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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 25, 2004.

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

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

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

''Remember you are dust; and unto dust you will return.''

Lord God, it was You who first spoke these words to Adam and Eve. Year after year, throughout every epic of recorded history, Your word echoes with humbling judgment. You remind us how frail and faulty human life really is. But You also give us time to change and become Your children of light.

Success, honor and all possessions sift through our fingers. Nothing truly lasts, except You, O Lord. The dawn of new life and the cycle of death follow each other as surely as daylight follows nighttime.

May personal conscience and the narration of humanity's crimes against humanity call forth repentance and efforts to set things right. So let the ashes of human deeds cry out to You.

O Divine Forgiveness, recreate Your people out of the ashes. Your phoenix flame can set us free. Your mercy endures forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. RYUN of Kansas led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 264. Concurrent resolution authorizing and requesting the President to issue a proclamation to commemorate the 200th anniversary of the birth of Constantino Brumidi.

H. Con. Res. 358. Concurrent resolution authorizing the printing of ''History of the United States Capitol'' as a House document.

H. Con. Res. 359. Concurrent resolution 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.

PROTECTING UNBORN VICTIMS OF VIOLENCE

(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, tomorrow this body will vote on Laci and Conner's Law, the Unborn Victims of Violence Act. This bill would make it a Federal crime to kill or harm an unborn child in the act of a Federal crime against a pregnant woman.

Opponents of this bill claim that this is about abortion. They are wrong. This bill actually protects the expecting mother. The bill identifies 68 existing Federal laws dealing with acts of violence and expands them to include harm to an unborn child.

In upholding Minnesota's unborn victims law, the Minnesota Supreme Court said, ''The possibility that a female homicide victim may be pregnant is a possibility that an assaulter may not safely exclude.''

Over half the States have unborn victims protection laws on the books. Many have been upheld by State courts. None have affected access to abortion.

Let us put politics aside and pass this bill. We need to protect victims of violent crime and their unborn children, and the bill does that. It offers a defense for those who cannot defend themselves. It makes criminals think twice before attacking a pregnant woman.

COMMENDING BILL MCNEAL ON BEING NAMED THE NATIONAL SUPERINTENDENT OF THE YEAR

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

Mr. ETHERIDGE. Mr. Speaker, I rise today to congratulate my good friend Bill McNeal on being named the National Superintendent of the Year by the American Association of School Administrators. I have worked with Bill for many years, and no one is more deserving than he is of this award.

Since the year 2000, Bill has served with distinction as the Superintendent of Wake County Public Schools in my congressional district in North Carolina. Wake County is a diverse community and one of the fastest-growing school systems in America.

☐ 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.

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Bill has demonstrated outstanding leadership in raising student performance by reaching out to all elements of the community and bringing folks together behind a shared vision of education excellence.

Just this week, Forbes Magazine named Wake County schools the number three school system in ranking among the best 100 large school districts in America. Wake County is now a showcase for successful education reform through bold leadership.

At a time when schools across America are facing budget cuts and struggling to comply with the President's No Child Left Behind unfunded mandates, Bill McNeal's accomplishments are proof again that real leadership in education reform is taking place every day in our schools.

I call on my colleagues to join me in commending Bill McNeal for this hard-earned recognition.

SUPPORTING THE UNBORN VICTIMS OF VIOLENCE ACT

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

Mr. RYUN of Kansas. Mr. Speaker, after being brutally beaten and losing her unborn child in the process, Tracy Marciniak was told that her attackers would not be held accountable for her child's death. Under current Federal law, the only crime committed was assault. There was no acknowledgment for a grieving mother.

When Laci Peterson was found, she was not alone. The small body of her son Conner was with her. Laci's parents not only lost their daughter, but their grandson as well. Logic tells us that two bodies means that murder should be charged for two victims.

Thankfully, 29 States, including California, have enacted unborn victims laws to adequately punish the perpetrators of these heinous crimes. Because of this, the killer of Laci and Conner Peterson will not go unaccounted for for two murders.

It is time for the United States Congress to protect unborn victims of Federal crimes. It our responsibility to recognize the killing of a pregnant woman as an act that ends two lives and assign punishment accordingly.

The Unborn Victims of Violence Act would not only provide long overdue protection to unborn victims, but also help ensure justice and closure for the families. I urge Members to join me in seeking justice for women and their unborn children and the families they leave behind. I urge members to vote for the Unborn Victims of Violence Act.

RECOGNIZING 75TH ANNIVERSARY OF LEAGUE OF UNITED LATIN AMERICAN CITIZENS

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

Mr. FROST. Mr. Speaker, I am here to recognize the 75th anniversary of the League of United Latin American Citizens, the oldest and largest Hispanic organization in the country. Since its inception on February 17, 1929, LULAC has championed the cause of Latinos in the United States and Puerto Rico.

In 1930, the organization desegregated hundreds of public places, including barber shops, swimming pools, restaurants, hotels and others. The following year, LULAC helped organize and fund the case against the Del Rio, Texas, Independent School District, which was the first class-action lawsuit against a segregated Mexican school. Again in 1946 LULAC set its sights on ending segregation in schools through the Mendez v. Westminster lawsuit, which ended a century of segregation in California's public schools, and by 1948 it ended the segregation of Mexican children in the State of Texas.

By 1940, LULAC had sought to change the workplace for Hispanics, helping to file discrimination cases for the Federal Employment Practices Commission. LULAC was also crucial in earning Hispanics the right to vote by taking the Hernandez v. the State of Texas case to the Supreme Court in 1954.

Mr. Speaker, we all should recognize the valuable work of this organization.

IN SUPPORT OF THE UNBORN VICTIMS OF VIOLENCE ACT

(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, faced with the many grave threats to the sanctity of life in the modern world, the value of life from its very beginning must be affirmed, as must the right of every human being to have this primary good respected to the highest degree. As a mother, I feel duty-bound to speak out on behalf of those who have no voice, the innocent unborn child.

Under Federal law, an individual who commits a Federal crime of violence against a pregnant woman receives no additional punishment for killing or injuring the woman's unborn child during the commission of that crime. The Unborn Victims of Violence Act would narrow this gap in the law and would provide greater protection for women from crimes of violence.

Mr. Speaker, I urge my colleagues to pass this important legislation this week and send it to the President for his signature.

TRIBUTE TO SGT. THOMAS ROBBINS AND THOSE WHO HAVE MADE THE SUPREME SACRIFICE PROTECTING AMERICA'S WAY OF LIFE

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

Mr. MCNULTY. Mr. Speaker, over the recent recess, I attended the funeral of Sgt. Thomas Robbins, a young man who grew up in my congressional district, who was recently killed as a result of injuries sustained in Iraq.

When I attended that funeral, it brought back many painful memories. Chief among them was the time in August of 1970 when I was called home to learn that my brother Bill had been killed in Vietnam. It made me think about my priorities and the need to remember that had it not been for all of the men and women who have served in the United States military through the years, the rest of us would not have the privilege of bragging about how we live in the freest and most open democracy on Earth.

Freedom is not free. We have paid a tremendous price for it. We continue to pay that price today, and we need to be grateful to all those who have served and especially those who have made the supreme sacrifice.

Mr. Speaker, I extend my sympathies to all of the members of Thomas' loving family, and all of his many friends, on this tragic loss. He now becomes one of the reasons why, when I get up in the morning, the first two things I do are to thank God for my life, and veterans for my way of life.

TRIBUTE TO NORMA KNUDSEN

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

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to pay tribute to a very special person, Norma Knudsen. Although she is one of the oldest members of the Spicer, Minnesota, Sunrise Lions Club at age 86, Norma continues to be one of their most active and devoted volunteers.

Norma has been a leader in efforts to restore and preserve the gift of sight by volunteering at various charity events like baseball games, barbecues and fish fries to benefit the Minnesota Lions Eye Bank, one of the most successful eye banks in the country. While this is laudable itself, it is even more remarkable when you consider that Norma suffers from macular degeneration, a devastating eye disease that has left her almost totally blind.

Because of her selfless efforts and the outstanding example she has been for the rest of us, Norma was recently presented the Helen Keller Award by the Spicer Sunrise Lions Club. There is no more deserving person for this award than Norma Knudsen. With her long track record of volunteerism, Norma has more than met Helen Keller's challenge to be a ''knight of the blind in the crusade against darkness.''

Mr. Speaker, I commend the fine efforts of Norma Knudsen to help bring sight to many who would have been left in the darkness.

TRIBUTE TO STEVE NEAL

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

Mr. DAVIS of Illinois. Mr. Speaker, last week all of Chicago and all of those who read the Chicago Sun Times were shocked at the death of Steve Neal.

□ 1015

Steve Neal was one of the premier political columnists in the country. I was particularly shocked because I was scheduled to have lunch with Steve on Friday of last week. Steve Neal was one of the premier writers about politics and political action in the Nation. All of us are going to miss him, so I express my condolences to his family, his wife and children and say that all of our lives have been enriched by the opportunity to read the writings of Steve Neal.

ISRAEL SECURITY FENCE RESOLUTION

(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, today there will be much focus across our country on a motion picture known as ''The Passion of the Christ,'' and like millions of Christians, I cherish the sacrifice of Christ and welcome its remembrance. Also, like millions of Christians, I cherish Israel, as a Jewish State and as our staunchest ally in the Middle East.

After traveling to Israel last month and witnessing firsthand daily terrorist-attempted incursions into Israel to kill Israeli civilians, I realized in my heart that America must stand by Israel and by her efforts to protect her people in the construction of a security fence today.

In that spirit, joined by the gentlewoman from Nevada (Ms. BERKLEY) and a growing list of cosponsors, today I will introduce bipartisan legislation that expresses congressional support for Israel to construct a security fence in order to reduce terrorist attacks. Further, the resolution will condemn the United Nations General Assembly for requesting the International Court of Justice to render a legal opinion on the issue of the fence.

Like millions of Christians, I cherish Christ, and I cherish Israel and our relationship with her.

TIME TO ENACT NEW POLICIES FOR JOB CREATION IN U.S.

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

Ms. SOLIS. Mr. Speaker, I rise today to speak about the jobless recovery. What an oxymoron that is.

Families in my district and around the Nation want to know, where are the jobs? Only 296,000 jobs have been created since this President took office, well below the 2 million that he promised. These jobs, by the way, are being created and going overseas. That is what is really happening here in the U.S.

My district is hurting. I represent East Los Angeles and the San Gabriel Valley. Our unemployment is well over 10 percent. Hundreds of people continue to look for work.

When we talk about homeland security, we should also be talking about job security. It is time to enact policies that will truly stimulate the economy and create jobs at home. We should provide tax cuts for middle class families, tax incentives to keep jobs here in the U.S., and implement fair-trade agreements that respect and level the playing field.

GAO HUMAN CAPITAL REFORM ACT OF 2003

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, pursuant to the order of the House of February 24, 2004, I call up the bill (H.R. 2751) to provide new human capital flexibilities with respect to the GAO, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the order of the House of February 24, 2004, the bill is considered read for amendment.

The text of H.R. 2751 is as follows:

H.R. 2751

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

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 31.

(a) SHORT TITLE.—This Act may be cited as the ''GAO Human Capital Reform Act of 2003''.

(b) AMENDMENT OF TITLE 31.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 31, United States Code.

SEC. 2. AMENDMENTS TO PUBLIC LAW 106–303.

Sections 1 and 2 of Public Law 106–303 (5 U.S.C. 8336 note and 5597 note) are amended by striking ''for purposes of the period beginning on the date of the enactment of this Act and ending on December 31, 2003'' each place it appears and inserting ''October 13, 2000''.

SEC. 3. ANNUAL PAY ADJUSTMENTS.

(a) OFFICERS AND EMPLOYEES GENERALLY.—Paragraph (3) of section 732(c) is amended to read as follows:

''(3) except as provided under section 733(a)(3)(B) of this title, basic pay rates of officers and employees of the Office shall be adjusted annually to such extent as the Comptroller General shall determine, taking into consideration—

''(A) the principle that there be equal pay for substantially equal work within each local pay area;

''(B) the Consumer Price Index;

''(C) any existing pay disparities between officers and employees of the Office and non-Federal employees in each local pay area;

''(D) the pay rates for the same levels of work for officers and employees of the Office and non-Federal employees in each local pay area;

''(E) the appropriate distribution of agency funds between annual adjustments under this section and performance-based compensation; and

''(F) such other criteria as the Comptroller General considers appropriate, including, but not limited to, the funding level for the Office, amounts allocated for performance-based compensation, and the extent to which the Office is succeeding in fulfilling its mission and accomplishing its strategic plan;

notwithstanding any other provision of this paragraph, an adjustment under this paragraph shall not be applied in the case of any officer or employee whose performance is not at a satisfactory level, as determined by the Comptroller General for purposes of such adjustment;''.

(b) OFFICERS AND EMPLOYEES IN THE OFFICE SENIOR EXECUTIVE SERVICE.—Subparagraph (B) of section 733(a)(3) is amended to read as follows:

''(B) adjusted annually by the Comptroller General after taking into consideration the factors listed under section 732(c)(3) of this title, except that an adjustment under this subparagraph shall not be applied in the case of any officer or employee whose performance is not at a satisfactory level, as determined by the Comptroller General for purposes of such adjustment;''.

(c) CONFORMING AMENDMENT.—Section 732(b)(6) is amended by striking ''title 5.'' and inserting ''title 5, except as provided under subsection (c)(3) of this section and section 733(a)(3)(B) of this title.''.

SEC. 4. PAY RETENTION.

Paragraph (5) of section 732(c) is amended to read as follows:

''(5) the Comptroller General shall prescribe regulations under which an officer or employee of the Office shall be entitled to pay retention if, as a result of any reduction-in-force or other workforce adjustment procedure, position reclassification, or other appropriate circumstances as determined by the Comptroller General, such officer or employee is placed in or holds a position in a lower grade or band with a maximum rate of basic pay that is less than the rate of basic pay payable to the officer or employee immediately before the reduction in grade or band; such regulations—

''(A) shall provide that the officer or employee shall be entitled to continue receiving the rate of basic pay that was payable to the officer or employee immediately before the reduction in grade or band until such time as the retained rate becomes less than the maximum rate for the grade or band of the position held by such officer or employee; and

''(B) shall include provisions relating to the minimum period of time for which an officer or employee must have served or for which the position must have been classified at the higher grade or band in order for pay retention to apply, the events that terminate the right to pay retention (apart from the one described in subparagraph (A)), and exclusions based on the nature of an appointment; in prescribing regulations under this subparagraph, the Comptroller General shall be guided by the provisions of sections 5362 and 5363 of title 5.''.

SEC. 5. RELOCATION BENEFITS.

Section 731 is amended by adding after subsection (e) the following:

''(f) The Comptroller General shall prescribe regulations under which officers and employees of the Office may, in appropriate circumstances, be reimbursed for any relocation expenses under subchapter II of chapter 57 of title 5 for which they would not otherwise be eligible, but only if the Comptroller General determines that the transfer giving

rise to such relocation is of sufficient benefit or value to the Office to justify such reimbursement.''.

SEC. 6. INCREASED ANNUAL LEAVE FOR UPPER-LEVEL EMPLOYEES.

Section 731 is amended by adding after subsection (f) (as added by section 5) the following:

''(g) The Comptroller General shall prescribe regulations under which officers and employees of the Office in high-grade, managerial, or supervisory positions who have less than 3 years of service may, in appropriate circumstances, accrue leave in accordance with section 6303(a)(2) of title 5. Such regulations shall define high-grade, managerial, or supervisory positions and set forth the factors in determining which officers and employees should be allowed to accrue leave in accordance with this subsection.''.

SEC. 7. EXECUTIVE EXCHANGE PROGRAM.

Section 731 is amended by adding after subsection (g) (as added by section 6) the following:

''(h) The Comptroller General may by regulation establish an executive exchange program under which officers and employees of the Office in high-grade, managerial, or supervisory positions may be assigned to private sector organizations, and employees of private sector organizations may be assigned to the Office, for work of mutual concern and benefit. Regulations to carry out any such program—

''(1) shall include provisions which define high-grade, managerial, or supervisory positions, and provisions (consistent with sections 3702–3704 of title 5) as to matters concerning (A) the duration and termination of assignments, (B) reimbursements, and (C) status, entitlements, benefits, and obligations of program participants;

''(2) shall limit (A) the number of officers and employees who are assigned to private sector organizations at any one time to not more than 30, and (B) the number of employees from private sector organizations who are assigned to the Office at any one time to not more than 30; and

''(3) shall provide for the inclusion, in all reports submitted to the Congress under section 719(a) of this title, of a review of the work being done by all individuals participating in the program and an assessment of the effectiveness and usefulness of the program.''.

SEC. 8. REDESIGNATION.

(a) IN GENERAL.—The General Accounting Office is hereby redesignated the Government Accountability Office.

(b) REFERENCES.—Any reference to the General Accounting Office in any law, rule, regulation, certificate, directive, instruction, or other official paper in force on the date of the enactment of this Act shall be considered to refer and apply to the Government Accountability Office.

SEC. 9. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) PAY ADJUSTMENTS.—

(1) IN GENERAL.—Section 3 and the amendments made by section 3 shall take effect on October 1, 2005, and shall apply in the case of any annual pay adjustment taking effect on or after that date.

(2) INTERIM AUTHORITIES.—In connection with any pay adjustment taking effect under section 732(c)(3) or 733(a)(3)(B) of title 31, United States Code, before October 1, 2005, the Comptroller General may by regulation—

(A) provide that such adjustment not be applied in the case of any officer or employee whose performance is not at a satisfactory level, as determined by the Comptroller General for purposes of such adjustment; and

(B) provide that such adjustment be reduced if and to the extent necessary because of extraordinary economic conditions or serious budget constraints.

(3) ADDITIONAL AUTHORITY.—

(A) IN GENERAL.—The Comptroller General may by regulation delay the effective date of section 3 and the amendments made by section 3 for groups of officers and employees that the Comptroller General considers appropriate.

(B) INTERIM AUTHORITIES.—If the Comptroller General provides for a delayed effective date under subparagraph (A) with respect to any group of officers or employees, paragraph (2) shall, for purposes of such group, be applied by substituting such date for ''October 1, 2005''.

The SPEAKER pro tempore. The amendment printed in the bill is adopted.

The text of H.R. 2751, as amended, is as follows:

H.R. 2751

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

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 31.

(a) SHORT TITLE.—This Act may be cited as the ''GAO Human Capital Reform Act of 2003''.

(b) AMENDMENT OF TITLE 31.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 31, United States Code.

SEC. 2. AMENDMENTS TO PUBLIC LAW 106–303.

(a) AUTHORITIES MADE PERMANENT.—Sections 1 and 2 of Public Law 106–303 (5 U.S.C. 8336 note and 5597 note) are amended by striking ''for purposes of the period beginning on the date of the enactment of this Act and ending on December 31, 2003'' each place it appears and inserting ''October 13, 2000''.

(b) SENSE OF CONGRESS.—

(1) VOLUNTARY EARLY RETIREMENT AUTHORITY.—Section 1 of Public Law 106–303 is amended by adding at the end the following:

''(e) SENSE OF CONGRESS.—It is the sense of Congress that the implementation of this section is intended to reshape the General Accounting Office workforce and not downsize the General Accounting Office workforce.''.

(2) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—Section 2 of Public Law 106–303 is amended by adding at the end the following:

''(g) SENSE OF CONGRESS.—It is the sense of Congress that the implementation of this section is intended to reshape the General Accounting Office workforce and not downsize the General Accounting Office workforce.''.

(c) ADDITIONAL LIMITATION RELATING TO VSIPS.—Section 2(b) of Public Law 106–303 is amended by striking paragraph (2) and inserting the following:

''(2) subsection (a)(2)(G) of such section shall be applied—

''(A) by construing the citations therein to be references to the appropriate authorities in connection with employees of the General Accounting Office; and

''(B) by deeming such subsection to be amended by striking 'Code.' and inserting 'Code, or who, during the thirty-six month period preceding the date of separation, performed service for which a student loan repayment benefit was or is to be paid under section 5379 of title 5, United States Code.';''.

SEC. 3. ANNUAL PAY ADJUSTMENTS.

(a) OFFICERS AND EMPLOYEES GENERALLY.—Paragraph (3) of section 732(c) is amended to read as follows:

''(3) except as provided under section 733(a)(3)(B) of this title, basic rates of officers and employees of the Office shall be adjusted annually to such extent as determined by the Comptroller General, and in making that determination the Comptroller General shall consider—

''(A) the principle that equal pay should be provided for work of equal value within each local pay area;

''(B) the need to protect the purchasing power of officers and employees of the Office, taking into consideration the Consumer Price Index or other appropriate indices;

''(C) any existing pay disparities between officers and employees of the Office and non-Federal employees in each local pay area;

''(D) the pay rates for the same levels of work for officers and employees of the Office and non-Federal employees in each local pay area;

''(E) the appropriate distribution of agency funds between annual adjustments under this section and performance-based compensation; and

''(F) such other criteria as the Comptroller General considers appropriate, including, but not limited to, the funding level for the Office, amounts allocated for performance-based compensation, and the extent to which the Office is succeeding in fulfilling its mission and accomplishing its strategic plan;

notwithstanding any other provision of this paragraph, an adjustment under this paragraph shall not be applied in the case of any officer or employee whose performance is not at a satisfactory level, as determined by the Comptroller General for purposes of such adjustment;''.

(b) OFFICERS AND EMPLOYEES IN THE OFFICE SENIOR EXECUTIVE SERVICE.—Subparagraph (B) of section 733(a)(3) is amended to read as follows:

''(B) adjusted annually by the Comptroller General after taking into consideration the factors listed under section 732(c)(3) of this title, except that an adjustment under this subparagraph shall not be applied in the case of any officer or employee whose performance is not at a satisfactory level, as determined by the Comptroller General for purposes of such adjustment;''.

(c) CONFORMING AMENDMENT.—Section 732(b)(6) is amended by striking ''title 5.'' and inserting ''title 5, except as provided under subsection (c)(3) of this section and section 733(a)(3)(B) of this title.''.

SEC. 4. PAY RETENTION.

Paragraph (5) of section 732(c) is amended to read as follows:

''(5) the Comptroller General shall prescribe regulations under which an officer or employee of the Office shall be entitled to pay retention if, as a result of any reduction-in-force or other workforce adjustment procedure, position reclassification, or other appropriate circumstances as determined by the Comptroller General, such officer or employee is placed in or holds a position in a lower grade or band with a maximum rate of basic pay that is less than the rate of basic pay payable to the officer or employee immediately before the reduction in grade or band; such regulations—

''(A) shall provide that the officer or employee shall be entitled to continue receiving the rate of basic pay that was payable to the officer or employee immediately before the reduction in grade or band until such time as the retained rate becomes less than the maximum rate for the grade or band of the position held by such officer or employee; and

''(B) shall include provisions relating to the minimum period of time for which an officer or employee must have served or for which the position must have been classified at the higher grade or band in order for pay retention to apply, the events that terminate the right to pay retention (apart from the one described in subparagraph (A)), and exclusions based on the nature of an appointment; in prescribing regulations under this subparagraph, the Comptroller

General shall be guided by the provisions of sections 5362 and 5363 of title 5.''.

SEC. 5. RELOCATION BENEFITS.

Section 731 is amended by adding after subsection (e) the following:

''(f) The Comptroller General shall prescribe regulations under which officers and employees of the Office may, in appropriate circumstances, be reimbursed for any relocation expenses under subchapter II of chapter 57 of title 5 for which they would not otherwise be eligible, but only if the Comptroller General determines that the transfer giving rise to such relocation is of sufficient benefit or value to the Office to justify such reimbursement.''.

SEC. 6. INCREASED ANNUAL LEAVE FOR KEY EMPLOYEES.

Section 731 is amended by adding after subsection (f) (as added by section 5 of this Act) the following:

''(g) The Comptroller General shall prescribe regulations under which key officers and employees of the Office who have less than 3 years of service may accrue leave in accordance with section 6303(a)(2) of title 5, in those circumstances in which the Comptroller General has determined such increased annual leave is appropriate for the recruitment or retention of such officers and employees. Such regulations shall define key officers and employees and set forth the factors in determining which officers and employees should be allowed to accrue leave in accordance with this subsection.''.

SEC. 7. EXECUTIVE EXCHANGE PROGRAM.

Section 731 is amended by adding after subsection (g) (as added by section 6 of this Act) the following:

''(h) The Comptroller General may by regulation establish an executive exchange program under which officers and employees of the Office may be assigned to private sector organizations, and employees of private sector organizations may be assigned to the Office, to further the institutional interests of the Office or Congress, including for the purpose of providing training to officers and employees of the Office. Regulations to carry out any such program—

''(1) shall include provisions (consistent with sections 3702 through 3704 of title 5) as to matters concerning—

''(A) the duration and termination of assignments;

''(B) reimbursements; and

''(C) status, entitlements, benefits, and obligations of program participants;

''(2) shall limit—

''(A) the number of officers and employees who are assigned to private sector organizations at any one time to not more than 15; and

''(B) the number of employees from private sector organizations who are assigned to the Office at any one time to not more than 30;

''(3) shall require that an employee of a private sector organization assigned to the Office may not have access to any trade secrets or to any other nonpublic information which is of commercial value to the private sector organization from which such employee is assigned;

''(4) shall require that, before approving the assignment of an officer or employee to a private sector organization, the Comptroller General shall determine that the assignment is an effective use of the Office's funds, taking into account the best interests of the Office and the costs and benefits of alternative methods of achieving the same results and objectives; and

''(5) shall not allow any assignment under this subsection to commence after the end of the 5-year period beginning on the date of the enactment of this subsection.

''(i) An employee of a private sector organization assigned to the Office under the executive exchange program shall be considered to be an employee of the Office for purposes of—

''(1) chapter 73 of title 5;

''(2) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18;

''(3) sections 1343, 1344, and 1349(b) of this title;

''(4) chapter 171 of title 28 (commonly referred to as the 'Federal Tort Claims Act') and any other Federal tort liability statute;

''(5) the Ethics in Government Act of 1978 (5 U.S.C. App.);

''(6) section 1043 of the Internal Revenue Code of 1986; and

''(7) section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423).''.

SEC. 8. REDESIGNATION.

(a) IN GENERAL.—The General Accounting Office is hereby redesignated the Government Accountability Office.

(b) REFERENCES.—Any reference to the General Accounting Office in any law, rule, regulation, certificate, directive, instruction, or other official paper in force on the date of enactment of this Act shall be considered to refer and apply to the Government Accountability Office.

SEC. 9. PERFORMANCE MANAGEMENT SYSTEM.

Paragraph (1) of section 732(d) is amended to read as follows:

''(1) for a system to appraise the performance of officers and employees of the General Accounting Office that meets the requirements of section 4302 of title 5 and in addition includes—

''(A) a link between the performance management system and the agency's strategic plan;

''(B) adequate training and retraining for supervisors, managers, and employees in the implementation and operation of the performance management system;

''(C) a process for ensuring ongoing performance feedback and dialogue between supervisors, managers, and employees throughout the appraisal period and setting timetables for review;

''(D) effective transparency and accountability measures to ensure that the management of the system is fair, credible, and equitable, including appropriate independent reasonableness, reviews, internal assessments, and employee surveys; and

''(E) a means to ensure that adequate agency resources are allocated for the design, implementation, and administration of the performance management system;''.

SEC. 10. CONSULTATION.

Before the implementation of any changes authorized under this Act, the Comptroller General shall consult with any interested groups or associations representing officers and employees of the General Accounting Office.

SEC. 11. REPORTING REQUIREMENTS.

(a) ANNUAL REPORTS.—The Comptroller General shall include—

(1) in each report submitted to Congress under section 719(a) of title 31, United States Code, during the 5-year period beginning on the date of enactment of this Act, a summary review of all actions taken under sections 2, 3, 4, 6, 7, 9, and 10 of this Act during the period covered by such report, including—

(A) the respective numbers of officers and employees—

(i) separating from the service under section 2 of this Act;

(ii) receiving pay retention under section 4 of this Act;

(iii) receiving increased annual leave under section 6 of this Act; and

(iv) engaging in the executive exchange program under section 7 of this Act, as well as the number of private sector employees participating in such program and a review of the general nature of the work performed by the individuals participating in such program;

(B) a review of all actions taken to formulate the appropriate methodologies to implement the pay adjustments provided for under section 3 of this Act, except that nothing under this subparagraph shall be required if no changes are made in any such methodology during the period covered by such report; and

(C) an assessment of the role of sections 2, 3, 4, 6, 7, 9, and 10 of this Act in contributing to the General Accounting Office's ability to carry out its mission, meet its performance goals, and fulfill its strategic plan; and

(2) in each report submitted to Congress under such section 719(a) after the effective date of section 3 of this Act and before the close of the 5-year period referred to in paragraph (1)—

(A) a detailed description of the methodologies applied under section 3 of this Act and the manner in which such methodologies were applied to determine the appropriate annual pay adjustments for officers and employees of the Office;

(B) the amount of the annual pay adjustments afforded to officers and employees of the Office under section 3 of this Act; and

(C) a description of any extraordinary economic conditions or serious budget constraints which had a significant impact on the determination of the annual pay adjustments for officers and employees of the Office.

(b) FINAL REPORT.—Not later than 6 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report concerning the implementation of this Act. Such report shall include—

(1) a summary of the information included in the annual reports required under subsection (a);

(2) recommendations for any legislative changes to section 2, 3, 4, 6, 7, 9, or 10 of this Act; and

(3) any assessment furnished by the General Accounting Office Personnel Appeals Board or any interested groups or associations representing officers and employees of the Office for inclusion in such report.

(c) ADDITIONAL REPORTING.—Notwithstanding any other provision of this section, the reporting requirement under subsection (a)(2)(C) shall apply in the case any report submitted under section 719(a) of title 31, United States Code, whether during the 5-year period beginning on the date of enactment of this Act (as required by subsection (a)) or at any time thereafter.

SEC. 12. TECHNICAL AMENDMENT.

Section 732(h)(3)(A) is amended by striking ''reduction force'' and inserting ''reduction in force''.

SEC. 13. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) PAY ADJUSTMENTS.—

(1) IN GENERAL.—Section 3 of this Act and the amendments made by that section shall take effect on October 1, 2005, and shall apply in the case of any annual pay adjustment taking effect on or after that date.

(2) INTERIM AUTHORITIES.—In connection with any pay adjustment taking effect under section 732(c)(3) or 733(a)(3)(B) of title 31, United States Code, before October 1, 2005, the Comptroller General may by regulation—

(A) provide that such adjustment not be applied in the case of any officer or employee whose performance is not at a satisfactory level, as determined by the Comptroller General for purposes of such adjustment; and

(B) provide that such adjustment be reduced if and to the extent necessary because of extraordinary economic conditions or serious budget constraints.

(3) ADDITIONAL AUTHORITY.—

(A) IN GENERAL.—The Comptroller General may by regulation delay the effective date of section 3 of this Act and the amendments made by that section for groups of officers and employees that the Comptroller General considers appropriate.

(B) INTERIM AUTHORITIES.—If the Comptroller General provides for a delayed effective date under subparagraph (A) with respect to any group of officers or employees, paragraph (2) shall, for purposes of such group, be applied by substituting such date for ''October 1, 2005''.

The SPEAKER pro tempore. The gentlewoman from Virginia (Mrs. JO ANN

DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 30 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the subject of the bill, H.R. 2751.

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

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2751, the GAO Human Capital Reform Act of 2003. I want to thank the leadership for bringing this important legislation to the floor.

This legislation, which I introduced last year, has broad support in both Houses and on both sides of the political aisle. It was crafted in collaboration with Democrats on the Committee on Government Reform and the Senate Governmental Affairs Committee.

In essence, H.R. 2751 expands the management flexibilities that the GAO already has. Among its provisions, this legislation makes permanent the GAO's authority to offer early retirement and buyouts in order to provide GAO with the necessary tools to streamline and reshape its workforce. The legislation enhances GAO's ability to reimburse employees for relocation expenses and establishes an employee exchange program with the private sector in areas of mutual concern and positions where GAO has a supply-and-demand imbalance.

It also permits the Comptroller General to increase the annual leave benefits for employees who joined the GAO in mid-career. Right now, for example, even seasoned employees who joined the GAO with extensive experience in the private sector are only entitled to 13 days of annual leave for the first 3 years with the agency. That is the same amount of leave that is given to a recent college graduate. Under this legislation, they could receive up to 20 days a year.

Mr. Speaker, H.R. 2751 also changes the name of the organization from the General Accounting Office to the Government Accountability Office, which better reflects the agency's modern-day mission.

Most importantly, the GAO Human Capital Reform Act gives the Comptroller General more authority to reward employees for good work and establishes a meaningful pay-for-performance system. Annual pay raises would be based on individual performance, also taking into account inflation and differences in competitive compensation by locality.

At both the Subcommittee on Civil Service and Agency Organization, which I chair, and the full Committee on Government Reform, this legislation received overwhelming bipartisan support. It is endorsed by the Comptroller General, the GAO Employees Advisory Council, and by outside observers of the civil service.

This legislation will be a great benefit to the GAO and to Congress, which relies heavily on the expertise and skill of the GAO employees. The GAO has been a leader in creating a performance-based environment and will continue to do so when this bill becomes law. I urge passage of H.R. 2751.

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

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

Mr. Speaker, I would like to thank the gentleman from Virginia (Chairman TOM DAVIS); the gentlewoman from Virginia (Chairwoman JO ANN DAVIS); the gentleman from California (Mr. WAXMAN), the ranking member; and their respective staffs for working so diligently to improve the General Accounting Office Human Capital Reform Act which we are considering today.

I believe that GAO is a good demonstration project for reform that may eventually be extended to the rest of the government. As a matter of fact, in the November 2003 issue of Washingtonian magazine, the GAO is listed as one of 50 great places to work in the D.C. area. GAO was noted for a pay system that rewards top performance, stability, upward mobility, and such benefits as repaying employees' student loans, on-site child care, and Metro subsidies. This does not mean that GAO is perfect, but it has set an example of how to prepare for and implement human capital flexibilities.

Unfortunately, I cannot say that for the Department of Defense and a host of other agencies that are asking for and receiving unprecedented exemptions from title V. Most agencies are simply ill equipped to manage such major reforms. We should be concentrating our efforts on government-wide reforms rather than agency-by-agency requests.

Having said that, several improvements were made to the bill during the subcommittee markup and subsequently by Ranking Member WAXMAN. The original bill did not contain any reporting requirements. I offered an amendment that requires GAO to submit an annual report to Congress on its use of flexibilities under the bill. Additionally, the original version of the bill only allowed enhanced annual leave for high-grade managerial or supervisory positions. My amendment changed that so it would apply to all GAO employees.

I also requested and received written assurance from the Comptroller General that GAO would provide the Subcommittee on Civil Service and Agency Organization with an annual report on pay adjustments received by women minorities and veterans at the Government Accounting Office.

The gentleman from California (Mr. WAXMAN) insisted on additional changes to the executive program that have been incorporated into the bill. These changes include reducing the number of participants who can participate in the program, having the program sunset after 5 years, and ensuring that private employees working at GAO are subject to Federal ethics and conflict-of-interest laws, and do not have access to trade secrets. Now we have a responsibility to continue our oversight of agencies like GAO that have received human capital flexibilities to ensure that they are working and working in a fair and equitable manner.

Finally, I would like to take note that this bill has bipartisan and bicameral support, the result of doing civil service reform the right way; and I trust that we will learn from that as we continue to reform the government.

I support this bill and encourage my colleagues to do the same.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform and Oversight.

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

The House is considering this bill, which would give personnel flexibilities to the General Accounting Office. These flexibilities will help GAO in the recruitment and retention of its employees which, in turn, will allow GAO to do a better job in serving the Members of the Congress.

In general, I believe civil service reform ought to be done on a government-wide basis, not an agency-by-agency basis. A piecemeal approach creates a hodgepodge of personnel systems which limits the mobility of employees and increases the potential for unfair treatment.

Nevertheless, Comptroller General David Walker has made a very strong case for why GAO should be granted the personnel flexibilities in this bill. On that basis, I support the bill. I also believe that GAO would be an appropriate place to experiment with these reforms before we consider them for other agencies.

In developing this legislation, the Comptroller General consulted with GAO's employee representatives, gave guarantees to employees about their future pay, and worked with Members on both sides of the aisle in the Congress of the United States and in both the House and in the Senate. When the gentleman from Illinois (Mr. DAVIS),

the ranking member of the Subcommittee on Civil Service, and I expressed concerns about several provisions in the bill, the Comptroller General worked to find language that we could support. The end result is the bill that is before us today. It is a bipartisan bill. It has been improved by compromise, and it is supported by every member of our committee. For that reason, I would urge the Members of the House to accept the legislation as well.

As other agencies approach Congress for personnel flexibilities in the future, I hope they will look to GAO's consensus-building approach as a model. I want to thank the Comptroller General, the gentleman from Virginia (Chairman TOM DAVIS), and the gentlewoman from Virginia (Chairwoman JO ANN DAVIS) for their cooperation and, of course, our ranking member, the gentleman from Illinois (Mr. DANNY DAVIS). I urge my colleagues to support the bill.

□ 1030

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I would like to engage in a colloquy with the gentlewoman from Virginia (Mrs. JO ANN DAVIS) to clarify our understanding regarding section 7 of this bill.

This section relates to the executive exchange program, which authorizes a small number of private sector employees to work at GAO. The bill states that these private sector detailees shall be considered GAO employees for the purpose of several Federal ethics provisions. In 1979 and 1999, the Justice Department stated that GAO employees are subject to 18 U.S.C. 208 and 209, which cover financial conflicts of interest. The Comptroller General has confirmed that it is a long-standing practice for GAO employees to be subject to these provisions.

Our understanding is that private sector detailees to GAO shall be subject to the financial conflict of interest provisions in 18 U.S.C. 208 and 209. My question is, does the Chair of the Subcommittee on Civil Service and Agency Organization have this same understanding?

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentlewoman from Virginia.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, yes, that is our understanding as well.

Mr. DAVIS of Illinois. I thank the gentlewoman so very much, and I continue to urge support for the bill.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I thought we had one other speaker on his way, but I would just urge that the House pass H.R. 2751.

Mr. TOM DAVIS of Virginia. Mr. Speaker, please include the attached exchange of letters between Chairman BILL THOMAS of the Committee on Ways and Means and myself in the CONGRESSIONAL RECORD at the end of the debate on H.R. 2751.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, January 28, 2004.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMAS: Thank you for your recent letter regarding your committee's jurisdictional interest in H.R. 2751, the GAO Human Capital Reform Act of 2003. I appreciate all of your efforts to ensure that the Government Accounting Office has the resources it needs to effectively carry out its responsibilities.

I acknowledge your committee's jurisdictional interest in this legislation and appreciate your cooperation in allowing speedy consideration of the bill. I agree that your decision to forego further action on the bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I will support your request for outside conferees should there be a House-Senate conference on this or similar legislation.

Finally, I will include a copy of your letter and this response in the Congressional Record when the House considers the legislation.

Sincerely,

TOM DAVIS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, January 28, 2004.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN DAVIS: I am writing concerning H.R. 2751, the ''GAO Human Capital Reform Act of 2003,'' which was reported by the Committee on Government on November 19, 2003.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning the Internal Revenue Code. Sec. 7 of H.R. 2751 deems persons participating in the Executive Exchange Program to be an ''employee of the General Accounting Office'' for the purposes of section 1043 of the Internal Revenue Code, which governs ethics-related divestiture by government employees. However, in order to expedite this legislation for floor consideration we will not take action on this particular proposal. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2751, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in strong support of H.R. 2751, the GAO Human Capital Reform Act of 2003.

Over the last couple of years, the Government Reform Committee has worked tirelessly to revitalize the federal civil service in an effort to bring the Federal workforce into the 21st century. In November 2002, Congress granted the new Department of Homeland Security the authority to develop its own human resources management system, largely outside of the confines of the 50-year-old Federal civil service system. In June 2003, Congress authorized the Securities and Exchange Commission to utilize streamlined hiring procedures to address critical staff shortages at the Commission. In November 2003, Congress granted the Defense Department authority similar to Homeland Security to develop a human resources management system for its civilian workforce. In January of this year, Congress authorized a number of new workforce authorities for NASA that will enable the space agency to compete with the private sector in recruiting and retaining a highly specialized workforce.

Now GAO—a legislative branch agency that helped us to craft these reforms—has asked Congress to provide it with some of the same personnel flexibilities that we have provided to these other agencies. Civil Service Subcommittee Chair JO ANN DAVIS responded by introducing H.R. 2751, which would provide GAO with the authority to offer early buyout packages, base employee compensation on performance, offer additional relocation benefits, offer more flexible annual leave policies, and establish an executive exchange program with the private sector.

H.R. 2751 was developed in coordination with the minority members of the Government Reform Committee, the General Accounting Office and the Senate Governmental Affairs Committee, all in a bipartisan manner. We in this body rely on the GAO to ensure the performance and accountability of the Federal Government, and this legislation will assist the Comptroller General in ensuring a vibrant and effective workforce to meet this important task.

I urge Members to support this important legislation.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

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

Pursuant to the order of the House of Tuesday, February 24, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

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

HONORING THE LIFE OF THE LATE RAUL JULIA

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 287) recognizing and honoring the life of the late Raul Julia, his dedication to ending world hunger, and his great contributions to the Latino community and the performing arts.

The Clerk read as follows:

H. CON. RES. 287

Whereas Raúl Juliá made his Broadway debut just a few weeks after arriving in New York City in 1964 in Calderon's ''Life is a Dream'';

Whereas Raúl Juliá, after only 3 years of living in New York City, was instrumental opening doors for nontraditional parts for Hispanic actors by taking the role of Demetrius in Shakespeare's ''Titus Andronicus'' at the New York Shakespeare Festival and Cradeau in Sartre's ''No Exit'';

Whereas Raúl Juliá was the busiest Hispanic Shakespearean actor in New York and the first to establish a decades-long association with Joseph Papp and the New York Shakespeare Festival;

Whereas Raúl Juliá began an impressive and productive 28-year association with Joseph Papp and the New York Shakespeare Festival as Macduff in the Festival's Mobile Unit, Spanish language production of MacBeth;

Whereas Raúl Juliá became the first Puerto Rican actor to conquer Broadway stages by having his work be nominated for 4 different Tony Awards in 10 years: ''Two Gentlemen of Verona'', ''Where's Charley?'', ''Threepenny Opera'', and ''Nine'';

Whereas Raúl Juliá provided a role model for millions of children in his role as ''Rafael, the Fix-It Man'' in Sesame Street;

Whereas Raúl Juliá was a dedicated leader in the fight against the rising rates of teen violence and cosponsored scriptwriting competitions for high school students as a way to encourage teenagers to express their emotions through art rather than through violence;

Whereas Raúl Juliá's dedication to help Hispanic-American film and television writers develop their work led him to co-found the Latino Playwrights Reading Workshops;

Whereas Raúl Juliá was instrumental in the formation of the now legendary Puerto Rico Traveling Theater, an off-Broadway nonprofit Puerto Rican theater that to this day continues to promote and showcase bilingual plays, new Hispanic playwrights and Spanish-speaking actors while bringing theater to those who cannot ordinarily afford it;

Whereas Raúl Juliá was a leader in the entertainment industry, particularly as a tireless mentor and role model to emerging Latino actors;

Whereas Raúl Juliá was a dedicated activist and humanitarian who in his lifetime became a major supporter and spokesperson for the Hunger Project, a nonprofit organization committed to the eradication of world hunger;

Whereas Raúl Juliá was tireless in his commitment to the Puerto Rican film industry and to the making of Spanish language films and continued to participate in small, independent, Spanish-language films even after having become a Hollywood star;

Whereas Raúl Juliá was an extremely successful stage, film and television actor who never abandoned his Puerto Rican heritage, never changed his name and never gave up his accent, thereby becoming an enduring role model for hundreds of Latino actors;

Whereas Raúl Juliá received the Hispanic Heritage Award recognizing his many career achievements for the Latino community, including his involvement in ''La Familia'', a New York City outreach program for Latino families in need, the Puerto Rican traveling theater, the Museo del Barrio, and the New York Shakespeare Festival;

Whereas Raúl Juliá received the National Board of Review Best Actor prize for his interpretation of the political prisoner Valentin in the award-winning landmark film ''The Kiss of the Spider Woman'', an award he shared with his co-star William Hurt;

Whereas Raúl Juliá posthumously received the prestigious Emmy Award, Cable Ace Award, Golden Globe Award, and the SAG Award, given by his fellow actors for his most famous roles including Chico Mendes in ''The Burning Season'';

Whereas Raúl Juliá was proud of his Puerto Rican heritage and his life and work reflected his strong commitment to his culture and the people of Puerto Rico;

Whereas Raúl Juliá was given a state funeral in Puerto Rico and since that time there have been many awards and honors created in his name: a scholarship at Julliard, a scholarship given to a promising young actor for the purpose of studying and performing Shakespeare at the Joseph Papp Public Theater, the Raúl Juliá Award for Excellence given annually by the National Endowment for the Hispanic Arts in Washington, DC, El Teatro Raúl Juliá in San Juan Puerto Rico, and the Raúl Juliá Global Citizen Award, an annual award being given this year for the first time by the Puerto Rican Family Institute based in New York City;

Whereas Raúl Juliá was recognized by the Mayor of the City of New York with the creation of Raúl Juliá Day which was celebrated and commemorated in conjunction with Puerto Rican Heritage and Culture Month on November 21, 1994: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress recognizes and honors the life of the late Raúl Juliá, his dedication to ending world hunger, and his great contributions to the Latino community and the performing arts.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 287, the concurrent resolution under consideration.

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

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Government Reform, I rise in support of House Concurrent Resolution 287 that recognizes and honors the life of Raul Julia.

Mr. Speaker, this resolution celebrates the contributions of one of the most dynamic actors of our time. Born in San Juan, Puerto Rico, in March of 1940, Raul Julia began his incredible theatrical career at a very young age. He moved to New York City in 1964 to pursue his livelihood on a grander stage, and he quickly landed parts in a number of Spanish-language productions.

Raul Julia made his Broadway debut 4 years later in 1968 in a show called The Cuban Thing. He capitalized on his Broadway success to acquire a role as Rafael, the Fix-It Man on Sesame Street in 1971, but it was later that year when Julia earned his breakthrough part. He played Proteus in his first Shakespeare drama, two Gentlemen of Verona, for which he earned his first of four Tony Award nominations. Ultimately, Julia became a feature film star as well, starring most prominently in Kiss of the Spider Woman in 1985 and The Addams Family movies in the early 1990s.

Mr. Speaker, while we may best know Raul Julia for his elegance and success as an actor, this resolution appropriately emphasizes Raul Julia's remarkable humanitarian legacy. Julia worked closely with the Hunger Project, which is a nonprofit aid organization, to create the Raul Julia Ending Hunger Fund. Julia worked hard with very little fanfare to recruit individual and business sponsors to contribute to the fund for the purpose of providing food to the hungry worldwide. He was a diligent spokesman for both the Hunger Project, as well as the Raul Julia Ending Hunger Fund, and his efforts are worthy of commendation by this House.

In 1994, Raul Julia's noteworthy life was cut tragically short when he suddenly suffered a severe stroke and died shortly afterwards at the age of 54. However, I am very pleased that the House is remembering Raul Julia's legacy by considering this legislation today, and I urge all Members to support its adoption.

Mr. Speaker, I commend the gentleman from Illinois for his work to recognize Raul Julia.

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

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

I, too, want to thank our colleague the gentleman from Illinois (Mr. GUTIERREZ) for introducing this resolution recognizing and honoring the life of Raul Julia.

Mr. Speaker, Raul Julia was discovered by the actor Orson Bean, who inspired him to leave his native San Juan, Puerto Rico, and immigrate to the United States in 1964. Over the next three decades, Mr. Julia enjoyed a stellar career as one of our finest stars of stage and screen.

His first love was always the stage, and he was one of the first Puerto Rican actors to make it big on Broadway. He was nominated for four Tony

Awards, including for his performance as Mack the Knife in the Threepenny Opera. He also boasted an impressive resume of Shakespearean work, beginning with his first starring role, the title character in Titus Andronicus, with the New York Shakespeare Festival. It was once said of this daring actor that he was always outrageous in his acting choices. He is larger than life all the time when he is on stage.

A wider audience grew to know him through his film work, an eclectic body of work that ranges from Valentin, the passionate revolutionary in Kiss of the Spider Woman; to the assassinated Salvadoran archbishop Oscar Romero in Romero; to the campy Gomez Addams in The Addams Family. Mr. Julia's last role, as the Brazilian rainforest activist Chico Mendez, won him posthumous Emmy and Golden Globe Awards.

Raul Julia took seriously his responsibility as a role model for young Latino actors to follow. He made it a point to embrace his Puerto Rican heritage, never changing his name or attempting to cover his accent, and still he resisted the sort of typecasting that all too often afflicts minority actors. In doing so, he quite clearly made a difference to any young Latino who aspired to be an actor.

In addition to his acting career, Raul Julia was tirelessly devoted to making the world a better place. For the last 15 years of his life, he was involved as a major supporter and spokesman for the Hunger Project, a group dedicated to ending world hunger. After his death in 1994, the Hunger Project created the Raul Julia Ending Hunger Fund in his honor, as well as the Raul Julia Global Citizen Award. Also in his honor, the Hunger Project extended its programs in Latin America, establishing programs in Mexico, Bolivia and Peru.

One of Mr. Julia's favorite quotes, which he released to the Washington Post in 1992, comes from Don Quixote: Maddest of all is to see things as they are, not as they ought to be.

Raul Julia, accomplished actor of stage and screen, international activist for the alleviation of worldwide hunger and role model for a whole generation of Latino actors, not only saw things as they ought to be, but did his level best to bring his vision to pass. For that he is worthy and deserving of this resolution in his honor.

I urge my colleagues to join with me in support of this important resolution.

Mr. Speaker, we reserve the balance of our time.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Having no other speakers at this time, I simply urge all Members to support the adoption of House Concurrent Resolution 287, and I thank the gentleman from Illinois for introducing it.

Mr. ACEVEDO-VILA. Mr. Speaker, I rise today to demonstrate my support for H. Con. Res. 287 and encourage my colleagues to vote in favor of this important resolution honoring a very important man, Raul Julia. I request unanimous consent to revise and extend my remarks.

As the representative of the people of Puerto Rico, I am proud to address you today to honor the life and work of Raul Julia. Through his groundbreaking work in the theater, television, and film, his commitment to the improvement of the Latino community, and his dedication to ending world hunger, Raul Julia became a role model and inspiration for many.

After being discovered in a nightclub in Puerto Rico by actor Orson Bean, he moved to New York in 1964, when he was just 24 years old. He quickly found work in Broadway and paved the way for Latino actors by taking on nontraditional roles. He became a very well known Shakespearean actor, taking on roles like Othello and Edmund in King Lear, and was the first Hispanic to create a long lasting alliance with the New York Shakespeare Festival. His work on Broadway earned him 4 Tony Award nominations in the course of 10 years.

Julia also served as a role model for children through his portrayal of Rafael, the Fix-It Man in the popular children's television show Sesame Street, and appeared in multiple made-for-television movies. In addition to his theater and television credits, his film career was also very prolific and productive. Among his best-known roles are the political prisoner Valentin in The Kiss of the Spider Woman, Cardinal Oscar Romero in Romero, Gomez Addams in The Addams Family and its sequel, Addams Family Values, and slain Brazilian activist Chico Mendes in The Burning Season, for which he posthumously received Emmy, Golden Globe, Screen Actors Guild, and Cable Ace Awards.

In addition to his acting career, Raul Julia worked to improve the Latino community by becoming a leader in the fight against teen violence and a mentor to aspiring Latino actors. He created and cofounded multiple projects, such as the Latino Playwrights Reading Workshops and the Puerto Rico Traveling Theater, and became involved in other programs, such as ''La Familia'', and the Museo del Barrio. Additionally, he was a lifelong advocate for the Hunger Project, an organization committed to ending world hunger. For all his community involvement and his career achievements, he received the Hispanic Heritage Award in 1995.

Raul Julia was an exemplary Puerto Rican, and a brilliant role model for all. It is an honor for me today to rise and pay tribute to this great man's life and work. I strongly encourage this body to join me in praising this man's life by passing H. Con. Res. 287.

Mr. GUTIERREZ. Mr. Speaker, the resolution we are considering today, H. Con. Res. 287, commemorates the life and legacy of Raul Julia and recognizes his role in tearing down barriers for Latinos around the world.

Both on stage of off, on film and in the community, Raul Julia embodied the strength and spirit that made him a hero and a role model for so many actors and audiences alike.

He had that rare talent, and that unique ability to move people with each performance and to motivate them to embody the passion and purpose he brought to his craft.

Throughout his career, Raul Julia often declined traditional roles in Hollywood blockbusters and mainstream plays.

Instead, he sought out innovative and groundbreaking parts that tested his talents.

He shined as a Fellini-esque filmmaker in the Broadway musical Nine, touched our hearts as slain Salvadoran Archbishop, Oscar Romero, and captivated audiences as political prisoner Valentin in the award-winning film, Kiss of the Spider Woman.

He also was able to show his depth as an actor with characters ranging from Gomez Addams in The Addams Family to Chico Mendes in the Burning Season to Rafael the Fix-it Man in Sesame Street.

But, what made Raul Julia so special and so one of a kind was that his work extended well beyond the stage and the screen.

As committed as he was to perfecting the parts he played, he was equally dedicated to the charitable causes he pursued.

That included the Hunger Project, a nonprofit organization focused on ending world hunger.

In 1987, Raul Julia told Elle Magazine, ''There are 38,000 people dying of hunger each day and most are children. And, being a celebrity, I communicate about it as much as I can.''

In addition to fighting hunger on the global stage, Raul Julia was equally involved in local causes by working with numerous nonprofits and social service agencies to help families in need.

He also was able to use his influence in the entertainment industry to create a culture that opened up new opportunities for Latino actors and writers to share their talents.

He was instrumental in the formation of the Puerto Rico Traveling Theater, which continues to promote and showcase bilingual plays and new Latino writers and actors.

It was this dedication and determination and vision that made Raul Julia a mentor and a model for so many.

When he passed away a decade ago, thousands of people attended his funeral in Puerto Rico to pay their respects and to acknowledge his enormous contributions.

They wanted to thank him for his courage and his character and his inspiration. And that is why it is so important that Raul Julia's memory lives on.

So that he can inspire the next generation of actors to rehearse harder and to reach farther.

And so that all people, regardless of race or country of origin, understand the importance of giving back to their communities and to addressing the problems plaguing our society.

Mr. Speaker, the passage of this resolution provides one more opportunity to pay our respects to the passion and the vision of this one-of-a-kind actor and outstanding humanitarian and activist.

And I urge its passage.

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today in support of H. Con. Res. 287, a resolution to honor the life and achievements of the late great actor, Raul Julia.

Julia was born in San Juan Puerto Rico on March 9, 1944. A precocious child, Julia discovered his talent for acting at the young age of 5. From then on he knew his destiny was the theatre. Upon graduation from the University of Puerto Rico, Julia was faced with a difficult choice between his parents' wishes and his own. They wanted him to continue to law school. He wanted to pursue an acting career. Finally, like so many Puerto Ricans, and so many aspiring actors, he left for New York.

In New York, it was Joseph Papp, founder of the New York Shakespeare Festival, who

gave Julia his first break after casting him as a lead in Shakespeare's Titus Andronicus. With the support of Papp and following in the paths blazed by native Puerto Ricans Jose Ferre and Rita Moreno, who had won acclaim for their stage and on screen performances, Julia became a Broadway star. He was nominated for four Tony awards and more importantly demonstrated that Puerto Ricans could play more diverse roles than the stereotypical roles they were usually given.

While the theatre was Julia's passion, it was film that made him immensely popular. On screen Julia once again proved that he was a diverse actor, starring in comedies, dramas and action films. Perhaps, most of us know him best from his role as Gomez Addams in the hugely successful Addams Family movies.

Julia passed away on October 24, 1994, at the age of 54. He left behind his wife of 28 years, two sons, and a multitude of shocked fans. He is sorely missed, not only for his great acting but for being such a great human being. He never succumbed to pressures to abandon his Latino-Puerto Rican heritage in order to succeed and as a result he opened doors for nontraditional parts for Hispanic Actors. What was more impressive about Julia was his dedication to the uplifting of others. He was a passionate supporter of The Hunger Project, a foundation devoted to the elimination of world hunger. For 17 years, he served as the Project's spokesperson. He also was a dedicated leader in the fight against the rising rates of teen violence and encouraged teenagers to express their emotions through art rather than violence.

Since his death, there have been many awards and honors created in his name. They include a scholarship at Julliard, the Raul Julia award given annually by the National Endowment for the Hispanic Arts in Washington, DC, and the Raul Julia Global Citizen Award. I am also proud to say that in June 1996, a new elementary school in my district in the Bronx, New York was dedicated as the Raul Julia Micro Society Dual Language School.

Mr. Speaker, for his accomplishments on stage and on screen and his unyielding desire to help those less fortunate than he, I ask that my colleagues join me in honoring the life of Mr. Raul Julia.

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

Mr. WAXMAN. Mr. Speaker, we yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 287.

The question was taken.

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

Mrs. MILLER of Michigan. 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.

BARBER CONABLE POST OFFICE BUILDING

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3690) to designate the facility of the United States Postal Service located at 2 West Main Street in Batavia, New York, as the ''Barber Conable Post Office Building''.

The Clerk read as follows:

H.R. 3690

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

SECTION 1. BARBER CONABLE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2 West Main Street in Batavia, New York, shall be known and designated as the ''Barber Conable Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Barber Conable Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3690, the bill under consideration.

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

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3690 that designates the post office in Batavia, New York, as the Barber Conable Post Office Building. All members of the New York State delegation have cosponsored this legislation.

Mr. Speaker, Barber B. Conable, Junior, was a wonderfully respected member of this body who served 10 terms from 1965 until 1985. His distinguished professional career included stints as president of the World Bank, as a Congressman, a New York State senator, an attorney, U.S. Marine Corps reservist, as well as a World War II veteran.

Barber Conable sadly passed away last November at the age of 81. This legislation will rename the post office in Batavia, New York, after him, in a town that he represented both in Congress and as a State senator as well for so many years.

Mr. Speaker, Barber Conable was perhaps best known for serving one 5-year term as president of the World Bank from July of 1986 until July of 1991. His commitment to fighting poverty all over the world made him a compassionate conservative who was well ahead of his time. Upon his passing, current World Bank president James Wolfensohn said that Barber Conable ''was a remarkable leader whose concern for the poor and passion to help improve their lives marked his tenure at the Bank.''

In the Congress, Barber Conable toiled away for many years as a minority member of the House Committee on Ways and Means, ultimately rising to the post of ranking member. For nearly a decade, he was the House Republican Party standard-bearer on taxes, trade and Social Security.

Because he served in the minority, he often tried to use his wit to grab the attention of Members and others. The Congressman once mused, What is power? All it is is influence, and as long as people listen when I talk, I have got influence.

Unquestionably, people did listen when Congressman Conable talked. A Cornell law school-educated lawyer, he was a persuasive, confident speaker who often spoke completely off the cuff when debating intricate tax policy in the committee. Overall, political columnist George Will matter-of-factly stated, There has never been a better Congressman.

On behalf of the author of this legislation, the gentleman from New York (Mr. REYNOLDS), I want to extend the sincere sympathy of all Members of this House to the family of Barber Conable, especially to his wife Charlotte and his four children, Anne, Emily, Sam and Jane. I want to assure them that Barber Conable will never be forgotten.

Mr. Speaker, I thank the gentleman from New York for his work on H.R. 3690.

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

□ 1045

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

As the ranking member of the House Committee on Government Reform, I am pleased to join my colleague in the consideration of H.R. 3690, legislation naming a postal facility in Batavia, New York, after Barber Conable. This measure was introduced by the gentleman from New York (Mr. REYNOLDS) on December 8, 2003. It was unanimously reported by our committee.

Barber Conable was born in New York. He attended Warsaw High School and Cornell University. After college, he served in World War II as a United States Marine. After the war, he obtained a law degree and began practicing law. He began his political career in 1962, when he first served in the New York State senate. From there, he ran for Congress, was elected to represent the 30th district in 1964, and he served on the House Committee on Ways and Means where he was active on tax issues. He represented his district for 20 years until his departure in 1985.

Now, that states the facts. Let me tell my colleagues that, from my own experience as a Member of Congress

who had the honor of serving with Representative Conable, that he was a very distinguished man. People on both sides of the aisle looked to him with respect. When he spoke, all of us listened. He was a man who embodied the civility that we all yearn for in the House of Representatives, a civility that looked to working out issues on a bipartisan basis, looking to treat each other with mutual respect, trying to find opportunities for Members of both parties to find common ground.

He left the House and went on to become president of the World Bank, a position he held for 5 years. Upon his retirement, Mr. Conable returned to his New York home. As a distinguished professor, he attended many events at the University of Rochester and was sought after as a brilliant and gifted speaker. Mr. Conable passed away in November of 2003.

Mr. Speaker, I commend my colleague for seeking to honor our late colleague in this manner. He well deserves whatever praise that we can give him as a very distinguished Member of the House, one who I think serves as a model for those of us who served with him and those who have followed and who yearn for the time when the House of Representatives is not just the partisan institution that we so often see today, but one that seeks to work in a bipartisan manner to look after the best interests of the people in this country and to bring our various perspectives both from our region and from our ideology to some kind of temper where we recognize that we have to all get together in order to do what is best for the American people.

Mr. Speaker, I urge all Members to support this bill.

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

Mrs. MILLER of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. REYNOLDS), my distinguished colleague and the sponsor of H.R. 3690.

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

Mr. REYNOLDS. Mr. Speaker, I thank the gentlewoman from Michigan for yielding me this time.

I rise before the House today to remember a great man, a mentor to many of us both in Congress today and Congresses of the past, and that is Barber Conable, who passed away a few months ago.

Barber Conable distinguished himself as a Member of Congress for 20 years and had the respect of his colleagues on both sides of the aisle. He was notable also for an esteemed academic career and his professional knowledge on a wide variety of issues, from taxes to Social Security, and his willingness to tackle any problem head on. Always lending a helping hand was a signature trait of Barber's. He never let partisanship get in the way of progress.

Barber Conable was the best example of what a public servant ought to be. He loved his country, his community, and his family. He never strayed from the strong values he was raised on. His genuine sophistication as a legislator came effortlessly, revealing the compassion and unselfishness that was the hallmark of his public service.

Today, it is fitting that we pay tribute to a great Congressman, a great public servant who never forgot the roots of his hometown and his community that we name the Batavia post office after Barber Conable. I appreciate the support of my colleagues not only from New York but throughout the Congress that have joined me in cosponsorship of this legislation.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume to simply urge all Members to support the passage of H.R. 3690.

Ms. SLAUGHTER. Mr. Speaker, I rise today to support the designation of the post office located at 2 West Main Street in Batavia, NY, as the "Barber Conable Post Office Building," I want to commemorate the life and achievements of former Congressman Barber Conable. At the time of his retirement in 1984, he was ranking member of the House Committee on Ways and Means, bringing to it intellect and an unparalleled love and knowledge of the law. Barber passed away last year and I must say, Western New York has lost a true statesman.

He took time out of his law school courses and Cornell University to serve in the Pacific during World War II. Later, after completing his law degree, he served his country again in Korea.

Shortly after returning from Korea, he started his career in public service by running for and winning a seat in the New York State Senate. Two years later, he was elected to serve in the House of Representatives in a district representing parts of the City of Rochester, the western half of Monroe County, and Genesee, Wyoming, Orleans and Livingston Counties. From 1966 to 1986, Barber Conable's integrity, hard work, and determination created an environment in which Members worked with each other across party lines for the good of all Americans. As a result, he earned the respect of his colleagues, both Democrat and Republican.

It was an honor for me to be elected to serve a portion of the area he represented when I was first ran for Congress in 1988, and I take pride in continuing to serve the part of Western New York I know he loved so much. I remember when I first came to Congress, Barber came to visit me in my new office. We were both delighted to realize that I was occupying the very same office that he had occupied as a freshman. Barber was always so kind with his counsel and his advice. He was the greatest kind of friend.

Barber Conable will be remembered for a countless number of contributions he made during his years of public service. The spirit Barber Conable brought to the House of Representatives is inspirational and it is my hope that we will continue to remember and honor his memory.

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

The SPEAKER pro tempore (Mr LAHOOD). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 3690.

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

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 48 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1419

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOLEY) at 2 o'clock and 19 minutes p.m.

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

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 529 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 529

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House 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. The bill shall be considered as read for amendment. 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 this resolution, shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) two hours of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) 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 of California or her designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman

from New York (Ms. SLAUGHTER); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 529 is a modified closed rule that provides for the consideration of H.R. 1997, the Unborn Victims of Violence Act of 2004.

This rule provides for 2 hours of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

H. Res. 529 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 further provides for the 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 the gentlewoman from California (Ms. LOFGREN) or her designee, which shall be considered as read, shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent.

H. Res. 529 waives all points of order against the amendment printed in part B of the report of the Committee on Rules and provides for one motion to recommit with or without instructions.

This is a fair rule, Mr. Speaker; and I urge all my colleagues in the House to join me in supporting its passage so that we can move on to considering the underlying legislation.

With respect to the underlying legislation, H.R. 1997, I want to commend the gentlewoman from Pennsylvania (Ms. HART) for introducing this legislation and the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary, for bringing it to the floor this week.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Georgia for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Ms. SLAUGHTER. Mr. Speaker, violence against women and children and all of humanity should never be tolerated. Bold, effective steps should be taken to reduce violence against women, children, and men, and particularly pregnant women. But H.R. 1997 is not about women, and it is not about children. It is about politics. It is an attempt to drive a wedge between women and their constitutional rights.

For decades, the constitutional right to privacy, which protects women and their reproductive rights, has endured attack after attack. This bill is another deliberate strike at reproductive freedom and choice and is part of a nationwide strategy to overturn Roe v. Wade or to so undermine a woman's right to choose that it becomes meaningless in practice. The issue of violence against pregnant women is used to cloak the intent and the impact of this bill. Pregnant women are being used as pawns in an elaborate chess game to deny women self-determination and their constitutional rights.

The agenda is unmistakable. It has been clearly articulated by opponents of reproductive rights. A leader of an anti-choice legal group has said: ''In as many areas as we can, we want to put on the books that the embryo is a person. The blastocele is a person. That sets the stage for a jurist to acknowledge that human beings at any stage of development deserve protection. That would even trump a woman's interest in terminating a pregnancy.''

H.R. 1997 would set such a stage, pitting rights against one another, and the woman's rights are not paramount. In an opinion that was issued earlier this year, Christine Durham, Chief Justice of the Utah Supreme Court, warned that ''declaring a fetus to be a person entitled to equal protection would require not only overturning Roe v. Wade but also making abortion a matter of constitutional law, illegal in all circumstances, even to save the life of the mother.''

During the Committee on the Judiciary's markup of this bill, the gentlewoman from Wisconsin (Ms. BALDWIN) offered an amendment that stated: ''Nothing in this section shall be construed as undermining a woman's right to choose an abortion, as guaranteed by the United States Constitution, or limiting in any way the rights and freedoms of pregnant women.'' The amendment failed. If H.R. 1997 should not affect or interfere with a woman's right to choose, why then would the committee reject this simple statement reaffirming the rights as articulated in Roe and reaffirmed in Planned Parenthood of Southeastern Pennsylvania v. Casey?

In fact, debate on the constitutional right to choose is unnecessary in legislation that seeks to safeguard pregnant women. If protecting women from violence is the goal, the straightforward and noncontroversial solution is clear: pass the Motherhood Protection Act. It accomplishes the same ends, providing additional punishments for anyone who injures a pregnant woman and injures a fetus or causes a miscarriage. The Motherhood Protection Act does so without necessarily raising controversial constitutional issues. The bill could be sent to the President for his signature quickly and easily.

Rita Smith, the executive director of the Denver-based National Coalition Against Domestic Violence, said her group tried to work with lawmakers writing this legislation to make it more about protecting women. She said that they would not go down that road. This seems to be more about trying to undo abortion.

Disappointingly, the bill does little to protect women. In our Federal system, criminal law is generally reserved to the States. This bill does nothing to address the many State crimes perpetrated against pregnant women. This bill would only create a separate criminal count on Federal offenses like terror attacks, interstate stalking, and acts on military bases or Federal land. If my colleagues are serious about reducing violence against women, then fully fund the Violence Against Women Act, which expanded protections for all women against acts of violence.

In fiscal year 2003, the Violence Against Women's Act was appropriated at $100 million less than the fully authorized level. Programs for transitional housing and for Federal victims counselors and training for judges were not funded at all, which gives a lie to the fact this issue here is to protect women against violence. And rape prevention and education was funded at half its authorized level.

To protect women from violence without undermining reproductive freedom, I urge my colleagues to support the amendment in the nature of a substitute. The underlying legislation is a challenge to women's constitutional rights. Women's safety and welfare safety should not be pawns in an effort to overturn Roe v. Wade. Indeed, women are not being protected here. Women are being used.

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

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from North Carolina (Mrs. MYRICK), my colleague on the Committee on Rules.

Mrs. MYRICK. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, when a baby is in the womb and someone violently attacks the mother and causes injuries or takes the life of that child, then the offender should be held responsible, and current law is unjust in that case. An individual who commits a Federal crime of violence against a pregnant woman receives no additional punishment for killing or injuring the woman's unborn child while committing the crime.

The Unborn Victims of Violence Act protects the unborn child from violent crime. Those who injure or kill the child will be charged with a separate offense. The legislation is being called merely symbolic by its opponents. But how many women in America would view the loss of their wanted unborn child through violent means as merely symbolic?

□ 1430

All we have to do is ask the woman who has just lost her child after a violent attack, it is not the same thing as a simple assault. Clearly it is more serious, and it is more emotionally jarring to that woman, and it should be treated accordingly.

Mr. Speaker, I strongly urge my colleagues to support this rule and to support the underlying legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for her leadership as the Chair of the Woman's Caucus and her continued leadership on the issues of protection for women and children.

I rise today to speak to the obvious, I think, confusion, but maybe attempt to confuse, because I believe if my colleagues were listening to this debate, they could not imagine why any of us would rise and have a difference of opinion, and any of us would rise in opposition to the rule or the underlying legislation, H.R. 1997. It seems on its face to be concerned about women and children.

Mr. Speaker, it is interesting that we are just a few days shy of the Peterson case. All of us know the enormous tragedy those families are experiencing in the loss of their beautiful daughter and the unborn child.

I would hope that U.S. attorneys and others who protect our society across the Nation would rise up and tell America the truth, and that is any time that there is an attack on a woman who happens to be pregnant, you can be assured there is a criminal provision, a law, by which U.S. prosecutors can pursue that defendant or that perpetrator of that horrible and horrific crime.

As a woman it would be an outrage for me to stand on this floor and suggest that I am not concerned about women across the Nation, young and middle-aged and old, that might be attacked by a predator, who attacked them on the basis of their sex, or attack them because they are pregnant or have conceived a child. Of course we know a woman looks different in different stages of her pregnancy, but it does not matter. If that woman has been injured, she has a remedy in the criminal courts, and, God forbid, if she has been murdered.

But the opposition to H.R. 1997 is because it is not intended on its face to only protect those harmed by a terrible criminal act. What it does is attack the woman who on the basis of the ninth amendment and Roe v. Wade has a right to choose her destiny.

First, H.R. 1997 creates a separate criminal offense for harm to an unborn child with a legal status equal to and separate from that of a woman. It means that any woman that chooses to get an abortion and/or the physician who does the abortion may be subject to criminal penalties.

Number two, it recognizes a member of the species Homo sapiens at all stages of development as a victim of crime from conception to birth. This affords a fetus, embryo, and even a fertilized egg rights and interests separate from and equal to those of the woman. There is no recognition of the crime against the woman.

Mr. Speaker, this is a bogus representation of protecting pregnant women. The Lofgren substitute, on the other hand, creates a separate Federal criminal offense for assaulting a pregnant woman resulting in the injury or termination of a pregnancy without engaging in a debate over the rights of a fetus. That makes sense because what it does is it focuses on the problem, and the problem is that we want women, no matter what status they may have, pregnant or not pregnant, young or old, to be protected by the laws of this land. But what we are doing here is disregarding the laws of this land by making criminal women who have the right to make a choice on their own bodies with their pastors or religious leaders, their family, their loved ones. No other intrusive government should be involved in this process.

I am confused as to why on this floor we debate this question today when there are people who are hungry, there are people who are unemployed, there are soldiers who are dying in Iraq, there are people without health care, and yet this floor does nothing but criminalize innocent women who have the right under the law of this land to make a determination about their body and their future.

I think the better route would be that we recognize our responsibility to protect those victims of crime. I served as an associate municipal court judge, and I understand the difference between right and wrong and the responsibility of government to protect our citizens. This is not that type of legislation. I ask my colleagues to vote against the rule, and I ask them to vote against the underlying legislation.

Mr. Speaker, I am saddened to be here today, to once again stand up for the pro-choice movement and deflect efforts made to undermine it. This is not the first time we have visited this issue, and I fear it will not be the last.

It is also unfortunate, that this attempt to undermine all of our progress made with women's rights, Congress is closing the door to letting us hear other amendments. We must be a true democracy, and we must listen to one another on such a pertinent issue. If we are going to be legislating a woman's right to choose, I believe we are entitled to more input on this subject.

I am pleased to join my colleague, ZOE LOFGREN, in supporting her substitute, the Motherhood Protection Act. I believe this is a time for pro-choice members to come together across party lines and take effective action to protect a mother, while retaining her liberties and privacy.

Violence against women, especially pregnant women, is unacceptable and should be punished. I, along with the pro-choice community, am dedicated to preserving a woman's right to have a family when she chooses—and any criminal act that robs her of a hope-for future child is tragic and intolerable. Rather than supporting such common-sense measures, my colleagues are instead promoting the Unborn Victims of Violence Act, described as ''a sneak attack on a woman's right to choose.'' The loss of a wanted pregnancy is a tragedy, but solutions should be real, not political.

The Unborn Victims of Violence Act erodes the legal foundation of a woman's right to choose by elevating the legal status of all stages of prenatal development. If enacted, the legislation would be the first Federal law to recognize a fertilized egg, embryo or a fetus as a person who can be an independent victim of a crime. Our Supreme Court has held that fetuses are not persons within the meaning of the 14th amendment. Nowhere in this legislation is the harm to the woman resulting from an involuntary termination of her pregnancy mentioned. In fact, the pregnant woman is not mentioned at all.

The ''Motherhood Protection Act'' is a crime bill that is designed to protect pregnant women from violence. The Motherhood Protection Act embodies many of the same principles that I offered as amendments in the House Judiciary Committee, where Unborn Victims of Violence was originally introduced. I have always supported the intent of this bill, to protect the life of the pregnant mother who has suffered as a victim of a crime of violence and the viability of her pregnancy. However, I oppose the means which the drafters of the Unborn Victims of Violence Act have used to achieve its end. Like the Motherhood Protection Act, all my offered amendments referred to changing language in the bill, focusing on the pregnant mother instead of the fetus.

The Motherhood Protection Act creates a second, separate offense with separate, strict, and consistent penalties for assault resulting in the termination of a pregnancy or assault resulting in prenatal injury.

The Motherhood Protection Act recognizes the pregnant woman as the primary victim of an assault that causes the termination of her pregnancy, and it creates a separate crime to punish this offense. In this way, the bill accomplishes the stated goals of the Unborn Victims of Violence Act—the deterrence and punishment of violent acts against pregnant women—while avoiding any undermining of the right to choose.

The Unborn Victims of Violence Act fails to address the very real need for strong Federal legislation to prevent and punish violent crimes against women. Nearly one in every three adult women experiences at least one physical assault by a partner during adulthood.

We have State laws that already address crimes committed against pregnant women. The majority of States have statutes on the books that address criminal conduct that results in harm to a pregnancy. Many States punish murder or manslaughter of an ''unborn child,'' as that term is defined by the State law. Some States punish assault, battery, or other harm resulting in injury or death to an ''unborn child,'' as that term is defined by State law. For other States, if a crime committed against a pregnant woman results in termination of or harm to a pregnancy, the harm to the pregnancy is an adjunct to the crime or may be used as a sentence enhancement.

Congress can protect pregnant women from violence without resorting to controversial bills like the Unborn Victims of Violence Act that undermine Roe v. Wade. We must take strong

steps to prevent such attacks and must recognize the unique tragedy suffered by a woman whose pregnancy is lost or harmed as a result of violence. I am calling on Congress to support tough criminal laws that focus on the harm suffered by women who are victimized while pregnant, as well as a range of programs that promote healthy childbearing and family planning.

I hope my colleagues realize that the rule on the Unborn Victims of Violence Act is not sufficient, and more voices must be heard in these critical decisions. Thank you, Congresswoman LOFGREN, for taking appropriate action for trying to correct a bill designed to turn back decades of progress. I support the Motherhood Protection Act, and will continue to be a staunch advocate of the pro-choice movement.

I fully support a woman's right to choose, including a woman's right to choose to carry a pregnancy to term. Because Unborn Victims of Violence does nothing to protect women and because its clear intent is to create fetal personhood, I, along with Planned Parenthood Federation of America, oppose this legislation. Congress should adopt a more reasoned approach that would protect all women from violence.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. NEUGEBAUER).

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

Mr. NEUGEBAUER. Mr. Speaker, I rise today in support of H.R. 1997, the Unborn Victims of Violence Act. This bill will establish separate criminal offenses for the killing or injuring of an unborn baby during the commission of a Federal crime involving a pregnant woman.

While most States have passed fetal homicide laws, under Federal law there are currently no legal consequences for the killing or injuring of an unborn child during an attack on a pregnant woman. This bill will establish a Federal statute for what a majority of the States have already classified as criminal, the killing of a fetus or an unborn child.

As a Federal representative, it is essential that I take care of those who are at risk in society, and this legislation does just that. This is a question of justice in the name of those who do not have a voice. Opponents of H.R. 1997 claim that the loss of an unborn child only harms the mother. However, that poor accounting fails to consider the independent harm to another human being. Current Federal law is simply unjust and incomplete. Federal laws must not tell grieving mothers and families there was only one victim when, in fact, there were two.

Studies show that in some States murder is the leading cause of death of pregnant women, not complications from pregnancy. The Federal Government is lagging behind. While a majority of States have enacted statutes permitting the prosecution of a person for the murder of both a pregnant woman and her unborn child, injuring or killing an unborn child during the commission of a violent crime has no legal consequences under Federal law.

A recent study showed that 84 percent of Americans believe that prosecutors should be able to bring homicide charges on behalf of an unborn child killed in a womb. Unborn victims' legislation has withstood legal tests from an Illinois appellate court in People v. Ford, which concluded that a State's fetal homicide statute did not violate the equal protection clause of the 14th amendment and was not unconstitutionally vague. I believe this bill is constitutionally sound and provides the proper legal protection that unborn children deserve. I urge my colleagues to support this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 6 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, we are here again to consider the Unborn Victims of Violence Act, which has for several years unnecessarily mired what should be a laudable and uncontroversial effort to punish truly heinous crimes in the emotionally charged, and legally suspect, back alleys of the abortion debate. This is regrettable because real people are suffering real harm while this House has played abortion politics instead of punishing truly barbaric crimes.

This rule provides for consideration of this bill once again, and a reasonable substitute that will be offered by the gentlewoman from California (Ms. LOFGREN). That substitute would deal harshly with the perpetrators of these crimes, in some cases more harshly than would the underlying bill itself. It would also punish these offenders without treading into constitutionally suspect territory. From day one, it would be enforceable without question. I urge my colleagues to support the substitute and to oppose the underlying bill.

For those of who are prochoice, the right to choose extends not just to a woman's right to have an abortion, but to a woman's right to carry a pregnancy to term and to deliver a healthy baby in safety, if that is her choice. That is why we supported the Violence Against Women Act, that is why we support programs to provide proper prenatal care and nutrition to all women, that is why we support proper health and nutrition services after birth, and that is why we support other initiatives such as the Family and Medical Leave Act. Life does not beginning at conception and end at birth. We have an obligation to these children and parents throughout and after the pregnancy.

Let there be no mistake, using physical violence against a woman to prevent her from having a child she wants is just as much an assault on the right to choose as is the use of violence against women who exercise their constitutional right to choose to end their pregnancies. A woman and only a woman has the right to decide whether and when to bring a child into a world, not an abusive partner, not a fanatic, not a Congressman.

My colleagues should understand we are not talking here just about viable healthy fetuses who are ready to be born. This bill says ''at any stage of development.'' That means any stage, including violence to embryos, violence to zygotes, violence to a blastocyst. I do not apologize to my colleagues who have in the past taken offense to the use of the correct medical terms for the subject matter we are discussing.

We should have no illusions about the purpose of this bill, that it is yet another battle in a war of symbols in the abortion debate in which opponents of a woman's constitutional right to choose attempt to establish that fetuses, from the earliest moments of development, are persons with the same legal rights as the adult women who are carrying them. The implication is that anyone who does not share the metaphysical slant of the radical antichoice movement that a two-celled zygote is a person on exactly the same basis, and with exactly the same rights, as a child or adult must secretly favor infanticide.

This bill, by making the destruction of a fetus, or even a zygote, crime against the fetus, without any reference to the terrible harm suffered by the pregnant woman speaks volumes.

Recognizing an embryo as a legal person is at odds with Roe v. Wade. The Supreme Court clearly said, ''The unborn have never been recognized in the whole sense,'' and concluded that ''‘person,’ as used in the 14th amendment of the Constitution, does not include the unborn.'' The rhetoric used by supporters of this bill urging that the law must ''recognize the fetus as a victim'' makes clear the purpose of this bill, which is a direct frontal assault on that holding in Roe v. Wade.

Rather than debate the abortion issue yet again, we should pass the Lofgren substitute that provides for the same severe penalties for the same terrible crimes without getting into the thorny issue of whether an embryo at 30 days of gestation is a legally recognized person. The Lofgren substitute provides for two separate crimes, one conviction for the assault and murder of the woman, and a new crime involving injury to the fetus or termination of the pregnancy. The major difference is that the Lofgren bill gives recognition to and imposes serious penalties for the additional and truly grotesque crime against the woman, not against the fetus.

If we are serious about this problem of violence against women, we have effective remedies at our disposal. If we want to play abortion politics, we have an appropriate vehicle before us to do that. Violence against a pregnant woman is first and foremost a criminal act of violence again a woman that deserves strong preventive measures and stiff punishment. According to the Journal of the American Medical Association, homicides during pregnancy,

and in the year following birth, represent the leading cause of death among women in the United States. Among nonpregnant women it is the fifth leading cause of death.

Mr. Speaker, it is a disgrace that while these preventable crimes continue to occur, Congress fiddles with largely symbolic legislation rather than taking affirmative steps to deal with the problem. Why has this Republican-controlled Congress and White House continually refused to fund fully the Violence Against Women Act? It appears that many of the Members who have signed on to this bill are the same ones who have voted to divert funds from protecting women from violence to protecting stock dividends from taxation.

No one who listened to the testimony we have heard in our subcommittee could be left unmoved by the murders and assaults against women who wanted nothing more than to have a child. We owe it to these women, and to those who are closest to them, to ensure that early intervention is available, and that States and localities receive the full resources of the Violence Against Women Act to prevent violence against women by intervening before the violence escalates to that level.

□ 1445

We must enact strong penalties which are not constitutionally suspect for these heinous crimes. We should not cloud that issue by plunging a legitimate law enforcement effort into the murky waters of the abortion debate.

Finally, this bill opens the door to prosecuting women, or restraining them physically, for the sake of a fetus. Some courts have already experimented with this approach. The last time we had occasion to consider this bill, the Supreme Court had just struck down a practice in the then sponsor's home State of South Carolina where a hospital would give the results of pregnant women's blood tests to local law enforcement for the purpose of initiating legal action against those women if they had used crack. Once we recognize a zygote, two cells, as having the same legal status as the pregnant woman, it would logically follow that her liberty could be restricted to protect it. The whole purpose of Roe was to protect that liberty interest. This bill would undermine it.

Mr. LINDER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in strong support of the rule and of the underlying bill, the Unborn Victims of Violence Act. I rise today as a pro-life Member of this institution to say that this bill is not about the debate over the sanctity of human life. This bill is just about justice.

The Unborn Victims of Violence Act recognizes that when a criminal attacks a pregnant woman and injures or kills her unborn child, he has claimed two human victims. The bill would establish that if an unborn child is injured or killed during the commission of an already defined Federal crime of violence, that this is in and of itself a crime. This is about justice, Mr. Speaker.

In current Federal criminal law, an unborn child is not recognized as a victim with respect to violent crimes. In fact, this is such a self-evident fact that at this point in time, 29 States have recognized fetal homicide for all or part of prenatal development, hardly a fringe issue on the edges of the American culture wars. Twenty-nine States in the Union have recognized this as a function of State law, and we attempt today to make it a part of Federal law.

Despite lots of talk, Mr. Speaker, that this is somehow by subterfuge about abortion, the bill explicitly provides that it does not apply to any abortion to which a woman has consented. And it is well established that unborn victims laws do not conflict with the Supreme Court's pro-abortion decrees.

This really is not just about the cold and sterile confines of law school and courtroom debates. This is really about compassion and about families and about tragic loss.

I would close on this remembrance, the words of Carol Lyons, whose 18-year-old daughter Ashley and unborn grandson Landon were murdered in Scott County, Kentucky, on January 7 of this year.

She said: ''Nobody can tell me that there were not two victims. I placed Landon in his mother's arms, wrapped in a baby blanket that I had sewn for him, just before I kissed my daughter good-bye for the last time and closed the casket.''

One story after another. Two victims of violent crime. This for once on this blue carpet is not a debate about life, about the most contentious issue of our time and our culture. This is about justice, this is about compassion, and this is about this Congress standing for what justice demands.

I urge my colleagues to support the rule and to support strongly the Unborn Victims of Violence Act.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I rise to register my opposition to this rule and the underlying bill, and I rise to ask my colleagues to look at this legislation for what it is, not for what it claims to be.

We all agree that acts of violence against pregnant women are tragic, and our criminal justice system should respond decisively to them. Those committing these abhorrent crimes should be punished to the full extent of the law.

Unfortunately, the bill we will be considering under this rule has another agenda, and that is to erode and undermine the Roe v. Wade decision by treating an embryo or fetus at any stage of development as an individual with extensive legal rights, distinct from the mother. But if we really want to punish crimes that are committed against pregnant women, we can do so in ways that do not tangle this issue with the abortion debate.

As a member of the Committee on the Judiciary, I was joined by several of my colleagues during the markup of this bill in offering amendments that would have extricated this issue from abortion politics by clarifying its purpose. My amendment, along with amendments offered by the gentlewoman from California (Ms. LOFGREN) and the gentleman from Virginia (Mr. SCOTT), sought to focus squarely on the issue of preventing and punishing violence against women and particularly pregnant women. The rejection of these amendments clearly reveals that supporters of this bill have another objective, and that is to legislate fetal personhood as a foundation for depriving women of their right to make their own reproductive decisions.

Violence against women remains a huge problem in today's society; and, yes, we absolutely should focus our efforts on addressing this issue. According to a Commonwealth Fund survey, nearly one in every three adult women experiences at least one physical assault by a partner during adulthood. That is a staggering figure: one out of every three women. And the risk of violence does increase for pregnant women. In fact, murder is the number one cause of death to pregnant women. But this bill will do nothing to protect pregnant women from violence. In fact, the bill makes no mention of the primary victim of violence, the pregnant woman, and instead creates a new cause of action on behalf of the unborn. This is a step backwards for victims of domestic violence. Once again, the attention of the legal system is being turned away from efforts to punish violence against women. Instead of protecting women, this bill lays the groundwork for establishing fetal personhood and eroding the foundation of a woman's right to choose.

I have long been a strong supporter of the Violence Against Women Act, which expanded protections for women against callous acts of violence. I believe we are better served by laws that protect women, pregnant and nonpregnant alike, from the violence than we are by creating a whole new legal framework to establish and protect fetal rights. By switching the focus of the crime from the pregnant woman to the unborn child, we are diverting attention from the problem we should be focused upon, violence against women. Think about it. You cannot do this sort of harm or cause these sorts of injuries to a fetus without harming and injuring the mother.

If we are sincere in our desire to punish crimes committed against pregnant

women, then we should be addressing that issue without tangling it in abortion politics. Let us abandon this thinly veiled attack on abortion rights that is the Unborn Victims of Violence Act and address the true issue by providing real punishments for criminals who attack pregnant women.

I urge my colleagues to vote against this rule and underlying bill.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, today I rise in support of the rule and the underlying bill, the Unborn Victims of Violence Act, and to urge my colleagues to pass this critical piece of legislation.

Mr. Speaker, it amazes me to hear the arguments of the opponents of this bill, not wanting to protect the rights and the will and the wish of this mother who chose the right to carry her child to full term and to protect the rights of the father for having justice against the murder of the child that they chose to keep. It just amazes me to hear that argument.

Recent studies by State health departments have shown that homicide is a leading cause of maternal mortality, as we heard our previous speaker say; and it results in the death of both the mother and her child, the child that she chose to carry. However, under current Federal law, there is only one victim. This bill is not about abortion. This bill is about, as my colleague from Indiana said, it is about justice: justice for that family, that father who has lost not only his wife but his child as well.

Mr. Speaker, this simply does not make sense. It is time for the Federal Government to recognize what the rest of the country already knows, that crimes against pregnant women create two victims, the mother and the child. We must afford pregnant women and their unborn children the full protection of the law that they deserve.

Mr. Speaker, our Nation's laws must protect our most vulnerable members of society and fully prosecute those who commit violent acts against them. By passing this legislation, we guarantee that protection for women and their unborn children, and we create a deterrent against future attacks on women of childbearing age. I do not see how this bill takes away any rights of protecting those women who are harmed by violence. This is not taking the focus off that. This is just adding justice for that family who has lost not only the mother but the child as well.

I urge the House to pass the rule and the underlying bill, the Unborn Victims of Violence Act.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I first of all want to thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

I rise, Mr. Speaker, in opposition to H.R. 1997, the Unborn Victims of Violence Act. A pregnant woman is probably one of the most vulnerable members of our society. Nearly one in three women report being physically assaulted during pregnancy and murder is the leading cause of death among pregnant women. However, H.R. 1997 does nothing to protect pregnant women from violence. Rather, it creates a new cause of action on behalf of the unborn. The result would be a step backward for victims of domestic violence by once again diverting the attention of the system away from punishing violence against women to punishing violence against an unborn fetus.

I heard my colleague earlier talk about compassion and talk about justice and try and stir this body to pass legislation that is absolutely not needed, to pass legislation that only curries favor with a certain portion of the people of these United States. I compare it to the currying of favor with those who would oppose same-sex marriages. I would say to my colleagues that if we spent all of the time that we spend on legislation like this and talking about constitutional amendments and directed it towards guaranteeing every child in the United States a right to an education, or guaranteeing every person in this country a right to health care, or guaranteeing every person in this country a right to a job, or guaranteeing every person an opportunity to live in a home that is safe and in a safe neighborhood, we would spend our time a whole lot better.

H.R. 1997 marks a major departure from current Federal law by elevating the legal status of a fetus at all stages of development. We could have passed several of the alternatives that were proposed by my colleagues that would have dealt squarely with the issue that is before us versus inflaming a division or running a knife between parts of this country on divisive issues such as abortion, such as same-sex marriages.

I just call upon my colleagues to stop putting forth legislation whose real intentions are covered by the intentions that they put forth in the legislation or put forth on the floor. I would encourage all of my colleagues to vote against the rule and vote against the underlying bill. If we really want to protect women, let us fund the COPS program so that there will be more police officers out on the street. If we really want to protect women, let us fund fully the Violence Against Women Act. If we really want to protect women, let us begin to teach young men, and young women as well, the importance of playing fair and not being involved in violence and other things. But this legislation will not do it.

Mr. LINDER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank my good friend for yielding time.

Mr. Speaker, why would Planned Parenthood and a virtual who's who of abortion activists in America so vehemently oppose the Unborn Victims of Violence Act and promote a gutting substitute in its stead? Why would they take a position so extreme that 80 percent of Americans oppose it?

Why is it that on the floor of this House, so many intelligent, talented, and gifted lawmakers to whom so much has been given are going to such great lengths to deny basic protections in law for an unborn child who has been shot, beaten, stabbed, or otherwise mauled by an attacker, even taking the irrational step of opposing a definition that was overwhelmingly passed in this body 417 to zero?

Could it be that America's abortion culture, a culture of death, has so numbed our hearts and dulled our minds that we have become unwilling, or perhaps incapable, of recognizing the obvious? Could it be denial with a capital D?

Amazingly, as a result of breathtaking breakthroughs in medicine, today unborn children are often treated as patients in need of curative procedures in healing just like any other patient. Is the concept of an unborn child as a victim really so hard to grasp, even when we are not talking about abortion, but assault by a mugger? Have the soothing voices of denial by credentialed people, especially in medicine and the media, ripped off our capacity to think?

□ 1500

Has the horrific spectre of almost 45 million poisoned or dismembered babies legally enabled by Roe v. Wade robbed us of our capacity to see and understand and empathize? Is it a lacking in logic or courage or common sense or compassion? Have unborn children become mere objects, a dehumanizing and deplorable status that feminists rightly rebel against? Should a mugger, like an abortionist, have unfettered access to maim or kill a baby without triggering a separate penalty for the crime?

For years, Mr. Speaker, Congress has updated and strengthened laws and stiffened penalties for those who commit violence against women, and that is as it should be. In December of last year, President Bush signed my comprehensive antitrafficking legislation, the Trafficking Victims Protection Act of 2003, and before that President Clinton signed landmark legislation that I authored the Victims of Trafficking and Violence Protection Act, 2000. I would remind my colleagues that included in my law as Division B was the Violence Against Women Act, a $3.2 billion 5-year authorization for a multitude of efforts to mitigate Violence Against Women, provide shelters, and a myriad of protection initiatives.

So women who are victims of violence clearly need every legal protection, shelter and assistance a caring society has to muster, but I would respectfully submit to my colleagues so do children. A victim is a victim, it

seems to me, no matter how small. Why is it so difficult to recognize an unborn child as a victim who is also capable of suffering severe trauma, disfigurement, disability, or even death? Unborn children feel pain when they are shot or beaten. They bleed and they bruise easily. Unborn children are as vulnerable as their mothers to an assailant wielding a knife, a gun, or a steel pipe.

Mr. Speaker, the amniotic sac is like a protective bubble, but it is not made of Kevlar. It pierces easily. Support the Unborn Victims of Violence Act.

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

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

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

Mr. Speaker, I rise today to express my opposition to this rule and to H.R. 1997, the Unborn Victims of Violence Act. This bill unnecessarily redefines a crime. Why? Not to deter or prevent violence. It does not do that. Not to ameliorate the effect of violence. It does not do that. Not to help the victims of violence. It does not do that. There clearly is an ulterior motive here, a different agenda that the supporters have.

There is no question that the loss or harm to a woman and her fetus is absolutely devastating, and those who injure or kill a pregnant woman or her fetus should be punished, and families should have appropriate redress for their loss, but this bill would not accomplish that. This bill seeks to create a unique Federal criminal offense for acts that cause injury or death to an unborn fetus. Tellingly, it does not create any comparable offense for killing or injuring the woman bearing the fetus. I think that makes it clear that the real purpose here is not to protect the victims of violence, not to prevent violence, but to give the fetus equal legal status to the mother and thus to undermine the legal foundation of Roe v. Wade.

I challenge the supporters of this bill to be logically consistent and support the substitute permitted under this rule, the Motherhood Protection Act, which would severely punish crimes against pregnant women without unnecessarily engaging in the abortion debate. I would also remind my colleagues that protecting pregnant women is just one part of combating all forms of violence that threaten women across this Nation. We must renew our commitment to this issue and focus our efforts on passing measures that are aimed at protecting all women from violence, and here I challenge the supporters again to fully fund programs such as the Violence Against Women Act that actually provide life-saving services to battered women.

I strongly urge my colleagues to reject H.R. 1997.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Pennsylvania (Ms. HART).

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

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

I rise in support of the rule and in support of the underlying bill and, along with some of my colleagues, with a little bit of mystification as to the reaction of those who oppose the rule and the underlying bill.

It appears as though we have some ignorance of facts going on here. Some of the Members and many of the Members remember the case of Laci Peterson. In fact, it is being adjudicated right now in the State of California. Laci Peterson's mother, Sharon Rocha, called me, the prime sponsor of the Unborn Victims of Violence Act, and Senator DEWINE, who is the sponsor of the legislation in the Senate, and requested that we name the bill in honor of her daughter Laci and her unborn grandson Conner. We did so without hesitation. It was very simple to understand and do so as a result of her request and also understand the grief that she and her family felt as a result of the murder of her daughter and her unborn grandson. She said, ''Please understand how adoption of a single-victim proposal,'' one that will be offered in opposition to the underlying bill, ''would be a painful blow'' to the victims' family, a family like Ms. Rocha's, ''who are left to grieve after a two-victim crime because Congress would be saying that Conner and other innocent victims like him are not really victims, that, indeed, they never really existed at all. But our grandson did live,'' she says. ''He had a name, he was loved, and his life was violently taken from him before he ever saw the sun.''

