarray, MACSA had no money in its budget to operate. Esther was able to convince the United Way to allocate $27,000 to keep its doors open for 3 more months. Through Esther’s efforts, she transformed MACSA from an organization with 1 full-time and 1 part-time employee, on the verge of having it’s doors closed forever, to an organization with 120 employees and an annual operating budget of over seven million dollars as well as developing and owning it over seven million dollars as well as developing and implementing corrective action plans to prove fiscal solvency, stable management and leadership.

Throughout his life, Tom distinguished himself through a sustained commitment to his ideals and his community. He devoted himself to uplifting society by helping those less fortunate. His character is an example of the values we, as parents, teachers, community members, and legislators, hope to instill in our next generation. Bill Clinton spoke for many of us when he said, “I respect, admire and like Tom McRae, and I will forever grateful for the lifetime of service he gave to Arkan-

I extend my deepest sympathies to his wife, Christine, his children, Catherine and Thomas, as well as all of those who knew and loved him. Although he may no longer be with us, his spirit and his legacy live on in the examples he set and the many lives he touched.

TRIBUTE TO MARJORIE CLEMENT
HON. SCOTT MCKINNIS OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. McKINNIS. Mr. Speaker, it is with profound sadness that I rise before you to recognize Marjorie Clement of Jefferson County, Colorado, who recently passed away at the age of 81. She was a stellar public servant who will be missed by many, and I think it appropriate that we remember her life before this body of Congress and this Nation today.

Marjorie was appointed Jefferson County Commissioner in 1981, and was elected to serve for two additional terms. An ardent supporter of preserving Colorado’s open space, Marjorie worked tirelessly to preserve some of Colorado’s most beautiful landscapes and vistas. Marjorie became the second woman elected to the Jefferson County Board of County Commissioners, and will be remembered as a great defender of the citizens in her community. In addition to her elected office, Marjorie also contributed to her community as a member of the Jefferson County Hist-

Mr. Speaker, it is an honor to rise before this body of Congress and this Nation to pay tribute to the life of Marjorie Clement. Marjorie was a beloved woman who made a tremendous impact on her community through her many selfless years in public service. The Jefferson County community of Colorado will truly miss her, and my thoughts go out to Marjorie’s loved ones during this difficult time of bereavement.

COUNCIL OF KHALISTAN URGES SIKH ORGANIZATIONS TO TAKE STRONG STAND FOR FREEDOM
HON. EDOLPHUS TOWNS OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. TOWNS. Mr. Speaker, recently, the French National Assembly enacted a law banning religious symbols such as “conspicuous crosses,” yarmulkes, Muslim headscarves, and Sikh turbans from schools. Many religious organizations spoke out against it, including many Sikh organizations.

The letter, brought to me by Dr. Gurmit Singh Aulakh, the tireless fighter for freedom in South Asia, calls on Sikh organizations to stand up to the repression by working for free-

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Neveer forget that the Akal Takht Sahib and Darbar Sahib are under the control of the Indian government, the same Indian government that has murdered over a quarter of a million Sikhs within twenty years. The jathedar of the Akal Takht and the head granthi of Darbar Sahib toe the line that the Indian government tells them. They are not Khalistanis. The SGPC also is controlled by the Indian government that has brutally murdered our people. These institutions will remain under the control of the Indian government until we free them. The Sikh Coalition, the Sikh Diaspora, the Sikh Nationalists, the Khalistan Movement, the World Sikh Organization, the British Sikh Federation, the Coalition of Indian Sikhs, the United Sikhs, SMART, the Sikh Coalition, and other organizations must promote the cause of Khalistan. They are more concerned about their positions than about the liberation of Khalistan. They are more concerned with pleasing the Indian government than surviving. By helping to ensure that democracy is allowed to work for the cause of freedom and self-determination, we can make sure that whatever changes occur in the subcontinent happen peacefully.

Mr. Speaker, I don’t mean to be long-winded, so I will stop here and place the Council of Khalistan’s excellent open letter into the RECORD.

Council of Khalistan,
Open Letter to Sikh Organizations and Institutions,

AN APPEAL TO THE KHALSA PANTH ONLY IN A FREE KHALISTAN CAN SIKHS PROSPER—EVERY SIKH MUST WORK TO LIBERATE KHALISTAN

Dear Khalisa Panth: Waheguru Ji Ka Khalsa, Waheguru Ji Ki Fath!

Recently, France passed a law banning the wearing of turbans and other religious symbols, including head scarves, and “conspicuous crosses” in schools. This is a major violation of religious rights. Belgium is considering a similar law. Sikhs must do whatever we can to protest this unfair, discriminatory action.

Because Sikhs are slaves in India, there is nobody to defend the Sikh interests internationally. An issue came up of the French banning the wearing of turbans in schools. If Khalistan were free, the Sikh Nation could call the French Ambassador and tell him to stop this harassment of Sikhs. Our Ambassador to France would tell the French government the same thing: the turban is a part of the Sikh religion and Sikhs should not be harassed.

When Khalistan is free, we will be in a much stronger position to fight such offenses against our religion. We will be able to exert influence internationally, bringing our case to the world. This is just one more reason that the liberation of Khalistan is essential. Yet prominent Sikh organizations like the Sikh Coalition of Religion and Education (SCORE), SMART, the Sikh Coalition, and other organizations refuse to mention the oppression of the Sikhs by the Indian regime and the struggle to liberate Khalistan. They are more concerned about their positions than about the Sikh people. These organizations are heavily infiltrated, infiltrated and controlled by operatives of the Indian government. We appreciate the British Sikh Federation, which continually promotes the cause of Sikh rights for Khalistan, but other organizations must promote the cause of Sikh freedom as well. Whenever they have the opportunity to communicate with the outside world, they should promote freedom and independence for Khalistan.

The Guru granted sovereignty to the Sikh Nation, saying “In Grieb Sikhin Ko Deon Patshai.” The Sikh Nation must achieve its independence to fulfill the mandate of the Guru. We always remember it by reciting every morning and evening. “Raj Kare Ga Khalistan, Kesari Ga Khalistan.” We must take action to do it. Do we mean what we say every morning and evening? I urge Sikhs to unite and take action to liberate our homeland, Punjab, Khalistan. It is time to start a Shantmaa Morcha to liberate Khalistan from Indian occupation.

Mr. Speaker, I don’t mean to be long-winded, so I will stop here and place the Council of Khalistan’s excellent open letter into the RECORD.
Mr. Speaker, it is an honor to rise before this body of Congress and this Nation to pay tribute to the inspiring life of Charles Richard Butler. He was a beloved family man who made a tremendous impact in the field of geology. The Durango community, and the State of Colorado will truly miss Charles, and my thoughts are with his family during this difficult time of bereavement.

THE NECESSITY OF AN ENERGY BILL

HON. DOUG BERREUTER
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. BERREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from February 6, 2004, Omaha World-Herald.

While the energy bill conference report is obviously not perfect—it contains excesses and too much parochial pork-barrel—the legislation would provide many important improvements over the current situation. Among its beneficial provisions, the measure is designed to improve the nation’s electricity transmission capability. It also supports alternative power sources and promotes a cleaner environment. As the editorial indicates, the conference report can be improved in certain ways while retaining its beneficial provisions.

THAWING ENERGY POLICY

Signs of movement are appearing in Congress’ deadlock over a comprehensive energy bill. The $31 billion bill passed the House but fell two votes shy of breaking a filibuster in the Senate last November. The bill was a mixed bag, containing needed electrical-grid improvements, breaks and incentives for alternative energy sources, including a doubling of the nation’s ethanol production. But it also would have rolled back some air and water pollution standards and was bloated with more than $11 billion in tax breaks and favors to gain votes.

Among the objectionable provisions was liability protection for makers of the gasoline additive MTBE. That would shift to state and local governments the estimated $20 billion cost of cleaning groundwater contaminated by MTBE.

PETE DOMENICI, chairman of the Senate Energy Committee, said he’ll drop that provision. Good, it’s an outrageous provision, but killing it will need the agreement of the House, where it still has strong backing from Majority Leader Tom Delay. The conference report, finally being openly discussed, after a Republican-only conference committee cooked up the current bill behind closed doors, is a victory all its own for political debate.

The chance to plot such a course change for the nation’s energy policy is an opportunity not to be missed. We’re glad to see it’s now open to reasonable compromise.

RECOGNIZING DAVID RYAN CLOUSE

HON. ED WHITFIELD
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. WHITFIELD. Mr. Speaker, I rise today to recognize David Ryan Clouse of Hopkinsville, KY, for his selection as a student delegate to represent Kentucky at the 42nd Annual United States Senate Youth Program. Ryan was one of two students chosen to participate from the State of Kentucky for this prestigious honor. Selection as a delegate is an honor few receive. Students are required to be involved in student organizations, community activities and achieve academically.

Ryan has excelled in academics. He has served as an officer and member in the various organizations in his school. He participated in the Governor’s Cup Program. He has been a valuable member of his schools soccer team, basketball team and tennis team. Ryan has been involved in his church and community.

Mr. Speaker, I am proud to represent David Ryan Clouse in my District. I extend my congratulations to him for his achievements, and I am proud to bring his accomplishments to the attention of this House.

Tribute to Tom O’Keefe for 30 Years of Protecting Californians from Wildfires

HON. JERRY LEWIS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. LEWIS of California. Mr. Speaker, I want to pay tribute today to a dedicated public servant who for the past 30 years has devoted his life to protecting southern Californians from the danger of wildfires. I can say sincerely that many of my constituents owe their lives and homes to the hard work and leadership of Thomas O’Keefe, who is retiring as chief of the San Bernardino Unit of the California Department of Forestry and Fire Protection.

Tom O’Keefe began his career in public service in 1968 as a member of the United States Coast Guard, where he served aboard the ice breaker Storis in Alaska. After 4 years with the Coast Guard, chief O’Keefe began his work for CDF on October 1, 1974 as a Fire Control Assistant in the Orange Ranger Unit. In 3 years, he was promoted to a Fire Apparatus Engineer and was assigned to the El Cerrito Forest Fire Station (FFS) in the Riverside Ranger Unit. He moved up to Fire Captain in August of 1981 and was assigned to Indian Wells and later to a Training Fire Captain position in the Riverside Ranger Unit Headquarters.