Unfortunately, the Peterson case is not the only case like this; more recently the family in Kentucky that just helped the Kentucky Legislature pass legislation similar to this in the Kentucky State Legislature.

We need to pass a bill that recognizes two victims. There are two victims. In fact, our bill specifically separates abortion from an act of violence against the mother. We are talking about a mother and a family who have chosen to bear a child. That family is preparing for that child's birth. That family has often named that child. That child is actively now a member of that family. But, unfortunately, facts in this world make some pretty ugly figures. We see that where statistics were kept about the cause of death to pregnant women in Maryland, Illinois, and New York, that fully more than one-quarter of the pregnant women who died died at the hands of a criminal. They were victims of homicide. Along with their death was the death of their unborn child. Why then should we not recognize two victims? There were two victims. There were two victims in the Peterson case and two victims in all of those statistics that New York, Maryland, and Illinois kept.

If our job here as legislators is not to recognize crime and prosecute crime, then I am not really sure what it is. I request my colleagues to support the rule for the two-victim Unborn Victims of Violence Act, the Laci and Conner law, and also to support the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for her leadership on this issue and so many others and for her yielding me this time.

I rise in strong opposition to the rule and the underlying bill and in support of the Lofgren amendment, which will be on the floor tomorrow.

Over the past 5 months, this body has dealt reproductive rights and women's health a one-two punch, first with the passage of the so-called partial birth abortion ban, which ignores the health and life of the woman, and now with this bill, which again ignores the health and life of the woman.

I have kept a scorecard of the antichoice action since the Republican majority took over in 1995, and if this rule and its underlying bill pass, it will mark the 202nd action against a woman's right to choose, which is exactly what this bill is intended to do.

According to this bill, anyone could be a murderer since no intent to harm the fetus is required. So in other words, if a pregnant woman is on an airline and crashes, is the airline now liable for two deaths? If a woman is working out in a gym with a trainer and miscarries, is the trainer a murderer? Pregnant women will become a liability for stores, gyms, and other businesses, and their freedom to perform daily tasks will be restricted.

This bill is not a domestic violence bill, and it does absolutely nothing to protect women who are victims of domestic violence. What this bill does is for the first time in Federal law, this bill, the underlying bill, will give a fertilized egg the same legal recognition and standing as a man or a woman. Under this bill a criminal could avoid stiffer penalties as long as he causes no harm to the fetus even though the pregnant woman might be brutally beaten and victimized.

It is insulting that the authors of this legislation would use violence against women as the vehicle to attack a woman's right to choose, which is what this bill is really about, whittling away, piece by piece, legislation by legislation, a woman's right to choose. This bill does absolutely nothing to address the violence against women, but the Lofgren amendment, which will be on the floor tomorrow, does, and the Lofgren substitute would severely punish crimes against pregnant women without tangling juries and prosecutors in the abortion issue. The Lofgren

amendment protects pregnant women without limiting their very basic rights and without redefining the Constitution to establish fetal personhood.

So I urge my colleagues to oppose this rule and the underlying bill and support the Lofgren amendment and substitute tomorrow.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank my colleague from Georgia, the distinguished member of the Committee on Rules, for yielding me this time.

Mr. Speaker, I come to the floor today to speak in support of the rule to consider H.R. 1997, the Unborn Victims of Violence Act, and to recognize fetal homicide as a crime, a crime under Federal criminal proceedings. And I want to thank the gentlewoman from Pennsylvania (Ms. HART) as well as the gentleman from Ohio (Mr. CHABOT) for introducing this legislation, which I believe represents the majority opinion of Americans across this country.

According to a Fox News poll conducted in August of 2003, 79 percent of the electorate believes that prosecutors should be able to charge an assailant with the death of an unborn child resulting from their act of violence. A similar Newsweek poll conducted in May of 2003 revealed that 56 percent of the people believe that if someone kills a fetus still in the womb, as well as the mother, that person should be charged with two murders instead of one.

Considering that 29 States, including my own State of Georgia, have already passed unborn victims of violence laws, it is past time to enact such a law at the Federal level. Let me assure the opposition to the legislation that H.R. 1997 does not supersede State laws, but it rather applies only to already defined Federal crimes. This debate is simply about prosecuting criminals. It is not an abortion bill, but rather a crime bill, and under this bill it is necessary to prove beyond that a defendant had intent to do criminal harm at least towards the mother. The legislation is about identifying victims, and I urge passage of the rule so that we can move on to debating and passing this vital piece of legislation.

My colleagues on the other side of the aisle complain that the Unborn Victims of Violence Act does not address the mother.

□ 1515

Well, we have laws to protect the mother in regard to violence and murder.

I want to remind Members on the other side of the aisle who are opposing this legislation also that in regard to the mother and protecting the mother, a strategically directed blow to a mother's abdomen resulting in minimal injury to the mother very well could result in the death of a 6½- or 7-pound unborn baby, just like Conner Peterson, and the mother's injury could be a minor contusion. So you are going to say you solve that problem by instead of slapping one wrist, slap two? Give me a break.

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

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Speaker, I want to reiterate something that the gentleman from Georgia (Mr. GINGREY) just said: It is really important to remember that there are laws to protect the woman, and it is important that we strengthen those laws and make sure those laws are solid. But we also need to be concerned about children and unborn children.

When we talk about child abuse in this country and we talk about children's protection, often many of the Members who are critical of this bill have been among the leaders in that effort, and I would like to see them join with us in this one. In fact, the poll that the gentleman from Georgia (Mr. GINGREY) referred to also showed that 69 percent of those who consider themselves prochoice support this amendment that causes the perpetrator of a violent action that causes the death of an unborn baby to be charged with murder.

In other words, this is not really an abortion debate, this is how do you feel about the legal protections for the unborn baby? And even prochoicers, 69 percent, say they favor this amendment.

I want to reiterate some of the points that the gentlewoman from Pennsylvania (Ms. HART), who has been the leader of this effort, has also said.

We followed the news accounts of the tragic double murder of Laci and Conner Peterson. Not one, but two lives were lost. Under California law, the killing of Laci and Conner is being prosecuted as a double murder with two victims. Unfortunately, in some parts of the country, as well as under Federal law, Laci and Conner's deaths would not be viewed as a crime against two victims, but rather just one. This is clear violation of justice, and the Peterson case has helped highlight this fact.

Today we have the opportunity to correct a shortcoming in Federal law that does not allow an unborn child to be identified as a second victim of murder if killed while on a military base or other location under Federal jurisdiction. The Unborn Victims of Violence Act, also known as Laci and Conner's Law, would correct that loophole and ensure that the perpetrator of the double murder be prosecuted and punished accordingly.

It is unbelievable to me that some Members of Congress would like Federal law to only recognize the death of one victim in such cases under Federal jurisdiction. That would not get the same protection as Laci and Conner Peterson did. The Lofgren one-victim substitute amendment which will be allowed to be offered under the rule is offensive to those who have lost loved ones.

Mr. Speaker, everyone has followed the news accounts of the tragic double murder of Laci and Conner Peterson in California just before Christmas in December 2002. Not one, but two lives were lost as was plainly evident when the bodies of both Laci and Conner washed up on the shore many months later.

Under California law, the killing of Laci and Conner is being prosecuted as a double murder with two victims. Unfortunately, in some parts of the country, as well as under Federal law, Laci and Conner's deaths would not be viewed as a crime against two victims, but rather one. This is a clear violation of justice—and the Peterson case has helped highlight this fact. Consistently, in poll after poll, 80 percent of Americans say they believe there are two victims in the killing of a pregnant mother and her unborn baby.

Today, we have the opportunity to correct a shortcoming in Federal law that does not allow an unborn child to be identified as a second victim of murder if killed while on a military base or any other location of Federal jurisdiction. The Unborn Victims of Violence Act, also known as ''Laci and Conner's Law,'' would correct that loophole and ensure that the perpetrator of the double murder be prosecuted and punished accordingly.

It is unbelievable to me that some Members of Congress would like Federal law to only recognize the death of one victim in cases such as the murder of Laci and Conner Peterson. The Lofgren one-victim substitute amendment, which will be allowed to be offered under the rule we are debating, is patently offensive to the relatives of double murder victims who simply want justice to be done in the prosecution of the individuals who killed their loved ones.

Sharon Rocha, the mother of Laci Peterson, has expressed her opposition to the Lofgren amendment. In a recent letter, she stated:

> I hope that every legislator will clearly understand that adoption of such a single-victim amendment would be a painful blow to those, like me, who are left alive after a two-victim crime, because Congress would be saying that Conner and other innocent unborn victims like him are not really victims—indeed that they never really existed at all. But our grandson did live. He had a name, he was loved, and his life was violently taken from him before he ever saw the sun.

While the Peterson case might be the most widely known two-victim murder case at this time, many other families have also experienced the incredible pain of having lost a daughter or sister or spouse who was pregnant with an unborn child at the time of her murder. These families, too, are calling on Congress to bring about justice and enact the Unborn Victims of Violence Act.

The rule under consideration now is fair to both sides, allowing for both a substitute amendment and a motion to recommit. I urge my colleagues to vote in favor of the rule.

Tomorrow, as we come to vote on the base bill and the substitute amendment, I hope my colleagues will consider the plea of Sharon Rocha, Laci Peterson's mother, and reject the one-victim substitute. There were two victims in the murder of Laci and Conner Peterson,

and in their honor, I urge my colleagues to vote "yes" on the Unborn Victims of Violence Act.

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

Mr. Speaker, the sad thing about this bill is that it is not violence against women, it is violence against pregnant women, and, while that is an abhorrent thing, it should be treated as violence against women. We all know and believe that.

What this bill does is reduce women to vessels, to wombs. It says that they are the ones that matter. If that were not the case, then this Congress would fund the Violence Against Women's Act.

Recently the majority leader of the House said in an interview that he thought all women should be in the home and that their husbands should give all the structure. Well, maybe we will get a bill on the floor pretty soon that says every woman in America of child-bearing age must be pregnant at all times and must not be allowed to leave the house. That, of course, then does say that older women who are past child-bearing age are fair victims for violence because we have not funded the Violence Against Women's Act. But if they are pregnant, then we will really look after them.

What a narrow-minded thing that is. I would like all the Members who think this is a great idea to go home and tell their mothers and daughters and their sisters and all the rest of their female relatives that only if they are pregnant do they matter to the Congress of the United States.

It is appalling that we have had over 200 votes whittling away at this since 1995. I honestly would not put anything past the Congress here, and I would expect if the majority leader comes up with his bill to force women to stay at home, it would be a good hearing and be right out here on this floor, even though people are without jobs, people are going hungry, health care is almost nonexistent in many places, and we are fighting a war that is causing us casualties on a daily basis. But what do we debate? This. This takes precedence over everything else.

So, I just say again to the women of the United States, look out, sisters. You just do not matter here anymore.

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

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

Mr. Speaker, I will just take enough time to say I urge my colleagues to support this rule so we can get on with the real debate on both the underlying bill and the substitute to it.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to the clause 8 of rule XX, proceedings will resume on the questions previously postponed.

Votes will be taken in the following order:

H.R. 2751, by the yeas and nays; and

House Concurrent Resolution 287, by the yeas and nays.

The second electronic vote will be conducted as a 5-minute vote.

GAO HUMAN CAPITAL REFORM ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 2751, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 382, nays 43, not voting 8, as follows:

[Roll No. 28]

YEAS—382

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

NAYS—43

Akin
Barrett (SC)
Bartlett (MD)
Burgess
Burton (IN)
Cannon
Coble
Cubin
Culberson
Duncan
Feeney
Filner
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Goode
Gutknecht
Hayworth
Hefley
Hensarling
Hostettler
Istook
Jones (NC)
King (IA)
Manzullo
Miller (FL)
Moran (KS)
Nussle
Ose
Paul
Pence
Petri
Royce
Sensenbrenner
Shadegg
Shimkus
Smith (MI)
Stearns
Sweeney
Tancredo
Taylor (NC)
Toomey

NOT VOTING—8

Baird
Clyburn
Collins
Doggett
Forbes
Honda
Kucinich
Lantos

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1545

Messrs. GUTKNECHT, TOOMEY, SHADEGG, MORAN of Kansas, HEFLEY, FOSSELLA, SHIMKUS, GARRETT of New Jersey, and Mrs. CUBIN changed their vote from ''yea'' to ''nay.''

Mr. SABO changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE LIFE OF THE LATE RAUL JULIA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 287.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 287 on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 11, as follows:

[Roll No. 29]

YEAS—422

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

NOT VOTING—11

Baird
Clyburn
Collins
Dicks
Doggett
Forbes
Honda
Jones (NC)
Kucinich
Lantos
Shadegg

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1554

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CODIFYING ''BIBLICAL PRINCIPLES'' OF MARRIAGE

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

Mr. MCDERMOTT. Mr. Speaker, the President's presidential prayer team is urging us to ''pray for the President as he seeks wisdom on how to legally codify the definition of marriage. Pray that it will be according to Biblical principles.''

With that in mind, I thought I would remind the body of the biblical principles they are talking about.

Marriage shall consist of a union between one man and one or more women. That is from Genesis 29:17–28.

Secondly, marriage shall not impede a man's right to take concubines in addition to his wife or wives. That is II Samuel 5:13 and II Chronicles 11:21.

A marriage shall be considered valid only if the wife is a virgin. If the wife is not a virgin, she shall be executed. That is Deuteronomy 22:13.

Marriage of a believer and a nonbeliever shall be forbidden. That is Genesis 24:3.

Finally, it says that since there is no law that can change things, divorce is not possible, and finally, if a married man dies, his brother has to marry his sister-in-law.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize Members for Special Order speeches without prejudice to the resumption of legislative business.

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.

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

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

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

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

ORDER OF BUSINESS

Mr. MCGOVERN. Mr. Speaker, I ask to speak out of order for 5 minutes.

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

There was no objection.

FIGHTING CHILD HUNGER IN BOGOTA, COLOMBIA

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

Mr. MCGOVERN. Mr. Speaker, over the recess I traveled to Colombia for a third time as part of a fact-finding delegation sponsored by the Washington Office on Latin America.

The highlight of my trip was a visit to a school feeding program in a place called Ciudad Bolivar, which is a very poor area of Bogota. Mr. Speaker, this school feeding program is a partnership between USAID, the U.N. World Food Programme and the Bogota Department of Social Welfare.

Joining me at the school were USAID Mission Director Mike Deal; Mr. Peter Goossens, WFP Program Coordinator for Colombia; Maria Lucia Osorio, WFP staff person who works directly with the school; Andrew Krefft, the USAID senior program specialist on Colombia's internally displaced; and representatives from Bogota's Department of Social Welfare.

□ 1600

I want to express my personal appreciation for all their efforts in making school feeding programs in Colombia so successful.

Mr. Speaker, the school I visited is called Colegio Luis Carlos Galan. Approximately 1,200 children receive meals and food rations at Colegio Galan. Eighty percent of these children are from displaced families. The children receive a fortified breakfast mixture and mid-morning fortified snacks. The meals are prepared by community cooks in school kitchens, where mothers are educated in food preparation, nutrition, child care, and health care. The school meal is supplemented with rice, vegetables, beans, eggs, and juice, purchased and prepared by the children's families from family contributions of about 10 cents per day.

This one school feeding program costs only $2,000 for the entire 2004 school year. Think of it, Mr. Speaker, just $2,000 provides 1,200 impoverished children with nutritious meals and snacks for an entire school year. These are some of these children. It also strengthens families' commitments to their children's education, attracts and keeps these children in school, and demonstrates, as few other programs can, that the United States genuinely cares about the future of Colombia's children.

Mr. Speaker, 80 percent of displaced Colombians live in extreme poverty and have inadequate nutrition. Only 36 percent of displaced children will ever finish primary school, and a mere 8 percent will complete high school. Currently, USAID funds a 3-year $5.1 million program to alleviate hunger, improve the health and well-being of Colombia's displaced families, and increase school attendance through school feeding programs.

The USAID program, which began in September 2003, assists over 113,000 displaced schoolchildren in 414 schools in 12 Colombian departments. The program is implemented by WFP; and prior to this, the school feeding program was financed through USDA's McGovern-Dole International Food for Education pilot program. Mr. Speaker, regrettably, the Bush administration made Draconian cuts in this program that resulted in eliminating the Colombian funding. Fortunately for Colombia's children, USAID came to the rescue and picked up the costs, incorporating it into programs supporting Colombia's internally displaced.

At the school I visited, 80 percent of the children are from displaced families. They come from all over Colombia, ranging in age from 6 years to 16, and reflect Colombia's racial and ethnic diversity. One mother, displaced from Caqueta, told me that her family's life was filled with violence: ''It is terrible to have to flee with nothing but the clothes on your back, running for hours and days, arriving at Bogota, not knowing anyone.'' She gave her sincerest thanks for the United States' support of the school.

A teacher stated, ''Today, these children are fed, but tomorrow, who knows?'' This teacher felt that many of these children were in school for the first time in their lives, learning things that will help them throughout their lives, like how to read and write.

Mr. Speaker, if you could only see these children. They are bright, they are beautiful, they are the future of Colombia; and I admire and honor the dedicated teachers and school administrators and parents and students at this school; and I respect the commitment of USAID and the World Food Program staff, who are giving these families hope for a better future.

Last Friday, the newly elected mayor of Bogota, Mr. Lucho Garzon, launched a new initiative called Bogota Without Hunger. Through this campaign, Ciudad Bolivar is one of six priority zones designated to receive additional resources for nutrition, education, health services, and housing.

I encourage my colleagues to visit U.S.-supported school feeding programs when they travel abroad. I most strongly urge the leadership of this Congress to significantly increase funding for both the USDA McGovern-Dole program and USAID food aid programs. No matter how tight current budget restrictions might be, these programs are truly among the very best investments we can make in the future stability of Colombia and the world.

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

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

TRIBUTE TO JOHN A. FERGUSON, JR.

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

Mr. DEAL of Georgia. Mr. Speaker, it is with great pride and a distinguished privilege for me today to address the colleagues of the House to honor a man who has accomplished more for northeast Georgia over the past 40 years than most people will do in an entire lifetime. Health care is more accessible and a higher quality exists and surpasses that of many metropolitan areas. Our economy has expanded exponentially for decades. Thousands of jobs have been created, and hundreds of thousands of lives have been improved because of the efforts of this one man. I would like my colleagues to join me in honoring my friend and a community service leader, Mr. John A. Ferguson, Jr., as he retires as president and CEO of Northeast Georgia Medical Center and Health System in Gainesville, Georgia.

In 1964, at the age of 23, John came to the Northeast Georgia Medical Center as the first hospital engineer in the State of Georgia. And although he currently held a master's degree in engineering from Georgia Tech, he was determined to continue his education and work to obtain an additional master's degree in health care administration from Georgia State University. At that time, Northeast Georgia Medical Center was known as Hall County Hospital and was a single-entity acute care hospital with only 147 beds and 430 employees.

Within 1 year of being on the staff, John was named assistant administrator, and at the age of 28 he became the youngest hospital administrator and CEO in the State in 1968. Within 10 years of his promotion to CEO, the hospital's acute care bed size had almost doubled, a dedicated 10-bed ICU and 10-bed CCU had been added, as well as a 20-bed mental health unit. From there, northeast Georgia's health care system and quality of life continued under John's leadership. It continued to grow and to improve on an annual basis.

In 1986, he lead NGMC through corporate reorganization, which enabled

the organization to expand health care services across county lines and improve access to health care for citizens throughout northeast Georgia who previously had to drive to Gainesville for most of their primary health care services.

Today, Northeast Georgia Health System is a major provider of health care services for 20 counties in northeast Georgia. It has over 3,500 employees and one of the largest and most active volunteer programs in the State. The system now includes a free-standing mental health, alcohol, and drug abuse treatment facility, two long-term care facilities, a satellite cancer center in Stephens County, a hospice service and two hospital campuses with a total of 418 acute inpatient beds. Other major services that have been added under John's leadership include the Ronnie Green Heart Center and Stribling Heart Clinic for advanced heart care, the only comprehensive cancer care service in the region; a strong network over 14 primary care centers located in eight counties; a neonatal intensive care service; and a comprehensive physical rehabilitation institute.

Fortunately for northeast Georgia, John has always understood that to truly impact the health of the community, services cannot be contained within the walls of the hospital. His vision for a healthier community coupled with a heart for people who depend on NGMC for health care services paved the way for a strong relationship with the Hall County Health Department. In the late 1970s, working with the health department, NGMC implemented a midwifery program to extend prenatal care to indigent patients who did not have resources to access private providers of services.

John's vision for a healthier community has resulted in numerous other innovative outreach initiatives. In the early 1990s, NGMC lead a collaborative community effort with local schools, the health department, the Junior League, and other service organizations to generate funds for a mobile health unit to provide basic health care screenings and services to people who had limited resources to access other traditional health care services. NGMC has continued to fund and help staff this service since its inception.

Through the Medical Center Foundation, health initiatives operated by other community service organizations have been supported. More than $300,000 was raised to help fund construction of a free medical and dental clinic for persons who have no resources for care. Since completion of the clinic, the medical center has continued to help fund clinical supplies through the indigent care trust fund for volunteer physicians, dentists, and nurses who staff the clinic. Funds have also been raised for numerous other health-related community benefits, such as the Meals on Wheels program for provision of meals to homebound seniors, the SafeKids Playground at Fair Street Elementary School in Gainesville, automatic external defibrillators for emergency response vehicles in Hall County, and the Challenged Child Organization.

Northeast Georgia Health System is the lead agency for SafeKids since 1997 and currently works with 21 community agencies to develop and fund initiatives to decrease the rate of accidental injuries to children. The SafeKids Coalition has received numerous State and national awards and was recently recognized as National Coalition of the Year.

John's vision for high-quality health care services and his heart for the people who depend on Northeast Georgia Health System have unquestionably made an impact on the community and the health and quality of life in Hall and surrounding counties. I commend Mr. John A. Ferguson as a man who has served our community well and commend him to his retirement.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–428) on the resolution (H. Res. 536) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

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 on Monday evening, the President, in a much-touted speech, decided to question the Democratic front runner's credibility. This speech, it was touted, was to launch the President's reelection campaign; but it began with the theme of questioning the front runner of the Democratic Party's credibility.

Let me just start off by saying it is a good thing that the White House is not made of glass. I think it is very interesting that the President decided that the credibility of our front runner was in question, when after only 3 years of governing, this is a President who has America stuck in a jobless economy and an endless occupation.

Now, the President could have spoken about his foreign policy record, but all that offers is a growing and expensive prospect of endless occupation. He could have spoken of his leadership on the economy, but all he could point to is an economy that is not producing jobs. So the President decided that it was his right in a speech the other night to the Governors to lead off with a discussion of credibility.

I think the credibility gap of the administration at this point is a good thing, given that his budget will widen the deficit gap. The deficit he has created will not be as lonely now that he has a credibility deficit that continues to grow.

The President wants to question the consistency of our potential nominee's record, yet within 18 months he flip-flopped on steel tariffs. This is a President who wants to question credibility, yet in a book recently published by Paul O'Neill, his former Treasury Secretary, he questioned the legitimacy of a second tax cut he was going to propose because, he said, ''Haven't we done enough for the top end?'' Yet he went out there and accused Democrats of class warfare for asking the very same question he had asked, Had the first tax cut not done enough to take care of the top 1 percent?

After 3 years, his economic record is $3 trillion added to the Nation's debt and 3 million Americans have lost their jobs, and yet he wants to run this election on credibility.

He went to Ohio to talk about the importance of manufacturing jobs to the economy, given that 2 million manufacturing jobs have been lost in America since 2000. His budget, 3 years in a row, has cut the manufacturing extension program, which helps small manufacturing businesses compete in the world market. And he wants to talk about credibility?

His economic report of last week praised outsourcing of jobs to India. This is a President who wants to talk about credibility? It was his economic report that cited 2.7 million new jobs would be created this year in the United States. In less than a week, before the ink was even dry, he needed to retract that, because the economy will not produce 2.7 million jobs. And this is an administration who wants to make credibility an issue?

On the issue of foreign policy, regardless of what your position is on the war, we went to war on the notion of dealing with weapons of mass destruction, and now we have a report questioning whether weapons of mass destruction were ever in Iraq, which was the legitimacy and the principle of going to war. Yet this is an administration that would like to make credibility of our nominee the issue in this campaign.

The President pledged in his recent budget $3.5 million in new money for police and firefighters to help communities here in the United States, but his budget cuts $1 billion for police and firefighters. But he would like to make credibility an issue.

His plan to halve the deficit by 2009 is an ''accounting fiction'' to Goldman Sachs. But he would like credibility to be the issue.

He said the Medicare bill would cost $400 billion. Within 3 weeks after the ink was dry, the report came out that it would cost $550 billion to taxpayers; $150 billion in errors in addition to the $400 billion for the prescription drug bill. And he would like to make credibility an issue?

He promised to clean up the Great Lakes, but he cut water quality funds by $400 million. Yet he would like to make credibility an issue in this campaign?

□ 1615

On policy after policy, this administration says one thing and does another to benefit its corporate and special interests. If we are going to make credibility an issue in this campaign, to quote one Senator, bring it on.

BUSH ECONOMIC POLICY NEEDS TO BE CHANGED

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

Mr. BROWN of Ohio. Mr. Speaker, all of us now are familiar with the economic report of the President of the United States. It is the report put out by the chief economic adviser for the President. It is signed by George Bush on page 4, signed by the chairman of the President's top economists in the country, the Chairman of the Council of Economic Advisors, Greg Mankiw. We have heard lots of media coverage that in this report the Chairman of the Council of Economic Advisors says outsourcing is a good thing; that an economic concept that they learned in graduate school called comparative advantage means if you can make something cheaper overseas, you ought to close down the American plant and make it overseas. They said outsourcing is a good thing, while a State like mine in Ohio has lost one out of six manufacturing jobs.

They go on to predict we will create in this country under the Bush economic plan 2.6 million jobs this year. They also promised 3 million jobs a couple of years ago. We have actually lost manufacturing jobs in this country because of the Bush economic plan.

The response to every economic problem is more trickle-down economics, cut taxes on the wealthiest Americans hoping it trickles down and creates jobs. That has not worked. Their other answer is more trade agreements, expanding NAFTA to Central America, the so-called Central American Free Trade Agreement, expand NAFTA to the rest of Latin America called the Free Trade Area of the Americas. None of that is working.

We are seeing loss of jobs. In the district of the gentlewoman from Indiana (Ms. CARSON) or the district of the gentleman from Washington (Mr. MCDERMOTT), we are seeing continued shipping of jobs overseas, continued outsourcing, as the President applauds in his Council's report, continuing hemorrhaging of jobs all over the world.

But something that was also in this report which is even more amazing, the President has not been able to figure out how to stem the tide of economic job loss. We created in the Clinton years 25 million jobs. We have lost in the Bush years 3 million jobs, a huge portion of them manufacturing jobs. No President since Herbert Hoover has actually lost jobs during his administration, a record that George Bush is now competing with.

The President, because he cannot seem to figure out how to create manufacturing jobs, the President in his report is saying regarding manufacturing jobs, maybe we ought to consider changing the definition of manufacturing jobs. They said the definition, and this is in the President's report signed by the President on page 4, the definition of a manufactured product is not straightforward. When a fast-food restaurant sells a hamburger, for example, is it providing a service job, which is what we always thought, or, according to the President, is it combining inputs to manufacture a product? So these fast-food workers at $6 and $7 an hour, maybe we are going to call them manufacturing jobs. I am not making this up; this is in the President's report. They said manufacturing if someone is engaged in the mechanical, physical or chemical transformation of materials, substances or components into new products.

So we have the $6-an-hour high school student in McDonald's standing there. First he unwraps the bread, which is like something you would do in a factory building cars. He unwraps the bread, puts the bun down, and takes the hamburger. He has to change chemically the hamburger. We would call that cooking it, but under the new-speak of the President's report, he is going to chemically change the hamburger so instead of being raw, it is now chemically altered or cooked. Then there is the cheese. If it is a cheeseburger, it is an even more complicated manufacturing process. The worker needs to chemically change the cheese. We would call it melting, but in the new-speak, we call it chemical change of the cheese. That cheese is then put on the burger. Next he has to unwrap the lettuce head and put lettuce on the hamburger. Next he slices the tomato. All of these manufacturing components are going into this new hamburger.

Mr. Speaker, my point is the President's answer to what are we doing about loss of manufacturing jobs in this country is to reclassify manufacturing and say that these service jobs that pay $7 an hour, instead of the $20 an hour that workers in my district make, or workers at Goodyear in Akron building tires were making, instead of $20 an hour with pensions, with good health care benefits, we are now going to say we lost those manufacturing jobs, but we have other manufacturing jobs at McDonald's. And I do not mean to leave out Burger King, Arby's or some of the other fast-food restaurants that are actually manufacturing their hamburgers.

Mr. Speaker, I think we see the ludicrousness of this. This country has to change its economic policy and change its direction. We need to say no to this trickle-down economics which give the tax breaks to the wealthiest people in the hope that they will create some jobs. That is not working. We have to say no to trade agreements that are shipping jobs overseas.

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

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

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

PRESCRIPTION DRUG ABUSE

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 cannot believe the gentleman from Ohio (Mr. BROWN) missed Wendy's, an Ohio-based company, in his speech.

Mr. Speaker, I rise today to address one of our Nation's oldest and most difficult narcotics problems, prescription drug abuse. Prescription drug abuse has been a problem for decades, but recently a new generation of morphinelike painkillers called oxycodones has caused a wave of addiction and overdoses. The drug OxyContin, which is an oxycodone-based drug, has produced the greatest amount of publicity, but numerous similar drugs, such as Percocet, Percodan and Tylox, have also been abused.

Last month the Committee on Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources, which I chair, held a hearing on prescription drug abuse in Winter Park, Florida. The gentleman from Florida (Mr. MICA), the former chair of the subcommittee and a man with a long record of effective leadership on these issues, requested the hearing in response to a series of OxyContin-related deaths in central Florida.

At the hearing the gentleman from Florida (Mr. MICA) and I, joined by the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Florida

(Mr. KELLER) heard testimony from government, medical and other witnesses about the cost of prescription drug abuse, the benefits afforded by these drugs, and how best to balance these two. But more must be done to ensure in striking this balance that we enforce the law, that we educate people about how to avoid such addiction, and more treatment specifically targeted towards such addiction.

Prescription drug abuse presents special problems for the government, the medical community, and the pharmaceutical industry. On the one hand these powerful and dangerous drugs, with as great a capacity for addiction and abuse as heroin and cocaine, even though they have that potential, there are many ways for these drugs which have legitimate uses to fall in the wrong hands. Supplies of the drugs can be stolen from pharmacies and manufacturers and then sold back in the black market; doctors may intentionally or unintentionally over prescribe the drugs to patients, leading to addiction and abuse; or patients themselves may obtain illegal quantities of the drugs by shopping for multiple prescriptions and filling them at multiple pharmacies.

On the other hand, these drugs have legitimate medical uses and may give the only possibility of relief for patients suffering from severe chronic pain. Many cancer patients rely on OxyContin and similar drugs.

But however difficult it may be to strike a balance, we must find a way to further enforce the laws so we do not have this exploding abuse of these drugs that are crippling many families and individuals and leading to the death of many others.

Prescription drug abuse is a very serious problem. According to the most recent study conducted by the Substance Abuse and Mental Health Services Administration, SAMHSA, in 2002, over 1.9 million Americans aged 12 or older had used OxyContin alone for nonmedical, in other words illegal, purposes. Prescription drug abuse is far more widespread than cocaine, heroin or ecstasy abuse. Only marijuana is more widely abused by Americans. The problem is particularly acute among our young people. For example, among 12- and 13-year-olds, more children abuse prescription drugs than even marijuana.

One of the first things that became clear to me during the hearing is that the Federal Government needs to obtain and share better information on how these drugs are falling into the wrong hands. One newspaper reported that the top 12 OxyContin prescribers under Medicaid in Florida wrote prescriptions totaling over $15 million. While that is a very large number, it does not include all of the non-Medicaid prescriptions. The government has no practical way of keeping track of who is prescribing these drugs, in what amounts, and to whom.

A number of States and many of my colleagues have proposals for setting up a computerized database to keep track of these drugs. While some may raise privacy concerns about such a database, if we do not get this information to law enforcement, we will never get a handle on the problem.

Second, there are simply too many ways for these drugs to fall into the wrong hands. As the gentleman from Georgia (Mr. NORWOOD) noted at the hearing, it is possible for children to go on the Internet and order OxyContin or other opiates without going to a physician. Even when children do not do that, they can often get the drugs by raiding their parents' medicine cabinets or getting them from their friends. We need more effective regulations and education to cut down on these very real and dangerous routes of drug diversion.

I am encouraged by the recent decision of the DEA to explore putting hydrocodone combination drugs, which are based on another drug similar to oxycodone, on Schedule II to reflect their real potential for abuse. I hope the DEA, FDA and other agencies will continue to reexamine their strategies to find more effective ways to combat this problem.

Finally, while it is clear that there are widely diverging opinions about what kinds of conditions these drugs are prescribed for, it is equally clear that the more uses the government approves, the more abuse we will have. There is a great deal of debate about whether OxyContin should be prescribed for moderate as opposed to severe pain. We will see this debate in connection with nearly every powerful drug because there will always be those who wish to push the envelope and approve the drug for more and more people, thus creating more and more potential for addiction and abuse.

Those of my colleagues who consider themselves sympathetic to so-called ''medical marijuana'' should take heed of this. While many of its proponents claim that marijuana would only be used medicinally, it is also used by many others for less serious conditions.

HONORING JOE LAMANTIA, JR.

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

Mr. HINOJOSA. Mr. Speaker, I rise today to congratulate my good friend and constituent Joe LaMantia, Jr., for being named the 2004 Border Texan of the Year. This is an honor given only to those whose record of service in south Texas is a model for all Americans. The award is given in conjunction with Hidalgo County's annual Border Fest, a heritage and cultural festival that celebrates the uniqueness and diversity of south Texas.

I can think of no one more deserving of this award than Joe LaMantia, Jr. Joe is a first-generation American with deep roots in South Texas. Following in his father's footsteps, Joe began his successful agricultural career in south Texas in Carrizo Springs. His agriculture operation consisted of pecan orchards, vegetables, and a cow-calf operation, plus a vegetable and fruit farm operation in Mexico and Chile. In 1965, he moved his family to the Rio Grande Valley to continue their agricultural business.

Due to the unpredictability of agriculture, the LaMantias made a transition into the beer distribution business as wholesalers of Anheuser-Busch products. That was the beginning of the LaMantia family-owned and operated business of L&F Distributors. The company began in 1977 in McAllen, Texas, with 11 employees. I witnessed a fast learning curve by the LaMantias. Today, L&F Distributors has grown to employ over 600 individuals in 22 counties in the great State of Texas.

Despite the demands of a growing and successful business, Joe has dedicated himself to improving the quality of life in his community. In 1974, Joe was appointed by Governor Dolph Brisco to the board of the Texas Department of Corrections. He was reappointed in 1983 by Governor Mark White, and served as the vice chair for over 10 years.

During his tenure, Joe saw firsthand the problems facing the Texas border region, specifically poverty, crime and high unemployment. He recognized that education was the key to improving these challenges faced by the community. A champion of educational opportunity, Joe established one of the first scholarships for women athletes at the University of Texas Pan American, the Ann LaMantia Anheuser-Busch Outstanding Woman Athlete Scholarship.

□ 1630

The scholarship was named in honor of his wife of 30 years, Ann LaMantia, who passed away in 1983. Ann LaMantia served on the board of regents at Pan American University and, like her husband, was committed to higher education for the students of south Texas.

Since her passing, the LaMantias have continued to be dedicated to providing college scholarship opportunities for local students. Under Joe's leadership, L&F Distributors formed a partnership with the Hispanic Scholarship Fund in 1994 and in 8 years has raised over $5 million and awarded over 2,600 scholarships to students in south Texas. In 2002, L&F Distributors was recognized by the national organization as the largest contributing Anheuser Busch distributor to the HSF.

That same year, the LaMantias created a local educational nonprofit organization, the South Texas Academic Rising Scholars (STARS) Foundation, which provides scholarship awards to students in south Texas to attend the college of their choice. Joe serves as the founder and chairman of the board of directors, and in less than 17 months STARS has managed to raise over $2

million for south Texas students and has become the premier scholarship foundation in south Texas.

Mr. Speaker, this successful scholarship program has doubled the number of students who can have access to higher education. Joe, Jr. and his wife, Derrelene, have seven children and 26 grandchildren and consider their close-knit family their greatest asset. Joe is one of the hardest working entrepreneurs in south Texas. He is honest and a man of integrity, and I am proud to call him my friend. He truly deserves to be the Border Texan of the Year.

I urge my colleagues to join me in commending Joe LaMantia, Jr. for his tireless efforts on behalf of children and in congratulating him on receiving this prestigious award.

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

(Mr. KING of Iowa addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. KIRK. Mr. Speaker, I ask unanimous consent to speak in the gentleman from Iowa's (Mr. KING) stead.

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

There was no objection.

ENDING MERCURY POLLUTION

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

Mr. KIRK. Mr. Speaker, the Congress and the President are preparing for a major debate on reducing air pollution. In this debate, partisans for and against greater environmental protection are both right. And they are both wrong.

The environmental community is correct in highlighting the growing danger of mercury pollution. Once considered an ''average'' pollutant, the EPA's Children Health Protection Advisory Committee warned last month that mercury is a powerful neurotoxin that accumulates in humans. Just one-twenty-fifth of a teaspoon of mercury can contaminate a 25-acre lake. Blood tested from Illinois pregnant women showed that they averaged 14 times the naturally occurring level of mercury in their blood.

Coal-burning power plants that have not yet been required to reduce their mercury emissions are the major source of this pollution. The Federal Government already requires all municipal incinerators and other sources of air pollution to scrub their emissions to remove most mercury. Raw political power and threatened litigation have delayed such requirements for coal-fired plants.

Enough of the delays. We need to clean up mercury pollution today. In eastern States, downwind from the rest of the Nation, mercury levels in the water are rising. The National Wildlife Federation recently released a study showing that the rainwater falling on suburban Chicago communities contained three times the naturally occurring level of mercury. With higher levels of mercury poisoning than other regions of the country, New England and the Great Lakes are becoming mercury ''hot spots.'' This poses a threat to the Great Lakes, a critical ecosystem that is the source of drinking water for over 20 million Americans.

The scientific debate about the danger of mercury poisoning is now over. The real question is, how quickly can we reduce such pollution? When the Clean Air Act was written, there was little thought to how best to control pollution. The act imposed a rigid set of 1970s controls on each source of pollution, with many opportunities for polluters to challenge any action by the government in court. The worst example of what followed is the Federal Superfund cleanup program. Today, over half of all Superfund environmental cleanup dollars have been spent paying lawyers and not protecting the environment.

There is a better method. In the 1980s, the program to reduce acid rain was based not on endless court litigation, but on a system of tradeable credits that restrict the total output of pollution in a way that is more flexible than the litigious old regulatory system. The acid rain pollution credit trading system is a great success, leading to more environmental cleanup and less courtroom cost. This system cuts acid rain pollution in a way that is faster and cheaper than the old regulatory approach. President Bush proposes using such a system based on acid rain to also reduce mercury pollution. His approach could be effective but needs two major amendments by environmentalists here in the Congress.

First, the President's proposal allows more mercury pollution under a trading system than the old regulatory approach. Trading credits can be allowed but Congress must reduce the supply of tradeable credits to dramatically cut mercury pollution to levels at or below which would have been allowed under the old system.

Second, a flexible system also carries a danger for areas already contaminated with mercury. If credits to emit mercury can be purchased in an already polluted area, a trading system could worsen mercury hot spots that already exist. Congress should clearly define mercury hot spots, and we should allow emissions credits to be sent outside such a zone but not to be purchased to contaminate inside.

These two changes, restricting the supply of mercury emissions credits and higher environmental protection for mercury hot spot zones, could make a program modeled after the acid rain program work to reduce mercury pollution in our country. This is the kind of bipartisan approach that takes the best aspects of both sides to focus taxpayer dollars on cutting pollution rather than killing time in court.

Whatever the outcome of this debate, one thing should be agreed by bipartisan majorities in the Congress: the days of unregulated pollution from coal-burning power plants should be over. Period. The science is now clear and convincing that mercury pollution from such emissions represents a clear and present danger to the mothers and children of North America.

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

(Ms. LEE 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 Nebraska (Mr. TERRY) is recognized for 5 minutes.

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

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from 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 Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

(Mr. MARIO DIAZ–BALART of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from 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.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to speak in place of

the gentleman from California (Mr. GEORGE MILLER).

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

There was no objection.

REGARDING JUSTICE SCALIA'S REFUSAL TO RECUSE HIMSELF FROM HEARING CASE CONCERNING THE VICE PRESIDENT

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

Mr. MCDERMOTT. Mr. Speaker, Supreme Court Justice Antonin Scalia has done something no Democrat and no Republican has been able to do. Justice Scalia has united the country from Maine to California, from Washington to Texas. Even Texas. Here is just a sample of what editorials across America have been saying about Justice Scalia's decision to hear a case involving the Vice President:

Inappropriate. Unethical. Less arrogance, more impartiality. The appearance of impropriety is abusive and extreme. It taints the very essence of justice. Scalia's refusal to recuse himself let the sour tinge of politics ooze into the High Court's chambers. He's ducking the law.

In America, Mr. Speaker, Lady Justice is blind for a reason. Equal justice for all is a fundamental right of this country. Justice Scalia will soon run afoul of this because he decided to hunt fowl with the Vice President.

The facts, sketchy as they are, are these:

In early January, the Justice joined the Vice President aboard Air Force Two. They flew to Louisiana to spend days together in private while duck hunting on a private reserve owned by a local oilman. Nothing new there. The area they hunted in was declared a no-fly zone by the Secret Service and the ducks apparently abided by the Secret Service order. The trip followed a Supreme Court decision to hear an important case involving the Vice President. The case involves the right of the public to pierce the veil of private meetings the Vice President held with Big Oil and Big Business in public buildings to chart a public energy policy which has led us into two invasions, two occupations. There are huge issues at stake and the Nation must know that the Supreme Court will hear the case impartially.

If Justice Scalia does not remove himself from the case, the entire process will be forever tainted. Here is what the law says:

''Any justice, judge or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.''

How could any rational person not question Justice Scalia's impartiality if he hears this case? His public response to date has been a mockery of the serious concerns expressed across the country. ''Quack-quack'' is how the Justice ended one answer in public at Amherst College. I kid you not. ''Quack-quack,'' from a Justice of the Supreme Court. Perhaps in the future the fierce competition by law graduates to clerk in the highest court will include an audition for bird and duck calls. The Supreme Court decides the fate of lives and the course of our Nation for generations to come. Justice Scalia cannot let thoughtful, respectful concerns expressed by smart, independent voices across the country roll off his back like water off a duck.

This issue concerns not just Justice Scalia; but it goes to the honesty, integrity, ethics, and impartiality of the highest court. The stakes are too high and the right course of action too obvious for him to ignore.

Chief Justice Charles Evans Hughes as he was laying the cornerstone of the Supreme Court Building said: ''The Republic endures and this is the symbol of its faith.''

Justice Scalia defends America best by defending equal justice under the law. Justice Scalia must remove himself from this case for the good of the Court and for the good of the country.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman 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.)

COMMENDING AN AMERICAN WAR HERO FROM INDIANAPOLIS, INDIANA

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. Mr. Speaker, it is with great pride that I rise today to recognize an extraordinary young man who is an American war hero of Iraq and a fellow Hoosier, Specialist Dwayne Anthony Turner of the Third Battalion, 502nd Infantry Regiment, 101st Airborne Division. Specialist Dwayne Anthony Turner, an Army medic from Indianapolis, was awarded the Silver Star for demonstrating exceptional bravery, self-sacrifice and resolute fearlessness during a grenade and arms attack on April 13, 2003.

American soldiers were caught off guard when the attack began on a crowded street 30 miles south of Baghdad. Specialist Dwayne Anthony Turner was riding in his Humvee when the grenade hit. Bleeding from flying shrapnel that ripped into his legs, Specialist Turner dragged several soldiers to safety and administered aid to others while taking fire. More commonly known as Doc Turner, this young 23-year-old soldier saved the lives of two comrades and provided aid to 14 others after he was hit by shrapnel and shot a total of three times in the leg and arm. He did not cease assisting injured soldiers until he lost a significant amount of blood and was administered morphine. Specialist Dwayne Anthony Turner is the first soldier from the Fort Campbell-based 101st to receive the Silver Star for valor.

I would like to recognize Specialist Turner for his remarkable fortitude, courageousness, his spirit and selfless determination and would certainly ask the House of Representatives to join me in honoring this notable American war hero from my district.

Specialist Turner agreed to 4 years but was arbitrarily extended, Mr. Speaker, to 5 years.

Mr. Speaker, we would think that the United States of America, that the White House, that the Department of the Army would give Specialist Turner a standing ovation for the outstanding contribution that he made as an American, as a soldier and as a hero in Iraq. But not so. Mr. Speaker, upon Specialist Turner's return to Fort Campbell, understandably he consumed alcohol excessively, incurred intense and immense emotional trauma. His behavior became erratic. Instead of addressing what obviously is post-traumatic stress, the Army busted him down to a private, kicked him out of service, did not give him mustering-out pay, which ultimately caused this dear Army soldier to become homeless, notwithstanding the kind of contributions that he has made to a better America and what we were believing to be a better Iraq.

□ 1645

I would like specifically to call this incredible, awful situation in terms of Specialist Turner's fate, in private, now nothing, the Army soldier, used to be soldier, to the attention of the White House. We often say that we support our troops. We get criticized when we do not support Iraq and the money that goes into Iraq, and I would ask the President and all of his soldiers there on Pennsylvania Avenue and those who are responsible for this incredible inhumane act against an individual who has done so much for this country to counteract, to reverse the vicious act that has been administered against him since he has been in this country by the United States Government. Make him whole, give him his mustering-out pay, and let the record show that he was, in fact, a specialist and not a private, a specialist when he received the honors that he received from the Army.

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

(Ms. LORETTA SANCHEZ of California 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 Texas (Mr. RODRIGUEZ) is recognized for 5 minutes.

(Mr. RODRIGUEZ 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 Texas (Mr. FROST) is recognized for 5 minutes.

(Mr. FROST 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 Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

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

HONORING OUR AFRICAN AMERICAN CONGRESSIONAL PIONEERS

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

Mr. WELLER. Mr. Speaker, I asked for this time today because I felt as we finish up the month of February, Black History Month, it would be appropriate for this body to take a step back into history and remember the pioneering African American Members of this body as well as two men from my State, Illinois, who fought against the practice of slavery.

Mr. Speaker, the Members may not know this, but of the first 19 African American Members of the House, each and every one of them was a Republican. And of the 19 black House pioneers, most were freed slaves. My time only allows me this evening just to mention a few of them because I think they each have very impressive stories and records of serving this country and working towards the goal of civil rights for all.

The first African American to serve in the House was Joseph H. Rainey from South Carolina. Mr. Rainey's parents, Edward and Gracey, were slaves when their son was born in 1832 in Georgetown, South Carolina. Rainey's father was a successful barber in the area and through hard work was able to earn and pay for the family's freedom from slavery. After the Civil War broke out in 1861, the Confederacy conscripted Joseph Rainey to work on the military fortifications of Charleston's harbor. Rainey dreamed of escaping from the military drudgery to a life working without the stigma of color. The dream became reality when he and his wife boarded a ship bound for the West Indies. Rainey took on the family trade and worked as a barber in Bermuda, and his wife worked as a dressmaker. He studied the manners and conversation of his educated customers, and hearing that opportunities for African Americans were better than they used to be in postwar South Carolina, the Raineys returned home. Rainey was elected to the United States House of Representatives in 1868, took office in 1869, was a leader in the fight for civil rights.

Mr. Speaker, I am proud to announce on this floor tonight that our own House Republican conference, led by the gentlewoman from Ohio (Ms. PRYCE), has initiated a program called the Joseph Rainey Scholars to honor the memory of Congressman Joseph Rainey. The Rainey Scholars program aims to get African American students involved in government and to learn about the history of African Americans in the Congress. Currently, there are 10 college students participating in this program, which includes the option of being a congressional intern.

In 1871, Robert Brown Elliott was elected to the U.S. House as a black Republican from South Carolina. He had previously served as the State House Speaker, again was an outspoken advocate for civil rights and often noted the role of African Americans in our own Revolutionary War, the War of 1812, and on the side of the Union in the Civil War.

John Roy Lynch was elected to this body in 1873 as a Republican from Mississippi. Lynch was a Republican Party activist who served as a delegate to five Republican conventions. In fact, Mr. Lynch presided over the 1884 Republican convention in Chicago, serving as the first African American ever to preside over a national party convention.

Charles Nash, elected in 1875, a Republican, was the first black to represent Louisiana in Congress. John Mercer Langston was elected to the House in 1890 and later served as Consul General to Haiti. The first black Member of the United States Senate was also a Republican, Hiram Rhodes revels from Mississippi. Senator Rhodes took over the seat once held by the President of the Confederacy, Jefferson Davis.

Mr. Speaker, we salute these African American pioneers in Congress, and we remember the path they have made for African Americans to make a difference in our government and in our country.

Additionally, Mr. Speaker, I would be remiss if I did not mention two other major figures in the Republican Party, both from my home State of Illinois. Though while not African American, both played a big role in the fight for freedom, opportunity, and equality. First, of course, was our 16th President, Abraham Lincoln. We all know under Lincoln's leadership the Republican vision of equality was advanced with the Emancipation Proclamation of 1863, followed by Lincoln's insistence that the abolition of slavery be part of the 1864 Republican platform.

But, Mr. Speaker, I also wanted to draw to the Members' attention Owen Lovejoy from Princeton, Illinois, a community I represent in the 11th Congressional District. Owen Lovejoy came to Princeton, Illinois, in 1838 to assume the ministry of the Hampshire Colony Congressional Church. He was known as a fiery abolitionist who preached his views from the pulpit, causing much dissention in a community already divided over the slavery issue.

A strong supporter of Abraham Lincoln, Lovejoy, a Republican, was elected to the State legislature and then in 1856 began five terms in the U.S. House of Representatives. Lovejoy became known for his efforts on behalf of the abolition of slavery and was among the leaders in the House in advancing civil rights. His home was one of the most important stations in the underground railroad in Illinois. Runaway slaves were harbored by the Lovejoy family until arrangements could be made for them to travel to the next station on the way to Canada and freedom. Today the Lovejoy home stands as a reminder of Lovejoy's efforts.

Mr. Speaker, as Black History Month comes to a close, let us remember our heroes, those pioneers who stood for freedom and led the way to today's equality.

CLIMATE CHANGE

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

Mr. GILCHREST. Mr. Speaker, in recent years there has been a significant conflict in our discussion and certainly differences of opinions from reliable sources about whether or not human activity is affecting the climate. So what I would like to do this evening in just the short time that I have is not to say that the Earth is warming, not to say that the Earth is cooling, not engage in the dispute as to whether human activity is causing the climate to change or the climate to warm. But what I would like to do is to present some observations from various independent scientists including the National Academy of Sciences that did a study to evaluate the International Panel on Climate Change, a study that was conducted by about a thousand scientists from around the world, to draw from the President's own scientists to make a determination as to what really are or what can be seen as observations of the indicators of whether we are engaged in a climate change.

If we observe the world the way it is now and the way it was 100 years ago and through an analysis the way it was 400,000 years ago, can we make some determination about the type of climate we have today, what we had 100 years ago, what we had 10,000 years

ago, and what might happen in the future? To do this, there are certain understandings in the scientific community that the ocean, the land, and the atmosphere working together provide us with a type of balance in the heat distribution on the planet. No one would dispute that the Earth, the ocean, and the atmosphere work together through various means to make the type of climate that the planet has right now. The atmosphere and the elements that make up the atmosphere and all the different kinds of gasses are in a constant cycle with the Earth and the oceans. So that is not in dispute.

If we observe the planet today and 150 years ago, we will see that there is a warming trend both on the surface of the land, the surface and subsurface of the oceans. There is a significant retreat of glaciers around the planet, and the Arctic Sea ice is getting smaller and actually thinning. So if we look at these observations, someone could say that there is a natural cycle over the last 150 years and we happen to be in a warming trend. If we take the climate over the long range and we go back 10,000 years ago through an analysis of ice cores, certain seabeds, coral, crustaceans, et cetera, if we go back 10,000 years, we will see a natural range of fluctuation on the climate of the planet, a natural range of fluctuation due to a number of variables including the atmosphere, land, and ocean, the wobble of the Earth, the closeness we are to the sun, et cetera. There is a predictable change in the climate based on the last 10,000 years. In fact, we could go back 400,000 years and base that prediction.

What we are now seeing, though, in the last few decades of the 20th century and the first decade of the 21st century, are environmental variables that have not been seen for 400,000 years. If we look at what is making up our atmosphere and the kind of greenhouse gasses that we need in order for a distribution of the heat balance, we will see an increase in these greenhouse gasses, most notably carbon dioxide or CO_2, a more significant increase now than we have seen in the last 400,000 years. The amount of carbon dioxide that has been in the atmosphere over the last 400,000 years has been a predictable amount based on the historical records which we find in ice cores and so on; but that natural range of fluctuation, the amount of CO_2, the amount of greenhouse gasses in the atmosphere, was seen to have a pattern, a trend. But the increase in CO_2, carbon dioxide, that we have seen now in the last 50 years is larger, stronger than has ever been seen before.

So is it a natural bump up in CO_2? When we calculate the natural sources of CO_2 on the planet, and there are many, we will have a certain amount of CO_2 in the atmosphere. What is the percentage of CO_2 in the atmosphere? When we take in all of the natural variables, we still have more than we have ever had before.

When we take in another variable, which is interesting, human activity, this answers the question that human activity is increasing CO_2 in the atmosphere, changing the climate in ways that may not be predictable. Just a few facts to lay upon the table.

UNBORN VICTIMS OF VIOLENCE ACT OF 2003

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the majority leader.

Mr. AKIN. Mr. Speaker, the topic that I would like to take a look at this evening is the passing of a very important piece of legislation which is scheduled for this week, and that is the Unborn Victims of Violence Act.

But I would like to approach this standing back just a minute from a piece of legislation and try to put what we are trying to accomplish this week into context, in fact, into the American context. So I would challenge those, particularly those who are Americans, to answer a question, a very basic question, and that is let us say that someone from another country, and there were a television camera running, were to ask how would they define in a condensed sentence the uniqueness or the essence of what America is. What is it that has made America unique? What has created a Nation that people have come from all over the world to immigrate here? What has created a Nation where we have to have border guards to try to keep people out whereas other nations put minefields and machine gun nests to try to keep people in?

□ 1700

What is it that made America unique, and how would you say that in one simple sentence?

I suppose one of the rules that people who have been involved in politics for some period of time know is that you are not supposed to ask a question unless you have an answer to the same question. So if I were asked to try to summarize what America is about, I would go to our birthday document, to the document that separated America into an independent and unique Nation, and that is the Declaration of Independence, our birthday document.

In that document you find a long and somewhat complicated sentence, but a very important sentence in terms of defining who we are and what has made us so unique. It is the sentence that says, ''We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness.''

Now, the sentence does not end with ''pursuit of happiness.'' It goes on to say that governments are instituted among men for the particular purpose of securing those rights, that is life, liberty and the pursuit of happiness.

Let us say we take this long sentence, and, as a former engineer myself, we put it into a formula. The formula is pretty straightforward. It has three parts. The first thing is there is a God; the second thing is God grants to mankind, to all people, and in particular our Founders were talking about Americans, certain unalienable rights; and chief among these are life, liberty and the pursuit of happiness.

And so it was based on this document, this simple three-point statement in a sense, that our forefathers declared this a free and independent Nation, and it is by this formula that we believe that all men everywhere are granted with certain unalienable rights, which has to a large degree motivated much of our behavior and defined America. It has also created in America, although it was there for the 170 years before, a culture of respect for life.

Now, how then does the piece of legislation that we are looking at connect to this culture of life in America? I think it is easy when you are discussing legislation to, first of all, talk about that there is some problem, and then you have a bill which is designed to solve the particular problem. So in order to help define the problem that we have in America legislatively, I have a copy here now of a testimony that was given by Tracy Marciniak before a committee, and I would like to read part of her testimony to help define what is going on and the need, the tremendous and important need, that we pass the Unborn Victims of Violence Act.

''I carried Zachariah in my womb for almost 9 full months. He was killed in my womb only 5 days from his delivery date. The first time I ever held him in my arms he was already dead.''

The letter goes on. She is pointing to a photograph of her with this child in her arms.

''There is no way that I can really tell you about the pain I feel when I visit my son's gravesite in Milwaukee, and at other times, thinking of all that we missed together. But that pain was greater because the man who killed Zachariah got away with murder. Please don't tell me that my son was not a real victim of a real crime. We were both victims, but only I survived.

''Zachariah's delivery date was to be February 13, 1992, but on the night of February 8, my own husband brutally attacked me at my home in Milwaukee. He held me against a couch by my hair. He knew that I very much wanted my son. He punched me very hard twice in the abdomen. Then he refused to call for help, and prevented me from calling.

''About after 15 minutes of my screaming in pain that I needed help, he finally went to a bar and from there called for help. I and Zachariah were rushed by ambulance to the hospital, where Zachariah was delivered by

emergency cesarean section. My son was dead. The physician said that he had bled to death inside me because of blunt force trauma.

''My own injuries were life-threatening. I nearly died. I spent 3 weeks in the hospital.

''During the time I was struggling to survive, the legal authorities came and they spoke to my sister. They told her something that she found incredible. They told her that in the eyes of Wisconsin law, nobody had died on the night of February 8th. Later, this information was passed on to me. I was told that in the eyes of the law, no murder had occurred. I was devastated.

''My life already seemed destroyed by the loss of my son, but there was so much additional pain because the law was blind to what had really happened. The law which I had been raised to believe was based on justice was telling me that Zachariah had not really been murdered.

''It took over 3 years for this case to go to trial. The State prosecuted my attacker for first degree reckless injury and for false imprisonment, and he was convicted of those counts. They also prosecuted him under a 1955 abortion law, but they failed to win a conviction on the abortion count because that law required that they prove a specific intent to destroy the life of my unborn child. I do not fault the State authorities or the jurors. They simply did not have the legal right or tool for this type of case. The law simply failed to recognize that anybody who looks at the photo should be able to see that Zachariah was robbed of his life.''

That, my friends, is the problem with our laws that we are attempting to fix, that we are attempting to remedy here, with the Unborn Victims of Violence Act. What the act does is it recognizes the fact that when there is a crime of this nature, it recognizes both people who were victims to that particular crime.

Now, there is talk that this law is unnecessary. There are some people who say, no, we do not really need to recognize the second person that is involved. But I would suggest that if one were to talk to the people who have lost their child, women who have been violently attacked in this way, and particularly those who have been attacked in this way close to the time when they are about to deliver, that they would suggest otherwise, that there are indeed two victims. When you talk to the grandparents, they would suggest that there are two victims.

I am 56 years old. I recently, just a matter of a month or so ago, received some very exciting news. I have six children. One of them just this last summer got married. In fact, he got married to a young lady who was working in my congressional office. They have gone off, he is in the Marines, and you can imagine what the news was. We heard that she was expecting her first child, which meant that I was expecting to be, for the first time in my life, a grandfather.

I would suggest that if someone were to attack her and to end the life that is inside her, that it would be a very difficult thing to try to convince me that there was not a person involved, that I did not need to be concerned about the fact that, oh, maybe you are a grandfather, or something like that. I think most of us see that in the most common-sense way.

So that is what is involved with this piece of legislation, to be able to recognize that when a crime, a violent crime, is committed against an innocent, pregnant woman, that there are two victims involved.

At this point, Mr. Speaker, I would like to yield to one of my colleagues for whom I have a great deal of respect, the gentleman from Indiana (Mr. PENCE).

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

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

Mr. Speaker, it is a great privilege for me to join my colleague from Missouri as he leads this critical Special Order among my colleagues on legislation that this Congress will take up tomorrow, the Unborn Victims of Violence Act. We heard much debate today, Mr. Speaker, on the subject of this legislation, and, for all the world, it seemed as though we were talking about a bill that had something to do with the debate over abortion.

This bill most certainly emanates around a respect for the life of a mother and the nascent life within her, but this is not a debate over abortion or the right to life, but rather this is a debate about justice. It is about the institution of Congress in Federal law recognizing, as 29 other States have recognized, the demands of justice when a woman and her unborn child are both the victims of a crime.

The Unborn Victims of Violence Act is simply legislation authored by the distinguished gentlewoman from Pennsylvania (Ms. HART) which recognizes that when a criminal attacks a pregnant woman and injures or kills her unborn child, that he has claimed two human victims.

The bill would establish that if an unborn child is injured or killed during the commission of an already-defined Federal crime of violence, then the assailant may be charged with a second offense on behalf of the second victim, the unborn child. The exact charge, of course, would depend on which Federal law was involved.

It may astonish many of those that look in on our debates and proceedings, Mr. Speaker, to know that under current Federal criminal law, an unborn child is not recognized as a victim with respect to violent crimes. For example, if a criminal beats a woman on a military base and kills her unborn child, he would be charged only with battery against that woman, because the unborn child's loss of life is not at the present moment even recognized as a crime under Federal law.

Therefore, as we engage in this critical debate on the House floor tonight, and as we move this legislation, I believe, with broad bipartisan support tomorrow, it is my hope that our intentions will be laid bare that this is not about the debate over the sanctity of life or some debate over the fault lines of the culture war, but, rather, this is simply a debate about justice and about the demands of justice.

To those, Mr. Speaker, who say that this is somehow an idea on the fringe of the American political debate, I offer as case in point this chart, which points to the fact that there are at the present moment, with the recent addition of Kentucky, 29 States in the Union, even, using my mathematical skills, nearly 60 percent of the United States of America in their various State laws, including my home State of Indiana, that recognize fetal homicide for all or part of prenatal development.

□ 1715

Mr. Speaker, 29 States recognize a criminal act, when performed against a pregnant woman, that criminal charges can be rendered, not only against the woman who is assaulted, but against the unborn child. And here Congress is with regard to Federal law, in a very real sense, Mr. Speaker, trying to catch up with what 29 States have already understood in their State legislatures and assemblies to be the demands of justice.

Now, as to the issue of whether or not this is by subterfuge a debate about abortion, I think it is important to point out, as pro-life as I am, and proud of it, this bill explicitly provides that it does not apply to any abortion to which a woman has consented, to any act of the mother herself, legal or illegal, or to any form of medical treatment, period. That is in the specific language of this legislation. Therefore, those who would argue that by subterfuge, somehow, in the language there is an effort to erode Roe v. Wade with a fetal homicide law on the Federal level, do so with a genuine lack either of understanding or lack of intellectual honesty.

In fact, it is well established that unborn victims laws do not conflict with the Supreme Court's pro-abortion decrees beginning in Roe v. Wade. The 29 State laws mentioned above have had no effect on the practice of legal abortion in those States. Criminal defendants have brought many legal challenges to State unborn victims laws based on Roe, but all such challenges have been rejected by State and Federal courts. The jurisprudence on this issue is overwhelming and decisive.

But as I close and prepare to yield back to the gentleman from Missouri who is leading us tonight in this debate, it would be wrong to spend the few moments that I have on this blue carpet tonight speaking of this issue as though it could simply be resolved in the cold confines of law schools and judicial chambers. When we talk about

the demands of justice, I believe we are talking about the fundamental obligations of this institution to interpret the intangible obligations of the law. And as we come upon the very idea of a woman who is assaulted and as a function not only may have lost her life, but lost the life of her unborn child, and the wake and wash of grief that is left behind that, we cannot think of this in cold and sterile terms. So I close with two examples of the real world impact of crimes against unborn children.

Carol Lyons' 18-year-old daughter, Ashley, is pictured here; a beautiful young woman who, along with her unborn child, was murdered in Scott County, Kentucky, on January 7 of this year. And her mother, Carol Lyons, speaking of the law about which we debate tonight, said, ''Nobody can tell me that there were not two victims. I placed Landon,'' her grandson, ''in his mother's arms. I wrapped him in a baby blanket that I had sewn just before I kissed my daughter good-by for the last time and closed the casket.''

Carol Lyons, whose 18-year-old daughter, Ashley, and unborn grandson, Landon, were killed just weeks ago, said, ''Nobody can tell me that there were not two victims.''

And of the legislation that we will consider tomorrow, another voice. This legislation has even come to be known euphemistically as Laci and Conner's Law, and there is scarcely an American who does not know the story of Laci Peterson and her unborn baby, Conner, a woman who was abducted on Christmas day and vanished and was found brutally murdered, with her 8-month child a victim as well. Her mother said the following: ''Of those who would have us think of this type of an act as only having one victim,'' Sharon Rocha, mother of Laci Peterson, said, ''please understand how adoption of a single victim proposal would be a painful blow to those like me who are left to grieve after a two-victim crime, because Congress would be saying that Conner and other innocent victims like him are not really victims, indeed, that they never really existed at all. But our grandson did live,'' Sharon wrote. ''He had a name, he was loved, and his life was violently taken from him before he ever saw the sun.''

This parent, and no parent within the sound of my voice, can fail to be moved by the tragic loss of both of these families or, in my judgment, fail to understand the opportunity we have as Congressmen and -women, Republicans and Democrats, in the next 24 hours to pass the Unborn Victims of Violence Act, not to engage ourselves in yet another tiresome debate on the fault lines of a woman's right to choose, but rather to engage ourselves in the expansion of justice, to look at the grief of these families and know what plain, commonsense Americans all know: that there are two victims and Federal law, as 29 other State laws have done, should recognize and address that with clarity.

With that, I yield back to the gentleman from Missouri with gratitude for his leadership on this issue and for hosting this important debate tonight.

Mr. AKIN. Mr. Speaker, I thank the gentleman for his pointed and well-taken comments.

It is now my honor to be able to yield the floor to the gentleman from Florida (Mr. WELDON), a doctor, and my esteemed colleague and good friend.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me this time. Let me just commend my good friend and colleague, the gentleman from Indiana (Mr. PENCE), for the outstanding job I think he just did laying out many of the issues that have surrounded this debate. I agree with the gentleman, it is high time that we adopt the position that exists in 29 States; and I believe ultimately that most States will adopt this statute.

I also want to commend the gentleman from Indiana for his advocacy regarding the fence in Israel. I think that is a very, very important issue. The gentleman's resolution that he is trying to bring forward I think is very timely and very important. The fence in Israel is preventing hundreds of these suicide bombers from getting into Israel and killing people; and I think it is a tragedy, as the gentleman from Indiana does, that that case is before that court in Europe, and the Israelis are doing the right thing.

Getting back to the issue at hand here, I want to really commend my colleague, the gentleman from Missouri, for bringing this very important issue up. I am just going to speak as a doctor. We are going to hear from attorneys. We will hear, perhaps, from philosophers tonight on this issue. I practiced medicine before I came to this body. It was a joy; it was a pleasure practicing medicine. But there were some things that were unpleasant that I had to do. I will not mention them all; but one of them was, of course, the sad business of pronouncing people dead. We would frequently be called in to a hospital room by the staff, by the nurses and asked to assess the patient. The nurse was calling us to make a pronouncement of death. What do we do? Well, we check for a heartbeat; and, in cases where people are brain dead, we check for brain waves.

Well, science tells us that babies have brain waves and beating hearts very early in development. You can detect a beating heart at 17 days and brain waves at 40 days. Now, of course, with new modern technology, we have this new technology called 4-dimensional ultrasound where we can get a 3–D image on tape of a baby in the womb actually moving, and you can actually see them moving their face, opening their eyes, sucking their thumbs, moving around. They have the appearance of a human being, because they are a human being. And obviously, many of us understand that.

When we have one of the tragedies like we have seen and talked about tonight, Laci Peterson and this case in Kentucky is very, very heart-wrenching, and to say there is not a second victim to me defies logic. We desperately need this in Federal law. There have been cases that we have been unable to bring of double murders because we do not have a statute where punishments would have been meted out more significantly if we were able to bring the second murder case. So I think this is very timely legislation. It is very, very important.

I certainly not only commend my colleague, the gentleman from Missouri, for bringing this debate forward tonight, but I want to additionally commend the author of the legislation, the gentlewoman from Pennsylvania (Ms. HART), a great member who sits on the Committee on the Judiciary, and who has really been an outspoken advocate on this issue and, in particular, she is very knowledgeable about the law. So I am very, very pleased to support the legislation. I thank my good friend. I also want to thank the gentleman for standing up for the principles of our Constitution and seeing to it that the Constitution is properly interpreted in today's context of today's law.

Mr. AKIN. Mr. Speaker, I thank my colleague for his comments. It is an honor to work with him and serve with him. I appreciate his leadership on this and many other issues.

It is now my honor to yield to the gentleman from Arizona (Mr. FRANKS), who it is just an honor to serve with and someone who, though he has been here just merely a small number of months, considering how long some Congressmen have been here, one who has immediately been respected for his thoughtfulness and his articulate understanding of some of these questions. So I yield to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I think that sometimes when we begin to debate an issue that is before us, it is always important to ask ourselves why we are really here. And if there is any foundational purpose for this Congress, it is to protect the innocent in humanity. Sometimes we complicate that greatly. Perhaps one of our greatest abilities as human beings is to hide from something that we would rather not face, and I think that that is indeed the situation that we face today.

The Unborn Victims of Violence Act has been distorted in the minds of many people. It has been distorted in the speeches that have been made from this well to a great degree. I find that people on both sides of the aisle, on my side of the aisle, they try to say, well, this has nothing to do with abortion; and that is true. On the other side of the aisle they try to say, well, this is just a disguised pro-life bill. In a sense, both of those things are true, and I think it is time for us to face it directly.

The truth is, this bill is not about abortion. But the fact is, if it were not for abortion on demand, we would not even be debating this bill. We would not even be questioning whether or not this was important. Because most of the opposition to this bill comes from those who try very hard, and I understand their problem, I understand their difficulty; they try very hard to put this bill aside as a nonserious issue because it makes them face the reality of the humanness of this little unborn baby child. And that is a difficult thing to face, because, after all, when we consider America's history since Roe v. Wade, we have taken the lives of 10,000 times as many babies as people who died on 9/11.

So I understand the hesitation to face the reality here; but sometimes, there has to come a point in all of our lives where we just put aside those things that we know in our hearts are not true and embrace what is obviously a self-evident truth.

□ 1730

The fact is that there really are two victims in this situation. When a mother is assaulted and her child is killed, there are two victims, and I speak to some degree from personal experience.

I used to live in Albany, Kentucky, many years ago, and this is far before such a bill like this was even contemplated. There was a situation where a man had, with his bare hands, killed an unborn child of a mother on the streets of Monticello, Kentucky, and try as they might, the prosecutors had a great difficulty in being able to bring the right kind of charge against this person.

They brought a charge of manslaughter, but again, Roe v. Wade was mentioned as a defense. They said, well, there is no child here. Everyone in the court, everyone connected to the case knew there was a child, and I would suggest to my colleagues, Mr. Speaker, that the mother knew there was a child, and perhaps as tragic as it was that this child died in the streets alone, I do not think anyone felt the reality and the horror and the tragedy more than that mother. For us here in Congress to say to her that her child was not real, that her grief was not real, is just beyond description, in my opinion.

Mr. Speaker, it is time that we recognize the truth here. It is time we all asked the real question, and that is, is there really a baby here? Mr. Speaker, an honest look at the truth reflects the unavoidable reality that there is a child, and if there is a child, how can those of us in this body, whose primary, principal purpose for being here is to protect the innocent, how can we ignore that fact?

I just hope, Mr. Speaker, that people on both sides of the aisle will simply recognize the reality of the humanness of the child and the great mourning of a mother that loses that child to someone that would deliberately take that child's life or take that child's life incidentally to trying to assault her. It is time we stood up and did what was right, Mr. Speaker, and I hope that we will do that.

I just want to remind all of us that if we do not have the courage to protect the innocent, in the final analysis, no matter how erudite we are, we will never really find the true courage to protect that kind of liberty for anyone, and I pray that we respond in that manner.

Mr. AKIN. Mr. Speaker, I would like to thank my colleague for his appropriate comments and a challenge to all of us to recognize something that has been woven throughout America's past and her history over the years, a respect in the most basic sense, a respect for human life.

On this question about what does a mother feel when she is attacked and her child is killed, we have a letter from Laci Peterson's mother that I would share with my colleagues now, and it starts:

''I am writing to thank you for your ongoing efforts to pass 'Laci and Conner's Law,' the Unborn Victims of Violence Act,'' giving a bill number, ''and to encourage you to redouble those efforts.''

''On May 5, I and the other members of the family of Laci and Conner wrote to urge that this bill be passed as a tribute to Laci and Conner, and to allow true justice to be done in the future when such horrible crimes occur within the jurisdiction of Federal criminal law or military criminal law. I want you to know that I appreciate your efforts, all the more so because of some of the unfair attacks and criticisms to which you have been subjected in recent weeks by those who oppose the bill for misguided ideological reasons.

''I know that you have been working for years for this legislation, but I have only become aware of your efforts because of our recent tragic circumstances. I have been astonished and somewhat offended to see, in the news media, recent statements by some critics who say that those who have been working for years on this legislation are inappropriately 'exploiting' the public interest in the murder of Laci and Conner. I assure you that we do not see it that way. On the contrary, we believe that our case does provide a powerful illustration of why this type of law is absolutely necessary, and we urge you to continue to point to that connection. I intend to do the same, for as long as necessary to achieve the needed reform in the law.

''When a criminal attacks a woman who carries a child, he claims two victims. I lost a daughter, but I also lost a grandson. Fortunately, California law allows a double homicide charge in such a case, but if Laci and Conner had been killed in a Federal jurisdiction, or during commission of a Federal crime of violence, Conner's death would not be recognized or charged. Now that so many people are becoming aware of this defect in Federal law, I hope that the Congress will move swiftly to approve the Unborn Victims of Violence Act. I was heartened to read the White House statement of April 25, stating, 'The President does believe that when an unborn child is injured or killed during the commission of a crime of violence, the law should recognize what most people immediately recognize, and that is that such a crime has two victims.'

''Over the last several weeks I have heard the arguments of opponents of Laci and Conner's law, but they seem to me to miss the point. In the first place, they should stop trying to turn this into the abortion issue. California's unborn victim law has been on the books since 1970, and it does not affect the availability of legal abortion, nor have any of the similar laws in effect in more than half the States. The Unborn Victims of Violence Act explicitly says that it does not apply to abortion, or to any acts of the mother herself.

''Having said that, I have no difficulty understanding that any legislator or group opposed to abortion logically would also support this bill to protect the lives of unborn children like Conner from violent criminal actions, and I welcome their support.''

But she goes on to say, ''What I find difficult to understand is why groups and legislators who champion the prochoice cause are blind to the fact that these two-victim crimes are the ultimate violation of choice.

''I have looked very carefully at the 'substitute' legislation proposed by the opponents of Laci and Conner's law, which they call 'The Motherhood Protection Act,' proposed in the House of Representatives,'' and, ''This proposal would provide that if the victim of a Federal crime happens to be a pregnant woman, and the crime somehow disrupts her pregnancy, a harsher sentence would be assessed than otherwise. But the Lofgren proposal would enshrine in law the offensive concept that such crimes have only a single victim, the pregnant woman. This would be a step in the wrong direction.

''I hope that every legislator will clearly understand that adoption of such a single-victim amendment would be a painful blow to those, like me, who are left alive after a two-victim crime, because the Congress would be saying that Conner and other innocent unborn victims like him are not really victims—indeed, that they never really existed at all. But our grandson did live. He had a name, he was loved, and his life was violently taken from him before he ever saw the sun.

''The application of a single-victim law,'' such as this particular amendment, ''would be even more offensive in the many cases that involved mothers who themselves survive criminal attacks, but who lose their babies in those crimes. I don't understand how any legislator can vote to force prosecutors to tell such a grieving mother

that she didn't really lose a baby, when she knows in the depths of her soul that she did. A legislator who votes for the single-victim amendment, however well motivated, votes to add injury to injury.''

I would, Mr. Speaker, now like to yield to the gentleman from Pennsylvania (Mr. MURPHY), my colleague and respected Member of the House.

Mr. MURPHY. Mr. Speaker, I thank the gentleman for yielding, and, Mr. Speaker, I rise today in strong support of H.R. 1997, the Unborn Victims of Violence Act introduced by my fellow gentlewoman from Pennsylvania (Ms. HART).

When we reflect back, I must acknowledge there was a time in our history when sadly it was not considered a crime for a man to beat his wife, because she was not granted a protective legal status. That is, what we now see as both immoral and illegal at that time was not seen as illegal. Luckily, we now see how grievous and how cruel that error in legal definition was.

Similarly, we cannot escape our bleak history when African Americans were not given rights, when Irish immigrants were seen as subhuman, and therefore, acts of violence against them went unpunished. As we recognized the value of human dignity, then we are compelled to do so again today.

When we hear about an action of violence against a pregnant woman where the baby inside her is killed, in some States the act would be charged with murder, and in some States he would not.

Fortunately, when I was a State senator in Pennsylvania, my State enacted a law that imposed criminal penalties on individuals who intentionally murder unborn children in acts of violence, and 29 other States have seen fit to enact laws protecting unborn children from violence. When a criminal in those States attacks a pregnant woman and kills her unborn child, he has killed two people. No doubt, no question, no room for argument.

But the question before us today expands this issue to other States. When a man brutally beats a woman and in that process kills her unborn child, he has committed murder. What if that woman's baby was due the following day, had a nursery decorated and clothes folded neatly and arranged, a mobile swinging above the crib? In 21 States this is not murder; in 29 States it is.

It is time we consider the morality of the baby's rights to be protected. We must protect them until they protect themselves, in the womb and during their young years. It is their right, and it is our duty.

Think of this. If a man wants to end the pregnancy and the woman does not, and he beats her until the life within her, by whatever definition or stretch one might hold, if that life ends, do we tell the woman her desires mean nothing, her hopes mean nothing, her baby is a sacrifice at the altar of legalese, and she, as the mom, has no rights to her hopes and her dreams and her desires? Do we say to that mom her baby does not exist until someone defines it as so? Tell that to the mother. Tell that to the father. Tell them their baby was nothing.

I know that there are those that feel this will infringe on someone's rights, that this is a woman's issue. Well, I speak to my colleagues tonight as a father first and as a legislator second. This is not a woman's issue or a man's issue; this is a child's issue. These are lives we are talking about. I know that there are those who feel that this will infringe upon someone's rights, that this is a woman's issue, but a violent act must be punished, a violent act that is maybe even more heinous when committed against an individual so helpless that it needs the protections of its mother's body.

I think back on years when I used to work at McGee Hospital and Mercy Hospital in Pittsburgh, where I would see young babies born a month, 2 months, 3 months premature, perhaps born at 24 weeks, tiny little lives, and sometimes they survived and went on. Now I see some of them have gone on to graduate high school and college and have families of their own, and some did not make it, but I know very well the waves of grief that flowed over the families because they considered those children alive.

When a child is killed within the mother, by saying that is a child, by recognizing that as a murder, we are indeed protecting them. We are indeed saying something is right and something is moral, and we are attaching the right legal action upon that and protecting them.

Thomas Jefferson once said, ''I tremble for my country when I reflect that God is just and his justice cannot sleep forever.''

□ 1745

What we face now is a time of bringing to justice those who try and kill those children, and we bring protection to those children too. It is a time when we must do all these things and recognize how within this vast world we can sometimes play with all the definitions we want; but it is still a life, and it is still worthy of our attention.

Mr. AKIN. Mr. Speaker, I thank the gentleman from Pennsylvania. We appreciate his perspective and the challenge to each of us that we need to be about the business that is the fundamental business of our government, and that is to protect. To protect that fundamental right to life, which is so much the heartbeat and the central theme of our country from our very beginning, from our birth day.

I would make reference now just briefly to some polling data which may be of interest to some of my colleagues. Here is a poll that was taken, and I will read it specifically: ''If a violent physical attack on a pregnant woman leads to the death of her unborn child, do you think prosecutors should be able to charge the attacker with killing the fetus?'' The response to this was 79 percent of the American voters who were asked this question, 79 percent said, yes, that we should. The polling data indicates that there is a strong and simple understanding of the fact that such a violent attack as this is really an attack on two individuals.

We have, of course, voted this bill in the House in the past. In the 107th Congress, my first Congress, it was passed by 252 to only 172. It was passed in the previous Congress, the 106th Congress, by 254 to 172. So we have a record of having passed this before. I believe that it is time for us to get on with our business and move ahead with this bill and continue in our tradition of a deep-seated respect for life in America.

Now, when I started my comments not so long ago, I asked if we were to define America in one sentence, if we had to get the essence, the core, of what makes us who we are and we had to try to simplify that and put it into something that would be understood to someone from a foreign country that asked, what is the secret, why is America different, I believe the answer to that question is found in our birthday document, the Declaration of Independence, which is that great sentence, ''We hold these truths to be self-evident: That all men are created equal and endowed by their creator with certain unalienable rights; that among these is life, liberty, and the pursuit of happiness.''

That document goes on to say that it is the job of government to protect those basic rights. And so if we as Members of the Government of the United States fail to protect that basic right to life, that God-given unalienable right to life, if we fail to take this action, then we fail in our most fundamental purpose as a Nation. We, in fact, are almost turning our back on the organizing principle, our birthday document, and everything that Americans have held dear.

Now, this respect for life was not just reflected in one document years ago, but it has been part of our culture for years. Our founders bled and died and fought a great war for our independence to defend this basic principle. We have seen throughout our history challenges in the courts which have threatened the essence of personhood. There was, of course, the Supreme Court decision where the Supreme Court decided to stop looking at the Constitution and just started to get into the legislative business in Dred Scott, resulting in, or is at least partly responsible for, the great scourge of the Civil War, where we said that people really were not going to acknowledge this personhood.

We have seen this culture carried even forward to our own day. I think some of the most vivid imagery that perhaps many of us can recall came on September 11. It was not a matter of people saying words; it was the way that they lived their lives before everybody watching that showed this respect

that America has for life, when we saw the big, strong police and the firefighters taking people that were in wheelchairs that were hurt or helpless, risking their lives to try to protect the lives of fellow Americans. This was not something that was orchestrated. This was something that we just did. It was an outpouring of the very heart of America.

Subsequently, as we started to go after those people who did not have the respect for life that we have in our culture developed through the years, these terrorists who make it their job of killing people, of taking life, how did we proceed? Did we do the very safest and simplest thing for us, which would have been to unleash a whole lot of nuclear devices on countries that were targets? Of course we did not. We took extra pains to make sure that we tried to minimize collateral damage. We tried to be very, very careful that nobody's life was taken except for people who were immediately responsible or culpable for these acts of terrorism. That has been done at a great risk to many of our own airmen and our own soldiers and all who are involved and even now defending us overseas as we discuss these important questions.

Mr. Speaker, in conclusion, I would call my colleagues back to the things that America has always stood for; that our young men and women have sometimes come home underneath a flag defending this very basic concept, a concept that is bigger than America, a concept that is being taken by America to the entire world, the concept that there is a God, and that every single person in this world is an heir to these unalienable rights, particularly this right to life.

So I close with this appeal that we must recognize this right to life in this situation where a little child is beaten to death. They must be recognized by law, and I urge my colleagues to pass the Unborn Victims of Violence Act.

Mr. Speaker, I yield now to the gentlewoman from Pennsylvania (Ms. HART), my respected colleague and the coauthor of this legislation.

Ms. HART. Mr. Speaker, I thank the gentleman for his comments and for his support for the legislation. I want to also emphasize the support we have heard today not only from our colleagues, but the support we have heard today from the Lyons family from Kentucky, the support that we have heard from a number of different families who have experienced this tragic loss of their daughter and their grandchild.

It is a very sad situation that we are talking about with this legislation, but it is one that we obviously can try to help prevent through a criminal law, through recognition of the mother and the child both as victims, and one that I think we would be remiss in fact in our work if we do not pass this legislation.

Recent polling shows that upwards of 80 percent of registered voters, and that includes 69 percent of registered voters who identify themselves as prochoice, believe that prosecutors should be able to separately charge the attacker who attacks a pregnant woman and causes injury or death to her and/or her unborn child. Twenty-nine out of the 50 States already have legislation that recognizes that crime, the crime against the mother and the crime against the unborn child.

The language that we use, which has been somewhat controversial by those opponents of this bill, is where we describe a child in utero. This is actual language that this House has used before, and the House passed the bill unanimously. So that language was supported unanimously on a bipartisan basis in legislation that passed before I came to this Congress. I believe it was in the 106th Congress that they passed a bill called the Innocent Child Protection Act, which banned the Federal death penalty for a woman who is pregnant and they described the pregnancy as ''carrying a child in utero,'' and defined that child exactly to the word as we have defined that child in our legislation.

Therefore, Mr. Speaker, it is obvious that this is not new. This language is well set and accepted by this House of Representatives, and anyone who tries to make a claim to the contrary is simply ignoring the truth. They are ignoring the facts.

The most important part, though, Mr. Speaker, is that we recognize families. We recognize women who have made a choice to carry their child to term, a mother to carry her child to term. A woman who is attacked, who may be murdered or may just be seriously injured and survive the attack, will have to live the rest of her life with the knowledge that someone attacked her and took that choice away from her, killed her child. It is important for us to recognize and allow our law enforcement and prosecutors to recognize that child, recognize that family's loss, and allow a prosecution of that crime.

Finally, Mr. Speaker, I want to bring up a couple of points about domestic violence. We have seen statistics that show that unfortunately the cause of death among pregnant women in States that actually keep those statistics, Maryland, New York, Illinois, among the ones that we saw, showed us that upwards of a quarter of the pregnant women who die, die as a result of a homicide.

Mr. Speaker, the recognition of that fact is important for us as well. It is a serious case of domestic violence when a woman is beaten to death, clearly. It is a serious case of domestic violence when both the woman and her child are beaten to death, her unborn child is beaten to death. It should be recognized by this Congress. It should be recognized by this Nation.

I encourage my colleagues to support our two-victim bill, the Unborn Victims of Violence Act, named in honor and remembrance of Laci and Conner Peterson; and I thank the gentleman from Missouri (Mr. AKIN) for yielding to me.

PENTAGON OPENS CRIMINAL FRAUD INVESTIGATION INTO HALLIBURTON

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, earlier this week the Pentagon did something that the House Republican leadership should have done many months ago, and that is they opened a criminal fraud investigation into Halliburton. The Pentagon is expected to investigate the overcharging of at least $61 million for fuel shipped from Iraq to Kuwait. Halliburton has also been accused of charging the government for meals it never served at dining facilities in Iraq and Kuwait. The company agreed to reimburse the government $27.4 million for potential overcharges related to the meals and $6.2 million to cover other potential overcharges.

Now, Mr. Speaker, all I can say is it is about time. I have been coming to the floor with a group of my Democratic colleagues to highlight these possible overcharges by Halliburton and called on the House Republican leadership to hold open hearings on whether or not Halliburton is overcharging the American taxpayer with its reconstruction work in Iraq. Instead, the Senate and the House, both controlled by Republicans, continue to turn a blind eye to possible waste and mismanagement by Halliburton in Iraq. Congressional Republicans even refuse to question the Bush administration on the billions of dollars of taxpayer money now going to Halliburton, much less create any special committee to oversee these funds.

I ask you, Mr. Speaker, what are my Republican colleagues afraid of? Why do they refuse to hold Halliburton accountable for the billions it is now spending in Iraq? Could it be that congressional Republicans do not want to draw more attention to the fact that the company profiting from the reconstruction of Iraq, Halliburton, has close ties to Vice President CHENEY? Back in 2002, Vice President DICK CHENEY said these words, and I quote, ''Halliburton is a fine company, and I am pleased that I was associated with the company.''

Now, how can the Vice President say that Halliburton is a fine company? Let us look at some of the facts.

Fact number one: Halliburton has acknowledged that it accepted, and I quote, ''accepted up to $6 million in kickbacks in its contract work in Iraq.''

Fact number two: Halliburton is now being investigated by the Pentagon for overcharging the American government for its work in Iraq.

□ 1800

Fact No. 3, Halliburton faces criminal charges in a $180 million international bribery scandal during the time that CHENEY was the CEO of the company.

Fact No. 4, Halliburton has been repeatedly warned by the Pentagon that the food it was serving 110,000 U.S. troops in Iraq was dirty, and a Pentagon audit found blood all over the floor of the kitchens Halliburton supplies over in Iraq.

Fact No. 5, Halliburton is getting around an American law that forbids doing business with rogue nations. Thanks to a giant loophole, Halliburton is able to do business with Iran, of all nations, through a subsidiary in the Cayman Islands.

Mr. Speaker, how can the Vice President characterize Halliburton as a fine company? One has to wonder since Vice President CHENEY seems to condone such conduct if the company was any different when he was in charge. It probably makes sense for the Vice President to continue to praise Halliburton considering that the company continues to pay the Vice President hundreds of thousands of dollars each year. Vice President CHENEY tried to squash such a story when he appeared on Meet the Press last year. He stated, ''And since I left Halliburton to become George Bush's Vice President, I have severed all of my ties with the company, gotten rid of all my financial interest. I have no financial interest in Halliburton of any kind, and have not had now for over 3 years.'' That was the Vice President's quote on Meet the Press.

But despite the Vice President's claims, the Congressional Research Service issued a report several weeks later concluding that because Cheney receives a deferred salary and continues to hold stock interests, he still has a financial interest in Halliburton. In fact, if the company were to go under, the Vice President could lose the deferred salary, a salary he is expecting to continue to receive this year and next year. While losing around $200,000 a year might not put a dent in the Vice President's wallet, he clearly still has a stake in the success of Halliburton.

The Vice President also neglects to mention that he continues to hold more than 433,000 stock options. The Congressional Research Service reports that these stock ties ''represent a continuing financial interest in those employers which make them potential conflicts of interest.''

This was not the first time that Vice President CHENEY has misrepresented his role in Halliburton. Just last month the Vice President stated, in reference to government manipulation by Halliburton during his tenure, ''I would not know how to manipulate the process if I wanted to.'' But what the Vice President neglects to say is that Halliburton cashed in after Cheney took over Halliburton. Under Cheney's leadership, Halliburton doubled the value of its government contracts. According to a report by the Washington-based Center for Public Integrity, the company took in revenue of $2.3 billion on government contracts, which was up $1.2 billion from the 5-year period before the Vice President arrived.

It is possible that Halliburton is the right company to do this work, but then how does the Bush administration and the Republican Congress explain why there is so much secrecy surrounding the whole deal? Could it be that the Republican Congress and the Bush administration are concerned that the more light that is shed on Halliburton's use of taxpayer money, the more examples of waste and mismanagement are likely to be exposed?

Mr. Speaker, earlier this month since congressional Republicans refused to hold hearings on the billions of dollars handed over to Halliburton with no oversight, my Democratic colleagues in the other Chamber held a hearing in which a former Halliburton employee testified about the company's practices. Mr. Bunting purchased supplies for Halliburton in Kuwait last summer. According to Bunting, Halliburton spent too much on supplies for the reconstruction effort in part because it wanted to avoid seeking competitive bids from government suppliers. Bunting charges that Halliburton's supervisors wanted purchasers to buy from a preferred list of companies in Kuwait even when those companies charged high prices. Supervisors also told their workers to keep most purchase orders below $2,500 so that the company would not have to seek bids from multiple vendors. Now Bunting is a former employee of Halliburton's, and he is telling a group of Democratic Senators that the company is overcharging the American taxpayer.

Even with all of this information, the House Republicans continue to allow Halliburton to receive billions of dollars without any oversight from Congress. If Democrats were in the majority in the House, we would definitely be making sure that Halliburton was no longer ripping off the American taxpayer. In fact, if it had not been for the resourceful work and the dedication of two of my colleagues, Halliburton would still be robbing the taxpayers blind with outrageous gasoline prices.

Last year two of my Democratic colleagues on the Committee on Energy and Commerce, a committee on which I serve, the gentleman from Michigan (Mr. DINGELL) and the gentleman from California (Mr. WAXMAN) exposed the outrageous fact that Halliburton was inflating gasoline prices at a great cost to American taxpayers. In a letter to the OMB Director Mr. Bolten, the gentleman from Michigan (Mr. DINGELL) and the gentleman from California (Mr. WAXMAN) wrote that the independent experts that they consulted have been appalled to learn that the U.S. Government has paid Halliburton $1.62 to $1.70 to import gasoline into Iraq.

According to these experts, the price that Halliburton was charging the gasoline is outrageously high, potentially a huge rip-off, and highway robbery. During the relevant period, the average wholesale cost of gasoline in the Mideast was around 71 cents a gallon, meaning that Halliburton was charging over 90 cents per gallon just to transport the fuel into Iraq. Let me just repeat that again. The U.S. Government was paying Halliburton $1.62 to $1.70 to import gasoline into Iraq, but at that time the wholesale cost in the Middle East was around 71 cents a gallon. So Halliburton was charging 90 cents per gallon more just to transport the fuel from Kuwait. There is no way that could be justified. According to the experts, this exorbitant transportation charge is inflated many times over.

Compounding the cost to the taxpayers, this expensive gasoline is then sold to Iraqis at a price of just 4 to 15 cents per gallon. Although Iraq has the second largest oil reserves in the world, the U.S. taxpayers are in effect subsidizing over 90 percent of the cost of gasoline sold in Iraq. This is just incredible when we think about it.

Mr. Speaker, in light of this new information, the gentleman from California (Mr. WAXMAN) and the gentleman from Michigan (Mr. DINGELL) requested that OMB Director Bolten provide copies of all contracts, task orders, invoices and related documents issued to date regarding Halliburton's work in Iraq. The purpose was so Congress could conduct its own independent investigation of these issues on behalf of the U.S. taxpayer.

There is no question that this request from my Democratic colleagues was reasonable. After all, if Halliburton was grossly overcharging the American taxpayer for the transportation of oil, it was highly unlikely that the overcharges ended there. Over the past couple of months, we have learned of lots of other overcharges; and yet still my Republican colleagues are silent on the issue. We do not see the waste watchers, a group of Republicans who come down to the floor periodically to rail against waste in the Federal Government, a government that they currently control, and we do not see them coming down to the floor to rail about Halliburton's gouging of the Federal purse. We do not see any Republicans expressing the need for more congressional oversight of the current contracts going to Halliburton and others, even though these problems continue to be exposed in the media on a regular basis.

Mr. Speaker, it just appears to be another example of how the House Republicans have taken this House away from the people and handed it over to an elite few, corporate executives and other interests. I do not know how many more days are going to go by or how many more weeks are going to go by with continuing charges, often backed up in the media, about what

Halliburton is doing and how it is abusing its situation in Iraq before the Republicans in this body finally demand that there be some oversight and some hearings to look into these issues.

Mr. Speaker, again we have a huge deficit. We have a lot of spending needs. How can we possibly justify continuing to waste this money on behalf of Halliburton? It just does not make any sense.

Mr. Speaker, I see the gentleman from Ohio (Mr. BROWN) is here, and I yield to the gentleman.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman. The gentleman from New Jersey (Mr. PALLONE) has put this into a perspective to sort of understand the whole operation in Iraq and what it has meant to this company which had very close ties to private citizen Mr. CHENEY, and still has very close ties to Vice President CHENEY. That context would be this: We are spending about 1.5 billion taxpayer dollars in Iraq every week, about $1.5 billion every week in Iraq. Some of it is military, some of it is construction, a whole host of activities in Iraq.

Not nearly enough of that money goes, frankly, for body armor for our soldiers. As we have seen with the Halliburton scandals, not nearly enough of that money goes to feed or house the troops, or for protective armor on Humvees. We also know where a lot of the money is going. Approximately one-third of the billion and a half, close to $500 million per week, is going to private contractors. Not the Pentagon, not government employees, not soldiers, not what we traditionally think of as a military operation; $500 million roughly per week is going to private corporations. Many of those contracts for these private corporations are unbid contracts. A decision is simply made, possibly by Vice President CHENEY, who was CEO at Halliburton and still is on the Halliburton payroll. Some of that money is given in unbid contracts to Halliburton and other companies. Halliburton has $2 billion in unbid contracts.

I have had regular meetings with Guard and Reserve families in my district. I do not think that the public understands, nor did I before I met with some of these families, when someone is in Iraq as a Guard or Reserve member, it almost always creates financial hardship for their family stateside. In other words, if you are making $30,000 or $40,000 working here, you give up that salary and go to Iraq with the Guard or Reserve, your family has significant financial pain as a result of your going overseas.

One woman told me her husband was driving a truck as a National Guard member, getting paid about $1,500 a month, between Kuwait and Iraq. Next to him was another gentleman driving a truck that worked for Brown & Root, a subsidiary of Halliburton, who was paid about $7,000 a month. The guy working for the taxpayers for the armed services in our Army was obviously wearing a uniform and getting paid $1,500 a month, and was a target of obviously terrorist acts and Iraqi sharpshooters and suicide bombers. The civilian was less of a target because he did not have a military uniform on and was paid four or five times as much.

That is what this privatization of the military has done, coupled with the fact that not only is he paid that $7,000, Halliburton is able to charge cost plus. They are able to charge the government the $7,000 plus a certain profit markup. So the more that they pay their private civilians, this truck driver or their executives especially who are in Iraq, the more they can add on to the price, the cost to the taxpayers, as a result of these cost plus contracts.

So we have Halliburton as a private contractor bringing in billions of taxpayer dollars, and we have the Vice President of the United States who still is on the Halliburton payroll. When you think about that, we as a Nation, our taxpayers are funding unbid contracts to one of America's largest companies which has direct ties to the Vice President of the United States, it is a pretty incredible phenomenon, something the national media which generally does not like, and some of the national media are actually owned by defense contractors. GE owns NBC, for example, so it is no surprise they do not want to talk about that, and the list goes on.

The fact is that Halliburton, a company which has gotten literally a couple of billion dollars in private contracts, has close ties to Vice President CHENEY.

Let me mention a couple of comments, and then let me mention a couple of other facts.

Vice President CHENEY said before the election, ''What I will have to do, assuming we are successful in the election, is divest myself, that is sell my remaining shares that I have in the company.''

□ 1815

CNN reported in late 2003, a congressional report found that CHENEY still owns, quote, more than 433,000 Halliburton stock options, including 100,000 shares at $54.50 a share, 33,333 shares at $28 a share and 300,000 shares at $39.50 per share. This is a company that gets billions of dollars in unbid contracts, the decision being made, perhaps by the Vice President, perhaps by the President, certainly somebody at the White House, and he has stock options in this company. That is one example.

Mr. CHENEY early this year said, ''I severed my ties with Halliburton when I became a candidate for Vice President in August of 2000.'' He said that this year. Yet CNN reported along with 433,000 stock options, CHENEY still receives $150,000 a year from Halliburton. The Vice President of the United States is paid $3,000 a month from a company that gets billions of dollars in unbid contracts of taxpayer dollars. I am not saying that Vice President CHENEY is making all these decisions because he is on their payroll, but he is on their payroll. He receives, not $3,000 a month, $3,000 a week, $150,000 a year, $3,000 a week by Halliburton, yet these unbid contracts continue.

He also said this during the campaign: ''What happens financially by joining the ticket with Governor Bush obviously means I take a bath in one sense,'' meaning he was going to make less money. The New York Times said Halliburton has agreed to let Mr. CHENEY retire with a package worth an estimated $20 million according to people who reviewed the deal. This contract is still giving and giving and giving and giving.

One more example. Then private citizen CHENEY in August of 2000: ''I'll do whatever I have to do to avoid a conflict of interest. I'll eliminate the conflict, I can assure you. I've said repeatedly I will not tolerate or be a party to a conflict of interest while I'm Vice President. I'll do whatever I have to do to resolve that conflict.'' CNN just a few months ago said a congressional report found that more than 433,000 stock options he possesses is considered among the ties he retained or linkages to former employers that may represent a continuing conflict of interest. I do not know which is more astounding or which is more outrageous and which is, frankly, more immoral, the fact that he continues to get paid by this company while shoveling billions of taxpayers' dollars in unbid contracts to this company or the fact that Vice President CHENEY is not telling the truth about it.

This is an administration, as we are learning more and more, that falls short of telling the truth. Vice President CHENEY did not tell the truth about his willingness to cut ties with his company. He did not tell the truth about the unbid contracts. He is not telling the truth about the money he is still receiving from Halliburton.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BURGESS). The gentleman will suspend.

The Chair must caution that it is not in order to refer to the Vice President in terms that are accusatory or personally offensive.

Mr. BROWN of Ohio. Mr. Speaker, I do not understand what that means. I appreciate the Speaker's comments. So if the Vice President said something and did another, I may say that; but if he said something and did another, I cannot say that he lied about it?

The SPEAKER pro tempore. The Chair would instruct that the gentleman should refrain from saying the Vice President did not tell the truth.

Mr. BROWN of Ohio. I would ask the Chair for advice on how I speak. If the President said something and did something else, if I am not supposed to say he did not tell the truth, what phraseology does the Chair allow me to use in this, I thought, open forum, open body where people can speak freely?

The SPEAKER pro tempore. The gentleman understands that it is not the purpose of the Chair to construct his remarks for him. The Chair would merely caution the gentleman that terms that are accusatory or personally offensive should not be permitted in the body.

Mr. BROWN of Ohio. I think it is pretty offensive that the Vice President is still receiving $3,000 a month from a company which is getting billions of dollars in unbid contracts and he is telling us he has severed ties with that company. I guess I will not say the Vice President lied about it. I am not allowed to say that. I do not quite know how to describe it. But let me move to something else.

So we have an administration where the Vice President has done what I just said. We have an administration where the President has said the Medicare bill would cost $400 billion; and I do not want to say the President lied, but then the Medicare bill we find out 7 weeks later cost $530 billion. We find that the President told us one thing about Iraq, I do not want to say he lied, either, but then we find out something else entirely different about Iraq.

We hear, and I would mention this, on the front page of a generally pretty conservative newspaper in this city, that the President's people, the administration said just a couple of years ago, way after September 11, we would have 3.4 million more jobs created in 2003 than there were in 2000, yet it turns out we have had 1.7 million jobs fewer. I do not want to say the administration did not tell the truth about that, but their predictions were way, way off. Then the President said, the administration said, the budget deficit would be $14 billion. It has turned into being $521 billion.

Mr. Speaker, I think we are seeing here a habit of prevarication, a tendency to tell us one thing and see something else, whether it is the Medicare bill, whether it is Iraq, whether it is the President's connections with this company that is getting billions of taxpayers' dollars and giving to the Vice President $3,000 a week and millions of dollars in stock options. It just does not really quite add up.

Mr. PALLONE. I appreciate my colleague from Ohio's comments. Regardless of how he has to phrase it, I think the bottom line is that there is a major inconsistency between what the Vice President said and what the reality is in terms of the amount of money and his connections to Halliburton. I have to say, though, ''60 Minutes'' did a report, I guess this was at the end of January, and I know that many of us have mentioned this before about this Halliburton subsidiary that is doing business with Iran. To me, although everything that we have mentioned is pretty bad, when this came out on the ''60 Minutes'' program back at the end of January, I was really more outraged by this than even all the other things that Halliburton was involved with.

This was on January 25, as I said, on ''60 Minutes.'' Correspondent Leslie Stahl who was doing the report, the concern was on behalf of William Thompson, the New York City comptroller who oversees the $80 billion in pension funds for New York City workers or employees. What he was speaking about was the fact that New York City employees' pension funds are basically invested in several companies, including Halliburton, that through subsidiaries do business with the countries that President Bush has referred to as rogue nations, such as Iran and Syria, Libya and others. I just wanted to zero in on Halliburton. We could talk about the others, but tonight we are talking about Halliburton because of the potential conflict of interest with the Vice President.

What was said on ''60 Minutes,'' again, and this is a quote, in the case of Halliburton as an example, this is Mr. THOMPSON speaking, they have an offshore subsidiary in the Cayman Islands that does business with Iran. That subsidiary, Halliburton Products and Services, Ltd., is wholly owned by the U.S.-based Halliburton and is registered in a building in the capital of the Cayman Islands, a building owned by the local Caledonian Bank. Halliburton and other companies set up in this Caribbean island because of tax and secrecy laws that are corporate-friendly.

Apparently the law says that an American company cannot do business with one of these rogue nations such as Iran, but you can get around it in some way because the law does not apply to any foreign or offshore subsidiary so long as it is run by non-Americans. But I would venture to say that even that loophole is being violated by Halliburton in this case because in this ''60 Minutes'' interview, I guess they actually went to the subsidiary in the Cayman Islands and they were not allowed to enter the building with a camera so they went in with a hidden camera and were introduced to David Walker, the manager of the local bank where the subsidiary is registered.

''60 Minutes'' figured, well, they would find some kind of operation here, some kind of business, but to their surprise they were told by David Walker, the manager of the bank, that while Halliburton Products and Services was registered at this address in the Cayman Islands, it was in name only. There was no actual office there or anywhere else in the Cayman Islands and there were no employees on the site. They were told, the ''60 Minutes'' reporters, that if mail for the Halliburton subsidiary comes to this address that they reroute it to the Halliburton headquarters in Houston.

Mr. Walker went on to say, the bank manager, and I quote, ''If you understand what most of these companies do, they're not doing any business in Cayman per se. They're doing international business,'' says Walker. Would it make sense to have somebody in Cayman pushing paper around? I do not know. And it is mostly driven by whatever the issues are with the head office.

So what is basically happening here is the head office in Houston of Halliburton is calling the shots. Nobody is working at this local subsidiary. It does not even have an office. It has simply been set up so that Halliburton can do business with Iran. Think about it. Iran is on the list of rogue nations. You cannot do business with them. Of course, Iran exports terrorism around the world. So essentially Halliburton is benefiting from terrorism. Here we are. The President said that the reason we went into Iraq was because of the war against terrorism. The biggest company that has the contracts, no-bid contracts, in Iraq is Halliburton, which was formerly headed by Vice President CHENEY. They set up a subsidiary, probably contrary to the laws of the United States, that does business in Iran and Iran exports terrorism around the world, probably into Iraq as well, for all I know.

To me, it is unimaginable to think that the United States taxpayer is paying this company Halliburton which has had all these abuses but the biggest abuse of all in my opinion is that they are getting around the law and making money in Iran, which in turn is exporting terrorism that could potentially be used against the United States.

I see my colleague from Washington State is here. I am pleased to see that he is joining with us tonight and would yield to him.

Mr. MCDERMOTT. I appreciate this opportunity to come talk, because I think that we saw on Sunday that the campaign we are about to enter into is one in which, one of the themes of this administration is going to be integrity. Integrity is a very interesting thing for them to run on. As one of the earlier speakers said, it is a good thing the White House is not made out of glass, because they would be sitting in shattered glass all over the place by the time this campaign is over. The issue you started on, you stopped. You did not tell the whole story. ''60 Minutes'' said, okay, so there is nothing going on in the Cayman Islands. Where is this being run from? Then they get a letter from Halliburton that says, well, the Cayman Islands subsidiaries actually run out of Dubai. So they get on a plane, they fly to Dubai, and they learn that this office shares office space and phone and fax lines with a division of the U.S. parent company which raises all kinds of questions about how independent is that. You put that there with the statement that the Vice President made, ''I have a firm policy that I wouldn't do anything in Iraq even in arrangements that were supposedly legal. We've not done any business in Iraq since the sanctions were imposed and I have a standing policy that I wouldn't do that.''

That is a quote from 8/27/2000. This is while he is in the middle of the campaign. This is the man who wants to

run on his integrity. According to oil industry executives, this is from The Washington Post. That is a minor newspaper that has a little something to say about what is going on in this town. According to oil industry executives and confidential U.N. records, however, Halliburton held stakes in two firms that signed contracts to sell more than $73 million in oil production equipment and spare parts in Iraq while CHENEY was chairman and the chief executive of the Dallas-based company. Two former senior executives say that, as far as they know, there is no policy against doing business with Iraq.

You tell me that a company that is running a billion dollar operation has people who are executives and do not know that there are sanctions on Iraq? How bald can you be in what you are willing to say, whether it has any connection to what the facts are or not? Those Halliburton subsidiaries joined dozens of American and foreign-owned supply companies that helped Iraq increase its crude oil exports from 4 billion in 1997 to 18 billion in 2000.

□ 1830

The Vice President made a flat statement, I have a firm policy I would not do anything in Iraq. Meanwhile his company is helping Iraq quadruple its export of oil. This is the man whose integrity really runs deep, and he says I have nothing to hide or anything, but when it comes to meetings that they had in the White House on developing an energy policy, closed meetings, only invited the industry in, and they are developing the energy policy for the United States of America, a country that is addicted to oil, and when the Congress says we would like to see what those papers are that you did in there, he says, oh, no, that is executive privilege, I cannot show you what we are doing.

They took us to war, at least in part, on the basis of oil and the United States wanting to control oil. All we have to do is look at the machinations of Unical bringing a pipeline down through Afghanistan and then putting Hamid Karzai as the President who was, imagine that, an old Unical guy. He made $600,000 off Unical. And then we go over to Iraq and we see all the machinations there, and here is Halliburton in there, in the oil business, before the war started. And then we have the audacity to be told sitting in this room that there is an axis of evil out there, Iraq, Iran, and North Korea, and the very people sitting here have been doing business with Iraq and Iran.

Tell me about integrity. How are the American people going to believe any of that stuff? Still drawing pay from them, sitting in this room, occupying a seat of honor and importance, and doing business with the axis of evil. This is the man who says, I want to run on integrity.

And then just to complicate it further, the court case to try to get those reports away from him goes up to the Supreme Court. So he calls up his friend over at the court, Justice Scalia, and says, hey, how would you like to go duck hunting? Come on over and get over on Air Force II, and we will fly down to Louisiana. I have got a place down there, and I will put you up for the weekend, and we can shoot ducks.

Now, how can anybody have any belief in integrity when people stand up there and say there is not an appearance of impropriety with the Vice President, with a case before the Supreme Court, taking one of the Justices down on a private hunting trip for the weekend? What do my colleagues think they talked about, ducks? Maybe. Maybe they talked about the New Orleans Saints, or Mardi Gras is coming. I am sure business never come up. They spent 3 or 4 days down there, and they never talked about any of the problems that the country faces. Can one imagine that, that the Vice President of the United States and one of the Justices on the Supreme Court would sit and talk about fluff for 4 days and never discuss how this man can have the gall to say I want to run on integrity when he makes these kinds of flat statements?

The whole career, the whole business of the issue, if we could ever get an investigation in the House into what went on in giving us the information about weapons of mass destruction, we will find his fingers all over it from trips he made out to Langley to the CIA, and then everybody stands around and says we were misled. We were given all this bad information. Come on, give me a break. You are big boys, and you cannot have it both ways. You cannot talk out of both sides of your mouth.

Ultimately the people will figure it out. Abraham Lincoln said, ''You can fool some of the people all of the time and all of the people some of the time, but you cannot fool all of the people all of the time.'' The end is coming for this integrity of the oil destiny.

I yield back and thank the gentleman for giving me a chance to talk about the Vice President.

Mr. PALLONE. Mr. Speaker, I appreciate what the gentleman said. And sometimes I think that we forget that not only these abuses are going on, but the circumstances in which they are going on, and all this money is being wasted.

And there was an editorial in the New York Times, I guess, January 30, and I am not going to read it all, but just the end. The whole thing was about Halliburton and all their abuses, and they wanted to remind us, and I would like to remind us, just by quoting a couple of sentences, ''The United States is at war. The government is running deficits. Money is tight everywhere. But Halliburton won't even kick in its fair share. It continues to benefit from the Nation's largesse, while scouring the world for places to shelter as much of its American riches as possible.''

It is bad enough that they have a subsidiary that is doing business in Iran and that there are all these overcharges and abuses, but keep in mind that this is happening while we are at war, the government is running record deficits, and money is tight, and things that we really need to spend Federal dollars on cannot be provided for, and in the middle of this they are involved in all this abuse.

I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY), who has been down here many times to address this same issue.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for allowing me to share my thoughts on this.

I wanted to begin with something that may seem a little bit off point. I just returned from the White House meeting along with the Congressional Black Caucus that was kind enough to let me come along, in a meeting with Secretary of State Colin Powell and Condoleezza Rice and the President, and we were talking about the crisis in Haiti right now. And one of the reasons now given for our going to Iraq was to liberate Iraq, to bring democracy to Iraq. And we stand here right now at a moment when violence and thugs and M–16s are moving toward the palace of the democratically elected President of Haiti, Mr. Aristide, and there seems to be a reluctance for the United States now to get involved in saving a democracy.

Whatever one thinks of Mr. Aristide, some of us do not like some of the things the President does, or we are talking about the Vice President tonight, but we are going to wait until November, until there is another election. We are not even so sure about the last election. They talk about some irregularities in the Haitian election in 2000. We think there were some here, too, but we do not do anything. And I got to thinking that what if there was some oil in Haiti? Maybe there would be a little more interest on the part of the United States in really doing something.

Our hope is that the President understands, and I know he understands, but that in the light of there being an imminent bloodbath in Haiti, that the United States takes some action. It would be pretty ironic if we were trying to bring democracy to Iraq and yet we let democracy crumble in Haiti.

Let me get back to the point. I have been watching these ads on television that Halliburton has been putting on. They are pretty glossy ads, and they show soldiers, handsome young men and women, getting meals that Halliburton says that it is providing to our soldiers; and says that Halliburton has been doing all this great work, and I am sure that over the years they can proudly point to some of their accomplishments. But they are bragging about meals right now, and what we have found out now is that, yes, they provide meals, but they have also been

charging for three times as many meals as were actually served in a major Army facility in Kuwait, that American taxpayers are paying millions and millions of dollars to Halliburton for meals that simply never got served. Whoops, a little mistake. Or is it just a mistake?

Maybe the gentleman has referred to it already, and he can stop me if he has, but the gentleman from California (Mr. WAXMAN) has been doing a wonderful job in calling for investigations of these overspendings on behalf of the American taxpayers. We should not be paying 1 cent more than we need to be spending, particularly in a war that, in my view, we should not have been involved in in the first place. But there we are, and Halliburton is there, too.

So he, along with the distinguished gentleman from Michigan (Mr. DINGELL), sent a letter on February 12 to the Director of the Defense Contract Audit Agency asking them to look into some of the problems based on information that was provided to them by whistleblowers. It is not always so easy to be a whistleblower, to stand up and risk one's job and sometimes risk all kinds of retribution to tell what is really going on.

Halliburton deserves scrutiny. They were awarded in 2001 a global logistics contract worth about $3.7 billion, 90 percent of this total value for work in Iraq, and here is what these whistleblowers are saying that Halliburton is doing: that they are engaging in these improper practices, telling employees that price does not matter. This is from the letter: ''High-level Halliburton officials frequently told employees that the high prices charged by vendors were not a problem because the U.S. Government would reimburse Halliburton's costs and then pay Halliburton an additional fee. One whistleblower said that a Halliburton motto was 'Don't worry about price. It's cost-plus,'" which means they not only get their costs, but, on top of that, some profit. So do not worry about it.

''Wasteful spending: Ordinary vehicles were leased for $7,500 a month. Higher prices than necessary were paid for furniture and cellular phone service. Poor quality mobile homes were purchased and accepted even though much better units were available. Under Halliburton's cost-plus contract, all of these wasteful expenditures were passed on to the taxpayer. The company even sought to order embroidered towels at a cost of $7.50 each when ordinarily towels would have cost about one-third of the price.''

Those of us who are involved in decorating our homes, maybe once in a while we are going to splurge on an embroidered towel. I do not think that we need to do that when we are trying to be cost-effective in a war in Iraq and have a little money left over to help some people at home.

''Avoiding competition among vendors: Halliburton's objective was to keep as many purchase orders as possible below $2,500 in value . . .'' Because they are being frugal? No. The letter goes on to say: ''. . . so its buyers could avoid the requirement to solicit quotes from more than one vendor. Instead of having multiple vendors submit competitive quotes for needed materials and selecting the lowest quote, Halliburton frequently sought only one quote from a single vendor.''

''Inviting unjustifiably high quotes: It was routine for Halliburton buyers to copy a requisition, hand it to a single Kuwaiti vendor, and tell the vendor to submit any quote below $2,500 the next day. The focus was not on obtaining a reasonable price.''

And there is a lot more in this letter, but in the summary here, it says, ''Relying on an inadequate list of preferred vendors: Halliburton's supervisors provided buyers with a list of preferred Kuwaiti vendors. Many of the preferred firms were unreliable or charged 'outrageous' prices. Supervisors did not encourage buyers to identify alternative vendors and, in some cases, wanted to use a higher-priced vendor on the preferred list rather than a new, cheaper vendor.

''According to the whistleblowers, improved business practices would yield significant savings.''

And they talk about ''Mr. Bunting,'' one of the whistleblowers, ''estimated that competition could reduce costs by up to 15 percent. The former procurement supervisor explained that when he obtained three quotes instead of just one, he typically saved up to 30 percent.'' So we are paying top dollar, unnecessarily high prices.

And just what is this company and its relationship to the Vice President? Because that is what we are talking about here today. The integrity of this administration is in question.

□ 1845

And when Mr. CHENEY says in 2000, July of 2000, before the election, said, ''What I will have to do, assuming we are successful in the election, is divest myself, sell any remaining shares that I have in the company,'' the fact is a congressional report found that Mr. CHENEY still owns more than 433,000 Halliburton stock options, including 100,000 shares at $54.50 per share, 33,333 shares at $28.00, and 300,000 shares at $39.50. That is from CNN in September of 2003.

Then he says in January of this year, ''I severed my ties with Halliburton when I became a candidate for Vice President in August of 2000.'' I do not know what ''severed'' means. I clearly do not understand the meaning of the word ''severed,'' because, to me, this is a pretty good and lucrative tie. ''Along with 433,000 stock options,'' and this is a quote from CNN, ''CHENEY still receives about $150,000 a year'' from Halliburton.

I would like people I may have severed ties from to have that kind of deal. Severed to me means no, I do not get any money, but that is clearly not the definition of the word to Mr. CHENEY.

So I think, look, there are just so many questions here, and I do not know if this issue would even come up so much if we could count on this company spending taxpayer dollars in the way that they should be spent. But it is not one issue, it is not two issues, it is time after time after time. Every time the light is shined on what Halliburton has done, we find taxpayer dollars that are being wasted there. We cannot afford to do that. The Vice President of the United States should take some responsibility for that. It is a company he was CEO of. This is a company he continues to gain benefits from, and I think it really does raise a matter of where does the buck stop, where is the responsibility and the accountability, and, fundamentally, it raises questions of integrity, of ethics.

So I appreciate the gentleman letting me raise the issues.

Mr. PALLONE. Mr. Speaker, I appreciate the gentlewoman coming down tonight to talk about this. I know she has done it before. Particularly when she raises the issues of the ads Halliburton is running, I have seen some of them, but I forgot about the fact in the middle of all this, they are spending money to basically tell people how wonderful they are while an investigation is going on. The bottom line is the Pentagon now is actually finally conducting an investigation. What you and I have said is we should have hearings here in the Congress.

I go back again to that New York Times editorial that I mentioned before that says keep in mind that while Halliburton commits all these abuses, the United States is at war. I cannot imagine that if this was World War II or another major conflict, but I will use World War II as an example, it is what we call war profiteering, and anyone who was associated with that, we have seen the old movies where there is an old World War II movie where they picture the war profiteers. They are the enemies of the State. They are like no different in the public's mind than Nazi Germany or the countries that were fighting the United States, because they were making a profit at the expense of the taxpayers during a time of war.

So, given the fact that all this has been exposed, and we do not have to go through the facts again, but everyone in the kickbacks on the contract work, which Halliburton actually admitted, the overcharging for the meals, the fact that you have the subsidiary and the questionable aspect that was brought up in 60 Minutes, why in the world are the Republicans not having hearings, bringing out how the United States might be wasting billions of dollars in a time of war?

I do not even have to add the deficit and the spending that we might want to see on other things more important for the average citizen. Just the fact this is happening at a time of war and

this company may be making a profit on the war, it is just incredible to me.

All we are asking is that our Republican colleagues in control of the House have some sort of hearings and bring this up. That is all that you mentioned in the letter from our colleagues on our committee, the gentleman from Michigan (Mr. DINGELL) and the gentleman from California (Mr. WAXMAN), want. That is all they are asking be done, and still the Republicans refuse to do it.

We are just going to come down here and continue to come down here until some effort is made by the majority party to have hearings and to have some accountability. We just cannot keep bleeding with all this money that is going into this company. It just does not make any sense.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BISHOP of Utah). The Chair would remind Members that it is not in order in debate to directly accuse the President or the Vice President of lacking integrity or of ''speaking out of both sides of their mouth.''

GREAT WORK BEING DONE BY 10TH MOUNTAIN DIVISION, FORT DRUM, NEW YORK

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

Mr. BURGESS. Mr. Speaker, we have certainly heard a lot of information here this evening. Of course, both sides in this House have not only the right, they have the obligation to speak out when they believe that things are not right. It is an election season, and we are hearing a lot of political discourse and rhetoric. We hear a lot of it from the Presidential campaign trail. While it is their right and while it is their obligation, we all know, we should know, that words have consequences, and the words spoken here in this House do resonate across the country.

I would never question anyone's motives or patriotism, but, at the same time, Mr. Speaker, I just cannot help but point out, last week I traveled to the countries of Iraq and Afghanistan, it was my second trip to Iraq, my first trip ever to the country of Afghanistan, and had a chance to see what was happening there on the ground.

Mr. Speaker, we hear about Afghanistan and Iraq and the capture of Saddam Hussein in December. In an effort, I guess, to minimize the importance of that, and let me say that was important and we are safer because that man is in custody, but in an effort to minimize the importance of that significant event, we heard rhetoric that, well, it does not really matter, because we should not have been in Iraq in the first place, we had not finished the job in Afghanistan.

Mr. Speaker, I want to take a minute tonight and talk about what I saw going on in the country of Afghanistan, and I wanted to talk about the great work that is being done by the 10th Mountain Division out of Fort Drum, New York.

Mr. Speaker, General Austin in Afghanistan with the 10th Mountain Division spoke to us, and as part of his briefing he shared with us a picture, and the picture was so dramatic that I wanted to share it with this House, and, in fact, I wanted to share it with the country.

Mr. Speaker, this is a picture of what our guys in Afghanistan are doing to end the war on terror in that country, to reclaim that country for its people, and, in the end, to make us safer here at home.

Here you see some of our young soldiers. Here is a man, and I do not remember whether he was Taliban or al Qaeda, but he lived in a house on a steep mountainside. He thought he was relatively immune from prosecution in that perch because he could see anyone coming up the hillside to apprehend him. So he was sitting by his campfire one morning taking his morning meal, and this very large helicopter, half of it landed on his roof, and he was apprehended by our forces. You see him being loaded in the back of the helicopter to come and face whatever charges were brought against him.

Mr. Speaker, this is a dramatic, dramatic photo showing what lengths our fighting men and women will go to in order to end the conflict in Afghanistan, and I believe they are well on the way to ending that. In fact, Mr. Speaker, I would go so far as to say as soon as the snow melts out of the passes in those mountains on the border area between Afghanistan and Pakistan, we are very likely to see the very beginning of the end for those groups who mean to harm our troops and innocent Afghani citizens and those individuals who want to prevent the return of civil society to Afghanistan.

So, Mr. Speaker, I know it is a little bit off the point of what we have just been hearing, but, in fact, there are some good things going on in the world. Our troops are doing a masterful job on the ground, both in Iraq and Afghanistan. I am proud of them. I am proud of our country.

Just for the record, Mr. Speaker, I was over there, but I did not consume any meals, so we will not have to reimburse the people for those.

But, once again, I wanted to point out just the dramatic aspect of that photo. Think of the risk that pilot is taking in order to apprehend that individual and bring him to justice, the loadmaster in the back of that craft that essentially landed the helicopter on that man's roof. You can imagine the surprise of that individual as he was brought into United States custody.

IMPORTANCE OF SERVICE ECONOMY IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. DREIER) is recognized for 60 minutes.

Mr. DREIER. Mr. Speaker, I do not normally use this forum of Special Orders to address our colleagues, but tonight I want to spend some time talking about a very important issue. I want to talk about hamburger-flipping jobs. Actually, I want to talk about the claim made by some politicians and pundits that the American economy is turning into an economy of hamburger-flipping jobs.

Now, we all know that hamburger-flipping jobs is a buzzword. It is a phrase intended to sum up a lot of complex changes that are going on in the American economy. Obviously those changes are impacting jobs. They are impacting businesses, they are impacting families, and they are impacting communities. Talking about hamburger-flipping jobs is a way to say that our economy is in decline. It says we are losing, quote/unquote, good jobs, and in their place we are creating bad jobs, second-rate jobs, no-future jobs.

Sometimes the same people talk about dishwashing jobs, or janitor jobs, or retail jobs, especially at Wal-Mart or Target or K-Mart. People use buzzwords because they reduce complicated ideas to a simple digestible package, and in this case we are talking about a whole host of very complex economic trends.

It is no surprise that people turn to buzzwords. We no longer have to worry about viewers nodding off to sleep during long-winded speeches. They have 200 cable channels from which to choose, and obviously the unlimited Internet, so they can clearly move on for seconds.

But, Mr. Speaker, I hope that our colleagues will bear with me as I go through this, because I think it is absolutely critical to dispel the utterly ridiculous, factually inaccurate, completely fictitious assertion that the American economy is heading downhill and that we are replacing good jobs with hamburger-flipping jobs.

Exposing the charade of the hamburger-flipping jobs argument is absolutely critical, because these buzzwords are at the heart of a concerted attack on the fundamental basis, Mr. Speaker, of our economic strength, an attack on the fundamental basis of America's economic strength.

There are serious people who want to turn back the clock on our economy, threatening very real gains that have been made by millions and millions of American families.

Now, it is buzzword time again, Mr. Speaker. Talking about hamburger-flipping jobs is a way to demean our, quote/unquote, service economy. What do we mean by service economy? We do have an economy that is increasingly

based on services, that is true. That means jobs that serve people, serving people well, customers, clients, taxpayers, patients and students. This new service economy is, I believe, a good thing. But as I have said, this is a very complicated subject. It is big.

When we talk about the U.S. economy today, we are talking about an $11 trillion economy, and that is just in 1 year, Mr. Speaker. The forces, changes, trends and technologies that are in play here are global, so the impact is even greater than our Nation's $11 trillion economy, and the changes run deep. We need to look at changes that have impacted our country and our economy over the last century, and particularly over the last two decades, the last 20 years. These changes over the last two decades are key to this story.

The hamburger-flipping jobs argument is basically a way of saying that the changes in our economy mean things are getting worse or will get worse for most Americans. But in fact, Mr. Speaker, things are getting much better, and they promise to get even better for America in the future.

□ 1900

This is an economy that is increasingly based on skilled workers. We do have a more global economy with complex business, trade, transportation, communications, and cultural links. We have new technologies making their way into so many aspects of our lives, and mostly in ways that are very, very good. By and large, these forces are working together in ways that are making the American economy work better in 2004 than it did 2 decades ago back in 1984.

Now, I am using the term ''economy'' in the broadest sense, because each of these factors, services, skilled workers, globalization, trade, transportation, communications, and technology, is dramatically changing the way Americans do the things that make up our lives: work, shop, go to school, go to the doctor, be entertained, and have fun. In short, the people who claim that we are creating a hamburger-flipping jobs economy are asking us to turn back the clock on the past 20 years of change.

Now, every change has not been good, obviously, and even the good changes that we have undergone on an overall basis have not been good for everyone. But I think we are clearly on the path to a better future, and dramatic course changes at this point could be very, very bad; would, in fact, I believe, be very bad for Americans.

Now, Mr. Speaker, we have been talking about 20 years of change. I have not been talking about it just by accident. In fact, one of the reasons why I am here is that I believe we are now 20 years into a profound and dramatic period of economic change in America. One of the most striking things about the hamburger-flipping jobs buzzword is all the concepts it embodies. Those concepts have been around for a long time. It is basically a political and economic urban myth listening to that term: hamburger-flipping jobs.

When I listen to different politicians talk about hamburger-flipping jobs and what they see as a declining economy, I swear that I have had a flashback to 1984. The spirit of the rhetoric, the basis of the ideas, the sense of foreboding, and being on the wrong economic track reminds me of Walter Mondale's run for President in 1984. Now, I have recently gotten my hands on his nomination speech before the Democratic Convention in that year.

It is a remarkable read, Mr. Speaker, and not because it stirs the soul. It is remarkable to see in such explicit detail the platform on which Mr. Mondale ran for President back in 1984. He said that taxes were too low, the deficit was going to destroy our economy, we needed to adopt a nuclear freeze and negotiate annually with the Soviet Union. These were the big issues of his campaign back in 1984; and as we all know, he was, thank God, trounced by Ronald Reagan. Walter Mondale did not actually use the term ''hamburger-flipping jobs,'' but he said a few things that show that in 1984, the Democratic Party standard was firmly entrenched, deeply tied to that intellectual camp believing that hamburger-flipping jobs as a pejorative were the wave of the future.

Speaking of the Reagan administration, the candidate Walter Mondale said, ''They crimped our future. They let us be routed in international competition, and now the help wanted ads are full of listings for executives and for dish washers, but not much in between.'' He did not quite say hamburger-flipping jobs, Mr. Speaker, but there it is, the claim that most of the jobs that were being created were for dish washers.

He went on to say, ''When the American economy leads the world, jobs are here, the prosperity is here for our children. But that is not what is happening today. This is the worst trade year in American history. Three million of our best jobs have gone overseas.''

Again, that is Walter Mondale talking in 1984 about where we stood. He said, ''It has been devastating, the worst trade year in American history. Three million of our best jobs have gone overseas.''

And as if Walter Mondale had a vision of 2004 and the fact that leading American companies are investing in facilities in places like China, India, Europe, and Mexico, creating new jobs in those new countries, Mondale said, ''To big companies that send our jobs overseas, my message is, we need those jobs here at home, and our country won't help your business unless your business helps our country.'' That was Walter Mondale in 1984. Now, this certainly sounds a lot like the political rhetoric regarding Benedict Arnold CEOs that we hear today.

We also did some research, Mr. Speaker, to find the earliest reference that we could come up with to the term hamburger-flipping jobs, and lo and behold it was in 1984. We found an article in the New York Times that was basically about this very same issue: the concern that good American manufacturing jobs were disappearing, often moving overseas and being replaced by low-paying service jobs, the dreaded hamburger-flipping jobs. At this point, Mr. Speaker, I would include in the RECORD an article in the New York Times which I am going to talk about.

[From the New York Times, Sept. 4, 1984]

''HIGH TECH,'' NARRATED BY WALTER CRONKITE

(By Steven Greenhouse)

It is late afternoon at the Fanuc Limited factory at the foot of Mount Fuji in Japan, and not a worker is in sight—not a human one at least. The huge metallic arm of a robot swivels around and places a small mechanical part into the machine it is building. In this way, Fanuc's robot-filled, computer-controlled factory can run eight-hour shifts without anyone working inside.

That's the haunting opening scene from the probing hour-long CBS documentary, ''High Tech: Dream or Nightmare?'' which is to be aired tonight at 8. In narrating this timely documentary, Walter Cronkite makes clear that these 21st-century manufacturing techniques are a boon to productivity. With robots replacing people, there's little need to worry about absenteeism, alcoholism, strikes, shoddy workmanship or overtime pay.

However, Mr. Cronkite questions just how good this brave new manufacturing world is for the nation's workers. By forcing dozens of aging factories to be closed and thousands of workers to be thrown out of their jobs, robots and other high-tech production techniques have created what Mr. Cronkite called ''the blue-collar blues.'' Indeed, one expert interviewed predicts that technological change alone will cause a shortfall of six million jobs for American workers by 1990.

The show addresses several of the key issues facing the United States as it embarks upon another industrial revolution: What is going to happen to the hundreds of thousands of workers whose jobs are taken away by machines? By destroying many high-paying factory jobs, are high-tech production techniques going to turn the United States into a nation of $50,000-a-year systems managers and $3.50-an-hour janitors and hamburger flippers? In other words, is high tech going to polarize the United States and cause its great middle class to disappear?

Mr. Cronkite also examines an important corollary economic question: How healthy is the nation's shift from a manufacturing economy to a service one? He asks whether this shift is going on faster than it naturally would—or should—as a result of imports from countries that heavily subsidize their industries or pay one-tenth the wages of what American companies pay. The cameras also look at the unevenness of the nation's recovery. Thriving Silicon Valley is contrasted with ailing Rust Bowl cities like Cleveland and Youngstown, Ohio, which one expert described as ''Manufacturing Appalachias.''

Mr. Cronkite interviews Lee A. Iacocca, Chrysler's dynamic chairman, who says the nation should be doing more to preserve its ailing manufacturing base. ''You can't just have video arcades and drive-in banks and hamburger joints,'' Mr. Iacocca says.

None of the workers or economists interviewed takes a Luddite view suggesting that high tech be scrapped because it throws workers out of jobs. But they caution that unions may vigorously oppose the introduction of robots—Mr. Cronkite calls them ''steel-collar workers''—if blue-collar workers are merely victims of high-tech, if they do not share in the benefits resulting from high-tech's more efficient production techniques.

''I think the real issue is the social cost of the change—who pays for it, how it's paid,'' said Harley Shaiken, a technology expert at Massachusetts Institute of Technology.

Mr. Iacocca suggests that government, labor and management should undertake a massive retraining program to salvage the lives of 45-year-old workers laid off at Youngstown's steel mills and Detroit's assembly plants. Mr. Shaiken proposes government assistance to help the jobless move to areas where jobs are abundant. And Thomas R. Donahue, the secretary-treasurer of the A.F.L.–C.I.O., suggests a shorter work week to help spread the jobs that remain.

The documentary is more cerebral, more theoretical than most. It is long on interviews—most of them excellent—with experts such as economists, corporate executives and robotics pioneers. At the same time, the show is short on interviews with workers whose lives have been turned topsy-turvy by technology. One or two detailed interviews with these victims of technology would have made the show more compelling.

The documentary is at its most interesting when is shows how the antiseptic new high-tech factories operate. An enjoyable and informative takeoff on Chaplin's ''Modern Times'' was a speeded-up sequence showing the construction of a jumbo jet in Boeing's highly automated factory.

The camera work in that sequence and many others is superb. By zooming in on computer screens, for example, the photographer helps make some of these difficult new technologies comprehensible. In addition, the camera conveys the eerie, often alienating qualities of these technologies.

At the program's conclusion, Mr. Cronkite asks what is going to happen to the workers of the 1990's—that is to say, to children now in school. He wonders whether high tech will provide enough jobs to match what will presumably be their impressive skills and education. That, however, may be the stuff of another documentary.

Mr. Speaker, the article that I talk about is a news analysis of the probing hour-long PBS documentary that was entitled ''High-Tech: Dream or Nightmare?'' Again, this is back in 1984. It was an article about a television documentary by then the Nation's leading TV personality, Walter Cronkite. Remember, this was 20 years ago, 1984, the very early days of cable, before satellite television. The networks were really king and spoke to a majority of the American people.

The New York Times describes the haunting opening scene of the documentary: a robot-filled, computer-controlled Japanese factory. No human workers in sight. The article reads, ''Walter Cronkite makes clear that these 21st century manufacturing techniques are a boon to productivity.

''However, Mr. Cronkite questions just how good this brave new manufacturing world is for our Nation's workers. By forcing dozens of aging factories to be closed and thousands of workers to be thrown out of their jobs, robots and other high-tech production techniques have created what Mr. Cronkite called 'the blue-collar blues.' Indeed, one expert interviewed predicts that technological change alone will cause a shortfall of 6 million jobs for American workers by 1990.''

Again, this was a New York Times piece in 1984 giving an account of the Walter Cronkite documentary.

It goes on to ask, ''What is going to happen to the hundreds of thousands of workers whose jobs are taken away by machines? By destroying many high-paying factory jobs, are high-tech production techniques going to turn the United States into a Nation of $50,000-a-year systems managers and $3.50 an hour janitors'' and, yes, Mr. Speaker, ''hamburger-flippers?'' As I have said, hamburger-flippers is the buzzword for the very, very negative service economy, and we see it used that way back there in 1984.

I quote again, Mr. Speaker: ''Mr. Cronkite also examines an important corollary economic question: How healthy is the Nation's shift from a manufacturing economy to a service one?'' Again, that is 1984, the New York Times reporting on the Walter Cronkite documentary.

Now, Mr. Speaker, Lee Iacocca, referred to in this article as Chrysler's dynamic chairman, was always better at turning a phrase than most. He argued in the piece that the country needed to protect its manufacturing base saying, ''You can't just have video arcades and drive-in banks and hamburger joints.''

That kind of argument, Mr. Speaker, has a timeless feel to it. We heard a lot of it in 2003, and we will continue to hear a lot of it in 2004. It is just so amazing that we go back and hear the exact same thing having been said 20 years ago.

I believe that stepping back and looking at this issue over a longer time frame like this 20 years is actually very important for us to understand just how mistaken and how really dangerous the hamburger-flipping analysis that was offered in 1984 and is being offered in 2004 is, and that Cronkite documentary and the New York Times were right when they said massive changes were under way in America. The U.S. was entering a period of profound economic and technological change. To say it was the dawn of a new industrial revolution probably is not the best choice of words, because the fundamental change in the economy was the shift from the heavy industry-based economy of the middle 20th century to the more technologically and skill-based new economy of these past 20 years, from 1984 to 2004.

It is not easy to describe the new economy, Mr. Speaker; but some aspects are very clear. It used more communication technologies to connect people from all corners of the world. Information technology, digital technology, and the Internet exploded during that 20-year period. It was faster. Business adopted just-in-time production schedules that relied on very precise planning and transportation models, and there was a lot of change. That was true for business, and it was true for people as well.

I want to focus on this last concept first, namely, change. The new economy, some call it the service economy, but I think a better name for it is the 21st century economy. It meant a lot of change, and change that has happened very quickly. To give an example, the pace of economic change in the past 20 years compared to the preceding era of economic stability, which I would say ended up in a period of stagnation; I looked at the list of companies in the Dow Jones industrial average. The Dow Jones has compiled an average of the stock prices of a select handful of the Nation's leading businesses since 1884, and it is intended to reflect the market generally, the Dow 30. Now, from 1963 to 1983, the Dow Jones average included 30 companies. Over those 20 years, 26 of the 30 companies were the exact same. Only four dropped off and were replaced by new companies. Now, that is obviously stability that we saw from 1963 to 1983; and for the most part, during that period of time it was good, it was comfortable, and it was stable.

The 26 companies, Mr. Speaker, that stayed the same through the entire 20-year period are Allied Chemical, Aluminum Company of America, American Can, AT&T, American Tobacco, Bethlehem Steel, DuPont, Eastman Kodak, Exxon, General Electric, General Foods, General Motors, Goodyear, Inco, International Harvester, International Paper Company, Proctor and Gamble, Owens-Illinois Glass, Sears Roebuck, Standard Oil of California, Texaco, Union Carbide, United Technologies, U.S. Steel, Westinghouse, and Woolworth. Those were 26 of the 30 companies that remained constant during that 2-decade period from 1963 to 1983. Of course, by the mid 1970s, the economy was not performing well, to say the least. I will discuss that more later. But as I said, the line between comfortable stability and very uncomfortable stagnation can be quite thin.

Looking at the Dow Jones Industrial Average over the period of transition into this 21st century economy, that is, the past 20 years, shows a very, very different picture. From 1984 to 2004, there was a remarkable turnover of 16 new corporate faces among the 30 included in the Dow Jones Industrial Average, those 30 businesses. Today, the Dow Jones Industrial Average's 30 includes the following companies: 3M, Alcoa, Altria Group, American Express, AT&T, Boeing, Caterpillar, Citigroup, CocaCola, DuPont, Eastman Kodak, Exxon, Mobile, General Electric, General Motors, Hewlett-Packard, Home Depot, Honeywell, Intel, IBM, International Paper, Johnson & Johnson, J.P. Morgan Chase, McDonald's, Merck, Microsoft, Proctor and Gamble, SBC Communications, United Technologies, Wal-Mart, and Disney.

□ 1915

The new companies read like a Who's Who of the economy of today, including Boeing, Citigroup, Hewlett-Packard, Home Depot, Intel, Johnson and Johnson, JP Morgan, Microsoft, SBC, Wal-Mart and Disney.

This list may be the most succinct way to respond to the hamburger flipping jobs argument, Mr. Speaker. The new economy, the service economy, the 21st century economy, the changes in the American economy over the past 20 years have seen the rise of these new corporate giants and the industries and technologies they represent. They represent the revolution in computer software and hardware, the revolution in telecommunications, the revolution in global finance, the global entertainment business, the revolution in retail, distribution and supply management. They are now key faces in the American economy.

Those companies that survived, those that were there throughout the last 20 years, like AT&T, General Electric, General Motors, Eastman Kodak, Exxon, IBM and Proctor & Gamble, all adopted those same technologies and techniques to make themselves 21st century economy leaders. In other words, change swept through those companies even when the names stay the same.

Change is scary, I will acknowledge that, Mr. Speaker. It is scary for businesses, and businesses are not actually alive. Businesses are really just organizations of people, and we all know that change is scary for people. Change often leads to uncertainty and confusion, at least temporarily, and even when it is not affecting some directly, it does create anxiety. No doubt about it, the 21st century economy has brought change and anxiety.

Tracking the early history of the hamburger flipping job political urban myth, I came across another absolutely striking article from the New York Times. This article was just 2 years after the previous one that I mentioned. This one was written in 1986. In terms of our 20-year time frame, this was still basically the start of this process of moving towards the 21st century economy.

The article is entitled The Average Guy Takes It on the Chin. It is by Steven Greenhouse. He authored the article that I quoted from earlier about Walter Cronkite's documentary, and it is a rhetorical precursor to the message of the two Americas that we are hearing about today in this Presidential campaign.

This article from 1986 begins: ''For millions of breadwinners, the American dream is becoming the impossible dream. Even the most basic tenet of the dream, that a young family will be more prosperous in its middle age, has grown more elusive. The statistics tell the harsh story of Americans struggling just to stay in place economically.''

Obviously this was not a good news piece written back in 1986. It tells the story, which was very real in that year, of the economic stagnation that struck this country in the 1970s, which culminated with the wrenching economic downturn that we saw in the early 1980s. Well, the economy began to grow in 1983. It was entering the period of profound change that I have talked about, and the eventual outcomes were not clear obviously at that point.

Frank S. Levy, a professor of public policy at the University of Maryland, is quoted as saying, ''From the end of World War II to 1973, everybody was getting better off, but from 1973 through now,'' that was 1986, ''that has stopped,'' he said.

The article goes on to say, ''Economists generally agree that the only way workers can manage to make substantial strides in real earnings during the years ahead is through steady and strong productivity growth, which very few economists are predicting now.''

And it says, ''Many economists point out that other countries such as Japan and West Germany have achieved higher growth in productivity. Some even suggest that the United States may be starting to undergo the same wrenching economic decline that the British have experienced in recent decades.''

Now, remember again, this was written in 1986, Mr. Speaker.

I mention that quote because at the beginning of this past 20 years, there was a very real concern, fear some would say, that foreign countries like Japan and West Germany were more productive and were more successful. They would dominate the 21st century economy. In fact, many here in this Congress at that time, I remember very vividly standing here listening to those who would argue that we had to model the U.S. economy after the economies of Japan and Germany, their industrial planning models.

Now, Mr. Speaker, of course, jobs are key, and the prospect that they will be scarce does breed anxiety. Again, this 1986 New York Times article goes on to say, ''As young workers enter the job market, many can find only low-paid jobs in the service sector.'' It goes on to quote Sandra Shaber of Chase Econometrics who said, ''For every 25-year-old I read about making $300,000 on Wall Street, there are hundreds of 25-year-olds working as fast-food people or hospital orderlies earning $3.50 an hour.''

Now, there it is, Mr. Speaker, the vision of the service economy, meaning one well-paid Wall Street success story and hundreds of 25-year-olds working in fast-food chains and cleaning bedpans.

In my view, the New York Times article obviously failed in predicting the future, but it actually did an excellent job in summarizing the recent economic history up to that point back in 1986. The problem was slow productivity. They were right on target.

The article highlights, ''When asked the reason for lagging income growth, economists speak with rare unanimity: Slow productivity is Public Enemy No. 1,'' these economists said back in 1986. It goes on to quote Audrey Freeman, executive director of the Conference Board. She said, ''In the long term, the only way to get wages to increase without inflation is to increase productivity, but we haven't been doing very well in that department.'' Again, that was said in 1986, portending the future.

The fundamental problem was productivity. They got that right, Mr. Speaker, but the economists in this article got just about everything else dead wrong. Here is what they had to say about the ongoing transition to more services in the economy. They said, ''As the Nation's economy moves from manufacturing to services, the productivity problem compounds. It is generally easier to turn out more widgets per hour than to squeeze more hourly output from lawyers, travel agents or hamburger flippers.''

Not to belabor the point, but I would quote again from the article, ''The experts are not optimistic about the outlook for productivity growth. 'I really don't see productivity growth coming back to the 3 percent levels that we had in the 1950s,' said Douglas P. Handler, a productivity specialist with Wharton Econometrics.' And, 'There is very little on the horizon that would cause us to be optimistic about productivity improvements over the remainder of this decade.'" Again, this was written in 1986, 18 years ago at the beginning of this move that started 20 years ago towards this 21st century economy.

Finally, I cannot pass on the fact that the author goes out of his way to point out that the one group of people that is not able to see how bad things were in the American economy in 1986 were the American people.

In the face of all the economists in the article, the author notes, ''Nonetheless, households are stubbornly refusing to change their spending habits. And spirits, despite the grim income statistics, remain high. According to the University of Michigan Survey Research Center, consumer confidence is far higher than it was during the recent times of double-digit inflation, interest rates and unemployment.''

Well, Mr. Speaker, this article is a great example of the kind of anxiety about technology replacing jobs and service jobs being bad, foreign countries like Japan being better prepared for the economy of the future than America, and productivity being dead in the water with no hope in sight.

As I said, this article was from 1986, nearly 20 years ago, but if you listen to the political debate today in 2004, you hear many of the exact same themes: Technology threatens jobs, losing jobs to lower-cost foreign competitors. You can almost take every reference to Japan and simply change the country name to China, and you get a tangible sense that the future is not good.

I am not going to go chapter and verse through all the doom and gloom

predictions and warnings of those who think that America and its people are actually threatened by the 21st century economy. We do not have the time to do that, and it is obvious to those who have been listening to this national debate over the years, whether the issue was trade with Mexico, the creation of the global trade rules of the WTO, trade with China, or the recent bursting of the Internet bubble.

Instead, let us remember that 20 years is a pretty long time. Yes, we hear many of the same concerns in 2004 that were voiced in the late 1980s, but we can now judge how accurate, how sensible, how thoughtful those concerns were 20 years ago. In fact, I believe that we can look at how things played out over the past 20 years, the dire predictions and the reality, and learn a thing or two about how the similar line of thinking would impact our future going forward.

So did America turn into a Nation of a few $50,000-a-year systems managers and an army of $3.50-an-hour janitors and hamburger flippers, a handful of Wall Street wizards lording it over a middle America of fast-food servers and hospital orderlies? Did the American dream become the impossible dream? Remember, we are no longer in the world of economic or academic theory when we answer these questions. For a moment, we do not need projections from the Conference Board, Chase Econometrics or Wharton Econometrics. We have just lived these 20 years from 1984 to 2004.

Did the American dream die over the last 20 years? For nearly all Americans, nearly all Americans, the answer is a resounding no. Did Japan take over the global economy as was predicted? The answer, an obvious no. Did U.S. jobs decrease? Another obvious no.

Over those 20 years, over those 20 years the U.S. economy put 40 million people to work, and pay was up. Did incomes fall? No. Pay and real incomes increased. As I said earlier, the forces that ended up shaping our economy over those 20 years actually impacted just about every aspect of our lives, your lives, Mr. Speaker. A focus on better services, more skilled workers, more global integration, more international trade, better transportation, revolutions in communications and technology, they impacted every corner of life here in America.

So let us take a moment to take a broader look, step back and think about the big activities in our economy and in your life. Are you consuming more or less? For most people the answer is a lot more, and, remarkably, much of the stuff we buy is relatively less expensive and usually more technologically advanced than it was 20 years ago. Is your television set bigger? Almost certainly. Do you have more choice in what you watch? I am from Los Angeles, so I am biased about the quality, but say what you will about the products of the American entertainment industry, there are many, many more choices available to viewers in 2004 than there were in 1984.

Do you have a computer in your home today, and did you back in 1984? Do you use the Internet? Do you communicate with friends and family over e-mail? Do you go on line to check the weather forecast or movie times, or shop for something that is hard to find, or hear about sales at your favorite stores? You did not do any of those things 20 years ago, Mr. Speaker.

□ 1930

Did you have a cell phone 20 years ago? Again, this is an easy one. You probably do today, and almost certainly did not 20 years ago. Many millions of Americans feel better because they have their cell phones with them and can contact family and friends in a pinch.

Do you travel more? Fly more? Are you driving a better car than you did in 1984? The answer to all of those questions is almost certainly yes, as automakers have stretched themselves to the brink putting new technologies into cars that get better mileage, break down less, are safer, are environmentally cleaner and are packed with technology. Think about the times you had to take your automobile back to the shop 20 years ago juxtaposed to today. The kind of technology that is packed into the cheapest car in 2004 was considered to be cutting-edge technology in 1984.

Has health care improved? Now, people are concerned about health care costs, obviously. And now is not the time to go into that debate. We talk about it regularly around here. But, clearly, since 1984, the number of new treatments and improvements in new technologies have been staggering. We can and will debate about how to pay for it all, but there is no denying that health care in America has taken a huge leap forward, and I am convinced that we are now on the brink of a new biotechnology revolution.

Is education improving? Again, education is never good enough, but we have made great strides in education since the middle 1980s.

We could go on all day thinking about how things have changed over the last 20 years, but it is clear they have changed a lot. The U.S. economy is turning out bigger, better, and more advanced products and services. There is no question that the doom and gloom predictions of 20 years ago proved to be way off the mark. Contrary to the Mondale prediction of 1984, the U.S. economy did not crash and burn.

So did the service sector slow U.S. productivity growth, as was outlined in that Steven Greenhouse article in the New York Times in 1986? The answer: a resounding no. Did most twenty-somethings end up working in fast food and other low-skilled jobs while a few made it big? The answer is no. Did computers and robots replace millions of workers and leave them unemployed or flipping hamburgers? The answer is no. But that is actually a complicated issue that we need to get into in greater detail.

Now, Mr. Speaker, if we want to know the why behind the fact that 20 years ago there were predictions of doom and gloom and then those 20 years ended up resulting in such great strides, we need to look at the core economic question. That question is: Did American productivity go up? The answer is, yes, it went up dramatically.

In fact, productivity has been going up so rapidly, and we have all heard this recently, some people now think that the problem is not productivity; they think it is now a jobs problem. Remember that scary New York Times piece in 1986? ''The Average Guy Takes It on the Chin,'' was the title of the article. Greenhouse and his gaggle of economists and productivity experts pointed out that increasing productivity was key to the future. They were right in 1986 when they said that productivity was key to the future. The thing they got wrong was their prediction of doom and gloom. They missed the productivity revolution that was emerging then and there right before their eyes.

They predicted the hamburger-flipping jobs future. In 1986, that was excusable, because predicting the future is tough. I know, because I am sorry to say I did not buy Microsoft, Intel, and Cisco stock back in the mid-1980s. But some people still serve up the same ideas that we heard in 1984. It is like they were locked in a time capsule for the past 2 decades and missed the massive economic changes that have occurred.

The fact is, Mr. Speaker, something happened to American businesses on the way to the hamburger-flipping future, or, more accurately, a number of things happened. As I mentioned earlier, American business underwent a revolution in computer software and hardware, a revolution in telecommunications, a revolution in banking and finance, a revolution in transportation and delivery, and a revolution in retail distribution and supply management.

We saw companies like Citigroup, Hewlett-Packard, Home Depot, Intel, Johnson & Johnson, JP Morgan Chase, Microsoft, SBC, Wal-Mart, and Disney become part of the corporate elite. Overnight and express delivery services exploded. The Internet became a place of business with eBay, Yahoo!, Amazon and Google getting started back then.

Just as important as those success stories is the fact that the revolutionary business practices and technologies infiltrated just about every level of American economic life. The corporate dynasties that survived the past 20 years, AT&T, GE, General Motors, Eastman Kodak, Exxon, IBM, and Proctor and Gamble, remade themselves into 21st century economic leaders. American small business remade itself as well. Computers, cell phones,

pagers, credit cards and scanners are part of nearly every business in America today, even very small businesses.

Does your dry cleaner take credit cards? Does your auto mechanic have a diagnostic computer to check your car? The buzzwords for business and the economy of the last 20 years are concepts and strategies like supply chain management, just-in-time delivery, distribution centers, information management, customer relations, forecasting and planning. It is about adding value to the raw materials and basic goods.

To businesses, the result was a massive jump in their ability to serve their customers better. And I do not just mean customers like you and me, but business customers too. The ability to harness technologies that improved planning, customer service, and communications created jumps in productivity and efficiency. To customers, whether the customer is General Motors being served by a parts supplier or a family being served by Wal-Mart, the result has been greater choices and lower prices.

I am going to repeat something here: the ability to harness the new technologies, use technologies, those technologies created the increased productivity and efficiency. That is the key here, because machines do not harness technology, Mr. Speaker, people do. And that is why people, millions and millions of smart, skilled, hardworking Americans have been at the heart of the revolution of the 21st century economy.

Again, in our search for a suitable buzzword, the ''services economy'' really does not do it. It is a ''business serving customers economy.'' Still not catchy, but business serving customers is really more accurate.

We do have a service economy. Providing a service of some kind to someone represents 65 percent of everything produced in America, and those services account for over 80 percent of U.S. jobs. The 20-year-old predictions that the service economy would be based on hamburger-flipping jobs or dish washers, lawn workers, and retail salespeople clearly missed the mark. We have lived through the 20 years creating this 21st century economy. We are in the Internet Age, the 500-channel, 50-inch-TV age, the prices-are-falling-at-Wal-Mart age. This is not the hamburger-flipping economy.

Mr. Speaker, jobs concern people. Mom and pop always want their kids to be able to get a decent job, if for no other reason so that they do not have to keep supporting them. That was at the heart of family anxiety in 1984 and 1986, and that will remain the biggest economic question in 2004 and 2006. And we lived through the Internet bubble in the late 1990s. We know that every boy and girl in America is not going to be a Silicon Valley multimillion dollar entrepreneur or biotechnology engineer. Mom and pop are practical enough to understand that. But that is not the problem. The important question is what are the 21st century economy jobs going to be? What will Jimmy and Nicole be doing in 6 years? The fact is that they, like most American workers, will be in the business of serving someone tomorrow, next year, and in 2010.

Of course there will still be fast-food jobs, retail jobs, lawn care, janitorial, and house-cleaning jobs. There will be construction jobs. There always will be. And as the number of people in America grows, and we are approaching 300 million Americans in this great land of ours, the number of those jobs will grow. But our economy created 40 million new jobs over the past 20 years. Forty million jobs since the birth of the argument that the service economy meant nothing more than hamburger-flipping jobs.

So let us get down to brass tacks. What kinds of jobs are the American people doing in the 21st century economy? And I am going to go through this litany here, Mr. Speaker.

Network and communications administration, business administration and management, computer engineering technology, electronics engineering technology for all the machines that are not computers, health information technology, legal support, accounting, marketing, advertising, customer relations, news and information reporting, tax preparation and planning, highly specialized transportation and delivery, human resources support, pension and benefits management, purchasing and global sourcing, demand forecasting, inventory control, warehousing, and distribution.

Now, Mr. Speaker, these are not CEO jobs. They are not get-rich-quick jobs. But they are good jobs using very valuable skills. They are service jobs that are a part of just about every kind of business in America today. They are not Bill Gates, and they are not hamburger-flipping jobs.

Think about the big and growing sectors of our economy. Think about what you spend your money on, Mr. Speaker: health care; biotechnology and pharmaceuticals; elderly care; education; movies, entertainment and digital gaming; recreation; telecommunications, cable, satellite TV and radio, phones, cellular and wireless networks; fashion; insurance; real estate; autos, maintenance and repair; mass transit; investments, whether you call it the stock market, pensions, or securities. We all know that more than half the American people are members of the investment class, as many as six in 10. Government services, which is, as we all know, almost unimaginably big. Leisure, hospitality, and tourism.

Then there are the businesses that serve other businesses: engineering, environmental protection services and technologies, risk management, export and import financing, express delivery, high-tech manufacturing, and biomedical informatics.

Mr. Speaker, the 21st century economy, the business serving customers economy, is based on all of these things. Not robots, robot technicians, and a bunch of fast-food workers and lawn workers. As we have made the transition of the past 20 years, more than half of all service jobs and a large majority of new service jobs paid above the average wage. And as I said earlier, low-paying hamburger-flipping, retail and janitorial jobs continue to grow as our population grows, but executive and professional jobs are growing much, much faster.

If the American economy of the past 20 years, this new 21st century economy that has revolutionized the way businesses serve their customers, is so great a success, why is any of this an issue? How can somebody in 2004 say that we are becoming an economy of hamburger-flipping jobs and not be ridiculed and laughed off the national stage?

A big part of the answer is that our economy has been undergoing a big long transition, which is the 20-year story, but we live day to day and year to year in an economy where things get better or worse. In economic terms, we have trends, which are the long-term big picture, and cycles, which are shorter term. The trends can last a couple of decades, even the better part of a century. The cycles are business cycles that last a couple of years or maybe one decade.

Most economists, or at least economic historians, would agree that our Nation's economic history has been dominated by the Industrial Revolution and the creation of the global industrial economy. We had a largely agrarian economy when our country was born. America then underwent a long transition, a transformation, really, to being the world's leading heavy industrial economy. That long economic transition took up the bulk of our Nation's history. It was well under way by the 1840s and probably climaxed in the 1960s.

Big historical trends rarely have bright-line starting and stopping points. Politics and history can work that way with elections, assassinations, wars and treaties providing clear historical dates to look back on. Economic change is different, Mr. Speaker. Even big dates, 1929 and the stock market crash or 1930 and the Smoot-Hawley Tariff Act, are really not that significant when looking at big trends. The big economic trends in the first part of our Nation's history was the transition from the agrarian economy to the industrial economy.

□ 1945

That was a transition that probably took 100 years. There was no single point where 1 day, or 1 year, America had an agrarian economy, and the next year it was industrialized. And single events were not that important. Instead, the spread of increasingly heavy machines, in early factories, railroads, and on farms, were key. And technologies always take time to go from

invention to standardization and widespread use.

Mr. Speaker, we are now clearly in the second transition. Heavy industry is no longer the king of the American economy. Instead, businesses, large and small, are harnessing technologies and skilled workers to create an economy based more on providing better service to customers than on the specific product itself. This has been going on for 20 years now. Twenty years happens to coincide with the birth of that political urban myth where everyone ends up with a hamburger flipping job. Over those 20 years, jobs are way up, incomes are way up, and technological improvements are spreading throughout our lives. Very few Americans would take the 1984 life-style outlook that they had over the 2004 life-style, but we have had business cycles over those 20 years as well.

We have had years of booming growth, we have had years of slow growth. We have had two actual recessions when the economy shrank. We have had lean times that did not fit the academic test of a recession, but certainly felt like a weak economy.

In the midst of any one of those lean times, the fact that the economic trend over the previous decade was very good really did not matter much. Things were worse than the year before or the year before that. In addition, during the first part of the current 20-year economic growth trend, time had not passed enough to tell the difference between a trend and a cycle. The start of a trend can look a lot like the upside of a cycle.

The economic slowdown that began in 2000, the final year of the Clinton administration, was clearly the downside of the cycle that began in 1992, the final year of the Presidency of George H.W. Bush. In the past 20 years, we had at least two cycles, one ending in a recession in 1991, and the other in a recession in 2001. We are almost certainly into a third cycle with growth again picking up.

The U.S. economy has been growing strongly for the past 2 years. It grew at a staggering 8.2 percent annual rate in the third quarter of last year, surpassing even the most optimistic projections and marking the strongest pace in nearly two decades, 20 years. Unemployment claims are dropping, and workers' wages and benefits have climbed in recent months. Family incomes are up. Consumer spending is up. Inflation is low. The housing sector has been very strong, and business productivity, as we all know, has been incredibly strong.

At this point in the business cycle, the big economic issue has been jobs. Remember, in the short term, we are coming off of some years like 1999 and 2000 where unemployment reached such low levels that most economists could not imagine numbers so low. In that context when the recession and slowdown in 2001 resulted in 6 percent unemployment, it created real concern, especially among the recently unemployed, and that is understandable.

Politics reacts far more to the short-term cycle than the long-term trend, so it is easy to see why everyone is talking about the struggles of recent years rather than the incredibly good news of the last 20 years. But as we deal with the political realities of the short term, we must not lose sight of the big picture.

The hamburger flipping job argument is not just false, it is actually a dangerous thing. Twenty years ago this kind of rhetoric did not get the chance to hurt our economy because hard-working and innovative Americans kept right on forging new technologies, revolutionizing what businesses do and how they do it, and improving the way Americans go about living their lives.

But today, thanks to the short-term business cycle we are coming out of, the hamburger flipping argument resonates with a lot of people, and it is resulting in some very misguided and dangerous proposals. It is generating calls for protectionism, calls for policies that stifle the very environment that has allowed skilled American workers to harness new technologies and bring about our booming 21st century economy.

Mr. Speaker, attempts to undermine the principles that are the foundation of this economy threaten the progress and prosperity that has come about over these two decades. That is why debunking the hamburger flipping argument once and for all is not just critical to understanding the good news of the last 20 years, it is essential to ensuring that our future remains bright as well.

HAITI NEEDS OUR HELP

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 60 minutes.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

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

There was no objection.

Mr. CUMMINGS. Mr. Speaker, Haiti today is facing an economic, political and humanitarian crisis so severe that the United States Government and the United States Congress have no choice but to immediately act. Daily, Haitians are dying as a result of the violence. These deaths are intolerable, and the United States simply cannot sit back and watch a country in our own hemisphere spiral into chaos.

Our government has voiced concern that Haitians, desperate to escape the escalating violence and poverty, will flood American shores. As a matter of fact, Mr. Speaker, just this evening there are reports that boats are coming towards the United States from Haiti filled with people fleeing literally for their lives.

We should be more concerned about the drastic conditions that led to the desperation and hopelessness of these Haitians refugees. The Congressional Black Caucus calls upon the President and the international community to work with the elected leadership in Haiti to bring about an end to the political turbulence and stop the attempted coup d'etat that is mounting in that country.

Mr. Speaker, let me be absolutely clear. It is imperative that the United States involve itself with an international force to create stability in Haiti before more lives are lost. We cannot afford to lose another day or another life due to our inaction. Because of the urgency of the Haitian crisis, my colleagues in the Congressional Black Caucus and I went to the White House and laid out our concerns today before President Bush. I must say, it was a good meeting with the President.

We explained to the President that we were tired of turning on our televisions every day and hearing about the slaughter of Haitian people. We explained to him that we believed with all the sincerity in our hearts that this was an urgent situation, and that the President of the United States was facing a very critical moment in his Presidency, and that he could do so much to turn this situation around.

We explained to him that there are so many people throughout the world who for various reasons had gotten or created within their minds a very negative view about the United States of America, but this was a time when he could act and turn some of those views around and show that not only was he a concerned President, but he was indeed a compassionate President.

So we had an opportunity, a rare opportunity I must admit, to meet with the President of the United States today, the Congressional Black Caucus did. Twenty Members were there, and we were very pleased to also have an opportunity at the same time to meet with Condoleezza Rice and Colin Powell.

Let me just pause here to say that we expressed to Colin Powell, the Secretary of State, our gratitude for all of the hard work he had been doing over the past several weeks. It was Colin Powell that stayed in contact with many Caucus members. It was Colin Powell that tried to find ways to diplomatically resolve this matter, and at the same time we felt that things had not moved to the degree that we wanted them to; and so, therefore, we had asked to meet with the President.

Now, when we met with the President today, when the Congressional Black Caucus met with the President, there were several things that we wanted him to do, and to his credit he gave the

utmost consideration to these things. Number one, we asked that he immediately make a statement to the world about his concern for the Haitian people, for his concern towards President Aristide, and his concern about this wonderful democracy that we have in Haiti that is under attack.

When I say wonderful democracy, Mr. Speaker, I do not mean to say that Haiti does not have its problems, it does. But our point was that there is a democracy in the sense that President Aristide was duly elected, and just as we have gone around the world to protect democracies wherever we felt the need to do so, it was our belief that because he was elected, no matter what one's views might be towards the way he governs his country, that the United States should make sure that this democracy, which is only 650 miles from our shore, should be sustained.

□ 2000

So basically we were asking him for three things and our goals were very simple. One, we wanted to make sure that there would be a laying down of weapons so that we might find some peace. As you know, Mr. Speaker, the rebels have all kinds of ammunition and all kinds of weapons. We realize that in order for us to move to any kind of resolution, one of the first things that has to happen, there has to be a laying down of arms. Number two, we said that we wanted the rule of law to be restored. The rule of law, of course, is very important. It is almost impossible to have any kind of peace when people are in chaos and they are not obeying the rule of law. We can see that very clearly just here recently as we looked at our televisions and saw the looting that was taking place and we saw some of the human harm that had been taking place. Clearly, a major problem with the rule of law. And, number three, we asked the President to make sure that there was some diplomatic resolution with regard to Haiti.

As we went into more detail, we asked the President to make a statement as soon as possible, and he said he would, making it clear that the United States stands for this democracy and that we have a major, major concern about the fact that so many people are being harmed and that it was our hope that a peaceful resolution would come to that land. Number two, we also asked the President to create a humanitarian corridor. He expressed great interest in this. What we mean by a humanitarian corridor, Mr. Speaker, is create a way by which humanitarian assistance such as food and medicine and water, because one of the major problems in Haiti right now is that there is insufficient water and food for so many, and these are the people that we do not hear so much about. These are the people who are suffering and dying, but the fact is that all we hear is about the rebels and the harm that they have done.

So the number two thing that we asked for was this humanitarian corridor; and we asked that the President, if he deemed it appropriate, and we think that it is almost necessary, to send troops in and work with our allies to make sure that organizations like the Red Cross and others have a way to get that humanitarian aid to the people that need it and so that they would be protected. The President said that he would indeed consider this.

Finally, Mr. Speaker, we asked him to consider sending in from 300 to 400 troops to maintain the peace. As we keep up with the news with regard to Haiti, it is clear that there is a steady march by the rebels towards Port-au-Prince. As you know, Mr. Speaker, that is the capital of Haiti. That is where President Aristide lives, and we were concerned that if President Aristide, if the rebels come into Port-au-Prince, that the death of President Aristide would be imminent. I think the President understood that, that is, President Bush understood that. He understands clearly that we are dealing with an urgent situation, and he said that he would take that into consideration and would get back to us as soon as possible.

So we have faith that the President will do the right thing. We have faith that, as he looked into our eyes and we looked into his, he understood that this was not about politics, but this was about life. He understood, we do believe, that this was not about simply trying to save a President, but it was about saving the President of Haiti and also making sure that we save many, many lives. I think that as he looked into our eyes, he could see the sincerity and could see that we realize clearly that if we did not take action and that he did not take action, that the blood of the people of Haiti would be on all of our hands. And so we had a very good meeting, but it is only a beginning. We have vowed to try to work with the President, with Secretary Powell, and Condoleezza Rice to make sure that a peaceful resolution comes to Haiti as soon as possible.

Mr. Speaker, so often as we look around the world and look at the difficult problems that face so many people and countries across the world, it must be difficult at times to try to figure out for a President and for his advisers as to where you intervene and where you do not. But one thing has been clear with regard to United States policy and that is that we have consistently done everything in our power to hold up democracies that are in trouble.

Clearly, the democracy in Haiti is in trouble. And so the President has made it clear that he will issue a statement sometime this evening, and we look forward to that statement. He assured us that he would address the issues after consulting with Ms. Rice and Secretary Powell, would address the issues with regard to the humanitarian corridor and with regard to sending troops in to quell the violence and make sure that there was a diplomatic resolution taking place.

And so it was a very proud moment for the Congressional Black Caucus. It was a moment that shall definitely live in the DNA of our brains forever. Because one of the things that I guess hit me as we were sitting there is that 100 years ago, none of us were here. One hundred years from now none of us will be here. The question is what do we do now for our fellow human beings? And although they may be 700 miles from our shore and although we may not feel a relationship with them, not all Americans may feel a relationship with them, the fact is that they are our brothers and they are our sisters. I am always reminded in these situations, Mr. Speaker, of the song that says:

No man is an island
No man stands alone.
Each man's joy is joy to me
And each man's grief is my own.
We need one another, so I will defend
Each man as my brother and each man as my friend.

And so the Congressional Black Caucus has decided to stand, to stand for people who are going through great difficulties, to stand for children who as we speak find themselves in boats heading for a land of opportunity. Stand. We decided to stand for a President that finds himself in great difficulty. Stand. We decided to stand for democracy, democracy that this country hails as being one of the greatest forms of government that ever existed. We continue to stand.

With that, Mr. Speaker, I would like to yield now to the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. I am glad to be here to not only address the House but also the American people. I think what is so very, very important and proud to be a Member of the U.S. Congress on this day, of making sure that we do the right thing under the circumstances. Right now, Mr. Speaker, we have not only one but two carriers with Haitians that are being interdicted by the U.S. Coast Guard right now. I do not think that there needs to be a mountain of evidence to even show that there are individuals in Haiti that are being persecuted as we speak, that are losing their lives, that are being beaten for either being for the pro-government or anti-government forces that are there. And then you have innocent individuals that are in the middle of all of this gunfire and violence that is taking place, children, women, people, young men, older men that are there just trying to be citizens of a country. A democracy as shaky as it may be, it is still a democracy.

We recently met with the President, just today, and I am glad that members of this caucus and Members of this United States Congress shared with the President the importance, the fact that we are America and that we wear the breastplate of righteousness as it relates to standing and fighting for democracies. If we support or we are

against President Aristide, that is not the issue here. The issue is that a democracy is being overthrown by a gun as we stand idly by and make tough talk about Haitians leaving Haiti. To not do anything about the killing and the fighting that is going on right now in Haiti and in the same breath say Haitians stay in Haiti, don't take to the sea, it does not work toward logic to a diplomatic solution or a political solution of what is taking place now in Haiti.

I have said it before, and I will say it again tonight, our policy should not be driven on how many Haitians are face down in Haiti on the ground or are floating face down in the waters around Haiti and the United States. I will tell you that it is not healthy for our hemisphere; it is not healthy for our policy of making sure that we put forth democracies in the Caribbean and in this hemisphere, and it works against logic. So I urge the President, though we urged him earlier today, let individuals that are carrying guns know in Haiti, as they are getting more and more equipped as the hours go by.

Just a week and a half ago, there were 1960-style rifles that these rebels, thugs, whatever we want to call them or they identify themselves as, 1960-style rifles that can shoot maybe three or four bullets. Now they are almost up to par with U.S. troops. They are wearing full body armor, armored helmets, AR–15s, M–16s, American made, I must add, carrying a magazine of bullets of 40 to 50 rounds, banana clips, radio capabilities; and they are holding press conferences. If we expect for the people of Haiti, a human being, to keep their family in that kind of environment, thinking that they are just going to suck it up and take the bullets, then we are in for a rude awakening.

I want to talk about U.S. taxpayers. If we play defense of having our Coast Guard out there waiting in a 5-mile radius from each other, planes flying over to detect boats and things of that nature, all those resources focused on Haiti, what is happening to some of the other countries where we know we have a footprint of terrorism in the Caribbean? It is not Haiti, but I think it is important that we understand that and take that under heavy consideration.

I know that the American people are compassionate people. And if we are in Iraq justifying our presence of being there, of saying that we stand for democracy and we stand for the lives of the Iraqi people, then definitely 650 miles off the coast of the continental United States, we should stand for a democracy if we had an international force there to be able to stop the violence and start diplomatic talks.

I want to thank the gentleman for allowing me to address the House tonight. I know that we have to continue to follow this situation, but I would also like to add before I close that the Haitians that are on boats now, we have to remember international law and our own laws, if they can prove persecution, if they fear persecution, if returning back to Haiti, what the President said earlier today cannot stand. It is almost like we are sending them back to be murdered. So it is important that we set up the opportunity for them to receive the due process that they deserve. If we agree or not with illegal immigration, it is important that we ask other countries to do the same, that we do things by the book and by the law.

Mr. CUMMINGS. I want to thank the gentleman for his statement.

□ 2015

Question: I know the gentleman has been very concerned about this issue because one of the reasons I know he has an extraordinary sensitivity, as there are many Haitians that live in his district. Is that right?

Mr. MEEK of Florida. That is correct; and, Mr. Speaker, it is the highest concentration of Haitians in the United States. And I will tell the gentleman this: the Haitian people have been so involved in this country's history. They fought with us for our independence, and they are major, major contributors to not only our economy. We have a positive trade relationship with Haiti, and they create many U.S. jobs. Because of that positive relationship that is very important, Mr. Speaker, whichever side that people may fall on this issue, we cannot allow democracies to be taken over by gun and violence, and that is the bottom line.

Mr. CUMMINGS. Mr. Speaker, not only are the Haitian people going through what they are going to in Haiti, but one of the things I think a lot of people do not realize is that some 75 to 80 percent of people in Haiti live in pure poverty, and I know that when one combines the need for humanitarian assistance such as clean water with the violence, it has got to be painful just as it is painful to us. I would imagine for many of the gentleman's constituents, it is very painful, too, knowing that they have relatives that are going through all that, and then the violence makes it even more difficult for them to live any semblance of a normal life and definitely almost precludes any kind of assistance for going in; and I think that is one of the reasons why we talked today with the President about this humanitarian corridor.

Mr. MEEK of Florida. Mr. Speaker, that is 110 percent right. We have to look at the stage the way it is set. I think it is important for us to understand the U.S. has asked U.S. citizens and mission workers to leave Haiti for their own safety. The French have advised their own citizens, which is justified. Canadians have done the same and other representatives from other countries that are there.

There are a number of U.S. citizens still in Haiti. That is still something for us to take into account. Because 97 percent of social services in Haiti, including schools and educating the children, are by missions. They are privatized. I mean, it is not like the government has the ability to be able to put forth an education system. So when that breaks down, that means that the elderly are not receiving the care that they have received before in the past. Children are not receiving the kind of care that they need, prenatal care for women that are pregnant, some of the very things that are there. The AIDS and HIV work that this country is invested in, should invest more but has invested in, is all going to go for naught and having to rebuild all of that if we do not stop the violence.

We have people that are pro-Aristide and that are against Aristide; but one thing they have in common, Mr. Speaker, is that we must, yesterday, stop the violence. They know that has to happen. And unless we stop that from happening, we are not going to be able to come up with a diplomatic or political solution to this situation.

So, Mr. Speaker, I think that Members of this Congress should continue to press on, and I am glad that we met with the President and Secretary Powell and also Dr. Rice, National Security Adviser; and the President's Chief of Staff, Mr. Andy Card. We have taken it to the highest levels that it can be taken to in this country and in the international community. Very little has to be done by us to prevent drowning of Haitians and Haitians face down in the streets of Haiti and very little, very little of a presence and leadership.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman and the gentlewoman from California (Ms. LEE), who will be coming up next, for being a part of that meeting today because it was indeed a very historic meeting. So while there is very little to be done, it must be done immediately.

Mr. MEEK of Florida. Yes, sir.

Mr. CUMMINGS. Because the longer we wait, the worse it gets. And so I really appreciate the gentleman's participation in the meeting today with the President.

Mr. MEEK of Florida. Mr. Speaker, I thank the chairman.

Mr. CUMMINGS. Mr. Speaker, I yield to the distinguished gentlewoman from Northern California (Ms. LEE).

Ms. LEE. Mr. Speaker, first let me thank our chairman of the Congressional Black Caucus once again for his leadership not only in unifying the Congressional Black Caucus around such an important issue but also in terms of insisting that we move forward not only in terms of our position but in terms of trying to make sure that we are actively involved in trying to help save lives, and that is really what we are doing. So I thank the chairman very much for his leadership.

This has been, as it relates to Haiti, in some respects a very sad time for many of us. Just last night we were here again talking about the fact that

we wanted our government to actively engage in attempting to forge a cease-fire, to insist that the rule of law be adhered to, and to insist that the Haitian constitution be complied with. We were told again last evening at about 5 o'clock that we needed another extension, that the opposition was not going to comply with any political agreement. And here we are again tonight. Still the opposition has not agreed to a political settlement. More lives are being lost. The thugs are moving into Port-au-Prince. And at least tonight, however, under our chairman's leadership, we have had a chance to talk to the President directly and to Dr. Rice and to Secretary Powell to convey our sense of urgency, which I hope they understood and felt during our meeting. Because we are witnessing right next door the world's oldest black nation deteriorate. We are witnessing right next door in our own hemisphere thugs carrying M–16s and M–50s, weapons, I understand, that probably are made in the United States of America. Where they are getting these weapons from, who knows. Here we are witnessing once again tonight, as we felt last night and witnessed last night, the lack of action by our government to stop and to prevent a violent overthrow, a violent coup d'etat of a duly-elected, democratically elected President. We would not tolerate that anywhere else in the world. We just would not tolerate it.

So today I believe our meeting put forth the Congressional Black Caucus's sense of urgency to the President, and also I believe, Mr. Speaker, what it did was convey to him that we understand that saving lives and not allowing a violent overthrow of a government that is duly elected is not a Democratic issue, and it is not a Republican issue, but this is a bipartisan issue. It should be nonpartisan. It should be nonpartisan. We are talking about saving lives and preventing bloodshed, preventing a possible civil war from erupting. This is serious business, and there is no way we should sleep, really, and I am very glad that my colleague, the gentleman from Michigan (Mr. CONYERS), has called for a Haiti watch, 24 hours. As co-chair with the gentleman from Michigan (Mr. CONYERS) of the Haiti task force, I cannot think of anything that is more important right now.

We have written to the President. We have communicated with Secretary Powell. Not just this week, but the Congressional Black Caucus has been sounding the alarm for months really with regard to this unfortunate moment with which we are faced. And so now is the time that our great country can step up to the plate and can say to both sides that peace is the only option. There are no other options. Again, as I said earlier, how does one negotiate a political settlement with thugs carrying M–16s and M–50s? So we do not need any more extensions with regard to the political settlement that President Aristide has embraced, that CARICOM has embraced, that the international community has embraced. I mean, this is useless at this point.

Tomorrow, I understand, the Security Council will meet. They may consider a resolution calling for international security forces; and if that happens, I sure hope that our government does not block that. In fact, I wish and I hope that we support that effort. But minimally we should allow the world community to come together to say no to this violence and insist on a cease-fire and insist on upholding a democratically elected government.

Eight million Haitian lives are at stake, Mr. Speaker. There is no way that any of us should allow any of these people to die on our watch, on our watch. History will record whether or not we just stood there and said, so be it. We did not especially like this policy of the Aristide government or that policy and hands off at this point. History is going to record if we took that position and did nothing that the lives of these 8 million people are in our hands and the blood will be on our hands if, in fact, the bloodbath occurs, which is what we tonight are trying to prevent.

So let me just say to the Speaker, to the chairman, that I think the President, and I know Secretary Powell and Dr. Rice, got it. I know they got it. But what is important is what are they going to do with what they got. They cannot just say we abhor the violence and it is bad and it is wrong for folks to kill each other. We are the most powerful country in the world. So the question is, what are they going to do tonight? What are they going to do?

So I want to thank again the Congressional Black Caucus for stepping up to the plate. Hopefully, the rest of the House of Representatives at least will step up to the plate tomorrow and join us in our efforts. I think we need to make sure that every Republican and every Democrat in this House stands for democracy in our own hemisphere, stands for an end to the violence, and stands for United States support for a cease-fire and an end to this carnage that is taking place in Haiti.

I thank the chairman for his leadership, and let us hope that we are waking up America.

Mr. Speaker, I rise tonight to call on the Bush administration to lead the international community in supporting efforts to pass a U.N. Security Council resolution, provide international forces, and do everything possible to prevent violence and save Haitian lives.

At any moment, the democratically elected President of Haiti could be overthrown any minute and at risk is the safety of over 8 million lives in Haiti.

Time is of the essence, and the Bush administration has failed to adequately address the dire need for a solution.

Far too many lives have been lost, too many children have been orphaned and fear has begun to set in.

Nevertheless, our administration has minimized their involvement to diplomacy—which to date has been inadequate.

The Bush administration has done nothing to help Haiti since coming into office except embargo economic, social, and most importantly now political assistance to Haiti.

Even if we look directly at the support the administration has given since January, I believe they have done nothing to save one Haitian life.

The administration was well aware of the political stalemate facing the country and the need for elections, yet they did nothing to bring the opposition to the table and on January 12, the term of the 47th legislature came to a close with the departure of 83 Deputies and 4 senators left.

Later that week, on January 15, the CARICOM community came out and said, ''We are all committed to free and fair elections, dedicating resources from our respective countries, with the help of other countries in the hemisphere, to create a framework from which we are able to guarantee free and fair elections.''

CARICOM held talks on Haiti in an effort to end the political impasse and unrest and developed the CARICOM proposal that we are still asking the opposition to accept an agreement which was endorsed by the president over a month ago.

The administration still bided its time, and allowed the opposition to impede the democratic process.

The administration allowed the Organization of American States to do its diplomatic duties toward Haiti, and the OAS convened an emergency meeting to discuss Haiti. OAS endorses the CARICOM proposal, condemns the escalating violence in Haiti, and adopts Resolution 861.

After allowing even more time to pass, the Bush administration finally felt pressure from the international community and this Congress to act.

A team of international diplomats from the United States, Canada, France, CARICOM, and the OAS traveled to Haiti on February 21 in an attempt to broker the same peace plan that the opposition parties had rejected over a month ago.

Why was it a surprise that they would reject is again on February 23.

Why did our administration allow the opposition another 24 hours to say no—again?

Many have speculated that the additional 24 hours to accept the CARICOM plan was necessary because the opposition was in a position to accept it, but the ultimate outcome was: More violence, more lives lost, more cities burned, and more fear spread throughout the country.

President Aristide accepts the peace plan and opposition are given until February 23 to accept or reject it.

Any legitimacy that the opposition had is gone.

They have repeatedly refused to support the democratic process by continually rejecting any offer to resolve the conflict peacefully.

Now is the time to move toward averting a disaster and stop the violence by pushing our administration to lead the international community in protecting the dually elected President, the people of Haiti, and upholding the Haitian Constitution.

If we allow this coup to occur, we will be responsible for the deaths of thousands because

we sat on our hands and refused to bring light on the real criminals, killers, and antidemocracy forces involved in this coup d'etat.

We, the members of the Congressional Black Caucus, friends of Haiti, and supporters of democracy will not allow the current crisis in Haiti to be ignored.

We marched up to the White House today, and refused to leave until our urgent message was heard.

We met with Secretary Powell, Dr. Rice and ultimately President Bush.

We told them that the time is now to enforce a cease fire, laying down arms, honoring the rule of law, and honoring the Haitian Constitution.

Bush must show some leadership and speak out against the violence and 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 he needs to promote peace on the ground, allow free and fair elections to take place, and uphold the Haitian Constitution.

Democracy in Haiti is in grave danger. Turmoil rages on the ground, in the streets, at the university, through the halls of the government, and in the homes of Haitians.

Haitians are dying, and it is apparent that the hope for peace is diminishing.

If we believe in the power of democracy and the potential for global peace we must not turn a blind eye to our neighbor and long-time ally.

The United States must stop dragging its feet, lead the charge at the United Nations' Security Council meeting tomorrow, and answer the call for assistance from President Aristide.

The United States of America cannot give more time for more people to get killed.

Haiti, our neighbor and a sovereign democracy, has stood by us through thick and thin.

Haiti remains the world's oldest independent Black nation.

We must work with our neighbor, to secure peace in our region, and uplift Haiti's proud history.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentlewoman for her statement. And as she was speaking, I could not help but think about the book entitled ''Seize the Time.'' And that is what this is all about, seizing this moment and doing what needs to be done to save a lot of lives. So I really do appreciate what she has done. I thank her for being at the meeting today too.

Ms. LEE. I thank the gentleman from Maryland (Mr. CUMMINGS). We must seize the time. We cannot wait any longer.

Mr. CUMMINGS. Mr. Speaker, I yield to the gentleman from Michigan (Mr. CONYERS), the dean of the Congressional Black Caucus and one who has been very strongly involved in this issue.

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Maryland (Mr. CUMMINGS). I am delighted to participate in this Special Order. And we have all agreed that the original objective of this was to discuss black history, and that has been postponed until next week; and it will be given thorough consideration here.

What we are talking about tonight is world history, and the events that I just want to comment on turn around the meeting with Senator DODD last evening, with Senator DEWINE, the gentleman from Florida (Mr. MEEK), the gentlewoman from Florida (Ms. CORRINE BROWN), the Canadian ambassador, and the French ambassador. The French ambassador to the U.S., the Canadian ambassador to the U.S. And what we were talking about there was the importance of getting our international bodies committed, CARICOM, the Organization of American States, the Security Council and the United Nations and how that could be gone about.

□ 2030

I was encouraged by the positions taken by both ambassadors, particularly the French Ambassador. Our colleague, the gentlewoman from California (Ms. WATERS), points out that in South Africa there is a readiness to intervene. It was a very positive meeting.

Today we had nearly two dozen Members of Congress, including the Chairman of the Congressional Black Caucus, the gentleman from New York (Mr. RANGEL), the gentlewoman from California (Ms. WATERS), the gentlewoman from California (Ms. LEE), the gentleman from North Carolina (Mr. WATT), the gentleman from New York (Mr. OWENS), the gentleman from New Jersey (Mr. PAYNE), the gentleman from New York (Mr. MEEKS), the gentleman from Florida (Mr. MEEK), the gentlewoman from Florida (Ms. CORRINE BROWN), at least a couple gentlewomen from California, maybe all three, and the gentlewoman from the Virgin Islands were with us.

Now, we asked to see the President. We were greeted by the Secretary of State, Colin Powell, and the Chief Security Adviser, Dr. Condoleezza Rice, and Mr. Andy Card, and we had a very intense, frank exchange that led to the reconsideration of whether we were going to meet with the President of the United States.

I suppose in the course of history it may not be considered important that there was a reconsideration that led us to meet with the President of the United States, and it was on the basis of our collective arguments to the two Cabinet members that we were at a precipice, that this was so immediate that continued political negotiations were really not appropriate. After all, many parts of the north have been taken by rebels, drug lords, gangsters, ne'er-do-wells and a legitimate political opposition. The second largest city in Haiti has already been captured.

Yesterday, at 5 o'clock p.m., the final offer that Secretary of State Powell had worked so hard on was rejected. It is not hard to interpret from that that the decision had been made to move forward and to take over the country; that they did not want to negotiate, even though President Aristide had quickly agreed to every condition in the proposal that was being brokered by the Secretary of State.

So the question that remains now is what are the steps that we ought to take, and we expect to hear from the President to speak about our opposition to any violent overthrow of any nation in the Western Hemisphere less than an hour away from our shores. So this is quite important.

I should mention that our colleague, the gentlewoman from Illinois (Ms. SCHAKOWSKY), was with us, and she was with us at the press conference earlier, and that our colleague the gentlewoman from Texas (Ms. JACKSON-LEE), was likewise at both events.

Now, there are several ways that we can approach this matter. One is to assume that we can still negotiate politically toward a settlement, which some had argued was a precondition to us sending in support. The only problem with that is that if the rebels and the assorted groups that are demanding now to oust the President with no agreement whatsoever, that there would be nobody left for us to negotiate with if that were to occur. In addition, the country would be in ruin.

Furthermore, it is not hard to perceive that if there was an outbreak of violence between these two groups, Lavalas and the citizens loyal to their government and those who want Aristide's ouster, that it would be the largest bloodbath in recent Haitian history, and that it could result in the assassination of the President of Haiti.

It was out of that concern that we wanted to make sure that we insulate the Government of Haiti, as well as the President. That was based on the simple premise that if we cannot protect the head of the government, then we cannot protect any of the other 8 million people there. So it was important that we have this meeting.

Now, I want to take this moment to praise the President of the United States for agreeing to see us and agreeing to consider the proposal laid out by the Chairman of the Congressional Black Caucus and others that were present. This constitutes a reconsideration of immense proportions, because I do not think that the President has been looking at this from the point of view of the members of the caucus and our contacts in Haiti.

We do have a member of the caucus that has personally visited this country on three occasions. It now turns out, thanks to a Senator in the other body, that a plane will be provided for us to make sure everyone in the Caribbean, that all the millions of occupants and citizens of this independent nation struggling economically and socially to survive will know that the Congressional Black Caucus, 39 men and women strong, are completely behind the order and the legal process that requires that under no circumstance can violence be used to resolve internal political differences, not just in the Western Hemisphere, but anywhere in the world, for that matter.

That is what we stand for. That is why we helped create the United Nations. That is why we have worked on issue after issue on the planet, whether it be in Eastern Europe, the Middle East or anywhere else.

So I join proudly the members of the caucus, who comported themselves extremely properly. They were duly aware of the circumstances between the Congress and the White House, and I think this was, as the gentleman from Maryland (Chairman CUMMINGS) has said, an important, and, yes, I believe a turning point in the destiny of this small, but great, nation.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman for his statement. I want to thank him also for his leadership and thank him for his participation today in our meeting.

I now yield to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, I thank the chairman for yielding. I, too, want to join with the others in thanking him for his leadership for the past year and a half, but particularly on today, on this day where crisis and time is of the essence.

I want to thank the gentlewoman from California (Ms. LEE) and the gentleman from Michigan (Mr. CONYERS) for their leadership on the Haiti Task Force. One always has to thank the great gentlewoman from California (Ms. WATERS) for simply being Maxine Waters.

Mr. Speaker, it is indeed again another one of those times where it is true that the Congressional Black Caucus is indeed the conscience of the Congress, and I would hope that with today's meeting we have awakened the conscience of those individuals that are currently at 1600 Pennsylvania Avenue, that we must not stand idly by as a Nation, a Nation that believes in democracy, and allow a people to die and a democracy to be wiped out.

We are indeed the world's only superpower, and just off our shores, in our hemisphere, is a case of democracy being dismantled by individuals who, by every account that I have heard, are violent, are thugs and criminals. In fact, the opposition is supposed to be peaceful, though they will not get to the negotiating table or agree to anything that has been put on the table so that this can be resolved in a peaceful way.

But because we are the only world superpower, it seems to me that we would have the ability to drive to get people to the table, to make that kind of difference, to save the lives, so that we can never see people dying in the streets, as we did just a short time ago in Rwanda.

In fact, I appeal to Americans that even in being selfish about this, when you think about what is going on in the world, if you want to be selfish about this, you know, if you have instability in Haiti, there could be instability here. In fact, people are coming now. The President says, ''Don't come.'' But they are going to come if their lives are on the line. They are going to go somewhere, and they are going to try to come here.

I think it is in our best interests to make sure that we intercede and have peaceful negotiations take place, and those negotiations are obviously not going to take place unless there is something affirmatively done to cause it to happen. We have the strength and the ability to do that.

Now, we do not have to do it alone. Clearly there are others that have agreed that they will come. They are just looking for a word; they are looking for some kind of indication to say, ''Go do this,'' so we can bring Canada, we can bring France, and we can bring CARICOM along with us.

□ 2045

Now, I will start wrapping it up, because I know that we have a lot of Members who want to say something in regards to this. I will conclude by saying that without military intervention, be it the United States, not just by ourselves, or an international military intervention at this point, I fear that the leaders of Haiti with the most guns will feel that they can rule Haiti. It becomes the law of the jungle. And I seriously cannot see how those who would kill and destroy the institutions that currently exist, such as hospitals and other institutions that are being burned, will bring this great country back up. Let us act now, because the camera of history is roaming. Let it not be on our time that we say that we stood by and did nothing, allowing democracy to topple and people and bloodshed to fill the streets.

Mr. Speaker, I urge the President of the United States to do something to act, to lead, to save lives and save democracy in the country of Haiti.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for his statement and his leadership.

Mr. Speaker, I yield to the gentlewoman from California (Ms. WATERS), my friend and colleague, who has just spent a phenomenal amount of time in Haiti and has been just a tremendous adviser to all of us in the caucus and has given so much blood, sweat, and tears and passion to this cause. I yield to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I would like to first thank the gentleman from Maryland (Chairman CUMMINGS) for the tremendous leadership he has provided to the members of the Congressional Black Caucus and ultimately to this House. Today he organized the members and we took the extraordinary step of going to the White House to present our case. I would like to thank the chairman for the leadership that he provided in the room with the President, with Secretary Powell, with Dr. Condoleezza Rice, and others. He presented our case and he presented it well. It was supported by other members of the Congressional Black Caucus as we added to the presentation. In the final analysis, Mr. Speaker, we were able to paint the picture to lay out the case of what is going on in Haiti at this moment.