In April of 1986, Tom O’Keefe became Battalion Chief in the Riverside Training Section and three years later was made a field Battalion Chief in San Jacinto. Moving up quickly in the ranks, he was named a Division Chief in 1989, in charge of the Staff Services Division and later headed the Emergency Services Division for Riverside County. In October 1996, he was promoted to Deputy Chief of the Riverside Ranger Unit and was finally named Chief of the San Bernardino Ranger Unit in July 1999.

Mr. Speaker, the California Department of Forestry and Fire Protection is our statewide firefighting agency, and Chief O’Keefe has played an active role in many historic events, ranging from the Los Angeles riots to the Northridge earthquake. The agency is also charged with forestry management and fire prevention, and I am most grateful for Chief O’Keefe’s efforts to deal with the terrible tree dieoff in the San Bernardino mountains.

On October 21, 2003 wildfires erupted throughout southern California. These fires were some of the most costly and devastating wildfires in the State’s history. Two of these fires were located in San Bernardino County, and the Old Fire in my district destroyed more than 1,000 homes. Chief O’Keefe led the CDF in playing a central role as firefighters evacuated tens of thousands of residents, saved thousands of structures and protected the forest, and held the fire back from destroying the entire forest. Chief O’Keefe had already been selected to receive the Director’s Leadership Award, but the recognition was especially deserved in light of his leadership and professionalism in the fires of 2003.

Thanks greatly to the efforts of Chief O’Keefe and the CDF, most of our mountain residents were able to return home after the fires. They have expressed their gratitude in many ways, and I thank him personally as well as the team well on his retirement.

Mr. Speaker, I ask that you and my colleagues join me in saluting this public servant, and sending him and his wife Nancy our best wishes.

Recognizing Derek Scott King for Achieving the Rank of Eagle Scout

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause today to recognize Derek Scott King, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 167, and in earning the most prestigious award of Eagle Scout.

Derek has been very active with his troop, participating in many scout activities. Over the past Years Derek has been involved with scouting, he has earned 33 merit badges and is a Firebuilder in the Tribe of Mic-O-Say.
there has also attended the National Scout Jam-  
bopee at Fort A.P. Hill in Virginia and the Jun-  
or Leader Training Conference at the Pony  
Express Council.  

For his Eagle Scout project, Derek built a  
neg for the Alta Vista Baptist Church.  

Mr. Speaker, today I ask you to join me in  
commending Derek Scott King for his accom-  
plishments with the Boy Scouts of America  
and for his efforts put forth in achieving the  
highest distinction of Eagle Scout.  

TRIBUTE TO FRUITA MONUMENT  
HIGH SCHOOL STUDENTS  

HON. SCOTT McINNIS  
OF COLORADO  
IN THE HOUSE OF REPRESENTATIVES  
Tuesday, February 24, 2004  

Mr. McINNIS. Mr. Speaker, it is my honor to  
rise before you today to pay tribute to the stu-  
dents of Fruita Monument High School who  
recently devoted their time and efforts toward  
 improving the lives of others. Last year, 25  
students joined the Committee for a Merry  
Christmas For All to construct, collect and dis-  
tribute Christmas toys to needy children in  
 Colorado. Their actions serve as a valuable  
model of community service, and I would like  
to ask my colleagues to join me in recognizing  
their tremendous contributions to the State of  
 Colorado before this body of Congress and  
this nation.  

The Committee for a Merry Christmas For All was established 17 years ago. Since the  
committee’s beginning, the Grand Junction  
Free Press reports that “Students have de-  
signed and constructed nearly 5,000 toys . . .  
and they’ve collected another nearly 6,000.”  
This past year, under the tutelage of their  
teachers Ed Reid and Mel Cridner, the students  
designed and constructed a variety of toys.  
On the Saturday preceding Christmas, the stu-  
dents and their teachers met at Fruita Monu-  
ment High School and distributed the collection  
of toys to children in need throughout the  
Grand Junction community. This is an amaz-  
ing group of young citizens, and I am proud to  
highlight their amazing actions here on the  
floor of the House of Representatives.  

Mr. Speaker, it is my high honor to rise before  
this body of Congress to pay tribute to each  
member of the Committee for a Merry Christ-  
mas For All. I would also like to thank their  
teachers Ed and Mel, who have dedicated  
their time and efforts to make this service pos-  
sible. These efforts have brightened the lives  
of thousands of children in Colorado,  
and the State will forever remain grateful. It is  
my honor to offer my deepest gratitude and  
appreciation to the Committee and School,  
and I thank them for their service.  

TRIBUTE TO FRUITA MONUMENT  
HIGH SCHOOL STUDENTS  

HONORING JAMES HUFF  
HON. CHARLES W. “CHIP” PICKERING  
OF MISSISSIPPI  
IN THE HOUSE OF REPRESENTATIVES  
Tuesday, February 24, 2004  

Mr. PICKERING. Mr. Speaker, this month  
James Huff would have been 59 years old. A mentor, a  
confidant, a family friend and a counselor since  
before I ran for Congress, Jim represents the  
best Mississippi has to offer and will be irre-  
placeable on my staff.  

Jim and Marilyn Huff reared two children  
and proudly claim 5 grandchildren. For 32  
years he worked at the Masonite Corporation  
in Laurel. As operations manager at Masonite,  
he was one of the leading businessmen in  
Jones County, where I grew up and first  
appreciated his wisdom, wit, and integrity.  
President Jimmy Carter once said of Jim: “He  
doesn’t put his knowledge and expertise to work,  
applying the Department of Interior’s state director of the Farmers  
Home Administration.  

Express Council.  
ior Leader Training Conference at the Pony  
bore at Fort A.P. Hill in Virginia and the Jun-  
has also attended the National Scout Jam-  
bopee at Fort A.P. Hill in Virginia and the Jun-  
or Leader Training Conference at the Pony  
Express Council.
he will be honored at a surprise dinner for ten years of academic and community excellence.

Dr. Geraty grew up as a citizen of the world as part of a Seventh-day Adventist missionary family who lived and worked in China, Burmah, Hong Kong, and Lebanon. Dr. Geraty received a rich cross-cultural experience from attending schools in China, Hong Kong, Lebanon, England, Germany, France, Israel, California, Maryland, Michigan, and Massachusetts. These experiences set him on a lifelong course committed to the values of diversity and education.

After completing his undergraduate degree at Pacific Union College, Dr. Geraty graduated from the Theological Seminary at Andrews University. He then served a short term as a pastor in Santa Ana, California. Later, Dr. Geraty joined the Andrews Theological Seminary faculty, where he first went to Harvard University to study Hebrew Bible and biblical archaeology where he earned and received with distinction his Doctor of Philosophy degree.

Returning to Andrews Theological Seminary as Professor of Archaeology and History of Antiquity, Dr. Geraty distinguished himself as a teacher and scholar for the next 13 years, teaching also in Jamaica, Jordan, Trinidad, Costa Rica, Europe, and Australia, and directed a series of major archaeological expeditions to the Middle East. During this time he was also curator of the Horn Archeological Museum and founding Director of the Institute of Archaeology at Andrews University.

In his notable career, Dr. Geraty has received numerous honors, including a Fulbright Fellowship and served as advisor on archaeology to the former Crown Prince Hassan of Jordan. Dr. Geraty also served as president of several scholarly societies; vice president of the American Center of Oriental Research in Amman, Jordan; lectured all over the world and contributed to numerous publications.

Adding to his teaching focus, in 1985 Dr. Geraty became president of Atlantic Union College in South Lancaster, Massachusetts where he earned the reputation as a progressive academic administrator. Since July 1993 Dr. Geraty has served as President and provost of Andrews School of Oriental Research, and in 2001, the Charles Eliott Weniger Award for Excellence at Pacific Union College. On July 1, 2002, he began a three-year term as president of the American Schools of Oriental Research (ASOR), the premier organization for American archaeologists working in the Middle East. From headquarters at Boston and Emory universities, he will supervise an annual scholarly convention, the publication of several scholarly books and journals, the accreditation of American archaeological projects in the Middle East and relate to research centers in Jerusalem, Amman, and Nicosia.

Dr. Geraty and his wife, Gillian, have a daughter in Colorado, a son in Michigan, and between them five grandchildren. Truly, one of Dr. Geraty’s most impressive accomplishments has been his ability to remain active as an archaeologist and churchman while continuing to lead and direct a university which combines the religious values of a faith community, the educational ideals of a liberal arts college, and the research opportunities of a comprehensive university.

RECOGNIZING JOSEPH WILLIAM MICHAEL FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES
OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Joseph William Michael, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 167, and in earning the most prestigious award of Eagle Scout.

Joseph has been very active with his troop, participating in many scout activities. Over the years Joseph has been involved with scouting, he has earned 38 merit badges and is a Firefighter in the Tribe of Mic-O-Say. He served on Cub Scout Camp staff for 5 years. Joseph has also attended the National Scout Jamboree at Fort A.P. Hill in Virginia and the Junior Leader Training Conference at the Pony Express Council.

For his Eagle Scout project, Joseph built a stadium canopy for the Winston High School baseball field.

Mr. Speaker, I proudly ask you to join me in commending Joseph William Michael for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO JOHN ELWAY

HON. SCOTT MCNINIS
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. McNINIS. Mr. Speaker, it is truly a privilege to take this opportunity to pay tribute to John Elway, a remarkable individual and stellar athlete from the State of Colorado. John will be forever revered as one of the most outstanding quarterbacks to ever play in the National Football League. In recognition of his achievements and dedication to the sport, John was recently selected to enter into the Pro Football Hall of Fame. This prestigious honor is a true testament to his extraordinary leadership and commitment to excellence both on and off the field, and it is my honor to highlight his accomplishments before this body of Congress and this nation.

John captured the attention of sports enthusiasts worldwide throughout his impressive career. He began playing for the Denver Broncos in 1983, and went on to lead his team to five playoff appearances, five Superbowls, and two Superbowl championships. Upon his retirement in 1998, John had amassed more victories than any quarterback in the history of the NFL. As further testament to his career accomplishments, John was chosen to enter the Pro Football Hall of Fame on his first year of eligibility.

John is also well known as an active leader off the field, and has for many years, contributed his time and energies toward improving the lives of his fellow citizens. In 1987, John founded The Elway Foundation, an organization that has been instrumental in raising over $3 million to help eliminate child abuse. The money has been used to aid the Family Advocacy, Care, Education, Support organization and The Kempe Children’s Center. John’s dedication to his community truly serves as a valuable model of civic service to today’s youth and young athletes.

Mr. Speaker, it is quite clear that John Elway is a person whose unparalleled dedication and hard work both led him to the top of his profession in the National Football League. The combination of his incredible talent and unrelenting passion for competition, combined with an unconquerable human spirit, has led to his selection as a member of the Pro Football Hall of Fame. It is my distinct pleasure to recognize his achievements before this body of Congress and this nation today, and I wish him all the best in his future endeavors. You have made your teammates, your fans, and the State of Colorado proud.

UNCLE ARTHUR AND ORVILLE WRIGHT

HON. ROB SIMMONS
OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. SIMMONS. Mr. Speaker, earlier this month the media reported that Rover and Opportunity were exploring the Martian surface. Mars is about 35 million miles from Earth, yet man can reach that alien world.

On December 17, 1903, at Kitty Hawk, North Carolina, an equally awe-inspiring event took place. It was there that Wilbur and Orville Wright gave birth to man’s ability to fly by successfully testing the Wright Flyer, the heavier-than-air craft that achieved sustained flight with a pilot aboard. The first flight was only 120 feet, far less than the distance to Mars, but that single event defined the 20th Century.

In the December 2003 issue of Aircraft Owners and Pilots Association Magazine, I learned, through an article written by my brother, Tom Simmons, that our family has a connection to the Wright Brothers. Our Great Uncle Arthur Ruhl was one of only six journalists in 1908 to watch the Wright Brothers work with their aircraft at Kitty Hawk.

An article about what Uncle Arthur saw appeared in Colliers magazine on May 30, 1908. But this story doesn’t end with Uncle Arthur’s article. He sent a copy of his story to the Wright Brothers and Orville sent back a warm reply. Emboldened by the inventor’s response, and his own curiosity, Uncle Arthur wrote back and asked if he could take a flight. Orville responded that they had so many requests they were limiting their passengers to Army officials.

Undaunted, Uncle Arthur continued his correspondence with Orville Wright, and by 1910 the Wright Brothers were exhibiting their aircraft because the public was paying to watch the flights. Who should be covering one of the
The adventures and experiments of the Wright brothers were a turning point in aviation history. Their work was the result of a long pursuit of the dream of flight, which had captivated people for centuries. The Wrights' success was not just due to their technical expertise, but also to their determination and perseverance.

In the early decades of the twentieth century, the Wrights were still secretive about their work, but it is known that they conducted experiments in various locations. One of the first things to learn, of course, is that the airplane is home-built, the most recent in a succession of airframes built by themselves. Imagine that the pilot has never taken a flying lesson in his life and knows nothing about aerodynamics. And finally, imagine that the pilot has never taken a flight, but with slightly altered circumstances.

The story begins in May 1908. The Wright brothers had returned to Kill Devil Hills, North Carolina, to test a two-man machine built according to contract specifications for the Army Signal Corps. Their great-uncle was one of six journalists watching surreptitiously from a stand of trees a half-mile away. At the time, the Wrights were still secretive about their invention and refused to fly in front of which fueled doubts about their claims of successful flights so the journalists stayed out of sight.

They watched two flights, including the first two-man flight the Wrights had ever attempted. As Uncle Arthur's article in the May 30 edition of Collier's describes it: "A hundred yards away, the great bird swung to the right and swept grandly by, broadside on. Some crows grazing on the beach grass threw their heads upward, and whirring about, galloped away in terror ahead of the approaching monster. Far above the heads of mankind, it moved in a different way, approached the sand hills three-quarters of a mile to the left, rose to them, soared over and down the other side."

Imagine how thrilled by what he saw. He sent a copy of his article, "History of Kill Devil Hill," to the Wright brothers and received a warm reply from Orville. "I thought your account of the maneuvers of the newspaper men at Kill Devil Hills the most interesting thing I have ever seen concerning our experiments," Orville wrote. "Pretty high praise.

Perhaps it was these kind words from Orville that emboldened my uncle to make the first two-man flight. It was in Washington, D.C., flying the acceptance trials for the Army, and on September 9 he had taken up his first passenger. Uncle Arthur was asked to take one more up to see if the Wrights were ready to compete with the Army. He took up for a flight. Orville's handwritten reply appears on Cosmos Club stationery.

"Sep. 10, 1908.

My dear Mr. Ruhl: I have your letter, and I am sure it would give me great pleasure to take you up with me in our machine, but I have hardly time to see you. I am not sure how I would have felt. But my uncle Arthur wrote him and asked to be let know how you would have felt and I go to Washington in you seat in the Wright machine is in the middle. The engine is at his right, and the driver is at his left, so that the balance is the same whether an extra man is added or not. You can take a seat with a back, grasp one of the uprights with your right hand, and rest you feet on a crossbar. Although not fastened in, one is securely caged in which passes diagonally across and close to one's chest."

The seat, wearing a three-piece suit and jaunty cap, Uncle Arthur headed for the heavens.

"Curious and rather uncanny air trends start to fill the machine. One is the feeling of air continually as it flies. From the way it vibrates, from the little flapping pennant in front, most of all from an instinct which can only be acquired by experience. It seems to be pretty well what is happening and how to meet it. But as the novice feels himself suddenly boosted up or dangled, the sensation much like that felt when an elevator suddenly drops or rises, he can only sit tight and trust the man beside him."

And it was Orville's seat in the Wright machine is the middle. The engine is at his right, and the driver is at his left, so that the balance is the same whether an extra man is added or not. You can take a seat with a back, grasp one of the uprights with your right hand, and rest you feet on a crossbar. Although not fastened in, one is securely caged in which passes diagonally across and close to one's chest."

That seat, wearing a three-piece suit and jaunty cap, Uncle Arthur headed for the heavens.

"Curious and rather uncanny air trends start to fill the machine. One is the feeling of air continually as it flies. From the way it vibrates, from the little flapping pennant in front, most of all from an instinct which can only be acquired by experience. It seems to be pretty well what is happening and how to meet it. But as the novice feels himself suddenly boosted up or dangled, the sensation much like that felt when an elevator suddenly drops or rises, he can only sit tight and trust the man beside him."

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Arthur Ruhl died in 1935 and his files were packed into boxes that went into storage for more than 60 years. I recently came into possession of his papers, which include both articles for Collier's, three letters from Orville Wright, and a note from Katherine Wright, the brothers' sister, thanking Arthur for some sweet peas he brought to dinner at the Wrights' home on Hawthorne Street in Dayton.

THE IMPORTANCE OF DUE PROCESS FOR JOSÉ PADILLA

HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. UDALL of Colorado. Mr. Speaker, the Supreme Court has agreed to hear two important cases regarding the balance between national security and rights of American citizens. And in a February 24th editorial, the Rocky Mountain News clearly explains why we all have a stake in the outcome of the cases involving Yaser Hamdi and Jose Portillo.

While both evidently are American citizens now being held as unlawful combatants, their cases are not identical. As the editorial explains:

Both men are citizens, but the incarceration of Hamdi seems less convincingly a civil-rights incursion than the incarceration of Padilla. While Hamdi deserves his day in court, grabbing a prisoner at the site of armed hostilities in a foreign country is a different matter from picking someone up at a domestic airport.

And, in the words of the editorial, here is the bottom line:

The obvious issue with Padilla is that if the administration keeps him away as long as it likes without an indictment or court proceedings of any kind, why can't it do the same thing with any of us?

Mr. Speaker, that is exactly the point, and exactly why the Portillo case is so important. For the benefit of our colleagues, I am attaching the full text of the editorial. [From the Rocky Mountain News, Feb. 24, 2004]

PADILLA DESERVES DUE PROCESS—STILL

Some argue the Bush administration was justified in arresting a U.S. citizen and holding him for two years without due process because, after all, he was in league with terrorists. The logical fallacy here is known as begging the question—you assume the conclusion in the proposition.

How can the administration know José Padilla was involved in mass killings through use of a "dirty" bomb without due process? And if this can be proven, why doesn't the government initiate a trial? The Supreme Court is going to take on the question of whether the administration violated the Constitution in holding Padilla, arrested in Chicago after a trip abroad, and Yaser Hamdi, captured in a battlefield in Afghanistan. Both men are citizens, but the incarceration of Hamdi seems less convincingly a civil-rights incursion than the incarceration of Padilla. While Hamdi deserves his day in court, grabbing a prisoner at the site of armed hostilities in a foreign country is a different matter from picking someone up at a domestic airport.

The obvious issue with Padilla is that if the administration can stick him away as long as it likes without an indictment or court proceedings of any kind, why can't it do the same thing with any of us?

It's hard to see how the Supreme Court could side with the administration in the Padilla case, even if a few other presidents, most notably Abraham Lincoln during the Civil War, have gotten away with the suspension of habeas corpus for 20 years on the ground that there is language both in Article I of the Constitution and the Fifth Amendment that allows exceptions to due process protections when there is a public danger. We do not believe that language would be correctly applied to the Padilla situation.

SPEECH OF DR. ARCH BARRETT

HON. JOHN M. SPRATT, JR.
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. SPRATT. Mr. Speaker, I rise to enter into the RECORD a speech given by a former staffer of the House Armed Services Committee, Arch Barrett. Arch is one of the most unassuming people I know, but was one of the most remarkable and able staffers I've met during my 20 years on Capitol Hill.