What we have is this, Mr. Speaker. We have the President of Haiti whose back is up against the wall. We have the President who signed on to a peace agreement that was presented by the international community, led by the United States of America. We have the President with a dwindling police force; and members of his police force are being killed every hour, not simply by the opposition, but by thugs and ex-military folks who have been in exile and who have come back into Haiti to join in this mayhem. He is sitting there asking for help. He has reached out to the United States. He has done everything that we have asked him to do, and he is waiting for some help.

In this coalition that we have, the United States, France, Canada, the OAS, the U.N., and CARICOM, it is time for somebody to step forward. We made our case to the President tonight because we want this great Nation to step forward and to lend a helping hand to this small, poor country in this hemisphere. We think it is the right thing to do. We want our country to lead. But as we stand on this floor tonight, we are saying to France, we are saying to Canada, we are saying to CARICOM, the U.N., OAS, all of them, somebody please step forward and avoid the blood bath that we feel could happen at any time.

We believe that not only should the United States provide some leadership, but this peace proposal was based on a presentation by CARICOM. This is the CARICOM proposal that was put on the table. Our friends in Jamaica and in the Bahamas and other states of the Caribbean who are so intricately involved in this must step forward. As I stand here, it is necessary for Jamaica to be in contact with South Africa in order for South Africa to be able to respond under the banner of CARICOM.

And so our message is not only to the President. We think he should lead, we think we should lead, but to all of the others who are in this coalition. Those friends of ours in the Caribbean, in CARICOM, who put this proposal together know what happens to small nation states. They understand what has been happening to Haiti for years. They too have to receive immigrants from Haiti who have been escaping Haiti for years. Finally, we thought they were settled under Aristide and this presidency. We know that we had the problems of people who did not want Aristide, who was responsible for the coup d'etat, the same people are involved that did not want him in the first place; the same folks who have enriched themselves on the backs of the poor people there and do not want change.

But I suppose we could stand here all night and discuss the history of Haiti and talk about how Haiti has been undermined, how we have had people

right here in the Congress of the United States, both Houses who have worked against Haiti for years. But rather than talk about all of that, this time should be used to make the plea, to say to our President, move now; to say to CARICOM, it is your proposal, enforce it. If the opposition does not support it, it is time to move ahead and stabilize this little country, save the lives, avoid the blood bath and emerge as honorable in all of this, honorable people, an honorable country that reached out a helping hand and did the right thing at the right time. We cannot wait any longer, Mr. Speaker.

Mr. CUMMINGS. Mr. Speaker, let me just say this: we in the Congressional Black Caucus stand very strongly behind this effort to bring peace to this land of Haiti, and we will continue to stand, and we do appreciate the meeting that we did have with the President today. But in echoing the words of the gentlewoman from California (Ms. LEE), we want the President to act. Words are nice, but now he must act.

CONGRESSIONAL BLACK CAUCUS UNITED ON HAITI

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

Mr. PAYNE. Mr. Speaker, let me begin by thanking the gentleman from Maryland (Mr. CUMMINGS), the chairman of the Congressional Black Caucus, for calling this Special Order; and let me commend my colleagues, each of them, who gave eloquent speeches and for their involvement.

We have an issue here that the Black Caucus stands united on. We are together. This is an issue that is extremely serious, because the people of Haiti have endured more than their share of struggle, unrest, and bloodshed.

This January marks the bicentennial of the independence of Haiti in 1804, the world's first black republic and the second country in the Western Hemisphere to gain its independence, a country that defeated the mighty armies of Napoleon, where Napoleon sent his own brother to fight in Haiti and Haiti defeated the great French military. And in their defeat of the great French military, the French government became poorer. They needed funds. They expended tremendous amounts of money on the war. Secondly, Haiti produced more income for the French republic than all of the 13 Colonies in the United States put together. What they exported, what was taken out of Haiti were valuable items.

So we have a nation very strong and proud and important. We had a nation that Simon Bolivar lived in. He was a liberator of South America. He was in Haiti, and he lived there and he studied the valiance of the Haitian Army and went back and fought the Spanish and South America and Bolivia became an independent country. We have Haiti that caused the French, as I mentioned, to lose their financial resources and, therefore, had to sell to the United States the Louisiana Purchase, the Louisiana territory which was controlled by the French. That opened up the west. The Lewis and Clarke expedition started in St. Louis and went and explored the United States of America, once again Haiti's connection to the growth and development. In the battle of Savannah, 800 Haitians fought in the Revolutionary War for our independence from Britain. As a matter of fact, the United States would not recognize Haiti for over 50 years until after the Civil War because they always had a fear that Haitians would come through Florida and then, because there were more black people in the South than whites, they thought that this Haitian Army could lead liberations through the States of the South of the United States of America, so they would not recognize Haiti because they did not want a Haitian diplomat to come to the United States. It was not until after the Emancipation Proclamation, after the Civil War, that the United States Government appointed Frederick Douglass to be the council general to Haiti. The U.S. waited until they felt comfortable that a black diplomat could come to this country.

So Haiti is involved with us. Our Marines went there in the 1900s and controlled, and we ran the country and we allowed dictators, Papa Doc and Baby Doc, to run that country.

So we have a responsibility. We should be there currently. We should be there to tell those thugs and drug dealers and the former soldiers of Generals Cedras and Biambraz and the former police chief Michel Francois who was one of the coup plotters when President Aristide was sent out of the country, those thugs and criminals and drug dealers are coming back into the country. Who could we negotiate with when we see bans of thugs running down the street and President Aristide, who speaks six languages, French and Spanish fluently, he will speak in Spanish or in English and Patois, his own language, and Latin? We are saying that he is a person that we cannot negotiate with and we are going to deal with drug dealers and thugs and gangsters and murderers and former people from the old army?

The answer is clear. We need to stand up now. We need to send resources into Haiti. We need to join with the international community, the French, the Canadians, the Venezuelans, the friends of Haiti who will come together, the Jamaicans, the South Africans. We must act; we must act now.

NOW IS THE TIME FOR ACTION IN HAITI

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. Mr. Speaker, I would like to join my colleagues in this vital discussion on Haiti. I want to first pay tribute, proper tribute to the people who are on the Haitian Task Force who have kept the caucus position going. The gentleman from Michigan (Mr. CONYERS), the gentlewoman from California (Ms. LEE), the gentlewoman from California (Ms. WATERS), and a few others have established a firm record of negotiations and letter-writing and they have allowed us to make a paper trail and a record of consideration and compromise that brings us to the point where we are today, and all that has been done, and now it is time for action.

□ 2100

Today, we decided to take action after being frustrated in numerous meetings where nothing was accomplished. We asked for a meeting with the President of the United States. We asked for a meeting with the President of the United States, and I stand here as a member of the Congressional Black Caucus who must admit I was more surprised than anybody else that we finally got the meeting with the President of the United States. It took some drama. We were sitting there talking to two of the President's representatives for an hour before finally he agreed to meet with us, and I will not go into all of that. I will not also go into the background of what is happening presently in Haiti unnecessarily.

I have two items I will submit for the RECORD at this point. One is a press release that I issued today, February 25, and also a letter to Colin Powell which I sent on February 19.

OWENS PLEADS FOR FRENCH EMERGENCY ACTION TO SAVE DEMOCRACY IN HAITI

In response to the dangerous escalation of the violence driven by a thug army in Haiti Congressman Major Owens offered the following motion at a Wednesday (February 25th) meeting of the Congressional Black Caucus: ''To halt the escalating violence and the possible assassination of democracy in Haiti all of the members of the Congressional Black Caucus should immediately go to the French Embassy in Washington to plead for the dispatch of French forces to protect the government and the democratically elected President of Haiti.''

''This White House and its agents are like Pontius Pilate pretending to wash their hands while the democratic nation of Haiti is assassinated,'' proclaimed Owens in a speech on the floor of the House of Representatives on February 24, 2004.

The Congressman from Brooklyn, which has a large community of Haitian Americans further charged: ''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.''

In a letter sent last week to Secretary of State, Colin Powell, Owens insisted that: ''History will hold the United States accountable for the situation in Haiti! Years of

hostile U.S. policy with regard to Haiti has brought about the current political crisis and deteriorating economic and social conditions there.''

The Congressman, who from 1991 to 1995, served as Chairman of the CBC Task Force on Haiti, is applauding other current actions being taken by the CBC: A demand for a meeting with President Bush; a CBC Delegation trip on Haiti on Friday, February 27th; a demand for a second meeting with CIA and U.S. State Department representatives; and united actions with students and other Haitian support groups.

HOUSE OF REPRESENTATIVES,
Washington, DC, February 19, 2004.

Hon. COLIN POWELL,
Secretary of State, Department of State, Washington, DC.

DEAR SECRETARY POWELL: I am disturbed by the failure of your office to take immediate steps to stop the mass murder in Haiti. Haiti is on the brink of civil war and the Bush Administration stands in the shadows waiting for the destruction of Aristide.

I call on you and the Bush Administration to take immediate steps to defend the democratically elected government of Haiti. Advisory from the United States must be dispatched at once to reinforce the police in Haiti and restore law and order.

History will hold the United States accountable for the situation in Haiti! Years of hostile U.S. policy with regard to Haiti has brought about the current political crisis and deteriorating economic and social conditions there. In addition to placing an economic stranglehold on Haiti the Bush Administration has emboldened the political opposition in its quest to topple the democratically elected President of Haiti. President Aristide must be allowed to serve out the remainder of his term without interference from the United States. There must be no regime change in Haiti! President Aristide was democratically elected by the people of Haiti and the United States is obligated to respect the will of the Haitian people.

The United States and the international community must act in collaboration to resolve the political impasse in Haiti. The United Nations must begin meeting immediately in order to prepare for a long-term peaceful resolution to Haiti's political and economic situation. Immediate action must begin now to avert more violence and mass exodus of Haitians. The French are considering sending peacekeepers and the Canadians have offered nearly $1 million in medical and food aid. The United States can not shirk its responsibility to the Haitian people. The U.S. must cooperate with the international community to restore law and order and provide humanitarian aid to Haiti now! Your lack of resolve in discouraging anarchy and restoring democracy in Haiti is unconscionable.

What is the Administration waiting for? How many more Haitians must die before the international community led by the United States takes the necessary steps to guarantee the maintenance of democracy in Haiti. Send police advisors to restore democracy in Haiti now!

MAJOR R. OWENS,
Member of Congress.

The important thing is why are we so reluctant to protect the democratically elected government of Jean-Bertrand Aristide in Haiti? What has Aristide done wrong? Why do we continually hear that Aristide is no better than the thugs and killers and drug dealers who are opposed to him? Why do we continually hear that he is to blame? What are the charges against Jean-Bertrand Aristide? Does he build palaces like Saddam Hussein all over the place using the money of the taxpayers of Haiti in a profligate manner? Is he himself in some way a debaucher? Has he traveled around the world and shopped and spent the money of his government? What are the charges against Jean-Bertrand Aristide? Why is he considered to be equal with the thugs and the drug dealers and killers who are now forming the opposition against him?

The truth of the matter is Jean-Bertrand Aristide was elected by the people of Haiti not once, but twice. They seem to lose sight of the chronology. Aristide was elected in 1991. The Army of Haiti deposed him. He was driven out of the country. He spent a large amount of time here in Washington in an apartment while he was exiled.

We finally convinced President Clinton to use armed intervention to restore the Government of Haiti. Aristide went back to Haiti, and although he had spent 3 years away from his government and had only 2 remaining, our government says, well, you ought to just only serve out your remaining 2 years, do not stay any longer. He complied with that. This is a man who is not obstinate or stubborn. He complied. He stepped down after 2 years, and another President took over, Mr. Preval, for 5 years, and then Aristide was reelected overwhelmingly after Mr. Preval had finished his 5 years.

Now we have an orderly transition in Haiti for the first time in history, orderly transition under the Constitution of Haiti. What is Aristide guilty of? If he has obeyed, like George Washington as a leader, very popular, he could have gotten a mandate from the people to stay in for life and all these kinds of things dictators do. He has not done that. We have not accused Aristide of having weapons of mass destruction. So why are we equating Aristide with the opposition, a band of rebels and violent people who want to overthrow the government that is duly elected?

I tell you why. There is a band of families, some say 6, some say 10, a band of rich families who have run Haiti the last 100 years. The rich have always been able to pick the governments. They have always been able to control the governments through the army. Aristide disbanded the army, and he cannot be thrown out by an army. So they have thugs and killers and drug dealers organized to throw out Aristide so they can work their will on the people.

Aristide is a great man. He should not be left to a fate of assassination. Our government should act to protect this democratically elected Government of Haiti.

HAITI CRISIS

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to be able to rise to join my colleagues of the Congressional Black Caucus for what I think is one of the more important presentations to this House and to our colleagues and to the Nation, and that is, what is the role of the most powerful democracy in the world if it is not to look just a few miles to the south to be able to engage with a long-standing ally, in fact an ally that stood shoulder to shoulder with the Founding Fathers of this Nation and bled on our behalf so that we might be free. Today we find ourselves standing alongside of our Haitian brothers and sisters seeking justice and freedom for them.

I want to thank the Chairman of the Congressional Black Caucus for his leadership and my many colleagues who have spent hours upon hours working to secure the freedom of the Haitians. As mentioned, those Members, from the gentleman from Michigan (Mr. CONYERS) to the gentleman from New York (Mr. OWENS), to the gentleman from New Jersey (Mr. PAYNE), the gentlewoman from California (Ms. LEE) and the gentlewoman from California (Ms. WATERS), working with all of us in our respective responsibilities, have stood for the cause of justice, but also for saving lives.

Mr. Speaker, this is no time for silence because silence will only render a death sentence to every Haitian who seeks freedom in this century.

I am saddened by the fact that it seems there are inner workings in the State Department and other places that, rather than promote the democratization and the existence of the democracy of Haiti, there seems to be an undermining of a duly elected democratic government. The meeting today, as called by the Congressional Black Caucus because of the emergency crisis in Haiti, first with the Secretary of State and Dr. Rice, was certainly a door opener, but it was clear that we needed to meet with the President of the United States. Tonight I thank the President for this meeting, and I hope that out of the meeting and what was presented to the President in seriousness and in the backdrop of the impending crisis and bloodshed in Haiti, in Port-au-Prince, that he will act now in the next 24 hours.

Mr. Speaker, we are only 650 miles away from Haiti off the coast of Florida. Right now in those waters is a boat of refugees, more expected to come. The Congressional Black Caucus, with its expertise, gave to the President the instructions, and it should not be viewed as dominance. It should be viewed as collaboration.

It is imperative that military assistance go to Haiti now because what the people in Port-au-Prince are facing is

an insurgence of violent thugs with guns and M–16s, while they are raising their hands and their fists and clubs and sticks. There will be bloodshed in the streets.

We need a humanitarian corps that will allow safe water and food to come in now. You can see the film all over the airwaves of the United States, mothers holding babies in their arms, banging on the gates of the United States Embassy which is safe by the 50 marines that are there.

Can we do more for the Haitians? It is imperative that we gain the moral high ground by talking to the Canadian officials, the French officials, CARICOM and our allies around the world to join us in stopping the bloodshed in Haiti.

It is important for the American people to understand that no action will create thousands and thousands and boatloads of Haitians coming to this shore for survival, and I know that the American people do not want to see the continued death of Haitians as they drown in the waters off the coast of Florida. That is what will occur.

In addition, what we need to do is to join in supporting the legislation of the gentleman from Florida (Mr. MEEK) to provide temporary protective security for the Haitians that may be coming to this country. More importantly, we need also, Mr. Speaker, to reform the immigration laws that will allow those Haitians who are fleeing because of political persecution to come to these shores, as do their Cuban brothers and sisters. Mr. Speaker, we can do no less.

Mr. Aristide accepted the peace plan that was presented by the U.N. Security Council and the United States, but the opposition, the insurgents, have not. Why are we condemning a man that was elected democratically, stepped down, allowed a new President, has come back and has indicated that he will end his tenure in 2006? I hear tell that there is a proposal to select some random ministerial person in the government, some member of the judiciary, ex-member of the judiciary percolating in the Secretary of State's office or the Secretary of State or the State Department. Mr. Speaker, that will not work. That person has no base of support, and those who are supporting the President, President Aristide, will go into the streets. Insurgents will take over, and it will be immediate collapse.

Mr. Speaker, it is time now for us to be heard, the Congressional Black Caucus. This is a mercy plea. It is imperative that we save the lives of those there, military assistance now and humanitarian aid. We thank the President, and we expect and hope to hear from him and the administration within the next 24 hours.

Mr. Speaker, I will insert my full statement at this point in the RECORD.

"AM I MY BROTHER'S KEEPER?" GENESIS 4:9

1. Perhaps one of the more thought-provoking questions in the Bible is that one asked by Cain: (a) Cain had killed his brother because God had accepted Abel's offering, but not his own—Gen 4:3–8; (b) when the Lord inquired concerning Abel, Cain's response was: "Am I my brother's keeper?" (Gen 4:9).

The answer is, Mr. Speaker, "yes we are." They are our brothers and we must be their keepers. I rise this evening to once again revisit the escalating political crisis in Haiti. I, along with members of the Congressional Black Caucus (CBC) met with President George Bush, Secretary of State Colin Powell, and National Security Advisor Dr. Condoleeza Rice to discuss the immediate need for the establishment of a humanitarian zone with foresight in Haiti. I also want to mention the leadership of Ranking Members CHARLES RANGEL and JOHN CONYERS for re-emphasizing that this was an issue of life and death.

We stressed to President Bush that the United States must support democracy and that the rule of law is paramount. Instead of political ideologies, we need to preserve the innocent lives in the region where over 70 have been killed and dozens wounded to date. Violence, chaos, and anarchy cannot be allowed to oust the democratic government.

The deadly uprisings in this war-torn nation come at the hands of the same factions that ravaged Haiti several years ago. Reports show that two of the rebel leaders are the most notorious torturers of the death squads, having already earned a reputation of infamy in a massacre that took place before Jean-Bertrand Aristide returned to power.

Louis-Jodel Chamblain is a former military leader who once orchestrated the most recent coup d'etat in Haiti in 1991 with a brutal paramilitary group. Guy Phillipe, a charismatic former soldier and loyalist to President Aristide, fled Haiti 3 years ago in exile to the Dominican Republic to escape charges of drug-dealing and treason. Phillipe and Chamblain crossed the Dominican border back into Haiti a week ago to join their gang of former police and soldiers.

We cannot allow innocent Haitians to die at the hands of thugs who want to thwart the establishment of democracy. We hope that, after our meeting, the President will call for an affirmative plan to respond to the Opposition Party's rejection of peace proposals offered by the Caribbean Community (CARICOM) and the Organization of American States (OAS). Our acquiescence and inaction will soon suggest support of the opposition; therefore, it is time that we acted to demonstrate our strong commitment to democracy, constitutional government, peace, and the rule of law.

Humanitarian aid and military assistance are critical needs for the Haitians given the threat that demonstrators may thwart the delivery of food and other relief items. There has already been a cry for assistance by President Aristide. Haiti, the poorest country in the Western Hemisphere, with only 4,000 police officers for 8 million citizens has formally requested humanitarian aid and security forces.

As we work with the government of Haiti to explore the role of the international community in averting civil war, we must also begin to look beyond the current crisis. For example, Haiti continues to be in dire need of food aid and medical assistance. The current unrest could set off an exodus of refugees. Furthermore, there is an uncertainty as to the timing and fairness of the next elections is promoting suspicions and instability. We must anticipate the work that will have to be done in order to effectively and humanely process the imminent influx of refugees by improving our immigration screening and detention processes.

I do not believe that Haitian refugees receive a fair chance to satisfy the requirements for entitlement to an asylum hearing. Also, I am disturbed by the lack of parity between the Haitian refugees and the Cuban refugees. While Haitian refugees are detained and then removed from the United States, Cuban refugees who reach American soil are welcomed. They are admitted or paroled into the United States, and a year later they are eligible for adjustment of status to that of lawful permanent residents. This difference in treatment is unfair and unjustifiable.

I will support a bill sponsored by our colleague Mr. MEEK of Florida to designate Haiti under Section 244 of the Immigration and Nationality Act to allow Haitian refugees to obtain Temporary Protective Status (TPS). I have signed on to join my brother today in fact to take leadership in this crisis.

Furthermore, I will introduce a piece of legislation, the "Comprehensive Immigration Reform Act of 2003." Section 502 of this bill responds to Attorney General Ashcroft's decision in *Matter of D–J–,* 23 I&N Dec. 572 (AG 2003), in which he denied bond release to a Haitian on the ground that giving bond to undocumented refugees who come to the United States by sea would cause adverse consequences for national security and sound immigration policy.

This legislation would permit the adjustment of status for Haitians who meet the following categories: (1) The individual would have to be a native or citizen of Haiti; (2) the individual would have to have been inspected and admitted or paroled into the United States; and (3) the individual would have to have been physically present in the United States for at least 1 year.

The Caucus advocates positive action by the U.S. Government to support peaceful and democratic efforts to alleviate the violent and unsanitary conditions to prevent the spread of diseases such as HIV/AIDS. Collaboration by and assistance from the United Nations will be key in the effort to stimulate the participation of the international community. The Haitian people must implement the organic constitutional and democratic principles to indicate its contrition and willingness to effect change. With the plan to institute a democratic form of governance must accompany maintenance of the rule of law so as to ensure the development of a framework of fundamental rights. Violence will not bring about peace, but fair and transparent electoral process will.

Mr. Speaker, I hope that our words are heard and that this Nation will move to end this problem before a full-scale civil war results. Action today will translate into an investment that will benefit innocent Haitian lives and the immigration challenges that do not diminish. I urge this administration to do the right thing and to provide the humanitarian aid and security provisions necessary to save these lives.

And as the song by the great Ben E. King goes:

Oh, stand by me
Oh stand, stand by me, stand by me
If the sky that we look upon
Should tumble and fall
Or the mountain
Should crumble to the sea

I won't cry, I won't cry
No, I won't shed a tear
Just as long as you stand
Stand by me

WE CAN NEVER SAY ENOUGH

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

Mr. DAVIS of Illinois. Mr. Speaker, much has been said, but then you can never say enough when the lives of thousands of people are at stake. You can never say enough when bloodshed is imminent, when chaos is all around.

I have been told that the primary responsibility of leadership is to lead, and I want to commend the gentleman from Maryland (Mr. CUMMINGS), Chairman of the Congressional Black Caucus, for his leadership on this and many other issues with which we have been confronted. Recognize that in times of crisis you have to act; you have to do something. You cannot just sit back and wait and hope.

So, Mr. President, I join with all of my colleagues. I join with those in the international community, those who expect this country, a world leader, to take the initiative and the responsibility to lead, to bring together international thought, international action, establish a real presence in Haiti, establish a presence that will say to the people, come and let us reason together. Otherwise the whole island may be utterly destroyed by the edge of the sword; if not the sword, then the M1s, the grenades, the homemade bombs.

Mr. Speaker, this is a situation where it is difficult to see how our country, the United States of America, the protector, guarantor of rights, if we do not see the humaneness of intervention, and we are not talking about intervention to take over, we are not talking about being oppressive, we are talking about enough presence to settle the climate, to create the environment where people can at least sit at the table, work out an agreement, settle in.

So, Mr. President, I hope that you have heard what my colleagues have been saying. I hope that you and your advisers are listening, and I hope that you understand that the fate of a Nation is actually hanging in the balance, and to imagine that we have the power, we have the ability to save that Nation.

I think it is our duty, it is our responsibility, it is our heritage. It is only what could be expected of a Nation that wants to be the leading Nation of the world. Then we have to take that responsibility. We have to lead, and the best way to demonstrate leadership is to send in enough force to have a presence to bring about a peaceful solution to this imminent bloodbath that is about to occur.

□ 2115

Please, Mr. President, listen to the voices of reason and take action now.

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. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.
Mr. EMANUEL, for 5 minutes, today.
Mr. BROWN of Ohio, for 5 minutes, today.
Mr. CONYERS, for 5 minutes, today.
Mr. HINOJOSA, for 5 minutes, today.
Ms. LEE, for 5 minutes, today.
Mr. DAVIS of Illinois, for 5 minutes, today.
Mr. MCGOVERN, for 5 minutes, today.
Mr. PAYNE, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mr. GEORGE MILLER of California, for 5 minutes, today.
Ms. CORRINE BROWN of Florida, for 5 minutes, today.
Ms. CARSON of Indiana, for 5 minutes, today.
Mr. MCDERMOTT, for 5 minutes, today.
Ms. LORETTA SANCHEZ of California, for 5 minutes, today.
Mr. RODRIGUEZ, for 5 minutes, today.
Mr. FROST, for 5 minutes, today.
Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. WELLER) to revise and extend their remarks and include extraneous material:)

Mr. TERRY, for 5 minutes, today.
Mr. WELLER, for 5 minutes, today.
Mr. MURPHY, for 5 minutes, today.
Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.
Mr. PENCE, for 5 minutes, today.
Mr. KIRK, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. OWENS, for 5 minutes, today. Ms. JACKSON-LEE of Texas, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House Reports that on February 24, 2004 he presented to the President of the United States, for his approval, the following bill.

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

ADJOURNMENT

Mr. DAVIS of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 16 minutes p.m.), the House adjourned until tomorrow, Thursday, February 26, 2004, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 108th Congress, pursuant to the provisions of 2 U.S.C. 25:

BEN CHANDLER, Kentucky 6th.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6786. A communication from the President of the United States, transmitting a report, consistent with the War Powers Resolution, to inform Congress of the decision to deploy a security force to Port-au-Prince, Haiti, to augment the Embassy security forces, pursuant to Public Law 93–148; (H. Doc. No. 108–163;) to the Committee on International Relations and ordered to be printed.

6787. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Salvage and Marine Firefighting Requirements; Vessel Response Plans for Oil [USCG–1998–3417] (RIN: 1625–AA19) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6788. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Caloosahatchee River Bridge (SR 29), Okeechobee Waterway, Labelle, Florida. [CGD07–02–141] (RIN: 1625–AA09) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6789. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Handling of Class 1 (Explosive) Materials or Other Dangerous Cargoes Within or Contiguous to Waterfront Facilities [USCG–1998–4302] (RIN: 1625–AA07) received February 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6790. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigation Areas, San Francisco Bay, CA [CGD11–03–001] (RIN: 1625–AA11) received February 23, 2004,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6791. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone for Outer Continental Shelf Facility in the Gulf of Mexico for Green Canyon 645 [CGD08–03–028] (RIN: 1625–AA76) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6792. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Anchorage Area; St. Lucie River, Stuart, FL [CGD07–03–110] (RIN: 1625–AA01) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6793. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Vessel Documentation: Lease Financing for Vessels Engaged in the Coastwise Trade [USCG–2001–8825] (RIN: 1625–AA28) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6794. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Houston Ship Channel and adjacent waterways between Buffalo Bayou and Morgans Point, Houston, TX [COTP Houston-Galveston-03–004] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6795. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Port of Texas City Channel, Turning Basin and Industrial Canal, Texas City, TX [COTP Houston-Galveston-03–005] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6796. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Military Ocean Terminal Sunny Point and Lower Cape Fear River, Brunswick County, NC [CGD05–03–205] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6797. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lower Mississippi River, Mile Marker 88.1 to 90.4 Above Head of Passes, New Orleans, LA [COTP New Orleans-03–029] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6798. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Salem and Hope Creek Generation Stations, Delaware River, Salem County, New Jersey [COTP PHILADELPHIA 03–003] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6799. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Oyster Creek Generation Station, Forked River, Ocean County, New Jersey [COTP PHILADELPHIA 03–005] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6800. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; St. Croix, United States Virgin Islands [COTP San Juan 03–176] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6801. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Cape Fear River, Eagle Island, North Carolina State Port Authority Terminal, Wilmington, NC [CGD05–03–207] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6802. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Chesapeake & Delaware Canal [CGD05–04–003] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6803. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Delaware River [CGD05–04–015] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6804. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Delaware River [CGD05–04–021] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6805. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Chesapeake & Delaware Canal [CGD05–04–022] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6806. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Corpus Christi—Port Aransas Channel—Tule Lake, Corpus Christi, TX. [CGD08–04–005] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6807. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulation; East Pascagoula River, Pascagoula, MS [CGD08–04–002] (RIN: 1625–AA09) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6808. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulation; Alabama River, Montgomery, AL [CGD08–04–001] (RIN: 1625–AA09) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6809. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Oyster Creek Generation Station, Forked River, Ocean County, NJ [CGD05–03–111] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6810. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project [CGD13–03–025] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6811. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Salem and Hope Generating Stations, Delaware River, Salem, NJ [CGD05–03–113] (RIN: 1625–AA00) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6812. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Distributions of Stock and Securities of a Controlled Corporation (Rev. Rul. 2004–23) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6813. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Request for Comments Concerning the Treatment of Amounts Required to Be Capitalized in Certain Transactions to which 1.263(a)–5 Applies [Notice 2004–18] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6814. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Foreign Tax Credit Abuse [Notice 2004–19] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6815. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Abusive Foreign Tax Credit Intermediary Transaction [Notice 2004–20] received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6816. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2004–25) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6817. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters (Rev. Proc. 2004–16) received February 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REYNOLDS: Committee on rules. House Resolution 536. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

(Rept. 108–428). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PLATTS (for himself and Mr. TOM DAVIS of Virginia):

H.R. 3826. A bill to require the review of Government programs at least once every 5 years for purposes of evaluating their performance; to the Committee on Government Reform.

By Mr. RANGEL:

H.R. 3827. A bill to amend the Internal Revenue Code of 1986 to protect American jobs; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 3828. A bill to authorize funding for University Nuclear Science, Engineering, and Health Physics Programs at the Department of Energy for fiscal years 2005 through 2008; to the Committee on Science.

By Mr. CANTOR:

H.R. 3829. A bill to amend the Internal Revenue Code of 1986 to provide that interests in certain domestically controlled investment partnerships are not treated as United States real property interests; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3830. A bill to amend title 31, United States Code, to provide reasonable standards for congressional gold medals, and for other purposes; to the Committee on Financial Services.

By Mr. CASTLE (for himself, Mrs. MCCARTHY of New York, Mr. TOM DAVIS of Virginia, Mr. SHAYS, Mrs. JOHNSON of Connecticut, Mr. KIRK, Mr. QUINN, and Ms. ROS-LEHTINEN):

H.R. 3831. A bill to extend the sunset on the assault weapons ban for 10 years; to the Committee on the Judiciary.

By Mr. CASTLE (for himself, Mrs. MCCARTHY of New York, Mr. QUINN, Mr. KIRK, and Mrs. JOHNSON of Connecticut):

H.R. 3832. A bill to require criminal background checks on all firearms transactions occurring at events that provide a venue for the sale, offer for sale, transfer, or exchange of firearms, and for other purposes; to the Committee on the Judiciary.

By Mr. CROWLEY (for himself, Mr. LEWIS of Georgia, and Mr. OWENS):

H.R. 3833. A bill to direct the Secretary of Transportation to establish a pilot program to facilitate the use of natural gas buses at public airports through grants for energy demonstration and commercial application of energy technology, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Florida (for himself, Mrs. WILSON of New Mexico, Mr. HASTINGS of Florida, Mr. SHAW, Mr. CASE, Ms. GINNY BROWN-WAITE of Florida, Ms. ROYBAL-ALLARD, Mr. CUNNINGHAM, Mr. HINOJOSA, Mr. ISSA, Mr. GREEN of Texas, Mr. FOLEY, Mr. FILNER, Ms. ROS-LEHTINEN, Ms. CORRINE BROWN of Florida, Mr. MICA, Mrs. DAVIS of California, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CRENSHAW, Mr. HUNTER, Mr. DOOLITTLE, and Mr. POMBO):

H.R. 3834. A bill to direct the Secretary of Energy to make incentive payments to the owners or operators of qualified desalination facilities to partially offset the cost of electrical energy required to operate such facilities, and for other purposes; to the Committee on Resources.

By Mr. DINGELL (for himself, Mr. STUPAK, Mr. CONYERS, Ms. KILPATRICK, Mr. KILDEE, and Mr. LEVIN):

H.R. 3835. A bill to amend part C of title XVIII of the Social Security Act to prohibit the operation of the Medicare comparative cost adjustment (CCA) program in Michigan; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEFFEL (for himself, Mr. BRADY of Pennsylvania, Mr. DOYLE, Mr. FATTAH, Mr. HOLDEN, Mr. KANJORSKI, and Mr. MURTHA):

H.R. 3836. A bill to amend part C of title XVIII of the Social Security Act to prohibit the operation of the medicare comparative cost adjustment (CCA) program in Pennsylvania; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON (for himself, Mr. PORTMAN, and Mr. MORAN of Kansas):

H.R. 3837. A bill to amend the Internal Revenue Code of 1986 to limit the deduction for charitable contributions of patents and similar property; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. SHAYS, Mr. SIMMONS, and Mr. JOHNSON of Illinois):

H.R. 3838. A bill to provide grants to local governments to assist such local governments in participating in certain decisions related to certain Indian groups and Indian tribes; to the Committee on Resources.

By Mrs. MCCARTHY of New York (for herself, Mr. FROST, Mr. OWENS, Mrs. JONES of Ohio, Mr. RUPPERSBERGER, Mr. STARK, Mr. SERRANO, Ms. WOOLSEY, Mr. RANGEL, Mrs. MALONEY, Ms. MCCOLLUM, Mr. GRIJALVA, and Mr. BRADY of Pennsylvania):

H.R. 3839. A bill to authorize the Secretary of Homeland Security to make grants to address homeland security preparedness shortcomings of units of municipal and county government; to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NETHERCUTT:

H.R. 3840. A bill to amend title XXI of the Social Security Act to permit qualifying States to use a portion of their allotments under the State children's health insurance program for any fiscal year for certain Medicaid expenditures, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PALLONE (for himself, Mr. ANDREWS, Mr. HOLT, Mr. PAYNE, Mr. ROTHMAN, Mr. PASCRELL, and Mr. MENENDEZ):

H.R. 3841. A bill to amend part C of title XVIII of the Social Security Act to prohibit the operation of the Medicare comparative cost adjustment (CCA) program in New Jersey; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mr. RANGEL, Mr. ACKERMAN, Mr. BISHOP of New York, Mr. CROWLEY, Mr. ENGEL, Mr. HINCHEY, Mr. ISRAEL, Mrs. LOWEY, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. MEEKS of New York, Mr. NADLER, Mr. OWENS, Mr. SERRANO, Mr. TOWNS, Ms. VELAZQUEZ, and Mr. WEINER):

H.R. 3842. A bill to amend part C of title XVIII of the Social Security Act to prohibit the operation of the Medicare comparative cost adjustment (CCA) program in New York; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself and Mr. BEAUPREZ):

H.R. 3843. A bill to better provide for compensation for certain persons injured in the course of employment at the Rocky Flats site in Colorado; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico:

H.R. 3844. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of New Mexico; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AKIN (for himself, Mr. TANCREDO, Mr. DOOLITTLE, Mrs. MYRICK, Mr. KING of Iowa, Mr. GARRETT of New Jersey, Mr. SHADEGG, Mr. BARTLETT of Maryland, Mr. MILLER of Florida, Mr. SESSIONS, Mr. FROST, Mr. LIPINSKI, Mr. WILSON of South Carolina, Mr. COOPER, Mr. ADERHOLT, and Mr. REYES):

H. Con. Res. 367. Concurrent resolution saluting the life and courage of the late Commander Lloyd ''Pete'' Bucher, United States Navy (retired), who commanded the U.S.S. Pueblo (AGER–2) at the time of its capture by North Korea on January 23, 1968; to the Committee on Armed Services.

By Mr. PETRI:

H. Con. Res. 368. Concurrent resolution recognizing The Garden Club of America on the occasion of its 91st annual meeting; to the Committee on Government Reform.

By Mr. SANDERS:

H. Con. Res. 369. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued in honor of Matthew Lyon; to the Committee on Government Reform.

By Ms. WATERS (for herself, Ms. LEE, Ms. WATSON, Mr. BROWN of Ohio, Mr. CONYERS, Mr. EMANUEL, Mr. PALLONE, Mr. RANGEL, Mr. LEWIS of Georgia, Ms. CORRINE BROWN of Florida, Mr. HASTINGS of Florida, Mr. DAVIS of Illinois, Ms. MAJETTE, Mr. OWENS, Ms. NORTON, Mr. MEEKS of New York, Mr. CLYBURN, Mr. PAYNE, Mr. WATT, Mr. BALLANCE, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Ms. KILPATRICK, Mrs. JONES of Ohio, Mrs. CHRISTENSEN, Mr.

CUMMINGS, Ms. JACKSON-LEE of Texas, Ms. WOOLSEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DELAHUNT, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. TOWNS, and Mr. FATTAH):

H. Con. Res. 370. Concurrent resolution expressing the sense of Congress that the United States should support the principles of democracy and constitutional rule in the Republic of Haiti, and for other purposes; to the Committee on International Relations.

By Mr. HILL:

H. Res. 534. A resolution providing for the consideration of the bill (H.R. 1769) to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States; to the Committee on Rules.

By Mr. WELLER (for himself, Mr. BALLENGER, Ms. HARRIS, and Mr. SOUDER):

H. Res. 535. A resolution expressing the concern and support of the House of Representatives for local elected officials under threat of assassination, kidnapping, forcible displacement, and coercion by terrorist organizations in the Republic of Colombia; to the Committee on International Relations.

By Mr. WELDON of Pennsylvania:

H. Res. 537. A resolution recognizing the exemplary contributions of the Gilmore Commission to the homeland security of the United States, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Armed Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 110: Mr. CARDOZA.

H.R. 111: Mr. FROST and Mr. BARTLETT of Maryland.

H.R. 284: Mr. CLYBURN.

H.R. 290: Mr. BOUCHER and Mr. LOBIONDO.

H.R. 339: Mr. BURNS.

H.R. 476: Mr. WEINER and Mr. LANTOS.

H.R. 610: Mr. WU.

H.R. 677: Mr. ACEVEDO-VILA, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. NORTON, and Ms. WATSON.

H.R. 713: Mr. CONYERS and Ms. BERKLEY.

H.R. 776: Ms. LOFGREN.

H.R. 840: Mr. MCNULTY.

H.R. 880: Mr. LANTOS.

H.R. 962: Mr. RANGEL, Mrs. JONES of Ohio, Mrs. DAVIS of California, Mr. GUTIERREZ, and Mr. SCHIFF.

H.R. 977: Mr. KILDEE, Mr. THOMPSON of Mississippi, and Mr. MARKEY.

H.R. 1002: Mr. SAXTON.

H.R. 1010: Mrs. MALONEY.

H.R. 1127: Mr. GRAVES and Mr. ROHRABACHER.

H.R. 1214: Mr. EMANUAL and Mr. LAMPSON.

H.R. 1377: Mr. JACKSON of Illinois.

H.R. 1426: Mr. MCDERMOTT.

H.R. 1434: Mr. LEWIS of Georgia.

H.R. 1472: Mr. CONYERS.

H.R. 1532: Mr. POMEROY, Mr. SNYDER, and Mr. GERLACH.

H.R. 1582: Mr. KOLBE.

H.R. 1613: Mr. HOLT, Mr. NADLER, Ms. NORTON, and Mr. ROTHMAN.

H.R. 1634: Mr. FILNER.

H.R. 1726: Mr. RAHALL.

H.R. 1767: Mr. GARRETT of New Jersey, Mr. RAMSTAD, and Mr. BACHUS.

H.R. 1824: Mr. BEAUPREZ, Mr. PRICE of North Carolina, and Mr. PAYNE.

H.R. 1863: Ms. WOOLSEY, Mr. BISHOP of Georgia, Mr. OLVER, and Mr. INSLEE.

H.R. 2011: Mr. LIPINSKI.

H.R. 2154: Mr. KINGSTON.

H.R. 2217: Mr. GORDON.

H.R. 2227: Mr. FORD and Mr. WAMP.

H.R. 2260: Mr. QUINN and Mr. GORDON.

H.R. 2293: Mr. BALLENGER and Mr. FLAKE.

H.R. 2318: Mr. CHANDLER.

H.R. 2497: Mr. HOEFFEL.

H.R. 2761: Mrs. MALONEY.

H.R. 2768: Mr. BEAUPREZ.

H.R. 2823: Mr. RAHALL and Mr. BRADLEY of New Hampshire.

H.R. 2824: Mr. GARRETT of New Jersey, Mr. VAN HOLLEN, Mr. SESSIONS, Mr. HAYES, and Mr. WILSON of South Carolina.

H.R. 2840: Mr. NADLER.

H.R. 2900: Mr. MICA and Mr. LEWIS of Kentucky.

H.R. 2932: Mr. HOLT.

H.R. 2971: Mr. MCDERMOTT.

H.R. 3002: Mr. KOLBE.

H.R. 3015: Mr. BOOZMAN.

H.R. 3048: Mr. FLAKE.

H.R. 3058: Mr. CHOCOLA.

H.R. 3194: Mr. TIERNEY, Mr. WEXLER, and Ms. KAPTUR.

H.R. 3242: Ms. SLAUGHTER, Mr. POMEROY, and Mr. LAMPSON.

H.R. 3307: Mr. TIBERI and Mr. MILLER of Florida.

H.R. 3324: Mr. MARSHALL.

H.R. 3341: Mr. BALLANCE and Mr. BOUCHER.

H.R. 3344: Mr. MCINTYRE and Ms. WOOLSEY.

H.R. 3451: Mr. BISHOP of Georgia.

H.R. 3480: Ms. LOFGREN.

H.R. 3528: Mr. LARSON of Connecticut, Mr. RANGEL, and Mr. HASTINGS of Florida.

H.R. 3539: Mr. BISHOP of Georgia, Mr. HOLDEN, Mr. ENGEL, Mr. HASTINGS of Florida, Mr. DEUTSCH, and Mr. MENENDEZ.

H.R. 3545: Ms. LEE.

H.R. 3572: Mr. OWENS.

H.R. 3591: Mr. LEACH.

H.R. 3604: Mr. LEWIS of Kentucky and Mr. WHITFIELD.

H.R. 3605: Mr. NEY.

H.R. 3610: Mr. SANDLIN.

H.R. 3619: Mr. BISHOP of Georgia, Mr. BRADY of Pennsylvania, Mr. POMEROY, Mr. LATOURETTE, Mr. SCOTT of Georgia, Mr. MEEKS of New York, and Mr. RANGEL.

H.R. 3672: Mrs. DAVIS of California and Mrs. CAPPS.

H.R. 3676: Mr. CUMMINGS, Mr. EMANUEL, and Mr. BERMAN.

H.R. 3678: Mr. BISHOP of New York.

H.R. 3684: Mr. MCGOVERN, Mr. ISRAEL, Mr. LANGEVIN, and Mr. SHAYS.

H.R. 3707: Mr. HINCHEY, Mr. KILDEE, Mr. MATSUI, Mr. EVANS, Ms. SLAUGHTER, and Mr. PASTOR.

H.R. 3708: Mr. FLAKE.

H.R. 3714: Mr. GRIJALVA, Mr. FRANK of Massachusetts, and Mr. RYAN of Ohio.

H.R. 3764: Mr. BILIRAKIS, Mr. ENGLISH, Ms. LOFGREN, Mr. OWENS, Mr. PLATTS, Ms. GINNY BROWN-WAITE of Florida, Mr. HINOJOSA, Mr. PAYNE, Mrs. WILSON of New Mexico, Ms. NORTON, Mr. GRIJALVA, and Mr. RUSH.

H.R. 3771: Mr. FRANK of Massachusetts, Mr. MCNULTY, and Mr. WOLF.

H.R. 3793: Mr. STEARNS, Mr. BARTLETT of Maryland, Mr. TANCREDO, Mr. PALLONE, and Mr. BERMAN.

H.R. 3796: Mrs. CAPITO.

H.R. 3801: Mr. BURGESS, Mr. TANCREDO, and Mr. TERRY.

H.R. 3815: Mr. FROST and Mr. SERRANO.

H.R. 3818: Mr. WALSH, Mr. LAMPSON, and Mr. ANDREWS.

H.J. Res. 60: Mr. MILLER of Florida.

H. Con. Res. 15: Mr. WELDON of Florida, Mr. WALSH, and Ms. WATSON.

H. Con. Res. 99: Mr. MCGOVERN, Mr. NEAL of Massachusetts, and Mr. MATSUI.

H. Con. Res. 111: Mr. LYNCH.

H. Con. Res. 218: Mr. KENNEDY of Rhode Island and Mr. FROST.

H. Con. Res. 232: Mr. BARTLETT of Maryland.

H. Con. Res. 276: Mr. OBERSTAR and Ms. LEE.

H. Con. Res. 298: Mr. GREENWOOD.

H. Con. Res. 304: Mr. GREEN of Wisconsin and Mr. SHAYS.

H. Con. Res. 307: Mr. ISRAEL.

H. Con. Res. 327: Mr. MCGOVERN and Ms. WOOLSEY.

H. Con. Res. 332: Mr. DAVIS of Alabama, Mr. REHBERG, Mr. GREEN of Wisconsin, Mr. CLAY, and Mr. KILDEE.

H. Con. Res. 353: Mr. BELL, Mr. NEY, Ms. SCHAKOWSKY, Mr. WU, Mr. COX, Mr. GRIJALVA, Mr. LEWIS of Georgia, and Ms. WATSON.

H. Res. 38: Mr. ISRAEL.

H. Res. 313: Mr. WEINER and Mr. LANTOS.

H. Res. 471: Mr. WYNN and Mr. DAVIS of Illinois.

H. Res. 479: Mr. FILNER, Ms. MILLENDER-MCDONALD, and Mr. STARK.

H. Res. 501: Mr. CLAY, Mrs. MCCARTHY of New York, Mr. SMITH of New Jersey, Mr. SHIMKUS, Mr. PENCE, Mr. FRANK of Massachusetts, and Mr. AKIN.

H. Res. 522: Ms. MCCARTHY of Missouri, Mr. MCNULTY, Mr. SERRANO, Mr. LIPINSKI, and Mr. TERRY.

H. Res. 524: Mr. RUSH, Mr. OWENS, and Mr. ENGLISH.

H. Res. 526: Mr. ACKERMAN, Mr. BELL, Mr. BLUMENAUER, Mr. CALVERT, Mr. EVANS, Mr. EHLERS, Mr. HOBSON, Mr. LEACH, Ms. LEE, Ms. HARRIS, Mr. MORAN of Virginia, Mr. OWENS, Mr. PAYNE, and Mr. MCCOTTER.

H. Res. 530: Mr. ABERCROMBIE and Mr. CLAY.

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PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, WEDNESDAY, FEBRUARY 25, 2004 No. 21

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable LINDSEY O. GRAHAM, a Senator from the State of South Carolina.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Bishop Alfred A. Owens, Mount Calvary Holy Church, Washington, DC.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

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

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 Senators 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 clarion 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.

PLEDGE OF ALLEGIANCE

The Honorable LINDSEY O. GRAHAM 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 assistant journal clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 25, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINDSEY O. GRAHAM, a Senator from the State of South Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. GRAHAM of South Carolina thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the debate prior to 10:30 will be equally divided in relation to the pending motion to proceed to the gun manufacturers liability bill. At 10:30 this morning, the Senate will proceed to a vote on invoking cloture on the motion to proceed to that bill. I anticipate the Senate will invoke cloture, and I hope we would then be allowed to begin consideration of the bill and the amendment process.

I understand some Members have indicated a desire to speak during the postcloture period, and I do urge those colleagues to allow us to proceed to the underlying bill. There will be plenty of time on the bill to deliver those statements once the bill is before the Senate.

I expect amendments will be offered during today's session, and therefore Members can expect rollcall votes today. We will alert everyone as these votes are scheduled.

Finally, I encourage any Member who intends to offer an amendment to the bill to contact their respective cloakrooms as soon as possible. It is helpful for both sides of the aisle, in terms of scheduling, if Members notify the managers of any possible amendments.

I thank all Senators and look forward to making substantial progress on the gun manufacturers liability bill throughout the day.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader.

EDUCATION FUNDING

Mr. DASCHLE. Mr. President, I will use leader time for a statement unrelated to the legislation before us.

Every year since 1926, Americans have set aside time in February to recognize and celebrate black history. We owe this celebration of Black History Month to Carter G. Woodson, a brilliant and determined son of former slaves, who made it his mission to write African Americans into America's history books.

Black History Month actually started out as Black History Week. Dr. Woodson chose the second week in February because it marks the birthdays of two men who greatly influenced African American history: Abraham Lincoln and Frederick Douglass.

Dr. Woodson said:

We should emphasize not Negro history, but the Negro in history. What we need is not a history of selected races or nations, but a history of the world void of national bias, race hate, and religious prejudice.

In 1870, in order to rejoin the Union, the Mississippi State Legislature needed to choose someone to fill the seat in the Senate once held by Jefferson Davis. They chose an ordained minister named Hiram Rhodes Revels.

On February 25—134 years ago today—visitors in the Senate galleries

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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burst into applause as Senator Revels became the first African American ever to serve in the Senate.

Five years later, Mississippi sent America its second African American Senator, Blanche Kelso Bruce, the first African American to serve a full term in the Senate.

Although he served only 6 years, Senator Bruce distinguished himself as a passionate advocate of civil rights for blacks, Native Americans, Chinese immigrants, and even former Confederates.

Besides Mississippi, there was another bond that connected these extraordinary men: a fierce commitment to education.

During the Civil War, Hiram Revels not only raised two black regiments for the Union Army and fought at one of the war's bloodiest battles, he established a school for freedmen in St. Louis. After serving in the Senate, he became president of a college in Mississippi.

Blanche Bruce was born a slave. His first teacher was a tutor hired to teach his master's son. At 20, he escaped slavery and became a teacher in Missouri. He later attended Oberlin College and spent much of his life after the Senate working to bring learning to former slaves, their children, and grandchildren.

It is fitting we remember these two great men of history in this Chamber where they made history, and it is especially appropriate that we remember them this year, on the 50th anniversary of Brown v. Board of Education, the Supreme Court ruling that declared once and forever that in America, no child can be consigned to a second-class school on the basis of race.

All Americans—not just African Americans, all Americans—are the beneficiaries of the Brown decision. It has made America stronger spiritually by realigning our public institutions with our great guiding principles.

It has also made America strong economically, socially, politically, intellectually, artistically, militarily, and in so many other ways by requiring every child in America—every child—be given the opportunity to make the most of his or her God-given potential.

In this Black History Month especially, America remembers and honors Thurgood Marshall and Linda Brown, the giant at the head of the NAACP brilliant legal team in Brown, and the brave little 8-year-old girl at the center of the case. We also remember and honor all those who helped them—and there were many—because it takes many people of good will to right great wrongs. But it is not enough to remember great turning points in our past. We should also rededicate ourselves to the great principles at the heart of the Brown decision.

This Black History Month, the right of every child in America to attend a good school and get a good education, regardless of race or income, is once again in jeopardy. The threat to equal educational opportunity today is not as obvious or virulent as it was before Brown. We no longer tolerate laws that say some children can be consigned to second-rate schools and third- or fourth-rate futures. In fact, our laws today promise to leave no child behind. But the law is not being funded. It is a check written on insufficient funds.

I was the first in my family to graduate from college. I could not have gone to college had it not been for the ROTC scholarship I had.

I voted for No Child Left Behind because I believe every child in America deserves the same opportunities I have been given. I voted for No Child Left Behind because I know investing in the minds of young people is the smartest, most productive investment a nation can make. I voted for No Child Left Behind because I support accountability and because I have no doubt that students, teachers, principals, parents, and school board members in South Dakota and across the country can meet higher standards as long as they are given the resources.

I voted for No Child Left Behind because President Bush gave his word that the law would be funded, but that is not what has happened. In the 2 years since President Bush signed the law, he has proposed three budgets to Congress. All three times, the President has drastically underfunded his own education reform plan. The education budget President Bush recommended for next year falls $9.4 billion short of what was originally promised in No Child Left Behind, $9.4 billion less than what is needed to make it work.

The program that is most critical to closing the achievement gap between minority and nonminority students, title I, is cut the deepest—more than $7.1 billion below what the law promises. The President's education budget does not leave one child behind; it leaves 4.6 million children behind, and a disproportionate number of them are African American and members of other minorities.

The President's budget also makes deep cuts in afterschool programs despite strong evidence that good afterschool programs keep children safe and help them academically. It provides less than half the share of special education costs the Federal Government committed in 1975. It slashes career and technical education. It eliminates dropout prevention programs. Despite promising during the campaign of 2000 and again last month in the State of the Union Address to raise the maximum Pell grant by $1,000, the President's budget actually freezes Pell grants next year for the third year in a row. Three years ago, the maximum Pell grant paid 42 percent of the average annual cost of attending college. Today, it covers only 34 percent.

The President's neglect of education and his repeated refusal to fund even his own educational plan is hurting America. It is hurting African-American and other minority children disproportionately. This is not a partisan criticism. Republican legislators in Arizona and Minnesota have introduced bills that would allow their States to partially opt out of No Child Left Behind. They consider it an unfunded mandate.

Legislatures in at least 10 other States have adopted resolutions criticizing the law and seeking waivers from parts of it. In Utah, a Republican-dominated House has voted not to implement No Child Left Behind unless Federal funds are provided adequately. States are being put in a horrible bind: Accept huge, costly, unfunded mandates or give up tens of millions of dollars or more in Federal education aid, much of which is intended and which works to close the achievement gap.

Brown v. Board of Education is one of the most inspiring chapters in our Nation's history. It gave all American children the promise of equal educational opportunity and the No Child Left Behind Act reaffirmed that promise in principle, but the promise is hollow unless we fund it. When the Senate debates the budget resolution, we will be offering amendments to fully fund the No Child Left Behind Act and to make other critical investments in education and training.

It is important we remember our history. It is also essential that we keep our promises and invest in our future.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

PROTECTION OF LAWFUL COMMERCE IN ARMS ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1805, which the clerk will report.

The assistant journal clerk read as follows:

Motion to proceed to the bill (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.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:30 a.m. will be equally divided between the Senator from Idaho, Mr. CRAIG, and the Senator from Rhode Island, Mr. REED, or their designees.

Who seeks recognition?

The Senator from Idaho.

Mr. CRAIG. Mr. President, the leader has obviously taken time. We thought we were going to have an hour on each side. Is the vote still scheduled for 10:30, or does the leader's time count in that?

The ACTING PRESIDENT pro tempore. The vote will be at 10:30. The time has been reduced proportionately.

Mr. CRAIG. I think we can live with that.

The ACTING PRESIDENT pro tempore. For the information of the Senators, each side will have 23 minutes.

Mr. CRAIG. I believe several of my colleagues will want to be on the floor to speak prior to the cloture vote. As the leadership has said, there is a cloture vote on the motion to proceed to S. 1805, the Protection of Lawful Commerce in Arms Act. We will vote on that at 10:30 this morning.

I regret that a few of our colleagues are forcing us to go through this procedural step instead of simply moving to the bill. This bill is supported by a strong bipartisan majority in the Senate, and I believe as we work our way through it, that kind of bipartisan relationship will clearly demonstrate itself. More than half the Senators, as I have said, both Republicans and Democrats, are cosponsors of our legislation, including the leadership of both parties. A very similar bill passed in the House nearly a year ago by a 2-to-1 vote margin, or nearly that margin.

Some of our colleagues have already announced they intend to play politics with this bill instead of debating its merits. They have already announced their intention to throw a variety of nonrelated bills or amendments at this important—the legislation my guess is to attempt to divert the legislation and delay the completion of its consideration. However, I believe this morning's vote will demonstrate that a majority of the Senate is, indeed, ready to proceed to this bill and to debate it, as we should, offer legitimate amendments, debate those amendments fully, and vote them up or down if necessary.

This legislation addresses a crisis in our courts and the integrity of our courts because our courts are now threatened by the kind of lawsuits that are simply not necessary but politically motivated. For a long time, the trial bar has attempted to use the court system to legislate social policy or legal activity in this country. What this bill does, and what we have worked to do and why it has gained the support it has, is craft a very narrow exception in the law so that we still hold those responsible accountable for their actions under all laws.

What we have always said within the law is that someone cannot be held accountable for someone else's actions, and if someone is attempting to reach back through the law when someone is innocent and legal in their acts, then that kind of thing ought to stop. That is why we have worked hard to craft it narrowly.

I think Americans clearly understand what we are attempting to do, and that is our goal. I hope my colleagues will vote in favor of cloture so that we can get into the full and robust debate of this legislation. It is important.

I will turn to my colleague, Senator REED, who will be handling the opposition, and then I believe at that time we will probably have several of our colleagues who wish to speak to it.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in strong opposition to the so-called Protection of Lawful Commerce in Arms Act. At a time when this country is faced with extraordinary problems—with economic problems, international problems—we are devoting very precious time to legislation that is in behalf of a special interest rather than dealing with the broader public interest, the economy of this country and the international position and status of this country.

This is not legislation that is designed to protect the courts. This is legislation that is designed to protect gun dealers, the gun industry, manufacturers, and trade associations such as the National Rifle Association. To suggest this is simply a response to politically motivated cases flies in the face of cases that have been filed, like the cases of the victims of the sniper shootings here in Washington, DC; people like Bernice Johnson, whose husband was sitting on a bus reading his paper waiting to go on and run his route that day and was killed. It subsequently turns out the weapon that was used in this crime came from a dealer in Washington State who apparently couldn't account for 238 weapons. Mrs. Johnson is not suing to make a political point. She is suing simply because she lost her husband, the father of her children, and she would like to hold responsible those people who were negligent.

The suggestion that this is a minor exception to the law when people are acting legally, following a statute, flies in the face of our concept of civil liability. It is not a question of just following the law. It is also a question of being responsible for your actions, of not being negligent, of taking due care in the performance of your legal duties. This whole approach is something I think flies in the face of basic common sense and the basic law of this country.

We are struggling with huge problems across this Nation. Yet we are spending precious time here to try to deal with the interests of a special group of people, a very influential group of people. We are not out protecting the rights of Mrs. Johnson and others bringing this suit. We are protecting the rights, frankly, of the gun industry to be negligent and harm people through their negligence.

This legislation is not a minor, carefully crafted exception. It would wipe out virtually every opportunity to assess whether a gun dealer, a gun manufacturer, or a trade association was negligent in their activities. It would bar virtually all negligence for product liability in State and Federal courts and throw out all pending cases, cases that have already been filed prior to this date, prior to the potential enactment of this legislation. It is a sweeping immunity to gun dealers, gun manufacturers, and even trade associations such as the National Rifle Association.

It is no wonder the gun lobby dropped this legislation in the 107th Congress, because we were paralyzed here in Washington by a sniper—two snipers, it turns out—who killed people with weapons that were obtained through the apparent negligence of a gun dealer. Yet these individuals, these victims and their families, would be denied the right to go to court because of this legislation.

It is also ironic that this would be the first gun bill to be enacted since Columbine, a situation in which, again, young people, disturbed young people, were able to go to a gun show using a straw purchaser, using the loophole that exists in buying weapons without a background check, and then went into a high school in Colorado and wreaked havoc. Instead of closing the gun show loophole, we are now trying to open up a huge highway for the negligence of gun dealers, negligence of the gun industry.

Talking about the procedural correctness of this approach, this legislation did not go through the Senate Judiciary Committee. There were no hearings, no committee markups were ever scheduled. This very complicated issue of balancing the rights of plaintiffs versus the rights of defendants in the context of civil litigation was never fully assessed through hearings. Now we are here and now we must have a vigorous debate on this legislation. We must not only look to the specifics of this legislation but also to its impact across the country and address some larger issues of gun violence in the United States.

Two years ago or so, it was the Washington area snipers who paralyzed this country, certainly paralyzed this area of the country. Today there is apparently one or perhaps more gunmen who are stalking innocent people on the highways of Ohio.

Gun violence exists and we should do more to stop it. We should use this opportunity to pass provisions that will close the gun show loophole, that would reauthorize the ban on assault weapons that has operated in the last few years at least to keep the most dangerous weapons out of the hands of some very dangerous people. We should require effective safety locks on handguns. We should improve the national instant criminal background check system so there is a more accurate and more effective system of checking.

These are the things we should be doing and I hope we can have an opportunity to offer amendments in this regard. Every day there are hundreds of thousands, millions of families who struggle to do all they can to protect their children and themselves. Here we are telling the gun industry: Don't join that effort to make people safer. You can ignore reasonable, responsible actions. You can be negligent and you will not be brought to justice.

I think that is wrong. I think that is bad law, bad public policy. I urge my colleagues to oppose this legislation, to

oppose this motion to go forward. There are much more pressing demands in this country we should address today: the unemployed, those who are struggling to find jobs in a jobless economy; funding fully our national defense. We have a budget that was presented to us that does not include any money for Iraq and Afghanistan. That is something we should be focused on today.

Mr. DODD. Will my colleague yield?

Mr. REED. I am happy to yield.

Mr. DODD. I commend my colleague for his statement this morning. I want to underscore the last point he is making.

Here we are with the highest unemployment figure since the Great Depression and we are debating the gun issue. I come from a State that probably has more manufacturers of guns than any other in the country. I think Connecticut is still the largest manufacturer. The idea we are going to take an entire industry and exclude it from liability should there be a just cause to bring them to a bar of justice is rather remarkable to me in light of everything else going on in the country. So I commend my colleague from Rhode Island. We come from the same region of the country. We have lost 45,000 jobs in my State in the manufacturing sector in the last 30 months. I ask whether, in his view, there aren't higher priorities we ought to be addressing other than excusing an entire industry from liability against negligence?

Mr. REED. Reclaiming my time, I agree entirely with the Senator from Connecticut. Rhode Island, like Connecticut, is seeing its manufacturing base evaporate. These are real problems. These are problems that affect families throughout this country. This is truly in the public interest, finding an answer to disappearing jobs throughout the country. Yet today we want to protect one very special interest.

Let me add, too, as the Senator points out, not only are we trying to give an unprecedented immunity to one industry, this industry is virtually unregulated in the sense of other industries. It is not controlled by the Product Safety Commission, which would look at the product design. So one of the only recourses an individual has with respect to negligence claims is through the courts. Here we are eroding that avenue.

Mr. DODD. I thank my colleague. If he will yield further?

Mr. REED. I will.

Mr. DODD. I thank my colleague. I will join him in opposing cloture on this bill and I hope the leadership would move on with another issue that I guarantee has a far higher priority with the American public than to satisfy one industry's fear that they might have to appear before the bar of justice to explain their behavior. The idea we would exclude this industry—we tried to do that on another issue on the MTBE issue that came up on the energy bill. As my colleague may know, I offered the securities reform bill, the National Standards legislation, Y2K, terrorism insurance. I am also a strong advocate of class action reform. I am not an opponent at all of trying to reform the tort system. But the idea that we would eliminate an entire industry from liability due to the potentiality of their products for causing great harm is amazing to me. Given the challenges our country faces, it is amazing we would spend time on this legislation.

Mr. DURBIN. If the Senator will yield, I thank the Senator from Rhode Island for his leadership on this issue. I worked with him and I will continue. I would like to ask him this question.

Am I correct that yesterday the item of business before us was to exempt individuals who had been held liable for creating medical injuries from their full accountability and liability in medical malpractice, including pharmaceutical companies and medical device companies? That was the item on the agenda yesterday. Now, today, we are taking up the exemption from liability for gun manufacturers and dealers. Does the Senator from Rhode Island detect a pattern here, that each day of the week we are going to try to single out another special interest group and give them an exemption from accountability and liability in courts in America?

I think he is accurate in his description of what we have been doing in the last couple of days, which is trying to not provide for the public interest but to protect special interests, and not to provide individual citizens a right, regretfully, when they have been harmed, at least a right to make a determination of who should be held liable, but simply and categorically strip away these rights and to protect industries that have powerful influence in Washington.

Mr. DURBIN. Mr. President, I ask the Senator: Did he not say this bill has never gone through a committee for hearings and for our close scrutiny in determining exactly what the impact would be?

Mr. REED. Mr. President, the Senator is right. There have been no hearings. This bill has been brought to the floor directly. That is why it is incumbent for us to take a greater amount of time to look over the bill.

Mr. DURBIN. If the Senator will yield for a further question, if we look at existing law in America and at companies, manufacturers, and interest groups that are currently exempt from being held accountable in a courtroom for misuse of their products or selling a product, the only one I can think of is the Price-Anderson law relative to the nuclear power industry. There are a lot of different exceptions where we have said you can't be sued no matter what you do. Is there a long list we are adding to with this legislation?

Mr. REED. The only exception other than Price-Anderson I can think of is General Aviation Aircraft, over 18 years old, that has special protection. That is a very narrow protection, and I think it is nothing like contemplated in this legislation.

I must also note those aircraft are supervised by the FAA. There is significant Federal involvement in the design and airworthiness, things that do not apply at all to a weapon.

Mr. DURBIN. If I may ask the Senator a further question, if he will yield for a question, is it my understanding if we pass this bill that individuals—for example, the victims of the District of Columbia snipers—who are going after gun dealers who were selling massive amounts of weapons which they could not even account for, that we may in fact eliminate the lawsuits brought by the surviving families of the DC snipers against the gun dealers who were just negligently and wantonly selling guns without any consideration as to whether they could be misused?

Mr. REED. That is my understanding. It is not only my understanding, but it is the understanding of various counsel who looked closely at this legislation and rendered an opinion to that effect.

Mr. DURBIN. If the Senator would further yield for a question, we had two individuals we believe who were absolutely terrorizing the Washington, DC area and killing people with sniper rifles. Then we identified where that rifle was purchased and found out this Bull's Eye dealer—whatever the name was—was not even keeping good records of the guns that were being sold. The families of the victims who were killed by the DC snipers believe the gun dealer should be held liable and accountable for its negligence in selling guns without keeping the records that are required. And the Senator from Rhode Island is telling me we are bringing a bill to the floor of the Senate to exempt the gun dealer who sold the weapon that killed these innocent people in the Washington, DC area from liability. Is that what this debate is all about?

Mr. REED. That is my view entirely. That is what this legislation will accomplish. It will not only prospectively provide barriers to the courts for victims of negligence like this, but it will reach back and protect these individuals who apparently—at least arguably—were negligent in not properly controlling over 230 weapons, not just the one the snipers used, which disappeared.

Mr. DURBIN. I ask the Senator from Rhode Island: If we are going to decide to pass laws here on a daily basis to exempt companies across America from being held accountable for their negligence and for wrongful conduct, does the Senator from Rhode Island share my belief this is going to become an auction process where the Senate, frankly, will decide which special interests we will honor on a weekly basis to make certain they cannot be held accountable by a jury of their peers

and by judges so that individuals who were wronged, like the victims of the District of Columbia snipers, will eventually find they have no recourse? They cannot go to the White House on a gun issue because the President is on the side of the gun lobby. They cannot go to Congress which is controlled by Members who apparently pay a lot more attention to the gun lobby than gun victims. So we are closing the courthouse doors to the victims of gun violence by the passage of this legislation.

Mr. REED. I think the Senator is entirely correct. His insight also is accurate in that I cannot see that other industries, if we pass this, won't come to us and say, We have very valid reasons, too. We are being assailed every day by these claims. This sets a very dangerous and very unfortunate precedent.

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. Six minutes 20 seconds.

Mr. DODD. Mr. President, will my colleague yield for an additional question? I was curious whether my colleague would share with us what problem this legislation seeks to solve. Normally, when you bring a bill to the floor you try to solve the problem. I wonder if my colleague has any idea of the volumes of lawsuits that have been brought against gun manufacturers that the author of this legislation is trying to solve.

Mr. REED. Very few suits have been filed. There is not an epidemic throughout the Nation, but probably the best evidence is from the companies themselves. Let me make reference to the 10–K report on weapons.

> In the opinion of management, after consultation with special counsel, it is not probable and is unlikely that the outcomes of these claims will have a material adverse effect on the results of the operations or the financial condition of the company as managers believe it has provided adequate reserves.

So in 10 cases, in the statement required to be sworn to under the securities laws, Smith & Wesson and other companies have essentially said there is not a material problem.

At this point, because I know there are other speakers who would like to respond——

Mr. DODD. If the Senator will yield for one more additional question, I want to make the point that my colleague is absolutely correct.

Further, is he aware that over the last 10 years there have been 33 cases brought by municipalities—one in the State of New York—and none of them have resulted in conclusions that have been harmful to the gun manufacturing industry? With a population of 280 million people, there have been 33 or 34 cases in almost 10 years, not one of which has resulted in an adverse decision for the manufacturers. Is my colleague aware of that?

Mr. REED. I am aware of it. The Senator is correct. We think there are less than 100 cases.

Mr. DODD. The police chiefs from across the country are urging the Senate not to protect gun dealers who arm killers.

Mr. REED. I am aware of that. In the course of this debate, I hope we can emphasize that point.

I retain the remainder of my time and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAIG. Mr. President, before I yield to the Senator from Texas, let me make a couple of comments in response to what my colleagues have been saying this morning.

Let's take the gun dealer in Tacoma, WA who is alleged to have sold to the sniper who held this area hostage for a time with a gun. His license has been revoked. There is a criminal investigation, and BATF has asked the Justice Department to file felony charges against the dealer. The business is now closed and broke.

In other words, what I am saying is if this licensed gun dealer violated current law, he will be shut down. What we are talking about here again is a narrow piece of legislation that deals with civil liability—not product liability—and in the case of current Federal law it does not touch it. The day in court comes.

But what the Senator from Connecticut didn't say is even his own gun manufacturers and their associations in those some 30-plus lawsuits have spent millions and millions of dollars before the court system defending themselves, and to date the judges have thrown them out. This is called ''death through attrition'' by simply taking to the courts and constantly bringing to the courts these kinds of arguments. Here is the reality.

Mr. DODD. Mr. President, will the Senator yield?

Mr. CRAIG. I can't yield at this time. My time is limited. We are going to be on this for days, as the Senator knows. We will debate it thoroughly.

But what he is suggesting is running the risk of losing all of his gun manufacturers and the hundreds of jobs that are out there. He is concerned about jobs. I think he would be concerned about keeping the jobs he has in his home State. That is part of this discussion.

Mr. DODD. Will the Senator yield?

Mr. CRAIG. I can't yield. Time is limited.

Mr. DODD. The Senator made reference to the Senator from Connecticut.

Mr. CRAIG. I did it fairly. You are here on the floor. We will talk about this more in the hours to come.

Let me yield to my colleague from the great State of Texas.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I rise to say a few words on our broken civil justice system. Today we are debating yet another common sense reform proposal, the Protection of Lawful Commerce in Arms Act.

Despite many recent opportunities, Congress has been unable to enact meaningful tort reform, largely because of strong resistance by trial lawyers and their allies in this chamber. Just yesterday we failed to reach cloture on medical liability reform that would protect our mothers and their children. We have been blocked from enacting broader medical liability reform.

And we saw this drama played out last year with the Senate's failure—by one vote—to end a filibuster of the Class Action Fairness Act and give the bill a vote on the floor. Despite the fact that a bipartisan majority stands ready to pass that bill, the obstructionist opposition prevents us from acting.

I believe our civil justice system is badly broken. It serves the interests of the few at the expense of the many. It has become almost entirely directed not at dealing out justice, but at finding as many scapegoats as possible, the wealthier the better.

It used to be that if you slipped and fell on a sidewalk, you picked yourself up and kept on walking. But nowadays, far too many trial lawyers continue to feed the idea that instead of getting up again, you ought to sue the maker of the sidewalk for making it too hard, the maker of your shoes for not putting enough ridges on your soles, and everyone in your near vicinity for not rushing to catch you as you fell. After all, there is money to be made.

The current system rewards lawyers and short-changes the real victims. There is no doubt that this system of over-litigation cannot last without more negative results. And without reform, I fear the entire system will collapse under its own weight.

Today, the Senate has the opportunity to take a step in the right direction on this problem, by passing the Protection of Lawful Commerce in Arms Act.

This bill is simple: it provides that lawsuits may not be brought against lawful manufacturers and sellers of firearms or ammunition if the suits are based on criminal or unlawful use of the product by someone else—when a criminal, not the manufacturer, commits a crime.

Such lawsuits are not intended to find real fault, but to play on the emotions of a jury and drive the gun industry out of business, holding legitimate, law-abiding manufacturers and dealers liable for the intentional and criminal acts of others.

This bill reinforces years of legal precedent—that individuals and businesses are responsible for the harm they case, not for the actions of third parties over whom they have no control.

Many Judges across the Nation recognize the ridiculous nature of these suits. The Louisiana Supreme Court struck down New Orleans' right to bring such a suit in the face of State law forbidding it, and said ''this lawsuit constitutes an indirect attempt to regulate the lawful design, manufacture, marketing and sale of firearms.''

In dismissing New York State's case last year, a New York appellate court observed ''the plain fact that courts are the least suited, least equipped, and thus the least appropriate branch of government to regulate and micromanage the manufacturing, marketing, distribution and sale of handguns.''

Thankfully, many States are acting: 33 States have enacted some form of legislation to prevent junk lawsuits against the firearms industry based on the criminal behavior of others. We must follow the lead of the majority of States, and pass this common sense measure.

Don't allow any illusions about the intentions of the people involved in these suits. At an American Bar Association symposium in 1999, one of the plaintiffs' attorneys for the antigun lawsuits explained that the attorneys had read the Dun & Bradstreet reports on the firearms companies, estimated how much the companies could spend defending themselves against litigation, and then filed so many cases in so many jurisdictions that the gun companies would not be able to spend the money to see the cases through to a verdict. The irresponsible tort community is simply looking for another law-abiding business to prey on.

And even if all the gun companies in America were put together, they would not constitute a single Fortune 500 company—so the gun companies are much more vulnerable to abusive litigation than deep-pocketed giants such as the New York Times.

The real way to stop gun crime in America is simple: those who abuse the constitutional right to keep and bear arms by using firearms to commit crimes must be aggressively prosecuted and punished. When I was Attorney General of Texas, I joined with then-Governor Bush to launch a program we called Texas Exile. That program provided local prosecutors with the funds to get more than 2,000 guns off the streets and to issue more than 1,500 indictments for gun crimes, resulting in almost 1,200 convictions in its first 3 years of existence alone.

And when President Bush came to Washington, he built upon our success in Texas by making Project Safe Neighborhoods one of his top priorities. Project Safe Neighborhoods expands on existing programs that target gun crimes in each State. It is a nationwide commitment to reduce gun crime in America by networking these existing local programs and providing those programs with the additional tools necessary to be successful.

The Bush administration has committed more than $900 million to this effort over three years, using funding to hire new Federal and State prosecutors, support investigators, providing training, distribute gun lock safety kits, deter juvenile gun crime, and develop and promote community outreach efforts as well as to support other gun violence reduction strategies. And Texas has seen great success with the integration of Project Safe Neighborhoods with the existing Texas Exile infrastructure.

These are the kinds of steps that get real results, not ill-intentioned frivolous lawsuits. I question the integrity of any system that would reward such abject agreed. We need to work in this body to fix our broken civil justice system, and this bill is a good place to start.

I am somewhat bemused by the arguments I have already heard this morning on this motion to invoke cloture. In fact, we want to have a debate. Those who oppose even having a debate are, I guess, not going to allow it to happen. I hope they are not successful in blocking debate. It is healthy to have a debate.

I am bemused by the suggestion that this is a narrow bill directed toward special interests. Yesterday, we had a narrow bill to protect the special interests known as pregnant women and children. However, the trial lawyers prevailed and we were unable to get that commonsense tort reform measure on the floor for debate. I submit that the suggestion is misguided that this is a special interest piece of legislation. This is in the public interest.

I suggest the worst thing about the arguments we hear from the other side of this debate is they are misdirected. In other words, they contend this bill would immunize lawsuits against gun manufacturers for what is a lawful activity. The fact is, there is a shrine in our Constitution, the right of the people to keep and bear arms. What they are trying to do would have the effect of impeding and impairing that constitutional right because, as Senator CRAIG has pointed out, there have been many lawsuits filed against gun manufacturers for the very fact of making a lawful product, none of which, so far as I understand, has been successful but which are destroying these companies which are in the business of manufacturing a lawful product, destroying jobs, and impairing ultimately the constitutional right of citizens, people like you, me, and others in this room from owning firearms to protect our homes and our property, our families for use in sporting events, for hunting, and other lawful and decent activity.

The focus of the opponents of this bill is totally misguided. What we ought to focus on is the criminals who use firearms illegally to commit crimes. In fact, I have had a little experience in this area as attorney general of Texas. With the cooperation of then-Governor Bush, we created a program in Texas called Texas Exile. I wish we could claim we originated the idea but we borrowed the idea from Richmond, VA, something called Project Exile, which was a cooperative effort of local, State, and Federal law enforcement officials to target criminals who use guns to commit crimes and convicted felons who could not even legally own a firearm. The great thing about that was, No. 1, it was so successful; No. 2, it was not a wedge issue which, clearly, there is an attempt to inject wedge politics in this debate. But it was an issue which everyone could agree: The NRA, the gun control folks, everyone came together and said, yes, that is what we ought to do. Let's focus on the criminals who misuse this product.

Indeed, in 2001, Texas led the Nation in the number of criminal defendants who were indicted for weapons violations in Federal court. In 2000, there were 757 in that year alone, which was almost double the number of indictments in 1999. This amount was greater than the number of defendants indicted on similar charges in the States of New York and California combined.

How were we able to use the existing criminal law in a way that made our streets and our communities and our States safer? We simply enlisted the help of local law enforcement to work with Federal law enforcement authorities so when a criminal was caught illegally possessing a firearm—illegal because a felon cannot legally possess a firearm—or someone under a protective order—it is a Federal offense to carry or possess a firearm when you are under a protective order—or someone who simply used a gun to commit a bank robbery or any other offense, we focused on the gun possession portion of that and were successful in leading the Nation in the number of prosecutions. That sends a very powerful message that if you carry a gun illegally or if you use a gun illegally to commit a crime, then we are coming after you with everything that the law allows.

It is a powerful deterrent to the sort of illegal conduct that causes the harm that the opponents of the bill—and I grant their good faith; I think they believe in good faith that what they are proposing is a path to a good result, a sound result—that is reducing injuries, reducing death, but it is misguided. All this does is encourage lawsuits against a manufacturer of a legal product when someone criminally misuses that product to cause another person harm.

As the Senator from Idaho has noted, this is death by 1,000 cuts or death by 1,000 lawsuits, so to speak, because anytime a gun manufacturer is sued, even with a frivolous lawsuit, they have to hire a lawyer, they have to defend that case at greater expense which threatens their economic viability which in turn threatens the jobs of the people who work there in that company.

I wish we could have a broader debate on commonsense tort reform generally, but we have seen what happens when we try to raise these issues. We could not even get cloture on a class action reform bill. We have not been able to bring up asbestos reform which is damaging a lot of good job providers in this country and not benefiting the people who are truly sick but only the lawsuit industry which benefits from churning the cases without really benefiting the people who need compensation.

We found in almost every instance—medical liability, class action reform,

or asbestos reform—we are simply not able to even get a debate. We cannot even get cloture because we cannot find 60 people in the Senate who are willing to stand up and say this is a serious problem. It is raising the costs of health care. It is bankrupting companies in the case of asbestos. It is an abuse of the class action system in the case of class action reform where lawyers get millions and consumers get a coupon.

So the strategy has been, and it is a good strategy, to try to identify certain types of cases. Yesterday it was obstetrical liability cases which have threatened the ability of pregnant women to find doctors to simply deliver their babies.

I recounted in my own State in 154 different counties a woman cannot even find a doctor to deliver her baby, an obstetrician, because people are leaving the practice. It is pricing out of reach health care liability insurance, putting people out of business, hospitals out of business, and we are simply seeing the tail wag the dog in each of these areas. The tail seems to be the special interest groups that like the status quo, which is a broken civil justice system that does not serve justice.

I commend the Senator from Idaho for bringing up this bill which admittedly is a narrow bill. Boy, I wish we could have a broader debate on tort reform, commonsense tort reform generally. When we talk about what causes job loss in this country, it is the regulation by litigation, it is the tort tax that imposes additional costs on consumers and discourages innovation and entrepreneurs in this country. We are not talking about locking the courthouse door and denying someone access to justice. I believe strongly we must retain meaningful access to justice for anyone who is harmed by the wrongful conduct of any other person. But the system right now benefits the few at the expense of the many in ways that I doubt consumers really understand because it adds costs to their products, and it makes it harder for entrepreneurs and small businesses to open their doors and to hire people to allow them to provide for their families.

So here we are, rather than taking on a broader tort reform bill, we are left with a narrow bill. I congratulate the Senator from Idaho for it. I believe we should protect manufacturers of lawful products whose products are misused by criminals. Let's focus on the criminals, not the people who are providing jobs and are producing a lawful product.

With that, I yield back any remaining time I have to the Senator from Idaho.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the Senator.

May I inquire of the time remaining for both sides?

The ACTING PRESIDENT pro tempore. The majority has 5 minutes 40 seconds. And 4 minutes 17 seconds are remaining for the minority.

Mr. CRAIG. I will reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. REED. Mr. President, I yield such time as he may consume to the Senator from Massachusetts.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Will the Chair notify me when I have a half minute left?

Mr. President, at a time when capitulation to special interest groups is a major issue in the Presidential election campaign, it is difficult to believe that the Republican leadership in the Senate is serious in asking the Senate to accept this flagrant special interest legislation. I urge my colleagues to break the stranglehold of the gun industry and gun dealers and oppose proceeding to this shameful legislation.

The list of issues that demand the Senate's immediate attention is long. Unemployment is a crisis for millions of citizens. Retirement savings are disappearing. School budgets are plummeting. College tuition is rising. Health care costs and prescription drug costs are soaring. Federal budget deficits extend as far as the eye can see. The war in Iraq has brought new dangers, imposed new costs, and more and more American lives are being lost each week.

The well-being of most American families has declined at an alarming rate in the past 2 years. We can and should be acting to meet these challenges. Instead, the Republican leadership wants to spend time on this flagrant pro-special-interest, anti-victim, anti-law-enforcement legislation to give broad legal immunity to the gun industry.

This bill's proponents claim they are targeting ''frivolous lawsuits.'' But we all know that its real effect would be to prevent victims of gun violence—police officers, innocent bystanders, and their families—from pursuing valid claims in State and Federal courts.

This special interest bill is a direct attack on the interests of law enforcement. Police Chief William J. Bratton of the Los Angeles Police Department recently told it like it is:

> To give gun manufacturers and gun dealers immunity from lawsuits is crazy. If you give them immunity, what incentive do they have to make guns with safer designs, or what incentive do the handful of bad dealers have to follow the law when they sell guns.

The bill would prevent the families of the victims of the DC snipers from holding accountable the gunshop in the State of Washington that somehow ''lost'' the assault rifle that was used in the attacks. Under current law, if negligence is proved, the families of the victims are entitled to seek redress. If this bill is enacted, the gunshop will be totally immunized from liability, and the families' lawsuits will be thrown out.

Unbelievably, the gun industry and the tobacco industry are the only two consumer industries that are not subject to Federal consumer safety regulations. America does more today to regulate the safety of toy guns than real guns, and it is a national disgrace.

The gun industry has worked hard to prevent Federal consumer safety legislation. At the same time, it has conspicuously failed to use technology to make guns safer, and it has attempted to insulate itself from its distributors and dealers, once the guns leave the factory.

Now it wants to become the only industry in the Nation exempt from lawsuits. The overwhelming majority of Americans believes that gun dealers and gun manufacturers should be held responsible for their irresponsible conduct, like everyone else.

The ACTING PRESIDENT pro tempore. The Senator has 30 seconds remaining.

Mr. KENNEDY. Surely, the Republican leadership has higher domestic priorities than providing legal immunity for the gun industry. Surely, we can do better than debate this extraordinarily reckless and unprecedented special interest legislation.

I withhold the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

There are 16 seconds remaining for the Senator from Rhode Island and 5 minutes 13 seconds remaining for the Senator from Idaho.

Mr. CRAIG. Mr. President, if the Senator wants to make his closing comments before I make mine, what time does he have left?

The ACTING PRESIDENT pro tempore. Sixteen seconds.

Mr. CRAIG. All right. It is obvious, Mr. President, by those who have already come to the floor, that this will be a very spirited debate. The great tragedy of debates such as this is that they oftentimes fail to read the bill before them, and they make the kinds of salient political statements that have nothing to do with the legislation at all.

I invite my colleagues, on S. 1805, to go to section 4 of the bill and see how narrowly we have crafted this bill to go directly at civil lawsuits that involve a third party criminal act and trying to reach back through the courts and back through the law to say to a licensed, legitimate, legal firearms dealer or a licensed, legal gun manufacturer that they have to be responsible for the criminal act of another. That simply has not been the basis of law in our country ever, nor should it be allowed to be the basis of law today.

But if that gun manufacturer and if that licensed gun dealer violate civil law, violate the law of the land, then this bill does not hold them harmless. That is the crux of the issue. That is what is important about this legislation.

There are a lot of ways to achieve a political goal in this country. Many have found that you can file frivolous and junk lawsuits in the court, and you

have found that you can file frivolous and junk lawsuits in the court, and you can slowly but surely bleed down those who you file them against because they have to come and defend themselves, even though the courts constantly throw out these lawsuits. Hundreds of millions of dollars have already been spent by legitimate gun manufacturers that make those fine weapons for our men and women in Iraq, that make those fine weapons for our civil law enforcement officers wearing the blue uniforms on the streets of America.

They would say to them: No, we are going to bust those companies. And guess where that cop is going to get his gun. From China or Yugoslavia. Or our men and women in uniform are going to have to rely on foreign gun manufacturers because we have bankrupt and thrown out of this country those acting under the law in a legitimate way.

That is what S. 1805 is about. It is not about the political agenda of many. It is about what we have said in this country is a legitimate product. We even said so in the Constitution. Most other products we do not talk about in the Constitution. They were not invented. But we did speak to guns and their value in this country. Now we are saying: No, we are going to play the political game. We are going to drag them through the courts. And they are going to spend all kinds of money to do so.

I am not willing to hold anybody harmless who violates the law. I am not willing to hold anybody harmless who allegedly acts in a criminal way. Let's find out if they did. The courthouse door is not locked by S. 1805. The courthouse door is still open. This law will be applied in arguments before the court. A judge will make the determination of whether S. 1805 fits or it does not fit. Was the licensed dealer or the gun manufacturer acting in a legal way or acting against current Federal law? That is how narrowly we have defined it.

Even the minority leader, Senator DASCHLE, has joined with me to clarify and refine this bill even more—he will be to the floor to speak to that issue—as we worked to make sure we are on point directing this specifically at those who continually play the game at the legal bar of this country to file the frivolous or the junk lawsuits to drive a legitimate operating American company and industry out of business.

I hope my colleagues will come now and vote on the cloture motion to allow us to proceed so we can fully debate the bill, bring the necessary amendments that others will have for or against the purpose of this legislation. We will vote them up or down and move it through the Senate. That is our job. I know there are a lot of issues that are important. But there are a lot of Americans who view this as a very important issue for our country.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Mr. President, the legislation before us is a benefit to special interests, the gun lobby. It will deny individual Americans the right to go to court to challenge the conduct of individuals who negligently or allegedly negligently sold weapons. It would be a great distortion of the law. I hope my colleagues will resist this legislation.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. The hour of 10:30 having arrived, under the previous order the clerk will report the motion to invoke cloture.

The assistant 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. 363, S. 1805, a bill 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.

Bill Frist, Orrin Hatch, Mitch McConnell, Larry Craig, Jim Talent, John Ensign, John Cornyn, Conrad Burns, Saxby Chambliss, Craig Thomas, Don Nickles, Rick Santorum, Trent Lott, John Sununu, Mike Crapo, Lamar Alexander, Wayne Allard.

The ACTING PRESIDENT pro tempore. 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 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, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), 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 Massachusetts (Mr. KERRY) would vote ''nay''.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 75, nays 22, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—75

Alexander	Bond	Chafee
Allard	Breaux	Chambliss
Allen	Brownback	Cochran
Baucus	Bunning	Coleman
Bayh	Burns	Collins
Bennett	Byrd	Conrad
Biden	Campbell	Cornyn
Bingaman	Carper	Craig
Crapo	Inhofe	Pryor
Daschle	Jeffords	Reid
Dayton	Johnson	Roberts
Dole	Kohl	Rockefeller
Domenici	Kyl	Santorum
Dorgan	Landrieu	Sessions
Ensign	Leahy	Shelby
Enzi	Lieberman	Smith
Feingold	Lincoln	Snowe
Fitzgerald	Lott	Specter
Frist	Lugar	Stabenow
Graham (SC)	McCain	Stevens
Grassley	McConnell	Sununu
Gregg	Murkowski	Talent
Hagel	Nelson (FL)	Thomas
Hatch	Nelson (NE)	Voinovich
Hutchison	Nickles	Warner

NAYS—22

Akaka	Feinstein	Mikulski
Boxer	Graham (FL)	Murray
Cantwell	Harkin	Reed
Clinton	Hollings	Sarbanes
Corzine	Inouye	Schumer
DeWine	Kennedy	Wyden
Dodd	Lautenberg	
Durbin	Levin	

NOT VOTING—3

Edwards	Kerry	Miller

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 75, the nays are 22. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. KENNEDY. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. CRAIG. Madam President, I hope now, with a vote of 75 to 22, we could move on to the bill. Certainly, it is our intent to allow this bill to be debated fully and for amendments to be offered. Time is running. Some Senators spoke this morning to the urgency of time to get on to other issues. Certainly, that is important to all of us. So I hope we would be able to do so. I hope now that Senators could come to the floor with their arguments, but most importantly I hope we could move to the bill itself.

As you know, under the cloture rule there would be allowed 30 hours. I hope those in opposition would not take that 30 hours and allow us to get to the bill. What we are trying to do in S. 1805 is very narrowly go through the law and allow law-abiding gun manufacturers and law-abiding dealers to be exempt from the kind of harassment and junk lawsuits that we have now seen filed in over 30-plus different venues over the last several years. All those cases then brought to court were thrown out of the court, and the reason was quite simple. The judge looked at them and said: This lawsuit is of no value.

Here you had a law-abiding manufacturer, adhering to the laws of the United States, making a legitimate product, and that person cannot be responsible for a third party action that might have been a criminal action and

the trial bar trying to reach through that person to a legitimate gun manufacturer or to a licensed gun dealer.

In doing so I believe these suits were intended, of course, to drive the gun industry out of business by holding manufacturers and dealers liable for the intention and the criminal acts of that third party over whom we all know they have had absolutely no control.

Lawsuits have been filed in multiple States with demands of massive monetary damages on a broad and varying range of injunctive relief relating to the design, manufacture, distribution, marketing, and the sale of firearms. These demands, if granted, would create major judicially imposed restrictions on interstate commerce in firearms and ammunition.

Let me, though, say with that comment, this deals with civil cases, not product liability. If a gun malfunctions and someone is damaged, or if the gun manufacturer and the gun dealer were violating civil law, then, of course, this issue that we are debating today has no value. We have clearly narrowed it and cleanly gone after the very kind of lawsuit that we have, as I mentioned, seen over the last several years.

The bill does something very important to the underlying principles of our country. It reinforces centuries of legal precedent based on individual responsibility, not responsibility for actions of third parties. Law is based on the act of the individual, and that ought to be the basis of all law. Yet what these lawsuits would argue is that somehow a legitimate, legal manufacturer of a product is liable for the way the product is used. I have oftentimes said: What about an automobile? Certainly that is a legitimate product on the road. What about an automobile dealer licensed in his State to sell automobiles? If someone takes the automobile designed to give ultimate pleasure and to move people from one point to another and they get drunk and go out and get in their vehicle and kill someone, does the trial bar then say that it is the automobile dealer and the automobile manufacturer who are liable for the drunk driver who killed someone? That is what they are trying to say and that is exactly the fundamental argument here. That is why we think it is time this Congress deal with it in a forthright way.

The House argued this issue over a year ago and, by a 2-to-1 vote said: No, we are not going to let this kind of lawsuit go forward.

But they did something our bill also does. We didn't lock the courthouse door. Some will argue this simply locks any person out of the courthouse who might place an argument against a gun manufacturer or licensed firearm dealer. The answer to that is absolutely not. This will be a basis in the law by which lawyers will argue before a judge whether these kinds of charges can legitimately be brought based on the evidence at hand. The judge will then make the decision based on the law as to how we proceed.

Many judges, as I have mentioned, have outright rejected these suits already. They literally clutter up the judicial system. Antigun activists are trying to destroy tort law by creating totally new and expansive theories of liability to win restrictions that have been rejected in the legislative process. What does that mean? If you can't win it on the floor of the U.S. Senate or in the legislatures of your States, then you get a good attorney and you go before the court and try to argue it there and establish some kind of judicial precedent.

I have already suggested that we do not lock the courthouse door, that we simply allow the argument to be placed. We think that, of course, is important to all citizens, having their day in court and their right to argue it.

Would this bill affect several high-profile cases such as the lawsuit against a gun dealer in Takoma, WA, a store where the DC snipers, John Muhammad and Lee Malvo, got their rifle?

Well, it won't, and here is the reason it won't. In the case of that situation, Malvo himself said he stole the gun.

What we are also finding is that this particular gun dealer may not have operated in the most legitimate of ways, even though the case will not be brought.

There is a criminal investigation underway. The BATF has jerked the license of the gun dealer. The business is now out of business, and it is my understanding that the BATF has asked the Justice Department to file felony charges against the gun dealer. Even within that argument, you have the contradiction of the person who did the shooting saying: I stole the gun. And, of course, you have a gun dealer who may have operated illegally. Certainly that is a case in action, although what is important is this particular bill won't affect that. If that gun dealer in Takoma, WA, is found liable, if he acted in a criminal way, if he mismanaged his records that he must keep in a way that distorted what he had and guns were stolen and he never allowed that to be known, then he is at risk.

I am not a lawyer. So I can't go to the next step of that argument, and I will not. But what I do know and what we have insisted on in the crafting of S. 1805 is that it be very straightforward and very clear. Senator DASCHLE has incorporated within this an amendment that I have accepted. He may bring some fine-tuning to the floor. He, too, believes we need to deal with this issue. But he is fine-tuning to make sure what I just said is absolutely clear in the law. There will be no arbitrary way for someone to wiggle through the law.

Does the bill wipe out century-old tort law principles? The answer is quite simply, no. The bill reinforces the century-old legal tenet of personal responsibility that underlies all of our judicial system. Individuals and businesses are responsible for the harm they cause.

Let me repeat that. Individuals and businesses are responsible for the harm they cause—not for the action of third parties beyond their control.

The bill protects the rights of truly injured parties. The exceptions allow for legitimate and recognized causes of action. Manufacturers or sellers of firearms or ammunition could still be sued if they violated Federal or State law, manufactured defective products, violated contracts or warranties, or knowingly sold guns to irresponsible and/or dangerous individuals.

The law is still out there. The law still provides recourse for an individual who would fall within those categories.

But to suggest that the actions of a third party, or the criminal act of a third party, is the opportunity to reach through the court by the trial bar to go after the manufacturer of a legitimate legal, law-abiding approach or product simply should not be allowed.

Most importantly, antigun activist lawyers are the ones who are trying to distort the law by fabricating new theories for imposing liability only after having repeatedly failed to cast their political agenda right here or in our State legislatures.

Just a few years ago, they admitted this when their legislative allies introduced a bill that would have expressly created a new Federal cause of action against a manufacturer, a dealer, or importer who knew or reasonably should have known that its design, manufacturing, marketing, importation, sale, or distribution practices would likely result in gun violence.

How can anyone suggest that any action of the sale of a gun, if it is done legally, results in violence? That is the reality of what we dealt with.

There are a good many more issues that we will have an opportunity to discuss in the course of this.

It looks as if Senator KENNEDY is on the floor to debate the bill.

I reserve my time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

Mr. KENNEDY. 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. KENNEDY. Madam President, just prior to the vote I addressed the Senate on a tight timeframe pointing out my concerns about why we were taking this action at this particular time. I have had the opportunity to travel the country.

We just ended the February recess where we had a chance to get around, as well. One of the things that has struck me over the course of those travels is the overwhelming concern working families have over the state of the economy. It is reflected in whether they are going to be able to retain their job; if they have a new job, the fact it does not pay as well as the old

job; they are concerned about the cost of health care, the cost of prescription drugs; and concern over the increase of tuition. These were the issues.

One concern I have meeting at this time is we are considering special interest legislation. We have heard a great deal both by the President and during the course of the election. Hopefully, we can free ourselves from special interest legislation.

Our Republican friends offer this legislation, put a cloture motion down immediately, limit the time for any debate and discussion that provides very special interest legislation for the gun manufacturers. That must concern millions of Americans, certainly those who are concerned about the state of the economy, those concerned by the failure of the Senate to increase minimum wage over 7 years. We have 7 million Americans making $5.15 an hour who have not had a raise for 7 years and we are considering special interest legislation to protect just a single industry, the gun manufacturing industry.

There are tens of thousands of Americans losing their unemployment compensation every single week yet we are not debating the question of the extension of the unemployment compensation—which is in surplus, close to $18 billion. Senator CANTWELL has an amendment to extend that for a temporary period of time, give some relief for all of the workers who cannot find work.