Arch had an undergraduate degree from both the West Point and Harvard, and later got his Ph.D. in political economy and government from Harvard. He entered the Air Force as a second lieutenant in 1957, saw plenty of action in Vietnam, and retired as a colonel in 1981. While in the Air Force, he received the Distinguished Flying Cross, Legion of Merit, Meritorious Service Medal, Air Medal with 12 oak leaf clusters, the Joint Service and Air Force Commendation Medals, and the Vietnam Service Medal.

As distinguished as his military record is, his greatest effect on the military came after he became a staffer for the House Armed Services Committee. If it were not for Arch Barrett, I do not believe Congress would have enacted the Goldwater-Nichols Act. Goldwater-Nichols forced the separate branches of the Armed Services to work cooperatively, and our forces would not be nearly as effective today had it not been for the Goldwater-Nichols Act. The Pentagon bought Goldwater-Nichols tooth and nail, and it took us 4 years to actually pass the legislation. Whenever the Pentagon raised an objection, we sent Arch Barrett over and he'd argue with the naysayers until they ran out of objections and had to relent. It was a virtuoso performance by someone who had mastered the subject matter.

Arch Barrett is now a professor at the Navy Post-Graduate School in Monterey, still serving his country. He gave the graduation address to the Naval Postgraduate School's Joint Professional Military Education Course in June 2003. In that speech, Arch of course complimented his own record as a Goldwater-Nichols activist, but did recognize important contributions from several Members of Congress. One of those is a man I, like Arch Barrett, admire—my good friend and colleague from Missouri, the Ranking Democrat on the House Armed Services Committee, Ike Skelton.

I commend Arch's speech to all those with an interest in the founding of the Goldwater-Nichols legislation, and I am proud to enter it into the RECORD.

REFLECTIONS ON LEADERSHIP IN DEFENSE AND PROFESSIONAL MILITARY EDUCATION REFORM
(By Arch D. Barrett)

Sixteen years ago, in 1987, Congressman Les Aspin asked me whether there was an uncompleted task in the area of Defense Department restructuring that could be assigned to Representative Ike Skelton. Aspin was the chairman of the Committee on Armed Services of the U.S. House of Representatives, and he was most interested in improving the quality and performance of our Armed Forces. I was a member of Aspin's Committee at the time.

At the time, the Pentagon was making little progress in implementing the education program...
provisions of the 1986 Goldwater-Nichols Act. The Act required a reassessment and re-vamping of professional military education to assure that it supported the new emphasis on joint planning and operations. I suggested to Chairman Aspin that Rep. Skelton could provide a signal contribution to the improvement of the nation’s armed forces. He persuaded the Joint Chiefs of Staff, as well as the Congress, that it was in the nation’s best interests to create a joint military command in line with the goals of the Goldwater-Nichols Act. Subsequently, Rep. Skelton seized his opportunity in the heart of the professional military community to exert leadership in his own service. Moreover, he claimed, the service chiefs had used their positions on the Joint Chiefs of Staff to advance their criteria of success and prestige to exert leadership in the military chain of command.

My remarks today will be addressed to the leadership displayed by Rep. Skelton and two other individuals that eventually led to this gathering.

We usually think of a leader as someone who is in charge or who heads an organization, for one or for two individuals that eventually led to this gathering. The Constitution makes the Congress, not the President, the arbiter. The Constitution specifies that the President must be an expert who knew what must be done. It also states that the President, in his executive capacity, must be an expert through his perseverance.

In 1983, a year after Gen. Jones first testified, 241 young servicemen were killed in a firefight in Beirut. Why did the administration not interest? A more fundamental answer involves a fact many people do not realize. The Constitution makes the Congress, not the President, the arbiter. The Constitution specifies that the President must be an expert who knew what it was to be done. Moreover, Mr. White disappeared from Capitol Hill at the same time. You see, he had long ago decided to retire and did not run for re-election even though he had no trouble winning another term. Interestingly, by that time General Jones had also retired. He continued to push for reorganization, however.

RECOGNIZING BETHANY SMITH
HON. SAM GRAVES (OF MISSOURI)
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Bethany Smith, a highly dedicated and enthusiastic member of my Washington, D.C., congressional staff. Bethany has served my office for 7 months, as well as serving as a staffer and intern for Congressman PETE SESSIONS. As our office scheduler, she has established a passion for working on the Hill. Bethany has shown the people she has worked with as a Hill staffer. My office and I greatly value Bethany’s hard work and commitment. Constituents have
grown to know her attention to detail, knowledge of many issues, and personal touch that should not go unrecognized. Her dedication to the Sixth District of Missouri has shown through over the past few months, which is evident by the appreciation of all she works with.

It is unfortunate for countless people that Bethany will be leaving the House of Representatives, as she has left her unique stamp on many. I, as well as my office, wish Bethany the very best in her future career with Senator Kay Bailey Hutchison.

Mr. Speaker, I proudly ask you to join me in commending Bethany Smith for her many important contributions to myself, my staff, all those she has worked with on the Hill, and for all those she has served. She will be missed by many.

REGARDING THE NEBRASKA STATE EDUCATION ASSOCIATION

HON. TOM OSBORNE
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. Speaker, I rise today to acknowledge the tremendously positive contributions of teachers across the state of Nebraska. Our teachers are hard-working, dedicated public servants who serve on the front lines of our society. I have worked extensively with the Nebraska State Education Association (NSEA) as well as the National Education Association (NEA). I have worked closely with the NSEA and its educator-members and the NEA here in Washington on many issues of mutual concern. Teaching is the most important job in the world. Our teachers deserve our appreciation and respect.

PENINSULA SINAI CONGREGATION’S 36TH ANNIVERSARY

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. Speaker, I am honored to pay tribute to the Peninsula Sinai Congregation on the occasion of its 36th Anniversary. From its humble beginnings the Peninsula Sinai Congregation has grown to include 252 member families in Foster City, California, located in my Congressional District and has become an integral part of the community’s social and cultural fabric.

In 1967, four pioneers organized the first meeting of the Peninsula Sinai Congregation in a San Mateo church. As the population of the congregation increased it was forced to move, first to the Peninsula JCC and later to its own facility in Foster City, California in 1979. At that time there was one small building that included a education wing comprised of four classrooms, a kitchen and the Col. David J. Reina Memorial Library. Five years later the facility was expanded to include a sanctuary/social hall and as well as administrative offices. Finally, in May 2000 the Congregation completed a substantial remodeling, which included the creation of a dedicated sanctuary, a lounge, a full catering kitchen as well as additional classrooms and an expansion of the library.

Mr. Speaker, from four pioneers the Sinai Peninsula Congregation is now a full service religious center, providing a Jewish education for its members from cradle to grave. In addition to Hebrew school programs for children in grades 3–10, the Congregation has a very active Adult Education program. This program includes “How to” instruction about rituals and holidays, as well as Adult Bar and Bat Mitzvah opportunities for adult members who had not yet experienced this celebrated rite of passage.

Mr. Speaker, the Peninsula Sinai Congregation also hosts an annual Chen Shapira Memorial Concert as its major fundraiser for the Chen Shapira Jewish Culture Fund. This fund is named after the late Chen Hayim Shapira who was born in Israel but emigrated to San Francisco in 1965, and dedicated his life to broadening Jewish education and promoting Jewish and Israeli music and culture in the Bay Area. Although Mr. Shapira passed away in 2000, this fund continues his work by supporting positive Jewish awareness.

Mr. Speaker, in the Jewish tradition the number 18, called “chai,” is considered lucky, and since 36 is 18 doubled, the number 36 is known as “double chai” is also considered lucky. Therefore, on the celebration of the Peninsula Sinai Congregation’s double chayanniversary, I urge my colleagues to join me in congratulating the Peninsula Sinai Congregation on its extraordinary growth and wish the congregation continued successes in the future.

IMPROVING THE COMMUNITY SERVICES BLOCK GRANT OF 2003

SPEECH OF
HON. CHET EDWARDS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 4, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3030) to amend the Community Service Block Grant Act to provide for quality improvements:

Mr. EDWARDS. Mr. Chairman, I would like to further extend my remarks from the Debate on H.R. 3030 on February 4, 2004. In my remarks on H.R. 3030, Mr. Boehnner and I discussed portions of the 1972 debate addressing the 702 exemption of Title VII of the 1964 Civil Rights Act. The following provides more in-depth explanations of Senator Ervin and Senator Allen’s comments in 1972 regarding this issue. Please insert these comments at the end of my remarks or appropriate place regarding this debate.

I believe it is important to consider the rest of the 1972 legislative history on the amendment to the 702 exemption of Title VII of the 1964 Civil Rights Act and to discuss the comments of the lead proponents of the 1972 amendment to the 702 exemption of Title VII of the Civil Rights Act, Senators Sam Ervin (D-NC) and James Allen (D-AL). You will find that these senators rallied support for broadening this exemption by religious institutions that they said did not receive federal financial aid, but were supported by private funds. It underscores my point about the difference between discrimination with private funds and discrimination with taxpayer funds.

I recommend for the House’s consideration an article that will be published soon entitled, Religion-Based Employment Decisions and Federally Funded Jobs: Constitutional Debates, Legal Policy, and Case Law by Mr. Rogers, Visiting Professor of Religion and Public Policy at Wake Forest University. Rogers is former executive director of the Pew Forum on Religion and Public Life and former general counsel of the Baptist Joint Committee, and he has spent a lot of time working on this issue.

Rogers writes: “It is true . . . that [Senators Ervin and Allen, the prime proponents of the 1972 amendment to the 702 exemption of Title VII] considered an institution-wide exemption for religious organizations from Title VII to be crucial to religious autonomy and freedom. It is often recalled, for example, that Senator Ervin repeatedly said that his amendment was designed ‘to take the political hands of Caesar off of the institutions of God, where they have no place to be.’

“But what has not been recalled,” Rogers notes, “is that, in his argument for allowing religious organizations to make religion-based employment decisions institution-wide, Senator Ervin repeatedly used an example of a religious organization from North Carolina, as he stressed, ‘was not supported in any respect by the Federal Government,’ but by religious adherents.”

Specifically, Senator Ervin said the following:

“We have a college in North Carolina known as Davidson College that is affiliated with the Southern Presbyterian Church. Davidson College is supported by the fees of its students and by the voluntary contributions of people interested in its activities. It is not supported in any respect by the Federal Government . . . .

“This college was founded and is controlled by people who believe in giving a Christian education to the students of the institution . . . [It has] a regulation, which says that any person who is chosen to be a full professor at the institution shall be a member of an Evangelical Christian Church . . . .”

Senator Ervin then asked Senator Allen, his colleague and supporter: Is there “anything immoral or ought [there] to be anything illegal in people who support a college devoted to giving a Christian education taking steps to assure that the youth who attend it should be instructed on any subject, whether religious or nonreligious, by teachers who are members of a Christian church?” And, in response to a question later in the debate, Ervin emphasized again that Davidson College was “supported by fees of the students and voluntary gifts of people who believe in giving the kind of education this institution gives.”

Senator Allen echoed this argument in his own statements. He commented: “Under our system of religious freedom, which would be violated by this EEOC bill, religious organizations have seen fit to use their own resources to establish church schools at every level of education—elementary, secondary, and institutions of higher education. They did so because they wanted youth taught in a religious atmosphere by religious instructors.” Senator Allen also quoted Senator Ervin stating: “‘[I]f the members of the Presbyterian Church, or the members of the Catholic
Mr. Speaker, I proudly ask you to join me in recognizing Kenneth E. Lee for achieving the rank of Eagle Scout.

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Kenneth E. Lee, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 167, and in earning the most prestigious award of Eagle Scout.

Kenneth has been very active with his troop, participating in many scout activities. Over the years Kenneth has been involved with scouting, he has earned 39 merit badges and is a Firebuilder in the Tribe of Mic-O-Say. He served on Cub Scout sub-council for 5 years.

Kenneth has also attended the National Scout Jamboree at Fort A.P. Hill in Virginia and the Junior Leader Training Conference at the Pony Express Council.

For his Eagle Scout project, Kenneth built a handicap ramp for the Winston United Methodist Church.

Mr. Speaker, I proudly ask you to join me in commending Kenneth E. Lee for his accomplishments with the Boys of America.
HONORING UNC-TV MANAGER TOM HOWE

HON. DAVID E. PRICE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. PRICE of North Carolina. Mr. Speaker, I rise to acknowledge the contributions of one of North Carolina’s most tenacious and visionary leaders: Tom Howe.

Many North Carolinians might not recognize Tom’s name, but they surely have seen his work. Tom is the Director and General Manager of UNC-TV, our state’s highly respected public television network. Last month, he received the Governors’ Award for Lifetime Achievement from the Nashville/Midsouth Chapter of the National Academy of Television Arts and Sciences. This prestigious Emmy award is given annually to recognize an “outstanding industry leader,” a designation that fits Tom perfectly.

For more than a decade, Tom has presided over our state’s 11-station public television network, bringing us comprehensive coverage of public affairs and a deepened understanding of North Carolina’s past, present, and future.

I have had the privilege of working with Tom in the policy arena. He fought a courageous and somewhat lonely battle for years for equitable treatment for UNC-TV and other systems similarly situated from the Corporation for Public Broadcasting and the Public Broadcasting System. The successful resolution of this matter is still yielding benefits and will for years to come. More recently, Tom has spoken out effectively on the preservation of localism and community standards on our airwaves in the context of the Federal Communications Commission’s decision on media concentration.

Tom has been ahead of the curve in television’s digital conversion, anticipating industry trends and leading the way in innovative technology. Not only has he beaten the FCC deadline for digital conversion, he has also brought 4-channel multicasting to UNC-TV, ensuring even greater coverage and enhanced educational opportunities for viewers. His dedication and persistence have ensured that UNC-TV continues to be an exemplary network, both in terms of the technology he utilizes and the programs he broadcasts.

Tom Howe knows television, and he uses the power of the medium to affect positive change. To inform, to educate, and to bring viewers the kind of meaningful programming that is increasingly hard to find. I congratulate him for this well-deserved award, and I thank him for his commitment and leadership.

HONORING DAVID E. SCHAFFER

HON. DON YOUNG
OF ALASKA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to recognize a most distinguished public servant, Mr. David E. Schaffer, Senior Counsel on the Transportation Committee’s Aviation Subcommittee. Mr. Schaffer is retiring after twenty-six years of Federal service, including the past 20 years with the Committee. His unmatched knowledge in the field of aviation, as well as his engaging personality, will be sorely missed in the halls of Congress. David’s work stands as a prime example of the good that can be accomplished through public service. The American people have been quite fortunate to have Mr. Schaffer’s expertise and guidance throughout his career. Every single aviation law passed in the last two decades is marked with David’s creative ideas and approaches. As an attachment to my remarks, a list of all aviation laws passed during David’s tenure is included.

David’s ability to work with people on both sides of the aisle serves as a major reason for the overwhelming bipartisan support aviation legislation has gathered over the last twenty years. His even-handed and steady demeanor, as well as his thoughtful approach to a matter ensures that all ideas are heard, and that every opinion is considered. The relationships that David has cultivated among both government and industry officials has allowed for a free-exchange of ideas on a wide variety of issues. Such exchanges have helped foster the growth of our nation’s aviation industry. He has earned an immeasurable amount of respect from everyone with whom he has worked, including Members of Congress, staff, and those in the transportation community.

David began his career in public service in 1978, when he joined the Office of General Counsel of the Civil Aeronautics Board as an attorney, specializing in rules, legislation, and litigation involving small community air service, international air service, consumer protection, and charters. In 1984, he began work with the Aviation Subcommittee as an Assistant Minority Counsel, becoming the Chief Minority Counsel in 1992, and Majority Counsel in 1995. Throughout his tenure with the Aviation Subcommittee, he has been involved in all aspects of aviation legislation, including safety, security, airline competition, international air service, the Airport Improvement Program, air traffic control modernization, Federal Aviation Administration reform, and oversight of the Federal Aviation Administration, Transportation Security Administration, and the National Transportation Safety Board.

David’s leadership proved critical in the weeks following the events of September 11, 2001. His experience played an essential role in creating the Aviation and Transportation Security Act, which helped restore confidence to the flying public. In a most precarious time for our nation, we were extremely fortunate to have someone like David Schaffer assisting us and making significant contributions to the successful passage of Vision 100, the FAA Reauthorization Act, which will have a lasting effect on the aviation industry for years to come.

Mr. Speaker, I ask all of my colleagues to join me in celebrating the retirement of David Schaffer, and wish him well in whatever venture he seeks next. I would also like to offer an extended note of gratitude on behalf of the previous Chairmen of the Transportation Committee and Aviation Subcommittee whom David has served with great distinction. We wish you good luck and again say thank you for all you have done for both the Congress as well as the American people.
Mr. PAUL. Mr. Speaker, I rise today to introduce the Belarus Freedom Act of 2004. This bill will graduate Belarus from the requirements of the Jackson-Vanik statute and thereby establish permanent normal trade relations with that country.

The Jackson-Vanik amendment was adopted in 1974, during a time when the U.S.S.R. was imposing enormous “education repayment” fees on anyone seeking to emigrate from that country. The statute was designed to prevent temporary restoration of an already suspended “most favored nation” treatment unless its freedom of emigration requirement is complied with. After the break-up of the U.S.S.R., the successor countries found themselves subject to Jackson-Vanik—meaning that they had to prove yearly that they allowed free emigration in order to enjoy normal trade relations with the United States. Several former Soviet republics have already been permanently graduated from Jackson-Vanik, and several others are in the process of being graduated. Belarus has gained a presidential waiver for every year since 1992, indicating its ongoing compliance with the requirements. Therefore it is time to recognize the passing of the Soviet era and move on toward better trade relations with Belarus.

Though some have tried to read additional requirements into the original amendment, Jackson-Vanik is in reality solely about free emigration. And, as I have stated, Belarus has attained a Presidential waiver every year since 1992.

Time and time again we see that peaceful trade and good relations with other countries does much more to foster democratization and liberalization than sanctions, diplomatic expulsions, and accusations. Our Founding Fathers recognized this when they cautioned against foreign entanglements and counseled instead free trade and friendly relations with all countries who seek the same. I hope my colleagues will join with me as cosponsors of this bill and support further constructive relations with the Republic of Belarus.

HON. RON PAUL
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

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HONORING MR. MARK SIMONI

HON. DALE E. KILDEE
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today on behalf of the United States Coast Guard Auxiliary to honor Mr. Mark Simoni, 9th District Rear Commodore of the United States Coast Guard Auxiliary, Flushing Flotilla 15–02, will gather to honor Mr. Simoni during the “Change of Watch” awards ceremony to be held in my hometown of Flint, Michigan at Mario’s Restaurant.

Mark Simoni was born in Flint, Michigan, on December 19, 1952. He graduated from Flint High School in 1971, and upon completion he attended the University of Michigan and Northwestern University. In 1991 Mark became a member of the United States Coast Guard Auxiliary-Saginaw 15–05. Mark has unselfishly given of his time and resources to ensure the safety of boaters and families. His service as Flushing Flotilla Commodore led him to hold elected offices such as Flotilla Commander-Saginaw 15–05, Division 15 Captain from 2002–2003, and Vice Captain from 2000–2001. Mark has also held staff positions on the Flotilla, Division, District/Region and National level. Recently (2004) Mark was promoted to 9th District Region Rear Commodore of the United States Coast Guard Auxiliary. Mark has volunteered countless hours in the areas of Public Education, Vessel Safety Checks, Safety Patrols, Search and Rescue, Maritime Security and Environmental Protection. A fine example of loyalty is when he used his personal watercraft to patrol the Great Lakes along with other auxiliarists to ensure that Michigan waterways were secure after the September 11, 2001 World Trade Center tragedy. Mark has proven himself worthy of his new title as 9th District Region Rear Commodore. This new position will allow him the opportunity to provide administrative and supervisory support to the Flotillas and Divisions within his district.