Finally, the administration admits we will not have good jobs, good pay, good opportunities for the future. Finally, the President has agreed with that. He differs with his Council of Economic Advisers. For weeks we heard from the other side of the aisle: The economy is back. And now the President agrees the economy is not back.

We do not need much Senate time on the issue of a minimum wage increase. I would agree to an hour, half an hour on either side. Let's send to American workers working on the lower rung of the economic ladder a message that help is on their way. It will benefit primarily women because they are primarily the recipients of the minimum wage. It will go to mothers and children because many of the women have children. It is a children's issue, a women's issue. It is a minority issue because most of the minimum wage workers are men and women of color. It is a civil rights issue, a children's issue, and a women's issue. Most of all, it is a fairness issue.

People wonder why the Senate doesn't do something about increasing the minimum wage. We have the majority of votes but our Republican friends will not let us vote.

We hear the pious statements—look who is controlling the time—and can't we go ahead with the Nation's business. The Nation's business is increasing the minimum wage. No, no, we cannot deal with that this morning. No, we are not going to deal with that. We will have special interest legislation for just one industry—that is what the other side says—but not for the 7 million people who would be affected.

What about those in need of unemployment compensation? These men and women have paid into the unemployment compensation. Now they have lost their jobs through no fault of their own through basic mismanagement of the economy. They lose their jobs and as a result they have difficulty paying their mortgage, putting food on the table, making sure their children are going to be looked after. It is not because of them. They are hard-working Americans. They have a record of employment.

Under the Cantwell amendment, we extend the unemployment compensation. We did that in other times of our history. We did it in the previous Democratic administration before that Democratic President had created 2 million jobs. We still provided for those who had long-term unemployment, that they would be able to get unemployment compensation even after more job were created.

Now we have the loss of 3 million jobs, a sputtering return of 78,000, a total loss of 2 million jobs, and they are out there and losing every single day whatever unemployment insurance they have. We say, let us at least provide some temporary help.

Finally, our President has agreed we are not going to get the kind of recovery and create the 2.6 million jobs the Council of Economic Advisers said would occur. They finally admit that. And we are stonewalled to not work on unemployment in the Senate. No, let's look after one industry, not the tens and thousands and millions of hard-working Americans who have worked hard, played by the rules and need enough to be able to continue to pay their mortgages and look after their families. No, no, no, we cannot do that. It might take all of an hour. Everyone in this body knows what the issues are. We have to do special interest legislation.

That is not even the end of it. We have the clock ticking on unemployment. More than half of the unemployed adults have had to postpone medical treatment, 57 percent; or cut back on spending for food, 56 percent. One in four, 26 percent, has had to move to other housing or move in with friends or relatives; 38 percent have lost telephone service; 22 percent are worried they will lose their phone. More than a third, 36 percent, have had trouble paying gas or electric bills.

One of the principal reasons for the increase in bankruptcy is because of this kind of challenge. Our Republican friends want bankruptcy reform in order to expedite the pursuit of these unemployed people who are having difficult times paying their bills and mortgage. That is what the bankruptcy bill is all about: make the Federal Government collection agencies for special corporate interests. That is why they are trying to rush it through. And more and more are going into bankruptcy.

Unemployment benefits should be extended with the economy still down over 2 million jobs. This chart reflects where we are today, with a total loss of 2.4 million jobs. These figures are from the Department of Labor. The Republicans say, no, no, we have something more important to deal with, special interest legislation.

This chart shows during the previous administration, they created 2.9 million jobs, yet they still had the extension of the unemployment compensation for those out of work who had paid in over a long time. The unemployment compensation fund is in surplus, $17 billion. It will cost $7 billion and they say it will put a strain on the fund.

This is what is happening, the unemployment impact on the family. More than three in four, or 77 percent, of the unemployed Americans say the level of stress in their family is increased. I don't know how you put dollars and cents on that figure. Everything is dollars and cents around here. This is the kind of pressure and tension and anxiety these families are under, the 2.5 million.

Two-thirds, or 65 percent, of those with children have cut back on spending for their children. Those are working families trying to provide for their children clothes, or perhaps a birthday present, perhaps an outing, taking them to a baseball game in the spring, a hockey game or a basketball game in the winter. That is not there for any of these families.

Twenty-six percent say another family member has had to start a job or increase their working hours. Those are basically the women, the mothers, when they can find it. All those mothers are working twice as hard now as they did 20 years ago.

Twenty-three percent have had to interrupt their education. Imagine that, working families, the unemployed—2.4 million of them—and almost a quarter of their children have had to interrupt their education because their parents are unemployed through no fault of their own.

That is the pressure they are under. Do you think we can get an extension of the unemployment compensation? No, no. We have to deal with this special interest legislation.

This is the overall view of where we are in our country now. We have 13 million children who are going hungry. We have 8 million Americans who are unemployed. We have the 8 million Americans who will lose overtime pay under the Bush proposal. This is another interesting issue. There is no increase in the minimum wage, there is no extension on unemployment compensation for workers, and now we have the proposal to eliminate overtime for 8 million Americans.

Well, you have 13 million children who are going hungry, and the millions who are without work.

We have 7 million low-wage workers waiting 7 years for an increase in the minimum wage. There are 3 million more Americans in poverty—3 million more Americans in poverty—since President Bush took office. Are we addressing this issue today? Oh, no, no, no, we do not have the time to do that. We have to rush through this special interest proposal. We do not have time out here on the floor of the Senate to address the issues of those who are living in poverty, or the 90,000 workers a week—90,000 workers a week; think of that: 90,000 workers a week.

Most of us are always impressed during Sunday football games that we watch in our stadiums when they have that incredible view from the airplanes or balloons or whatever that shows the stadiums packed with people. They will say: 89,000 people, 75,000 people. I guess it is 78,000 out in Lambeau Field out in Wisconsin, which I have been to recently. People look out there and they see the mass of people out there: 80,000, 90,000 people. Think of that number of people every single week—every single week—losing their coverage of unemployment compensation.

I want to mention one other area because I see good friends in the Chamber. My friend and colleague from Iowa will be offering an amendment on overtime. I know the Senator from the Washington, Ms. CANTWELL, will be here soon to talk about her amendment on the unemployment compensation.

But one of the cruelest, cruelest, cruelest suggestions that has been made by any administration in the time I have been in the Senate is to effectively do away with overtime pay for 8 million Americans and for those who receive training in the Armed Forces and acquire special skills.

Now let us think about the administration's proposal and who they are talking about. Who would be affected by the proposal the administration is talking about? Shown on this chart is a list of the professions that would lose the coverage for overtime pay.

The idea of a 40-hour workweek has been at the heart and soul of our whole country's ethic. Certainly from the late 1930s it has been a part of it. There has been a recognition that if you are going to require people to work overtime, you are going to pay them time and a half. That has been accepted by Republicans and Democrats alike since the end of the 1930s. But not under this administration. They are talking about limiting overtime.

Who will be the groups that will be affected by the elimination of overtime? This is the group: It is going to be the policemen, it is going to be firefighters, it is going to be the nurses, among others. I mention policemen and firefighters and nurses because, as we know, they are the backbone of homeland security. If we are going to have a problem with chemical or biological warfare, it is going to be those policemen and firefighters and nurses who are going to be the first responders who are going to risk their lives locally in those communities to try to contain this kind of threat. They are the ones who are going to be on the front lines. Yet those are the very people who this administration feels are being overpaid. Even the police force that is here in the Senate in many functions would be affected.

There are a lot of things that are troubling in the United States of America today we should be and must be concerned about. I mentioned the number of children who are living in poverty and what is happening to these families who have seen their jobs outsourced. Many of these things we ought to be working on. But one of the great problems in our country today is not that our policemen, firefighters, and nurses are being overpaid. I have not heard anyone say that except the President of the United States or the Secretary of Labor. I have not heard anyone come up to me back in Massachusetts saying: You know something, Senator, those policemen and firefighters and nurses are being overpaid. Do something about it. Do something in Washington about it. I don't hear that. There is no question that some manufacturers believe that and feel that and have asked the administration to do something about it. No question about that. And they did, the administration has. I will give you an example.

But let me just conclude on this chart—police officers, nurses, firefighters. The interesting part is that women, by and large, are mostly in these areas and professions. This reduction in overtime primarily affects women in our workplace.

But something that just makes this extraordinary—and has been debated here on the floor of the Senate—this proposal was rejected by the Senate of the United States, rejected by the House, but this administration feels sufficiently strong about this issue that they insisted the Harkin-Kennedy language be taken out of the bill in the middle of the night behind closed doors—behind closed doors—at the insistence of the major manufacturing companies in this country. And we are going to face that. We are going to be facing that in these next few weeks as we have the reauthorization to do it.

Now let me point out something on the rates that have been proposed. These are the ones that have been proposed on the overtime. Listen to this. And I am talking about the kinds of skills, cumulative skills that will make people ineligible for overtime. I am reading right from the Federal Register, and I will include the appropriate reference in the RECORD:

> However, the word ''customarily''—

That means the definition about the skills that will be excluded—

> means that the exemption is also available to employees in such professions who have substantially the same knowledge level as the degreed employees, but who attained such knowledge through a combination of work experience, training in the armed forces. . . .

There it is, the Federal Register, volume 68, No. 61, Monday, March 31, administration's proposed regs. If you get the skills, training in the Armed Forces, if you happen to be over in Iraq today or Afghanistan and you have gone to some training programs in order to provide greater protection for your fellow troops in fighting for our country, maybe a member of the National Guard or Reserve, you get those kinds of training functions, you come back here, you are out of the Guard, you return to work, and your boss says: Hey, these new regs say you got the training in the Armed Forces. Too bad. You are not getting your increase.

That is what this says. A number of us raised this in the earlier debate. The Secretary of Labor in January sent a letter to the Speaker of the House, DENNIS HASTERT, saying—and I will include the letter in the RECORD; it is only a page and a half long—

> I want to assure that your military personnel and veterans are not affected by these proposed rules by virtue of their military duties or training.

But that training in the Armed Forces can make a worker an overtime-ineligible, professional employee. This is new language. It is not in the current regulation, and its only purpose is to take away overtime for veterans.

Why don't they just drop the language and free us from any kind of ambiguity? Just say, this was brought to our attention, we are going to drop it, instead of trying to explain it away.

Continuing from the letter:

> First, the Part 541 ''white collar exemptions'' do not apply to the military. They cover only the civilian workforce.

No one is complaining that the rule affects the military workforce. The issue is the veteran who leaves the military to work in the civilian workforce and would lose overtime protections. They are rather clever. They say the white-collar exemptions don't apply to the military. No one is suggesting it applies to the military. This letter is an attempt to mislead. It is very clear. If the administration does not intend to apply these overtime regulations to those who have been in the service, they ought to just eliminate it.

I ask unanimous consent to print the letter from which I have quoted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECRETARY OF LABOR,
Washington, January 27, 2004.

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

DEAR MR. SPEAKER: I write to provide you with the facts to correct the record following last week's Senate floor debate on the Consolidated Appropriations Act with regard to the Department of Labor's proposed revision of the Fair Labor Standards Act's overtime exemption regulations. I also would like to thank you for your support and leadership on this important issue.

The recent allegations that military personnel and veterans will lose overtime pay, because of proposed clarifications of the Fair Labor Standards Act (FLSA) ''white-collar'' exemption regulations, are incorrect and harmful to the morale of veterans and of American servicemen and women. I want to assure you that military personnel and veterans are not affected by these proposed rules by virtue of their military duties or training.

First, the Part 541 ''white collar exemptions'' do not apply to the military. They cover only the civilian workforce.

Second, nothing in the current or proposed regulation makes any mention of veteran status. Despite claims that military training would make veterans ineligible for overtime pay, members of Congress should be clear that the Department of Labor's proposed rules will not strip any veteran of overtime eligibility.

This has been one of many criticisms intended to confuse and frighten workers about our proposal to revise the badly outdated regulations under the FLSA ''white collar'' exemption regulations. It is disheartening that the debate over modernizing these regulations to meet the needs of the 21st Century workforce has largely ignored the broad consensus that this rule needs substantial revision to strengthen overtime protections.

The growing ambiguities caused by time and workplace advancements have made both employers' compliance with this rule and employees' understanding of their rights increasingly difficult. More and more, employees must resort to class action lawsuits to recover their overtime pay. These workers must wait several years to have their cases adjudicated in order to get the overtime they have already earned. In fact, litigation over these rules drains nearly $2 billion a year from the economy, costing jobs and better pay.

I hope that this latest concern will be put to rest immediately. Once again, I assure you that military duties and training or veteran status have no bearing on overtime eligibility. We hope that future debate on this important provision is more constructive. If we can provide further assistance in setting the record straight, we would be pleased to do so. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

ELAINE L. CHAO.

Mr. KENNEDY. The Bush overtime proposal denies overtime to veterans. The overtime proposal explicitly states that training in the Armed Forces could disqualify workers from the overtime protection. Many employers, such as Boeing, acknowledge that this will affect much of their workforce. According to Boeing's comments on the Bush proposal:

Boeing observes that many of its most skilled technical workers received a significant portion of their knowledge and training outside the university classroom, typically in a branch of the military service. . . .

There it is. That is the reason. Because many manufacturers wanted that kind of savings for the bottom line. That is why that is in there. Because this company and others have hired people who have been in the military, and when they see they have these kinds of skills which are necessary for our Armed Forces, they are being penalized for it.

I would be interested in seeing the discussion between the Secretary of Defense and the Secretary of Labor in putting these out. So many of these training programs and education programs are programs that inspire young people to go in the Armed Forces. They are men and women of limited means but have ability and capabilities and understand that they cannot achieve their fullest potential unless they take these training programs or build the kind of credits in order to get advanced degrees.

They ought to be on warning now that if they go ahead and do that, they may very well be knocked out of any kind of overtime protection. That is what this basically says. It is a cruel hoax to so many who are in the National Guard now and are going to come back and be in the civilian workforce.

I want to read from a letter:

My name is Randy Fleming. I live in Haysville, Kansas—outside of Wichita—and I work as an Engineering Technician in Boeing's Metrology lab.

I'm also proud to say that I'm a military veteran. I served in the U.S. Air Force from August 1973 until February 1979.

I've worked for Boeing for 23 years. During that time I've been able to build a good, solid life for my family and I've raised a son who now has a good career and children of his own. There are two things that helped make that possible.

First, the training I received in the Air Force made me qualified for a good civilian job. That was one of the main attractions when I enlisted as a young man back in Iowa. I think it's still one of the main reasons young people today decide to enlist. Military training opens up better job opportunities—and if you don't believe me, just look at the recruiting ads on TV.

The second thing is overtime pay. That's how I was able to give my son the college education that has opened doors for him. Some years, when the company was busy and I had those college bills to pay, overtime pay was probably 10% or more of my income. My daughter is next. Danielle is only 8, but we'll be counting on my overtime to help her get her college degree, too, when that time comes. For my family overtime pay has made all the difference.

That's where I'm coming from. Why did I come to Washington? I came to talk about an issue that is very important back home and to me personally as a working man, a family man, and a veteran. The issue is overtime rights.

The changes that this administration is trying to make in the overtime regulations would break the government's bargain with the men and women in the military and would close down opportunities that working vets and their families thought they could count on.

When I signed up back in 1973, the Air Force and I made a deal that I thought was fair. They got a chunk of my time and I got training to help me build the rest of my life. There was no part of that deal that said I would have to give up my right to overtime pay. You've heard of the marriage penalty? Well I think that what these new rules do is to create a military penalty. If you got your training in the military, no matter what your white collar profession is, your employer can make you work as many hours as they want and not pay you a dime extra.

If that's not a bait and switch, I don't know what is.

You can't make the case any better—no matter how long we speak, how many charts we have—you can't make the case any better than is being made by this former serviceman.

And I don't have any doubt that employers will take advantage of this new opportunity to cut our overtime pay. They'll tell us they have to in order to compete. They'll say if they can't take our overtime pay, they'll have to eliminate our jobs.

It won't be just the bad employers either—because these rules will make it very hard for companies to do the right thing. If they can get as many overtime hours as they want for free instead of paying us time-and-a-half, they'll say they owe it to the stockholders. And the veterans and other working people will be stuck with less time, less money, and a broken deal.

I'm luckier than some other veterans because I have a union contract that will protect my rights for a while anyway. But we know the pressure will be on, because my employer is one that pushed for these new rules and they've been trying hard to get rid of our union.

And for all of those who want to let these military penalty rules go through, I have a deal I'd like to propose. If you think it's okay for the government to renege on its deals, I think it should be your job to tell our military men and women in Iraq that when they come home, their service of their country will be used as a way to cut their overtime pay.

Madam President, is there anyone in this body who doesn't believe that eliminating that possibility isn't of greater urgency than the special interest provision presently before us in the Senate?

Why don't we clear this up once and for all? Why don't we take an hour or so and debate the Harkin-Kennedy amendment on this issue? Why don't we vote on that amendment and send it over to the House? Let's send a message to families, nurses, police officers, and firefighters. Let's send a message to those who have gotten skills in the National Guard. Let's send a message that we stand with them, that we believe their service is of importance to us in the Senate. Let's put aside the speeches for a little while that will be made by political leaders all over the country about how much we appreciate the service of men and women and do something for them in the Senate now? Now.

There are a number of other issues that we could be talking about in terms of the state of our economy. I have taken a short period of time. I see others in the Chamber who wish to address the Senate. It does seem to me that the matters I have mentioned, no matter how you come out on them, are of importance to working families in this country. And, the working families in this country are faced with economic challenges.

It is not just the questions about outsourcing, although that is enormously important and a matter of great and expanding concern. It is what is happening with the failed increase in the minimum wage, the failure of providing unemployment compensation, the failure to do the overtime provisions, the failure to deal with the high

cost of prescription drugs. There is another amendment we could do to permit the Secretary of Health and Human Services to actually negotiate and do something about lowering prescription drugs for people. We could do that pretty quickly.

People are concerned about the high cost of tuition in colleges, and there are things we can do on that.

I say these are the matters that are of principal concern to working families across this country. We have seen the loss of manufacturing jobs, the concerns that working families have. They want some action. They don't want us to yield to special interest provisions. Not only do they not want us to yield to them, but those who have been victims of violence and violent gun activity don't want us to throw their cases away, and leading law enforcement officers of this country understand that we should not yield to the special interests as well.

I look forward to the opportunity for some discussion and some action on these issues prior to the time we have a vote. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAIG. Mr. President, the Senator from California is now in the Chamber to discuss this bill. We are not on the bill yet. I hope we can get there.

The Senator from Massachusetts has taken ample time to discuss the bill, I guess, and other issues. I would like to talk about jobs. I think the Senator is right to talk about jobs, but what he didn't talk about were the jobs in Westfield, MA, at Savage Firearms. They used to be a total of 500 high-paying union jobs strong. They have spent over half a million dollars fighting the lawsuits that we would like to prohibit. Now there they are 160 strong. They have lost jobs in Massachusetts. I want the Senator from Massachusetts to stand with me and protect the hard-working men and women at Savage Firearms.

The bill is about jobs, I say to the Senator from Massachusetts. That is what this issue is all about.

Why is our bill endorsed by the United Steelworkers and by the United Auto Workers? The reason it is endorsed is because these high-paying jobs at law-abiding gun manufacturing locations are being eliminated by the glut of a thousand lawsuits—in this case over 30—where they have had to go to court, spend a lot of money, and the court threw it out because it was frivolous, but the company was less viable because these are really not big companies.

If we took all of the firearms manufacturers in the United States today and brought them all into one company, they would be smaller than a Fortune 500 company.

Let me read a great quote from the Colt manufacturers, Colt firearms. They are located in Connecticut:

> We today have 383 members from the Colt workforce. By comparison, about 5 years ago, we had over 600 Colt workers who were members of our local. Our members built the finest small arms in the world, including the M–4 carbine, the M–16 rifle, and the M–203 grenade launcher.

I believe those are the firearms of our military.

> Many of them were shipped to the U.S. military and lawfully provided for the principles of democracy.

That company is at risk today unless we pass the kind of legislation about which we are talking.

I do believe the working men and women of this country are a special interest. I think the tens of millions of law-abiding gun owners in our country are a special interest. So it is really a matter of how you define ''special interest.'' If it has been said once on the floor, it has been said 15 times in the last 45 minutes: special interest, special interest, special interest.

Let's talk about the working men and women of the firearms industry. Let's talk about the law-abiding gun owners of America as a special interest of us, this country, all Americans. You are darn right we debate special interests on the floor of the Senate, but it really is a matter of definition.

Time limit? We are not proposing a time limit. Senators can speak for up to an hour on this issue now, and if they want to, they have 30 hours postcloture before we get to the bill. I hope we don't spend all of that time doing that. I would like to get to the bill. I know the Senator from California has talked about an amendment. I think she would probably want to offer that amendment and have it amply debated.

We do not want to limit time, but we do want to talk about special interests: law-abiding gun owners in our country, working men and women of the law-abiding gun manufacturers, the people who work at legal gun shops all over this country that by law are licensed and that by law carry out the law. That is what we are talking about today. Call them a special interest, if you will. I do. My job is to try, under the law, to protect them from the kinds of frivolous lawsuits the trial bar has decided to bring in court after court because they couldn't gain legislation on the floor to change the character of our country. That is the issue at hand.

I am glad the Senator from Massachusetts has come to talk about special interests. I wish he would understand that the hard-working men and women in Westfield, MA, for Savage Firearms are, in fact, a special interest—a special interest of mine and, I am quite confident, a special interest of his.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise today to speak on the bill that is before this body, and I wish to begin by saying that I have great respect and have enjoyed working with the Senator from Idaho on a number of issues, including Healthy Forests. But I also must say we profoundly disagree when it comes to guns. So it is probably no surprise to him that I rise to strenuously object to what I see happening here.

I think we have to recognize that guns in America are responsible for the deaths of 30,000 Americans a year. The question comes whether we should be giving the gun industry sweeping and unprecedented protection from the type of lawsuits that are available to every other victim involving every other industry in America.

The simple fact is that over the years, the gun industry has managed to lessen, avoid, or prevent any prudent regulation. For example, they are exempt from Consumer Product Safety Commission laws, thanks to the National Rifle Association's efforts over the years to keep it that way.

Secondly, the Federal Government cannot do much to police bad gun dealers—and we know there are some—or to enforce gun laws because the hands of the ATF, the Bureau of Alcohol, Tobacco and Firearms, are tied by limits to their authorities which have been put in place by the National Rifle Association. They can only do a once-a-year audit, for example. They only have limited options.

The number of ATF agents is kept so low they cannot possibly inspect all of the gun dealerships in this country. So today only the court system offers victims of negligent manufacturers, of which there are some, and dealers, of which there are some, the ability to receive compensation for their injuries. Only the court system provides a means for changing these negligent practices through the threat of legal liability.

I hope to show that the threat of legal liability has, in fact, resulted in more responsible manufacturing and selling principles by this industry. If we remove this one remaining avenue toward enforcing responsibility, victims will have no recourse. Gun owners and gun victims alike will be left virtually powerless against an industry that is already immune from so many other consumer protections. So we find ourselves today on the cusp of yet another NRA victory.

Let me be clear, this is not a victory for NRA members, most of whom are law-abiding gun owners who might some day benefit from the ability to sue a manufacturer that sold them a defective or dangerous gun. No, this will be a victory for those who have turned their organization into a political powerhouse, unconcerned with the rights of the majority of Americans who want prudent controls over firearms.

I do not support meritless lawsuits against the gun industry. I do not think anybody does. It is my belief gun manufacturers and dealers, though, should be held accountable for irresponsible marketing and distribution practices, just as anyone else would be,

particularly when these practices may cause guns to fall into the hands of criminals, juveniles, or mentally ill people.

This legislation has one simple purpose: to prevent lawsuits from those harmed by gun violence. These include: suits filed by cities and counties which face rising law enforcement and medical costs due to increased gun crimes, crimes often committed using guns that flood the illegal market with the full knowledge of the distributors that the legal market could not possibly be absorbing so many of these weapons; suits filed by organizations on behalf of their members; and victims of violent crimes and their families who are injured or killed as a result of gun violence or defective guns that malfunction due to negligent design or manufacture.

This issue is not an abstract one. When people vote for this gun liability absolution today, they are going to be hurting a lot of people all across this land, and I want to point out a few because this bill affects the lives of real gun victims, victims not simply of criminal misuse by a well-designed firearm, but victims of guns that have been designed poorly or marketed in ways which quite frankly should be illegal.

One of the cases that could be affected by this legislation, though this would ultimately be decided by a judge, is that of Brandon Maxfield, a 7-year-old from my State, Oakland, CA.

On April 6, 1994, Brandon was shot in the chin by his babysitter. The shooting left him a quadriplegic and he will never be able to walk again.

The babysitter, a friend of the family, was simply trying to remove a bullet from the chamber of a weapon that was found in the house, a .38 caliber Saturday night special, when the gun accidentally fired.

Here is the key: The weapon was clearly designed in an inherently dangerous way. It can only be unloaded when the safety is in the off position and can therefore fire.

Now common sense might say when you want to unload a gun you would first put the safety on. It defies common sense, on the other hand, to design a firearm so it can only be unloaded in the firing position. After all, one might expect the gun to accidentally fire as someone like Brandon's babysitter struggles to unload it.

Finally last year, after 9 years of litigation, a jury found the manufacturer and distributor of Saturday night specials partially liable for Brandon's injuries. This was a tremendous victory for Brandon and his family and a victory for all people who want to see guns made safer. This bill, however, would take away Brandon's right to sue, and I will explain why a bit later.

The bottom line, though, is Brandon's case was not frivolous. The jury did not think it was. Without the threat of lawsuits, companies like the one that made the gun in this case will have little incentive to change the design, but this legislation would remove the threat of that suit, depriving Brandon of compensation but, even worse, depriving the public of this key avenue to improving the habits of gun manufacturers.

I will quickly go through what the bill does. I know others have and will continue to speak to this, but I think it bears repeating because I do not think everybody supporting this bill really understands its full ramifications.

Essentially, this bill prohibits any civil liability lawsuit from being filed against the gun industry for damages resulting from the criminal or unlawful misuse of a gun, with a number of narrow exceptions.

In doing so, the bill effectively rewrites traditional principles of liability law, which generally hold that persons and companies may be liable for their negligence even if others are liable as well. This bill would essentially give the gun industry blanket immunity from civil liability cases, an immunity no other industry in America has today.

The bill does allow certain cases to move forward, as its supporters have pointed out, but these cases can proceed only on very narrow circumstances. Countless experts have now said this bill would stop virtually all of the suits against gun dealers and manufacturers filed to date, many of which are vital to changing industry practice and compensating victims who have been horribly injured through the clear negligence or even borderline criminal conduct of some gun dealers and manufacturers.

The exemptions in the bill, even the new bill, set a very high burden of proof of negligence for plaintiffs, allow for a very slight number of cases against gun manufacturers to be filed, and only protect a limited class of cases against sellers.

Under this bill, cases could only be filed in the following narrow circumstances. First, if a gun dealer transfers a firearm knowing the gun will be used to commit a violent or drug trafficking crime. In other words, a suit could go forward if a dealer gives a gun to someone who comes in and says, ''Give me a gun, I need to go kill someone.'' This provision only applies in the highly unlikely event a gun buyer clearly indicates his or her criminal intentions to the gun seller. Fat chance of that happening.

I am not a gun dealer, but I imagine most criminals do not make a habit of announcing their criminal intentions to gun dealers. So this exception to the immunity created by the bill is really no exception at all. It will apply to almost no cases.

Secondly, there is an exemption in the bill which applies if a dealer sells a gun to someone knowing the buyer will or is likely to misuse the firearm and that the individual buyer does indeed misuse it to commit a criminal offense. This provision is slightly more likely than the first exemption, but it still requires a very high burden of proof. Instead of common negligence, which might only require that the dealer did not take enough care in making sure that criminals did not obtain guns to commit crimes, what this provision requires is that the dealer actually know that the buyer is likely to use the gun to do harm.

How can this be proven? Mr. President, you are an attorney. How can this be proven? The difficulty in proving such a claim might all but bar this exemption from ever coming into play. It would have no effect on such practices as straw purchases and large volume sales—which, incidentally, are the two most common sources of crime guns—because in a straw purchase, the dealer could always claim that he or she had no idea what the buyer would be doing with the guns.

Third, the bill would allow suits to proceed where a defendant has violated a law or regulation in the sale of the specific gun that caused the damage or injury. This sets a very high burden of proof for negligence. Again, this would not affect dealers who conduct straw purchases or other dangerous distributing conduct because such conduct does not specifically violate any laws or regulations, although I must say it should.

Because there are so few real laws or regulations governing how guns are sold or manufactured, this provision, too, is relatively insignificant in terms of how it affects the underlying thrust of the bill.

Now I should point out that this provision is different than the provision in the original bill as passed by the House. Under the original bill, only knowing and willful violations of the law could be subject to suit, which is an even higher burden to reach. But even under this revised legislation, this standard is far higher than current law.

The simple truth is, negligence does not involve a violation of the law. Requiring a plaintiff to prove that a gun store, for example, was not only negligent in letting a criminal obtain a dozen guns, but the gun store actually violated a law in doing so, of which there are few, makes it very difficult to succeed.

So with any other business or product, in every other industry, a seller or manufacturer can be liable if it is negligent—but not here. Since money, rather than life or liberty is at stake in a civil case, the standard of proof is lower. There need not be a criminal violation to recover damages, and in the overwhelming majority of civil cases there is no criminal violation. So if, for instance, a crib manufacturer designs and markets a crib that results in the death of children who use the crib, we allow that manufacturer to be sued as one means of deterring such conduct and of compensating the families of the children who died from the defectively designed crib. The manufacturer need

not have committed any crime. It is the negligence in making a defective and dangerous crib that is enough. Here, contrary to general negligence law covering almost every other product, this bill allows negligent gun dealers and manufacturers to get off the hook unless they violated a criminal law. That is just dreadful. You are creating a special area of law for gun manufacturers and saying unless they violate a law they can manufacture a defective weapon.

The judge in Washington State presiding over the case brought against the DC area snipers has twice ruled that the dealer, Bull's Eye Shooters Supply, and the manufacturer, Bushmaster Firearms, may be liable in negligence for enabling the snipers to obtain their gun. But even with the new modifications, the sniper victims' case could very well be thrown out of court under this bill. So know what you are doing, Members who vote for it. The sniper victims' case could well be thrown out of court by this bill because there is no evidence that either the negligent dealer or manufacturer violated a criminal law.

Indeed, both Lloyd Cutler and David Boies, each prominent attorneys, recently stated unequivocally that the sniper case would have to be dismissed under this bill, and countless professors have written a letter agreeing with this interpretation of the law.

This is the most notorious sniper case in America. You have negligence on the part of the gun dealer who sold that gun, didn't report it until way late, allowed the snipers to get that gun, and now we are passing a law to prevent the victims from suing under civil liability. Nowhere else in the law does this exist.

In another case, a Massachusetts court has ruled that gun manufacturer Kahr Arms may be liable for negligently hiring drug-addicted criminals and enabling them to stroll out the plant door with unmarked guns to be sold to criminals. But with the proposed changes, the case against Kahr Arms would be dismissed. Its conduct, though outrageous, violated no law. Negligent? Yes. Criminal? No.

Members, know what you are doing when you vote for this bill.

The fourth exemption in the bill is when a dealer somehow violates a sales contract. An example of this would be the dealer failing to provide the gun for which the purchaser paid. This, too, is clearly a limited exception. Victims of defectively designed or negligently sold guns would not be allowed to file cases under this provision. Furthermore, the claims of gun purchasers would be limited to what they were entitled to under the scope of the contract or warranty.

The fifth exemption in the original bill allowed suits to go forward if the gun manufacturer has caused ''physical injuries or property damage resulting directly from a defect in design or manufacture of a product when used as intended.'' This provision altered generally accepted principles of products liability law which essentially state that a manufacturer must implement feasible safety features that would prevent injury caused by foreseeable use or misuse, even if that use is not ''intended.'' For instance, it might not be intended for a child to try to eat a small toy, but it is clearly foreseeable.

This new modified gun immunity legislation does add language allowing suits to go forward as long as the activity was ''reasonably foreseeable'' by the manufacturer or dealer, which appears to match current law. However, the devil is in the details because the bill then takes away any benefit that language might have by stating that the exemption will not apply to lawsuits that also involve criminal acts by the defendant.

The best example of how this provision would affect the case is the Brandon Maxfield babysitter shooting I mentioned earlier, where a child was accidentally shot by a babysitter because the chamber of the gun could not be checked without clicking the safety to ''off.'' In that case, the gun fired while the babysitter tried to check the chamber.

The problem is the bill prohibits suits involving even foreseeable accidents, if there are criminal charges. In the babysitter case, the babysitter could easily be, and indeed was, charged with manslaughter—which is a crime. Thus, even this suit would still be barred by this revised bill.

Contrary to current law which allows judges and juries to apportion blame and damages, this bill would bar any damages against a manufacturer if another party was liable due to a criminal act.

Why should firearms get special treatment? In our society, we hold manufacturers liable for the damage their products cause. This is the case with automobiles. This is the case with cribs. It is the case with children's toys, and it should be the case with guns as well. Lawsuits filed against the gun industry provide a way for those harmed to seek justice from the damages and destruction caused by firearms. Just as important, they create incentives to reform the practices proven to be dangerous.

After all, this is the most dangerous consumer item found in a home.

According to statistics, there is a gun in 43 percent of the households with children in America. There is a loaded gun in 1 of 10 households with children, and a gun that is left unlocked or improperly stored in 1 of every 8 family homes.

More children and adult family members are killed each year by having a loaded gun at home than from incidents with criminal intruders. In fact, a gun in the home is 22 times more likely to lead to an accidental injury or death to family members than used against a criminal intruder. These are senseless actions that can be prevented by simply designing guns with technologically and economically feasible safety devices.

Recent cases have produced evidence from law enforcement investigations, as well as industry insiders, that the gun industry may be ignoring numerous patented safety devices for guns and intentionally flooding certain markets with guns knowingly, and also profiting from the fact that the excess weapons would make their way into the hands of criminals. We have seen gun dealers selling guns when they know these guns are being purchased to immediately resell to criminals—often to criminals who wait right outside the door or even inside the very store while the guns are being bought by someone who can pass a background check.

Lawsuits filed against the gun industry provide a way for victims and municipalities to seek justice from the damages and destruction caused by firearms.

Additionally, lawsuits provide this largely unregulated industry with incentives to reform irresponsible manufacturing and distributing practices proven to be dangerous.

According to Tom Gresham, a writer for the magazine Guns & Ammo, lawsuits have, in fact, proven effective in encouraging manufacturers to design their guns with proper safety devices. Even though guns are not required to be made with safety features, Gresham writes in the June 2002 edition of the magazine that lawsuits have spurred manufacturers to include them to avoid liability in future actions.

Don't we want this to take proven steps to improve the safety of their weapons?

Gresham claims, ''No matter what you think of them, you will find built-in locks on more and more guns in the future. I predict that in ten years, no firearm will be made without one.''

What does this bill do to that? It encourages the gun companies to do exactly the opposite—to not put better safety components on their weapons.

When this bill was introduced, its supporters spoke about the need to protect the industry from frivolous lawsuits and the need to protect the industry from the potential loss of jobs brought on by future lawsuits. These claims are unfounded. This bill is simply the latest attempt of the gun lobby to evade industry accountability. The suits against the gun industry come in varying forms, but they all have one goal in common—forcing the firearm industry to become more responsible.

In addition to ongoing cases filed by individual victims, there have been a handful of cases filed by private associations, such as the National Association for the Advancement of Colored People, and the National Spinal Cord Injury Association. These cases have been filed on behalf of groups of individuals who claim to have been harmed by the gun industry's bad behavior.

And there are government cases—at least 24 cases—that have been filed

against the gun industry on behalf of nearly three dozen cities and counties and one State attorney general claiming that the reckless conduct of the gun industry has threatened public safety and hindered the ability of municipalities to provide for the health and welfare of their citizens. A majority of these municipalities' lawsuits have successfully defeated industry attempts to dismiss their cases. This bill would kill that.

Last year, Dennis Herrera, City Attorney of San Francisco, said that, ''Cases being pursued by my office and some 30 other jurisdictions nationwide have already achieved important milestones in exposing gun industry recklessness, with mounting evidence and an increasing number of high-level whistle blowers revealing gross misconduct by manufacturers and dealers . . . I'm convinced that the City and its fellow plaintiffs have a compelling case against the gun industry.''

This legislation would prevent them from going ahead.

Let me describe a few representative cases that also could have been stopped by this bill.

The case of Cincinnati v. Beretta is one example of a legitimate and successful case filed against the gun industry. In this case, officials from the city of Cincinnati, OH, contended that the gun industry's reckless marketing and distribution of guns enabled them to wind up in the hands of criminals and children leading to murders, shootings, and suicides that imperil public safety. The city also argued that gun manufacturers were negligent in failing to design safer weapons and owed the city compensation for the cost of emergency responses to acts of gun violence.

The Supreme Court of Ohio agreed and ruled the issue deserved exploration at trial. The court found that under generally applicable principles of law, it is the duty of gun manufacturers to use reasonable care in their design and sales of guns, and they may be liable for damages arising from their negligent conduct and failure to equip their guns with practical safety features.

This is no different an analysis than would be used against the manufacturer of any product used by a consumer—whether a child's crib, a toothbrush, a chainsaw, or an automobile.

The Court also found that a manufacturer could be held liable for their role in creating and facilitating the criminal gun market through their failure to use reasonable care in their sale and distribution of guns. The Court specifically rejected the argument that those who irresponsibly sell guns cannot be liable if the damage foreseeably resulting from their negligence was ultimately caused by a criminal act.

Furthermore, the Court noted the socially beneficial role of lawsuits against gun sellers and manufacturers can play:

> If as a result of both private and municipal lawsuits, firearms are designed to be safer and new marketing practices make it more difficult for criminals to obtain guns, some firearm-related deaths and injuries may be prevented . . . Such litigation may have an important role to play, contemplating other interventions available to cities and states.

This case could well be stopped in its tracks if this bill passes.

In another case, Hurst v. Glock, the New Jersey Court of Appeals also ruled in favor of the plaintiff. This products liability case centers on an incident in which a teenage boy, Tyrone Hurst, was seriously injured when his friend picked up a gun she thought was unloaded and fired at Tyrone. The Hurst family argued that the shooting could have been prevented had the gun manufacturer included a safety feature known as a magazine disconnect safety.

Again, the Court agreed and found that the gun manufacturer could be liable for injuries caused by the failure to include a safety feature on the firearm. Wiped out.

In 1994, Griffin and Lyn Dix from Berkeley, CA, lost their youngest son Kenzo after he was accidentally shot to death at the age of 15 by his best friend, Michael. Michael was showing his father's gun to Kenzo and, believing the gun to be unloaded, pointed it at his friend and fired. Michael did not realize there was a bullet hidden in the chamber of the gun.

In an interview after the incident, Michael described the situation after turning the gun on his friend:

> I look down and I don't even aim. I heard a pop, my eyes opened up and I was shocked. I look and saw Kenzo hunched over, kind of moaning—a creepy moan you don't want to hear. It just stays with you.

The bullet went straight into Kenzo's chest. Tragically, he was pronounced dead within the hour.

Kenzo's parents sued Beretta, the manufacturer of the gun that killed their son. They argued that the gun lacked adequate safety features and warnings and that is why it appeared unloaded despite the fact that a bullet lay in the chamber.

The case sent a necessary wake-up call through the industry that they could rightly be held accountable in future wrongful-death cases. Faced with the threat of litigation, a number of manufacturers have changed their design standards and designs to include proper and practical safety features. That is a positive benefit all across this Nation.

I ask my colleagues, how can we justify giving blanket immunity to the gun industry that manufactures and distributes products that kill 30,000 Americans a year, yet fail to provide the proper and practical safety features in their products?

Under the principles of common law, all individuals and industries have a duty to act responsibly. How can we give total legal immunity to an industry that time and time again has failed to act in such a manner?

This is not just about manufacturers and the design of products. It is also about gun dealers and distributors that know their guns are sold to be used in crime. This very bill was scheduled to come to the Senate for consideration during the 107th session of Congress. It was withheld in light of the sniper attacks that terrorized the Washington, DC area. I guess enough time has now passed that the bill's supporters think we will have forgotten those sniper victims. But we have not. We have already heard today that the victims of those attacks have filed one of the cases currently pending. The suit results from alleged negligent conduct of a gun dealer that has been accuse of some incredibly negligent conduct.

Mildred Denise Muhammad filed three restraining orders against her husband, John Allen Muhammad, one of the convicted snipers. Those restraining orders should have prohibited John Allen Muhammad from owning a gun.

However, nothing stopped him from obtaining the handgun he allegedly used to commit murder in Alabama, nor the Bushmaster XM–15 assault rifle used in the sniper attacks, in all likelihood because the dealer that had the Bushmaster assault rifle was either negligent or willful in allowing it to fall into Muhammad's hands.

The assault rifle used in the sniper attacks was one of 238 guns that have been reported missing from the Bull's Eye Shooters Supply store in Tacoma, WA. We learned about this dealer's dangerous inability to keep track of his guns not from the store itself but, rather, from audits performed by the ATF. The store had no record of purchase for the assault rifle used in the attacks and failed to report it stolen until after the ATF recovered the weapon from the snipers and traced it back to the store. Here is a store that has 238 guns that are missing and does not report them. That is class A evidence.

Even after this blatant display of negligent conduct, the rifles manufacturer announced that the gun store remained a ''good customer'' and it would continue to sell guns to the store. The manufacturers showed clear disregard for the victims, their families, and public safety.

And the store itself, in either failing to adequately account for its guns, or even worse, illegally selling the gun to a prohibited person, may well also be liable for its conduct. The alleged snipers were clearly aided and abetted by the irresponsible conduct of the owners of this gun shop that managed to simply lose hundreds of deadly weapons and the manufacturer that supplied serious combat weapons to a dealer with no questions asked.

If they are not liable, they will be found not liable by a jury; but if they are liable, should we not allow a court to decide? How can we, with a clear conscience, pass a bill that would deny the right of these victims of gun violence their day in court?

As I mentioned earlier, this case would almost certainly be dismissed if

the bill now before the Senate becomes law. With no liability threat, few ATF enforcement tools, and a blanket exemption from consumer laws, Bull's Eye will have no incentive to clean up its act.

Such disregard for public safety is identified in another case filed against the gun industry, Lemongello and McGuire v. Will's Jewelry & Loan. In this case, the argument that those who irresponsibly sell guns cannot be held liable if the guns were later used in a criminal act was again rejected, this time by West Virginia Circuit Court Judge Irene Berger.

As the Presiding Officer knows, a felon, fugitive, or stalker cannot legally buy guns. So sometimes the individuals will find someone also to help them evade the current gun laws and get their hands on a gun.

A straw purchase occurs when a buyer purchases guns on behalf of criminals or other individuals who are prohibited from purchasing guns. Federal law enforcement agencies estimate 46 percent of crime guns nationwide come from this type of purchase. I repeat, 46 percent of the guns used in crimes in America come from these straw purchases with gun dealers.

The National Shooting Sports Federation is the gun industry's leading trade association. It is fully aware of the reality that guns from straw purchases are often ultimately found in the hands of criminals. The Foundation also recognizes that these dangerous purchases can easily be prevented so long as dealers act responsibly.

To promote this policy, the Foundation provides training for gun dealers ''to help prevent and deter the illegal 'strawman' purchase of firearms.'' In the brochure of its training campaign entitled ''Don't Lie for the Other Guy,'' the Foundation claims that it is the responsibility of the gun dealer to prevent these purchases from taking place by simply prohibiting any sale they suspect to be a straw purchase. Despite these warnings, a straw purchase is exactly what took place at Will's Jewelry & Loan, a West Virginia pawnshop, in the fall of 2000. James Grey, a felon and gun trafficker, came into the store accompanied by Tammi Lea Songer, a woman who had a clean background and thousands of dollars in cash. James Grey methodically selected 12 guns he wanted and Songer bought them, all in a single purchase, no questions asked.

The shop's employees were suspicious of Grey and Songer's actions. They contacted the ATF to notify them of the purchase.

The problem is that the call to the ATF was made after the guns were purchased, after the profits were made by the dealer and Sturm, Ruger. The warning signs were so obvious, yet proper actions were not taken until it was too late.

Just months later, one of these guns, a 9 mm semiautomatic Ruger handgun, was used by a convicted felon to shoot and seriously injure two New Jersey police officers in the line of duty.

Officers Dave Lemongello and Ken McGuire were shot with that handgun while responding to the scene of an attempted robbery. The shoot-out put an end to the careers of both men. The injuries they received were so debilitating they could no longer serve.

Those officers filed a lawsuit against the dealer and Sturm, Ruger, who both profited from their irresponsible conduct. Their claims were recently validated, and the West Virginia Circuit Court found the gun dealer could be liable under West Virginia law of negligence and public nuisance for failing to use reasonable care in its sales. As a result, a jury could find the subsequent criminal shooting was a foreseeable result caused by that negligent act.

The bill we are considering today would turn a blind eye to the reckless conduct shown by those in the industry that enabled this tragic incident to have taken place.

Last year, Officer Lemongello spoke before the House Judiciary Committee to protest this bill. In his testimony he stated:

> The next disturbing news I heard was that some people in Congress wanted to take away my right to present my case in court and wanted to give that irresponsible dealer special protection from the legal rules that apply to all other businesses in this country. Other businesses have to use reasonable care and may be liable for the consequences if they don't. Those who sell lethal weapons that are highly valued by criminals should have at least the same duty to use reasonable care as businesses who sell BB guns or any other product . . . Gun sellers have to be more responsible when they sell guns to prevent guns from getting into criminals' hands before they do their damage. What happened to me and Ken is an example of what happens when gun sellers are irresponsible.

As if the valuable lessons learned from the cases I have detailed were not convincing enough to prove that criminals are able to get guns on the black market due to the complicity of gun manufacturers and dealers, simply listen to the words of gun industry insider Robert Ricker.

Former Executive Director of the American Sport Shooting Council and former Assistant General Counsel for the NRA, Robert Ricker has testified in support of lawsuits against the gun industry—a brave man. In a recent affidavit, Ricker claimed:

> Instead of requiring dealers to be proactive and properly trained in an effort to stop questionable sales, it has been common practice of gun manufacturers and distributors to adopt a ''see-no-evil, speak-no-evil'' approach. This type of policy encourages a culture of evasion of firearms laws and regulations.

In the same affidavit, Ricker also claimed lawsuits provide a valuable tool for motivating the industry to reform and act responsibly. He stated:

> Until faced with a serious threat of civil liability for past conduct, leaders in the industry have consistently resisted taking constructive voluntary action to prevent firearms from ending up in the illegal gun market and have sought to silence others within the industry who have advocated reform.

That says it all. They will not move to do the right thing, and they will silence others. That is according to one of their own insiders, and we go along with it and are going to give them civil liability protection. I cannot believe it.

Again, I do not support meritless lawsuits against any industry, including the gun industry. But the fact of the matter is, this bill's goal of granting the gun industry blanket immunity would cause much greater harm to the American public than it could ever possibly prevent for an already under-regulated industry.

The right way for the gun industry to protect itself from liability for irresponsible conduct is simply to act responsibly, by manufacturing guns with safety devices and ensuring their products are going to reputable, law-abiding dealers.

Is that asking too much? Is it asking too much that dealers enforce the rules on the books and prohibit straw purchases? Straw purchases, remember, are responsible for the sale of 43 percent of the guns in this Nation that are used in crimes.

I think dealers should enforce the rules on the books and prohibit these purchases. If litigation is the only way to keep the gun industry in check, we should not give the gun industry total immunity. As I have pointed out, everything else is stretched thin.

This is an industry that is less accountable under law than any other in America. The only avenue of accountability left is the courtroom, and this bill attempts to slam the courtroom door in the face of those who would hold the industry responsible for its actions.

We ought to hold this industry accountable for product standards so that in the event a juvenile ends up with a gun, common sense safety devices will prevent senseless accidents.

We ought to hold this industry responsible for taking the proper precautions to ensure law-abiding citizens are able to obtain the guns they choose while criminals and other prohibited individuals do not.

Mr. President, I beg, I plead with this body. It is incomprehensible to me that the Senate of the United States is going to provide this kind of liability protection to an industry that does what I just laid out in these remarks. It is incomprehensible.

I have watched the NRA win time after time—the latest being the Federal database of gun sales being obliterated after 24 hours. If this bill passes, there will be no stay on the gun industry for responsible conduct because they can get away without doing it.

I implore my colleagues, please take a second look at this bill. Talk to attorneys like Lloyd Cutler and David Boies. Ask them what this bill will do to merit cases.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I would like to discuss this matter on the level I think it should be discussed;

and that is, is it good public policy, is it the right thing to do in light of the litigation we are seeing against gun dealers and gun manufacturers that is going on in America today?

I do not believe in any way this is a blanket immunity for wrongdoing or total immunity for wrongdoing. In fact, it is not that. What it says is, classical rules of law ought to be enforced. Some could ask why we even need this law. Because how can you sue the person who manufacturers a can of Campbell's soup if somebody buys that can of Campbell's soup legally and kills somebody by hitting them on the head with it? What if you buy an automobile, and you run somebody over on the street, are we going to sue the automobile manufacturer for that?

What is happening in America is the classical concepts, the classical rules of litigation are being eroded. The courts are being politicized. That is a very dangerous thing. As a result, lawsuits are occurring in ways they should not occur and are impacting our daily lives.

I conducted a hearing in the Subcommittee on Courts of the Judiciary Committee on the food industry. Should we sue the manufacturer of food, Little Debbie's, because somebody bought too many of them and became overweight and obese?

Thirty, 40 years ago those lawsuits would have been laughed out of court. They don't meet the principle. A person is responsible for what they eat and how much, not the person who provides the cakes and cookies and Cokes and those kinds of things, unless that product is inherently dangerous and harmful to a person and the consumer does not know about it. We are getting away from that.

With regard to gun dealers and manufacturers, this is the worst of all. The Federal Government and State governments have taken over the sale of guns. Regulations are many. I was a Federal prosecutor for nearly 14 years. I prosecuted people for selling guns. If they file off the serial number, that is a crime. If the gun dealer does not write down the serial number, he can be prosecuted and put in jail. If he does not get an ID from a person who buys a gun, if he does not ascertain and make that person sign a statement that they don't have a criminal record or make them sign a statement they are not addicted to drugs or mentally unstable, or if the dealer knows that and he sells the gun anyway, then he is in violation of the law.

There are waiting lists in States and counties that dealers must comply with. If they don't comply with those rules, they can be sued—not only sued, they can be prosecuted and put in jail. I have prosecuted and put in jail people who sold guns illegally. That is a fact.

If we want more regulations on how guns ought to be sold, let's debate it right here and see if it is justified. We have had all kinds of amendments to put rules and bans and restrictions on innocent, law-abiding people who choose to take advantage of the constitutional right to keep and bear arms. This is what we are talking about. Gun dealers have to comply with these rules, just like the gun manufacturers. And if they don't comply with them, they can be sued.

This legislation would not keep them from being sued. What we are talking about is manufacturers who comply with the laws of manufacturing, and they sell the gun according to the rules, and a dealer takes it and sells it according to their rules, without any knowledge of the manufacturer in Massachusetts or wherever they make them. The gun dealer in California or Alabama or South Carolina sells it according to the law.

Then some activist groups that believe we need to conduct guerilla warfare against a lawful industry want to promote these lawsuits. One of our Members said earlier: If litigation is the only thing to keep the gun industry in check, we ought to sue them.

That is not right. If there is not a cause of action, you should not sue them. They are being sued and are having to expend hundreds of millions of dollars in their defense. They tend to win those cases at the bottom line. But they bring them, frankly, in big cities a lot of times, where there is an anti-gun hostility, where mayors want to crack down and eliminate gun ownership. We virtually have eliminated gun ownership in Washington, DC.

They are not happy with what the legislation will do in passing the law. The elected representatives won't pass restrictions as tight as they would like to have or to eliminate gun ownership anyway, so they want to do it through the backdoor, through litigation. I don't like their idea: If they can't do it this way through law and regulations, we ought to do it through litigation.

I remember Hodding Carter, who used to work for former President Carter. He was on ''Meet the Press'' one time. He said something to the effect that: We liberals have gotten to the point where we want the courts to do for us that which we can no longer win at the ballot box.

If we need to tighten up on gun restrictions, let's put the rule out here and debate that. But we don't need to be creating bogus lawsuits against people who are not doing wrong.

I know the Presiding Officer was a JAG officer and served in the military. I defended a lawsuit against the United States Government because a veteran in a veterans hospital walked off the grounds and was murdered. They sued the hospital. There is a classical rule I have not forgotten: A criminal act is not foreseeable. You are not normally expected, anyone, to foresee someone will commit a criminal act.

I defended that lawsuit on the grounds that, well, maybe he had gotten lost and this or that, got hit in the accident, maybe. But the principle that the hospital is responsible for an intervening criminal act did not justify the lawsuit.

We won the lawsuit. That was a long time ago. I don't know if that would happen today, liberalizing the old principle of law.

A gun manufacturer is not required and cannot be expected legally to foresee criminals will use the gun and who those criminals are. If we think they should not have guns, we have to pass laws. We have to amend the Constitution, frankly, to stop that. They are doing what is lawful.

It is a good effort today. It would be healthy for our entire legal system that we confront this issue and allow the classical rules of liability to be followed again and not allow the abuse of it.

We almost voted earlier on constraining liability of doctors who deliver babies. They are getting sued in incredible numbers. That is a difficult thing. How do you deal with it? We voted on it. Forty-eight Members of this body voted for that. But to a much more significant principle, a violation of the established rule of law, is this idea you can sue a manufacturer who produces a gun that does what it is supposed to do and gets in the hands of a criminal and they use it.

How should you normally think you would sue a gun manufacturer? If he buys a gun and you fire it and it blows up and knocks out your eye. That is what you are supposed to sue the manufacturer for. If a person buys a gun from Smith & Wesson and he aims it and fires it and it hits the target exactly where he aimed it, the gun dealer is not responsible, if that was a lawful sale of the weapon. We set in this Congress and the cities and the States set additional restrictions on the sale of guns. When they do that and when dealers comply with that, they ought not to be sued.

If they violate those laws, don't comply with the laws, or if they have absolute knowledge or actual knowledge a purchaser of a gun is going to use it for a bad purpose, then they have a responsibility. Absent that, they don't. And they should not be sued.

This would be a good step in removing from our overburdened courts a host of abusive lawsuits that have no basis in principle and indeed should not be brought anyway. In fact, this legislation does not change any principle of American law, but basically clarifies it so these cases can be dismissed promptly rather than having to go through the length of time and the great cost that is going on in some of the areas of this country where the lawsuits are being brought.

I know others want to speak on this issue. I see the Senator from Ohio and others. I believe this is good public policy. It is time for us to work hard to establish a more clear understanding of litigation in America. It has become confused. Congress has always had the power to define litigation and the parameters of it when it is in confusion

and not working according to good public policy. We ought to speak out. I am glad there is bipartisan support for this. I think we will pass this bill and it will be a great step forward to improve the rule of law in America.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAIG. Mr. President, I will be brief. The Senator from Ohio has been on the floor a good long while and deserves to be heard.

As you know, we are in a postcloture environment on a motion to proceed. I would hope by early afternoon we can actually get on the bill and begin to consider some amendments on this critical piece of legislation. It has been portrayed by many in many different ways. I would ask the Senators to pick up this very small document, 1805. In fact, there are exactly 11 pages of big print so all of us can clearly read it.

I ask Senators to go to section 4 of the bill and read what we are doing. In a very narrow way, we are denying a third party the ability to reach through the law and say to a law-abiding gun manufacturer and a law-abiding firearms dealer: When you sold that weapon, it down the road got misused in a criminal act and, therefore, you are responsible.

Shame on us for suggesting that as a basis of law today in our country. We have denied it. We have always held the individual responsible. That is clearly where we ought to go. That is why I think this ought to be a clean bill. There are some who want to offer different amendments. We can deal with them on a different day in a different way. Let's keep this bill clean. This is tort reform in the very narrowest of margins, and I hope Senators can work with us to make sure that in final passage we have a clean bill.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Ohio.

Mr. DEWINE. Mr. President, I have the utmost respect for my colleague from Alabama who just spoke most eloquently, and I certainly have respect for my friend from Idaho who has brought this bill to the floor. I certainly have great respect for the many firearms dealers who are legitimate, honest, and hard working, and manufacturers around this country, but I must oppose this bill.

I oppose this bill because it denies certain victims in this country their day in court. It singles out one particular group of victims and treats them differently than all other victims in this country. It sets them apart. It sets them aside, and it treats them differently. It denies them their access to court.

It does not put a limit on their lawsuit. It does not put on a cap. It is not what we were talking about yesterday. Rather, it says they are barred from coming to court.

It is unprecedented what this Senate, if I can count the votes correctly, is about to do. This bill shields a certain group of defendants. It establishes an immunity. This bill would overturn over 200 years of civil law, 200 years of tort law, 200 years of common law. It would overturn over 200 years of civil law in this country and fundamentally change our justice system. It would, in essence, turn the civil justice system and our tort law on its head. It would do this by denying one group of our citizens access to the court system.

Most fundamentally, the problem with this bill is it sets a precedent. It will not affect that many victims, that is true, but the real reason to oppose this bill is for the precedent it sets, because if we do it for these victims, what is to stop us from doing it for other victims? And if we don't care about these victims, will we care about other victims in the future, and will we do it to other victims who maybe some of us care about?

Civil liability law is about encouraging people and industries to take responsibility for their actions, and it is also about protecting victims. It is about deterring irresponsible behavior by making sure there are incentives in place to encourage people to behave responsibly. It is about preventing bad conduct and holding people accountable under our common law.

It is not and should not be about undercutting the ability of innocent victims to hold irresponsible people accountable for wrongful and negligent actions. This bill, unfortunately, does just that. It undercuts the ability of innocent victims to hold irresponsible individuals accountable for harmful and negligent actions.

The fact is, this bill cuts to the core of civil liability law and would essentially gut it. As my colleagues know, right now under current law throughout this country, to prove liability in a civil suit, the plaintiff only needs to prove the defendant acted in an unreasonable manner, if the defendant failed to meet his duty to act in a responsible fashion. That is basic common law, basic civil law, that his or her failure led to harm to the victim. Nothing more than that is required.

We do not normally require a victim to prove that the defendant is guilty of a violation of the law, but this bill, however, provides that a victim cannot sue a gun dealer for damages resulting from illegal actions of a third party without also showing that a dealer is guilty of a violation of the law. So that in this bill, in effect, for a plaintiff to prevail in lawsuit and recover damages, he or she would not only need to prove that a gun dealer acted with negligence, that the dealer was irresponsible, but would also have to prove that the gun dealer also broke the law. In other words, the plaintiff would have to prove the gun dealer violated a statute or was guilty of a crime.

There is one exception to this general rule built into this statute we are debating, and that is the so-called negligent entrustment exception. For the most part, this bill requires a defendant violate a statute before he is liable. We do not require this in any other place in our law. In civil law, sometimes it happens when you prove negligence, the defendant did violate a statute, but that is not a requirement. That is not something in a civil suit you have to prove.

When you study law, one of the first things you learn is the difference between civil law and criminal law, and that someone can be liable in civil law to someone else and have to pay monetary damages and it not be a crime. That is a basic concept.

What we are saying in this statute is, under these circumstances, with an irresponsible gun dealer, that the plaintiff would have to prove that the irresponsible gun dealer violated a criminal law. We don't do that anywhere else in our law. Why do we want to do it in this case? Why that special protection in this one case?

If those who support this bill think that is such a great idea that we want to build this impediment into this law or the requirement into our civil law that you have to violate criminal law before you can sue someone, if that is such a great idea, let's just pass that law for everything. So in any civil suit in this country, you would have to find a violation of criminal law. I don't think we want to do that.

If it is good for this victim, why is it not good for everything? Obviously, it is not. Obviously, we are not going to do that. I do not see anybody suggesting that.

Clearly, this bill would make a major change in traditional liability law and is something we should more thoroughly consider and debate before we move toward a vote. Why is there such a rush to pass this legislation? This is legislation that I might point out never had a hearing. No witnesses were called. No one came in. Yet we are here on the Senate floor today. No discussion about this. Why is there this rush to bring this bill to the Senate floor? Why the rush to judgment?

I have two thoughts. I guess the main reason we are here is because there are the votes here to do it. There is the power to pass this bill. When there are the votes, it can be done, and I can count. I know which way this vote is going to come out. There are the votes to pass it. So when there are the votes, I guess the job can get done. But that does not make it right.

I ask my colleagues who have cosponsored this bill or are thinking about voting for it to think one more time, to think about the precedent that is being set. Yes, undoubtedly there are frivolous lawsuits that are being filed against this industry. There is no doubt about that. But there are legitimate victims who when this legislation is passed will not be able to file their lawsuits.

Why not trust the good judges we trust in every other civil suit in this country to make the decision to throw

out those frivolous lawsuits? There are frivolous lawsuits filed in this country every day in all kinds of cases, and we trust the good men and women, the judges who sit on our benches, to get rid of those cases.

By and large, they do a pretty good job kicking them out of court. Why penalize the people who might have a legitimate case and kick them out and deny them, in fact, the opportunity to ever get to court at all?

The precedent is what I worry about. I worry about the victims in this case, but I worry about the precedent because if we, who have the votes to do this today to this group of victims, say we are going to do it because we have the votes to do it, we have the power, whether it is because this lobby is more powerful for whatever reason, what about when the next lobby comes along and they happen to have the votes? Maybe it is a set of victims you worry about or you care about who will be blocked from coming to the courthouse and filing their case. What if it is your child, your mother, your father, your wife, or your husband, and they happen to be among a group of victims who some lobby has put together enough votes to convince Congress to deny them the access to come to court? Their day may come. So, yes, I worry about the victims we are going to disenfranchise and block from coming to the courthouse by this bill. But more than that I worry about the precedent we are setting by this bill.

I worry about the day in the future when another lobby group, another Congress, has put together enough votes to come to this floor to deny another set of victims the right to have access to the courthouse. I think that is what should bother everybody else in this Senate.

Let me make a prediction about this group of victims. Yes, the passage of this bill will get rid of some frivolous lawsuits. There will be lawsuits that will never be filed because of this bill, no doubt about it. But let me make a prediction to everyone who is thinking about voting for this bill. Mark my words, if this bill passes, in the future there will be a case or cases that will be so egregious and so bad that when they are read about and it is found out that that victim could not file a lawsuit and could not file that lawsuit because this Senate voted not to allow that victim to file that lawsuit, it will be so bad, it will turn one's stomach. Mark my words, that will happen if we pass this legislation.

A second reason which has not been stated or discussed as to why there is such a rush to judgment and why some people are in such a big hurry to get this bill passed: We are having a great increase in crime technology. One of the great things that has happened in the last few years is our ability to trace guns and ballistics. We are putting great systems together in this country, and many of us in the Senate have worked hard to do that. We have the ability in law enforcement to trace these guns better today.

I think some of the irresponsible—notice I say ''irresponsible''—gun dealers are worried about that because they know their days are numbered. They know when they ship out all of these guns, put them out on the market, guns that are just getting by today, they know they are going to be able to be better traced and they know they are going to be more liable and we are going to have the ability to trace them.

I believe the passage of this legislation will be more damaging in the future than it is even now. As ballistics technology improves, law enforcement will be better able to find the original source of crime guns, and that oftentimes would be back to a dealer who should not have sold the weapon in the first place. To the extent that we immunize these negligent dealers now, we will be decreasing their incentive to act responsibly and therefore deny their victims their day in court.

There is another aspect about this bill that has not been talked about a lot, and that is the fact that it is retroactive. How dare us in the Congress come to the Senate floor and wipe out every lawsuit that has been filed in this country that would come within the parameters of this bill. How arrogant of us to do that. In this Congress, we have the arrogance to come to the floor and pass legislation that wipes every case out in every State in the Union where there is a lawsuit pending. Did we really get elected to the Senate to do that? That is what this bill does. It will kick people out of court. It would not just bar people from coming to the courthouse. That is not enough. No, what this bill does is kick people out who are already in court. It kicks out people on whom judges have already ruled summary judgments, motions to dismiss, and have already made decisions that the case is at least valid enough to go forward and to go to trial. We are saying, oh, no, judge, we are now going to kick that case out of court and take it away from you and throw that person out of court. To me, if we do that, it would be the height of arrogance. I think that is wrong.

It is not my job to judge these cases. It is not my job to determine whether one of these cases should proceed or should not, or determine whether someone is negligent or not negligent. But I don't think, on the other hand, it is my job to say someone should not have the right to go to court and present that to a judge and ultimately, in most cases, to present that to a jury. That is fundamentally the American way.

Let me talk about a couple of cases. We don't need to look too far to find legitimate cases that would be dismissed if this bill were to become law. Everyone remembers all too well the tragedies of the DC sniper cases. Some of the victims of the DC snipers are suing the Washington State gun retailer known as Bull's Eye Shooter Supply for allowing John Malvo to walk off unnoticed with a 3-foot semiautomatic assault rifle. In fact, there were allegations that Bull's Eye not only failed to report the missing assault rifle, this particular missing assault rifle, but also failed to report over 230 other missing firearms because Bull's Eye was never aware that over 230 guns were missing, in total. That is absolutely unbelievable.

It is, of course, totally unacceptable for a firearm dealer, a retailer, to so poorly monitor and protect its stock. If these allegations are proven true—again, I don't know if they are true—then Bull's Eye should be held accountable for the negligent fashion in which it handled these weapons. Under the provisions of this bill, however, such behavior would be protected from private lawsuits. We would in effect be saying it is OK to allow unknown people—without, of course, background checks—to walk off your premises with hundreds of guns, be they criminals, terrorists, or in this case an underage serial killer.

There is another case in Worchester, MA. This bill would not only prevent recovery for the victims of the DC sniper, but the family of a young man killed in Worcester, MA, by the name of Danny Guzman would also be barred from recovering for the negligence that caused his death. In that case, Danny Guzman was shot and killed with a gun taken from a gun maker by one of his own employees. The employee had a significant record of violence and drug abuse but was able to steal the gun because apparently the gun maker allowed this criminal free access to his guns without any legitimate check of his background and also failed to implement effective security procedures that would have prevented the theft. Indeed, this gun maker could not account for at least 50 of his firearms. If this bill were to pass, Danny's family would be barred from continuing their suit against the gun maker for negligence in completely failing to screen its employees or secure its facilities to prevent repeated thefts of guns.

Let me talk about another pending case—again, I emphasize, this is a pending case—that would be affected by this bill. In this case, a couple entered a gun shop. This was referred to by my colleague from California a few minutes ago. A couple entered a gun shop. The man identified several weapons he was interested in purchasing. The woman he was with was not involved in the discussions between the man and gun shop owner and clearly didn't know much at all about guns. Then she purchased these guns and she paid cash. She paid cash for them.

The man in the gun shop, because he was a convicted felon, was prohibited, of course, from purchasing guns. The woman, however, was allowed to buy them on his behalf. The man then illegally sold the guns on the black market. One of these guns was used to shoot at least one police officer.

Clearly the gun shop owner should have known what was going on. The woman, while technically the purchaser, obviously was merely carrying out the wishes of a convicted felon. Therefore, the owner should never have sold her the guns in the first place. That would appear at least to be negligence. Obviously the criminal who shot the police officer should go to jail. But the dealer who negligently supplied that gun to the criminal should be civilly liable for his negligence as well. However, if this bill becomes law, it is likely the gun shop owner will be immune from liability.

As I mentioned earlier, there is a possible exception written into the law known as negligent entrustment, that might arguably, in this case, allow the lawsuit to go forward. We don't know. But many courts have construed that exception in the past narrowly under the common law, so it is a close call in a case such as this. Candidly, though, why in the world would we even want to take a chance this sort of irresponsible behavior might be immune from liability?

The point is, we can argue these cases. I know some of my colleagues might come to the floor and say under our bill maybe these cases could proceed. Maybe they could proceed. The point is, Why take a chance? Why take a chance? I would argue the three examples I have given. This bill could stop these cases cold in their tracks, and in each one of the cases I have cited, we have lawyers we could bring in, if we could get a hearing, who would swear under oath these cases, in their legal opinion, would be stopped by this bill. We could debate that. But the point is, why take the chance? Why pass a bill that would create that kind of legal impediment to people proceeding?

Again, we get to the point I raised earlier, and that is the inequity, the inequality of creating two classes of victims in this country. Other industries face legal challenges. Other industries have had lawsuits filed against them they don't like. Other industries face suits that in their eyes many times are frivolous and they have cases thrown out of court. Other industries are involved in cases where many people die. We understand that. But we don't grant this kind of immunity from civil liability.

For example, the auto industry. There are 42,000 or 43,000 Americans who die in car accidents every single year. We wouldn't think of coming to the floor and granting any kind of immunity like this for the auto industry, would we? No, we wouldn't. We wouldn't think of that for the world. We can each come up with our own example.

But here we are today picking one industry for no reason. We all know what the truth is, for no other reason than that they have simply put together the votes to do it. They are here and they have the votes. If I count correctly, they are probably going to get this passed. But that doesn't make it right. Victims are going to suffer and there will be victims in the future who will be denied their opportunity to go to court.

It is wrong. I support the second amendment. I support individuals' rights to own guns. I support gun manufacturers. I support legitimate gun dealers. But this is wrong; it is unfair. It is unfair to victims. But more important than that, it is a horrible precedent.

If we do it this one time, what is to stop a future Congress, where the votes are maybe configured differently, from saying, oh, there is another group of victims and we are not going to protect them. We are not going to protect them.

If we deny this group of victims their rights, what is to stop a future Congress from denying another group of victims their rights?

Let us think about that before we cast our vote. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I want to first commend my colleague from the State of Ohio. I was listening to his presentation. It was a reasoned presentation which I think analyzes this bill in a fair manner. I want to also salute his political courage. It is not easy on his side of the aisle to stand up and oppose this bill. He has done this time and again on many issues. I am happy to count him as a friend and as a colleague whose judgment I value very much. I thank the Senator from Ohio for his continuing leadership in this Chamber.

Mr. President, what is this bill? S. 1805 is a bill brought to the Senate floor by the National Rifle Association on behalf of firearms manufacturers, dealers, and their own trade association. It is a bill that has been introduced to insulate those manufacturers and dealers and the NRA itself from liability for wrongdoing. It is unimaginable that we would name any other industry in America and say that you can sell your product and not worry about being held accountable, if you did it in an irresponsible and negligent way. We wouldn't think of doing it, but we are doing it with the gun industry.

I can count votes. I can count the cosponsors. A majority of my colleagues support this bill. I can't explain it. I could never explain it. In a country where we value the right to own and use firearms legally and responsibly, we have a bill which says we will protect those who sell and use firearms illegally and irresponsibly. Why? Why does the Senate reach this low point—possibly one of the lowest points in its history when we are carving out an exception from liability for gun manufacturers and gun dealers? Maybe my colleagues who support this don't watch the evening news in cities across America. Maybe they do not see the blood and gore in the streets of cities from the misuse of firearms used illegally and irresponsibly that have caused so much heartache and misery for families across America. Frankly, I think they are ignoring the obvious—that unless we ask those who own firearms to establish a standard of use that keeps them away from those who misuse them, that we, in fact, are inviting more restrictions on the legal use of firearms. This bill—this outrageous bill—is going to draw us again into a national debate which is long overdue.

Since President Bush was elected and during his campaign, the NRA said once he is in the White House we don't have to worry about any restrictive legislation. Since President Bush's election, we haven't had an honest debate about a gun issue in Congress. That is a fact. Gun crimes continue, gun deaths continue, and the proliferation of weapons in the hands of those who misuse them continues. We ignore it, but we can't ignore this. This is not an effort to restrict gun ownership. This is an effort to restrict the legal ranks of the victims of gun crimes.

There is a crime victims' amendment which has been supported by both sides of the aisle—Senator KYL, a Republican, and Senator FEINSTEIN from California, a Democrat. They make an impassioned plea for a constitutional amendment to make certain that crime victims and their families will be present in important parts of criminal proceedings. It is a compelling argument. I had my personal questions as to whether it rises to the level of a constitutional amendment, but I would be happy to enthusiastically support a Federal statute that would establish that right.

I believe when it comes to victims, they need to be a part of the process of prosecution. They need it not only because they are important to the process but because it brings closure in their own lives.

The many Members of the Senate who rush to the side of crime victims for this constitutional amendment are the same Members of the Senate—many of them—who are supporting this legislation which will close the courthouse doors to crime victims and their families across America when firearms are involved. Don't tell me your sympathies are with crime victims. If your sympathy is with the victims of crime, you have to vote no on this.

Let me give you an illustration in my home State of Illinois.

Five years ago, in June of 1999, a man named Benjamin Smith went on a shooting rampage in my State. You may remember it. It was finally discovered that he was linked to a group known as the World Church of the Creator. He was a follower of a white supremacist. And in his mania, this demented disciple went on a shooting spree across the Midwest. In June 1999, Benjamin Smith attempted to purchase guns from a licensed gun dealer. He was denied because a background check

turned up a domestic violence restraining order which prohibited him from purchasing a gun. So he turned to someone he knew on the street who could buy a gun—a gun trafficker named Donald Fiessinger. Fiessinger routinely bought handguns—usually Saturday night specials, cheap little crime guns—from a place called the Old Prairie Trading Post in Pekin, IL. Mr. Fiessinger would then resell these guns through classified ads in a local newspaper. Over a 2-year period, Fiessinger—this gun trafficker—purchased 72 guns, three a month on average, from the Old Prairie Trading Post in Pekin, IL, and then turned around and sold them.

The gun store never even asked at any time whether these guns were going to be used for Fiessinger's personal use.

I think it is pretty obvious. Buying three guns a month for 2 years—I don't care whether you are a target shooter or interested in self-defense, I can't imagine a need for the 72 cheap Saturday night specials which Fiessinger was buying from the dealer.

The manufacturer of these cheap crime guns, of course, didn't place any restrictions or conditions on dealers like the Old Prairie Trading Post. It didn't say you should prevent the large volume sale of guns to people who are obviously turning around and reselling them to gun traffickers.

As a result, this Benjamin Smith bought two guns from Fiessinger, and then he went on a 3-day, hate-filled shooting spree across Illinois and Indiana. It was a shooting spree inspired by his hatred and his bigotry. He targeted racial and religious minorities. When it was all over, he killed two people and wounded nine others.

Five of those victims joined in a lawsuit against both the manufacturer of these cheap Saturday night special weapons, as well as the distributor. They included Sherialyn Byrdsong—we know that name in Chicago and in the Midwest. It was her husband, Ricky, a former basketball coach at Northwestern University, an African American, who was shot in the back and killed as he walked with his children down their residential street in Skokie, IL; on behalf of the family of Won Joon Yoon, a 26-year-old South Korean graduate student at Indiana University, who was shot twice in the back and killed on the steps of the Korean United Methodist Church in Bloomington, IN, picked out of the crowd because he had the appearance of an Asian; Rev. Stephen Anderson, a minister who was shot on his way to join his family at a Fourth of July celebration; Hillel Goldstein—whom I met—one of six Orthodox Jews picked out by Benjamin Smith on his shooting spree when he drove through a predominantly Jewish neighborhood in Chicago, hunting for Jewish families walking to the synagogue for temple services; and, Steven Kuo, another graduate student at the University of Illinois.

These five survivors and families brought a lawsuit. The case is not based on the fact that the gun was present and used in these crimes. The case against the manufacturer, Bryco Arms, is based on the intentional and reckless sales and distribution practices because Bryco took no reasonable steps to ensure that their guns were not diverted to prohibited customers.

Although Bryco asked the court to dismiss the case, the court ruled that a claim of public nuisance should go forward against this manufacturer.

In October 2000, the gun dealer, Robert Hayes of the Old Prairie Trading Post, was indicted on 13 counts of violating Federal firearms sale laws because he didn't get approval for the sales from the Illinois State Police before transferring guns to that trafficker, Fiessinger. The seventh count of the indictment concerned the gun used in the Benjamin Smith shooting spree.

Robert Hayes pled guilty to one count of making an illegal sale of a gun and was sentenced to 2 years of probation. Fiessinger also pled guilty and was sentenced to 10 months in prison and 2 years of supervised release.

Despite this acknowledgment of criminal activity by the dealer and the gun trafficker regarding the sale of firearms, the lawsuit brought by the victims of Benjamin Smith would be terminated by this bill. The families and the survivors from the shooting spree would have lost and will lose their right to go to court because this bill says that even if the manufacturer is irresponsible in distributing the weapons and the dealer is irresponsible in selling those weapons to a trafficker, this bill says they cannot be held accountable despite the fact that people died and were injured on this shooting spree. Although this gun dealer, Robert Hayes, pled guilty to making an illegal sale, the gun he pled guilty to illegally transferring was not the gun used by Benjamin Smith. That is crucial. Smith's gun was under count 7, an indictment Hayes did not plead to. Therefore, the criminal conduct of the dealer did not cause the shooting. So the exception in this bill would not help.

As a result, Hayes, the gun dealer, the Old Prairie Trading Post, was free to argue that the victim's case should be dismissed because he could not be held liable for the lawful sale of a gun. The court ruled against his motion and held that it would allow a claim for public nuisance and negligence to continue. If this case were frivolous, the court would have dismissed it. It was not frivolous. People were dead, injured, and someone should be held accountable for it.

Why, then, should we in Congress, in the Senate, step into this lawsuit, not only prospectively but retroactively, and say to the families of the victims that they have no right to go to court, to hold the manufacturer accountable for irresponsible distribution practices, they have no right to go to court, as this bill says, and hold a dealer responsible, a dealer that is literally feeding firearms and Saturday night specials to gun traffickers? That is what this bill says.

I point out the exceptions in this bill are so narrowly drawn that even if this gun dealer pled guilty to count 7 for not seeking approval from the Illinois State Police before the sale, the victim's case would still be terminated.

The third exception provided in the bill requires that the violation of law be a proximate cause of the harm for which relief is sought.

In this case, if Hayes, the dealer, had sought approval from the State police, the police would have granted it because Fiessinger was not a prohibited purchaser. Therefore, regardless of whether Hayes violated the law, Fiessinger would have been able to purchase the weapon and resell it to Smith. So there is no way around it.

This bill is designed to stop those families and those victims from holding an irresponsible gun dealer for peddling guns to a trafficker used in the commission of a crime.

The Senator from Ohio said it best a few minutes ago: It is an outrage that we would say, retroactively, we are going to throw these suits out of court; that we would say to these families, these crime victims, they will lose their day in court. Why? To protect a special interest group—gun manufacturers, gun dealers, and trade associations such as the National Rifle Association.

Take a step back for a moment and look at the big picture. We have a case that the court in Illinois has ruled is not frivolous, a gun dealer and trafficker who have already pled guilty to illegal firearms sales, and yet this legislation would close the courthouse doors for the tragic victims of this shooting spree.

Let me give one other case that amply illustrates why this bill is so bad. Michael Ceriale, a 26-year-old Chicago police officer, was shot by a 16-year-old member of the Gangster Disciples, one of the terrible street gangs that, unfortunately, wreak havoc on many neighborhoods of the great city of Chicago. This police officer, 26 years old, was killed conducting narcotics surveillance. Once again, the mere use of the gun is not the underlying cause of action. In this case, his family sued the manufacturer, Smith & Wesson for shipping the gun used to kill the officer to the distributor, Camfour. Smith & Wesson sold this weapon to Camfour, even though it knew or should have known that Camfour, the distributor, was part of a core group of irresponsible distributors that act as the initial distributors for nearly 80 percent of the firearms traced to crimes in the city of Chicago.

There is ample evidence that when we trace back crime guns, we find there are a handful of irresponsible gun dealers that are selling these guns on a

wholesale basis to gangs and to gun traffickers. It is outrageous that this continues in this country.

For those irresponsible gun dealers, there is good news in S. 1805. You are off the hook. S. 1805, brought to us thanks to the National Rifle Association, says that if you are one of those irresponsible gun dealers selling to traffickers, selling to criminal gangs, shooting innocent children on the street, killing police officers, you are off the hook with S. 1805.

They argue it is part of your second amendment right to be able to sell guns on a wholesale basis to be used by criminal gangs across America. Incredible.

This Camfour, the distributor, then shipped the gun to Strictly Shooting, even though it knew Strictly Shooting was part of 24 gun dealers that were responsible for 27 percent of the crime guns recovered in the city of Chicago.

On August 15, 1998, the gun found its way into the hands of a Gangster Disciple gang member, who killed a 26-year-old Chicago police officer, Michael Ceriale. Unfortunately, this case, even though it has been upheld by the court of appeals in Illinois, would be dismissed because its cause of action is based on the claim of public nuisance, which does not fall into one of the narrow exceptions written into this bill.

Now, all who stood with pride and admiration for the men and women in uniform, those policemen and those firefighters who rose to the occasion on September 11 and protect us every single day, all Members in the Senate who say to these men and women that when they put their badges on in the morning as police officers and put their lives on the line that we can never thank them enough, all who give speeches back home about the law enforcement officers who keep our communities safe, should keep in mind that S. 1805 is a cop killer bill. S. 1805 says that cop killers such as the Gangster Disciple gang members who killed Michael Ceriale in the city of Chicago, those cop killers are going to get a free ride because of S. 1805. The family of this 26-year-old police officer, going to court to recover money for those irresponsible activities by the manufacturers, distributors, and gun dealers, will have the courthouse door slammed in their faces.

Cop killers will love this bill. Frankly, those that supply the guns to these cop killers should be ashamed of themselves and be held accountable. But they will not be.

So in those two illustrations from my home State, crime victims of a shooting spree will lose their right to go to court, to hold gun traffickers responsible under this bill, and the family of a fallen Chicago police officer who gave his life trying to stop the drug trade in that great city will have the courthouse doors slammed because the National Rifle Association wants this bill and wants it desperately. That is a sad commentary.

I remind my friends, do not stand before the Senate, saying how much you care about crime victims, how much you care about the police who risk their lives every day for us and then turn around and support this terrible legislation.

You cannot have it both ways. You cannot let guns flood America's streets to be used with criminal intent on a day-to-day basis, guns that are sold to criminal gangs, guns that are sold to deranged individuals. You cannot stand by and watch that happen and then protect those responsible for the sales with this legislation. That is exactly what is happening.

I thank the Senator from Rhode Island, Senator REED. He has been a leader on this issue. We have talked about the DC sniper case, which I know will be addressed time and again during the course of this debate. I make it clear that this was no isolated case in the District of Columbia when these two men went on a shooting spree killing innocent people in every direction. Sadly, these things are being repeated over and over.

To my friends who are following this debate who are hunters, sportsmen, target shooters or own a gun for the self-defense of themselves and their family, I plead, stop for a moment and think about this. To protect your rights in America, to use guns legally and responsibly, you must tell those like the National Rifle Association, that their agenda on this issue is too extreme. What they are trying to do is to protect those who use guns illegally and irresponsibly. In their passion to do that they are jeopardizing your rights. They are raising a question which ultimately will come back to you, the legal owner of a firearm, as to whether or not we have gone too far in America.

We were told, of course, when President Bush was elected to expect this. The National Rifle Association would have its day. We were told they have a friend in the White House. It is abundantly clear that President Bush is going to sign this bill. But what is not clear to me is how my colleagues in good conscience can support this legislation. I cannot understand this. Day after weary day we come to the floor of the Senate and say that individuals across America are going to be denied the right which we have considered part of our American birthright, the right to walk into a courtroom, rich or poor, to stand before a judge in a court of justice, and to ask for fair treatment, to ask that others be held accountable, and to let that court, that judge, that jury make that decision.

Clearly, we are seeing, day after day, an attempt to erode that right to go before the jury of your peers, your neighbors, and to let them decide what is just and what is right. In this case, unlike the other cases, it is not just a matter of money, it is a matter of life and death—life and death for crime victims, life and death for police officers.

That is why the Major Cities Chiefs Association opposes this legislation. They know what this means. They know that police officers across America will be targeted because of this bill. They know their families, once they are killed in the line of duty, will have fewer options to turn on those who have used guns and those who have purchased guns illegally. They know that.

The Major Cities Chiefs Association, the Brady Campaign To Prevent Gun Violence—all of these organizations have made it clear this is a terrible bill. It is a bill that should be defeated. I sincerely hope my colleagues will join in support of stopping and thinking twice before they vote for its passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me remind my colleagues again that we are in a postcloture environment. We are hoping we can get on the bill and hoping we can look at some amendments. I do have to respond to try to keep this debate clear and honest and the RECORD representing what it ought to represent.

My colleague from Illinois says the reason we have this debate today is because of George W. Bush. He forgot that 10 Democrat cosponsors and his own leadership are cosponsoring this bill and are openly advocating its passage. This is not about George W. Bush. This is about the rights of Americans under existing law, and also frivolous third-party lawsuits that we ought to block. That is what the essence of this debate is about.

Now, certainly the Senator from Illinois can say what he wishes to say on the floor. Will George W. Bush sign this bill if it gets to his desk? He says he will. I would think any law-abiding American U.S. President would want to preserve law in this country, the kind of law that would suggest that any President would want to reinforce centuries of legal precedents based on one premise, individual responsibility.

Are we suggesting that, as the Senator from Illinois suggests, a gun manufacturer ought to be liable for a criminal act of a third party? Well, he used the word—let me see; I have written it down here—''establish a standard of use.'' I believe that was the term used.

How many automobile dealers establish this standard of use of their product when it is manufactured in his State and sold in the marketplace, that it will be used safely and lawfully? Now, would any automobile manufacturer intentionally sell a car knowing a drunk was going to get in it and wipe out a teenager or a teenager wipe out an adult?

Mr. DURBIN. Will the Senator yield for a question?

Mr. CRAIG. Not at the moment. I want to be quick here so I can yield to one of your colleagues.

Of course they would not.

Does any manufacturer of a legal firearm make the clear assumption

that it is going to be used illegally? Of course they do not. They make them under the guidelines of the law. They abide by the law. And we protect those who do. We do not—we do not—protect those who do not abide by the law.

The Senator also went on to say that this would somehow protect trade associations. Go to the bill. You have held it up. I wish you would read it in detail. It is not the intent of our bill to do so. In fact, the Daschle amendment clarifies that we do not necessarily protect trade associations. Well, then you better talk to Senator DASCHLE. He is the amender of the legislation that is before us to clarify that point. We believe we have effectively clarified it, and the Congressional Research Service says we have done just that.

So if a trade association acts negligently, acts outside the letter of the law, then they are every bit as liable as they would be under current law. So we do not reach out to do that.

Do we close the courthouse door? Absolutely not. The plaintiff makes it to the courthouse, with his or her attorney. They argue it before the judge. The judge weighs it in light of the law—if this were to become law—and makes the decision as to whether that case can go forward. I think that is clearly an important argument that needs to be established.

As to the argument about lawsuits involving, what they describe as, high volume gun sales—I think he spoke to a tragic situation in Illinois—the regulations of the numbers of guns that can be sold in a single transaction, however, are not the job of the courts. They are the job of the legislators. They are that Senator's job and this Senator's job, if you can gain a majority of the votes to establish a certain number of gun sales per day. The job of the dealer is to check the background, to check the legality, and to do so openly and knowingly.

Now, having said that, let's talk about the dealer. In S. 1805, we exclude from its protection actions brought against a transferer convicted under section 924(h), title 18 of the United States Code, or a comparable State felony law. 18 U.S.C., section 924(h), provides: whoever knowingly transfers a firearm knowing that such firearm will be used to commit a crime of violence or drug trafficking crime shall be imprisoned not more than 10 years, fined in accordance with this title.

S. 1805 does not wipe out this provision of the United States Code. We intentionally narrowed its focus so that would not happen.

The Senator from Illinois is rightfully concerned about the trafficking of firearms, as am I. I certainly do not want that to happen. But what I do not want to happen either is for hard-working men and women of this country—many of them union men and women—who are working in firearms production in this country today for civilian use and for military use, to lose their jobs because their company has simply been strangled to death by lawsuit after lawsuit after lawsuit. That is what is happening.

We have lost thousands of legitimate jobs in this country because this industry is a very small industry in total. Put it all together, and it is less than a Fortune 500 company. That is why it is extremely cautious about how it operates within the law, and it is why our judges have recognized the frivolous character of these lawsuits and have thrown them all out.

The problem is simply this: It costs hundreds of millions of dollars to argue the law and to argue before the courts and to continue this legal dance that certainly those who are now engaged in it put law-abiding manufacturers and dealers through. Well, that is going to be part of the argument we look at here.

But I do ask our colleagues to focus on the bill, to understand how narrowly it has been designed. It is a product of a bipartisan effort, not a single-interest effort but a bipartisan effort, to reform our tort process in a way to deny a very particular frivolous kind of lawsuit of the kind that is addressed in S. 1805.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I wanted to ask a question of the Senator from Idaho but he did not have an opportunity to yield, so I will make a statement and then yield the floor to the Senator from Washington who has been waiting patiently.

I missed it. I am sorry, and I apologize. I thought this was a bill to protect a special interest group, and it turns out it is a jobs bill. If I had only known that. We have lost almost 3 million jobs under this President, and this is being offered to create jobs. I have to take another look at this. Because, frankly, if protecting gun carnage on the street is going to create jobs, where does that leave us? Where does that leave us? If we reduce gun violence on the street and the number of victims, it is going to cost us jobs. Well, I guess you can argue that. It would be less work in the trauma centers, less work in emergency rooms, less work in the rehabilitation centers from the gun violence victims.

I guess we would lose some jobs. I guess the Senator from Idaho is right. What a price to pay—your money or your life.

The argument has been made we have to support this bill to protect American jobs. Crime victims and their families who have had someone killed or maimed with a weapon won't be able to go to court to hold the manufacturer and dealer responsible because we need jobs in America. Has it come to this? Have we reached this point?

Let me say to my friend from Idaho, I don't understand what he said about trade associations. I turn to page 11 of the bill, and it is all about trade associations. As I read that, I can't help but believe that written between the lines are three letters: N-R-A. Isn't that what it is all about? So the trade association that is being protected by this bill is the National Rifle Association?

If it isn't about trade associations, strike the whole thing. Get rid of it. It is all over this bill, protecting trade associations.

I might say his reference about transfers to individuals knowing that they will use it for a crime, the legal standard most of us learned in law school is ''knew or should have known.'' There is a world of difference between knowing you are going to use a gun for a crime or the fact I should have known it. Because Mr. Fiessinger was buying three guns a month for 2 straight years, at some point I should have known something is odd about his behavior. He was not buying guns for personal use or for self-defense. He was a gun trafficker.

Did I know as a dealer that he went outside the door and sold it to someone who used it for a crime? There was no way I would know it. I was inside the store. But should I have known? You don't include that standard in your bill. You intentionally exclude it because it is the obvious and real life standard people are held to.

Now that I know this is a jobs bill, I will have to look at it long and hard. We need jobs so desperately in America that we are going to close the courthouse doors to the widows and families of slain police officers for fear if they recover from a gun dealer who is selling guns to criminal gangs, somehow or another that is going to cost us jobs. What a sad rejoinder that is the defense for this bill.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Washington.

Ms. CANTWELL. Mr. President, I am glad this debate has finally turned toward jobs. For the last 2 days we have been having a debate about what groups to exempt from liability. One of the groups we need to be talking about—because they have paid a heavy price for the liability of our economy—is the unemployed workers in America. Because we won't reinstate the federal unemployment benefits program, unemployed workers are being held liable for our economic recession.

I am glad my colleagues are finally talking about jobs. We need to be questioning whether jobs are being created in this country. We need to ask whether we believe in the President's economic forecast for this year, in terms of the job growth he says is going to take place, or whether we don't believe those numbers and we want to do something about unemployment.

In the past few weeks, we have heard much about the number of jobs that will be created this year. And we've also heard some backpedaling based on economic modeling, statistics and rounding errors. In the end, they say

that the economy is going to grow by X number by the end of this year, and we don't have to worry about the unemployed.

The bottom line, however, is that the economy isn't going to create enough jobs to put America back to work. And since this recession started in early 2001, millions of people have lost their jobs through no fault of their own, and millions are still out of work. After the recession began in March of 2001, this country faced another blow: 9/11. In addition to the horrific personal losses resulting from that tragedy, our national economy and my own State's economy was gravely hit in a variety of sectors that caused huge job loss.

And here we are today, still with 2.3 million fewer jobs than in January 2001. And yet, some of my colleagues on the other side of the aisle would like to say the economy is recovering and we don't have to do anything about helping unemployed workers.

Part of our job at the Federal level is to use the Temporary Emergency Unemployment Compensation program to help laid-off workers in times of economic decline. This program is funded by employer, and by extension employee contributions. They are paying into a Federal program that is supposed to help in downturns of our economy to keep people—with mortgage payments, hospital payments, health insurance—going until they actually have an opportunity for jobs in the future. This has been a essential program.

At the State level, a laid-off worker can get 26 weeks of help. But, during recessions that's often not enough to get back to work. So the Federal Government has said that in times of high unemployment, we're going to step in. After a laid-off worker has exhausted their state benefits, a Federal program will kick in that provides an additional 13 weeks of help. In some instances where States have really been hard hit by high unemployment, such as my state, which had for a time over 7.5 percent unemployment, there is an additional 13 weeks of help. But somehow this body has decided, after much debate, that we were not going to continue that program.

In fact, in December of last year we tried numerous attempts to pass unemployment benefit extensions. We tried to get the other side of the aisle to agree that this was a necessary step. We were rebuffed by people saying the economy is going to get better, the economy is going to get better, so we don't need to do this.

I found it amazing that people on the other side of the aisle, when we returned in January, were still asserting that in that debate: The economy is going to get better.

Now the President and his Cabinet, who came to Washington State just this past week, are saying their original predictions on the economy aren't going to be as rosy as they predicted. The President's own economic report, in which they cite on page 98 a chart talking about growth and real GDP and productivity over the long term, basically said this year we were going to create 2.6 million jobs. That was a great forecast. Many of my colleagues on the other side of the aisle said that that is an indication that the economy is going to grow, and we don't need to do unemployment benefit extensions. People will find jobs.

The three Cabinet secretaries—the Secretaries of Treasury, Commerce, and Labor—who visited Washington State must have thought the picture was so rosy that they didn't need to meet with unemployed workers who wanted to share their plight. And yet, when they were asked about the President's economic numbers and the President's economic plan, they all backed off of those numbers. They all said the economy is not going to grow at that fast a rate. Those were just numbers.

If they are just numbers and you don't really believe that is the growth rate, then let's go back to the business we are charged with—helping out in times of high unemployment with Federal assistance. This program is paid for by employers and employees. Let's put back on the table the 13 weeks of Federal assistance and, in high unemployment States, an additional 13 weeks in Federal assistance.

Let's not make a mistake. There are hundreds of thousands—in fact 760,000 people in America—who have exhausted all their state benefits and have no federal program to pick them up. And in addition to the 8.3 million people officially counted as unemployed, there are another 1.7 million who are actually no longer counted as in the ranks of the unemployed. If we count them, the national unemployment rate jumps from 5.6 percent to 6.7 percent. These people are out of work just the same as those who are counted, but yet they are not in the numbers. Many are discouraged workers. Many have exhausted their benefits.

Let's take a look at the economic policies of the past two administrations. Let's look at what the first Bush and the Clinton administration decided to do when this country faced an economic downturn in the early 1990s. They decided that we should create a federal program for unemployment benefits to help people until they could get back to work.

I have numbers of e-mails and letters from constituents in my State and other parts of the country. These constituents say that they have sent resumes to hundreds of companies and maybe only had two or three interviews. When they go to those interviews, they are competing with people who are three and four times more qualified for the job. These overly qualified people are willing to take that job because it is the only job that is out there. Thereby those individuals who are themselves qualified but not overqualified are left without employment.

Let's compare the number of jobs that were created in the last recovery and this one. The bottom line is that in 1992 we started to see a recovery in jobs. In April of that year the economy started to create about 150,000 jobs per month. But, even so, we kept the Federal program going for 22 more months. In February of 1993, we finally closed the jobs deficit, and yet, we continued the program until 2.9 million new jobs had been created, above and beyond the jobs deficit.

In the current recovery, we are simply not seeing that kind of growth. Last month, just 112,000 jobs were created. And yet, everybody is ready to say that 112,000 jobs signals our great return. We need to take a lesson from history: In the 1990s, when the economy started creating about 150,000 jobs, we continued the program for almost 2 more years. We certainly didn't cut it off as we did in December of 2003.

In April of 1992, that administration was not heartless as to the plight of Americans being out of work. That administration recognized that even though the economy is starting to recover, it hadn't fully recovered. Under that Republican administration, they said let's go ahead and keep the Federal employment program going. So they extended it for another 22 months.