Mr. Speaker, as a Member of Congress, I ask my colleagues to please join me in congratulating Mr. Mark Simoni on his promotion and also in honoring him for his past deeds. He has and continues to serve his country with enthusiasm and steadfastness. I wish him all the best in the future.

BLACK EAGLE WINS GRAMMY

HON. TOM UDALL
OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to Black Eagle, the winner of the 2004 Grammy for Best Native American Music Album. This drum group from Jemez Pueblo draws upon the rich history of the Native American Powwow for musical inspiration. Their fifteen years of performing has developed a deep and broad following across the country. It is my great honor to congratulate them for this win.

Black Eagle formed in 1989 after group leader MalcolmYepa attended a powwow in Lame Deer, Montana. He became enamored with the singing and drum playing being performed and upon returning to Jemez Pueblo, Malcolm and his brother David Yepa Jr. formed Black Eagle. Cousins who had heard of Malcolm’s experience were eager to join and the group soon consisted of twenty-one members.

After learning popular songs by listening to recordings from other drum groups, Black Eagle began writing songs, in the Towa language, the dialect of the Jemez Pueblo. Such a project had never been done before, and release of their freshman album, titled, “Volume I,” brought wide praise.

The production of music by Black Eagle continued unabated. “Vol. II,” the group’s second album, was quickly followed by, “Soaring High” and “Star Child.” By 2001, when they released their fifth album, “Life Goes On,” Black Eagle had gained a wide following through extensive touring and word-of-mouth. This fifth work however, would be the work that gave Black Eagle national prominence and critical acclaim. A collection of round dance and hand drum songs, “Life Goes On,” garnered a Grammy nomination under the “Best Native American Music Album” category.

While the 2002 awards ceremony did not bring a win for the group, Black Eagle was bolstered by the nomination and in March of 2003, they released, “Flying Free.” This sixth work utilized new technology to create a “live” recording sound in the studio and also bridged Native American music history when bells used on legendary group XII’s albums were played by Black Eagle.

“Flying Free” was nominated, and won, the 2004 Grammy for “Best Native American Music Album.” Black Eagle’s roots, which reside deep within the Jemez culture, are reflected on the album. Jemez Pueblo has a very long history in the great State of New Mexico, and continues to this day to preserve its cultural, spiritual and traditional customs. Events at the Pueblo, including feast days, dances, and arts and crafts shows, are still the primary responsibility of several members of the group.

Going from a single teenager captivated by the music of his people to a familial, rooted award-winning group, Malcolm Yepa and Black Eagle are to be applauded for their musical achievements, combined loyalty to the history of the powwow, and wished the very best in their future aspirations.

KOOTENAI VALLEY RESOURCE INITIATIVE

HON. C.L. “BUTCH” OTTER
OF IDAHO

IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. OTTER. Mr. Speaker, I rise today to bring to the attention of the House a shining example of our great experiment in democracy. The Kootenai Valley Resource Initiative came to life in 2001, the result of collaboration between the Boundary County Board of Commissioners, the City of Bonners Ferry, and the Kootenai Tribe of Idaho. The purpose of the KVRI is to act as a locally based effort to improve coordination, integration, and implementation of existing local, state, and federal programs that can effectively maintain, enhance,
and restore the social, cultural, economic, and natural resource bases in their community. Mr. Speaker, after personally viewing this group in action, I am happy to report this is a successful endeavor.

The KVRI membership consists of private citizens and landowners, local governments, federal and state agencies, an environmental advocacy group, and Indian Nation, and representatives of business and industry within the lower Kootenai basin of Idaho. The Initiative is a sign of tremendous change in Boundary County. It signifies a move from combat to cooperation and should serve as a model for other communities around the country with severe contention over natural resource issues. The members of the KVRI work hard to find areas of common concern with which they, as a community, can pursue solutions to challenges such as fisheries recovery, flood flow elevations, TMDL planning, and the development of a wetland conservation strategy.

Mr. Speaker, the collaborative spirit of the KVRI, and its members’ determination to find common sense solutions that move the community forward, should serve as an inspiration to us all. I would like to thank the Kootenai Valley Resource Initiative for demonstrating how this great experiment in democracy is supposed to function.

TRIBUTE TO MAYOR JOHN BENNETT

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise to pay tribute to the life and memory of former Grand Junction Mayor John Bennett, who after a long battle with an illness, passed away at the age of sixty-six. John was a true American patriot, and a beloved friend and colleague to many in his Colorado community. In his years spent in public service, John embodied the ideals of integrity and courage that we, as Americans, have come to expect. As his family and community mourn his passing, I believe it is appropriate to recognize the life of this exceptional man, and his many contributions to his community, state and country.

Mayor Bennett lived an immensely rich and full life, always holding firm to his beliefs in serving his community and country. He spent over twenty years defending this Nation, serving in the Air Force and the Army, where he earned a reputation as a solid and dependable leader. After his retirement, John continued to feel a call to service and dedicated his efforts toward improving the lives of his Grand Junction community. He served as a member of the Grand Junction City Council, and was elected mayor in 1988, where he was known for his judiciousness and problem-solving skills.

Mr. Speaker, we are all at a great loss because of Mayor Bennett’s passing, but can be comforted in knowing he helped make Grand Junction a better place for future generations. I would like to extend my heartfelt sorrow to his wife of over twenty years, Barbara, and his loving children, Tammy, Vicki, and William. Mayor Bennett’s selfless dedication to Grand Junction, the State of Colorado, and the United States has helped ensure a promising future for our great country and I am deeply honored to bring his life to the attention of this body of Congress. I am proud to have known such a great man who enriched the lives of his family, community, and Nation.

HONORING BERNICE FELDMAN MAYER

HON. PETER DEUTSCH
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 24, 2004

Mr. DEUTSCH. Mr. Speaker, today I rise to commemorate the contributions of Bernice Feldman Mayers of Dallas, Texas, and am pleased to be joined in this tribute by my colleague, Representative WEXLER of Florida. Mrs. Mayers was not only a dedicated teacher of special-needs students, but shares the distinction of being related to two members of the South Florida delegation—Congressman WEXLER and myself. She leaves behind a wonderful legacy of warmth, dedication and caring.

Born in the Bronx, New York, Mrs. Mayers moved with her family to Dallas, Texas, at the age of five. She graduated from Forest Avenue High School at the age of 15 and received her bachelor’s degree in social work from the University of Oklahoma at the age of 19. Following graduation, Mrs. Mayers began to volunteer for a number of organizations including the City of Hope, a cancer research center. Mrs. Mayers also served as the president of the Dallas Chapter, where she coordinated the first ever cancer research study in the Dallas area.

After receiving her master’s degree in special education from Texas Women’s University in 1967, Mrs. Mayers began her teaching career with Sam Houston Junior High School. She served as the head of the school’s special education department, well-known as a fierce advocate for students with special needs. Mrs. Mayers retired in 1992, but she continued to work as both a substitute teacher and as a Hebrew teacher at Congregation Beth Torah. She also committed her energies to Forest Avenue Alumni Association and the Tom C. Gooch Elementary School in Dallas.

Mrs. Mayers is survived by her husband, two sons, four grandchildren and numerous friends and extended family, all who will miss her greatly.
Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1467–S1530

Measures Introduced: Eight bills were introduced, as follows: S. 2103–2110.

Measures Passed:

- **Commemoration of the Birth of Constantino Brumidi:** Senate agreed to H. Con. Res. 264, authorizing and requesting the President to issue a proclamation to commemorate the 200th anniversary of the birth of Constantino Brumidi.

- **Printing of History of the United States Capitol:** Senate agreed to H. Con. Res. 358, authorizing the printing of “History of the United States Capitol” as a House document.

- **Permitting the Use of the Capitol Rotunda:** Senate agreed to H. Con. Res. 359, permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

- **Healthy Mothers and Healthy Babies Access to Care Act:** Senate continued consideration of the motion to proceed to consideration of S. 2061, to improve women’s health access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services.

During consideration of this measure today, Senate also took the following action:

- By 48 yeas to 45 nays (Vote No. 15), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill.

- Subsequently, the motion to proceed to consideration of the bill was withdrawn.

Protection of Lawful Commerce in Arms Act Agreement: A unanimous-consent-time agreement was reached providing for further consideration of the motion to proceed to consideration of S. 1805, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others, with a vote on the motion to invoke closure on the motion to proceed to consideration of the bill to occur at 10:30 a.m.

Measures Read First Time:

Executive Communications:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Notices of Hearings/Meetings:

Authority for Committees to Meet:

Privilege of the Floor:

Record Votes: One record vote was taken today. (Total—15)

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:45 p.m., until 9:30 a.m., on Wednesday, February 25, 2004. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S1529–30.)

Committee Meetings

(Committees not listed did not meet)

MAD COW DISEASE

Committee on Appropriations: Committee concluded a hearing to examine the federal government’s response to bovine spongiform encephalopathy (mad cow disease), focusing on how the finding of BSE has affected cattle and beef markets and what the short-term outlook is for these markets in coming months, including the Administration’s efforts to normalize trade in certain U.S. export markets, and the development of a national animal identification program, after receiving testimony from Elsa A. Murano, Under Secretary for Food Safety, Keith J. Collins, Chief Economist, and Ron DeHaven, Deputy Administrator for Veterinary Services, Animal and
Plant Health Inspection Service, all of the Department of Agriculture; Lester Crawford, Deputy Commissioner, Food and Drug Administration, Julie Louise Gerberding, Director, Centers for Disease Control and Prevention, and Anthony S. Fauci, Director, National Institute of Allergy and Infectious Diseases, National Institutes of Health, all of the Department of Health and Human Services; and Dennis C. Wolff, Pennsylvania Department of Agriculture, Harrisburg.

GOVERNMENT SPONSORED ENTERPRISES

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine proposals for improving the regulation of the housing-related government sponsored enterprises (GSEs), specifically the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), and the Federal Home Loan Banks (FHLBs), and a proposal for the GSE regulator with certain authority, after receiving testimony from Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System.