In February 1993, when we basically had broke even for the jobs that had been lost, the Federal unemployment extension program was still extended another year.

The past recession provided good economic evidence that extending unemployment benefits at the Federal level not only helped bridge the gap between the end of State benefits and finding a new job.

It also provided economic stimulus. For every dollar spent on unemployment benefits, it generates $2 of stimulus to the economy. We found out in the 1990s that was a good economic plan, and two administrations, a Republican administration, the first George Bush, and a Democratic administration, Bill Clinton, found that this was great economic policy for our country.

Yet today, the administration is simply being heartless. Somehow, even though the President has backpedaled on his own economic plan for the year and said he doesn't support the job growth projections—somehow even though we have created only a minuscule number of jobs, 112,000 in January, the administration doesn't want to continue this program.

I find that amazing. What else I find amazing is that even though we have $17 billion in the UI trust fund—$17 billion that does not have to be found, that does not have to be taken from another program; $17 billion that has been paid for by employers and employees, and is, in fact, designed to take care of employees during economic downturns—we're not going to extend the program.

As the program has been designed, it says these people can be eligible for

Federal temporary assistance for 13 weeks and, if they are in a very high unemployment State, an additional 13 weeks. I want to point out that in the 1990s, not only did they extend that program for 27 months, much longer than we did in the current program, the program was also a richer program. The program was richer in that you actually had twice as many weeks of benefits.

So the current program has fewer weeks of benefits, and it hasn't been in place for as long—it only lasted 22 months.

I think people across America are getting the message. I know they are in Washington State. They were so disappointed when the Cabinet Secretaries showed up in town and said they wanted to do something about the hard economic times, and yet refused to meet with laid-off workers. Then the Secretaries Snow and Evans refused to back the President's jobs projections. Laid-off workers in my state said: If you guys do not believe in the economic numbers, we can tell you firsthand we do not believe in them because we have been on job interview after job interview and have sent resumes and the jobs are just not there.

As the Seattle P.I. wrote in an editorial, everything is not fine in the job market. They clearly point out that we have a responsibility, and the one thing to do to alleviate the pain is to extend Federal unemployment benefits. I ask unanimous consent to print that editorial in the RECORD.

EVERYTHING IS NOT FINE IN THE JOB MARKET

Helping unemployed workers is the one thing the Bush administration could still do about the lousy jobs environment.

Three-fourths of the way through his term, President Bush is pretending that everything is fine for workers. The administration has shown no interest in extending federal emergency unemployment assistance for workers whose benefits are expiring.

The country has lost 2.3 million jobs. The recovery is pushing up CEOs' pay, ironically, in part because they are helping stock prices by holding down hiring. And the layoffs continue.

Boeing said Friday it might cut 50 workers in Everett. The sale of AT&T Wireless Services will spark thousands of layoffs. Yesterday, Sen. Maria Cantwell, D-Wash., visited workers and managers of a Seattle warehouse where the staff was laid off and the building put up for sale.

As Cantwell notes, there are far more unemployed workers than new jobs. For good reason, the White House has jettisoned its own prediction of 2.6 million new jobs this year.

The fury over outsourcing of jobs is much overstated, but it is fed by the weak economy. The export of some jobs underscores the need for helping unemployed workers through a transitional time until more jobs are created. The one way to alleviate the pain quickly is to extend federal unemployment benefits.

Ms. CANTWELL. Mr. President, the Minneapolis Star Tribune wrote:

At this sluggish pace, it will take the nation four years to recover the jobs it lost in nine months during the recession of 2001.

So there are people saying obviously it is going to take us a while to recover.

The L.A. Times recently wrote:

More than 2 million jobs have been lost in the last three years. . . . Even in the best-case scenario, Bush will end this term with a net job loss. That hasn't happened to a president since Herbert Hoover at the beginning of the Depression.

Mr. President, I ask unanimous consent to have these articles printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Star Tribune, Minneapolis, MN, Feb. 10, 2004]

JOBLESS; BENEFITS ARE RUNNING OUT

To a casual reader, the government employment report released on Friday shows an economic recovery finally taking hold. Payrolls expanded for the fifth consecutive month, and the unemployment rate fell slightly to 5.6 percent.

To Americans who are standing in the unemployment line, however, the January data reveal a recovery that remains woefully inadequate. If President Bush really cares about the nation's unemployed, as he said Sunday, he will endorse congressional efforts to enact a badly needed extension of federal unemployment benefits.

The January jobs report was encouraged in the context of the current recovery, but it was pathetic in the context of history. Since the labor market hit bottom last summer, employers have been adding about 73,000 jobs per month. That compares with 216,000 jobs per month during the economic expansion of the early 1990s, and much larger monthly gains in recoveries before that. At this sluggish pace, it will take the nation four years to recover the jobs it lost in nine months during the recession 2001. There is simply no modern precedent for a jobless recovery of this duration.

The slow pace of hiring is taking a terrible toll on those in the unemployment line. Nearly one-fourth of the nation's 8.3 million jobless workers have now been out of work for six months or longer. As of December, nearly 400,000 workers are exhausting their unemployment benefits every month, according to the Center on Budget and Policy Priorities in Washington, D.C.

(A different Labor Department measure, known as the household survey, has been showing much stronger job creation in recent months. But the department said Friday, as it has for years, that it considers the household survey less accurate than the payroll survey that is showing tepid growth. And even by the household survey, the current expansion is much slower than its predecessors.)

Bush says that in light of the large budget deficit, he wants to contain federal spending, and we sympathize. But the modest cost of extending unemployment benefits would disappear as soon as the job market truly recovers, unlike the much larger tax cuts that the president continues to propose.

Lawmakers dragged their feet on this question all last fall, arguing that a jobs recovery was just around the corner. Last week a majority in the House finally recognized its error and voted to extend benefits. The Senate and the White House should concur.

[From the Los Angeles Times, Dec. 29, 2003]

JOBLESS COUNT SKIPS MILLIONS

(By David Streitfeld)

San Francisco.—Lisa Gluskin has had a tough three years. She works almost as hard as she did during the dot-com boom, for about 20% of the income.

When Gluskin's writing and editing business cratered in 2001, she slashed her rates, began studying for a graduate degree and started teaching part time at a Lake Tahoe community college for a meager wage.

It's been a fragmented, hand-to-mouth life, one that she sees mirrored by friends and colleagues who are waiting tables or delivering packages. In the late '90s, the 35-year-old Gluskin says, ''we had careers. We had trajectories. Now we have complicated lives. We're not unemployed, but we're underemployed.''

The nation's official jobless rate is 5.9%, a relatively benign level by historical standards. But economists say that figure paints only a partial—and artificially rosy—picture of the labor market.

To begin with, there are the 8.7 million unemployed, defined as those without a job who are actively looking for work. But lurking behind that group are 4.9 million part-time workers such as Gluskin who say they would rather be working full time—the highest number in a decade.

There are also the 1.5 million people who want a job but didn't look for one in the last month. Nearly a third of this group say they stopped the search because they were too depressed about the prospect of finding anything. Officially termed ''discouraged,'' their number has surged 20% in a year.

Add these three groups together and the jobless total for the U.S. hits 9.7%, up from 9.4% a year ago.

No wonder the Democratic Presidential candidates have seized on jobs as a potentially powerful weapon.

Howard Dean criticized President Bush for ''the worst job creation record in over 60 years.'' Richard Gephardt said that ''I have three goals for my presidency: jobs, jobs, jobs.'' John Kerry said ''the first thing'' he'd do as president would be to fight his ''heart out'' to bring back the jobs that have disappeared in recent years.

Bush, meanwhile, is quick to seize credit where he can. When the unemployment rate for November fell one-tenth of a point, he went out immediately to give a speech at a Home Depot in Maryland.

''More workers are going to work, over 380,000 have joined the workforce in the last couple of months,'' Bush said. ''We've overcome a lot.''

A number of economists say it's a mistake to evaluate the job market solely by talking about the official unemployment rate. It's a blunt instrument for assessing a condition that is growing ever more vague.

''There's certainly an arbitrariness to the official rate,'' says Princeton University economics professor Alan Krueger. ''It irks me that it's not put in proper perspective.''

On Jan. 9, when the rate for December is announced, both Republicans and Democrats will assuredly again maneuver for advantage—precisely because the number isn't expected to change much.

''At this point, where we don't know which way it's going but it isn't likely to be going far, both sides will try to use it,'' says Michael Lewis-Beck, a political scientist at the University of Iowa.

In every election since 1960, the party in the White House lost when the unemployment rate deteriorated during the first half of the year. If the rate improved, the party in the White House won.

That's not a coincidence, says Lewis-Beck, who has edited several volumes on how economic conditions determine elections. ''People see the President as the chief executive of the economy,'' he says. ''They punish him if things are deteriorating and reward him if things are improving.''

By any normal standard, things should have been improving on the employment front long before this point. More than 2 million jobs have been lost in the last three

years, a period that encompassed a brief, nasty recession and a recovery that was anemic until recently. Even in the best-case scenario, Bush will end this term with a net job loss. That hasn't happened to a president since Herbert Hoover at the beginning of the Depression.

Many economists are mystified about why a suddenly booming economy is producing so few jobs.

''We're all sitting there and saying, 'When are they going to return?' '' says Richard B. Freeman, director of the labor studies program at the National Bureau of Economic Research. ''It's looking a little better, but we don't understand why it isn't looking a lot better. Why shouldn't Bush be sitting there saying, 'Man, I'm sitting pretty. This is a great boom'?''

One statistic proving particularly perplexing is the percentage of the adult population that is employed. this number rises during good times, as people are lured into the workforce, and falls during recessions as companies falter.

True to from, the percentage of adult Americans with jobs dropped from a high of 64.8% in April 2000, just as the stock market was cresting, to 62% in September—the lowest level in a decade. If past recessions are any guide, those 5 million people who found themselves jobless should have driven the unemployment rate up to about 8%.

Instead, the rate never went much above 6%

More than half of the additional people who would have reported themselves as unemployed in a previous big recessionary period . . . aren't,'' a puzzled UC Berkely economist, Brad DeLong, wrote on his website. ''They're reporting themselves as out of the labor force instead.''

''Out of the labor force'' means you're not working for even one hour a week and don't want to, either. It's the traditional category for students, married women with young children, flush retirees and idle millionaires.

A new way that people seem to be joining this category is by getting themselves declared disabled. This designation makes them eligible for government payments while removing them from the unemployment rolls.

From 1983 to 2000, economists David Autor and Mark Duggan wrote in a recent study, the number of non-elderly adults receiving government disability payment doubled from 3.8 million to 7.7 million.

The scholars present a case that the sharp increase isn't because the workplace suddenly became more dangerous. Instead, it has been prompted by liberalized screening policies, which make it possible to claim disabled status for, say, several small impairments as opposed to one big injury. Government examinations also have been downplayed in favor of the disabled's own medical records and the pain he or she claims to be experiencing.

At the same time, benefits have been sweetened. As a result, millions of individuals who lost jobs now have an attractive—and permanent—alternative to searching for work.

Autor and Duggan concluded that if disability payments weren't so appealing, many more people would be unemployed, boosting the jobless rate two-thirds of a point.

Another way in which people forgo an appearance on the unemployment rolls is if they decide to go into business for themselves. There are 9.6 million people who say they are self-employed full time, a number that rose 118,000 last month. Without the recent increase in self-employed, the jobless number would look much worse.

Many others may be working for themselves part time, temporarily, as a way to get food on the table in the absence of better options.

Take Steve Fahringer, who until recently was working for a Bay Area marketing agency that cut 20% of its employees and trimmed the wages of the remainder by 20%. Fahringer didn't particularly like his job. Because the recession supposedly was history, he thought he could find a new position. The 34-year-old didn't think it would be easy, but he thought it possible. So he quit.

''I left July 1,'' he says. ''I haven't found a new job yet.''

It's a common problem. The segment of the labor force that has been jobless for more than 15 weeks has risen nearly 150% since 2000. The current level is the highest since the recession of the early 1990s. Nearly one-quarter of the jobless have been unemployed for longer than six months.

In Fahringer's case, he spent some time aggressively looking for a job, which made him part of the official July unemployment rate of 6.2%. Then he stopped looking, which meant that he was one small reason the rate started going down.

Instead of unemployed, Fahringer was classified as ''discouraged.'' A little more than 8% of the people who want a job in the Bay Area are estimated by the Bureau of Labor Statistics to be discouraged, slightly higher than Los Angeles/Long Beach but lower than the battered technology center of San Jose.

Discouraged workers have never been included in unemployment rates, although they came close the last time a commission met to reform the system, a quarter of a century ago. ''It was a very hot issue,'' remembers Glen Cain, a retired economist who was a commission member. He says the conservatives on the panel, who felt that anyone who really wanted a job should be out there hustling no matter what, prevailed.

Fahringer found an alternative way to earn a bit of money. He did some acrylic paintings, which he sold for a total of $1,000. He calls himself ''a hobbyist,'' which means for a while he moved out of the labor force entirely.

Now he's a temp, assigned by his agency to a nonprofit office. For the first time in six months, he's working 40 hours a week. By the government's accounting, he has once again joined the ranks of the employed. But from the standpoint of his wallet, Fahringer is worse off: He's earning less money, with no paid holidays, no sick leave, no pension plan, no health insurance, no future.

The Economic Policy Institute, a liberal-leaning Washington think tank, says Fahringer's situation is in many ways typical. The industries that were expanding in the late '90s, including computer and professional services, paid well.

Those industries are in retreat. So is manufacturing, a traditional source of high wages. On the rise, meanwhile, are lower-paying service jobs.

During the boom, it was easy to trade up. Now it's just as easy to trade down.

Fahringer's solution: Opt out.

''I'm thinking of going back to school,'' he says. ''I'd take out a loan.'' That would put him out of the labor force again.

In some eyes, a nation of burger flippers, temps and Wal-Mart clerks isn't the worse scenario for the economy. The worse is that companies continue to eliminate jobs faster than they create them, setting up a game of musical chairs for the labor force.

That prospect alarms Erica Groshen, an economist with the Federal Reserve Bank of New York. ''If you plot job losses versus gains on a chart, it's shocking,'' she says.

Losses are running at about the same rate they were in 1997 and 1998, two good years for the economy. But job creation in the first quarter of 2003—the most recent period available—was only 7.4 million, the lowest since 1993.

''If this goes on too long, you'd have to worry there's something fundamentally wrong,'' Groshen says. Although the economy has picked up since March, ''so far I haven't seen anything that suggests job creation is picking up.''

That bodes poorly for Ian Golder. His last full-time job was with a start-up publication that wrote about venture capital.

Two years ago, Golder was laid off. It was the first time since he graduated from UC Berkeley 14 years earlier that he didn't have steady work.

Golder looked for a while, gave up for a while, then landed a contracting gig with no benefits proofreading for a chip maker. When that ran out, he worked 20 hours a month on a financial services newsletter.

His wife, Heather, a recent graduate in English from UC Davis, also was without a job. They thought about selling their house in Sacramento and moving, but prospects didn't look any better anywhere else. To make ends meet, they took in two boarders.

At the beginning of December, things seemed to improve a bit. Golder got a job in the document-control department of a medical devices company. The department, he was told used to have 20 full-time people. Now it has five, plus four temps.

The job will last two months. After that, who knows?

Optimists say things will be better then,'' Golder says. ''But a full-time position with benefits seems pretty remote.''

Ms. CANTWELL. Mr. President, the point is, this administration and the other side of the aisle need to look at economic history when we have faced similar downturns and discuss what is the best way to alleviate this pain as we see our economy barely start to chug along.

We have heard a lot about outsourcing in the last week or two. I am sure we have not heard the last of it. There are a lot of people who are concerned that we may never see that job growth that was even initially predicted in the President's economic report of which it has now backed off. So America has a very uncertain time ahead, but Americans know they have a program at the Federal level to which they are being denied access.

What are the consequences? My colleagues need to read their e-mails. They need to read letters from their constituents. I read mine. When you know that money is there to help and assist them, when you know an economic plan and responsibility for our fiscal policy is something we should be concerned with every day, it just breaks your heart to understand the plight some of these people are going through.

One laid-off worker from Camano Island said he cashed out every dime of his 401(k) savings plan with significant penalty. He doesn't know how he is going to make the mortgage payments, he is at such a desperate point. He is trying to figure out any way he can just to keep the lights on and keep food on the table.

Another constituent wrote to me from Bothell, WA:

I had to resort to selling my 20-year-old naval sword for grocery money. As a naval veteran, I can tell you that hurt a lot to do.

A constituent from Steilacoom, WA, who has been unemployed and his wife worked at $17 an hour for a phone company and she was laid off, too, writes that they had to borrow from friends just to keep their kids in the house and make their house payment.

Washingtonians are having a very hard time. I bet many Americans across this country are having a hard time. That is because we are not living up to our responsibility to pass this temporary unemployment benefit extension. We had this debate in December of 2003, and a lot of rankling about it, and we came back in January and ultimately did the right thing.

In December of this year, when the program expired again, we came back and everybody wanted to sing how the economy was getting better. Now the administration will not stand by its own numbers of whether the economy is really getting better or not.

The House of Representatives, albeit a difficult task, actually got an amendment on a different bill and actually passed an extension of unemployment benefits. They had the votes to, in a bipartisan way, pass the unemployment benefit extension, but we have not had the courage to do so.

My colleagues on the other side of the aisle need to stand up and say that unemployment benefits are a priority and that they are a good way to deal with this economic situation, and that while we have curtailed this program at a much shorter time period when we have not had positive job growth—we are still in the negative numbers—this has been premature and that the smart thing to do now is, as the economy is barely starting to respond, the most prudent thing to do to stimulate the economy is not to take more money out of it. That is exactly what we are doing. We are taking more money out when we do not help provide the stimulus that unemployment benefits provide.

So I think this is the best investment we could be making. My colleagues need to realize it is heartless to leave these Americans out in the cold without either a paycheck or an unemployment check.

In the 1990s recession, even when there had been the start of job growth, the program was extended for 22 months. And even when we had recovered all the jobs that were lost and the economy had started to positive growth, this program was extended another year. So we are being very shortsighted. While we have lots of legislation to discuss, various issues about liability, we are saddling the American public with the biggest liability yet, and that is a bad economy and no help on unemployment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I have today asked my colleagues to support the Protection of Lawful Commerce in Arms Act. This important legislation has strong support from both sides of the aisle with more than 50 cosponsors on the original bill, S. 659. I am proud to be an original cosponsor of the bill. I thank my dear friend and colleague from Idaho, Senator LARRY CRAIG, for his leadership. He has done yeoman's work on this bill in the drafting, introduction, and shepherding of this bill as it passes on the Senate floor.

The legislation in question will correct a significant injustice that threatens the viability of a lawful United States industry, the firearms industry. An increasing number of lawsuits are being filed against the firearms industry seeking damages for wrongs committed by not them but by third persons who misuse the industry's products.

These lawsuits seek to impose liability on lawful businesses for the actions of people the industry has absolutely no control over. When one stops to think about it, it is really outrageous. Businesses that comply with all applicable Federal and State laws and that produce a product fit for an intended lawful purpose, including elk and duck hunting, target shooting and personal protection, should not be subject to frivolous lawsuits that have only one goal; that is, to put them out of business. It is an outrage.

Montanans particularly are proud of their independence and their outdoor heritage. We are an outdoor people. People in our State, as in the State of the occupant of the Chair, almost honor and cherish the outdoors. We spend so much of our time outdoors. Almost every Montanan regards himself or herself as an outdoorsperson. Hunting, fishing, hiking, even one's job, whether it is raising cattle, growing wheat, grain, the mining industry, forest products—we are outdoors people. We cherish our right to hunt. We cherish our right to fish and enjoy the outdoors. Passing this bill will allow us to protect that right by ensuring the firearms industry stays in business.

Gun owners and sportsmen are an important part of our Nation's economy. Each year they spend nearly $21 billion in our national economy. This in turn generates more than 366,000 jobs. Those jobs pay more than $8.8 billion in wages and salaries. That is no small item, particularly these days when we are trying to get as many jobs in our country, particularly good-paying jobs. The industry also provides about $1.2 billion in State tax revenues.

In addition, excise taxes imposed on firearms in the Federal Aid to Wildlife Restoration Act, otherwise known as the Pittman-Robertson Act, generate revenues for State fish and wildlife conservation efforts, and also hunter safety programs. For example, the Pittman-Robertson Act generated more than $150 million in revenue in the year 2002 alone.

In short, the U.S. firearms industry serves America's gun owners and sportsmen well. It provides good-paying jobs. It provides revenues that benefit all Americans. The industry should not be penalized for legally producing or selling a product that functions as designed and intended, but that is exactly what certain groups are trying to do—asking the courts to step in and micromanage the firearms industry when the Congress and most State legislatures have refused to do so.

Let me now list some of the demands that have been made in these lawsuits so we can get a flavor and a picture of just how incredible these lawsuits are. Some would require a one-gun-a-month purchase restriction not required by a State law. That is a one-gun-a-month restriction. Other of these suits would require firearm manufacturers and distributors to participate in a court-ordered study of lawful demand for firearms and, get this, cease sales in excess of lawful demand.

Another request is to require a prohibition on sales to dealers who do not stock at least $250,000 in inventory. And here is still another: require systematic monitoring of dealers' practices by manufacturers and distributors.

These are just a few of the sweeping demands made in the lawsuits the Protection of Lawful Commerce in Arms Act seeks to stop. As my colleagues can tell, these suits are asking courts to step well outside their jurisdiction and legislate regulation of the firearms industry. They also have nothing to do with holding accountable those who actually misuse firearms or commit crimes with firearms.

Most courts have dismissed such lawsuits. Some courts have expressed sentiments similar to those of a New York appellate court judge who stated:

> The plain fact is that courts are the least suited, least equipped and thus the least appropriate branch of government to regulate and micromanage the manufacturing, marketing, distribution and sale of handguns.

However, the time, expense, and effort that goes into defending those nuisance suits is a significant drain on the firearms industry costing jobs and millions of dollars, increasing business and operating costs and threatening to put a good number of dealers and manufacturers out of business. That is why this bill is so necessary.

Let me be clear about a couple of points, though. This bill will not bar legitimate suits against the firearms industry. It preserves the right of Americans to have their day in court. For example, this bill will not require dismissal of a lawsuit if a member of the industry breaks the law; if a member of the industry acts negligently in supplying a firearm to a person they should have known is likely to misuse that firearm. In addition, it does not require dismissal of a lawsuit if a member of the industry supplies a firearm to someone they had reason to know was barred by Federal law from owning a firearm or designed a defective firearm. So there are safeguards in this bill.

This bill is only intended to protect law-abiding members of the firearm industry from nuisance suits that have no basis in current law, and again are only intended to regulate the industry, harass the industry, or put it out of business, none of which are appropriate purposes of a lawsuit. That is what this legislation is intended to deal with.

We can all agree when a firearm is used in a criminal or careless manner that causes serious injury, such as the loss of life, this is a terrible tragedy. Those responsible for such tragedies should be held accountable, clearly, and held accountable to the fullest extent of the law in both civil and criminal actions.

This includes the firearms industry, obviously, when or if one of its members breaks the law or gives a firearm to a criminal or other person they knew would use the firearm to hurt, kill, or threaten another person.

The Protection of Lawful Commerce in Arms Act would do nothing to change this or shield the firearms industry from liability or criminal or other wrongdoing. At the same time, it is not fair and it is not right to hold lawful members of the industry, who produce a legal product, accountable for the independent actions of third parties who use a firearm in the manner the industry never intended.

This is a very simple bill. It has a simple purpose. It is also critically important to a very vital industry and I ask my colleagues to give it their full support.

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. CRAIG. 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. CRAIG. Mr. President, again, I remind our colleagues that we are in a postcloture environment. What does that mean? It means we could actually debate the broad issue of the bill for upwards of 30 hours before we actually get to the bill, even though 75 of us have said let's move on, let's get to this legislation, debate it, offer amendments, and bring it to final passage.

My colleague from Montana is leaving. I thank him for his statement of the work he has done in behalf of gun owners and manufacturers and law-abiding gun dealers. I thank him for being an original cosponsor and working with me to get S. 1805 to the floor.

I thought what I might do for a few moments, while we are waiting for leadership on both sides of the aisle to see if we can't find an agreement on how to proceed to this legislation, is to deal with some finer points that are involved in the legislation. My guess is, over the course of this week and probably the next week, you are going to hear a great deal said about the bill—11 pages, a relatively small bill—and what it does or does not do.

S. 1805 has basically two substantive provisions. First, section 3(a) states that:

> A qualified civil liability action may not be brought in a Federal or State court.

A qualified action may not be brought.

Second, section 3(b) orders the immediate dismissal of a qualified civil liability action pending on the date of enactment of S. 1805. The key to S. 1805, therefore, is the definition of ''qualified civil liability action.'' That is what most of our colleagues, I hope, would focus on, even though the issue spirals around the use of a gun and that brings about substantial heated debate and political decisions.

Key in S. 1805, again, is the definition of a civil liability action which is addressed in the definition section, then, in section 4(5). A qualified civil liability action is defined as a lawsuit:

> . . . brought by any person against a manufacturer or seller of a qualified product, or a trade association, for damages resulting from the criminal or unlawful misuse of a qualified product by the person or a third party. . . .

Subsection (5), the definition, then excludes five categories of lawsuits from coverage under S. 1805:

First:

> (i) an action brought against a transferor convicted under section 924(h) of title 18, United States Code, or a comparable or identical State felony law, by a party directly harmed by the conduct of which the transferee is so convicted.

In other words, we don't exempt that. We exclude these categories from that definition so you can still go to court, you can still gain redress from that.

The second one is:

> (ii) an action brought against a seller for negligent entrustment or negligence per se.

Negligent entrustment is defined:

> . . . the supplying of a qualified product by a seller for use by another person when the seller knows, or should know, the person to whom the product supplied is likely to, or does, use the product in a manner involving unreasonable risk of physical injury to the person or others.

In other words, if the seller knows that this is going to be used for criminal intent or for misuse, then of course that provision is exempt from the protection under 1806.

Third:

> (iii) an action in which a manufacturer or seller of a qualified product [knowingly and willfully] violated a State or Federal statute applicable to the sale or marketing of the product, and the violation was a proximate cause of the harm for which the relief is sought. . . .

Again, the courthouse door is open to that.

> (iv) an action for breach of contract or warranty in connection with the purchase of the product.

That is available.

> (v) an action for physical injuries or property damage resulting directly from a defect in design or manufacture of the product, when used as intended or in a manner that is reasonably foreseeable.

Those are really the key points here that we do not in any way exempt. What we are doing in S. 1805 is very simple. We are trying to reinforce centuries of legal precedent, based on individual responsibilities, not responsible for actions of third parties. In other words, once again the trial bar is trying to suggest that a criminal act is the responsibility of the person who manufactured the product that the criminal may use in that act. We have never allowed that to stand in our courts, and now we are trying to assure that a very small industry in this country can be protected from the kinds of frivolous lawsuits filed that are draining them of their very livelihood.

Earlier this afternoon I talked about the hundreds of jobs that have been lost. Some scoffed and said, ''This is a jobs bill?''

You bet it is a jobs bill. If you destroy that industry, thousands of high-paying jobs will be lost across the United States in an industry that is legal, that is law abiding, that one might argue is even enshrined in the Constitution under the second amendment. That is why we are here today.

Is it important? You bet it is important. Is it a part of what our Senate ought to be debating? Absolutely.

If we are able to do this, we establish extremely important precedent that other manufacturers of law-abiding products will look at, and should look at. Why should the trial bar be allowed to suggest that the maker of a Chevrolet, Ford, Dodge, or Toyota pickup used by a drunk driver that ended up killing someone be responsible for it? Because they manufactured it? Since when is this country going to exempt the actions of the individual and say, Oh, no, it really wasn't his fault; it was the fault of the vehicle. It was the fault of an inanimate object known as a gun.

That is the issue today and it really is fundamental. You hear a great many arguments. One of them is that we are locking the courthouse door. No, all those principles I talked about are exempt and can be tried and can be argued before the courts. Even in S. 1805, somebody who by definition brings a junk lawsuit gets to argue the case before the judge. They get through the courthouse door. The judge then listens, applies the law, and makes a determination whether this is a legitimate case that should go forward or it was an illegitimate case.

Will this bill affect several high profile cases such as the lawsuit against a gun dealer in Tacoma, WA, from whose store the DC snipers, John Muhammad and Lee Malvo, got their rifle? Does it exempt that dealer if he acted unlawfully? We don't know that yet. We know that BATF has investigated it and jerked his firearm license and the store is now closed. We are told that BATF has asked the Justice Department to file criminal charges against him.

But we do know one thing. We do know that Lee Malvo has admitted to

stealing the gun from that dealer. Therefore, there is a principle in tort law that says that a manufacturer is not liable if the product used, being his, was stolen before it was used. That we do know. And now we have an admission by the person who pulled the trigger that the Bushman rifle used in those tragic incidents here that kept this city rivetted for a tremendous amount of time and took numerous lives was a stolen weapon.

Having said all of that, the case is yet to be investigated. The facts are yet to be truly known. Allegedly, guns went missing. Allegedly, they were not reported.

If all of that is true, then the owner of this particular gun shop in Tacoma, WA could well be liable and could well come under the criminal laws of today, and S. 1805 would do nothing about that and shouldn't do anything about that.

Once again, as I have already said numerous times today—and I am sure I will repeat it over the course of a good number of days—this is a very narrow approach. It is an important one.

Senator DASCHLE, the minority leader, and I joined in his amendment embodied in S. 1805 to ensure that we refine it even more to make it very clear exactly what and who might be exempt and for what reason. We think we have so effectively narrowed it that it has met the broad acceptance of our colleagues in the Senate.

I hope the cloture vote today is reflective of some of that acceptance as we work and debate through this issue. I hope leadership on both sides can get us to an agreement so we might proceed and get on the bill and deal with some of the amendments at hand. I hope we can defeat them. I would like a clean bill. The administration would like a clean bill. There is ample time to debate other issues. There is ample time to debate extension of the assault ban. I strongly oppose that. That was legislation I called a political placebo at a time when everybody wanted to try to do something, even though they knew it was impossible to control the criminal element in this country unless you got tough on crime. So we passed that legislation.

History shows the assault weapon ban did little to no good—except it did one thing. It kept law-abiding citizens from buying certain types of firearms even though our second amendment would suggest they have the right to own them.

That is why I hope the assault weapon ban as it expires can be left to its expiration. I hope we can defeat that.

The other issue, the gun show loophole: Is there a loophole in gun shows?

Let me set the stage for that. I would like to compare a gun show and an auto show. If you are a licensed car dealer or a licensed manufacturer of automobiles—I don't know that you have to be licensed to manufacture automobiles—then you can put all kinds of auto shows together, and you can sell from those shows. You can demonstrate your product. You can sell all kinds of things with no prohibition. In Idaho, the only prohibition, if you sell more than five a year, is you have to get a license to be an auto dealer. What we say in gun shows is if you are a licensed gun dealer at a show, then you must comply with all laws during that show in the sale of a firearm. But if you are an individual who sells very few firearms but you might sell one to a friend or someone else on occasion, and you sell at a gun show, or you met a friend at a gun show and you tell him about a gun you have and the transaction occurs, you don't have to comply with a background check; You are not a licensed dealer.

Someone would suggest that is a loophole. I don't see that as a loophole because outside of gun shows it is not considered one—only if it is inside.

What this is all about is establishing a Federal regulation to control gun shows. This will be a new entity of Federal control over something that is clearly a free market process. Do we want Federal regulations over the control of auto shows? Do we want Federal regulations in control over new-clothing shows? No. That is the marketplace at work. But if there are Federal laws that control these different products and/or sale, then they comply. They comply inside the show or outside the show. That is standard today.

What our colleagues are trying to do in suggesting there is a loophole, which I believe I have suggested by demonstration of facts does not exist, is to control the gun show, and to suggest if you are an individual and you make a sale at a gun show, you then must do background checks and all other due diligence you would not do if you were outside the gun show, speaking neighbor to neighbor, friend to friend, and were not viewed as a licensed dealer, or not a gun dealer in any way.

That is the reality of what we are talking about. Those are some of the amendments we will have which we will be dealing with on the floor. I hope as we deal with those, we might deal with others such as concealed carry. We might look at the gun ban of Washington, DC, where law-abiding citizens cannot legitimately own firearms, and a variety of other issues.

The President asked—and I would like to honor that because I believe strongly in it, too—that we produce a clean bill just exactly like the House did on a better than 2-to-1 margin—285 to 140—that we produce a clean bill and get it to the President's desk; wipe out these frivolous lawsuits but still allow law-abiding citizens who might be injured by illegal action of a gun dealer or illegal action of a gun manufacturer their day in court without the kind of frivolous and/or junk lawsuits—the kind that are costing the industry millions upon millions of dollars right now and slowly but surely diminishing them.

Lastly, if we are not successful and if the trial bar is at some day and at some point successful, my guess is this relatively small industry in our country will not be here. What happens when we no longer produce high-quality firearms in this country for our military or for our police? Do we rely on China or Yugoslavia or Hungary or some other foreign country to produce the firearms our men and women in Iraq use to defend themselves and to enforce the law? Do we put them at risk? Do we say to our good law enforcement officers, You are going to have a foreign firearm on your hip and it will not be produced by a legitimate company in this country as a part of our national protection and our freedoms and rights?

That is ultimately what could happen because already we have seen these industries go out of business because of the risk of doing business and the liability involved based on these types of lawsuits we are now trying to shape and limit. That is the essence of S. 1805.

I hope we can soon move to the bill and begin debating it in its entirety, and certainly any amendments that would then come forward, debate those, get an up-or-down vote and move toward final passage.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. I ask unanimous consent the call of the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, this legislation before the Senate has been described as necessary for the gun industry. It is nothing at all like that. There is no crisis with respect to lawsuits aimed against the gun industry.

This legislation, though, poses a very serious risk to the rights of an individual citizen who is a victim of gun violence to go to a court of law in the United States and to simply ask on the facts whether the conduct of the individual gun dealer and the manufacturer represents the standard of care that is expected of every individual and corporation in this country. That is very simply what we think is inherent in our rights as citizens. This law will strike at those rights on behalf of a powerful and influential industry, in this case the gun industry.

There has been some suggestion we are trying to protect the courts from third party lawsuits when, in fact, the reality is these actions are based on the actions of the manufacturers and the dealers, not the actions of someone with a gun. This is based upon the standard of care of the manufacturer and the dealer, not what an individual may or may not have done with a firearm. These are not third party lawsuits. These are lawsuits brought by victims, Americans who have suffered themselves personally or suffered through the death or injury of their

family members. They are going to court and they are simply saying these manufacturers or these gun dealers have violated their duty to be reasonable, their duty to be prudent, the duty of every individual who lives in an organized society to behave in a way that does not unnecessarily bring harm to others. That is the essence of our law.

This legislation turns all of that on its head and says for a very special class, the gun lobby, the rules of the game do not apply. And if there is a citizen who seeks redress, then do not go to the courts of the United States.

They tried to make the point that this does not close the door on the courthouses of America. No, this bill goes much further. It takes individuals who already have cases in courts and throws them out the door. Page 5 of the bill:

> DISMISSAL OF PENDING ACTIONS.—a qualified civil liability action that is pending on the date of enactment of this Act shall be immediately dismissed by the court in which the action was brought.

Not shall be considered in light of this legislation and the judge may make a determination that the suit can go forward, immediately dismissed.

That is not just shutting the court door; that is evicting the plaintiffs from the court, through the door. That is just one aspect of the legislation.

There is a discussion, too, about exemptions, talk about knowing that if a gun dealer or manufacturer knowingly does something, of course, they might be liable. That is a criminal element because in our criminal law we do not choose to punish people who unwittingly or unknowingly do something. There has to be, in most cases, some intent, some knowledge. Otherwise, the criminal law is absolutely arbitrary. It captures people simply for making a mistake. That is the criminal side.

What we are talking about here is civil jurisprudence, the ability of an individual to go to court to get damages for harm against that person. That is not a criminal case; that is a civil case. That is not enforcing the criminal laws of the Nation which rest upon knowledge and intent; that is seeking redress based upon the standard of conduct, the obligation to care, to exercise an appropriate degree of care.

The opponents of this bill are bringing those two issues together, confusing and mixing them up. But there is no confusion about this bill. It takes away the civil rights of an individual to go to court and a judge and jury to decide whether the individual, the defendant, has harmed them through negligence, through their inability to actually conform to a recognized standard of care. It is an extraordinary assault on basic legal rights.

I find it amazing that at this time when there are so many problems facing this country, we are looking at legislation that is not just so overwhelmingly slanted to a particular special interest but one that disregards these basic rights that we all take for granted.

There is also a suggestion in this legislation that there is a crisis because of these suits that are driving the gun manufacturers out of business. That is not what the gun manufacturers are telling their shareholders. That is not what they are telling the Securities and Exchange Commission under the penalty of perjury. This is an excerpt from the April 30, 2001, report of Smith & Wesson:

> In the opinion of management, after consultation with special counsel, it is not probable and it is unlikely that the outcome of these claims will have a material adverse effect on the result of operations or the financial condition of the company as management believes it has provided adequate reserve.

Under the penalty of perjury, the industry is telling the SEC and the shareholders, do not worry; these are not material claims. This is nothing that is going to put us out of business. This is nothing that is going to bankrupt us. Buy our stock. We are a good deal.

But here people seem to be suggesting that they are on the verge of collapse because these lawsuits are creating so much liability for the companies that they cannot bear it. I tend to believe their own statements in their SEC filings. As a result, this is not a crisis with respect to the gun industry in the United States. This is an industry that is extremely well-heeled and very zealous in protecting their own rights and interests.

In 1999, the National Shooting Sports Foundation, an industry group, and others created the Hunting and Shooting Sports Heritage Fund. By all accounts, this fund has raised as much as $100 million. They are engaged in lobbying activities. They are engaged in promoting this legislation. They are also engaged in ensuring that their internal documents are protected from discovery by lodging them in a California attorney's office. They are guarding, in a secretive way, their activities. This is not the case of a poor victim of a sniper or an aberrant gunman who does not have $100 million, who does not have a large organization. They have one thing: Their right to go into court, as every American citizen can do, and make a simple claim. If they have been negligent, I have been harmed, they must compensate me for my damages. This bill strikes that. It tears it out of our law.

Now, this is a situation where there is no financial threat of a great magnitude to the industry. In fact, some of these suits do not even talk about monetary damages. They are asking for injunctive relief. I think it is interesting that in the other body they struck out the ability to get even injunctive relief to change the practices of these companies. So this is not about a financial crisis. This is simply about providing remarkable, unprecedented protections for one industry at the expense of the average person on the street.

Again, the suggestion that this is a situation that is required because we have to protect the whole industry from these suits that paint everyone the same way disregards the nature of our tort laws. You have to allege specific facts against a specific individual or personality or corporation—their actions. This is based upon their conduct, not some type of blanket attack on the gun industry.

But if this law passes, we will limit the rights of American citizens. We will disrupt and overturn our system of tort law, which rests upon State action as well as Federal action. This will preempt causes of action that are entirely recognized and permissible in many State courts throughout the country. We will be disregarding the States, their legal systems, their knowledge of local conditions. That is another casualty of this legislation if it passes.

But this, ultimately, is not just about the niceties of tort law and federalism and the financial impact on industries. This is about real people.

I had occasion to meet one of these individuals when I met Denise Johnson. Denise was the wife of the late Conrad Johnson. Conrad was a busdriver and was the final victim of the Washington area snipers. The snipers' Bushmaster assault rifle was one of more than 230 weapons that disappeared from Bull's Eye Shooter Supply gun store in Washington State.

Now, at a minimum, the gun store's very careless oversight of firearms raises obvious questions of negligence and deserves to be explored by the civil courts. The actions which the gun manufacturer took in placing those weapons in the hands of Bulls Eye also are appropriate for scrutiny in the courts. Yet Mrs. Johnson's case would be thrown out by S. 1805.

Now, consider also the case of David Lemongello and Ken McGuire. These are two young police officers from New Jersey, the city of Orange. On January 12, 2001, they responded to a call, as police officers do every day throughout our country. Every day they risk their lives. What they encountered in a backyard was a gunman armed with a weapon. They were both grievously wounded.

It turns out that this individual went into a store in West Virginia with a straw purchaser—a woman without a criminal record—who purchased 12 guns at one time—he was a felon—and then took those guns and went off and became involved in these crimes, became involved in the disposition of these weapons.

This individual seller in West Virginia failed to follow the guidelines that even the trade association, the National Shooting Sports Foundation, has. So here is the seller, who is not at all averse to selling 12 firearms, in cash, to an individual, who walks in, who refuses to buy them himself but has a younger person, a woman in this case, make the purchase in name because of background checks, who disregards the guidelines of the industry,

and yet this legislation would say that those two police officers, who suffered grievously, cannot seek to be compensated by that dealer. It defies common sense as well as our legal tradition.

Now, the manufacturer of those guns, Sturm, Ruger is a member of the Shooting Sports Federation. I would assume they take great pride in their advertisements and say: Look at the guidelines we have. Our sales people have to be reasonable. They have to exercise great scrutiny, good judgment, et cetera. Well, they do not really require that these guidelines be followed, even though their organization promulgated them.

Now, this case is in the courts of West Virginia. Judge Irene Berger of Kanawha County, WV, looked at the case, looked at the law of West Virginia, looked at the specific allegations against the dealers, and said this case should go forward, there are no grounds for summary dismissal. Yet this legislation, if passed, would summarily dismiss that case. It would fall, I think, squarely under section 3(b):

> A qualified civil liability action that is pending on the date of enactment of this Act shall be immediately dismissed. . . .

Judge Berger will not have a chance to evaluate whether this legislation and the exemptions comply, not in any real sense, because the presumption, of course, is that all these suits would be barred. There are exceptions which she may consider, but, again, those exceptions are so narrowly constructed that they provide little relief, no practical relief.

Now, there is not just one case. There are multiple cases but not the thousands that the industry would lead you to believe they would be overwhelmed by—but a few cases, inconsequential in monetary effect for the industry, as they stated, but of immense consequences to the individual who has suffered financially, emotionally, personally, and to that individual's family.

This is another case. This is Guzman v. Kahr Arms, in Worcester, MA. Twenty-six-year-old Danny Guzman was fatally wounded with a 9 mm gun. It was stolen from the gun manufacturer's plant by a drug addicted employee who had a criminal record.

Stop and ask yourself: Does a gun manufacturer have a responsibility to the community to ensure that its employees who have access to firearms are not former felons or somehow at odds with the law or who is not currently addicted to drugs? Isn't that the expectation that everyone in that community and every community around the country has? Well, of course.

Any sensible employer would ensure that an employee who has access to firearms would have some type of check to ensure they are not drug addicts or former felons.

They would be amazed if this legislation passed because, frankly, what we are telling the Kahr Arms company is, no, hire anybody you want because you will have no civil liability, none whatsoever.

Now, this company had rudimentary and ineffective controls for these weapons. They had no metal detectors, security mirrors, none of these things. Is that something the citizens of Worcester, the citizens of Massachusetts, the citizens of America want?

That is common sense. These companies have to protect these weapons. They have an arsenal. They manufacture weapons.

Apparently, that was not the case. It turns out the guns were taken from the factory by felons they hired without conducting background checks.

The gun used to kill Danny Guzman was one of several stolen by Kahr Arms employees. This is not just one bad actor. And maybe that is the defense: We are really pretty good. We just made one mistake. And they were stolen before the serial numbers were etched into the weapons. They could not be traced. What kind of company is this?

But what we are telling them, if we pass this legislation, is go ahead, it is fine, no liability for that, do that every day, just one of those things.

These guns were taken and resold to criminals in exchange for money and drugs. Again, common sense suggests there has to be a civil right to go in and challenge the negligence of this company. The loaded gun that killed Mr. Guzman was found by a 4-year-old behind an apartment building near the scene of the shooting, so the gun was apparently tossed away and a 4-year-old found it. Mercifully, the child was not injured.

This company could have done a score of things to prevent the death of Danny Guzman: Screen their employees for felony convictions, screen their employees for drugs, install safety cameras. What we are telling them, if we pass this legislation, is you don't have to do any of those things, because you can do anything you want and you will never be liable in a court of law in the United States.

Will we tell that to the automobile manufacturers? Will we tell that to other industries? Absolutely not. It defies and insults common sense. But we are trying to do that today.

There is another suggestion that you are trying to punish a whole industry because of a few bad apples. Like any industry, there are some scrupulous dealers, and we hope it is the majority. In fact, it does turn out to be the majority. But according to Federal data, 1.2 percent of gun dealers account for 57 percent of all guns recovered in criminal investigations. So obviously we have a problem with a small group of dealers.

What are we telling those dealers today if we pass the legislation? Don't worry; you can't be sued. Even if you represent the worst possible dealers in the industry, even if you don't barely measure up to the standards of every other dealer, you are OK, because the rules of negligence don't apply.

This is something that confounds common sense—forget the niceties of corporate law, of consumer protection law, of the tort system.

Most people believe that if you are in the business of manufacturing and selling weapons, you have a very high standard of care, higher perhaps than other industries, because you are dealing with a weapon that has the potential to kill people, much more obviously and explicitly than perhaps any other product manufactured.

What are we telling the industry? Forget that high standard of care. Not only can you have a low standard of care, you can have no standard of care, because you can do the most outrageous things in the world and no one can sue you. There might be some criminal liability, but then again, there might not. But the people you have harmed through your negligence will remain harmed and uncompensated. Don't worry.

Most industries, manufacturers, are governed by the Consumer Product Safety Commission, which regulates the safety of nearly 15,000 consumer products used in and around the home. Guns are not regulated by the Consumer Product Safety Commission because when it was created in 1972, the gun lobby pressured Congress to specifically exempt guns and ammunition from its jurisdiction. So there is no regulation by the Consumer Product Safety Commission.

Now there is no civil liability. Whatever standard of care exists in this industry is going to further deteriorate. We are causing problems; we are not solving problems with this legislation.

There is another aspect, too. It is not just the criminal on the street who comes into control of a handgun, be it through the poor inventory controls of a Bull's Eye Shooters Company or through the lack of any apparent security procedures of the Kahr Arms Company. There were 9,485 people killed and another 127,000 wounded in unintentional shootings between 1993 and 2001. In about an 8-year period, 127,000 people were unintentionally wounded by weapons; the firearm was defective or the design was inappropriate and it contributed to their injury. Don't we want to at least ensure in the design of weapons that there is a higher standard of care?

For example, there is a case in California of a 15-year-old who was unintentionally shot and killed by a 14-year-old friend with a defectively designed gun—Kenzo Dix. His friend Michael thought he had unloaded his father's gun. He replaced it with an unloaded magazine, he thought. But he failed to realize that in the chamber of the weapon there was still one round, and when he fired the gun, it resulted in the death of his playmate.

Sadly, we read these stories too often. We read these stories about the individual who has a gun at home and

the kid find it. The kids don't realize it is loaded, and death or injury results.

Now Beretta, the manufacturer, could have easily designed the gun to have some type of indication whether there was a round in the chamber. They could have had some type of active device to prevent firing. None of that was done, and, frankly, if we pass this legislation, it will never be done because they don't have to worry about a parent coming and saying: If you had made these changes to that weapon, my son would be alive.

They don't have anything to worry about. We have to worry about it. If you are a parent and you have a firearm in your home, you have to worry about it especially. That is not right.

Again, this is not about sophisticated theories of liability, sophisticated theories of the history of tort law. It is about common sense, common decency, and common obligation. This bill violates all of them.

There are lots of experts about firearms, but there is one group that I think probably is more expert than others. That is the law enforcement community. Where do they stand on this legislation? More than 80 police chiefs, sheriffs, and State and national law enforcement organizations wrote to all of us on February 11 to express their opposition to this effort to strip away these legal rights. These are officers from Maine to Texas to Washington State to Virginia to my home State of Rhode Island, chiefs, rank-and-file police men and women.

I ask unanimous consent that a copy of this letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. REED. These law enforcement officers know a bit more about crime than we do. It is their job. They do it very well. They know about the damage to communities when guns fall into the hands of those who misuse them. They see it up close and personal.

Earlier this year, we were in a situation where previous to this bill there was an effort to destroy gun records, another effort launched on behalf of the gun lobby. These records are maintained for a few days, but they wanted to eliminate these records within 24 hours. Los Angeles Chief of Police William Bratton said: I just can't understand how Members of Congress can even consider this. Obviously, they haven't shown up to the scene of enough officer shootings.

This legislation is in a similar vein. It is not about destroying records of gun purchases. It is destroying the right of an individual to say: I have been harmed. I need redress.

Again, if you talk to the law enforcement community, they are opposed to this legislation. It is a free ride for the dealers, for the manufacturers, and for others.

In this discussion, we have heard a great deal about Bull's Eye Shooters Supply. There is some suggestion that we fixed that problem. They have closed it and everyone is being punished.

Here are the facts: Bull's Eye Shooters Supply is still open for business. The alcohol, tobacco, and firearms agency revoked the license of Bull's Eye prior owner, Mr. Brian Borgelt. Mr. Borgelt's friend, Kris Kindschuh, then took over operation of the store.

Mr. Borgelt is appealing his license revocation to the Federal district court, and that case is pending. Let me stop for a moment. This is an individual who allegedly was so negligent that he could not account for 238 weapons, a litany of problems in terms of following the law. His license is being revoked, but he has a right—and he should have the right—to go into court and say this revocation is not based upon the law or the facts.

The irony here, of course, is we are telling victims—perhaps his victims—that they do not have a right to go into court to seek redress. This, again, not only is unfortunate, it just defies a rough sense of justice and fairness.

I think Mr. Borgelt should have every opportunity to appeal this revocation to prevent an arbitration action by the Government, but don't the victims of gun violence have a right to claim they have lost a great deal and they need redress in the courts? We will protect his rights, as we should, but we are undermining the rights of so many others.

As far as we know, the ATF, the Department of Justice have not filed any criminal charges against Borgelt. So the idea that this situation has been resolved, that this is fine, justice has been done, frankly, is not the case at all.

Indeed, what I am told is Mr. Borgelt runs the shooting range upstairs above Bull's Eye Shooter Supply. The shooting range is not regulated. So for all intents and purposes, particularly if you are a victim of the sniper shootings in Washington, DC, it does not look as if much has changed out there at Bull's Eye Shooter Supply.

If the ATF had recommended to the Department of Justice that they file charges, it has been almost a year. I would hope the Department of Justice, in a case such as this, could move more promptly. But we have a situation, frankly, that even if the Justice Department acted, it still would not compensate and make whole the victims of this series of crimes in Washington.

Let me focus for a minute on some of the facts we know about Bull's Eye Shooter Supply because one of the key issues here is whether or not the Washington sniper victims will be able to go into court if this legislation passes.

Here are some of the things that have been established so far about this dealer in Washington State.

There are a large number of missing guns. Bull's Eye could not account for 238 guns that were missing from its inventory when the Bureau of Alcohol, Tobacco, Firearms and Explosives inspected the gun dealer in 2000 and 2002. Bull's Eye's missing gun rate was greater than at least 99.73 percent of all Federal firearms licensees.

There was no accounting for 238 weapons. A large number of guns from Bull's Eye appeared in crimes. Between 1997 and 2001, Bulls' Eye guns were involved in at least 52 crimes, including homicides, kidnappings, and assaults, placing Bull's Eye in the top 1 percent of all dealers nationwide in the supply of guns used in crimes. This appears to be a pretty good source of weapons for crime.

In addition, the time-to-crime ratio was less than 3 years for more than 70 percent of Bull's Eye guns that were used in crimes from 1997 to 2001. Quick time-to-crime—the time the gun leaves the store and shows up at a crime—suggests this store may be a highway for guns into the criminal system. And they have a high rate.

There were a large number of multiple firearm sales. Between 1997 and 2000, Bull's Eye sold 663 guns to 265 individual buyers, as many as 10 guns at a time. This is not the record of a scrupulous, sincere dealer who is looking to enforce the standards of the industry.

Then, of course, there were numerous ATF citations. ATF cited Bull's Eye for violations at least 15 times between 1997 and 2001 and, following the sniper attacks, revoked the license of Bull's Eye's former owner.

Bull's Eye was cited 15 times between 1997 and 2001. That is not an inspiring record of scrupulous enforcement of the laws of the country.

Yet what we are saying in this legislation is: Go ahead, you are fine; you might have your license revoked, but then you are upstairs in the shooting gallery. Or you might not. Maybe the Government will make an error. Maybe procedurally they have done something inappropriate, but certainly you are not going to be able to face justice in the sense of facing the victims of this negligence.

There is something else this record says. It begs the question, What about the manufacturer? Why did Bushmaster Firearms, the manufacturer of the sniper weapon used by the Washington area snipers, tolerate this? Don't they have an obligation to ensure that the dealers they entrust with their weapons are not violating ATF regulations—cited 15 times—that they are not selling multiple guns to individuals, sometimes 10 at a time? Apparently not. After this legislation passes, they won't have to worry at all.

Many people ask, Why would a manufacturer be involved in this issue? Why should we be able to sue a manufacturer? If a manufacturer, such as Bushmaster, not only keeps supplying weapons to dealers such as this, but then turns a blind eye to all this evidence, it suggests to me they are not conforming to a reasonable standard of commercial conduct. You would not exempt an automobile manufacturer

from potential liability if it was shown that they repeatedly sold cars to dealers that violated ATF—it would not be ATF regulations, but consistently violated regulations, that persistently allowed underage sales, for example, even though you could make the argument that as long as the 15-year-old does not drive the car, it is a legal sale. But I think they would be suspicious at least to what was happening.

As a result, there is not only a strong case but there is a necessary case that manufacturers have to be subject to a standard of care also. This legislation would strip that away.

My colleague from Idaho and my colleagues on this side who support this bill say: Listen, this is narrowly crafted; this is not going to throw any suits out of the courts. You cannot have it both ways. You cannot be claiming, on one hand, that we are protecting this industry from lawsuit and then, on the other hand, say everyone can still go to court after this legislation because they all qualify for the exemptions. It is nonsense. These exemptions have been made so they do not exempt very much, if anything at all.

There is an analysis—and I made reference to it in my discussion surrounding Bull's Eye Shooter Supply—by the law firm of Boies, Schiller & Flexner. I ask unanimous consent that at the conclusion of my remarks this analysis be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. REED. Mr. President, this law firm analyzed the legislation, and their conclusion is, particularly with regard to the Washington area snipers, that their cases will be thrown out.

There are two sections of the law which provide an exemption from the categorical dismissal of these cases. They are section (5)(A)(ii) and (5)(A)(iii). Mr. President, (5)(A)(ii) says:

> . . . actions against a seller for ''negligent entrustment'' or ''negligence per se''. . . .

And (5)(A)(iii) says:

> . . . actions against a manufacturer or seller who violated a statute in the sale or marketing of a firearm or ammunition, where that statutory violation was a proximate cause of the plaintiff's injuries. . . .

Their analysis concludes that neither of these exemptions would apply in the case of the Washington area snipers. Those cases are already pending. They will be dismissed, thrown out.

It is interesting because we continue to talk about, well, these exemptions will take care of all these cases, but it turns out that they will not, that the various nuances, the wording, the knowing violation of a statute, for example, the arcane cases of negligence entrustment and negligence per se, which are constructs that only a lawyer could fully appreciate and enjoy, all of this is craftily designed to prevent people from going to court, not to give them a fair right in court.

Again, it goes down not to these nuances, to this legal terminology but simple common sense. How can one stand up and say this legislation is designed to protect and insulate injury from the wanton acts of these third party criminals and then also say but, by the way, all of these cases will still go through?

I suspect there are things we could do right now to help these cases go through. ''Dismissal of pending actions'' could be struck. Clearly, that would suggest that the sniper cases would be in order because this legislation is not retroactive.

The thrust is not to give people rights; it is to take them away. It is to protect this one industry at the expense of individual Americans. The legislation is unusually preferential to a small interest group. It defies my understanding of why we would try to protect this industry, which is not financially at risk by their own admissions, at the expense of individual Americans who have been harmed.

I conclude by saying I never met Conrad Johnson, but like all of us in this Chamber, I woke up one morning and read about a bus driver reading his paper, waiting to go to work. I, frankly, thought of my father, who was a school custodian who got up in the morning, read the paper, getting ready to go to work.

He was shot reading that paper, killed. He left a wife and small children. That wife and that family have gone to court to say: Where is our justice? Maybe somebody will be convicted for doing something wrong, but how are we going to live for the next 40 or 50 years? People have been negligent—at least we think they have. There is a Bull's Eye Shooters store that lost 238 weapons and was cited 15 times by the ATF. They are not going to have a day in court to answer to Mrs. JOHNSON? I cannot understand this legislation.

I yield the floor.

EXHIBIT 1

FEBRUARY 11, 2004.

DEAR SENATOR: As active and retired law enforcement officers, we are writing to urge your strong opposition to S. 659, the so-called ''Protection of Lawful Commerce in Arms Act.'' This bill would strip away the legal rights of gun violence victims, including law enforcement officers and their families, to seek redress against irresponsible gun dealers and manufacturers.

The impact of this bill on the law enforcement community is well illustrated by the lawsuit brought by former Orange, New Jersey police officers Ken McGuire and David Lemongello. On January 12, 2001, officers McGuire and Lemongello were seriously wounded in a shoot-out with a burglary suspect. The Ruger pistol used by the suspect was one of twelve guns sold by a West Virginia pawnshop, Will's Jewelry and Loan, to a ''straw purchaser'' for a gun trafficker. The all-cash sale, for thousands of dollars, was so obviously suspicious that Will's reported it to the Bureau of Alcohol, Tobacco and Firearms, but only after the sale was consummated. The pawnshop had every reason to believe that, as soon as the guns left its premises, they would be sold into the underground market, destined to threaten the lives of police officers and ordinary citizens.

Officers McGuire and Lemongello are pursuing legal action against Will's for negligent sales practices and against the gun's manufacturer, Sturm, Ruger, for distributing guns without requiring its dealers to adhere to a code of responsible business practices that would prevent such obvious sales to gun traffickers. A West Virginia judge recently ruled that the officers' suit against Will's and Sturm, Ruger is well-grounded in West Virginia law and should be heard by a jury. If passed into law, S. 659 would override this decision and deprive these brave officers of their day in court.

Police officers like Ken McGuire and David Lemongello put their lives on the line every day to protect the public. Instead of honoring them for their service, S. 659 would deprive them of their basic rights as American citizens to prove their case in a court of law. We stand with officers McGuire and Lemongello in urging you to oppose this bill.

EXHIBIT 2

BOIES, SCHILLER & FLEXNER LLP,
Armonk, NY, February 17, 2004.

Re opinion letter concerning proposed immunity legislation for gun dealers and manufacturers.

MICHAEL BARNES,
President, The Brady Center to Prevent Gun Violence, Washington, DC.

DEAR MR. BARNES: At your request, this letter addresses the legal implications of the proposed gun dealer and manufacturer immunity legislation, focusing specifically on the impact of the legislation on the pending civil lawsuit brought by the victims of the Washington, DC area sniper attacks in the fall of 2002. For the reasons discussed below, it is our judgment that the passage of S. 1805—the current version of the immunity bill, which incorporates the so-called ''Daschle Amendments''—would require the immediate dismissal of the sniper victims' claims against the parties who supplied the assault rifle used in the attacks. We further conclude that the legislation would effect far-reaching, and unprecedented, changes in the law that would insulate the gun industry from other important pending cases as well as future accountability.

After providing a brief background concerning the sniper victims' civil suit and the proposed legislation, we analyze the impact of the legislation on the pending sniper case. We then offer some more general observations about the proposed legislation, including a discussion of its implications for other significant cases against gun dealers and manufacturers.

BACKGROUND

I. The sniper victims' legal claims against the dealer and manufacturer who supplied the snipers' weapon

For over a month in the fall of 2002, John Allen Muhammad and Lee Boyd Malvo terrorized the nation's capital and its surrounding states through a series of sniper attacks on innocent men, women, and children. From the trunk of Muhammad's car, the snipers used a deadly-accurate assault rifle to kill thirteen people, and to seriously injure another six, in Washington, DC, Maryland, Virginia, Alabama, Louisiana and Georgia. Among the snipers' victims were a 47-year-old FBI analyst who was loading a car with her husband in a Home Depot parking lot, a 72-year-old retired carpenter who was waiting on a street corner, and a 13-year-old boy who had just been dropped off at school. Muhammad and Malvo were apprehended on October 24, 2002, and have since been convicted for their crimes.

The weapon that Muhammad and Malvo used in the sniper attacks was a Bushmaster

XM–15 E2S .223 semi-automatic rifle equipped with a bipod and telescopic sight. The snipers obtained the ''one shot, one kill'' assault weapon they used in the shootings from Bull's Eye Shooter Supply in Tacoma, Washington, even though the law prohibited either of them from purchasing any firearm. Muhammad was under a domestic violence protective order, and Malvo was both a juvenile and an illegal alien. Bull's Eye representatives claim not to have any record of sale for the weapon and cannot account for how the snipers obtained the assault rifle.

The publicly-available evidence reveals that in addition to permitting the snipers' weapon to disappear from its shop, Bull's Eye Shooter Supply engaged in numerous irresponsible business practices:

Large Number of Missing Guns. Bull's Eye could not account for a total of 238 guns that were missing from its inventory when the Bureau of Alcohol, Tobacco, Firearms and Explosives (''AFT'') inspected the gun dealer in 2000 and 2002. Bull's Eye's missing gun rate was greater than at least 99.73% of all federal firearms licensees; 80% of dealers who sell at least 50 firearms per year can provide records to account for every one of their gun sales.

Large Number of Crime Guns. Between 1997 and 2001, Bull's Eye guns were involved in at least 52 crimes, including homicides, kidnappings, and assaults, placing Bull's Eye in the top 1% of all dealers nationwide in the supply of guns used in crimes. That same 1% of gun stores supplies the weapons traced to 57% of all gun crimes.

Quick Time-to-Crime. The ''time-to-crime'' was less than 3 years for more than 70% of Bull's Eye guns that were used in crimes between 1997 and 2001. Quick time-to-crime is considered a ''red flag'' for problem gun dealers because it indicates that such dealers' guns are quickly getting into criminal hands through illegal trafficking. In 2000, the nationwide median time-to-crime was 6½ years, and the time-to-crime was under 3 years for only 31% of traced crime guns. The time-to-crime for the snipers' weapon—which was received by Bull's Eye in July 2002—was under 3 months.

Large Number of Multiple Firearm Sales. Between 1997 and 2000, Bull's Eye sold 663 guns to 265 individual buyers, as many as 10 guns at a time. Such ''multiple firearms sales'' are considered to be another indicator that a gun dealer may be selling to gun traffickers.

Numerous ATF Citations. ATF cited Bull's Eye for violations at least 15 times between 1997 and 2001, and, following the sniper attacks, revoked the license of Bull's Eye's former owner.

Following ATF's revocation of his license, Bull's Eye's former owner transferred ownership of the store to a close friend. Bull's Eye continues to operate today, and the store's former owner retains ownership of the property and operates a shooting range in the same building.

The manufacturer of the snipers' murder weapon of choice, Bushmaster Firearms, Inc. of Maine, not only modeled its XM–15 rifle after military-style assault weapons that Congress outlawed with the Assault Weapons Ban in 1994, but also marketed the rifle as an assault weapon designed for sniper activity. At the time, Bushmaster selected and used Bull's Eye as one of its sixty distributors nationwide despite numerous ''warning signs'' concerning Bull's Eye's handling of its firearms inventory. Bushmaster also allegedly failed to take certain basic precautions concerning the guns it shipped to Bull's Eye and others, including, among other things, declining the Justice Department's offer to assist Bushmaster in tracing guns that had been used in crimes in order to determine which of its dealers were supplying such guns; neglecting to require Bull's Eye to adopt any of ATF's suggested measures for preventing gun thefts; and failing to require Bull's Eye to notify it of gun trace requests initiated by law enforcement agencies or to certify its compliance with firearms laws and regulations. Even after the sniper attacks, Bushmaster, through its vice president of administration, referred to Bull's Eye as ''a good customer'' to whom Bushmaster would continue to sell guns.

Victims of the sniper attacks and the families of victims who were killed have filed a civil lawsuit in Washington State Court against Bull's Eye Shooter Supply and Bushmaster Firearms for their roles in permitting the snipers to access their murder weapon. According to the complaint: ''In addition to the intentional acts of Muhammad and Malvo, the gross negligence of the gun industry defendants caused the injuries and deaths that resulted from the sniper shootings by enabling prohibited purchasers Muhammad and Malvo to obtain the Bushmaster assault rifle to wreak havoc on innocent persons.'' Specifically with respect to Bull's Eye, the plaintiffs claim that the gun dealer's grossly irresponsible business practices routinely permitted guns, including the snipers' weapon, to disappear from its store. They further claim that ''Bushmaster deliberately continued to utilize Bull's Eye as a Bushmaster gun dealer and supplied it with as many guns as Bull's Eye wanted, despite years of audits by the Bureau of Alcohol, Tobacco, Firearms and Explosives showing that Bull's Eye had scores of missing guns.'' At the heart of plaintiffs' Complaint is their allegation that if Bull's Eye and Bushmaster had ''acted responsibly in the sale of their guns, Muhammad and Malvo would not have been able to obtain the assault rifle they needed to carry out the shootings.''

On June 27, 2003, Washington Superior Court Judge Frank E. Cuthbertson upheld the sniper victims' claims against the defendants' motion to dismiss, concluding that the plaintiffs' negligence and public nuisance claims were actionable against both Bull's Eye and Bushmaster. *Johnson* v. *Bulls Eye Shooter Supply,* No. 03–2–03932–8, 2003 WL 21639244 (Wash. Super. Ct. June 27, 2003). The court found that the plaintiffs' claims against Bull's Eye could stand based on ''a common law duty in Washington to use reasonable care in the sale and distribution of firearms''; that the ''facts in the present case indicate that a high degree of risk of harm to plaintiffs was created by Bull's Eye Shooter Supply's allegedly reckless or incompetent conduct in distributing firearms''; and that the facts alleged ''demonstrate an arguably unbroken nexus between the loss of the assault rifle and the injuries of the plaintiffs.'' The Court further concluded that the plaintiffs' claims against Bushmaster should be permitted to reach a jury based on Bushmaster's entrusting firearms to Bull's Eye even though Bushmaster allegedly ''knew or should have known that Bull's Eye Shooter Supply was operating its store in a reckless or incompetent manner, creating an unreasonable risk of harm.'' Trial in the case against Bull's Eye and Bushmaster has been set for November 2004.

II. The proposed immunity legislation for gun dealers and manufacturers

On April 9, 2003, the House of Representatives passed a bill (H.R. 1036) to provide sweeping immunity from pending and future lawsuits to distributors, dealers, manufacturers, and importers of firearms and ammunition. Senator Larry Craig (R–ID) introduced companion legislation in the Senate (S. 659), which, last October, was modified to incorporate certain amendments that had been proposed by Minority Leader Tom Daschle (D–SD). The current version of the immunity bill (S. 1805), which incorporates the so-called ''Daschle Amendments,'' is expected to be considered by the Senate in the first week of March 2004.

According to its terms, S. 1805 would foreclose—and require the immediate dismissal of—any state or federal ''qualified civil liability action,'' §3(a), which the statute defines to include any ''civil action brought by any person against any manufacturer or seller'' of firearms or ammunition ''for damages resulting from the criminal or unlawful misuse'' of such products. §4(5)(A). From this blanket prohibition on such civil actions, section 4(5)(A) of the proposed bill carves out the following exclusive list of circumscribed exceptions:

(i) actions against a manufacturer or seller who has been criminally convicted of transferring a firearm with the knowledge that it would be used to commit a violent or drug-trafficking crime, if the plaintiff was directly harmed by the conduct of which the recipient of the firearm has also been criminally convicted;

(ii) actions against a seller for ''negligent entrustment'' or ''negligence per se'';

(iii) actions against a manufacturer or seller who violated a statute in the sale or marketing of a firearm or ammunition, where that statutory violation was a proximate cause of the plaintiff's injuries;

(iv) actions for breach of contract or warranty in connection with the purchase of a firearm or ammunition; and

(v) actions for physical injuries or property damages resulting directly from a design or manufacturing defect in a firearm or ammunition, when such items have been used as intended or in a ''reasonably foreseeable'' manner (as that term is defined in the bill).

Because S. 1805 expressly disclaims any intention to create causes of actions or remedies, see §4(5)(D), the above-described exceptions would only preserve civil claims brought under otherwise applicable state or federal law. Other than as specifically preserved by these exceptions, however, the proposed legislation would preempt, as a matter of federal law, any state or federal lawsuits against irresponsible sellers or manufacturers of firearms or ammunition.

ANALYSIS

I. The proposed immunity legislation would likely require the immediate dismissal of the sniper victims' claims

Close examination of the exceptions enumerated in section 4 of the proposed immunity legislation reveals that none would appear to preserve the claims brought by the victims of the sniper attacks and their families against the parties responsible for permitting the snipers to obtain their murder weapon. In fact, the passage of S. 1805 would likely compel the judge in the sniper case immediately to dismiss those claims. The following analysis focuses on paragraphs (5)(A)(ii) and (5)(A)(iii) of the proposed legislation because those provisions contain the only exceptions that could even conceivably apply to the sniper case.

A. The Statutory Violation Exception Embodied in Paragraph (5)(A)(ii) Will Not Save the Sniper Victims' Claims

Section 4, paragraph (5)(A)(ii) of the proposed legislation preserves an ''action in which a manufacturer or seller of a qualified product violated a State or Federal statute applicable to the sale or marketing of the product, and the violation was a proximate cause of the harm for which relief is sought. . . .'' According to well-settled tort law principles, proximate cause requires that a defendant's conduct was ''a substantial factor

in bringing about the harm'' suffered by the plaintiff. *See Restatement (Second) of Torts* §431 (2003); accord *Derdiarian* v. *Felix Contracting Corp.*, 414 N.E.2d 666, (N.Y. 1980); *Anderson* v. *Duncan*, 968 P.2d 440, 442 (Wyo. 1998). Where a defendant's statutory violation was not a requirement to reject claims based on that violation. *See, e.g., Fox* v. *Bartholf*, 374 So. 2d 294, 296 (Ala. 1979) (affirming summary judgment for defendants where there was no evidence that truck driver's alleged violation of statute, which prescribed lawful speed in approaching highway intersections when driver's view is obstructed, proximately caused plaintiff's injury); *Yates* v. *Shackelford*, 784 N.E.2d 330, 336–37 (Ill. App. Ct. 2002) (affirming summary judgment for defendants where defendant driver's violation of left-shoulder parking ban did not proximately cause collision); *Travelers Indem. Co. of Ill.* v. *28 East 70th St. Constr. Co.*, No. 01 Civ. 3001 (JGK), 2003 WL 23018604 (S.D.N.Y. Dec. 22, 2003) (granting defendant's motion for summary judgment where alleged failure to stamp pipe with manufacturer's identification number in violation of building code ''clearly did not proximately cause the pipe to freeze and burst'').

The plain language of paragraph (5)(A)(ii) would appear to dictate the same result in the sniper case. Despite the above-discussed evidence of Bull's Eye numerous failings as a gun dealer, there is no reason to believe that the plaintiffs in the sniper case will be able to show that Bull's Eye violated any state or federal statute with respect to the particular gun that was used by the snipers or that any such statutory violation was a proximate cause of the sniper attacks. The evidence concerning the acquisition of the snipers' weapon supports Bull's Eye's claim that Lee Boyd Malvo shoplifted the gun. Indeed, after this arrest, Malvo admitted that he shoplifted the weapon from Bull's Eye in the summer of 2002. Although the plaintiffs claim that Bull's Eye's lax security practices permitted Malvo to acquire the weapon, such proof would not establish a violation of any state of federal statute.

Of course, the plaintiffs in the sniper case could attempt to shoehorn Bull's Eye's failure to report the theft of the snipers' weapon into the illustration provided in subparagraph (A)(iii)(I), which covers ''any case in which the manufacturer or seller knowingly made any false entry in, or failed to make appropriate entry in, any record required to be kept under Federal or State law.'' Federal law requires licensed gun dealers to report the loss or theft of a firearm ''within 48 hours after the theft or loss is discovered.'' 18 U.S.C. §923(g)(6). The difficulty with this argument, however, is that Bull's Eye has denied that it knew the gun was missing until the sniper suspects were apprehended and authorities had traced the gun to the shop, and there is no known evidence to refute that claim. (Bull's Eye in fact reported the missing gun to authorities on November 5, 2002.) Given Bull's Eye's claim, and the fact that the sniper shootings were over by the time Bull's Eye's federal reporting requirement would have been triggered by its discovery that the weapon was missing, it appears unlikely that the plaintiffs will be able to avoid dismissal based on subparagraph (A)(iii)(I).

B. The Negligent Entrustment/Negligence Per Se Exceptions Embodied in Paragraph (5)(A)(ii) Will Not Save the Sniper Victims' Claims

Nor is it likely that the exceptions embodied in paragraph (5)(A)(ii) of section 4—which covers actions ''brought against a seller for negligent entrustment or negligence per se''—would save the plaintiffs' civil claims against Bull's Eye and Bushmaster in the sniper case. As an initial matter, because the subparagraph (A)(ii) exceptions are specifically limited to a ''seller'' and, as defined in paragraph (6), seller does not include firearm manufacturers, the exceptions would not even apply to the claims against Bushmaster. Moreover, as explained below, the plaintiffs' claims against Bull's Eye would not appear to fall within the narrow ''negligent entrustment'' and ''negligence per se'' exceptions of S. 1805.

1. Negligent entrustment

For purposes of applying paragraph (5)(A)(ii), the proposed legislation provides the following definitions of ''negligent entrustment'': ''the supplying of a qualified product by a seller for use by another person when the seller knows, or should know, the person to whom the product is supplied is likely to, and does, use the product in a manner involving unreasonable risk of physical injury to the person or others.'' §4(5)(B). In light of the evidence that Malvo shoplifted the snipers' weapon from Bull's Eye, the plaintiffs in the sniper case will face significant obstacles qualifying for that statutory exception.

Courts have repeatedly rejected negligent entrustment claims absent evidence that the defendant acted affirmatively in entrusting—or, in the words of paragraph (5)(A)(ii), ''supplying''—the dangerous instrumentality in question. See *Butler* v. *Warren*, 582 S.E.2d 530, 532–33 (Ga. Ct. App. 2003) (affirming summary judgment against plaintiff's negligent entrustment claim where evidence did not permit finding that defendants had allowed their truck to be driven off their property); *Mackey* v. *Dorsey*, 655 A.2d 1333, 1338 (Md. Ct. Spec. App. 1995) (affirming trial court's finding that defendant was ''not liable for negligent entrustment''; ''We find it axiomatic that when a vehicle is stolen, as it was here, the owner cannot be said to have supplied, entrusted, or 'made available' his or her vehicle. The 'making available' of the chattel requires that the supplier do so knowingly or with the intent to supply the chattel to that person.''); *Kingrey* v. *Hill*, 425 S.E.2d 798, 799 (Va. 1993) (reversing trial court and entering judgment for defendant on plaintiff's negligent entrustment claim, which was based on defendant's failure to prevent access to rifle; court analogized to car cases, in which finding of ''entrustment'' requires ''evidence of express permission, evidence of a pattern of conduct supporting implied permission, or evidence of knowledge that an automobile would be used notwithstanding explicit instructions to the contrary''); *Todd* v. *Dow*, 19 Cal. App. 4th 253, 260–61, 23 Cal. Rptr. 2d 490, 494–95 (Cal. Ct. App. 1993) (affirming summary judgment for parents in negligent entrustment claim arising from their storage of adult child's rifle in their house; ''Liability for negligent entrustment arises from the act of entrustment . . . . Parents did not sell, loan, furnish, or supply the rifle.''); ''*Commercial Carrier Corp.* v. *S.J.G. Corp.*, 409 So. 2d 50, 52 (Fla. Dist. Ct. App. 1981) (affirming dismissal of negligent entrustment claim for injuries sustained in car accident after defendant left keys in unattended car and car was stolen; absent proof of knowledge and consent of car owner, liability for negligent entrustment will not lie); *Cutler* v. *Travelers Ins. Co.*, 412 A.2d 284, 285 (Vt. 1980) (affirming dismissal of plaintiffs' claims arising out of collision, which resulted from car theft; fact that defendant left keys in car ignition or truck lock could not establish entrustment of car, by express or implied consent, to car thief); *Reicher* v. *Melzer*, 158 N.E.2d 191, 193 (Ohio 1959) (affirming directed verdict for defendant on plaintiff's negligent entrustment claim where record showed that employee involved in accident ''was operating the truck solely for his own convenience in going from his place of employment, at the end of his day's work, to his home on a rainy day; and that he had taken the truck without anyone's permission or direction and without defendant's knowledge'').

Although courts throughout the country have recognized separate claims for the negligent storage or security of firearms, see, e.g., *Heck* v. *Stoffer*, 786 N.E.2d 265, 268–70 (Ind. 2003); *Gallara* v. *Koskovich*, 836 A.2d 840, 851 (N.J. Super. Ct. Law Div. 2003); *Long* v. *Turk*, 962 P.2d 1093, 1097 (Kan. 1998); *Pavlides* v. *Niles Gun Show, Inc.*, 637 N.E.2d 404, 408–10 (Ohio Ct. App. 1994); *Kimbler* v. *Stillwell*, 734 P.2d 1344, 1346–48 (Or. 1987) (en bank); *Cathey* v. *Bernard*, 467 So. 2d 9, 11 (La. Ct. App. 1985), such claims would be foreclosed by the proposed immunity legislation.

Furthermore, the narrow definition of ''negligent entrustment'' in the proposed statute would likely prevent the plaintiffs from relying on that exception for yet another reason. The evidence that the snipers' weapon was shoplifted from Bull's Eye would appear to preclude the plaintiffs from making the requisite showing under the statute that the gun shop knew or should have known that the recipient of the gun (i.e., Malvo) was likely to use the product in a criminal or otherwise unreasonably dangerous manner.

2. Negligence per se

The proposed immunity bill does not define ''negligence per se,'' but to the extent that the negligent per se exception in paragraph (5)(A)(ii) would permit the survival of state causes of action, it will not assist the plaintiffs in the sniper case: the negligence per se doctrine has been abrogated by statute in Washington State. See RCWA 5.40.050; *Morse* v. *Antonellis*, 70 P.3d 125, 126 (Wash. 2003); see also *Pettit* v. *Dwoskin*, 68 P.3d 1088, 1091–92 (Wash. Ct. App. 2003) (''But the doctrine of negligence per se is no longer viable in Washington. Rather, violation of a legal requirement is evidence of negligence.'').

In any event, the negligence per se exception would not preserve the sniper case because even where that doctrine is recognized, it requires a violation of a statute or regulation that is the proximate cause of the plaintiff's injury. See 57A. Am. Jur. 2d *Negligence* §728 (2003); *O'Guin* v. *Bingham County*, 72 P.3d 849, 856 (Idaho 2003); *Elder* v. *E.I. DuPont De Nemours & Co.*, 479 So. 2d 1243, 1248 (Ala. 1985). As discussed above, however, it is doubtful that the plaintiffs in the sniper case will be able to establish that any such violation was a substantial factor in causing their injuries.

II. The proposed immunity legislation would overturn well-settled legal principles and jeopardize other important gun cases

The proposed immunity legislation would have far-reaching implications beyond its likely direct and immediate effect on the pending civil case brought by the snipers' victims. The statute would accord gun dealers and manufacturers an unprecedented immunity. Indeed, under the statute, dealers and manufacturers of lethal weapons would receive insulation from lawsuits to which the sellers and makers of virtually every other product (including even toy guns) would be subject. As discussed herein, the legislation would close courtroom doors nationwide to any claims arising out of, among other things, the negligent security or storage practices of any gun dealer or manufacturer, the negligent sale of guns by and dealer to so-called ''straw purchasers'' for illegal gun traffickers, and the negligent failure of any gun manufacturer to include basic safety devices that would have prevented tortious or criminal shootings.

The implications of the sweeping immunity proposed for the gun industry are further compounded by the fact that the industry is already largely exempt from federal

regulations that apply to the manufacture and distribution of other products. Guns were specifically exempted from the jurisdiction of the Consumer Product Safety Commission, which Congress created in 1972 to protect the public from consumer product injuries. Even ATF—which licenses and oversees gun dealers—lacks any authority to establish manufacturing or distribution standards for firearms.

Focusing exclusively on criminal and other statutory prohibitions, supporters of the proposed immunity legislation have argued that the bill would simply eliminate lawsuits against gun dealers and manufacturers who ''have not broken the law.'' But this oversimplified view ignores the pivotal role that state and federal common law plays in promoting public safety and accountability, in addition to ensuring compensation for the victims of dangerous and irresponsible conduct. Beyond criminal and other statutory proscriptions on such conduct, civil common law has long protected the public by holding businesses and individuals alike to a standard of reasonable care in all their activities. The broad insulation from suit promised by the immunity legislation would largely free the makers and sellers of deadly weapons from such generally applicable common law standards.

Nor does the fact that gun injuries often result from criminal acts provide a legal justification for the immunity legislation. It has long been a settled principle of tort law that an intervening act of a third party, even if criminal (*e.g.*, a sniper shooting), will not break the causal chain from a party's negligence (*e.g.*, the negligent distribution of the murder weapon) to a plaintiff's injury so long as the intervening act was reasonably foreseeable. *See, e.g., Largo Corp.* v. *Crespin*, 727 P.2d 1098, 1103 (Colo. 1986) (en banc); *Vining* v. *Avis Rent-A-Car Sys., Inc.*, 354 So.2d 54, 55–56 (Fla. 1977); *see also Restatement (Second) of Torts* §302B (2003) (''An act or an omission may be negligent if the actor realizes or should realize that it involves an unreasonable risk of harm to another through the conduct of the other or a third person which is intended to cause harm, even though such conduct is criminal.''). As Judge Cuthbertson correctly recognized in the sniper case, where a defendant handles a lethal weapon in an irresponsible manner, through which criminals and other prohibited persons may access it and use it to commit dangerous crimes, the question of whether there is an adequate causal link between the tortfeasor's conduct and the resulting injuries is for a jury to decide. *Johnson*, 2003 WL 21639244, at *3–4.

In addition to the sniper case, the proposed immunity would likely require the dismissal of several other important cases that seek to hold allegedly reckless gun dealers and manufacturers responsible for their conduct, including:

Hernandez ex rel. Guzman v. *Kahr Arms*, Civ. Act. No. WOCV2002–01747 (Mass Super. Ct. 2003). Danny Guzman was shot and killed with a nine millimeter handgun, one of several guns that had been stolen and resold by employees of the Kahr Arms factory. According to the lawsuit filed by the decedent's family, defendant Kahr Arms employed a number of convicted criminals and drug addicts because it did not conduct general or criminal background checks on its employees and did not test prospective or existing employees for drugs. To make matters worse, the plaintiffs allege that Kahr Arms did nothing to prevent employees from leaving its plant with guns—which Kahr touted as ''the smallest, flattest, most reliable full power compact handguns made''—even before they had been stamped with serial numbers, rendering them virtually untraceable. Among the plaintiffs' other claims, Kahr Arms had no metal detectors, x-ray machines, security cameras, or security guards; did not check employees at the end of their shifts; did not use any inventory-tracking system to determine when weapons or parts were missing; and could not account for approximately 16 outgoing shipments of weapons that never arrived at their intended destinations between February 1998 and February 1999. On April 7, 2003, the Massachusetts Superior Court upheld the plaintiffs' negligence and public nuisance claims against Kahr Arms' motion to dismiss. The Guzman's family's right to sue Kahr Arms would be immediately revoked if the proposed immunity legislation were to pass. As in the sniper case, the claims against Kahr Arms involve irresponsible security for deadly weapons, claims that would be foreclosed by the proposed immunity legislation. First, the plaintiffs' claims of negligent security against Kahr Arms do not involve any statutory violation. Moreover, the negligent entrustment exception would not apply to Kahr Arms for the dual reasons that it is a firearm manufacturer and that it did not entrust any weapon to Danny Guzman's shooter.

Lemongello v. *Will Company*, No. Civ.A. 02–C–2952, 2003 WL 21488208 (W. Va. Cir. Ct. Mar. 19, 2003). New Jersey Policy Detective David Lemongello and Officer Kenneth McGuire were seriously injured in January 2001 when they were shot by a career criminal while performing undercover police work. Even though the shooter was a person prohibited by law from purchasing a firearm, he obtained his weapon, a nine millimeter semi-automatic Ruger handgun, illegally from a gun trafficker. The trafficker, in turn, was also prohibited from buying weapons due to a prior felony, so he used an accomplice (a so-called ''straw purchaser'') to make multiple gun purchases from defendant Will Jewelry & Loan, in West Virginia. In their lawsuit against Will Jewelry & Loan and others, the officers allege that the gun dealer acted negligently in selling the straw purchaser twelve guns (including the Ruger used in the shooting of the two officers) that had been selected in person by the gun trafficker and paid for in a single cash transaction. The circumstances of that sale were so suspect that the defendant dealer reported it to the ATF—but only after the purchase price had been collected and the guns had left the store. The officers' suit further charges gun manufacturer Sturm Ruger & Company with negligently failing to monitor and train its distributors and dealers and negligently failing to prevent them from engaging in straw and multiple firearm sales. Although a West Virginia trial court has held that the plaintiffs have stated valid negligence and public nuisance claims under state law, the proposed immunity legislation would require the immediate dismissal of those claims. Notwithstanding the plaintiffs' claims that the defendants failed to exercise reasonable care in their sales of firearms, neither the dealer nor the manufacturer violated any statutory prohibition in selling the guns. Nor could the plaintiffs contend that their case falls within the ''negligent entrustment'' exception to the proposed immunity legislation because the gun dealer supplied the firearm to a straw purchaser—not to someone whom the seller knew or should have known was likely to, and did, use the product in a manner involving unreasonable risk of physical injury to the person or others.

Smith v. *Bryco Arms*, 33 P.3d 638 (N.M. Ct. App.), cert. denied, 34 P.3d 610 (N.M. 2001). Fourteen-year-old Sean Smith was seriously injured when a friend accidentally shot him in the mouth with a .22 caliber handgun, the Bryco J–22. The shooter believed the gun was unloaded because the ammunition magazine had been removed; the gun failed to reveal the hidden bullet in its chamber. Sean Smith's parents sued the manufacturer (Bryco Arms) and the distributor (Jennings Firearms) of the J–22 alleging negligence and products liability claims based on the defendants' failure to incorporate any of the various available safety features that would have prevented the accidental shooting, including an internal ''magazine-out safety'' lock, a ''chamber load indicators,'' or a written warning on the gun alerting users that the J–22 could fire even with its magazine removed. Reversing a lower court decision, the New Mexico Court of Appeals has held that the defendants could be held liable for their failure to incorporate long-known, available, and economically feasible safety devices in the J–22. The proposed immunity legislation, however, would require the immediate dismissal of these claims because the shooting of Sean Smith, even if accidental, constituted an ''unlawful misuse'' of the J–22, thereby removing the case from the statutory exception ostensibly intended for cases involving gun design or manufacturing defects. See §§4(5)(A)(v) (preserving ''an action for physical injuries or property damage resulting directly from a defect in design or manufacture of the product, when used as intended or in a manner that is reasonably foreseeable'') & 4(5)(C) (defining ''reasonably foreseeable'' for purposes of paragraph 5(A)(v) to exclude ''any criminal or unlawful misuse of a qualified product, other than possessory offenses''). Indeed, given the fact that virtually any shooting of a person would constitute a ''criminal or unlawful misuse'' of a firearm, the immunity legislation would effectively eliminate most claims arising out of the defective design or manufacture of a firearm.

By preventing these cases, and future cases like them, from proceeding against irresponsible gun dealers and manufacturers, the proposed immunity legislation would undermine the incentives that encourage reasonable business practices in the gun industry, thereby inevitably failing to deter avoidable gun injuries and fatalities.

In sum, the proposed legislation would insulate gun dealers and manufacturers from the obligations to act reasonably and in good faith that every other business has. If the legislation were to pass, sellers of products that are among the most dangerous products would have the least obligation to act reasonably.

For all of the above reasons, it is our judgment that the passage of S. 1805 would require the immediate dismissal of the pending civil case against the gun dealer and manufacturer who supplied the snipers' murder weapon as well as other significant cases against gun dealers and manufacturers. Furthermore, by providing the gun industry with unprecedented immunity from common law claims directed at those who engage in irresponsible and dangerous business practices, the proposed legislation would further insulate the sellers and manufacturers of deadly weapons from public accountability for such conduct.

Sincerely,

DAVID BOIES.
SEAN ESKOVITZ.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I rise today in support of S. 1805, the Protection of Lawful Commerce in Arms Act. This critically important bipartisan legislation will block baseless lawsuits initiated by individuals who wish to drive out of business a lawful and legitimate business, the American firearms industry.

This bill will halt lawsuits that are nothing more than shameless attempts

to advance a stalled anti-gun legislative agenda and a flagrant abuse of the judicial system. I commend my colleague, Senator LARRY CRAIG, and other cosponsors from both sides of the aisle, over 50 of them, for their hard work to get this bill to the Senate floor.

As my colleagues are aware, I have long been a proponent of legislation that addresses the growing problem of lawsuit abuse. The issues addressed by this legislation will remedy one such class of shameless and abusive lawsuits. I am hopeful this will be the first of many other reform measures that the Senate will take up before the end of the 108th Congress. This includes asbestos reform that would save this country, save jobs, provide jobs, for hundreds of thousands of people; bankruptcy, which also would save jobs that our friends on the other side seem to be stopping; and class action reform, which in the end would save jobs.

As I mentioned, this legislation has broad bipartisan support, including from the minority leader. I agreed with my colleague, Senator DASCHLE, when he quite accurately stated:

> It is wrong, and it is a misuse of the civil justice system, to try to punish honest, law-abiding people for illegal acts committed by others without their knowledge or involvement. That's not the way we do things in America. We do not hold innocent people responsible for acts they are not involved in and over which they have no control.

I commend Senator DASCHLE. He could not have said it better. I call these lawsuits shameless because the trial lawyers who bring them—and they are really personal injury lawyers, by and large, who bring them—dislike and attack a product that is produced and marketed legally. What is going on is simply outrageous. It is as absurd as suing a car manufacturer for drunken driving accidents or suing a fast food company because a hamburger has more calories than it should. We must put a stop to these senseless lawsuits before our legal system grinds to a halt.

The need for legislation of this type is imperative. This legislation will prohibit civil liability actions against the firearms industry for damages resulting from the misuse of its products by others; that is, meritless lawsuits based on lawful products that are intentionally misused are prohibited by this bill. Now, anybody who thinks ought to agree with that.

In product liability cases, plaintiffs traditionally have been able to sue for compensation for injuries because, No. 1, a product was defective; No. 2, the defect posed an unreasonable danger to the user; and No. 3, the defect caused the injury. A ''defective product'' is one that does not operate as a reasonable manufacturer would design and make it, as a reasonable consumer would expect, or as other products of its type.

Courts uniformly have held that a defect must exist in the product at the time it was sold and that a plaintiff's injury must have been the result of that defect. However, in the firearms context, gun manufacturers and dealers are potentially liable for injuries that occur because their properly operating product is criminally or negligently misused. Now, this is unacceptable.

I would also like to take this opportunity to make clear that this legislation does not relieve from liability gunmakers who create defective products or gun dealers who negligently sell weapons when they know or should have known that such a weapon would be used in a crime.

Additionally, this legislation contains the following significant safeguards: One, an action brought against a transferor convicted for transferring a firearm knowing it would be used in a crime of violence or drug trafficking crime by a party directly harmed by the conduct of which the transferee is so convicted; No. 2, an action brought against a seller for supplying a firearm or ammunition to another person when one knows or should know that person is likely to and does use the product in a manner involving unreasonable risk of physical injury to the person and others for negligence per se; No. 3, an action in which a manufacturer or seller violated a State or Federal statute applicable to the sale or marketing of the product and the violation was the proximate cause of the harm for which relief was sought; No. 4, an action for breach of contract or warranty in connection with the purchase of a product; or No. 5, an action for physical injuries or property damage resulting directly from a defect in design or manufacture of the product when used as intended or in a manner that is reasonably foreseeable.

Now, because this bill strikes the right balance between protecting the general public and those who manufacture a lawful product, I strongly support the legislation, and I urge all of my colleagues to do the same.

We all know what is involved. We know the personal injury lawyers are going to sue just about anybody against whom they are able to conjure up a theory of liability, and hope that some of the irresponsible judges in this country will allow those cases to go to the jury. Then on appeal, they hope irresponsible appellate lawyers and activist judges, will ignore the law, ignore every basic instinct of the law, and allow those lawsuits to go forward. And they hope their friends on the Supreme Court will ignore the law as well and through activism do whatever they believe is right, as many of the judges on the Ninth Circuit Court of Appeals do every day. They ignore the law completely, do whatever their gut tells them ought to be done, even though most of the time their gut is filled with legalistic ulcers.

The fact is, that is not the way the law should run. That is not the way it should operate. Lawyers should be ashamed to bring these type of cases. In this particular bill, we protect the consuming public and others from irresponsible misuse of firearms. We protect them from irresponsibility on the part of any gun manufacturer. That needs to be said, and it needs to be said over and over.

The fact is, what we have is a lot of very liberal thinkers who think that guns should not be owned by anybody, or they should be owned only by a few—I guess those who have been to some sort of anti-gun college.

The fact is, most Americans own guns, most Americans value guns, most Americans believe in protecting themselves and their families. Where we have the most guns, that is where we have the lowest amount of crime.

Everybody knows I have brought a bill to the Senate to allow guns to be kept in the home in the District of Columbia, which many refer to as Murder Capital USA. I don't want to bring that up as an amendment on this. I might have to, if some of these irresponsible amendments filed pass. We know the only way this bill is going to make it to the President's signature is if it doesn't have any other amendments on it. But if any others pass, I think we ought to vote on that one as well. Because, to be honest with you, I have had hundreds of DC residents call me and say thank God somebody is acting in our interests, where we can at least protect our homes.

That is how bad it is. We have people who just don't believe in guns, don't believe in sportsmanship, don't believe in the right to collect guns, who are going to be against them for political reasons because they think there are political advantages for them. Frankly, I think they are going to find there are not any political advantages for them because most people in our country believe in the right to have their own arms. Most people hunt and fish. Most people are proud of the fact they can take their young boys or girls out and have target practice and shoot guns.

The fact is, the vast majority, the highest percentile in the world, use guns responsibly in this country. For those who do not, I am for coming down very hard against them. For those who misuse guns in the commission of crimes, you can't get any tougher on crimes than ORRIN HATCH is. Frankly, we passed legislation around here, anti-crime legislation, Senator BIDEN and myself and others, that literally goes hard on those who use and misuse weapons and use them in criminal activity. That is what we should be doing. But we certainly ought not to allow spurious, frivolous lawsuits brought against gun manufacturers who have done nothing wrong other than make guns the American people would like to own.

With that, I don't mean to demean anybody on the floor. All I can say is that for the life of me, I can't understand why anybody would be against this bill who understands the law and

understands the way the law should be applied. Frankly, I am amazed that some are. There were 22 who voted against cloture this morning. That was unbelievable. The fact of the matter is, cloture should have been invoked 100 to zip, but that is how far this issue has denigrated, to the point where it is just a political issue in the eyes of some.

It is time to get rid of the politics and understand the American people are not going to put up with that kind of stuff, and they should not. The law should not be used in the frivolous fashion some of these personal injury lawyers use it. There are a lot of great personal injury lawyers out there and there are a lot of great trial lawyers who do what is right and who would not think for a minute of bringing these frivolous lawsuits against gun manufacturers who are not responsible for the misuse of their weapons. When they are irresponsibly brought, this bill takes care of them. It says you are going to pay for it.

But when they are not responsible for the misuse of their weapons, why in the world would we allow litigation to be brought, just because the trial lawyers might support us? There is a certain point where any good thinking person has to say: Look, the law is more important than just emotion. Unfortunately, most of the arguments used against this bill are emotional arguments that really have no place in the area of law. Frankly, they should not be paid very much attention.

I yield the floor.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant Journal clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The minority leader is recognized.

Mr. DASCHLE. Mr. President, the legislation we consider today attempts to strike a careful balance between the safety of Americans and the rights of gun manufacturers and dealers. As I have said on many occasions, the vast majority of gun owners, manufacturers, and sellers are honest and certainly obey the law. Moreover, the firearm industry is an important source of jobs and tax revenue for our country. It is wrong, and it is a misuse of the civil justice system, to punish honest, law-abiding people for the illegal acts of others.

At the same time, Americans who are injured due to defective products have a right to seek justice in the courts. In our efforts to protect the gun industry from meritless lawsuits, we should take care not to invalidate legitimate claims from being heard in court. There are several ongoing cases that involve product defects or cases where manufacturers or gun dealers may actually have broken the law, and those victims have a right to be heard.