INTERNET VOICE SERVICES

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine Internet voice services and the role of the Federal Communications Commission to facilitate the growth and development of voice-over-Internet-protocol, after receiving testimony from Senator Alexander; Michael K. Powell, Chairman, Federal Communications Commission; Jeffrey Citron, Vonage Holdings Corporation, Edison, New Jersey; Glen A. Britt, Time Warner Cable, Stamford, Connecticut; Glen F. Post, CenturyTel Incorporated, Monroe, Louisiana; Stan Wise, Georgia Public Service Commission, Atlanta, on behalf of the National Association of Regulatory Utility Commissioners; and Kevin Werbach, Supernova Group LLC, Villanova, Pennsylvania.

NATION'S ELECTRICITY

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the current state of the nation’s electricity transmission grid, focusing on the reliability of the bulk electric systems in North America, and the recommendations of the North American Reliability Council (NERC) to prevent and mitigate future blackouts, after receiving testimony from James W. Glotfelty, Director, Office of Electric Transmission and Distribution and U.S. Director of the Power System Outage Task Force, Department of Energy; Michehl R. Gent, North American Electric Reliability Council, Princeton, New Jersey; Phillip G. Harris, PJM Interconnection, L.L.C., Norristown, Pennsylvania; James P. Torgerson, Midwest Independent Transmission Sys-

tem Operator, Indianapolis, Indiana; and Louise McCarren, Western Energy Coordinating Council, Salt Lake City, Utah.

HAITI

Committee on Foreign Relations: Committee met in closed session to receive a briefing on Haiti's political crisis from Roger Noriega, Assistant Secretary of State for Western Hemisphere Affairs.

MIDDLE EAST

Committee on Foreign Relations: Committee concluded a hearing to examine rethinking the road map regarding the Middle East, focusing on psychological obstacles to diplomacy, the 1967 ceasefire lines, Israeli settlements in the Gaza Strip, and Palestinian political reform, after receiving testimony from Henry A. Kissinger, former Secretary of State, Dennis Ross, Washington Institute for Near East Policy, Robert Malley, International Crisis Group, and Martin Indyk, Brookings Institution, all of Washington, D.C.

U.S. POSTAL SERVICE WORKFORCE REFORM

Committee on Governmental Affairs: Committee concluded a hearing to examine the Report of the President’s Commission on the United States Postal Service, focusing on the Commission’s workforce recommendations, including performance-based compensation systems, collective bargaining for pension and retiree health benefits, and funding of accrued military service retirement benefits for postal employees covered by the Civil Service Retirement System, after receiving testimony from Dan G. Blair, Deputy Director, Office of Personnel Management; William H. Young, National Association of Letter Carriers, William Burrus, American Postal Workers Union (AFL-CIO), and John F. Hegarty, National Postal Mail Handlers Union, all of Washington, D.C.; and Dale A. Holton, National Rural Letter Carriers’ Association, Alexandria, Virginia.

CYBERTERRORISM IN THE 21ST CENTURY

Committee on the Judiciary: Subcommittee on Terrorism, Technology, and Homeland Security concluded a hearing to examine the current threat of cyberterrorism, focusing on federal, state and local efforts to secure information networks, after receiving testimony from John G. Malcolm, Deputy Assistant Attorney General, and Keith Lourdeau, Deputy Assistant Director, Cyber Division, Federal Bureau of Investigation, both of the Department of Justice; Amit Yoran, Director, National Cyber Security Division, Department of Homeland Security; Howard A. Schmidt, eBay Incorporated, San Jose, California; and Dan Verton, Burke, Virginia.
NATIONAL SECURITY THREATS

Select Committee on Intelligence: Committee concluded a hearing to examine current and future worldwide threats to the national security of the United States, focusing on global terrorism, Russia’s nuclear weapons stockpile, chemical and biological weapons, missiles, information operations, and international crime, after receiving testimony George J. Tenet, Director, Central Intelligence Agency; Robert S. Mueller III, Director, Federal Bureau of Investigation, Department of Justice; and Vice Admiral Lowell E. Jacoby, U.S. Navy, Director, Defense Intelligence Agency.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community. Committee recessed subject to call.

PREDATORY LENDING

Special Committee on Aging: Committee concluded a hearing to examine federal and state government protection of older Americans from predatory financial lenders, including the usefulness of consumer education, counseling, and disclosures as a deterrence, after receiving testimony from David G. Wood, Director, Financial Markets and Community Investment, General Accounting Office; John C. Weicher, Assistant Secretary of Housing and Urban Development for Housing-Federal Housing Commissioner; Howard Beales, Director, Bureau of Consumer Protection, Federal Trade Commission; Gavin M. Gee, Idaho Department of Finance, Boise; Lavada E. DeSalles, American Association of Retired Persons, Washington, D.C.; and Veronica Harding, Philadelphia, Pennsylvania.

House of Representatives

Chamber Action


Additional Cosponsors:

Reports Filed: Reports were filed today as follows:

- Filed on February 18, H. Con. Res. 189, celebrating the 50th anniversary of the International Geophysical Year (IGY) and supporting an International Geophysical Year–2 (IGY–2) in 2007–08, amended (H. Rept. 108–422);
- Filed on February 18, H.R. 1292, to encourage the development and integrated use by the public and private sectors of remote sensing and other geospatial information, amended (H. Rept. 108–423);
- H.R. 2707, to direct the Secretaries of the Interior and Agriculture, acting through the U.S. Forest Service, to carry out a demonstration program to assess potential water savings through control of Salt Cedar and Russian Olive on forests and public lands administered by the Department of the Interior and the U.S. Forest Service, amended (H. Rept. 108–424, Pt. 1);
- H.R. 2391, to amend title 35, United States Code, to promote research among universities, the public sector, and private enterprise, amended (H. Rept. 108–425);
- H.R. 3036, to authorize appropriations for the Department of Justice for fiscal years 2004 through 2006, amended (H. Rept. 108–426); and

Speaker: Read a letter from the Speaker wherein he appointed Representative Leach to act as Speaker pro tempore for today.

Chaplain: The prayer was offered today by Bishop Alfred A. Owens, Jr., Greater Mt. Calvary Holy Church in Washington, DC.

Journal: Agreed to the Speaker’s approval of the Journal of Wednesday, February 11, 2004 by a yeas-and-nay vote of 381 yeas to 32 nays, Roll No. 25.

Suspensions: The House agreed to suspend the rules and pass the following measures:

- **Salt Cedar and Russian Olive Control Demonstration Act**: H.R. 2707, amended, to direct the Secretaries of the Interior and Agriculture, acting through the U.S. Forest Service, to carry out a demonstration program to assess potential water savings through control of Salt Cedar and Russian Olive on forests and public lands administered by the Department of the Interior and the U.S. Forest Service, by
a 2⁄3 yea-and-nay vote of 367 yeas to 40 nays, Roll No. 26;

Agreed to amend the title so as to read: a bill to provide for an assessment of the extent of the invasion of Salt Cedar and Russian Olive on lands in the Western United States and efforts to date to control such invasion on public and private lands, including tribal lands, to establish a demonstration program to address the invasion of Salt Cedar and Russian Olive, and for other purposes.  

Southwest Forest Health and Wildfire Prevention Act of 2003: H.R. 2696, amended, to establish Institutes to demonstrate and promote the use of adaptive ecosystem management to reduce the risk of wildfires, and restore the health of fire-adapted forest and woodland ecosystems of the interior West; and

Providing for the conveyance of land in Douglas County, Oregon: S. 714, to provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area, by a 2⁄3 yea-and-nay vote of 397 yeas with none voting “nay”, Roll No. 27.

Recess: The House recessed at 3 p.m. and reconvened at 6:33 p.m.

GAO Human Capital Reform Act of 2003: Agreed that it shall be in order at any time without intervention of any point of order to consider H.R. 2751, to provide new human capital flexibilities with respect to the GAO; that the bill shall be considered as read for amendment; that the amendment in the nature of a substitute recommended by the Committee on Government Reform now printed in the bill shall be considered as adopted; that all points of order against the bill, as amended, are waived; and the previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, and (2) one motion to recommit with or without instructions.

Member Sworn—6th District of Kentucky: Representative-elect A.B. “Ben” Chandler presented himself in the well of the House and was administered the oath of office by the Speaker. Earlier, read a letter from the Clerk transmitting a copy of the original Certificate of Election received from the Honorable Trey Grayson, Secretary of State, Commonwealth of Kentucky, indicating that, on examination of the Official Abstracts of Votes on file in that office for the special election held on February 17, 2004, the Honorable A.B. “Ben” Chandler was duly elected Representative in Congress for the Sixth Congressional District, Commonwealth of Kentucky.

Senate Message: Message received from the Senate today appears on page H517.

Senate Referral: S. 1786 was referred to the Committees on Education and the Workforce, Energy and Commerce, and Ways and Means.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings today. There were no quorum calls.

Adjournment: The House met at 2:00 p.m. and adjourned at 12:00 a.m.

Committee Meetings

FEDERAL EMPLOYEES—NEED FOR DENTAL AND VISION BENEFITS

Committee on Government Reform: Subcommittee on Civil Service and Agency Organization held an oversight hearing entitled “We’d Like to See You Smile: The Need for Dental and Vision Benefits for Federal Employees (H.R. 3751).” Testimony was heard from Abby Block, Deputy Associate Director, OPM; and public witnesses.

U.S. AND THE IRAKI MARSHLANDS: AN ENVIRONMENTAL RESPONSE

Committee on International Relations: Subcommittee on the Middle East and Central Asia held a hearing on United States and the Iraqi Marshlands: An Environmental Response. Testimony was heard from the following officials of the Bureau for Asia and the Near East, AID, Department of State: Gordon West, Acting Assistant Administrator, and John Wilson, Senior Environmental Officer; and public witnesses.

OVERSIGHT—SATELLITE HOME VIEWER IMPROVEMENT ACT REAUTHORIZATION

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held an oversight hearing entitled “Reauthorization of the Satellite Home Viewer Improvement Act.” Testimony was heard from Marybeth Peters, Register of Copyrights, Library of Congress; and public witnesses.

UNBORN VICTIMS OF VIOLENCE ACT

Committee on Rules: Granted, by voice vote, a modified closed rule providing two hours of debate in the House on H.R. 1997, Unborn Victims of Violence Act of 2004, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule provides that the bill shall be considered as read for amendment. The rule provides that the amendment in the nature of
a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying the resolution, shall be considered as adopted. The rule provides for consideration of the amendment in the nature of a substitute printed in part B of the report of the Committee on Rules, if offered by Representative Lofgren or her designee, which shall be considered as read and shall be debatable for one hour equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment printed in part B of the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Chabot and Lofgren.

WORLD-WIDE THREATS

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on World-wide Threats. Testimony was heard from departmental witnesses.

Joint Meetings

DISABLED AMERICAN VETERANS

Joint Hearing: Senate Committee on Veterans’ Affairs concluded joint hearings with the House Committee on Veterans’ Affairs to examine certain legislative recommendations and concerns of wartime service-connected disabled veterans, after receiving testimony from Alan W. Bowers, Disabled American Veterans, Cold Spring, Kentucky.

COMMITTEE MEETINGS FOR WEDNESDAY, FEBRUARY 25, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on District of Columbia, to hold hearings to examine proposed budget estimates for fiscal year 2005 for the government of the District of Columbia, 9:30 a.m., SD–138.

Committee on Armed Services: Subcommittee on Personnel, to hold hearings to examine policies and programs for preventing and responding to incidents of sexual assault in the armed services, 9:30 a.m., SH–216.

Subcommittee on Strategic Forces, to hold hearings to examine the Department of Energy’s Office of Environmental Management, Office of Future Liabilities, and Office of Legacy Management, relating to the defense authorization request for fiscal year 2005, 2:30 p.m., SR–232A.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine current investigations and regulatory actions regarding the mutual fund industry, focusing on understanding the fund industry from the investor’s perspective, 10 a.m., SD–538.

Full Committee, to continue hearings to examine proposals for improving the regulation of the housing government sponsored enterprises, 2:30 p.m., SD–538.

Committee on the Budget: to hold hearings to examine the President’s proposed homeland security budget request for fiscal year 2005, 10 a.m., SD–106.

Committee on Commerce, Science, and Transportation: to hold hearings to examine processor quotas, 9:30 a.m., SR–253.


Full Committee, to hold hearings to examine the Japanese tax treaty and the Sri Lanka tax protocol, 9:30 a.m., SD–419.

Subcommittee on International Economic Policy, Export and Trade Promotion, to hold hearings to examine USAID contracting policies, 3:30 p.m., SD–419.

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold joint hearings with the House Committee on Government Reform Subcommittee on Civil Service and Agency Reorganization, to examine the key to homeland security relating to the new human resources system, 10 a.m., 2154 RHOB.

Committee on Indian Affairs: to hold hearings to examine the President’s fiscal year 2005 budget request, 9:30 a.m., SR–485.

Committee on the Judiciary: to hold hearings to examine the nomination of Roger T. Benitez, to be United States District Judge for the Southern District of California, 10 a.m., SD–226.

House

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Secretary of Agriculture, 9:30 a.m., 2362A Rayburn.

Subcommittee on Defense, executive, on CIA, 10 a.m., H–405 Capitol.

Subcommittee on Interior and Related Agencies, on Secretary of Interior, 10 a.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, on SSA, 10:15 a.m., and on Corporation for Public Broadcasting, 11:20 a.m., 2358 Rayburn.

Subcommittee on Legislative, on House of Representatives, 2:30 p.m., on GPO, 3:30 p.m., on GAO, 4 p.m., and on Library of Congress, 4:30 p.m., H–140 Capitol.
Subcommittee on Military Construction, on Quality of Life, 9:30 a.m., and on Quality of Life in the Military with Spouses, 1:30 p.m., B–300 Rayburn.

Subcommittee on VA, HUD and Independent Agencies, on Office of Science and Technology Policy, 10 a.m., on Arlington Cemetery, 11 a.m., on Consumer Product Commission, 1 p.m., and on Council on Environmental Quality, 2 p.m., H–143 Capitol.

Committee on Armed Services, hearing on the Fiscal Year 2005 National Defense Authorization budget request of the Department of the Army, 10 a.m., and to mark up H. Res. 499, requesting the President and directing the Secretary of State, the Secretary of Defense, and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the disclosure of the identity and employment of Ms. Valerie Plame, 6 p.m., 2118 Rayburn.

Subcommittee on Strategic Forces, hearing on the Fiscal Year 2005 National Defense Authorization budget request: Status of the Space Programs, 2 p.m., 2212 Rayburn.

Subcommittee on Total Force, hearing on the Department of Defense force health protection and surveillance efforts for service members deployed to Operation Enduring Freedom and Operation Iraqi Freedom, 2 p.m., 2118 Rayburn.

Committee on the Budget, hearing on The Economic Outlook and Current Fiscal Issues, 10 a.m., 210 Cannon.

Committee on Education and the Workforce, hearing entitled “Strengthening Pension Security for All Americans: Are Workers Prepared for a Safe and Secure Retirement?” 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, to mark up the following: the United States Olympic Committee Reform Act; and the Consumer Access to Information Act of 2004, 10 a.m., 2123 Rayburn.

Committee on Financial Services, to consider the following: H.R. 2179, Securities Fraud Deterrence and Investor Restitution Act of 2003; to consider the Committee’s Views and Estimates on the Budget proposed for Fiscal Year 2005 for submission to the Committee on the Budget; and pending Committee business, 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, hearing entitled “How to Improve Regulatory Accounting: Costs, Benefits, and Impacts of Federal Regulations—Part II,” 10 a.m., 2247 Rayburn.

Subcommittee on Human Rights and Wellness, hearing on “Investigation Into Health Care Disparities in the United States Pacific Island Territories,” 2 p.m., 2154 Rayburn.

Committee on International Relations, to mark up the following: H. Res. 499, Requesting the President and directing the Secretary of State, the Secretary of Defense, and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the disclosure of the identity and employment of Ms. Valerie Plame; H.R. 3782, Counter-Terrorist and Narco-Terrorist Rewards Program Act; H.R. 854, Belarus Democracy Act of 2003; The Microenterprise Results and Accountability Act of 2004; a resolution urging passage of a resolution addressing human rights abuses in People’s Republic of China at the 60th Session of the United Nations Commission on Human Rights, and calling upon the Government of People’s Republic of China to respect and protect human rights; H. Con. Res. 15, Commending India on its celebration of Republic Day; H. Res. 526, Expressing the sympathy of the House of Representatives for the victims of the devastating earthquake that occurred on December 26, 2003 in Bam, Iran; and a resolution to recognize more than 5 decades of strategic, partnership between the United States and the people of the Marshall Islands in the pursuit of international peace and security, 10:30 a.m., 2172 Rayburn.

Committee on the Judiciary, to mark up H. Res. 499, Requesting the President and directing the Secretary of State, the Secretary of Defense, and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the disclosure of the identity and employment of Ms. Valerie Plame, 10 a.m., 2141 Rayburn.

Subcommittee on Immigration, Border Security, and Claims, oversight hearing entitled “Funding for Immigration in the President’s 2005 Budget,” 3 p.m., 2141 Rayburn.

Committee on Resources, oversight hearing on An Examination of the Potential for a Delegate from the Commonwealth of the Northern Mariana Islands, 10:30 a.m., 1324 Longworth.

Subcommittee on Water and Power, oversight hearing on the Proposed Fiscal Year 2005 Budgets for the Bureau of Reclamation, the U.S. Geological Survey and Power Marketing Administrations, 2 p.m., 1354 Longworth.

Committee on Science, hearing on The Conflict Between Science and Security in Visa Policy: Status and Next Steps, 9:30 a.m., 2318 Rayburn.

Committee on Small Business, to consider Committee’s Budget Views and Estimates for Fiscal Year 2005 for submission to the Committee on the Budget, 1:30 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, to mark up the following: the Committee’s Budget Views and Estimates for Fiscal Year 2005 for submission to the Committee on the Budget; GSA Fiscal Year 2004 Leasing Resolutions; H.R. 2523, to designate the United States courthouse located at 125 Bull Street in Savannah, Georgia, as the “Tomochichi United States Courthouse;” H.R. 2538, to designate the United States courthouse located at 400 North Miami Avenue in Miami, Florida, as the “Wilkie D. Ferguson, Jr., United States Courthouse;” H.R. 3147, to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the “James V. Hansen Federal Building;” H.R. 3462, to designate
the headquarters building of the Department of Education in Washington D.C., as the Lyndon Baines Johnson Federal Building; and other pending business, 11 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, to consider the Committee's Views and Estimates on the Budget proposed for Fiscal Year 2005 for submission to the Committee on the Budget, 2:15 p.m., 334 Cannon.

Permanent Select Committee on Intelligence, Subcommittee on Terrorism and Homeland Security, executive, hearing on IC Analytical Capabilities and Information Sharing, 2 p.m., H-405 Capitol.


Joint Meetings: Senate Committee on Governmental Affairs, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold joint hearings with the House Committee on Government Reform Subcommittee on Civil Service and Agency Reorganization, to examine the key to homeland security relating to the new human resources system, 10 a.m., 2154 RHOB.
Program for Wednesday: Senate will resume consideration of the motion to proceed to consideration of S. 1805, Protection of Lawful Commerce in Arms Act, with a vote on the motion to invoke cloture on the motion to proceed to consideration of the bill to occur at 10:30 a.m.

Program for Wednesday: Consideration of suspensions:
(1) H. Con. Res. 287, Recognizing and honoring the life of Raul Julia, his dedication to ending world hunger, and his great contributions to the Latino community and the performing arts; and
(2) H.R. 3690, Barber Conable Post Office Building Designation Act.