As this bill was being written, many individuals raised concerns that the bill failed to consider the many important claims of victims of defective products or illegal actions. Because of these concerns, I have worked with my colleagues, Senator CRAIG in particular, Senator BAUCUS, and others to draft a commonsense, bipartisan amendment that improves this legislation by providing stronger protections for meritorious cases. This amendment is not perfect, but it goes a long way toward balancing both the rights of victims and the needs of the gun industry.

Our amendment makes several important changes. First, the language in the original bill forced plaintiffs to prove defendants knowingly and willfully broke the law before a suit could proceed. This is a high standard that would deny many victims the right to pursue legitimate claims. The amendment we now offer removes this language, to ensure cases in which Federal or State firearms laws have been broken can move forward without meeting an artificially high threshold of proof.

Second, as originally drafted, the bill created a few exceptions, where gun manufacturers' and dealers' immunity would not apply. These exceptions were tailored too narrowly. In fact, one of the exceptions could have invalidated cases in which an individual had sold a firearm to someone who committed a drug offense or violent crime simply because the individual had not yet been convicted of that offense. This amendment, our amendment, modifies this language to ensure these bad actors would not be protected from accountability merely because they were not successfully prosecuted.

Third, when a gun is defective, the manufacturer should be held responsible. However, as originally drafted, the bill limited product liability to such degree that it would be virtually impossible to bring cases against manufacturers. Our amendment provides greater protection for product liability cases, so, in particular, if a child is injured by a defective gun, the victim's loved ones can hold those responsible accountable.

Fourth, the original legislation did not specifically address businesses that sell to the straw purchasers; that is, people who buy guns only to resell them in the black market to criminals or children. With this amendment, the bill would include a provision to remove immunity from those dealers who sell to so-called straw purchasers.

Fifth, the amendment Senator CRAIG and I will offer addresses concerns about this bill's definition of trade associations. Many advocates indicated that, as drafted, even extremist organizations could have obtained immunity. Obviously, this is not the intent of the bill's sponsors, nor is it the intent of the gun industry. Therefore, we modified the definition to ensure that only trade associations connected to the business of manufacturing and selling firearms would be covered.

The Protection of Law Commerce in Arms Act, as amended by the Daschle-Craig amendment, strikes a meaningful balance between the rights of legitimate business owners and the rights of individuals who have been injured by gun violence. The Senate achieves the goal of protecting manufacturers from illegitimate lawsuits, while maintaining the rights of victims to hold those responsible for their injuries accountable.

With the inclusion of our amendment, immunity will not cover a number of cases including those where a dealer sells a gun to someone who is prohibited from owning a gun, whether not they have been convicted of a crime; a dealer sells a gun to a juvenile or to an undocumented alien; a manufacturer develops a defective gun that injuries a child; or where a dealer fails to report the theft of a gun as required by law.

In each of these cases, a business loses its immunity only as a result of its own actions, not the actions of a third party.

The cosponsors of this amendment have worked hard to ensure that the gun immunity bill does not inadvertently harm important cases.

The principle of equality before the law demands that everyone—individuals and businesses alike—can be held accountable for their actions.

This legislation should not provide blanket immunity that protects ''bad actors.'' By striking a more sensible balance, my amendment strives to preserve the long-term vitality of an important American industry, while protecting the rights and the safety of the American public.

I hope my colleagues, when the legislation is offered later, will support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank Senator DASCHLE, our minority leader, the Senator from South Dakota, for the cooperative way in which he has worked with us to, in his own words, improve, narrow, clean up this piece of legislation.

As I have already said on the floor today, a good number of times, the Daschle amendment—the effort that S. 1805 seeks to accomplish—is a very narrow way of protecting law-abiding, legitimate firearm manufacturers and dealers, but not to stand in the way of access to the courts as a result of somebody being harmed by somebody who has acted illegally as a licensed dealer or a firearms manufacturer.

I truly appreciate the Senator's efforts in behalf of this very small community of folks in the industry of manufacturing quality firearms. It is critical for our Nation, for law-abiding citizens, and for our national security. The Senator has seen that and understood it, and we will work now to hopefully get this bill before us soon this afternoon so amendments can be offered. I think the Senator has been

ready to do that. That will move us down the road toward hopefully final debate and a vote on this legislation.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I appreciate the kind words of the Senator from Idaho. I also share his view that it is important we move to the bill so we can begin entertaining amendments. I think there are a number of thoughtful amendments which deserve our consideration. The sooner we move to the bill, the sooner we can begin the amendment process. Some will pass and some will be defeated, but I think it is critical we get on with that debate and offering amendments today. It is 4 o'clock. We have had a good debate about the motion to proceed, and certainly about the bill itself. It is my hope that not in the too distant future—sometime perhaps within the hour—we might move to allow floor amendments. I would certainly be prepared to offer mine at that time.

I yield the floor.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant Journal clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

Mr. CRAIG. Mr. President, the leadership of both sides of the aisle, at the moment, is working to try to see if we can gain a unanimous consent request that would bring us to the bill hopefully within the hour and possibly deal with one or two amendments, and at least one amendment voted up or down; and then the laying down of another amendment at least this evening and starting debate on that.

So I thought for a few moments I would give a little background as to what has brought us to this point in time and S. 1805.

Senator DASCHLE was in the Chamber a few moments ago to visit with the Senate about his amendments and what we effectively incorporated in the bill. He has some fine-tuning he may offer as one of the first amendments this evening.

But when Senator BAUCUS and I introduced S. 695 back in the spring, more than half of the Senate—Republicans and Democrats—became original cosponsors. Today we have 55 cosponsors, including the leadership on both sides. A similar bill, H.R. 1036, was passed in the House of Representatives by a 2-to-1 margin over a year ago.

Now we have before us S. 1805, again, very similar to what we did in 1995, but with some adjustments made with the Senator from South Dakota. This is an extraordinary showing of support for a bill. I believe it is a testament to the gravity of the threat addressed by this legislation: The abuse of our courts through lawsuits filed to force law-abiding businesses to pay for criminal acts by individuals beyond their control.

The businesses I am talking about are collectively known as the U.S. firearms industry. The lawsuits I am talking about claim that even though these businesses complied with all of the laws and sell a legitimate product, they should be responsible for the misuse or the illegal use of the firearm they produce, misused by a criminal. These actions are pursued with the intent of driving this industry out of business—regardless of the thousands of jobs that would be lost in the process and the impact on citizens across the Nation who would never contemplate committing a crime with a gun.

Let's be very clear about this. These lawsuits are not brought by individuals seeking relief for injuries done to them by anyone in the industry. Instead, this is a politically inspired initiative trying to force social goals through an end run around the Congress and the State legislatures.

I believe that is worth repeating because it is the essence of the legislation. Instead, I believe these lawsuits are politically inspired initiatives trying to force social goals, or public policy, if you will, through an end run around the Congress and the State legislatures.

The theory on which these lawsuits are based would be laughable if it were not so dangerous: To pin the responsibility for a criminal act on an innocent party who was not there and had nothing to do with the act. They argue that merely by virtue of the fact that a gun was present, those who were part of the commercial distribution chain should be held responsible for the gun's misuse.

Earlier today, I talked about all kinds of chains in commerce—automobiles, and other vehicles, and other tools that are used tragically enough sometimes or misused in a way that they take a human life. What about a baseball bat? We hear, every so often, of a baseball bat used in the commission of a crime in which the baseball bat or the use of it struck a person and killed them. Should we make a person who manufactured that baseball bat liable or should we do that which we have always done in this country: made the individual responsible for his or her action?

This is not a legal theory. It is just the latest twist in the gun controller's notion that it is the gun, and not the criminal, that causes the crime; it is the car, and not the drunk driver, that kills the child it runs over.

The truth is, there are millions of firearms in this country today. Yet only a very tiny fraction of them are ever used in the commission of a crime. The truth is, again and again law-abiding firearms owners are using their guns, often without ever firing a shot, to defend their life or the lives of their family and their property. That is what the second amendment is all about. That is why this right is ingrained within the character and the culture of this country. The truth is, the intent of the user, not the gun, is what determines whether that gun will be used in a crime. A gun can be nothing but a piece of metal until it is used carefully and wisely by an individual in defense of themselves or in hunting by the expertise of the shooter, or it can become a very lethal weapon in the hands of a criminal in the taking of a life.

The trend of abusive litigation targeting the firearms industry not only defies common sense and concepts of fundamental fairness, but it would do nothing to curb criminal gun violence.

Let me repeat that. Does it stop gun violence in this country? No, it does not. The only way you do that is to sweep our country clean of the millions of firearms that are owned out there, and certainly take them out of the hands of criminals. But we know that is a near impossible task, too. Furthermore, the trend jeopardizes America's constitutionally protected access to firearms for defense and other lawful uses.

The bill that more than half of the Senate has already endorsed is a measured response that would put a stop to this abusive trend without endangering legitimate claims of relief. Let me emphasize that it does not insulate the firearms industry from lawsuits or deprive legitimate victims of their day in court, as some critics have already charged.

Nowhere in S. 1805 is there a padlock on the courthouse door. Quite the opposite. If this becomes law, this is the law that will be argued in court by some as to why a given lawsuit ought to be thrown out. And we trust the judge, wise and learned, will listen to all of those arguments and make a decision as to whether the lawsuit goes forward because it is legitimate within the law or it is simply just that, frivolous, it is not legitimate within the law, and it ought to be denied or cast aside.

Again, let me emphasize, it does not insulate the firearms industry from all lawsuits or deprive legitimate victims of their day in court, as some critics would, in fact, argue, and has been already argued several times on the floor today. In fact, it specifically provides that some actions can be brought against those in the business of manufacturing and selling firearms when they violate the law or act wrongfully themselves.

Earlier today, I went through those five areas that we have clearly identified in the law where action can be taken. Senator DASCHLE has even refined that a little more to make sure all is clear in this given area. Actions based on breaches of contract, defects in firearms, negligent entrustment, criminal behavior—these actions would not be affected by this legislation. The laws there are already clear. People are

being tried today in the courts based on those laws, and S. 1805 in no way would wipe them aside or cause a different action.

S. 1805 is solely directed at stopping frivolous politically driven legislation against law-abiding individuals for the misbehavior of criminals over whom they have no control. The courts of our Nation are supposed to be forums for resolving controversies between citizens and providing relief where warranted, not a mechanism for achieving political ends that are rejected by the people's representatives—the Congress or the State legislatures.

I believe that is the fundamental essence of 1805. It is direct. It is clearly to the point. It ought to be. I am pleased that 75 Members of the Senate earlier today said let's move this legislation to the floor. Let's begin the process. Let's vote up or down. Let's keep the bill clean and deal with this critical issue.

Once again, let me talk for a few moments about those exceptions we have carved out or defined within the law in the bill to make sure there is no question. The key to S. 1805 is the definition of qualified civil liability action which is addressed in the definitions section, section 4. I ask all of my colleagues to go there and read it. It is a simple bill, an easy bill to read, of 11 pages. But we made sure that we clearly spelled out a qualified civil liability action, which is defined as a lawsuit brought by any person against a manufacturer or a seller of a qualified product or a trade association for damages resulting from the criminal or unlawful misuse of a qualified product by a person or a third party.

Section 4, subsection 5, the definition then excludes five categories of lawsuits from coverage under 1805. In other words, we make very clear these following areas:

No. 1, an action brought against a transfer convicted under section 924(h) of title 18 United States Code, or a comparable or identical State felony law, by a party directly harmed by the transferee's conduct. In other words, illegal movement of the weapon itself.

An action brought against a seller—this is the second one—for negligent entrustment of negligence per se. Negligent entrustment is defined in section 4, subsection 5(a), as the supplying of a qualified product by a seller for use by another person when the seller knows, or should know, the person to whom the product supplied is likely to, and does, use the product in a manner involving unreasonable risk of physical injury to the person and others. Misuse of the firearm, knowing that is going to happen. That is what Senator DASCHLE spoke to so clearly today in his clarifying amendment.

The third item, an action in which a manufacturer or seller of a qualified product knowingly and willfully violated a State and Federal statute applicable to the sale or marketing of the product and the violation was a proximate cause of the harm for which relief is sought.

No. 4, the action for breach of contract or warranty in connection with the purchase of the product.

No. 5, an action for physical injury or property damage resulting directly from a defect in the design or manufacturing of the product—in other words, product liability—when used as intended or in a manner that is reasonable and foreseeable.

And then, as I mentioned, the Daschle language amends the text to permit suits against manufacturers or dealers engaging in straw purchase transactions. That is, when one individual purchases a firearm on behalf of a third party.

Why did we spell these out? We wanted the Senate and the citizens of our country to understand that this was not broad, nor was it sweeping. At the same time we wanted everyone to understand that what we were saying very clearly is something that has been said time and time again as it relates to the value of this legislation; that is, the reenforcement of centuries of legal precedent based on individual responsibility, not responsibility for actions of third parties. In other words, if you manufacture a product legally in our economy and it sells and someone misuses it and a life is taken with the misuse of that product, should we be able to come back through the court to the person who produced it when they abided by the law and in no way knew that the product would be used with the intent of harming someone?

That is the basis of individual responsibility in our country and, as I said, of centuries of legal precedent based on individual responsibility and not the responsibility of the actions of third parties. Many judges have already rejected these suits that have been brought. Antigun activists are trying to distort tort law by creating totally new and expansive theories of liability to win restrictions that have been rejected in the legislative process.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CRAIG. I ask unanimous consent that I be yielded Senator NICKLES' hour under rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I thank Senator NICKLES for generously yielding me his hour. In a postcloture environment, the sponsors of the legislation are allowed 2, individual Senators are allowed 1. I didn't realize I had already spoken that much today.

Having said what I have just said, I hope I have laid a clear and unambiguous basis to why we are here today and why this legislation is sponsored and supported by so many groups across the United States: the United States Chamber of Commerce; the United Mine Workers of America; National Association of Wholesaler Distributors—and the list goes on—the National Association of Manufacturers; the Boone and Crockett Club; the Buckmasters American Deer Foundation; the Campfire Clubs of America; Congressional Sportsmen's Foundation; Council of Wildlife Management and Education; Dallas Safari Club; Foundation for North American Wild Sheep; Hunting and Shooting Sports Heritage Foundation; International Association of Fish and Wildlife Agencies; International Hunter Education Association; Izaak Walton League of America; Mule Deer Foundation; National Rifle Association; National Shooting Sports Foundation; National Trappers Association; National Wild Turkey Federation; Pheasants Forever; Pope and Young Club; Quail Unlimited, Rocky Mountain Elk Foundation; Ruffed Grouse Society; Safari Club International; Texas Wildlife Association; the Wildlife Society; U.S. Sportsmen's Alliance; White Tail Unlimited; Wildlife Forever; Wildlife Management Institute; the Sports Fishing Association of America; America Tort Reform Association; National Association of Independent Insurers; National Alliance of American Insurers.

Here is something I found most interesting. We began to debate it on the floor today. Representatives from the International Association of Machinists and Aerospace Workers of East Alton, IL. Why? Because many of their members are employed in the Savage Arms Company in Westfield, MA, where they have already lost some 340 jobs over the last few years because that arms company has been so weakened by some of these lawsuits. They have had to pay out since 1999 over $425,000 as the cost of being at court with some of these lawsuits.

They are obviously concerned about their jobs. Somebody scoffed a bit this afternoon that I am standing here talking about jobs, that this is some kind of a jobs bill. It is just that. These industries are at risk today. They are not huge, deep-pocket industries. If we put every gun manufacturer in this country all together, they would make up, in total assets, less than a Fortune 500 company. So they are extremely concerned.

The aerospace workers in Waltham, MA, in Chicopee, MA, along with Westfield, MA, the United Mine Workers, again the United Steelworkers from Gainseville, FL—all of them have spoken to it. The United Auto Workers have employees at the Colt plant in Newington, CT. Today they say, and I read from their letter:

> We have 383 members from the Colt workforce. By comparison, about 5 years ago, we had over 600 Colt workers who were members of our local. Our members built the finest small arms in the world, including M–4 carbines, M–16 rifles, and M–203 grenade launchers.

Obviously, those are not civilian weapons, they are military weapons. Those are the kinds of tools that our men and women use in Iraq today in defense of themselves and in defense of our freedoms. Many of them provide

the U.S. military and law enforcement. Our law enforcement people carry, in most instances, American firearms at their side.

Do we really want, by forcing these industries out of business, Chinese or Yugoslavian or Hungarian firearms to be packed by our military? Some would say: Senator CRAIG, you are just exaggerating. No, I am not. If ever one of these frivolous lawsuits would find root and grow, the kinds of millions of dollars in potential settlement for an argument that a criminal act caused by a third party was ultimately the result of an individual manufacturer who operated in a legal way could easily put them out of business because they simply do not have the kind of depth that, for example, the tobacco industry had years ago when these kinds of lawsuits began to be won against that industry.

Others have been tried in a variety of industries, but there is a reality, and that is why unions are now stepping forward as strong supporters of this legislation saying: Wait a moment, enough is enough. As long as our companies are legal and responsible and producing quality products, leave us alone, unless we act in a criminal fashion or in violation of Federal law in this country.

I cannot blame them for asking it. I believe they should ask it, and I believe we ought to grant that right. That is what S. 1805 does.

There are a good many issues we will be discussing over the course of this debate. My guess is there will be a variety of amendments offered. I find it interesting that this debate gets us to where we are today.

Let me cite something that is interesting, and I will bring some charts to the Chamber probably within the next day. Here is a question asked by the political studies at Southern Methodist University and the Zogby poll people in examining the differences in thinking between people who lived in the States who voted for George Bush in 2000, the red States, and those who voted for Al Gore, the blue States. Think red and blue here for a moment. We all saw those maps after the election, so we begin to think in reds and blues.

Here was the question asked by the Zogby poll people. I don't think you would call Zogby a conservative pollster. He is either center left or is certainly viewed by most as not being conservative. Let me stop there.

Here is a question asked by the Zogby pollster:

> Do you agree or disagree that American firearm manufacturers who sell a legal product that is not defective should be allowed to be sued if a criminal uses their product in a crime?

The answer came back showing a phenomenal result. Opposition in the States that voted for President Bush, the red States, was 74 percent. In other words, 74 percent said that gun manufacturers that operate in legal ways ought to be protected. And in Al Gore States, 72 percent, a 2-percent difference. One could almost say that a vast majority of Americans agree with the essence and the principles of S. 1805. I found that very interesting.

Interestingly, across the board, those most strongly opposed to these lawsuits against the firearms industry are currently members of the military and their families.

There has been a lot of talk about our military these days because we have phenomenally brave men and women standing in harm's way in Iraq, Afghanistan, and other parts of the world. Our military said: We oppose frivolous lawsuits of our gun manufacturers by 83 percent. That was a Zogby poll taken earlier this year of 1,200 voters nationwide. So I find it interesting that opposition occurs to the very narrow approach we have taken when all of these large numbers begin to appear.

Zogby also asked this question:

> Which of the following two statements regarding gun control comes closer to your opinion? Statement 1: There needs to be new and tougher gun law legislation to help in the fight against gun crime. Statement No. 2: There are enough laws on the books. What is needed is better enforcement of current laws regarding gun control.

By a better than 2-to-1 margin, 66 to 31, voters nationwide agreed on statement 2; that is, there are enough laws on the books. What is needed is better enforcement of current laws regarding gun control.

Overwhelmingly, Americans are now speaking out very clearly on gun issues. They are also overwhelmingly speaking out against frivolous lawsuits of the kind that we have seen now launched against this industry. Some 30-plus have been filed. Some are still pending. Some are on appeal. Some have already been thrown out by judges.

That is why we are here today. It is time that Congress stands up and speaks to clarify and disallow the gaming of the system, if you will, by some who want to line their pockets first and, oh, if there is a little bit left, maybe the victim or at least the person in the name the suit was brought would gain some benefit, but large compensation to those who have a license to argue before the courts of the land. That is the reality of what we are dealing with.

I close by saying that we do not block lawsuits that are responsible, that are within the law as we see it today and that we understand have a legitimacy because some manufacturer or some dealer acted beyond and outside the law in a criminal fashion that causes us to suggest that their misaction means they ought to pay the price for that misaction because someone else paid dearly by the use of that firearm.

Those are the fundamental issues before us in this debate, and I think it is important we have these votes. I hope within the next few minutes or within the hour we will have an agreement that allows us to move forward and possibly go to an amendment tonight, and then we will be back tomorrow for the balance of at least Thursday dealing with other critical votes on this issue.

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. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. REED. Madam President, I ask unanimous consent, under rule XXII, that Senator SARBANES' hour be yielded to me as manager on the Democratic side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Madam President, may I inquire as to how much time is remaining overall?

The PRESIDING OFFICER. The Chair informs the Senator that there are 24½ hours remaining.

Mr. REED. Madam President, how much time is reserved for the Democratic side?

The PRESIDING OFFICER. The Senator has 82 minutes remaining.

Mr. REED. I yield the floor, retaining my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BINGAMAN. 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. BINGAMAN. Madam President, I ask unanimous consent that I be allowed to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator is recognized.

ADVANCED TECHNOLOGY PROGRAM

Mr. BINGAMAN. Madam President, right before the last recess I came to the floor to address the need for a revitalized science and technology policy in the country. One example that I gave of the current administration's inattention to science and technology and high-wage job creation was the proposal in the budget that we received a couple weeks ago to eliminate the Advanced Technology Program, or ATP, in the Department of Commerce. This is in the President's fiscal year 2005 budget request.

In my view—as I stated it then; and I want to repeat it now—eliminating the Advanced Technology Program makes no sense. Even the administration's own budget justification, which clearly praises the program, makes clear that the program is valuable.

The Advanced Technology Program has been a constant target over the

years of those who would like to kill the program for philosophical reasons. But I believe those of us in Congress need to make decisions about Federal programs on a logical basis and on the basis of the good that those programs are doing for the people we represent.

So I believe we should examine the Advanced Technology Program by asking two fundamental questions. First, should our Government be sponsoring an Advanced Technology Program at all? And second, is the Advanced Technology Program we are talking about an effective program for advancing technology development in our country?

In discussing the need for a Government role, a basic principle with which nearly everyone would agree is that a Government role makes sense when there is a market failure of some sort. When it comes to advanced technology, there is ample empirical evidence of a critical gap between the point at which Federal support for basic research ends and the point at which private capital market support of product development begins.

Now, let me try to illustrate that by referencing this chart. This chart is called the ''Valley of Death'' just to try to wake up my colleagues to the fact that this is an important issue. Here, looking at this vertical axis, we are showing the invested money. Along the horizontal axis, we are showing the various stages of developing a technology-based product for use.

The Government does invest a fair amount of money in basic research. That is shown over here at the left, in the beginning stages of developing a product or developing a technology. Here we show labs and universities. Our Federal Government does invest a substantial amount in that area, and that is certainly commendable. Of course, many of my colleagues would argue that we do not invest enough there, and I would agree with that, but that is a subject for another day.

Industry invests most of its research and development dollars at the other end of this development continuum and invests those funds on commercializing short-term, low-risk, reliably profitable products, and then making incremental improvements on those products which they are fairly confident they can make a return on in the market.

In between these two stages of the research and development process, we have what many in the industry call the ''Valley of Death.'' That is the gap where our private capital markets fail to invest applied research dollars to create preproduct, so-called platform technologies. This market failure occurs because such generic technologies are too expensive or they are too risky for industry to develop on its own.

At the same time, it is precisely these generic, platform technologies that are the seed corn for new products, and in many cases new market categories. The benefits to industry generally and to our national economy far outweigh the costs of developing such technologies.

In the case of defense technologies, the Federal Government is the ultimate customer, and programs such as the Defense Advanced Research Projects Agency—the work that they fund in DARPA in the Defense Department—plays an important partnering role with defense contractors and high-technology firms.

But for technologies with predominantly civilian applications, the Federal Government does not have the strong customer stake in developing specific technologies. So filling in this funding gap in the ''Valley of Death'' is precisely the role that the Advanced Technology Program plays for civilian technology.

That brings me to the second question that I outlined earlier. That is, is this advanced technology program an effective program for promoting these new platform technologies? Some in the Congress have reacted over the years to the ATP as if it were some sort of Federal program to help Gillette make a five-bladed razor or to help Microsoft write Windows 2006. This is not an accurate description of the ATP by any stretch.

Let me give a few examples of actual ways in which the Advanced Technology Program has succeeded in bridging the ''Valley of Death'' for U.S. industries with a resulting positive impact on our economy and our global competitiveness.

In 1991, the Council on Competitiveness characterized the U.S. printed wiring board industry as losing badly or lost. That was their description. By this they meant the U.S. was not likely to have a presence in that industry within 5 years. It attracted little private venture funding. Only a handful of the 700 firms in the industry had the capability to undertake advanced research. Through the ATP, a new joint venture between the printed wiring board industry as a whole and the Government was formed that would not have occurred otherwise. The new manufacturing technologies that were developed in the joint venture yielded an estimated cost savings for industry in excess of $35 million.

Another example: In the past, U.S. car makers tolerated dimensional variations of up to 5 or 6 millimeters. That is a level that often complicated the assembly process. It required custom manual reworking, and compromised vehicle fit and finish, as it was referred to in the industry. An advanced technology project was put together with the U.S. auto industry, reducing this variation to less than 2.5 millimeters by inventing an array of new technologies. This one project is credited with increasing the U.S. gross domestic product by over $200 million and creating 1,400 jobs. In short, empirical research demonstrates this project helped increase the demand for domestically produced vehicles and helped domestic producers stem the loss of market share to offshore manufacturers.

The Advanced Technology Program has also been called the godfather of the DNA diagnostic tool industry. That is another example which clearly my colleagues should look into before they follow the administration's recommendation and try to terminate this program.

The Advanced Technology Program was making investments in nanotechnology long before it became a household word, along with investments in homeland security and bringing fuel cells and solar cells and microturbines to the marketplace. In 2003, the White House sponsored a fuel cell demonstration and the President tested a long-life mobile phone. Let me put another chart up here. You might recognize this photo. The President was testing a long-life mobile phone powered by advanced fuel cell technology. Without the Advanced Technology Program, MTI microfuel cells would not have been able to develop this breakthrough technology to power this very phone. So that is another example.

As I have tried to make amply clear, there are many examples of ATP successes. There are certainly also other examples where ATP projects have not been successful. That is the nature of a high-risk, high-payoff research program. But let's put the successes and the failures in the overall context.

The total cost of ATP funding to date has been about $2.1 billion. That is over the life of that program. All told, the preliminary results of a 2003 ATP survey of over 350 companies indicates the actual economic value resulting from ATP joint ventures exceeds $7.5 billion. The benefits from just a few projects analyzed to date are projected to exceed $17 billion, when those platform technologies are fully exploited by the industries involved.

ATP has also been the subject of a recent overall assessment by the National Academies of Science and Engineering, and the core conclusions of this 2001 study speak strongly both to the success of the program and to the generic focus of the program. The national academies concluded the ATP was an effective partnership program at the generic technology level. The academies specifically found the selection criteria applied by the ATP enabled it to meet broad national needs and to help ensure the benefits of successful awards extend across firms and industries. The national academies have also found the ATP peer review of applicants for both technical feasibility and commercial potential was effective in targeting promising new technologies that were unlikely to have been funded through the normal operation of the capital markets.

I could go on and on about the conclusions of the national academies study. Let me just say the reality is industry will not fill the void the President would create if his budget proposal to kill this Advanced Technology

Program were agreed to. Given industry's increased emphasis on short-term applied R&D and consequently reduced emphasis on early phase technology research, the elimination of the Advanced Technology Program would simply trigger the further erosion of U.S. technology leadership and lead to even greater loss of high-technology, high-wage jobs in the future.

I would like to end with a quote from David Morgenthaler, former president of the National Venture Capital Association. The members of the National Venture Capital Association account for around 80 percent of the venture investment taking place in the United States today. David Morgenthaler says:

> It does seem that early stage help by the government in developing platform technologies and financing scientific discoveries is directed exactly at the areas where institutional venture capitalists cannot and will not go.

When experts in venture capital and leaders in industry and our National Academies of Science and Engineering all agree the Advanced Technology Program plays a unique and valuable role in supporting our high technology competitiveness, we ought to pay attention.

I hope all my colleagues will join me in resisting the unwise proposal which we have been given by the President to terminate the Advanced Technology Program. ATP has demonstrably contributed to maintaining our manufacturing strength. A strong and well-funded Advanced Technology Program will help the United States remain competitive in high tech manufacturing in the future. Instead of ending this program, we should look for ways to duplicate its strengths in other civilian technology areas such as energy and environment and homeland defense.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, returning to the gun immunity bill that is being presented, this is legislation that is being bullied through the Congress.

I have been here a long time, now going into my 20th year. This is one of the most outrageous pieces of legislation I have ever seen. We have never seen such a complete sellout. This is like a fire sale to a special interest lobby.

The bill is absolutely a free pass. It says to the gun industry: Do anything you want, and you have no one who can punish you by going to our court system, established effectively by our Constitution. They can do whatever they want, no matter how negligent, reckless, or irresponsible.

Of all the people in society to provide special protections to, why in the world would we give immunity from redress to this industry?

This immunity bill says even reckless behavior—forget about negligence. Negligence says I didn't mean to do it, but I didn't check on the process. Reckless behavior could be deliberate. There could be reckless behavior in the manufacture, sale, or distribution of guns. No matter how destructive the result is to life and limb of innocent people, the victims of that conduct cannot hold you accountable. It just does not make sense.

We hear this claim from our friends on the other side about ''frivolous lawsuits'' is how they describe it. Frivolous lawsuits—lawsuits that, frankly, are far from frivolous because the damage is beyond description when a family loses a child, a father, a brother, a mother, or a sister, or some child is permanently injured and cannot function normally. Frivolous? I don't call that frivolous. These are valid claims of wrongdoing by an industry that puts profit ahead of human life, and we can't let them go without consequence.

Let us ask the gun victims if their lawsuits are frivolous. Ask those who have lost loved ones at the hands of the DC area snipers just over a year ago. And talking about the DC snipers, they were prohibited by law from buying guns. Under law, they could not sell guns to Lee Malvo. He walked into a gun shop and walked out with a sniper rifle. A sniper rifle is a pretty big piece of equipment.

I invite my colleagues to look at this image. This chart says they lost 237 guns; 237 guns for which they have no responsibility to account. They said: Gee whiz, how do you like that, we lost all these lethal weapons that may have just kind of walked out or fallen down a crack in the floor someplace. It is outrageous—including one of those weapons that wound up in the hands of those who committed these atrocities, Lee Malvo and John Muhammad.

This is a picture of a gun shop that has become all too familiar. It is called the Bull's Eye Shooter Supply. They lost the guns.

In the wake of the sniper case, we now know that in addition to losing hundreds of guns from their inventory, this gun shop cannot locate the firearms sales records they are required by law to keep to help police solve crimes. Those records that were recovered showed that Bull's Eye frequently sold numerous guns to individual buyers, a sure sign of phony straw purchases. But obviously this rogue gun store looked the other way.

According to ATF records, between 1997 and 2001, guns sold by Bull's Eye were involved in at least 52 crimes, including homicides, kidnappings, and assaults. Guns in 52 crimes were traced back to this one gunshop.

Under this gun immunity bill, Bull's Eye gets a free pass. They would not be accountable to victims of their negligence, and it is a despicable proposal.

DC sniper Lee Malvo could not have legally purchased a Bushmaster assault weapon from Bull's Eye. He was too young. But he walked into the Bull's Eye store in broad daylight and walked out in a short time with a Bushmaster XM–15. That is the weapon he and John Muhammad used to murder and injure their victims.

I ask my colleagues to take a look. How could he get behind the counter, walk out with a weapon, and not be noticed? It was captured on film, but they didn't see it. What an odd coincidence that is.

It is outrageous. It is an insult to the intelligence of anyone who looks at this picture to know this weapon could not have disappeared without being noticed. Look at the size of it. It tells the story. But then I guess what is being asked for is sympathy for this gun shop, this place that let the murder weapon out of its sight and into the hands of these madmen who shot people at random.

Let them get away with that, with no repercussion, no lawsuits: You injured my child, you injured my husband, you injured my wife? People were shot sitting alongside their mates, and we want to protect them? What do we have to protect them for? I don't understand it.

To me there is an element of curiosity here that just does not register. I don't understand the wailing and weeping about how to protect these guys, these dispensers of murder. It is awful. Yet we hear the case: Gee whiz, if you had an automobile and a drunk driver drove it and killed somebody, why should the automobile company be responsible? We saw that once.

Ford Motor Company made the Pinto. When it was struck from the rear, it would catch fire. We had people testify. They were so disfigured, it was painful to look at them. Imagine what it felt like to be one of them—so disfigured.

They went to the Ford Motor Company and said: Change the design. Ford had a board meeting supposedly in which they said: Change the design? Do you know what that is going to cost us? The heck with it. Let's pay the damages that come from lawsuits. That is the way it goes sometimes.

The automobile is not intended to be a lethal weapon, and we lose a lot more from fewer of these gun manufacturers every year than we do manufacturers of cars. We lose over 28,000 people a year, 11,000 of them homicides, the rest suicides, accidents. That is what happens. We have millions of cars on the road, and we do not have much more of a mortality rate with those cars than we have with these weapons. But we do not try to protect the automobile industry.

We do not try to protect the aviation industry if there is negligence in an air crash. You can bet people have a right and do take advantage of the right to get some redress. They don't want the money, for gosh sakes. They do not want any other families to have to suffer the same humiliating loss they experienced.

If anyone proposed that we go ahead and say to the airlines: Look, tell you what, for reckless behavior and one of

those planes goes down with 200, 400 people on it, we know you really didn't intend to do that, so, therefore, you ought to be excused. We are not going to excuse them, and we should not excuse the gun industry, the people who manufacture these weapons in any form, any shape, disguises for assault weapons that say this really isn't an assault weapon. It passes the specifications test, except if you make an adjustment here in the cartridge carrier or there, it becomes, effectively, an assault weapon. No, we are saying, no, we are not going to punish you for that. Go ahead, be careful because people may not like you, but we are not going to punish you for it.

That is the situation in which we find ourselves.

Do we really believe that in this situation these weapons were lost or stolen from this store? It is ludicrous. So we should not pretend we do not know what really happened. What we are doing is closing our eyes to responsible behavior throughout our Nation. It is obvious they sold the Bushmaster to Malvo under the table, or however he got it. It is a pathetic and irresponsible recognition we are giving these people.

Should Bull's Eye be held accountable for their outrageous actions that resulted in the death of innocent people? The sponsors of this bill say, no, they should not pay for approximately a dozen deaths. The sponsors of this bill say, no, this outlet should not be punished for murder; that, after all, they are okay. They sell things that kill people or close their eyes to the distribution of weapons.

The sponsors of this bill say, no, if one is negligent, they cannot be held accountable. It says if they are reckless, they cannot be held accountable.

The bottom line is there are many victims with valid legal claims who will have their lawsuits wiped out. It is outrageous.

Today we were visited by a policeman from my home State, the town of Orange, NJ. He was shot in an exchange of fire with an assailant. He has a lawsuit in place. He can no longer work at his job. We are saying, too bad. Why were you standing in the way of that bullet when it came? Essentially that is what we are saying: Why did you get in the way of the guy who was going to pull the trigger? You should not have done that. They should not be punished for their complicity by getting a gun for this would-be murderer.

This bill before us tells Bull's Eye and their cronies in the business, keep up the good work; do not worry about it; in the Senate, we are going to take care of you. We are going to immunize them from wrongdoing.

Why on God's Earth do they want to immunize these people? I do not understand it. I have seen pretenses at logic that said, well, we will have no gun industry to supply our Army. Baloney. Everybody knows that is a phony argument. They will get their weapons made. We can protect those who make arms for the military and we can make sure they are under better care than we see now.

The snipers who did the killing wreaked havoc on our society and now we want to reward the gun dealer responsible for illegally giving them their killing weapon with immunity from civil lawsuits. This is absurd.

This Senate is about to make these sniper victims and their families victims a second time. After all they have gone through and that they are going through, we are going to pass a bill to take away their fundamental legal rights. It is reprehensible. There are so many other people who are going to be denied justice by this bill.

I want to take a moment to tell the Senate about two brave police officers, one of whom I mentioned earlier, who are going to be victimized by this bill, Ken McGuire and David Lemongello. They are two police officers from Orange, NJ, who were shot and seriously wounded by a criminal who obtained his gun through the negligence of a gun manufacturer and gun dealer in the State of West Virginia. The criminal who shot them was barred from legally buying guns, but he was able to obtain these weapons from a straw purchaser who was sold 12 guns by a West Virginia gun dealer in a single transaction.

This gun dealer completed the sales in spite of the obvious signs that the purchaser was not buying the guns for himself. The gun dealer admitted he was suspicious of the transaction but turned the other way. Then less than 6 months later, Officers McGuire and Lemongello were shot by one of those weapons.

Is the police officers' lawsuit against the gun dealer frivolous? A West Virginia judge ruled the officers' claims are supported by West Virginia negligence and public nuisance law and that the officers' case should proceed against the dealer as well as the manufacturer of the gun who imposed no requirements on its dealers to cut large volume sales.

If this gun immunity bill is passed, the rights of these two brave police officers are abolished. To make matters worse, it will allow other gun dealers to look the other way and complete suspicious sales because, well, there are not any consequences; we cannot be sued for our negligence.

I want my colleagues to know Officer Ken McGuire is in the Capitol today. He is here to ask Senators not to take his rights away, and I ask my colleagues to give him a moment of their time if he approaches you.

These lawsuits are the only real way to hold these rogue dealers accountable because current laws regulating dealers are a joke. The ATF is restricted to only one announced inspection per year.

In reference to Bull's Eye, I heard the Senator from Idaho say the shop is shut down now. He is very careful with the things he said, but I think he made a mistake. It just is not true. Bull's Eye took advantage of the weak gun dealer laws and merely transferred its license. They are very much in business. My staff called Bull's Eye today and they said they are open until 7 p.m. It does not sound to me as though they are closed. So if someone from the Senate wants to make a quick trip over there today to pick up an assault weapon, they have until 7 Pacific time to do so.

There are a host of other cases that would be affected if this bill is passed. Supporters of this bill will be trampling the rights of innocent victims who only want their day in court, to which I think they are entitled.

The supporters of this bill claim the lawsuits against the gun industry are frivolous. Frivolous? Ask Denise Johnson whether her lawsuit is frivolous. She lost her husband at the hands of the DC area snipers. On the morning of October 22, 2002, Denise Johnson said goodbye to her husband Conrad with her usual ''be careful.'' Neither he nor her children had any idea this would be their last words to their husband and father.

This 35-year-old bus driver was shot on October 22 in Silver Spring, MD. He was standing at the top step of his empty bus when he was hit. He was killed instantly by the Bushmaster portrayed here that Bull's Eye ''lost'' to Lee Malvo.

Some have the impression it is only the DC sniper victims and Officers McGuire and Lemongello from New Jersey who would have lawsuits blocked by this bill. Unfortunately, there are many other victims of gun violence with valid cases who would have their suits dismissed. I ask the sponsors why do they want to do that? Why? Loss of a family member? Perhaps it is the principal breadwinner in the family. Should we have the family suffer from now newly found poverty and doing without the capacity to pay the rent, perhaps be evicted from their homes? Why do we want to punish them a second time? Was it not enough they suffered like that the first time? We want to cut away from them their right to have redress for what took place.

There is Tenille Jefferson. Her 7-year-old son was killed by another child with a .44 caliber rifle. This tragic shooting occurred because the gun ended up in the streets after being negligently sold through a gun dealer to an illegal drug user and gun trafficker.

Then there is Sherilyn Byrdsong who lost her husband, former college basketball coach Rick Byrdsong, when he was shot and killed as he walked with their children in Evanston, IL. The crime was committed by a white supremacist, Benjamin Smith, who targeted minorities in a shooting spree through Illinois and Indiana. Even though Smith was prohibited from buying guns, he was able to obtain a gun because of the actions of a reckless gun dealer.

This reckless dealer sold one gun trafficker over 70 handguns in less than 2 years, almost all of them Saturday night specials, commonly used by criminals. Mrs. Byrdsong's lawsuit is pending in a State court in Chicago. Other victims of this same shooter have joined the lawsuit. If this bill passes, their lawsuits are wiped out. I cannot understand why we would want to do that in this, the Capitol of this Government of our great country. I can't understand why we are bent on taking away people's rights and making them suffer because of a special interest group that has a special reach to those in this Senate and the House who say: We have to take care of this industry. This is an essential industry. We want this. Maybe we can build this into a major industry, make it bigger than it is, sell more guns.

That is hardly a way to see a productive existence in a society that essentially has respect for the law.

The Reverend Stephen Anderson, a minister shot during this spree I was talking about, on his way to join his family in a Fourth of July celebration, would have his lawsuit dismissed. Steven Kuo, a graduate student at the University of Illinois, would have his rights taken away. Hillel Goldstein, one of several Orthodox Jews shot when walking home from temple services, would have his family's lawsuit terminated.

There are other cases that would be dismissed—the parents of 15-year-old Kenzo Dix, who was shot and killed unintentionally by a 14-year-old friend because the gun lacked well-known safety features. The boy thought his father's pistol was unloaded as he had emptied the magazine. Had the gun included an indicator that alerted him that a round was in the chamber, or an integral lock that would have prevented him from firing, Kenzo would not have been killed. But Kenzo's parents' case would be terminated by this bill.

The family of Joan Moore, who was shot and killed by a mentally deranged man in the town of Belle, WV, would have their suit dismissed. Her family brought suit for negligence against the gun dealer who sold a 9 mm rifle to Moore's killer, 18-year-old Robert Copen. Mr. Copen stood in the gun shop's parking lot all day in plain sight, smoking marijuana before he entered the store. He apparently acted so oddly while in the store that an employee asked his supervisor if Copen should be trusted with a gun. Management told the employee to go ahead and make the sale anyway.

This gun dealer was clearly negligent. But Mrs. Moore's family would lose their rights under this bill.

This Senate looks as if it wants to administer a second punishment because the first punishment was not severe enough. It is shocking to believe this could take place.

Since when is Congress in the business of rewarding the worst in our society? Why would we want to send a message that says: Circumvent the law, put our families in danger, and we are going to protect you?

The reality is that the gun industry engages frequently in improper conduct with deadly consequences. We have seen many examples of this. Corrupt dealers who frequently sell to criminals would be immune. Straw purchasers who work with rogue gun dealers to obtain guns for people who are not eligible to buy guns would be immune. Dealers who engage in large volume sales, such as the Illinois dealer who sold 60 Saturday night special handguns to one customer, would be immune.

And, of course, there is the problem of gun shows, where criminals and terrorists can buy guns without background checks.

As many here know, the Senate passed my gun show amendment with the help of Vice President Gore, a 50–50 tie in 1999. But the House Republicans killed the provision in conference. They were not willing to shut down dealers who are not required to get any data about a purchaser—no names, no addresses, no pictures, nothing, not even a fingerprint.

If the NRA immunity bill is signed into law—and I call it the NRA immunity bill deliberately because that is who we are servicing today. We are not servicing this list of people who had the punishment we have seen, punishment that should never be permitted to be put upon a family, a loss of a child, a loss of a husband, a loss of a wife or mother. We should not do that. But if the NRA immunity bill is signed into law, victims of industry recklessness will be denied their day in court.

It doesn't make sense. It doesn't make sense to me, and I am sure it doesn't make sense to people across the country. And I hope they are listening. People across the country have to understand what we are doing. We are protecting an industry that provided the murder weapon to kill lots of people. Why in the world do we want to protect those people? If your behavior is bad, no matter what the product is, if it is a toy, if it is a crib or otherwise, and it is made improperly, you pay a price for it. I come from a State where pharmaceutical manufacturers are a giant industry. Let a pharmaceutical manufacturer put the wrong ingredient in the capsule which hurts somebody's health, they go to court. They are very conscious of that. They are very much afraid of the repercussions of a lawsuit. That is what makes people pay attention. It does it in that industry. It does it in all other industries.

But we want to exempt this one industry for their noble behavior, for their concern for human life, for their concern for jobs, I heard earlier. The Senator from Illinois scoffed at it and said: Oh, I didn't know we were talking about a jobs bill.

Why don't we make hand grenades and distribute them freely? You could get people to do that.

This is ridiculous. Unfortunately, it is not about common sense but, rather, it is about dollars and cents. It is about political support on the outside. It is about nasty mail campaigns. It is about the deterioration of common sense and collegiality. It says: Look, I don't owe my constituents all that. What I do owe is I owe some special interest friends of mine who helped author the legislation in the House that applies to this. We know the role that the NRA plays in financing political campaigns. It seems as if it is paying off for them right now.

Thankfully, there are still people here who see their responsibility differently, who will stand up for principle, who will do all they can to prevent this unconscionable piece of legislation from passing. We have friends on both sides of the aisle, Democrats and Republicans. This isn't the special property, the unique property of Republicans. It is people who are not looking clearly at the problem, who are not willing to say: Hey, I can catch a little abuse from the NRA and its membership and its friends.

I took a lot of it in my previous term in the Senate. But we did take gun permits away from spousal abusers. Some 40-plus thousand were denied gun permits because of a piece of legislation we passed. Does anybody regret that fact? I wonder, if we asked the question, do you, sir/ma'am, regret the fact that we have taken away those permits from those spousal abusers, permission to buy guns, permits.

I wonder if you feel badly about that, and about other things that try to curb gun violence.

This bill takes away a critical tool in the fight to eliminate gun violence. It is comparable, in my view, to taking away medication from doctors trying to treat a deadly disease, perhaps to prevent death, or immobility, or mental fatigue in a person without proper medication. Why do we not want to prevent the possibility that someone can be permanently injured or incapacitated?

What are the symptoms of this disease? In the year 2000, there were more than 28,000 firearm-related deaths in the United States. About 11,000 were homicides. These deaths and injuries cost an estimated $2.3 billion a year in lifetime medical expenses alone, much of which is borne by the U.S. taxpayer. The total societal cost of firearms is much higher—an estimated $100 billion a year—and the cost to families cannot be measured.

But we know this: The bill on the floor today is a direct attack on people who have already suffered a tragedy. This bill is an embarrassment to the Senate, to our Government, and our Nation, and it ought not to be permitted to go forward.

I ask my colleagues one thing. Before you cast your vote on this bill, spend a second thinking about a child's face who learns that daddy is dead, or about a father's face when he learns that his

child is dead—killed not by nature or something that perhaps could not be prevented. Much of this can be prevented. Think about these victims. Give them their fair consideration before you victimize them once again.

I hate to think that this wonderful body in which I am privileged to serve would want to inflict punishment on those who have already suffered so deeply, or who will suffer so deeply by protecting those scoundrels who break the rules with reckless behavior. Imagine what is being said—that even if you are reckless, you are going to be immunized by this legislation. Negligence is bad; reckless is unacceptable under any condition.

I hope I am talking for the majority of those so we can get a vote against this bill.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Idaho.

Mr. CRAIG. Mr. President, we are hoping in a few moments that we might have a unanimous consent request to allow us to get to this bill.

I will respond only briefly to the Senator from New Jersey and his comments because he did suggest that I had implied something that is not fact on the floor of the Senate today. I want to make sure the record is clear because I don't want in any way to mislead any of my colleagues.

I said that the Bull's Eye gun store was closed. It, in fact, did close. The license of the dealer at the time the weapon was stolen was jerked. He could no longer conduct the business. He sold the business to a new licensed dealer. What the Senator from New Jersey failed to recognize is that licenses aren't given to locations; they are given to individuals, and those individuals must qualify. A condition of the new license also was all new personnel in the gunshop.

The Senator is accurate in suggesting that he might have called today and the gunshop is open under new management and new license and new people. The person who I said this morning had lost his license because BATF had jerked it and he had to close his business is, in fact, a legitimate and valid statement. That did happen. It is also my understanding that the criminal investigation is now underway, and that BATF is recommending to Justice that they file felony charges against this particular dealer. I do not know anything more about the facts. But I do know one thing.

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. CRAIG. Let me complete this thought, and I would be happy to yield.

I do know one thing. Lee Malvo himself said: I stole the weapon. That is very important. But the Senator suggested—and his words were: Well, maybe an under-the-table deal. I do not know that stealing is under the table, and the man who pulled the trigger admitted he had stolen the weapon. You can imply anything you want. I can't. I have to use factual statements given by, in this case, a man who has been apprehended and we now believe by all evidence committed that tremendously tragic crime and was one of the District of Columbia snipers. That is the reality. I believe those are the facts. I believe them to be honest and straightforward facts.

I would be happy to yield to the Senator.

Mr. LAUTENBERG. I thank the Senator from Idaho.

One thing I know is that we often disagree, but I would never accuse him of these statements. He is an honorable man. We have our differences on things that we ought to be putting into law. But I would like, if I may, to correct my friend's impression because not only was there a phone which was answered but the now owner of the license is a good friend of the former owner.

If one looks at the pictures that we displayed, the weapon used was a pretty sizable piece of equipment. As I remember from what I saw on the film shown on television, there was evidence that this Lee Malvo was carrying a weapon out of that store. The camera saw it. Certainly it could have been negligence. It could have been reckless or maybe the gun was paid for by a friend, and with the wink of the eye, out it went. But to give this criminal credit for telling the truth is something that I—

Mr. CRAIG. I did yield for the sake of a question and not a comment. I would like to reclaim the floor.

Mr. LAUTENBERG. The Senator is absolutely right. My question was, Did the Senator know that the new owner of the license was the friend of the former owner?

Mr. CRAIG. I didn't inquire about friendships or relationships. I inquired about the legality of the license that operates the store, and whether the store is still in business, and whether the owner who is alleged to have mishandled records owns it today; does he operate it. The answer is no.

Let me also add that I appreciate the Senator's logic about the stealing of a weapon. Automobiles are stolen from automobile lots and the thieves are caught on camera. The last I checked, an automobile is substantially larger than a rifle. Is it possible that Lee Malvo picked up a gun and walked out of the store? He says he did. He says he did. He stole the weapon.

I am not going to in any way attempt to defend the man who once owned the Bull's Eye gunshop. He may be indefensible. He may have violated the law. If he did—and he is being investigated for it—S. 1805 does not immune him from any of those actions. That is what is important to understand as we debate the bill. His acts were criminal. If he is in violation of the Federal firearm license, if he has mishandled his records, and if he had, in fact, seen a robbery and failed to report it, then this man is in trouble because that is the law. We would not protect him nor does this bill protect him from that law.

I yield the floor.

Mr. REED. Mr. President, we have heard a lot today about the exceptions contained in that bill which, arguably, might result in liability to someone such as the dealer in the Bull's Eye Shooting Gallery store but legal analysis by eminent attorneys suggests they would not apply to that particular case.

Mr. LAUTENBERG. Mr. President, I wonder if I could ask the distinguished Senator a question.

Mr. REED. Yes.

Mr. LAUTENBERG. I believe the Senator has examined the opinion offered by Mr. Lloyd Cutler and others. Is it not their opinion that these lawsuits would be obstructed from proceeding as a result of this law being put in place?

Mr. REED. The Senator is accurate. The analysis by eminent attorneys looking at this legislation, looking at the exemptions, suggests in the case of Bull's Eye that this dealer would not be subject to liability; he would be immunized from liability because of this particular bill.

This is a situation that has to be made very clear to people. We are essentially giving this individual an opportunity to walk away from serious negligence. I don't think it is appropriate. In fact, I think it is unconscionable.

There is a factual discussion about the status of the Bull's Eye Shooting Gallery. My understanding is—and it is close, I think, to that of the Senator from Idaho with additional detail—as I understand it, the individual who was in fact the owner-operator, Brian Borgelt, had his license revoked. He is appealing that revocation in court. That is his right. He somehow transferred ownership of the store to someone we have been informed is a friend, a colleague, which is also permissible under the law. It appears, though, that Mr. Borgelt is operating a shooting gallery in the same building, but it does look as if this might be an entirely legal transaction.

The point was raised earlier, and Senator LAUTENBERG and I have tried to clarify, at least there was an impression this store was closed, out of business, and not operating. The agreement and the factual accuracy as of this point that we both share is the store is operating. The individual who owned it is no longer operating it because his license has been revoked and he is challenging the revocation.

Mr. CRAIG. If the Senator will yield, I think that is a valid analysis and I certainly did not intend to misportray that.

Again, let's go back to the law. Are you suing the store if there are lawsuits, or are you suing the individual who had the Federal firearms license? Is it the physical structure that is liable or is it the individual who owned the structure who is liable? We know

what the law is. It is the individual and not the store.

I cannot, nor do I, know the details of the relationship. What I do know is that he cannot sell firearms today. His license has been pulled. That is what the law requires, and a criminal investigation proceeds at this moment. I believe that is the essence of the argument.

Mr. REED. That is an accurate description of the situation but, again, the imprecision was whether the store is operating, not who is operating it. The individual is not able to operate because he lost his license.

Mr. CRAIG. If the Senator will further yield, I did use the phrase ''store closed.'' I meant the ownership, as it was; he closed. It reopened. Whether it was 24 hours or 48 hours, he could no longer operate it when his license was revoked. We understood he sold it to a new operator who is licensed.

Mr. REED. I think it is important to clarify that because it has been a matter of factual dispute.

The other issue which has to be clarified is the applicability of this legislation to that original owner-operator who had been accused of a laundry list of inappropriate actions. I had the opportunity to review some of them today.

With respect to the owner of the Bull's Eye Shooting Gallery at the time the Malvo gun was obtained, under his ownership and under his license, 238 guns were missing. Many guns between 1997 and 2001 found their way into crime scenes. A remarkable record of guns found their way from a licensed dealer to crime scenes. Many found themselves to crime scenes in a rapid period of time. The nomenclature is ''time to crime.'' Time to crime was remarkably narrow. The time to crime was less than 3 years in more than 70 percent of Bull's Eye cases between 1997 and 2001, suggesting this organization was a conduit for obtaining weapons for crimes.

There were large numbers of multiple firearms sales. Sometimes he would sell as many as 10 guns at a time. There were numerous ATF citations, at least 15 times between 1997 and 2001. That is the record of the individual whose license was suspended, finally, by the ATF.

But the issue is, with respect to this individual, if we pass this legislation, will he be immunized after this record of negligence, recklessness, irrational responsibility? Most people would say that is the record. The exemption provided by paragraph (5)(A)(iii) says, in effect, the action would be preserved in which a manufacturer or seller of a qualified product violated a State or Federal statute applicable to the sale or marketing of the product and the violation was a proximate cause of harm for which relief is sought.

Two elements: You have to violate Federal and State statutes; and that violation was the proximate cause of the damage to the individual. According to the well-settled tort law principle, proximate cause requires that the defendant's conduct was a substantial factor in bringing about the harm suffered by the plaintiff.

Remember, two elements: State and Federal statutes violated, and that violation being a proximate cause.

Here is the difficulty with respect to the situation at the Bull's Eye Shooting Gallery. Despite the evidence we have that there were certain violations, many of them record keeping, it is going to be virtually impossible that the plaintiffs in the sniper case will be able to show that Bull's Eye violated any State or Federal statute with respect to the particular gun that was used by the snipers or that any such statutory violation was a proximate cause of the sniper attacks.

The evidence concerning the acquisition of the snipers' weapon supports Bull's Eye's claim that Lee Boyd Malvo shoplifted the gun. That is not in dispute. Indeed, after his arrest, I believe Malvo admitted he shoplifted the gun from Bull's Eye. Although the plaintiffs or the family of the plaintiffs claim that Bull's Eye's lax security practice permitted Malvo to get the weapon, that would not establish a violation of any Federal or State statute.

Again, a reading of this exception would say that you have to show, first, a Federal or State statute was violated, and the violation of that statute was the proximate cause was reading to injury. It is virtually impossible in this case.

What is happening in all of these exceptions that are built into the bill is, this is a trapdoor, if you will. We have a general prohibition against any type of suit against these individuals, these dealers, these manufacturers, or trade associations; and then we have exceptions. And they point out within the exceptions, artfully constructed by very good lawyers, provisions for an escape clause for the potential defendants. Here it is, the combination of proximate cause and violation of Federal-State statute.

Again, close analysis of the evidence—and I don't think any of this evidence is in dispute; Malvo admitted he shoplifted the weapon—suggests strongly this exception would not apply in the case of the Bull's Eye shooter. These sniper victims will be without relief. That is not just my view but the view of attorneys who have looked at it very carefully.

Now, this is a very detailed legal analysis. But, again, we so often—all of us—appeal to rather common, homely—in a literal sense—illustrations, something with which we are comfortable. I was struck when the Senator from Idaho talked about, Goodness gracious, if someone stole a car off a lot and drove into another car and caused damage, that you could not hold that dealer responsible.

Well, I can conceive of a situation. For example, if a dealer ordinarily left the keys in all of the cars on his lot, and they were cited 15 or 20 times before for doing that, and people knew that the dealer's cars were available, and young kids came in and jumped into a car and drove off at 60 miles an hour careening into another car and killing someone, I will tell you what I think. You have a pretty good suit against that automobile dealer for negligence, for abandoning the care that any other dealer in the country would adopt. They would not be protected from a suit as we propose to protect the gun industry.

Again, this legislation is very troubling to me. I do not think it provides adequate protections for people who have legitimate claims, the most graphic example of which is the sniper victims in the Washington, DC, area. But they are not alone. Danny Guzman was killed in Worcester, MA, as a result of what I think is gross negligence. A gun manufacturer employed, without background checks, ex-convicts, drug addicts, allowing them to steal weapons from the production inventory of the company, and to sell them to criminals in exchange for cash and drugs. This involved a multiple of weapons. They got the weapons out of the factory before they could stamp the serial numbers on them. Again, common sense would say: My goodness gracious, somebody has to be able to go in and require that employer to be conscious of their weapons, their security procedures.

I also understand—and again it is an understanding that is not shaped by a footnote at the moment—there are really no effective State or Federal laws about the security of weapons. I do not think there is any requirement specifying you have to have triple locks or double locks, et cetera. I think that is left to the reasonable business standards of an individual dealer. Again, if we do not have those rules and regulations or they are not effective, how do we then insist we cannot have a negligence action, as this legislation proposes?

For these reasons and many others I reiterate my opposition to the legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Hope springs eternal that we might, sometime in the late of the afternoon—I guess it is now described as early evening—see a unanimous consent agreement that would take us into tomorrow and the remainder of the week as to how we are able to move to and deal with S. 1805 and its amendments.

I am going to respond only briefly to what my colleague has just said because I am not an attorney and I am not going to attempt to outlawyer the lawyers. Mr. Cutler is a fine lawyer. There are many other fine lawyers who disagree with Mr. Cutler. It is not our job to outlawyer the lawyers, but it is our job to write law as clearly as we can and then allow judges, listening to

the arguments of lawyers as they relate to how a given situation might fit in a suit, to make the determination as to the applicability of the law.

Now, having said that, I would like to refer to another lawyer. Is he as recognized as is Mr. Cutler? No, probably not. But this does come from the Congressional Research Service, and it is one of those services that we utilize. The Senator has, I think, the same work product I have. We are talking about the Daschle-Craig-Baucus amendment that Senator DASCHLE came to the floor to speak to a few moments ago.

The Daschle-Craig-Baucus Amendment would strike ''knowingly and willfully'' in the preceding sentence—

That we are talking about—

potentially increasing the likelihood that [certain exceptions] to the general immunity afforded under the [law] would be applicable in any given case.

They looked at it in relationship to the Bull's Eye case to which the Senator was referring.

Now, these are not my words. I am not this good. I am not an attorney. But I do listen to them, and I seek out their advice when it comes to writing law and making sure that it is clear and unambiguous.

They cite two examples and they say:

Applying these changes to the scenario at issue—

We are talking about Bull's Eye—

it would appear that the Amendment could have the effect of making it more likely that this exception to immunity would be applicable, if certain facts are established.

''If certain facts are established.'' Those facts have not yet been established. They were not established for Attorney Cutler. He is simply looking at the broad presence of the law, or application of it, as are we.

If certain facts are established in an investigation and charges are brought against an owner, then we believe our amendment clarifies and does not provide the immunity, if those facts are established.

Now, the changes we are talking about are twofold:

(I) any case in which the manufacturer or seller knowingly made any false entry in, or failed to make appropriate entry in, any record which he is required to keep pursuant to State or Federal law—

If weapons are stolen and they fail to note it, fail to report it to the police, that fits that area—

or aided, abetted or conspired with any person in making any false or fictitious oral or written statement with respect to any fact material to the lawfulness or the sale or other disposition of a qualified product.

''Other disposition''—theft. At least this is my interpretation now. I am not a lawyer. Secondly:

[A]ny case in which the manufacturer or seller aided, abetted or conspired with any other person to sell or otherwise dispose of a qualified product, knowing or having reasonable cause to believe that the actual buyer of the qualified product was prohibited from possessing or receiving a firearm or ammunition under section 922(g) or (n) of title 18, United States Code. . . .

That is what the Congressional Research Service says. Then it draws that conclusion I gave earlier:

Applying these changes to the scenario at issue—

That is what the Daschle-Craig-Baucus amendment does. ''The scenario at issue,'' the arguments put forth, the concern about somehow, if the facts are established, this firearms dealer being immune by S. 1805—

it would appear that the Amendment could have the effect—

The amendment is in large part incorporated in S. 1805 now, and Senator DASCHLE is going to offer another amendment that we know will be accepted and will clarify it even more—

of making it more likely that this exception to immunity would be applicable, [again] if certain facts are established.

That is the argument at hand. We can trade arguments of attorneys. We will place all these kinds of things in the RECORD so our colleagues can understand them and hopefully sort them out, but it is my opinion that we are not exempting this formerly licensed gun dealer who has now had his license revoked. Because if an investigation goes forward, and charges are filed against him, I believe we have clearly not granted him immunity under S. 1805 if it, in fact, becomes law. I do believe that is the strength of our argument, and one that certainly is believed to be what we represent here. It is certainly from the Congressional Research Service, which has very active attorneys who deal constantly with the law as we shape it and form it and look at arguments that are placed out there in the public arena in relation to the legislation that we bring before the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I recognize there are different legal interpretations. I recognize also the Senator from Idaho has introduced an interpretation of the Congressional Research Service. I have one, too. Theirs is dated November 3, 2003. Mine is dated October 20, 2003. We made a request. They looked at the amendment, the perfecting amendment offered by Senators CRAIG, DASCHLE, and BAUCUS. In the context of that correcting amendment, they opined in October:

Again, you have specifically inquired as to whether the Amendment would alter the bill to such a degree as to allow the pursuit of a civil action against the gun dealer from whom the weapon used in the D.C.-area sniper shootings was stolen. A review of federal and Washington State law indicates that there are no statutory requirements regarding the storage and security of firearms by licensed firearm dealers. Accordingly, it seems evident that there would be no basis for the application for this exception in the case at hand, irrespective of the presence of the ''knowing and willfully'' requirement, given that there appears to be no violation of a relevant underlying federal or state statute.

That is an October CRS.

Obviously a second opinion was sought. That is the nature of legal opinions many times. This opinion was premised on certain facts that are not yet obvious and perhaps never to be obvious.

In fact, in reference in the report Senator CRAIG referred to:

Thus, in the event that it is established that Bull's Eye was aware that the firearm was missing from its inventory more than 48 hours prior to November 5, 2002, the Amendment would appear to lend further support to the application of the exception to immunity . . . of the bill.

Essentially what was done in this latest CRS was to say: We will assume hypothetically that in fact they violated the Federal statute, i.e., the requirement to report a weapon within 48 hours of its disappearance. Well, if you assume a violation of the statute, you have gotten way over the curve, because once again, Federal statute or State statute has to be violated, proximate cause.

The problem is this assumption does not have much of an evidentiary base. The footnote to the report Senator CRAIG referred to suggests:

These examples are pertinent to the extent—

examples of potential violations—

they could be implicated in any hypothetical sale or transfer to the D.C.-area sniper suspects. It should be noted, however, that it does not appear that any evidence has been produced of actual violations of these provisions by Bull's Eye in the case at hand.

The answer to qualifying this exemption is not to assume a violation of Federal law. There has to be some evidence. But there does not appear to be any evidence of violations of Federal statutes. There are no Federal/State statutes with respect to security of firearms, the physical security. The slender reed—no pun intended—they might hang it upon is they somehow knew the weapon was missing a long time before November 5, 2002, and they failed to report it. No evidence from Malvo suggests that. I don't know if there is, frankly. The stories we have all heard from the operator were he didn't know the weapons were missing until the day they showed up, the ATF showed up and said the weapons were missing. The practical effect of this is a judge might have the opportunity for a few minutes to look at this record, but where is the evidence?

The practical effect of this legislation is these claims will be barred. That would be a great misfortune, not only for the families involved but a misfortune in terms of setting up a very bad precedent in terms of undermining the common law sense of responsibility for your actions. Senator CRAIG is a very articulate advocate for his position and has referred to that several times; this is just about maintaining centuries of legal precedent about individual responsibility. I disagree. I think it is about overturning centuries of legal precedent, the precedent that an individual is responsible

for their actions, that an individual, such as the licensee at Bull's Eye, is responsible for not securing the weapons, is responsible for not knowing he has lost weapons—according to his view at this point—for days and weeks and weeks. If we immunize the individual, we will undercut that basic principle of individual responsibility.

One of the things I find amazing in this whole discussion of the security of weapons is, I commanded a paratrooper company at Fort Bragg. I worried every day about the weapons in my outfit. We had double locks on the doors, locks on the racks, individual accounting every day of weapons. One of the things that as a young airborne captain you are worried about was showing up one day and discovering a weapon or part of a weapon or even equipment associated with a weapon was missing. That was a big deal. That is a standard of the United States Army.

We are telling people who maintain large arsenals in commercial venues that the standard for them is nothing. Miss a few weapons, don't even pay attention because, frankly, knowledge will hurt you.

This goes also to the principle of why we have laws of negligence, tort laws. It is not just for individual compensation. That is an important part of giving an individual the right to make themselves whole after they have been harmed. It is something else. It is about having a system of standards that are self-enforcing, not because there are ATF agents walking around, but because in addition to that, an owner of one of these stores will simply say: You know, I better make sure all these weapons are accounted for at least every week. I better make sure they are secure. I better make sure if people walk in who might not be eligible to purchase a weapon I at least ask them what they are doing. None of that appears to be done.

In response to the specific question of the application of the exemption, I think the proponents have tried all they can to dress it up. It just doesn't work. There is a huge trapdoor when you put together violation of State or Federal statute and that violation causes proximate cause.

Someone could go in and show they didn't file the records properly. That is a violation of Federal and State regulation. They could show perhaps they were lax in some other capacity. Then you have to make the further showing that violation was directly connected. So literally in this case you are going to have to show that particular weapon that found its way into Malvo's hands was the subject or involved with a specific violation of Federal/State law. That is why this CRS report has to assume that particular weapon, of all the 248, was noted as missing more than 48 hours before November 5, 2002. That is an extra burden of proof. That is, again, why I don't think this will work for the victims of these crimes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, we hope we are narrowing down to a time when we will have a unanimous consent request which then—and I can't judge this yet—might conclude our efforts today. We will be back early tomorrow morning to resume. I thank my colleague for his arguments. We are not going to try this case here on the floor of the Senate because we don't have a judge. I am not a lawyer. He is; I am not. But I would also ask him to look at another provision we have in the bill as he argues the case. That is that a lawsuit could also be allowed under the bill's exception allowing actions for negligence per se or for negligent entrustment, depending on, of course, the condition of the dealer and the dealer's knowledge, if any, of the suspects.

Having said that, let's remember to address these issues, the victim would need to get his day in court. The case will be filed. The defendant would file a motion to dismiss based on provisions of 1805. And if the judge—remember there is going to be the impartial judge weighing all the law and the findings—decides this case did not fall under those exceptions, then the litigation would proceed. That is the essence. We are not going to argue the case effectively here because, frankly, we don't know all of the facts. We are not a part of ATF's investigation, and all of those facts are not yet public. They will not be public until charges are filed, a suit is brought, and that day in court I just spoke of is at hand.

Obviously, the Senator and I can disagree on what the meanings are, but I do believe the arguments we put forth are extremely valid. Certainly, the minority leader, myself, and others, in a very bipartisan fashion, have worked tremendously hard to craft this bill in a way that is as narrow as I expressed it to be earlier in the day to deal only in the protection of law-abiding dealers, law-abiding manufacturers who make a legitimate product, and to deny the kind of lawsuits we have seen that are more intent on bankrupting the manufacturer than they are in bringing resolution to or, if you will, dealing with the victims and rewarding them in any fashion.

I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Rhode Island.

Mr. REED. Mr. President, my colleague from Idaho has invited me to look at the theory of negligent entrustment and negligence per se. I will try to do that.

Again, this is not an attempt to dispose of a case before a court. But we all have an obligation to understand what we are voting on, what these provisions will do based on the plain language of the provisions and based upon the facts as we know them in certain cases. That is why I think this is a positive exercise. It is insufficient to say that we pass laws, but we do not have to know what they mean because some judge will figure out what they mean. No, no, I think we have to know what they mean because that should drive our decision about whether this legislation will pass or fail.

Let me turn for a moment to these two theories of negligent entrustment/negligence per se.

Negligent entrustment is generally understood as ''the supplying of a qualified product by a seller for use by another person when the seller knows, or should know, the person to whom the product is supplied is likely to, and does, use the product in a manner involving unreasonable risk of physical injury to the person or others.''

Again, the seller has to know, or is likely to know, that the person they transfer the weapon to or supplied it to is likely to harm himself or harm someone else.

The problem we have with respect to the sniper case is that the evidence the snipers' weapon was shoplifted from Bull's Eye would appear to preclude the plaintiffs from making the requisite showing under the statute that the gunshop knew or should have known that the recipient of the gun, Malvo, was likely to use the product in a criminal or otherwise unreasonably dangerous manner.

Malvo indicated he shoplifted the weapon. The owner said he must have taken it. He didn't know it was missing until ATF showed up.

The theory of negligent entrustment is fancy-sounding terminology, but it is another trapdoor from which the exception falls out.

Negligence per se, under most—I am a lawyer, but I am hesitant to say I am a lawyer who is familiar in every detail with Federal practice, but my assumption is since we are talking about Federal and State laws, this negligence per se is a State common law concept that would apply to the laws of Washington State because that is where the Bull's Eye shooting gallery is located.

In any event, with respect to negligence per se, it would not preserve the sniper case because even where that doctrine is recognized, it requires a violation of statute that is a proximate cause of the plaintiff's injury. Once again, you have to show not only the violation but that violation of that particular law was a proximate cause of injury. As discussed above—again I am borrowing from one of these legal analyses—that would be very difficult to show. In fact, also I think there is another problem in Washington State about the doctrine of negligence per se.

The negligence per se doctrine has been abrogated by statute in Washington State. It doesn't apply.

Once again, I think we have an exception that does not provide relief for these individuals.

I conclude by joining my colleague in hoping we have some resolution soon on the procedural process for this evening and tomorrow. I yield the floor.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, after consultation, we have reached a unanimous consent agreement which I will now propound.

I ask unanimous consent that at 9:30 a.m. tomorrow morning the Senate proceed to the consideration of S. 1805; that Senator DASCHLE then be recognized to offer his perfecting amendment; that there be 30 minutes equally divided for debate on his amendment; that at the conclusion or yielding back of time the Senate, without any intervening action or debate, vote on the Daschle amendment; that upon the disposition of that amendment Senator BOXER be recognized to offer a gun lock amendment; further, that following 30 minutes of debate equally divided in the usual form Senator DEWINE be recognized to offer a relevant second degree under the same conditions; further, that following the use of time the Senate proceed to a vote in relation to the second degree to be followed by a vote in relation to the underlying amendment.

Further, I ask unanimous consent that following those votes Senator CAMPBELL be recognized in order to offer an amendment regarding conceal-carry and that there be 60 minutes equally divided in the usual form with no second degrees in order; provided that following that time the amendment be set aside and Senator KENNEDY be recognized to offer an amendment on ''cop-killer'' bullets with 60 minutes equally decided, and that there be no second degrees in order, and that following that time the amendment be set aside.

I further ask unanimous consent that Senator CANTWELL then be recognized to offer her unemployment extension amendment; that there be 60 minutes for debate equally divided on her amendment and it then be laid aside; that no second-degree amendments be in order to her amendment; further, that Senator FRIST or his designee then be recognized in order to offer an amendment relating to voting rights and that there then be 60 minutes of debate equally divided with no amendments to the amendment; provided further that the Senate then proceed to vote in relation to the Cantwell and Frist amendments in that order, and that if either amendment fails to receive 60 votes, the amendment be withdrawn or fall due to a pending point of order.

I also ask unanimous consent that Senator MIKULSKI then be recognized to offer her amendment on snipers with 40 minutes equally divided in the usual form, to be followed by a vote in relation to the amendment, to be followed by an amendment offered by Senator CORZINE on law enforcement officers for 30 minutes equally divided in the usual form, to be followed by a vote in relation to the amendment, to be followed by an amendment by Senator BINGAMAN on definition, with 30 minutes equally divided in the usual form, to be followed by a vote in relation to the amendment.

I further ask unanimous consent that following each of the Boxer, Kennedy, Mikulski, Bingaman, Corzine amendments it be in order for Senator FRIST or his designee to offer a first-degree amendment that would be relevant to the mentioned amendments and limited under the same time constraints; and that the possible Frist amendment on ''cop-killer'' bullets be set aside after time has expired or yielded on the amendment; and that the possible Frist amendments would be voted on prior to the respective Democratic amendments; that on Tuesday morning at 9:30 a.m. the pending amendments be withdrawn with the exception of the Campbell amendment, the Kennedy amendment, and a possible amendment by Senator FRIST regarding ''cop-killer'' bullets, if there are any pending at the time; that Senator REED then be recognized to offer a gun show amendment; that it then be immediately laid aside and Senator FEINSTEIN be recognized to offer her assault weapons ban amendment, that it then be set aside, and that Senator FRIST or his designee be recognized to offer a DC gun ban amendment; that the time prior to 11:35 a.m. that day be equally divided for debate on all amendments concurrently; that no second-degree amendments be in order to any amendment; that at 11:35 a.m. the Senate vote on the Feinstein amendment, followed immediately by a vote on Senator REED's amendment, to be followed by a vote on the Campbell amendment, to be followed by a vote on the Kennedy amendment, to be followed by a vote on the District of Columbia ban amendment; further, that following the disposition of the above amendments the bill be read the third time and the Senate proceed to a vote on final passage of the bill with no intervening action prior to those votes; that where this agreement provides for two or more votes in sequence there be 2 minutes for debate equally divided in the usual form prior to each vote; that all time for debate be equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, it has obviously taken a good deal of time to reach this agreement due to the complexity that is apparent as Senator MCCONNELL has read it.

There are two matters that ought to be recognized. First, this does not preclude Senators who are not listed in this unanimous consent agreement from offering an amendment sometime either this week or early next week. Senators who have additional amendments are certainly welcome to do so.

Second, this does not preclude those who have amendments on Tuesday from discussing and speaking to those amendments at any time between now and when those amendments are raised. There was some question about whether 2 hours on Tuesday for three very important amendments is adequate. My answer is that it is more than 2 hours if people want to devote more than that time between now and the time they are offered. I encourage Senators who wish to speak longer to come to the floor over the course of the next week to do so.

This is a very fair agreement. It is one that takes into account a lot of concerns and interests on the part of many Senators. I am supportive of the agreement and hope that we can have a good debate as a result of it.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. MCCONNELL. I echo the comments of the Democratic leader. This agreement, which is quite complex, allows us to accommodate various interests on both sides of the aisle but then move to final passage on the underlying bill, which, of course, was the goal of the majority leader in bringing it up at this time. I particularly commend Senator CRAIG, who has done a marvelous job of managing this issue on our side, and I thank him for his important contribution in reaching this agreement that will allow the Senate to achieve final passage on a bill that he is the principal sponsor of and that we believe a substantial majority of Senators on a bipartisan basis would like to see ultimately become law.

Mr. CRAIG. Will the Senator yield?

Mr. MCCONNELL. I yield.

Mr. CRAIG. Let me thank both the leadership on our side of the aisle and certainly the minority leader and the minority whip for the work they have done in trying to bring this together.

Is this something that I wholeheartedly support? Well, let me put it this way: It is something I support because it gets us to a final vote, which is very important, in a timely way.

But something is absent from this unanimous consent agreement that is very important: to allow the underlying bill, however it is changed, to become law. That is why we are here on the floor. Not that this is how we get to conference, which oftentimes is agreed to. When we craft a bill and arrive at a time of final passage, we almost always include in it the procedure by which we will get to conference.

I hope that our minority leader, in good faith, would work to help us get to that point so we can work out the differences between the House and the Senate. There will be differences; that is quite obvious now. Some of these amendments could pass. It is important we work that out.

We saw the underlying bill gain a substantial bipartisan majority support in the Senate, and therefore it is

incumbent upon all of us, I trust, to get this bill to a conference between the House and the Senate, work out our differences so we can vote on a conference report and allow this underlying bill now changed to get to our President's desk.

Having said that, let me thank everyone for the work they have done. This is a very busy schedule. But let me also echo what the minority leader said. It does not stop other Members who feel they must offer amendments from bringing those to the floor. I said early on today we wanted an open process, amendments voted on, but at the end of the day we wanted to vote on final passage. We helped facilitate that by this agreement, and I appreciate the work done by our leaders.

The PRESIDING OFFICER. The majority whip.

Mr. MCCONNELL. I was just reminded by floor staff that the Reed amendment is, in fact, the McCain-Reed amendment. I ask consent that the agreement we just reached be so modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Democratic whip.

Mr. REID. Mr. President, I feel constrained to say that we have been in a quorum call now for 4 hours 10 minutes, but that does not take away from the fact that people have been working very hard during this entire period of time, plus earlier this day. I personally extend my appreciation to the two leaders, the Republican leader and the Democratic leader, for working with us. Senator FRIST is not on the floor tonight. We have been in constant contact with him during the evening.

I also want to say that Senator REED, my counterpart from Rhode Island, has been representing those people who are extremely concerned about this issue, probably 12, 15 Senators. He has been extremely helpful, as he always is. He has represented his cause in the most efficient way. Without his cooperation and work, Senator DASCHLE and I could not be at the point where we are today.

The PRESIDING OFFICER. The majority whip.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT PURSUANT TO WAR POWERS RESOLUTION

Mr. STEVENS. Mr. President, I ask unanimous consent that the attached report from the President of the United States be printed in the RECORD, consistent with the War Powers Resolution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, February 25, 2004.

Hon. TED STEVENS,
President pro tempore of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Increasing armed rebellion in Haiti, the limited effectiveness of the Haitian National Police, and insecurity in Port-au-Prince brought on by increased armed pro-government gang activity have contributed to a climate of insecurity for the U.S. Embassy and its supporting facilities in Port-au-Prince, Haiti. These circumstances and the potential for further deterioration of the security environment in Haiti render the safety of the U.S. Embassy, its facilities, and U.S. personnel uncertain.

On February 23, 2004, a security force of approximately 55 U.S. military personnel from the U.S. Joint Forces Command deployed to Port-au-Prince, Haiti, to augment the Embassy security forces.

Although the U.S. forces are equipped for combat, this movement was undertaken solely for the purpose of protecting American citizens and property. It is anticipated that U.S. forces will provide this support until such time as it is determined that the security situation has stabilized and the threat to the Embassy, its facilities, and U.S. personnel has ended.

I have taken this action pursuant to my constitutional authority to conduct U.S. foreign relations and as Commander in Chief and Chief Executive. I am providing this report as part of my efforts to keep the Congress informed, consistent with the War Powers Resolution.

Sincerely,

GEORGE W. BUSH.

CONGRATULATING VIRGINIA SCHUYLER

Mr. DASCHLE. Mr. President, I come to the floor today to congratulate Virginia Schuyler, a woman from my hometown of Aberdeen, SD, who has dedicated her life to helping those in need. Virginia is the recipient of South Dakota's 2003 Outstanding Older Worker Award, an honor bestowed by Experience Works, an organization committed to improving the lives of seniors in South Dakota through quality job training and employment programs.

Virginia decided early on that she wanted to be a nurse. From a very young age, Virginia knew she wanted to travel. When her mother told her that nurses travel on boats and planes, her mind was made up. For 60 years she has been a registered nurse, and she has traveled all over the world. For the past 5 years, Virginia, 81, has cared for residents at the Bethesda Towne Square, an assisted living facility. The residents there deeply appreciate her dedication—she insists on working every weekend—as well as everything she does for them, activities that range from bringing them hot tea at night to painting stained-glass windows for the residents in her spare time.

Virginia earned an RN degree in 1943. She joined the U.S. Army, serving in England, France, and Germany, and recalls treating as many as 500 patients daily from the Normandy invasion in France. After her discharge from the Army, she stayed in Germany, where her volunteer work at an orphanage led her to adopt two children who were on the brink of starvation. In 1954, she earned an RN in Pathology degree, the equivalent of a master's degree, from St. Joseph's Hospital in Burbank, CA.

After she earned her pathology degree, Virginia worked in pathology for 7 years at St. Joseph's Hospital, and at St. Luke's Hospital in Aberdeen for 25 years. She also spent 5 years working with Alzheimer's patients at Arcadia in Aberdeen. Today, in addition to her work at Bethesda Towne Square, Virginia works between 30 and 50 hours a week on her stained-glass window business, and acts as her church secretary.

I join Virginia's many admirers in congratulating her on receiving this prestigious and well-deserved award.

TAIWAN

Mr. FEINGOLD. Mr. President, over recent months, aggressive rhetoric has escalated across the Taiwan Strait. In response to Taiwanese President Chen Shui-bian's pledge to hold a nationwide referendum ''to demand that the Taiwan Strait issue be resolved through peaceful means,'' Chinese officials have threatened the use of force. Prime Minister Wen Jiabao of the People's Republic of China has stated that China will ''crush'' any attempts by Taiwan to seek independence and that it will ''pay any price to safeguard the unity of the motherland.'' In addition on November 20, 2003, PRC Major General Wang Zaixi was quoted saying that ''the use of force may become unavoidable'' in dealing with Taiwan. On February 11, 2004, Chinese officials stated the referendum would ''provoke confrontation.''

Threats of violence by the People's Republic of China only undermine efforts to resolve longstanding China-Taiwan tensions. Intimidation and warnings of bloodshed have taken the place of constructive dialogue. I fear that these threats will only intensify as Taiwan's presidential elections on March 20, 2004, draw nearer.

In the midst of this bellicose rhetoric, I express my support for the people of Taiwan and to compliment the Taiwanese people and their leadership for the great strides they have made in strengthening their democracy. Since 2000, with the first peaceful transfer of power from one political party to another in Taiwan's history, Taiwan's democracy has thrived. The U.S. State Department's annual Human Rights Reports for 2002 reported that the government of Taiwan largely respected the independence of both the judiciary and press in practice and stated, ''Taiwan's strides were also notable, with consolidation and improvement of civil liberties catching up to its free and open electoral system.'' Transparency International has ranked Taiwan's

economy as one of the five least corrupt in Asia; and Freedom House labeled Taiwan ''free'' in 2003 with an improvement in political rights since 2002. President Chen Shui-bian has also demonstrated a commitment to human rights and is credited with solidifying a place for human rights within Taiwanese society during his presidency. The Human Rights Advisory Committee, established by Chen in 2000, is currently in the process of creating a National Human Rights Commission that will serve as the highest institution in Taiwan for the protection and promotion of human rights.

I remain committed to protecting the civil and political rights of the people of Taiwan, and I support Taiwan's inclusion in international organizations, such as in the World Health Organization, WHO. The recent SARS and avian flu outbreaks highlight the importance of giving the people of Taiwan a voice in these organizations. I agree with claims by Taiwanese authorities that it is inhumane for the international community to deny the people of Taiwan access to WHO's medical data and assistance. Unfortunately, despite congressional efforts, Taiwan has still not been granted observer status. This should change in the coming year.

I fear that provocative statements will have dangerous repercussions in this region of the world. Rather than warn and provoke, I hope that the governments of China and Taiwan will engage in a more constructive dialogue and encourage increased cross-strait people to people linkages. I support a peaceful resolution to the Taiwan-China situation, and I will continue to support policies that keep cross-strait tensions in check.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable to our society.

Last fall in Portland, ME, Joshua Nisbet pulled up in a car near a bar that caters to the gay community. Nisbet and a friend yelled an antigay slur at two men walking nearby and assaulted them.

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.

PETER VLČKO, HUMANITARIAN

Ms. STABENOW. Mr. President, I note with sadness the passing of Peter Vlčko, a hero for all of humanity. When immense love and bravery coalesce in one person, as they did in Mr. Vlčko, amazing things are bound to happen.

And they did.

Mr. Vlčko's love for humankind manifested itself in his brave fight against evils such as totalitarianism, fascism, and anti-Semitism. During the dark days of World War II, at huge and constant risk to his own life, he fought against the pro-German Slovak Government and rescued over 20 Jews from deportation and death by the Nazis.

His heroic efforts have not gone unnoticed. Among other awards and recognitions, in 1981, Mr. Vlčko received the Silver Medal for Righteous Gentiles from Israel. With descendants of the Jews he saved looking on, he stood witness as a tree was planted in his honor at the top of a hill in Jerusalem. His name has also been forever memorialized in a large granite relief in the Garden of the Righteous at the Holocaust Memorial center in West Bloomfield.

Born in a Slovak village in 1912, Mr. Vlčko volunteered for military service immediately upon completion of his secondary education. He rose quickly through the ranks until the invasion and occupation of Czechoslovakia by the German military in 1939 forced him to be disarmed and reassigned to a war college in Bratislava. He took a break from his studies to serve a tour of duty on the Russian front, but his service was cut short when he sustained shrapnel wounds and an injury to his left leg from the heavy mortar fire. Returning to his studies, he met his future wife, Georgina Reichsfeld.

The strict anti-Semitic laws could not deter his love for Georgina, who was of Jewish ancestry. At a risk to Mr. Vlčko's life, the two entered into wedlock.

As the danger to his young bride and her family mounted, he hid them until he could obtain false identification papers. His perilous efforts did not stop with his bride's family. He continued on, obtaining false papers for twenty other Jews, which identified them as ''essential personnel,'' preventing certain deportation and death.

Summoning more courage still, Mr. Vlčko offered his assistance to an attempt to overthrow the Nazi-friendly regime in Slovakia. Through a variety of disguises, such as a shoemaker and a woman, Mr. Vlčko managed to evade German forces and twice to escape capture. Forced into hiding for the remainder of the war, he was separated from his family for a year when he escaped into Bavaria.

Once reunited, Mr. Vlčko and his family immigrated to the United States, where they began a new life in Michigan. After attending a community college, he went to work for Ford Motor Company.

His new surroundings, however, could not make him forget his violent past. Through his narrative, he tried to educate people on the horrors of fascism and anti-Semitism. To do so, he both lectured throughout the United States and Canada and published an 860-page autobiography. People needed to know and, thanks to him, we do.

In 1991, Mr. Vlčko was granted honorary Israeli citizenship, and both he and his wife regained their Czechoslovakia citizenship, which was taken from them when they fled Czechoslovakia after the Communists seized power in the 1948 coup. In fact, he had been living under a death sentence issued by the Czech government until 1989. He has been honored by the Czech President and Czech Minister of Defense and has often been the guest of honor of the Czech and Slovak Ambassadors to the United States.

Mr. Vlčko is survived by his wife, Georgina, and their four children. Despite what severe images a background as a soldier might evoke, his wife affectionately describes the full picture: ''He loved his family very much and worked his whole life to keep them safe.''

Mr. Vlčko left behind more than a family, however; he left behind a legacy of love and hope embodied in the children of the Jews he saved and an outstanding example of courage and decency in the face of darkness and tyranny.

It is that legacy that I am sure will surround him as he rests in peace.

ADDITIONAL STATEMENTS

HONORING THE SERVICE OF BRENDA COWAN

● Mr. BUNNING. Mr. President, today I would like to take the opportunity to honor the service of Ms. Brenda Cowan, originally of Sturgis, KY. Her death while performing her duty as a firefighter is a great loss to us all.

On February 13, 2004 Brenda was responding to a domestic violence call. Tragically, Brenda and the person she was trying to help were shot and killed while waiting for police to arrive on the scene.

Her service with the Lexington, KY fire department was exemplary and duly appreciated. Brenda was also a pioneer. She was the first African American woman to become a firefighter in Lexington. As one of the U.S. Senators from Kentucky, I know that Brenda served as a fine example of what it means to serve one's community.

We are humbled and honored by the sacrifice Brenda has made. Without men and women such as Brenda, America would not be as great as it is now. Lexington and Kentucky are truly lucky to have benefited from her fine service. She is an example to us all.●

HONORING SY AND ESTELLE OPPER

● Mrs. BOXER. Mr. President, I am pleased to note that Sy and Estelle

Opper are being honored on February 29, 2004 in Sacramento, CA on the occasion of the Shalom School's ''Lighting the Way Gala'' for their lifelong contributions to improving our society. Sy and Estelle's extraordinary dedication to helping others is worthy of this special recognition.

The Oppers have an exceptional history of humanitarian work. They provided goods and services to their community as owners of five plumbing supply stores and shared their success and time with deserving causes close to their hearts.

In addition to traveling to Israel for several missions, the Oppers are longtime members of American Israel Public Affairs Committee, AIPAC. Sy and Estelle are major donors and participants and helped the Jewish Federation purchase the property and building where Shalom School, Sacramento's only Jewish Day School, is located. Sy Opper has served as president of the board for several Jewish organizations, including the Jewish Federation and B'nei Israel Congregation, and is currently serving on the board of the Trust Fund for the Jewish Elderly and the Jewish Family Service Board. Estelle Opper has also been active in many Jewish organizations such as Hadassah, TDX, Sisterhood, Jewish Family Service and the Grandparents Club at Shalom School.

Children's and health causes have also been a priority for the Oppers. Sy has personally contributed and organized fund raising for the Washington Neighborhood Center of Sacramento. This center provides after-school programs that include performing arts classes and tutoring to at-risk children and teens. Estelle has supported and helped raise funds for the Breast Cancer Fund of San Francisco and the River Oaks Center for Children, a multi-service behavioral healthcare agency for abused children and their families. Estelle has also raised funds for the City of Hope National Medical Center that provides assistance to millions of people battling life-threatening diseases.

I applaud Sy and Estelle for committing their lives to the betterment of their community and beyond, and extend my sincere best wishes for their continued health, happiness and good work. Sy and Estelle Opper are distinguished members of the Sacramento community, and it is with great pleasure that I recognize them today.●

RECOGNIZING LYNN AUSTIN MONROE

● Mr. MILLER. Mr. President, I want to speak about a great veteran of the U.S. Army, Mr. Lynn Austin Monroe. Mr. Monroe is a World War II veteran who honorably and proudly served his country in the European Theater as a mess sergeant in the Sixth Field Hospital. Prior to his overseas duty, he was an instructor in the Bakers and Cooks school at Camp Pickett, VA. Major Reiber said Sergeant Monroe was the best instructor he ever had. From there he was sent to be the first mess sergeant to open the Finney General Hospital, Thomasville, GA. His next assignment was the transfer to England to serve as mess sergeant for the Sixth Field Hospital. He remained in that capacity until the war's end.

Oftentimes he had to prepare meals without notice to feed a company of soldiers instead of a squadron. On one occasion, a hungry soldier came to Sergeant Monroe, who asked for a second helping of meat, which was chicken that day. The soldier said, ''The chicken is so good, it ain't nothing but a Georgia bird, anyway.'' Wish granted. That was one happy soldier. In emergency situations, the Sixth Field Hospital kitchen staff would help unload patients who were flown in from the combat zone. Sergeant Monroe's joy as a serviceman in ''The Greatest Generation'' was feeding the Army of our great country as they fought to save freedom and democracy for future generations.●

HONORING FREDERICK AND MARY ANN LIPPITT OF PROVIDENCE, RI

● Mr. CHAFEE. Mr. President, this week, Frederick and May Ann Lippitt will be honored as recipients of Brown University's President's Medal.

The President's Medal is the highest honor a Brown president may bestow, and honors a person who has achieved distinction in a particular field, including education, scholarship, public service, the arts or philanthropy. It has been awarded seven times since its origination in 1994.

Fred Lippitt has spent more than four decades working on behalf of Brown, including 25 years as a lifetime Fellow, offering his expertise on countless committees spanning every aspect of university life.

Fred has given a lifetime of public service, including service as an elected member of the Rhode Island House of Representatives from 1961 to 1983, and as its minority leader for 10 years. He served as director of the State Department of Administration, as a Providence Housing Court Judge, and as the chairman of the RI Board of Regents for Elementary and Secondary Education.

Mary Ann Lippitt, as the founder of Lippitt Aviation and a leader in a wide array of nonprofit and charitable organizations, has been a pioneer in demonstrating the role that women can play in business and community affairs, and she has inspired a generation of influential Rhode Island women. She has been a consistent supporter of women's athletics, including her own years as an Early Bird Swimmer. This is a testament to her commitment to ensuring a rewarding college experience for Brown's student athletes.

This award is well deserved. Fred and Mary Ann have been consistent advocates for the education and well-being of all citizens, working for equality, opportunity, and assistance for those striving to advance through education. They are widely admired not only at Brown but throughout Rhode Island for contributing to the betterment of our State.

I know my colleagues join me in saluting Frederick and Mary Ann Lippitt on this achievement.●

MESSAGE FROM THE HOUSE

At 11:35 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2696. An act to establish Institutes to demonstrate and promote the use of adaptive ecosystem management to reduce the risk of wildfires, and restore the health of fire-adapted forest and woodland ecosystems of the interior West.

H.R. 2707. An act 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.

The message also announced that the House passed the following bill, without amendment:

S. 714. An act 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, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2696. An act to establish Institutes to demonstrate and promote the use of adaptive ecosystem management to reduce the risk of wildfires, and restore the health of fire-adapted forest and woodland ecosystems of the interior West; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 3783. An act to provide an extension of highway, highway safety,motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

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–6397. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300 B2 and B4 Series Airplanes; and A300 B4–600, B4–600R, C4–605R Variant F, and F4–600R (Collectively Called A300–600) Series Airplanes Doc. No. 03–NM–248'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6398. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: General Electric Company (GE) CF6–80E1A4 Turbofan Engines Correction Doc. No. 03–NE–26'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6399. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A321 Series Airplanes Doc. No. 03–NM–257'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6400. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Fokker Model F28 Mark 0070 and 0100 Series Airplanes Doc. No. 2004–NM–10'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6401. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model CL–215–1A10 and CL 215–6B11 Series Airplanes Doc. No. 2003–NM–139'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6402. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC–8–102, 103, 106, 201, 202, 301, and 311 Airplanes Doc. No. 2002–NM–11'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6403. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model AS332C, L, and L1 Helicopters Doc. No. 2002–SW–45'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6404. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC–8–102, 103, 106, 201, 202, 301, 311, and 315 Series Airplanes Doc. No. 2003–NM–154'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6405. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Aeropastiale Model ATR42 and ATR72 Series Airplanes Doc. No. 2002–NM–116'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6406. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A330 and A340–200 Series Airplanes Doc. No. 2001–NM–284'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6407. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–100, 100B, 100B SUD, 200B, 200F, 200C, 300, SR and SP Doc. No. 2001–NM–238'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6408. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Fokker Model F28 Mark 1000, 200, 300, and 400 Series Airplanes Doc. No. 2001–NM–333'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6409. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dornier Model 328–300 Series Airplanes Doc. No. 2002–NM–267'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6410. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dassault Model Falcon 2000 Series Airplanes Doc. No. 2002–NM–233'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6411. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC–8–102, 103, 106, 201, 202, 301, 311, and 315 Doc. No. 2002–NM–79'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6412. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–100, 100B, 100B SUD, 200B, 200C, 200F, 300, SP and SR Series Airplanes'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6413. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A330–200, 300, A340–300 Doc. No. 2003–NM–223'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6414. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 727, 727–100C, 200F, and 727C Series Airplanes Doc. No. 2003–NM–191'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6415. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pacific Aerospace Corporation, Ltd. Models FU24–954 and FU24A Airplanes Doc. No. 2003–CE–38'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6416. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model 717–200 Airplanes Doc. No. 2002–NM–213'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6417. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: New Piper Aircraft, Inc. Model PA–46–500TP Airplanes Doc. No. 2003–CE–32'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6418. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasleira de Aeronautica S.A. (EMBRAER) Model EMB–135 and 145 Airplanes Doc. No. 2004–NM–14'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6419. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dornier Model 328–100 Series Airplanes Doc. No. 2002–NM–226'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6420. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–300, 400, and 500 Series Airplanes Doc. No. 2002–NM–174'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6421. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 727, 727C, 727–100, and 100C Doc. No. 2003–NM–205'' (RIN2120–AA64) received on February 24 , 2004; to the Committee on Commerce, Science, and Transportation.

EC–6422. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Saab Model 2000 Series Airplanes Doc. No. 2001–NM–365'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6423. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasilera de Aerunautica S.A. (EMBRAER) Model EMB–135 and 145 Series Airplanes Doc. No. 2002–NM–330'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6424. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pilatus Aircraft Ltd. Models PC–7, 12, and 12/45 Airplanes Doc. No. 2003–CE–45'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6425. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Model Beech 400A and 400T Series Airplanes Doc. No. 2002–NM–225'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6426. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–100, 200, 200C, 300, 400, and 500 Doc. No. 2001–NM–156'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6427. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Air Cruisers Company Emergency Evacuation Slide/Rafts Doc. No. 99–NE–31'' (RIN2120–AA64) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6428. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments, Amendment No. 3058'' (RIN2120–AA65) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6429. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments, Amendment No. 3057'' (RIN2120–AA65) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6430. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments, Amendment No. 3064'' (RIN2120–AA65) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6431. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments, Amendment No. 3063'' (RIN2120–AA65) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

EC–6432. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments, Amendment No. 3089'' (RIN2120–AA65) received on February 24, 2004; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 930. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a program to provide assistance to enhance the ability of first responders to prepare for and respond to all hazards, and for other purposes (Rept. No. 108–227).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 2111. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of New York; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BREAUX):

S. 2112. A bill to prohibit racial profiling by Federal, State, and local law enforcement agencies; to the Committee on the Judiciary.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 2113. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of Michigan; to the Committee on Finance.

By Mr. BINGAMAN:

S. 2114. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of New Mexico; to the Committee on Finance.

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 2115. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of South Dakota; to the Committee on Finance.

By Mrs. BOXER:

S. 2116. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of California; to the Committee on Finance.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 2117. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of New Jersey; to the Committee on Finance.

By Mr. GRAHAM of Florida (for himself and Mr. NELSON of Florida):

S. 2118. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of Florida; to the Committee on Finance.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2119. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of Connecticut; to the Committee on Finance.

By Mr. WYDEN:

S. 2120. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of Oregon; to the Committee on Finance.

By Mr. REID:

S. 2121. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of Nevada; to the Committee on Finance.

By Mr. AKAKA:

S. 2122. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of Hawaii; to the Committee on Finance.

By Mrs. LINCOLN (for herself and Mr. PRYOR):

S. 2123. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of Arkansas; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 2124. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in Massachusetts; to the Committee on Finance.

By Mr. REED:

S. 2125. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of Rhode Island; to the Committee on Finance.

By Mr. EDWARDS:

S. 2126. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of North Carolina; to the Committee on Finance.

By Mr. LUGAR (for himself and Mr. BIDEN):

S. 2127. A bill to build operational readiness in civilian agencies, and for other purposes; to the Committee on Foreign Relations.

By Mr. NICKLES (for himself, Ms. LANDRIEU, and Mr. INHOFE):

S. 2128. A bill to define the term ''natural born Citizen'' as used in the Constitution of the United States to establish eligibility for the Office of President; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 2129. A bill to amend chapter 44 of title 18, United States Code, to require the provision of a child safety device in connection with the transfer of a handgun and to provide safety standards for child safety devices; to the Committee on the Judiciary.

By Mr. CAMPBELL (for himself, Ms. SNOWE, Mr. INOUYE, Mrs. HUTCHISON, Mr. LEVIN, Mr. MILLER, Mr. BIDEN, Mr. BREAUX, Mrs. BOXER, Mr. LUGAR, Mr. LAUTENBERG, Ms. COLLINS, Ms. STABENOW, Mr. BURNS, Mr. SMITH, Ms. MURKOWSKI, Mr. LIEBERMAN, Mr. KENNEDY, Mr. FRIST, Mr. BINGAMAN, Mr. SPECTER, Mr. FITZGERALD, Mrs. FEINSTEIN, Mr. ALLARD, Mr. ENSIGN, Mr. CRAPO, Mr. STEVENS, Mr. GRAHAM of South Carolina, Mr. DURBIN, Mr. BENNETT, Mr. SESSIONS, Mr. DAYTON, Mr. BOND, and Mr. JOHNSON):

S.J. Res. 28. A joint resolution recognizing the 60th anniversary of the Allied landing at Normandy during World War II; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself and Mr. INHOFE):

S. Con. Res. 91. A concurrent resolution designating the month of April 2005 as ''American Religious History Month'', to the Committee on the Judiciary.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. Con. Res. 92. A concurrent resolution congratulating and saluting Focus: Hope on the occasion of its 35th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and for the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 98

At the request of Mr. ALLARD, the name of the Senator from South Dakota (Mr. DASCHLE) 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 banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 478

At the request of Mr. SARBANES, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 478, a bill to grant a Federal charter Korean War Veterans Association, Incorporated, and for other purposes.

S. 741

At the request of Mr. SESSIONS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 741, a bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 742

At the request of Mr. BROWNBACK, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 742, a bill to authorize assistance for individuals with disabilities in foreign countries, including victims of warfare and civil strife, and for other purposes.

S. 748

At the request of Mr. SANTORUM, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 748, a bill to amend the Internal Revenue Code of 1986 to make inapplicable the 10 percent additional tax on early distributions from certain pension plans of public safety employees.

S. 874

At the request of Mr. TALENT, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 1092

At the request of Mr. CAMPBELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1092, a bill to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans.

S. 1180

At the request of Mr. SANTORUM, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1180, a bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit and the welfare-to-work credit.

S. 1510

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1510, a bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes.

S. 1516

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 1516, a bill to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the commissioner of Reclamation, to carry out an assessment and demonstration program to assess potential increases in water availability for Bureau of Reclamation projects and other uses through control of salt cedar and Russian olive.

S. 1559

At the request of Mr. KENNEDY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1559, a bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

S. 1703

At the request of Mr. SMITH, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1703, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax for expenditures for the maintenance of railroad tracks of Class II and Class III railroads.

S. 1765

At the request of Mr. LOTT, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1765, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 1805

At the request of Ms. MIKULSKI, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1805, a bill 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.

S. 1873

At the request of Mr. FEINGOLD, his name was added as a cosponsor of S. 1873, a bill to require employees at a call center who either initiate or receive telephone calls to disclose the physical location of such employees, and for other purposes.

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 1873, supra.

S. 1890

At the request of Mr. ENZI, the names of the Senator from Virginia (Mr. WARNER), the Senator from New Mexico (Mr. DOMENICI), the Senator from Oklahoma (Mr. NICKLES), the Senator from Texas (Mr. CORNYN) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 1890, a bill to require the mandatory expensing of stock options granted to executive officers, and for other purposes.

S. 1931

At the request of Mr. BUNNING, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1931, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 1944

At the request of Mr. ENSIGN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1944, a bill to enhance peace between the Israelis and Palestinians.

S. 1946

At the request of Mr. CORZINE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1946, a bill to establish an independent national commission to examine and evaluate the collection, analysis, reporting, use, and dissemination of intelligence related to Iraq and Operation Iraqi Freedom.

S. 1977

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1977, a bill to promote the manufacturing industry in the United States by establishing an Assistant Secretary for Manufacturing within the Department of Commerce, an Interagency Manufacturing Task Force, and a Small Business Manufacturing Task Force, and for other purposes.

S. 2004

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2004, a bill to permanently reenact chapter 12 of title 11, United States Code, and for other purposes.

S. 2056

At the request of Mr. BROWNBACK, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor 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. 2057

At the request of Mr. DAYTON, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Washington (Mrs. MURRAY), the Senator from North Dakota (Mr. DORGAN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 2057, a bill to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses incurred by the members in connection with leave under the Central Command Rest and Recuperation Leave Program before the program was expanded to include domestic travel.

S. 2090

At the request of Mr. DASCHLE, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2090, a bill to amend the Worker Adjustment and Retraining Notification Act to provide protections for employees relating to the offshoring of jobs.

S. CON. RES. 8

At the request of Ms. COLLINS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution designating the second week in May each year as ''National Visiting Nurse Association Week''.

S. CON. RES. 81

At the request of Mrs. FEINSTEIN, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Mississippi (Mr. LOTT) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. Con. Res. 81, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

S. RES. 168

At the request of Mr. CAMPBELL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. Res. 168, a resolution designating May 2004 as ''National Motorcycle Safety and Awareness Month''.

S. RES. 293

At the request of Mr. FEINGOLD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 293, a resolution expressing the sense of the Senate that the President and United States Trade Representative should ensure that any future free trade agreements do not harm the dairy industry of the United States.

S. RES. 299

At the request of Mr. CAMPBELL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. Res. 299, a resolution recognizing, and supporting efforts to enhance the public awareness of, the social problem of child abuse and neglect.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. VOINOVICH (for himself and Mr. BREAUX):

S. 2112. A bill to prohibit racial profiling by Federal, State, and local law enforcement agencies; to the Committee on the Judiciary.

Mr. VOINOVICH. Mr. President, today, Senator BREAUX and I introduced a bill entitled the ''Uniting Neighborhoods and Individuals to Eliminate Racial Profiling Act of 2004'' (UNITE) that I believe will put us on the road to preventing problems caused by racial profiling and help begin reconciliation in communities torn apart by racial unrest.

Rooted in the belief that education and dialogue are the most effective tools for bridging racial divides, our bill bans racial profiling by Federal, State and local law enforcement officers. Our bill also provides important new tools to help law enforcement leaders train their officers in eliminating the practice, including the creation of a National Task Force on Racial Profiling within the U.S. Department of Justice, a Racial Profiling Education and Awareness Program, a nondiscriminatory State-based administrative complaint procedure that allows individuals to file complaints with the State, and a grant program to assist State and local law enforcement agencies in developing programs to eliminate racial profiling.

I am personally aware of this issue because of the time I spent as Mayor of Cleveland. I worked for 10 years to promote understanding and positive race relations, and my work there has spurred me to continue on this path at the national level. We've heard all too often of situations in cities and towns across the country in which poor race relations are creating serious divisions between communities and law enforcement agencies. Despite the shared interest we all have in fighting crime and making neighborhoods safer, mistrust and wariness often stands in the way of cooperation.

To name just a few examples: A January 21, 2004 state study of racial profiling in Massachusetts has found that minority drivers are disproportionately ticketed and searched by police officers in dozens of communities, including Boston. According to a joint study completed by the Council on Crime and Justice (CCJ) and the Institute on Race & Poverty (IRP) at the University of Minnesota Law School and released on September 24, 2003, African-American, Latino and to a lesser extent American-Indian motorists are stopped and their cars searched at rates significantly greater than white motorists. The study found that racial profiling is widespread throughout Minnesota and cuts across urban, suburban and rural police boundaries. In February, 2004, a study was released by the Steward Research Group analyzing data from 413 Texas law enforcement agencies. The study found that based on racial disparities in stop and search rates, there is a pattern of racial profiling by law enforcement agencies across Texas.

While studies such as these are not widespread among the States, I do believe these results, along with many other cases clearly indicate that we have a nationwide problem. And while the overwhelming number of police officers discharge their duties professionally and without bias, I think we need to address those that do not.

As I mentioned before, my experience as Mayor of Cleveland and Governor of Ohio has taught me that reaching the hearts and minds of people is the most effective means of dealing with intolerance and the problems that result.

As mayor of Cleveland I established the city's first urban coalition, the Cleveland Roundtable, to bring together representatives of the City's various racial, religious and economic groups to create a common agenda. When we found that members of the police department weren't receiving proper diversity training, we completely revised the police academy program, establishing sensitivity training for all Cleveland police officers and creating six police district community relations committees to open lines of communication between police officers and community members. We eventually put all City employees through this diversity training, and you know what? It worked.

As governor, in my first State of the State Address I said, ''We must never forget that the infrastructure of good race relations and human understanding is more important than any roads or bridges we might build.'' We launched efforts to increase community outreach by law enforcement in order to foster a cooperative, rather than adversarial, relationship between citizens and law enforcement. Through our biannual ''Governor's Challenge,'' conferences I worked to bring members of local communities together with law enforcement officials and members of the business community in order to educate and break down barriers that lead to intolerance. We recognized and shared ''best practices'' procedures so that communities could benefit from the success of others—all with an emphasis on rewarding those that are doing a good job. We made wonderful progress and outstanding communities were recognized for their efforts.

As I said earlier, the overwhelming majority of state and local law enforcement agents throughout the nation discharge their duties professionally and justly. I salute them for their dedication efforts in what is one of America's toughest jobs. It is unfortunate that the misdeeds of a minute few have such a corrosive effect on the police-community relationship. Based on my experiences in Ohio—10 years as Mayor of Cleveland and 8 years as Governor of Ohio, I know what works. Through education and dialogue we can help turn situations around so that groups who

once thought they had little in common can realize how much they actually have to gain by working together to make our communities safer places to live.

Mr. BREAUX. Mr. President, I rise today with my colleague, Senator VOINOVICH, to introduce the Uniting Neighborhoods and Individuals to End Racial Profiling Act, also known as the UNITE Act.

In the fall of 2002, there was a meeting in my office with a number of African-American leaders from Louisiana. They told me that the single most important issue they want to resolve is racial profiling.

I turned to Senator VOINOVICH, who has been a leader on this in Ohio and in the Senate, to come up with the first, truly bipartisan racial profiling bill to be introduced in the Senate. After more than a year of hard work, we have finally come up with a bill that meaningfully responds to the issue of racial profiling while striking the right balance between the concerns of law enforcement and the minority community. Most importantly, our UNITE Act will begin to end racial profiling in this country.

This bill strives to fix the real incidents of racial profiling through education, public outreach and oversight. It also combats the perception that law enforcement is engaging in racial biased policing. By banning racial profiling, putting safeguards in place and providing the public with a meaningful complaint procedure, this bill responds to the concerns of minority communities and hopefully helps rebuild their trust in law enforcement agencies.

I believe we have crafted the first, reasonable and passable solution to the issue of racial profiling.

I hope as we unveil this legislation publically for the first time today, that both the civil rights and law enforcement communities will see this bill as a good starting point to find a solution to this serious problem. I look forward to working with my colleagues, law enforcement and the civil rights community to get this legislation passed and signed by the President this year.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 2113. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of Michigan; to the Committee on Finance.

Ms. STABENOW. Mr. President, today I am introducing legislation with my distinguished colleague, Senator CARL LEVIN, that would protect my State of Michigan from being forced to participate in an experiment that could lead to the unraveling of Medicare as we know it.

This project, mandated under the Medicare reform bill approved in late 2003, effectively replaces Medicare in the designated demonstration area with private voucher coverage in six sites in 2010. I have strongly opposed the portion of the Medicare bill that authorizes this project, and I particularly oppose Michigan seniors being forced to participate in this ill-advised experiment.

If Michigan is included in one of these areas, then older and sicker seniors who want to stay in traditional Medicare will be forced to pay higher premiums. This is wrong, and my bill will stop this from happening to my constituents.

By Mr. BINGAMAN:

S. 2114. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of New Mexico; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation that would prohibit the comparative cost adjustment (CCA) or premium support demonstration that was included in the Medicare prescription drug bill last year from operating in the State of New Mexico.

There are many problems with the demonstration that I will describe which will have the result of fundamentally undermining the traditional Medicare program and directly conflicts with the President's commitment in his State of the Union address in 2003 when he said, ''Seniors happy with the current Medicare system should be able to keep their coverage just the way it is.'' That would not be the case in what is being referred to as the comparative cost adjustment program.

What is the comparative cost adjustment program? Starting in 2010, the Medicare prescription drug bill provided for a six-year demonstration in selected demonstration sites where private health plans and traditional Medicare would supposedly compete on the basis of price. The demonstration will be conducted in up to six metropolitan areas in which at least 25 percent of eligible beneficiaries are enrolled in some type of managed care plan.

Albuquerque, NM, already has an enrollment in private plans that exceeds 25 percent and so would obviously be a targeted community for the demonstration. Santa Fe, NM, could also be on the demonstration list by 2010 as its current reported managed care enrollment is at 17 percent and that is why Congressman TOM UDALL is joining us here today in introducing the companion bill in the House of Representatives.

Congressman UDALL and I oppose our Medicare beneficiaries being subjected to a grand experiment, just as similarly proposed premium support demonstrations have been blocked in recent years in Baltimore, Denver, Phoenix, and Kansas City, Missouri.

Just as members of Congress blocked those proposed demonstrations, the legislation I am introducing today would protect the entire State of New Mexico from being subjected to such an experiment. I understand that other Senators and Congressmen are introducing similar legislation today to protect the citizens of their respective states as well.

I am opposed to the comparative cost adjustment or premium support demonstration being imposed upon the Medicare beneficiaries in New Mexico because the demonstration: 1. fails to truly provide for a level playing field of competition between traditional Medicare and private health plans; 2. leads to much higher volatility and uncertainty in the Medicare program as beneficiaries would have their premiums vary dramatically according to the plan chosen during the demonstration from year to year and from region to region; 3. directly contradicts President Bush's guarantee and the promise of the current multi-million advertising campaign by the Centers for Medicare and Medicaid Services that people can keep their traditional Medicare as is; and, 4. pushes traditional Medicare in such regions into what health economists refer to as a ''death spiral.''

Proponents of the premium support demonstration argue that the intent of the experiment is, according to the conference report, ''to test whether competition between private plans and the original Medicare FFS program will enhance competition in Medicare, improve health care delivery for all Medicare beneficiaries, and provide for greater beneficiary savings and reduction in government costs. . . . ''

The conference report adds that the demonstration ''will level the playing field between all options available to Medicare beneficiaries.''

Unfortunately, the demonstration will not focus competition or choice on either price or quality precisely because it fails to provide for a level playing field. Under the guise of making Medicare more efficient, the legislation dramatically overpays private health plans in comparison to traditional Medicare.

In fact, during testimony before the Senate Finance Committee a few weeks ago, Health and Human Services Secretary Tommy Thompson acknowledged that both the Congressional budget Office and the Office of Management and Budget believe the prescription drug bill creates a situation whereby every percentage increase of enrollment by Medicare beneficiaries will cost the Medicare program and American taxpayers billions of dollars. How is this possible?

The bill creates this situation by intentionally paying private health plans, on average, an estimated 107 percent of the cost of traditional Medicare. Health plans are receiving disproportionate share hospital payments, graduate medical education funding, and other complicated formula adjustments that ensure payments well in excess of the Medicare fee-for-service program.

In addition, health plans, by enrolling healthier patients than traditional Medicare, receive an additional estimated benefit of about eight percent over fee-for-service Medicare. Numerous studies, including those by the General Accounting Office, find that high-cost beneficiaries—including the functionally disabled, the mentally impaired, and the chronically ill—were less likely to join a Medicare HMO.

When you combine all the factors, health plans will be paid at least 115 percent of the cost of traditional Medicare.

This makes absolutely no sense, particularly when you consider that the bill provides for this despite the fact that studies by Marilyn Moon, Karen Davis, and other respected health care analysts have consistently shown that traditional Medicare provides Medicare beneficiaries a less expensive product with greater patient satisfaction and greater access to providers than private health plans.

Although the demonstration would strip out graduate medical education payments to HMOs, it fails to fully eliminate excessive payments to health plans caused by risk selection and includes disproportionate share hospital payments in the FFS benchmark—inevitably raising FFS premiums in comparison to private health plans.

Furthermore, there is no level playing field if HMOs enroll healthier and lower cost patients than traditional Medicare and do not have to make the billions of dollars in disproportionate share hospital payments that traditional Medicare must make.

Second, a hallmark of the Medicare program has been its beneficiary satisfaction ratings despite the lack of prescription drugs or preventive health benefits. Medicare beneficiaries strongly prefer the guarantee and predictability of coverage and the greater level of access to providers than is provided by private health plans.

The demonstration undermines this because it would lead to differential premiums among Medicare beneficiaries in different regions of the country based on rapidly changing health plans options offered and chosen annually.

In fact, premiums will fluctuate under the demonstration on an annual basis because the government contribution will be based on the bids of all plans during a particular year. As a result, even if a plan's costs does not increase from one year to the next, the amount paid by a beneficiary can change due to changes in other health plans in the region and changes in the region's benchmark.

This makes absolutely no sense and is the second reason why I oppose the premium support demonstration.

Third, as noted before, in the President's 2003 State of the Union address, he committed that Medicare beneficiaries would be able to keep their Medicare coverage as is. Moreover, the Centers for Medicare and Medicaid Services, or CMS, is currently spending millions of dollars in an advertising campaign with the assertion that ''you can always keep your same Medicare coverage.''

The comparative cost adjustment program or premium support demonstration completely undermines traditional Medicare and should, as a result, be repealed. Neither the President nor the Federal Government should be telling our Nation's Medicare beneficiaries one thing when the reality is clearly something different, particularly under the demonstration program.

This occurs due to the ''death spiral'' that health care economists note will likely occur under the demonstration. If, as numerous studies indicate, private health plans continue to enroll healthier and less costly Medicare beneficiaries than fee-for-service Medicare, then fee-for-service Medicare would be more likely to have higher premiums. Over time, if sicker individuals stay with traditional Medicare and healthier ones move away as premiums rise, traditional Medicare is likely to enter in what is known as a ''death spiral.'' Despite the President's guarantee that ''[s]eniors happy with the current Medicare system should be able to keep their coverage just the way it is . . .,'' that would clearly not be the case in these comparative cost adjustment program demonstrations.

If the administration and Congress wants real competition, private plans should be required to compete with traditional Medicare in a manner where both traditional Medicare and private plans are paid the same amount on a risk adjusted basis for the same services. If that were the case, Medicare beneficiaries could select whether they would like to enroll in traditional Medicare or in a competing private health plan based on factors such as quality, access, and cost.

Unfortunately, the administration and proponents of premium support know that private plans cannot successfully compete with traditional Medicare. Ironically, in the name of reforming Medicare through competition, they have purposely tilted the playing field toward private health plans. Taxpayers should not have to bear the billions of dollars in additional Medicare spending that overpayment to private plans will cost them over the next 10 years and Medicare beneficiaries should not be subjected to a grand premium support experiment in 2010 where the winner has already been pre-determined.

Mr. President, I ask unanimous consent that the text of the bill and a document from Families USA be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 2114

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

SECTION 1. PROHIBITION ON OPERATION OF MEDICARE COMPARATIVE COST ADJUSTMENT (CCA) PROGRAM IN NEW MEXICO.

(a) IN GENERAL.—Section 1860C–1(b) of the Social Security Act, as added by section 241 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, is amended by adding at the end the following:

''(3) NO CCA AREAS WITHIN NEW MEXICO.—A CCA area shall not include an MSA any portion of which is within the State of New Mexico.''

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

[Report from FamiliesUSA, June 24, 2003]

WHAT HAPPENS WHEN TRADITIONAL MEDICARE HAS TO BID AGAINST PRIVATE PLANS?

AN EXAMPLE OF HOW THE HOUSE BILL WOULD PRIVATIZE MEDICARE

The U.S. House of Representatives is considering legislation that would force the traditional Medicare program to bid competitively against private insurance plans, beginning in 2010. This proposal, embedded in the House Medicare prescription drug bill, may sound reasonable, but let's look at how it would really work.

We start with five Medicare beneficiaries, with the following yearly medical expenses: Bill—$1,000; Jane—$4,000; Joan—$5,000; James—$6,000; and Sam—$10,000. Amongst them, they have total medical expenses of $26,000, or an average of $5,200 each.

Now imagine that Congress has enacted the House Medicare drug bill, which requires the traditional Medicare fee-for-service program to enter into competitive bidding with private insurance plans.

So traditional Medicare would bid $5,200 per person for Bill, Jane, Joan, James, and Sam, since that's been the average cost of caring for these five folks.

But a private plan, DollarCare, knowing roughly what the traditional Medicare bid is, bids $5,000 per member. Since they are clever about their marketing (they advertise at athletic clubs and recreational facilities), DollarCare enrolls healthy beneficiaries (like Bill) who only cost $1,000 each. This ensures that they have a high profit ($5,000 bid −$1,000 expenses = $4,000 profit per enrollee). The existing Medicare law requires DollarCare to give Bill some extra benefits; these extra benefits make the plan more attractive to other people when they hear about the ''extras.'' (Jane, Joan, James, and Sam decide to stick with traditional Medicare so they can keep their long-time family doctors.)

And there's another wrinkle. The new House bill rewards beneficiaries who choose ''cheaper'' plans. Here's how it works: Each year, the government will compute a new ''benchmark'' by calculating the average payment for each Medicare beneficiary. In the beginning, the benchmark is $5,200 (that's what Medicare has been paying, on average, for the five people). Because the DollarCare bid of $5,000 is $200 under the ''benchmark'' of $5,200, Bill and the government get to split the difference: Bill gets to pocket 75 percent of the savings ($150), and the government/Medicare saves the other 25 percent ($50).

So a year passes, and it's time for a second round of competitive bids. What happens to the bids in the second year? The four people left (Jane, Joan, James, and Sam) had combined expenses of $25,000, so traditional Medicare submits a bid of $6,250 per person, the average cost for caring for these four people. DollarCare has a good thing going, so they bid $5,000 again.

Then the benchmark is adjusted to reflect the average per-person cost of everyone in Medicare—those in traditional Medicare and those in private plans. The new benchmark is $6,000 (Bill in DollarCare at $5,000 and the four others still in traditional Medicare at $6,250).

Now all the people in traditional Medicare have to pay an extra $250 in premiums because their ''plan'' (that is, the traditional Medicare program) has submitted a bid $250 higher than the benchmark plan ($6,000). Meanwhile, lucky Bill gets 75 percent of the $1,000 ''savings,'' the difference between DollarCare's $5,000 bid and the $6,000 benchmark.

DollarCare keeps advertising at gyms and other recreational facilities and attracts fairly healthy Jane.

Obviously, traditional Medicare's premiums will spiral upward as this process repeats itself each year. Traditional Medicare will become a plan of the very sick, very frail, very elderly—those who need lots of services, want to keep their long-time doctors, etc.

This is the beginning of an insurance death spiral that will ultimately destroy the traditional Medicare fee-for-service program. The older, chronically ill people who need the types of services offered by traditional Medicare will face ever-spiraling costs. As the premiums for traditional Medicare rise, the price tag will drive them into private plans like DollarCare, even though studies have shown that private plans are not good for the very old, chronically ill.

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 2115. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of South Dakota; to the Committee on Finance.

Mr. DASCHLE. Mr. President, I ask uanimous 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. 2115

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

SECTION 1. PROHIBITION ON OPERATION OF MEDICARE COMPARATIVE COST ADJUSTMENT (CCA) PROGRAM IN SOUTH DAKOTA.

(a) IN GENERAL.—Section 1860C–1(b) of the Social Security Act, as added by section 241 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173), is amended by adding at the end the following:

''(3) NO CCA AREAS WITHIN SOUTH DAKOTA.—A CCA area shall not include an MSA any portion of which is within the State of South Dakota.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

By Mrs. BOXER:

S. 2116. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of California; to the Committee on Finance.

Mrs. BOXER. Mr. President, in accordance with the Medicare legislation that Congress passed and the President signed into law last year included, beginning in 2010, a ''premium support'' demonstration project in up to 6 areas of the country. If included in this project, seniors will face increased premiums if they choose to stay in traditional ''fee-for-service'' Medicare instead of joining an HMO. They call it a ''demonstration project'' but it ought to be called a ''demolition project'' because this plan will demolish Medicare for millions of seniors.

CBO estimates that 1 to 1.5 million Medicare beneficiaries are likely to be involved in the demolition project. In reality, the numbers could be much higher—one in six Medicare beneficiaries could be forced to participate in this experiment. In California, 12 of its metropolitan statistical areas (MSAs) now qualify for the demonstration project. If the two largest MSAs are chosen for this demonstration project, 1.4 million Californians will be forced into this experiment and will be faced with a Hobson's choice. They will be required to join an HMO or pay higher premiums.

We know what happens in these situations. Healthy people will choose the HMO, leaving sicker seniors in fee-for-service plans. As costs in traditional Medicare spiral even higher due to its pool of sicker seniors, the costs of Medicare will rise. Medicare will be weaker.

That brings us to the real question: Why is this necessary? Is it because seniors can't choose HMOs under the current system? No. Seniors can choose to join an HMO right now if they wish. I'll tell you why: It is a backdoor attempt to achieve Newt Gingrich's vision for a Medicare that will ''whither on the vine.''

Twenty-two of my colleagues are introducing bills to exempt their States from this demolition project. Along with them, I am introducing a bill that will exempt California as well. I do not want California seniors to be forced to swallow the bitter choice between high costs or lower quality HMO service.

I urge my colleagues to support this legislation.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 2117. A bill to amend part C of title XVII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of New Jersey; to the Committee on Finance.

Mr. CORZINE. Mr. President, I rise today with my colleagues from New Jersey, Senator FRANK LAUTENBERG, and Congressmen FRANK PALLONE and ROB ANDREWS, who are introducing comparable legislation in the House of Representatives today, to introduce a bill to protect from privatization the Medicare program that more than 1 million New Jersey seniors rely on.

As a result of a provision in the new Medicare law, more than 1 million Medicare beneficiaries nationwide, including 186,000 New Jersey Medicare beneficiaries who live in Camden, Salem, Burlington and Gloucester counties, will be subject to a risky Medicare privatization scheme beginning in 2010. This scheme, which is called premium support, will give seniors a set Medicare premium payment—similar to a voucher—that would be based on a combination of the prices that private plans in their area charge and the cost of Medicare fee-for-service in their area. Seniors choosing to enroll in a plan that costs more than the amount of that voucher would have to pay the difference.

While it may seem like an easy and straightforward choice to seniors who currently enjoy and thrive on traditional Medicare to choose to remain in the fee-for-service program, under this privatization scheme, those seniors who make that choice will end up paying significantly higher premiums than their counterparts in private plans. Because the private plans will be able to cherry pick the healthiest seniors to enroll in their plans and will receive huge subsidies from the federal government, they will be able to provide lower cost health care than the traditional Medicare program. That means that sicker, older beneficiaries will remain in the traditional Medicare, thereby increasing costs in that program, while younger, healthier beneficiaries will choose to enroll in private plans where they will pay lower premiums.

That's right, Under this privatization scheme, seniors who choose to remain in the Medicare program they know and trust will pay more—significantly more than they pay now—for their coverage.

Not only will these seniors pay significantly higher premiums than they do now for fee-for-service Medicare, and much more than they would if they enrolled in a private plan, but also depending on where a senior lives they will pay a different price for the same Medicare coverage that a senior in a neighboring community might pay. So, for the first time in history, seniors in some areas will pay higher premiums for their Medicare coverage than seniors in other areas.

How much more will seniors who want to stay in the traditional Medicare program pay? According to documents released by the Centers for Medicare and Medicaid Office of the Actuary on August 9, 2003, seniors living in Gloucester and Hudson counties in New Jersey could pay as much as $1,700 more than they pay now for traditional Medicare. Yet, seniors in these counties could, depending on the plan they select, join an HMO for a premium that is $2,000 less. Why is that? This is because private plans will select healthier seniors will offer fewer choices than traditional Medicare and, at the same time will receive grossly inflated payments from the government.

In fact, the new Medicare law overpays private plans by $1,920 per beneficiary—at a total cost of $14 billion to taxpayers—so that these plans may compete with Medicare. This sounds like socialized privatization to me. Indeed, in the last 6 months I have struggled to understand the logic behind paying private plans more than we pay Medicare. The only logical reason I've come up with is that this is the perfect plan to make the Medicare program fail—to give my Republican colleagues the read meat they need to raid and privatize Medicare.

This is not competition. It is a plan to force seniors into private plans and out of the Medicare program they trust. There is no real choice here. Very few seniors will have the luxury of choosing to pay $2,000 more a year for traditional Medicare. Most seniors will be forced into managed care plans.

Seniors in my State want no part of this privatization scheme. Baby boomers in my State want no part of this. New Jerseyans want to know that the Medicare program, as we know it, will be there for them when they need it. My legislation provides that assurance. Under my bill, no New Jersey county and no New Jersey senior will be subject to this disastrous privatization scheme.

In closing, I urge my colleagues to pass this bill and the many other bills that Democratic members are introducing today to exempt their States from this program and to protect and preserve the Medicare program for our seniors today and our seniors tomorrow.

By Mr. REID:

S. 2121. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of Nevada; to the Committee on Finance.

Mr. REID. Mr. President, there is nothing more important we could do for our senior citizens than help them with the soaring cost of health care, especially the high cost of prescription drugs.

Unfortunately the Medicare bill passed by this Congress and signed into law by President Bush doesn't do this. In fact, for many seniors this law will do more harm than good.

One provision of this new and overly complicated law establishes ''comparative cost adjustment'' demonstration programs that will take place in six metropolitan areas. ''Comparative cost adjustment'' is just a fancy term that really means: How much you pay for your Medicare premiums depends on where you live.

In other words, some Medicare recipients will pay more than others for the exact same coverage, simply because of where they live.

Medicare premiums for seniors living in the six regions selected to participate in the pilot program would be based on a set payment—like a voucher—from the government. This payment would be based on a combination of the prices charged by private plans and the cost of Medicare fee-for-service in their area.

Seniors would enroll in either a private plan or in fee-for-service Medicare. But those who chose a plan that cost more than the defined contribution would have to pay the difference out of their own pockets.

And since senior citizens in the fee-for-service program tend to be older and sicker than those who enroll in Medicare HMOs, costs for that group would probably be higher, and the defined contribution likely would not cover the entire cost of the fee-for-service premium.

So over time, seniors who want to remain in the traditional Medicare program, because they want to keep choosing their own doctor or for any other reason, would have to pay more and more out of their own pockets.

Under this experimental program, I fear that traditional Medicare would become too expensive for many patients simply because of where they happen to live. We have a large population of retirees in north and south Nevada, and I am told there is a good chance one or both of these areas will be selected for this experimental pilot program. That would place a disproportionate burden on seniors in my State who are already struggling to make ends meet and pay for their health care.

So the legislation I am introducing today will prohibit any of the six demonstration programs from occurring in Nevada.

Senior citizens in Nevada should not have to pay more than their neighbors for the same Medicare services. I will keep fighting to protect Nevadans from being used as guinea pigs in this ill-advised experiment.

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. 2121

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

SECTION 1. PROHIBITION ON OPERATION OF MEDICARE COMPARATIVE COST ADJUSTMENT (CCA) PROGRAM IN NEVADA.

(a) IN GENERAL.—Section 1860C–1(b) of the Social Security Act, as added by section 241 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173), is amended by adding at the end the following:

''(3) NO CCA AREAS WITHIN NEVADA.—A CCA area shall not include an MSA any portion of which is within the State of Nevada.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

By Mr. AKAKA:

S. 2122. A bill to amend part C of title XVIII of the Social Security Act to prohibit the comparative cost adjustment (CCA) program from operating in the State of Hawaii; to the Committee on Finance.

Mr. AKAKA. Mr. President, I rise today to introduce legislation to prohibit the comparative cost adjustment program, which is commonly known as premium support, from operating in Hawaii.

The Medicare Prescription Drug Improvement and Modernization Act of 2003 included the creation of premium support demonstration programs in select metropolitan statistical areas starting in 2010. In these demonstration programs, seniors would be provided with a defined contribution payment for Medicare Part B rather than a defined benefit. Seniors would receive a set minimum payment to be used towards enrolling in either traditional fee-for-service Medicare or a managed care plan. Seniors that choose options that are more expensive than the defined premium would have to pay the difference themselves.

Many of the older and less healthier seniors stay in the traditional fee-for-service Medicare rather than enrolling in Medicare managed care programs. The defined contribution premium will likely not be able to cover the entire cost of their fee-for-service premium. So, they may not be able to afford to stay in the traditional Medicare program and will be forced to enroll in lowest-cost health maintenance organization, HMO, or preferred provider organization, PPO, in their community. Seniors deserve to have their right to choose whether to remain in traditional Medicare or enroll in a managed care program based on their health care needs and not be forced into managed care programs because they are not able to pay the increased premium required for traditional Medicare.

Now, seniors across the country pay the same premium for Medicare Part B services. After the implementation of the premium support demonstration programs, this will not be the case. Not only are there likely to be wide variations in Medicare Part B premium rates for beneficiaries across the country, but there will even be differences among seniors within the same State. This is unjust. Seniors that receive the same benefits should be paying the same premium in an entitlement program such as Medicare.

Proponents of the premium support plan believe that this will help control Medicare costs and save money. However, this proposal will only work if more of the costs are shifted to seniors who will have to pay higher premiums or have their benefits reduced.

It is my hope that these demonstration projects are never implemented in any state. My legislation would ensure that the residents of Hawaii are protected from having this demonstration program impair their Medicare Part B choices. I am pleased that several of my colleagues have also introduced

legislation to protect seniors in their states from the premium support demonstration projects.

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. 2122

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

SECTION 1. PROHIBITION ON OPERATION OF MEDICARE COMPARATIVE COST ADJUSTMENT (CCA) PROGRAM IN HAWAII.

(a) IN GENERAL.—Section 1860C–1(b) of the Social Security Act, as added by section 241 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173), is amended by adding at the end the following:

''(3) NO CCA AREAS WITHIN HAWAII.—A CCA area shall not include an MSA any portion of which is within the State of Hawaii.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

By Mr. LUGAR (for himself and Mr. BIDEN):

S. 2127. A bill to build operational readiness in civilian agencies, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise today to introduce the Stabilization and Reconstruction Civilian Management Act. Senator BIDEN is an original co-sponsor and his involvement in the Committee's work on this issue and the resulting legislation is deeply appreciated.

Over the past decade the United States has undertaken a series of post-conflict stabilization and reconstruction operations that have been critical to U.S. national security. In the Balkans, Afghanistan, and now in Iraq, the U.S. government has cobbled together plans, people and resources in an ad hoc fashion with the Defense Department in the lead.

The efforts of those engaged have been valiant, but these emergencies have been complex and time sensitive. Our ad hoc approach has been inadequate to deliver the necessary capabilities to deal speedily and efficiently with complex emergencies. The purpose of this bill is to establish a more robust civilian capability to respond quickly and effectively to post-conflict situations or other complex emergencies.

The prevailing inclination to deal with these problems through ad hoc methods has stemmed, in part, from our bipartisan hope that post-conflict stabilization efforts will not be required of us on a frequent basis. But we should not engage in wishful thinking. Crises are inevitable, and in most cases, U.S. national security interests will be threatened by sustained instability. The war on terrorism necessitates that we not leave nations crumbling and ungoverned. Our tolerance for failed states has been reduced by a global war against terrorists. We have already seen how terrorists can exploit nations afflicted by lawlessness and desperate circumstances. They seek out such places to establish training camps, recruit new members, and tap into a black market where all kinds of weapons are for sale.

In this international atmosphere, the United States must have the right structures, personnel, and resources in place when an emergency occurs. A delay of a few weeks, or even days, in our response can mean the difference between success and failure. As a Nation, we have accepted stabilization and reconstruction challenges in the Balkans, Iraq and Afghanistan, but we need to go a step further and create structures that can plan and execute strategies to deal with future emergencies.

While recognizing the critical challenges that our military has undertaken with skill and courage, we must acknowledge that certain non-security missions would have been better served by a civilian response. Our post-conflict efforts frequently have had a higher than necessary military profile. This is not the result of a Pentagon power grab or institutional fights. Rather, the military has led post-conflict operations primarily because it is the only agency capable of mobilizing large amounts of people and resources for these tasks. As a consequence, the resources of the Armed Services have been stretched and deployments of military personnel have had to be extended beyond expectations. If we can improve the surge capacity and capabilities of the civilian agencies, they can take over many of the non-security missions that have burdened the military.

The Senate Committee on Foreign Relations embarked on a bipartisan experiment beginning in late 2003, assembling an impressive array of experts from inside and outside of government to provide advice on how best to achieve this goal. This Policy Advisory Group held a series of discussions in which Senators, group members, and invited experts spoke frankly about their ideas to improve the U.S. response to post-conflict reconstruction problems and complex emergencies. The bill that Senator BIDEN and I are introducing draws on these discussions and the comments of participants. I believe that we need structural change, accomplished through legislation, to guarantee improvements in our capabilities.

Serving as members of the Policy Advisory Group were Ambassador James Dobbins, Director of International Security and Defense Policy at the RAND Corporation; Dr. John Hamre, President and CEO of CSIS; Gen. George Joulwan, former Supreme Allied Commander Europe; Gen. William Nash, Senior Fellow and Director of the Center for Preventive Action of the Council on Foreign Relations; Mr. Walter Slocombe, former Senior Advisor for National Security to the Coalition Provisional Authority; and Dr. Arnold Kanter of the Scowcroft Group. Other participants included Mr. Marc Grossman, Undersecretary of State for Political Affairs; Mr. Andrew Natsios, Administrator of USAID; Dr. Joseph Collins, Deputy Assistant Secretary of Defense for Stability Operations; Mr. James Kunder, Deputy Assistant Administrator of USAID; Mr. J. Clint Williamson, Director of Transnational Crime Issues on the NSC; Dr. Hans Binnendijk of the National Defense University; Ms. Sheba Crocker of CSIS; Mr. Frank Kramer of Shea and Gardner; Mr. Bernd McConnell, formerly with USAID and now with the Department of Defense; Mr. Larry Nowels of the Congressional Research Service; Ambassador Robert Oakley of the Institute for National Security Studies at the National Defense University; Mr. Robert Perito of the U.S. Institute of Peace; and Ms. Julia Taft of the UNDP.

Although I have tried to incorporate as many of the insights of the group as possible, not every participant will agree with every provision in the bill. This is not surprising given that one of our goals in constructing the group was guaranteeing a diverse set of perspectives. Nevertheless, there were several themes developed that achieved, or at least approached, a consensus: The civilian foreign affairs agencies should be better organized for overseas crisis response and the Secretary of State should play a lead role in this effort. There should be improved standing capacity within the civilian agencies to respond to complex emergencies and to work in potentially hostile environments. The agencies must be capable and flexible enough to provide a robust partner to the military when necessary or to lead a crisis response effort when appropriate. The rapid mobilization of resources must be shared by the civilian agencies and the military. While the need to ensure security will continue to fall on the shoulders of the military, the post-conflict demands on the military for stabilization and reconstruction would be lessened by tapping into the expertise of civilian forces.

During this process, the Bush Administration was extremely helpful and forthcoming. Officials from the State Department, the Defense Department, the NSC, and USAID attended as guests of the group and participated in their private capacities. The participation of these officials does not constitute an official endorsement of this legislation by their employing agencies, but the final product was greatly improved by their collective experience and wisdom. We are extremely grateful to the Administration for its willingness to engage the Foreign Relations Committee during this process.

This bill urges the President to create a Stabilization and Reconstruction

Coordinating Committee to be chaired by the National Security Advisor. This Coordinating Committee would have policy oversight responsibility for ensuring appropriate interagency coordination in the planning and execution of stabilization and reconstruction efforts. The Coordinating Committee would have representation from the Department of State, USAID, and the Departments of Commerce, Justice, Treasury, Agriculture, and Defense and other agencies as appropriate.

This bill would authorize the creation of an office within the State Department to be the focal point for coordinating the civilian component of stabilization and reconstruction missions. The Office would be headed by a Coordinator who is appointed by the President and reports directly to the Secretary of State. The Coordinator would also work to ensure that civilian components of the United States Government are prepared for joint civilian/military operations if they become necessary.

The bill would authorize the Secretary of State to establish a Response Readiness Corps with both active duty and reserve components available to be called upon at a moments notice to respond to emerging international crises. In the reserves would be both federal government officials from the non-foreign affairs agencies who have volunteered to participate and members recruited from the private sector based on the applicable skills each could contribute to the mission.

The bill urges the Foreign Service Institute to work with both the National Defense University and the United States Army War College to establish an educational and training curriculum to bring together civilian and military personnel to enhance their stabilization and reconstruction skills and increase their ability to work together in the field.

I introduce this bill today to set in motion legislative efforts to strengthen the capacity of our civilian agencies to handle complex emergencies overseas, including post-conflict stabilization and reconstruction efforts. I am hopeful that this legislation will garner further bipartisan support. Its intent is not to critique past practices, but rather to improve our stabilization and reconstruction capacity for the future. We recognize that the bill does not address many facets of this issue that fall under the jurisdiction of the military and the Armed Services Committee. I know that my colleagues on that committee have thought about many of these issues, and they may recommend additional steps.

The inevitable post-conflict stabilization and reconstruction demands of future crises will require a formidable capacity to respond to challenges—both military and diplomatic. It is crucial to our success that the necessary resources and plans be put in place now. Let us give the President the tools he needs to carry out these most demanding foreign policy missions.

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. 7127

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 ''Stabilization and Reconstruction Civilian Management Act of 2004''.

SEC. 2. FINDING; PURPOSE.

(a) FINDING.—Congress finds that the resources of the United States Armed Forces have been burdened by having to undertake stabilization and reconstruction tasks in the Balkans, Afghanistan, Iraq, and other countries of the world that could have been performed by civilians, which has resulted in lengthy deployments for Armed Forces personnel.

(b) PURPOSE.—The purpose of this Act is to provide for the development, as a core mission of the Department of State and the United States Agency for International Development, of an effective expert civilian response capability to carry out stabilization and reconstruction activities in a country or region that is in, or is in transition from, conflict or civil strife.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Agency for International Development.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(3) DEPARTMENT.—Except as otherwise provided in this Act, the term ''Department'' means the Department of State.

(4) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given that term in section 105 of title 5, United States Code.

(5) SECRETARY.—Except as otherwise specifically provided in this Act, the term ''Secretary'' means the Secretary of State.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the civilian element of United States joint civilian-military operations should be strengthened in order to enhance the execution of current and future stabilization and reconstruction activities in foreign countries or regions that are in, or are in transition from, conflict or civil strife;

(2) the capability of civilian agencies of the United States Government to carry out stabilization and reconstruction activities in such countries or regions should also be enhanced through a new rapid response corps of civilian experts supported by the establishment of a new system of planning, organization, personnel policies, and education and training, and the provision of adequate resources;

(3) the international community, including nongovernmental organizations, and the United Nations and its specialized agencies, should be further encouraged to participate in planning and organizing stabilization and reconstruction activities in such countries or regions;

(4) the President should establish a new directorate of stabilization and reconstruction activities within the National Security Council to oversee the development of interagency contingency plans and procedures, including plans and procedures for joint civilian-military operations, to address stabilization and reconstruction requirements in such countries or regions;

(5) the President should establish a standing committee to exercise responsibility for overseeing the formulation and execution of stabilization and reconstruction policy in order to ensure appropriate interagency coordination in the planning and execution of stabilization and reconstruction activities, including joint civilian-military operations, of the United States Government, and should provide for the committee—

(A) to be chaired by the Assistant to the President for National Security Affairs; and

(B) to include the heads of—

(i) the Department;

(ii) the United States Agency for International Development;

(iii) the Department of Labor;

(iv) the Department of Commerce;

(v) the Department of Justice;

(vi) the Department of the Treasury;

(vii) the Department of Agriculture;

(viii) the Department of Defense; and

(ix) other Executive agencies as appropriate;

(6) the Secretary and the Administrator should work with the Secretary of Defense to establish a personnel exchange program among the Department, the United States Agency for International Development, and the Department of Defense, including the regional commands and the Joint Staff, to enhance the stabilization and reconstruction skills of military and civilian personnel and their ability to undertake joint operations; and

(7) the heads of other Executive agencies should establish personnel exchange programs that are designed to enhance the stabilization and reconstruction skills of military and civilian personnel.

SEC. 5. AUTHORITY TO PROVIDE ASSISTANCE FOR STABILIZATION AND RECONSTRUCTION CRISES.

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting after section 617 the following new section:

''SEC. 618. ASSISTANCE FOR A STABILIZATION AND RECONSTRUCTION CRISIS.

''(a) AUTHORITY.—If the President determines that it is important to the national interests of the United States for United States civilian agencies or non-Federal employees to assist in stabilizing and reconstructing a country or region that is in, or is in transition from, conflict or civil strife, the President may, in accordance with the provisions set forth in section 614(a)(3), notwithstanding any other provision of law, and on such terms and conditions as the President may determine, furnish assistance to respond to the crisis and authorize the export of goods and services needed to respond to the crisis.

''(b) SPECIAL AUTHORITIES.—To provide assistance authorized in subsection (a), the President may exercise the authorities contained in sections 552(c)(2), 610, and 614 of this Act without regard to the percentage and aggregate dollar limitations contained in such sections.

''(c) AUTHORIZATION OF FUNDING.—

''(1) INITIAL AUTHORIZATION.—There is authorized to be appropriated, without fiscal year limitation, $100,000,000 in funds that may be used to provide assistance authorized in subsection (a).

''(2) REPLENISHMENT.—There is authorized to be appropriated each fiscal year such sums as may be necessary to replenish funds expended as provided under paragraph (1). Funds authorized to be appropriated under this paragraph shall be available without fiscal year limitation for the same purpose and

under the same conditions as are provided under paragraph (1).''.

SEC. 6. OFFICE OF INTERNATIONAL STABILIZATION AND RECONSTRUCTION.

Title I of the State Department Basic Authorities Act of 1956 is amended by adding after section 58 (22 U.S.C. 2730) the following new section:

''SEC. 59. INTERNATIONAL STABILIZATION AND RECONSTRUCTION.

''(a) OFFICE OF INTERNATIONAL STABILIZATION AND RECONSTRUCTION.—

''(1) ESTABLISHMENT.—The Secretary shall establish within the Department of State an Office of International Stabilization and Reconstruction.

''(2) COORDINATOR FOR INTERNATIONAL STABILIZATION AND RECONSTRUCTION.—The head of the Office shall be the Coordinator for International Stabilization and Reconstruction, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary and shall have the rank and status of Ambassador-at-Large.

''(3) FUNCTIONS.— The functions of the Office of International Stabilization and Reconstruction include the following:

''(A) Monitoring, in coordination with relevant bureaus within the Department of State, political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for the stabilization and reconstruction of countries or regions that are in, or are in transition from, conflict or civil strife.

''(B) Assessing the various types of stabilization and reconstruction crises that could occur and cataloging and monitoring the non-military resources and capabilities of Executive agencies that are available to address such crises.

''(C) Planning to address requirements, such as demobilization, policing, human rights monitoring, and public information, that commonly arise in stabilization and reconstruction crises.

''(D) Coordinating with relevant Executive agencies (as that term is defined in section 105 of title 5, United States Code) to develop interagency contingency plans to mobilize and deploy civilian personnel to address the various types of such crises.

''(E) Entering into appropriate arrangements with other Executive agencies to carry out activities under this section and the Stabilization and Reconstruction Civilian Management Act of 2004.

''(F) Identifying personnel in State and local governments and in the private sector who are available to participate in the Response Readiness Corps or the Response Readiness Reserve established under subsection (b) or to otherwise participate in or contribute to stabilization and reconstruction activities.

''(G) Ensuring that training of civilian personnel to perform such stabilization and reconstruction activities is adequate and, as appropriate, includes security training that involves exercises and simulations with the Armed Forces, including the regional commands.

''(H) Sharing information and coordinating plans for stabilization and reconstruction activities with rapid response elements of the United Nations and its specialized agencies, nongovernmental organizations, and other foreign national and international organizations.

''(I) Coordinating plans and procedures for joint civilian-military operations with respect to stabilization and reconstruction activities.

''(J) Maintaining the capacity to field on short notice an evaluation team to undertake on-site needs assessment.

''(b) RESPONSE TO STABILIZATION EMERGENCY.—If the President makes a determination regarding a stabilization and reconstruction crisis under section 618 of the Foreign Assistance Act of 1961, the President may designate the Coordinator, or such other individual as the President may determine appropriate, as the coordinator of the United States response. The individual so designated, or, in the event the President does not make such a designation, the Coordinator for International Stabilization and Reconstruction, shall—

''(1) assess the immediate and long-term need for resources and civilian personnel;

''(2) identify and mobilize non-military resources to respond to the crisis; and

''(3) coordinate the activities of the other individuals or management team, if any, designated by the President to manage the United States response.''.

SEC. 7. RESPONSE READINESS CORPS.

(a) IN GENERAL.—Section 59 of the State Department Basic Authorities Act of 1956 (as added by section 6) is amended by adding at the end the following new subsection:

''(c) RESPONSE READINESS FORCE.—

''(1) RESPONSE READINESS CORPS.—

''(A) ESTABLISHMENT AND PURPOSE.—The Secretary, in consultation with the Administrator of the United States Agency for International Development, is authorized to establish a Response Readiness Corps (hereafter referred to in this section as the 'Corps') to provide assistance in support of stabilization and reconstruction activities in foreign countries or regions that are in, or are in transition from, conflict or civil strife.

''(B) COMPOSITION.—The Secretary and Administrator of the United States Agency for International Development should coordinate in the recruitment, hiring, and training of—

''(i) up to 250 personnel to serve in the Corps; and

''(ii) such other personnel as the Secretary, in consultation with the Administrator, may designate as members of the Corps from among employees of the Department of State and the United States Agency for International Development.

''(C) TRAINING.—The Secretary shall train the members of the Corps to perform services necessary to carry out the purpose of the Corps under subparagraph (A).

''(D) COMPENSATION.—Members of the Corps hired under subparagraph (B)(i) shall be compensated in accordance with the appropriate salary class for the Foreign Service, as set forth in sections 402 and 403 of the Foreign Service Act of 1980 (22 U.S.C. 3962 and 22 U.S.C. 3963), or in accordance with the relevant authority under sections 3101 and 3392 of title 5, United States Code.

''(2) RESPONSE READINESS RESERVE.—

''(A) ESTABLISHMENT AND PURPOSE.—The Secretary, in consultation with the heads of other relevant Executive agencies, is authorized to establish and maintain a roster of personnel who are trained and available as needed to perform services necessary to carry out the purpose of the Corps under paragraph (1)(A). The personnel listed on the roster shall constitute a Response Readiness Reserve to augment the Corps.

''(B) FEDERAL EMPLOYEES.—The Response Readiness Reserve may include employees of the Department of State, including Foreign Service Nationals, employees of the United States Agency for International Development, employees of any other Executive agency (as that term is defined in section 105 of title 5, United States Code), and employees from the legislative and judicial branches who—

''(i) have the training and skills necessary to enable them to contribute to stabilization and reconstruction activities; and

''(ii) have volunteered for deployment to carry out stabilization and reconstruction activities.

''(C) NON-FEDERAL PERSONNEL.—The Response Readiness Reserve should also include at least 500 personnel, which may include retired employees of the Federal Government, contractor personnel, nongovernmental organization personnel, and State and local government employees, who—

''(i) have the training and skills necessary to enable them to contribute to stabilization and reconstruction activities; and

''(ii) have volunteered to carry out stabilization and reconstruction activities.

''(3) USE OF CORPS AND RESERVE.—

''(A) RESPONSE READINESS CORPS.—The members of the Corps shall be available—

''(i) if responding in support of stabilization and reconstruction activities pursuant to a determination by the President regarding a stabilization and reconstruction crisis under section 618 of the Foreign Assistance Act of 1961, for deployment in support of such activities; and

''(ii) if not responding as described in clause (i), for assignment in the United States, United States diplomatic missions, and United States Agency for International Development missions.

''(B) RESPONSE READINESS RESERVE.—The Secretary may deploy members of the reserve under paragraph (2) in support of stabilization and reconstruction activities in a foreign country or region if the President makes a determination regarding a stabilization and reconstruction crisis under section 618 of the Foreign Assistance Act of 1961.''.

(b) EMPLOYMENT AUTHORITY.—The full-time personnel authorized to be employed in the Response Readiness Corps under section 59(b)(1)(B)(i) of the State Department Basic Authorities Act of 1956 (as added by subsection (a)) are in addition to any other full-time personnel of the Department or the United States Agency for International Development authorized to be employed under any other provision of law.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the status of efforts to establish the Response Readiness Corps and the Response Readiness Reserve under this section. The report shall include recommendations—

(1) for any legislation necessary to implement subsection (a); and

(2) related to the regulation and structure of the Response Readiness Corps and the Response Readiness Reserve, including with respect to pay and employment security for, and benefit and retirement matters related to, such individuals.

SEC. 8. STABILIZATION AND RECONSTRUCTION TRAINING AND EDUCATION.

Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

''(g) STABILIZATION AND RECONSTRUCTION CURRICULUM.—

''(1) ESTABLISHMENT AND MISSION.—The Secretary, in cooperation with the Secretary of Defense and the Secretary of the Army, is authorized to establish a stabilization and reconstruction curriculum for use in programs of the Foreign Service Institute, the National Defense University, and the United States Army War College.

''(2) CURRICULUM CONTENT.—The curriculum shall include the following:

''(A) An overview of the global security environment, including an assessment of transnational threats and an analysis of United States policy options to address such threats.

''(B) A review of lessons learned from previous United States and international experiences in stabilization and reconstruction activities.

''(C) An overview of the relevant responsibilities, capabilities, and limitations of various Executive agencies (as that term is defined in section 105 of title 5, United States Code) and the interactions among them.

''(D) A discussion of the international resources available to address stabilization and reconstruction requirements, including resources of the United Nations and its specialized agencies, nongovernmental organizations, private and voluntary organizations, and foreign governments, together with an examination of the successes and failures experienced by the United States in working with such entities.

''(E) A study of the United States interagency system.

''(F) Foreign language training.

''(G) Training and simulation exercises for joint civilian-military emergency response operations.''.

SEC. 9. SERVICE RELATED TO STABILIZATION AND RECONSTRUCTION.

(a) PROMOTION PURPOSES.—Service in stabilization and reconstruction operations overseas, membership in the Response Readiness Corps under section 59(b) of the State Department Basic Authorities Act of 1956 (as added by section 7), and education and training in the stabilization and reconstruction curriculum established under section 701(g) of the Foreign Service Act of 1980 (as added by section 8) should be considered among the favorable factors for the promotion of employees of Executive agencies.

(b) PERSONNEL TRAINING AND PROMOTION.—The Secretary and the Administrator should take steps to ensure that, not later than 3 years after the date of the enactment of this Act, at least 10 percent of the employees of the Department and the United States Agency for International Development in the United States are members of the Response Readiness Corps or are trained in the activities of, or identified for potential deployment in support of, the Response Readiness Corps. The Secretary should provide such training to Ambassadors and Deputy Chiefs of Mission.

(c) OTHER INCENTIVES AND BENEFITS.—The Secretary and the Administrator may establish and administer a system of awards and other incentives and benefits to confer appropriate recognition on and reward any individual who is assigned, detailed, or deployed to carry out stabilization or reconstruction activities in accordance with this Act.

SEC. 10. AUTHORITIES RELATED TO PERSONNEL.

(a) CONTRACTING AUTHORITY.—The Secretary, or the head of another Executive agency authorized by the Secretary, may, upon a determination by the President regarding a stabilization and reconstruction crisis under section 618 of the Foreign Assistance Act of 1961, procure the services of individuals or organizations by contract to carry out the purposes of this Act. Individuals so performing such services shall not by virtue of performing such services be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management (except that the Secretary or other authorized Executive agency head may determine the applicability to such individuals of any law administered by the Secretary or other authorized Executive agency head concerning the performance of such services by such individuals).

(b) EXPERTS AND CONSULTANTS.—Upon a determination by the President regarding a stabilization and reconstruction crisis under section 618 of the Foreign Assistance Act of 1961, the Secretary and Administrator may, to the extent necessary to obtain services without delay, employ experts and consultants under section 3109 of title 5, United States Code, without requiring compliance with any otherwise applicable requirements for that employment as the Secretary or Administrator may determine, except that such employment shall be terminated after 60 days if by that time the applicable requirements are not complied with.

(c) AUTHORITY TO ACCEPT AND ASSIGN DETAILS.—The Secretary and the Administrator are authorized to accept details or assignments of employees of Executive agencies, members of the uniformed services, and employees of State or local governments on a reimbursable or nonreimbursable basis in order to meet the purposes of this Act. The assignment of an employee of a State or local government under this subsection shall be consistent with subchapter VI of chapter 33 of title 5, United States Code.

(d) DUAL COMPENSATION WAIVER.—

(1) ANNUITANTS UNDER CIVIL SERVICE RETIREMENT SYSTEM AND FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Notwithstanding sections 8344(i) and 8468(f) of title 5, United States Code, the Secretary and the Administrator may waive the application of the provisions of sections 8344 (a) through (h) and 8468 (a) through (e) of title 5, United States Code, with respect to annuitants under the Civil Service Retirement System or the Federal Employees Retirement System who are assigned, detailed, or deployed to carry out stabilization and reconstruction activities in accordance with this Act during the period of their reemployment.

(2) ANNUITANTS UNDER FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM AND FOREIGN SERVICE PENSION SYSTEM.—The Secretary may waive the application of subsections (a) through (d) of section 824 of the Foreign Service Act (22 U.S.C. 4064), for annuitants under the Foreign Service Retirement and Disability System or the Foreign Service Pension System who are reemployed on a temporary basis in order to be assigned, detailed, or deployed to carry out stabilization and reconstruction activities in accordance with this Act.

(e) EXTENSION OF CERTAIN FOREIGN SERVICE BENEFITS.—The Secretary may extend to any individuals assigned, detailed, or deployed to carry out stabilization and reconstruction activities in accordance with this Act the benefits or privileges set forth in sections 412, 413, 704, and 901 of the Foreign Service Act of 1980 (22 U.S.C. 972, 22 U.S.C. 3973, 22 U.S.C. 4024, and 22 U.S.C. 4081) to the same extent and manner that such benefits and privileges are extended to members of the Foreign Service.

(f) COMPENSATORY TIME.—Notwithstanding any other provision of law, the Secretary and the Administrator may, subject to the consent of an individual who is assigned, detailed, or deployed to carry out stabilization and reconstruction activities in accordance with this Act, grant such individual compensatory time off for an equal amount of time spent in regularly or irregularly scheduled overtime work. Credit for compensatory time off earned shall not form the basis for any additional compensation. Any such compensatory time not used within 26 pay periods shall be forfeited.

(g) INCREASE IN PREMIUM PAY CAP.—The Secretary is authorized to compensate an employee detailed, assigned, or deployed to carry out stabilization and reconstruction activities in accordance with this Act without regard to the limitations on premium pay set forth in section 5547 of title 5, United States Code, to the extent that the aggregate of the basic pay and premium pay of such employee for a year does not exceed the annual rate payable for level II of the Executive Schedule.

(h) ACCEPTANCE OF VOLUNTEER SERVICES.—

(1) IN GENERAL.—The Secretary, or the head of an Executive agency authorized by the Secretary, may, upon a determination by the President regarding a stabilization and reconstruction crisis under section 618 of the Foreign Assistance Act of 1961, accept volunteer services to carry out stabilization and reconstruction activities under this Act and section 59 of the State Department Basic Authorities Act of 1956 without regard to section 1342 of title 31, United States Code.

(2) TYPES OF VOLUNTEERS.—Donors of voluntary services accepted for purposes of this section may include—

(A) advisors;

(B) experts;

(C) consultants; and

(D) persons performing services in any other capacity determined appropriate by the Secretary.

(3) SUPERVISION.—The Secretary, or the head of an Executive agency authorized by the Secretary, shall—

(A) ensure that each person performing voluntary services accepted under this section is notified of the scope of the voluntary services accepted;

(B) supervise the volunteer to the same extent as employees receiving compensation for similar services; and

(C) ensure that the volunteer has appropriate credentials or is otherwise qualified to perform in each capacity for which the volunteer's services are accepted.

(4) APPLICABILITY OF PROVISIONS RELATING TO FEDERAL GOVERNMENT EMPLOYEES.—A person providing volunteer services accepted under this section shall not be considered an employee of the Federal Government in the performance of those services, except for the purposes of the following provisions of law:

(A) Chapter 81 of title 5, United States Code, relating to compensation for work-related injuries.

(B) Chapter 171 of title 28, United States Code, relating to tort claims.

(C) Chapter 11 of title 18, United States Code, relating to conflicts of interest.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated $80,000,000 for personnel, education and training, equipment, and travel costs for purposes of carrying out this Act and the amendments made by this Act.

(b) OFFICE OF INTERNATIONAL STABILIZATION AND RECONSTRUCTION.—Of the amounts authorized to be appropriated in subsection (a), $8,000,000 is authorized to be made available to pay the salaries, overhead, travel, per diem, and related costs associated with establishing and operating the Office of International Stabilization described in section 59 of the State Department Basic Authorities Act of 1956 (as added by sections 6 and 7).

Mr. BIDEN. Mr. President, I rise today in support of the Stabilization and Reconstruction Civilian Management Act of 2004, a bill that will increase the ability of our civilian agencies to effectively respond to complex emergencies and stabilize countries in the wake of war or crisis.

I commend and express my gratitude to Chairman LUGAR for his leadership on this issue. Since December of last year, the chairman and I have been engaged in discussions with experts from

in and outside government on whether the United States is adequately organized and equipped, and its personnel trained, to deal with post-conflict reconstruction. Our premise was this: in the last decade, the United States has taken on post-conflict stabilization missions in countries such as Bosnia, East Timor, Haiti, Somalia, and now Afghanistan and Iraq. In the decade to come, whether we like it or not, nation building will remain vital to our national security.

We have learned a lot from our efforts. And we have made a lot of mistakes in the process. One lesson that I think is clear is that we have not done a very good job of turning our experience into tools for the future. So the chairman and I put together a group of outside advisers who had held senior positions in the last two administrations; we also invited officials from this administration to give their ideas. The bill we are introducing today is the product of those consultations. I wish to thank all of the participants of the group for their invaluable input to this bipartisan initiative.

Addressing the needs present in post-conflict reconstruction—and in particular, in countries that are on the verge of becoming failed states—is one of the greatest challenges we face today. It matters to the people living in those nations, and it matters to the American people. A bipartisan commission organized by the Center for Strategic and International Studies and the Association of the U.S. Army found, to no one's surprise, that ''failed states matter—for national security as well as for humanitarian reasons. If left to their own devices, such states can become sanctuaries for terrorist networks, organized crime and drug traffickers, as well as pose grave humanitarian challenges and threats to regional stability.''

We should not have to reinvent the wheel every time we are faced with a stabilization crisis—it's inefficient and ineffective. Rather than address crises on an ad hoc basis—cobbling together plans, procedures, and personnel—as we have been doing, we need to be forward-thinking, comprehensive, and strategic.

The thrust of this legislation is to do precisely that. The bill authorizes the creation of an office within the State Department that will be the focal point for creating plans and procedures to respond to crises, and it establishes a corps of active duty and reserve personnel who will be able to deploy rapidly when and where critical needs arise.

Mr. President, this bill is not a cure-all. But I believe it is a good start to addressing a critical need: that of strengthening our civilian capacity to handle complex emergencies overseas. Again, I thank Chairman LUGAR and the members of our policy advisory group for their work on this issue.

I yield the floor.

By Mr. NICKLES (for himself, Ms. LANDRIEU, and Mr. INHOFE):

S. 2128. A bill to define the term ''natural born Citizen'' as used in the Constitution of the United States to establish eligibility for the Office of President; to the Committee on the Judiciary.

Mr. NICKLES. Mr. President, as we take time to celebrate President's Day and remember the contributions of two of our greatest leaders George Washington and Abraham Lincoln, I rise along with my colleagues Senator LANDRIEU and Senator INHOFE to introduce legislation that will guarantee children born to and adopted by American citizens the opportunity to become this country's next great president. The purpose of this bill is to define the term ''natural born Citizen'' as used in Article II of the Constitution to include any person born in the United States, any person born outside the United States to citizen parents, and any foreign-born child adopted by citizen parents.

For many decades legal scholars have debated the meaning of the term ''natural born Citizen.'' There are many law review articles that examine the issue from every angle and come to several different conclusions. Some scholars, such as Pinkney G. McElwee in his article entitled Natural Born Citizen and Isidor Blum's article published in the New York Law School Journal, conclude that the term ''natural born'' is synonymous with ''native born.'' Others, such as Charles Gordon in the Maryland Law Review and Warren Freedman in the Cornell Law Quarterly, decide that the definition of ''natural born'' includes all people who are citizens at birth. And these scholars disagree as to who is a citizen at birth.

The issue came to the public's attention when George Romney was seeking the Republican nomination for President in 1968. He was born of American missionary parents in Mexico. Some questioned his eligibility to be President under the Constitutional requirement that a President be a ''natural born citizen.'' The issue was never decided since Mr. Romney did not become the Republican nominee. Although at least two Federal court decisions have suggested what the term ''natural born citizen'' means, the issue has never been squarely resolved by a court.

Today the question remains unanswered. This bill presents us with an historic opportunity. In this bill, we have the opportunity to end the uncertainty surrounding the qualifications for the presidency, and provide a fair and equal chance to children of American citizens to pursue their dreams.

There is obviously a need for clarification. In the absence of a judicial interpretation, Congress can express a legislative interpretation of Constitutional terms. We should not wait for an election to be challenged and the courts to decide what ''natural born'' means. This bill answers the need for clarification and gives certainty to our citizens whose children may be born abroad such as armed service members, foreign service members, expatriate families, and certainty to families that have adopted foreign born children, that their children, too, are eligible to seek the office of President of the United States.

Part of the American dream is that any child of an American can grow up to be anything he or she wants to be including President of the United States. That it does not matter what your last name is, or how much property you own, or how wealthy you are. That the son or daughter of the humblest upbringing could one day lead this great country. This is why America is truly the land of opportunity. It should not matter if you are born to American parents in a foreign country or adopted by American parents from a foreign country. In either case, you are a child of America.

This bill makes clear that a child born to American citizens abroad is eligible to hold the office of the presidency. The term ''natural born'' was used by the framers of the Constitution to reinforce their wish that the president would feel loyalty and allegiance to the United States. That the president would have a ''native feeling.'' Children born to American citizens abroad, especially those born to members of the American armed forces and foreign service, certainly have that ''native feeling.'' They are as patriotic as any American. Statutorily, they are citizens from birth, raised by Americans with American values. And they should have the same opportunities as children born on American soil. They should not be denied the chance to seek the highest office in our land because they happened to be born while their parents were stationed or working abroad.

The Constitution also requires that the president have resided in the United States for fourteen years. This provision shows us that the framers believed that the president need not spend his whole life in the United States. It is possible for a person to reside in another country for a time and still be eligible to be President of the United States. So it follows that an American child born abroad should be just as eligible to be president just as any child born in the United States that happens to reside abroad for a time. This bill makes it clear that such a child is eligible to be president.

This bill also makes clear that foreign born children adopted by American families will have the same opportunities as biological children of American citizens. All of the same arguments apply for foreign adopted children that apply for children born biologically to citizen parents abroad. These children are no less loyal to the United States. They are raised by Americans in America. They are not any less of a citizen than any other American. And they should be no less

eligible to be president than any other American child.

Furthermore, adoption law says that once a child is fully and finally adopted, they are entitled to the same rights, duties and responsibilities as biological children. They are to be treated as ''natural issue'' of their adoptive parents. All blood ties are severed from their biological families. As such, foreign adopted children living in America are treated as if born to their adoptive American parents. But there is one remaining difference. Without this bill, they will be unable to pursue the opportunity to run for President. Removal of this inequality is the last step needed to truly provide equality to the foreign adopted children of American citizens.

In 1990, Americans adopted more than 7,000 children from abroad. By 2002, that number grew to more than 20,000 children. These children are members of American families, and should be treated as such. They should be allowed to have the same dreams as any other American child, including the dream that they, too, could grow up to be President of the United States. This bill makes sure they can.

Foreign adopted children and children born to American citizens abroad are as invested in the well-being of this country as the rest of us. These children grow up with the benefits of being an American citizen, and they contribute back to this country. They grow up to work here, pay their taxes here, and raise their children here. These children could grow up to be America's next great writers, actors, scientists, lawyers or doctors. They could be ministers or mill workers, farmers or Senators. They should also be allowed to grow up to be the President.

This bill ensures that children born to or adopted by American parents have claim to the full meaning of the American dream. That not only can they have the freedom to speak, the freedom to worship in any style they wish, the freedom to own a home and pursue happiness, but that they can also have the freedom to choose to run for president.

Over my years as a Senator, my office has received letters and inquiries from many foreign adopted children and their families seeking a change in the law to allow them to pursue the office of President of the United States. I ask my colleagues today to join with us in support of this bill to make America truly the land of opportunity for all its citizens' children whether born here, born abroad or adopted abroad.

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. 2128

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 ''Natural Born Citizen Act''.

SEC. 2. DEFINITION OF ''NATURAL BORN CITIZEN''.

(a) IN GENERAL.—Congress finds and declares that the term ''natural born Citizen'' in Article II, Section 1, Clause 5 of the Constitution of the United States means—

(1) any person born in the United States and subject to the jurisdiction thereof; and

(2) any person born outside the United States—

(A) who derives citizenship at birth from a United States citizen parent or parents pursuant to an Act of Congress; or

(B) who is adopted by 18 years of age by a United States citizen parent or parents who are otherwise eligible to transmit citizenship to a biological child pursuant to an Act of Congress.

(b) UNITED STATES.—In this section, the term ''United States'', when used in a geographic sense, means the several States of the United States and the District of Columbia.

Mr. INHOFE. Mr. President, I rise today to join my colleagues, Senator NICKLES and LANDRIEU, in introducing this bill, which will profoundly impact generations to come. It will clarify who is eligible to become President of the United States of America. The term ''natural born citizen'' as used in the Constitution, would be defined as any person born in the United States, any person born outside the United States to citizen parents, and any foreign-born child adopted by citizen parents.

In the absence of a judicial interpretation of constitutional language, Congress can express a legislative interpretation of constitutional terms. In the Naturalization Act of 1790, Congress used this ability to define ''natural born'' to include children born abroad to citizen parents. Although this language was not kept in the naturalization laws, the ability of Congress to define this term was not challenged.

This bill is intended to further describe the term ''natural born citizen'' as it relates to Presidential qualification. The Framers used this phrase to support the criteria that the President be loyal and faithful to the United States. Children born to military, or State Department parents living abroad have exceeding loyalty to the United States. They should not be punished for their parents' willingness to serve their country abroad.

Furthermore, internationally adopted children should not bear this penalty either. In recent years, the number of children adopted by Americans from overseas has grown to more than 20,000. They are considered ''natural issue'' of their adoptive parents and share a similar loyalty to the United States. These children should have the same rights, duties, responsibilities, and privileges as biological children. They should be able to pursue their dreams.

About two and a half years ago, my daughter adopted a little girl from Ethiopia. While my granddaughter shares most freedoms granted by the Constitution with her biologically born brothers, including the freedom of speech, the freedom to worship, and the freedom to pursue happiness, she does not have the freedom to pursue any job she wants. Without this interpretation she does not have the freedom to run for President of the United States.

I urge my colleagues to join in support of this bill to allow all American citizens, no matter where they are born, an equal opportunity to pursue their dreams, including to run for President of the United States.

By Mrs. BOXER:

S. 2129. A bill to amend chapter 44 of title 18, United States Code, to require the provision of a child safety device in connection with the transfer of a handgun and to provide safety standards for child safety devices; to the Committee on the Judiciary.

Mrs. BOXER. Mr. President, we would all agree that we need to protect our children from violence. However, too many of our children continue to be injured or killed by guns. That is why I am introducing the Child Safety Device Act.

This is a very simple measure. Every handgun sold must come with a child safety device. This can be a lock using a key or combination, a device that locks electronically, a lock box, or technology that is built into the gun itself. With this safety measure in place, we can reduce the number of accidental gun deaths among our children.

More than 22 million children live in homes with guns. And more than 3.3 million of them live in homes where the guns are always or sometimes kept loaded and unlocked. The result is the accidental deaths of 182 young people each year—that's one every 48 hours.

We ''childproof'' our medicine bottles; we put gates up near stairs; we make sure that toys are not toxic. But we don't require that guns come with safety devices. We should.

And to ensure that those devices are effective, my bill requires that the Consumer Product Safety Commission establish standards for their design, manufacture, and performance. When parents use a child safety device, they should have confidence that it works as intended.

The Child Safety Device Act will improve the safety of our children—and it will help save lives.

By Mr. CAMPBELL (for himself, Ms. SNOWE, Mr. INOUYE, Mrs. HUTCHISON, Mr. LEVIN, Mr. MILLER, Mr. BIDEN, Mr. BREAUX, Mrs. BOXER, Mr. LUGAR, Mr. LAUTENBERG, Ms. COLLINS, Ms. STABENOW, Mr. BURNS, Mr. SMITH, Ms. MURKOWSKI, Mr. LIEBERMAN, Mr. KENNEDY, Mr. FRIST, Mr. BINGAMAN, Mr. SPECTER, Mr. FITZGERALD, Mrs. FEINSTEIN, Mr. ALLARD, Mr. ENSIGN, Mr. CRAPO, Mr. STEVENS, Mr. GRAHAM of South Carolina, Mr. DURBIN, Mr. BENNETT, Mr. SESSIONS, Mr. DAYTON, Mr. BOND, and Mr. JOHNSON):

S.J. Res. 28. A joint resolution recognizing the 60th anniversary of the Allied landing at Normandy during World War II; to the Committee on the Judiciary.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES 28

Whereas June 6, 2004, marks the 60th anniversary of D-Day, the first day of the Allied landing at Normandy during World War II by American, British, and Canadian troops;

Whereas the D-Day landing, known as Operation Overlord, was the most extensive amphibious operation ever to occur, involving on the first day of the operation 5,000 naval vessels, more than 11,000 sorties by Allied aircraft, and 153,000 members of the Allied Expeditionary Force;

Whereas the bravery and sacrifices of the Allied troops at 5 separate Normandy beaches and numerous paratrooper and glider landing zones began what Allied Supreme Commander Dwight D. Eisenhower called a ''Crusade in Europe'' to end Nazi tyranny and restore freedom and human dignity to millions of people;

Whereas that great assault by sea and air marked the beginning of the end of Hitler's ambition for world domination;

Whereas American troops suffered over 6,500 casualties on D-Day; and

Whereas the people of the United States should honor the valor and sacrifices of their fellow countrymen, both living and dead, who fought that day for liberty and the cause of freedom in Europe: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) recognizes the 60th anniversary of the Allied landing at Normandy during World War II; and

(2) requests the President to issue a proclamation calling on the people of the United States to observe the anniversary with appropriate ceremonies and programs to honor the sacrifices of their fellow countrymen to liberate Europe.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 91—DESIGNATING THE MONTH OF APRIL 2005 AS ''AMERICAN RELIGIOUS HISTORY MONTH''

Mr. BROWNBACK (for himself and Mr. INHOFE) submitted the following concurrent resolution, which was referred to the Committee on the Judiciary:

S. CON. RES. 91

Whereas religion has made a unique contribution in shaping the United States as a distinctive and blessed Nation and people;

Whereas deeply held religious convictions led to the early settlement of our nation;

Whereas religious teachings from the Bible inspired concepts of civil government that are contained in our Declaration of Independence and the Constitution of the United States;

Whereas the history of our Nation clearly illustrates the value of voluntarily applying religious teaching in the lives of individuals, families, and society;

Whereas the profoundly held religious belief that all people are created in the image of God and are therefore equal in the eyes of God ultimately led to the abolition of the deeply entrenched institution of slavery;

Whereas many of our great national leaders acknowledged that religion is the basis of national morality, as evidenced by President Washington who said that ''reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle'';

Whereas the Nation now faces great challenges that will test this Nation as it has never been tested before; and

Whereas renewing our knowledge of a faith in the God of our Founding Fathers can strengthen us as a Nation and a people: Now, therefore, be it

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

(1) designates the month of April 2005 as ''American Religious History Month'' in recognition of both the formative influence that religion has been on our Nation, and our national need to study and apply the religious teachings embraced by our Founding Fathers; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the year with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 92—CONGRATULATING AND SALUTING FOCUS: HOPE ON THE OCCASION OF ITS 35TH ANNIVERSARY AND FOR ITS REMARKABLE COMMITMENT AND CONTRIBUTIONS TO DETROIT, THE STATE OF MICHIGAN, AND FOR THE UNITED STATES

Mr. LEVIN (for himself and Ms. STABENOW) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 92

Whereas Focus: HOPE began as a civil and human rights organization in 1968 in the wake of the devastating Detroit riots, and was co-founded by the late Father William T. Cunningham, a Roman Catholic priest, and Eleanor M. Josaitis, a suburban housewife, who were inspired to establish Focus: HOPE by the work of Dr. Martin Luther King Jr.;

Whereas Focus: HOPE is committed to bringing together people of all races, faiths, and economic backgrounds to overcome injustice and build racial harmony, and it has grown to one of the largest nonprofit organizations in Michigan;

Whereas the Focus: HOPE mission statement states: ''Recognizing the dignity and beauty of every person, we pledge intelligent and practical action to overcome racism, poverty and injustice. And to build a metropolitan community where all people may live in freedom, harmony, trust and affection. Black and white, yellow, brown and red from Detroit and its suburbs of every economic status, national origin and religious persuasion we join in this covenant.'';

Whereas one of Focus: HOPE's early efforts was to support African American and female employees in a seminal class action suit against AAA, resulting in one of the finest affirmative action commitments made by any corporation up to that time;

Whereas Focus: HOPE helped to conceive of and develop the Department of Agriculture's Commodity Supplemental Food Program which has been replicated in 32 states, and through this program Focus: HOPE helps to feed 43,000 people per month throughout Southeast Michigan;

Whereas Focus: HOPE has revitalized several city blocks in central Detroit by redeveloping obsolete industrial buildings, beautifying and landscaping Oakman Boulevard, creating pocket parks, and rehabilitating homes in the surrounding areas;

Whereas Focus: HOPE's Machinist Training Institute has been training individuals from Detroit and beyond for careers in advanced manufacturing and precision machining since 1981, and has sent forth nearly 2,500 certified graduates, providing an opportunity for primarily under-represented minority youth, women, and others to gain access to the financial mainstream and learn in-demand skills;

Whereas Focus: HOPE, with assistance from Michigan, the Department of Housing and Urban Development, and other generous private and public partners, has within the last two years invested over $10 million to complete the renovation of the industrial building housing its Machinist Training Institute;

Whereas Focus: HOPE has recognized that manufacturing and information technologies are key to the economic growth and security of Michigan and the United States, and is committed to designing programs that would contribute to the participation of under-represented urban individuals in these critical sectors;

Whereas, in 1982, Focus: HOPE began a for-profit subsidiary that was initiated for community economic development purposes and is now designated with Federal HUBZone status;

Whereas Focus: HOPE created two pioneering programs—FAST TRACK and First Step—designed to help individuals improve their reading and math competencies by a minimum of two grade levels in 4–7 weeks;

Whereas these programs have graduated over 7,000 individuals since their inception, a new offsite training facility in Detroit's Empowerment Zone in southwest Detroit has been established to reach out to individuals in other parts of the city, and the success of the programs has inspired Michigan (in its State-wide FAST BREAK program) and other States to replicate the efforts of Focus: HOPE;

Whereas, in 1987, Focus: HOPE reclaimed and renovated an abandoned building and opened it as a Center for Children, which has now served over 5,000 children of colleagues, students, and neighbors with quality child care, including latchkey, early childhood education, and other educational services;

Whereas Focus: HOPE, through an unprecedented co-operative agreement between the Departments of Defense, Commerce, Education, and Labor, established a National demonstration project—the Center for Advanced Technologies—in which candidates earn associates and bachelors degrees in either manufacturing engineering or technology, and engage in hands-on manufacturing within-real world conditions, producing parts for DaimlerChrysler, Detroit Diesel, Ford Motor Company, General Motors Corporation, the Department of Defense, and others;

Whereas Focus: HOPE has caused over $22 million to be invested in renovating a previously obsolete building to house the Center for Advanced Technologies, transforming the building into a model facility for 21st century advanced manufacturing, education, and research;

Whereas Focus: HOPE has made outstanding contributions toward increasing diversity within the traditional homogeneous science, math, engineering, and technology fields, and 95 percent of currently enrolled

degree candidates are African American, representing perhaps the United States' largest producer of bachelor-degreed minority graduates in manufacturing engineering;

Whereas Focus: HOPE's unique research and development partnership with the Department of Defense has resulted in a nationally recognized demonstration project, the Mobile Parts Hospital, whose Rapid Manufacturing System has recently been deployed to Kuwait in support of the Armed Forces' current operations in Afghanistan and Iraq;

Whereas Focus: HOPE began a community arts program in 1995, presenting multicultural arts programming and gallery exhibitions designed to educate and encourage area residents, while fostering integration in a culturally diverse metropolitan community, and over 43,000 people have viewed sponsored exhibits or participated in this program;

Whereas Focus: HOPE established an Information Technologies Center in 1999, providing Detroit students with industry-certified training programs in network administration, network installation, and desktop and server administration, and has graduated nearly 475 students to date, and has initiated, in collaboration with industry and academia, the design of a new bachelors degree program to educate information management systems engineers;

Whereas Focus: HOPE's initiatives and programs have been nationally recognized for excellence and leadership by such organizations as the Government Accounting Office, the Department of Labor, the International Standards Organization, the National Science Foundation, the Cisco Networking Academy Program, Fortune Magazine, Forbes Magazine, the Aspen Institute, and many others, and former Presidents George H. W. Bush and Bill Clinton have visited Focus: HOPE's campus;

Whereas Focus: HOPE is currently led by Eleanor M. Josaitis, its co-founder and chief executive officer, and she has received honorary degrees from 11 outstanding universities and colleges, was named one of the 100 Most Influential Women in 2002 by Crain's Detroit Business, has been inducted into the Michigan Women's Hall of Fame, has received the Detroit NAACP Presidential Award, the Arab American Institute Foundation's Kahlil Gibran Spirit of Humanity Award, as well as many other awards;

Whereas through the generous partnerships and support of individuals from all walks of life, Federal, State, and local government, and foundations and corporations across the United States, the vision of Focus: HOPE will continue to grow and inspire;

Whereas Focus: HOPE has been blessed with an active board of directors and advisory board from the senior most levels of corporate and public America, and has benefited from an annual average of 25,000 volunteers and countless colleagues;

Whereas Focus: HOPE has been a tremendous force for good in the City of Detroit, the State of Michigan, and the United States for the past 35 years;

Whereas Focus: HOPE continues to strive to eliminate racism, poverty, and injustice through the use of passion, persistence, and partnerships, and continues to seek improvement in its quality of service and program operations; and

Whereas Focus: HOPE and its colleagues will continue to identify ways in which it can lead Detroit, the State of Michigan, and the United States into the future with creative urban leadership initiatives: Now, therefore, be it

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

(1) congratulates and salutes Focus: HOPE for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States; and

(2) directs the Secretary of the Senate to make available enrolled copies of this resolution to Focus: HOPE and Ms. Eleanor M. Josaitis for appropriate display.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2617. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill 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; which was ordered to lie on the table.

SA 2618. Mr. CAMPBELL (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 1805, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2617. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill 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; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—UNEMPLOYMENT COMPENSATION

SEC. ____01. EXTENSION OF THE TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2002.

(a) IN GENERAL.—Section 208 of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 30), as amended by Public Law 108–1 (117 Stat. 3) and the Unemployment Compensation Amendments of 2003 (Public Law 108–26; 117 Stat. 751), is amended—

(1) in subsection (a)(2), by striking ''December 31, 2003'' and inserting ''June 30, 2004'';

(2) in subsection (b)(1), by striking ''December 31, 2003'' and inserting ''June 30, 2004'';

(3) in subsection (b)(2)—

(A) in the heading, by striking ''DECEMBER 31, 2003'' and inserting ''JUNE 30, 2004''; and

(B) by striking ''December 31, 2003'' and inserting ''June 30, 2004''; and

(4) in subsection (b)(3), by striking ''March 31, 2004'' and inserting ''September 30, 2004''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21).

SEC. ____02. ADDITIONAL REVISION TO CURRENT TEUC–X TRIGGER.

Section 203(c)(2)(B) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 30) is amended to read as follows:

''(B) such a period would then be in effect for such State under such Act if—

''(i) section 203(d) of such Act were applied as if it had been amended by striking '5' each place it appears and inserting '4'; and

''(ii) with respect to weeks of unemployment beginning on or after the date of enactment of this clause—

''(I) paragraph (1)(A) of such section 203(d) did not apply; and

''(II) clause (ii) of section 203(f)(1)(A) of such Act did not apply.''.

SEC. ____03. TEMPORARY STATE AUTHORITY TO WAIVE APPLICATION OF LOOKBACKS UNDER THE FEDERAL-STATE EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 1970.

For purposes of conforming with the provisions of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note), a State may, during the period beginning on the date of enactment of this Act and ending on June 30, 2004, waive the application of either subsection (d)(1)(A) of section 203 of such Act or subsection (f)(1)(A)(ii) of such section, or both.

SA 2618. Mr. CAMPBELL (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill 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; which was ordered to lie on the table; as follows:

On page 11, after line 19, add the following:

SEC. 5. LAW ENFORCEMENT OFFICERS SAFETY ACT.

(a) SHORT TITLE.—This section may be cited as the ''Law Enforcement Officers Safety Act of 2004''.

(b) EXEMPTION OF QUALIFIED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926A the following:

''§ 926B. Carrying of concealed firearms by qualified law enforcement officers

''(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

''(b) This section shall not be construed to supersede or limit the laws of any State that—

''(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

''(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

''(c) As used in this section, the term 'qualified law enforcement officer' means an employee of a governmental agency who—

''(1) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;

''(2) is authorized by the agency to carry a firearm;

''(3) is not the subject of any disciplinary action by the agency;

''(4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm; and

''(5) is not prohibited by Federal law from receiving a firearm.

''(d) The identification required by this subsection is the photographic identification issued by the governmental agency for which the individual is, or was, employed as a law enforcement officer.

''(e) DEFINED TERM.—As used in this section, the term 'firearm' does not include—

''(1) any machinegun (as defined in section 5845 of title 26);

''(2) any firearm silencer (as defined in section 921); and

''(3) any destructive device (as defined in section 921).''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 926A the following:

''926B. Carrying of concealed firearms by qualified law enforcement officers.''.

(c) EXEMPTION OF QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926B, as added by subsection (b), the following:

''§ 926C. Carrying of concealed firearms by qualified retired law enforcement officers

''(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

''(b) This section shall not be construed to supersede or limit the laws of any State that—

''(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

''(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

''(c) As used in this section, the term 'qualified retired law enforcement officer' means an individual who—

''(1) retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;

''(2) before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

''(3)(A) before such retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more; or

''(B) retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

''(4) has a nonforfeitable right to benefits under the retirement plan of the agency;

''(5) during the most recent 12-month period, has met, at the expense of the individual, the State's standards for training and qualification for active law enforcement officers to carry firearms; and

''(6) is not prohibited by Federal law from receiving a firearm.

''(d) The identification required by this subsection is photographic identification issued by the agency for which the individual was employed as a law enforcement officer.

''(e) DEFINED TERM.—As used in this section, the term 'firearm' does not include—

''(1) any machinegun (as defined in section 5845 of title 26);

''(2) any firearm silencer (as defined in section 921); and

''(3) a destructive device (as defined in section 921).''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 926B the following:

''926C. Carrying of concealed firearms by qualified retired law enforcement officers.''.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, March 3, 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 S. 1420, a bill to establish terms and conditions for use of certain Federal land by outfitters and to facilitate public opportunities for the recreational use and enjoyment of such land.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510–6150.

For further information, please contact Dick Bouts at (202) 224–7545.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. FEINSTEIN. 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 Wednesday, February 25, 2004, at 10 a.m. to conduct a hearing on ''Review of Current Investigations and Regulatory Actions Regarding the Mutual Fund Industry.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. FEINSTEIN. 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 Wednesday, February 25, 2004, at 2:30 p.m. to conduct a hearing on ''Proposals for Improving the Regulatory Regime of the Housing Government Sponsored Enterprises.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, February 25, 2004, at 9:30 a.m. on Economic Implications of Seafood Processor Quotas.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 25, 2004, at 9:30 a.m. to hold a hearing on The Japanese Tax Treaty and the SRI Lanka tax Protocol.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 25, 2004, at 3:30 p.m. to hold a hearing on USAID Contracting Policies.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, February 25, 2004, at 9:30 a.m., in room 485 of the Russell Senate Office Building to conduct a hearing on the President's Fiscal Year 2005 Budget Request.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, February 25, at 10 a.m., on ''Judicial Nominations,'' in the Dirksen Senate Office Building Room 226.

Panel I: Senators.

Panel II: Roger T. Benitez, to the U.S. District Court for the Southern District of California.

Panel III: Representatives from the American Bar Association.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to meet to conduct a hearing in room 628 of the Dirksen Senate Building, Wednesday, February 25, from 10 a.m. to 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORK FORCE AND THE DISTRICT OF COLUMBIA

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia, be authorized to meet on Wednesday, February 25, 2004 at 10 a.m., for a hearing entitled ''The Key to Homeland Security: The New Personnel System.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on February 25, 2004, at 9:30 a.m., in open session to receive testimony on policies and programs for preventing and responding to incidents of sexual assault in the armed services.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on February 25, 2004, at 2:30 p.m., in open session to receive testimony on the Department of Energy's Office of Environmental Management, Office of Future Liabilities, and the Office of Legacy Management, in review of the Defense authorization request for fiscal year 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CRAIG. Mr. President, I ask unanimous consent that privileges of the floor be granted to Lisa McGrath and Douglas Lucke during consideration of S. 1805, the Protection of Lawful Commerce in Arms Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent for Adam Aston from my office be granted privileges of the floor during the course of this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Adam Rosenberg, a fellow on the staff of the Energy and Natural Resources Committee, be given privileges of the floor today, February 25.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(B), COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Alison Fox:									
Brazil	Dollar		1,462.00						1,462.00
Mark Halverson:									
Brazil	Dollar		1,462.00						1,462.00
Senator Tom Harkin:									
Brazil	Dollar		1,462.00						1,462.00
Delegation Expenses:									
Brazil	Dollar				5,057.00		16,348.00		21,405.00
Total			4,386.00		5,057.00		16,348.00		25,791.00

THAD COCHRAN, Chairman,
Committee on Agriculture, Nutrition and Forestry, Jan. 20, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, AMENDED FROM 3RD QUARTER, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jennifer Chartrand:									
Great Britain	Dollar		1,050.00						1,050.00
Italy	Dollar		1,100.00						1,100.00
United States	Dollar				4,560.00				4,560.00
Total			2,150.00		4,560.00				6,710.00

TED STEVENS, Chairman,
Committee on Appropriations, Dec. 16, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Howard L. Walgren:									
United States	Dollar				6,339.37				6,339.37
Hong Kong	Dollar		822.00						822.00
Thailand	Baht		456.00						456.00
Singapore	Dollar		512.00						512.00
Senator Ted Stevens:									
China	Yuan		658.00						658.00
Thailand	Baht		461.10						461.10
Hong Kong	Dollar		801.60						801.60
Senator Daniel K. Inouye:									
China	Yuan		658.00						658.00
Thailand	Baht		461.10						461.10
Hong Kong	Dollar		801.60						801.60
Jim Morhard:									
China	Yuan		658.00						658.00
Thailand	Baht		461.10						461.10
Hong Kong	Dollar		801.60						801.60
Sid Ashworth:									
China	Yuan		658.00						658.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2003—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Thailand	Baht		461.10						461.10
Hong Kong	Dollar		801.60						801.60
Jennifer Chartrand:									
China	Yuan		658.00						658.00
Thailand	Baht		461.10						461.10
Hong Kong	Dollar		801.60						801.60
Charlie Houy:									
China	Yuan		658.00						658.00
Thailand	Baht		461.10						461.10
Hong Kong	Dollar		801.60						801.60
Total			13,314.20		6,339.37				19,653.57

TED STEVENS, Chairman,
Committee on Appropriations, Dec. 16, 2003.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby:									
Japan	Yen		716.00						716.00
China	Yuan		867.00						867.00
Hong Kong	Dollar		1,233.00						1,233.00
Kathleen L. Casey:									
Japan	Yen		666.00						666.00
China	Yuan		817.00						817.00
Hong Kong	Dollar		1,178.00						1,178.00
Total			5,477.00						5,477.00

RICHARD SHELBY, Chairman,
Committee on Banking, Housing, and Urban Affairs, Jan. 22, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BUDGET FOR TRAVEL FROM OCT. 1, TO DEC. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Don Nickles:									
Zambia	Dollar		460.00						460.00
Rwanda	Dollar		201.00						201.00
Kenya	Dollar		295.00						295.00
Uganda	Dollar		469.00						469.00
United States	Dollar				5,397.69				5,397.69
Senator Jeff Sessions:									
Italy	Euro		839.39						839.39
Heather Sawyer:									
Italy	Euro		907.15						907.15
Total			3,171,54		5,397.69				8,569.23

DON NICKLES, Chairman,
Senate Budget Committee, Jan. 27, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATIONFOR TRAVEL FROM OCT. 1 TO DEC. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ernest F. Hollings:									
Japan	Yen		716.00						716.00
China	Yuan		867.00						867.00
Hong Kong	Dollar		1,233.00						1,233.00
Kevin D. Kayes:									
Japan	Yen		716.00						716.00
China	Yuan		867.00						867.00
Hong Kong	Dollar		1,233.00						1,233.00
Robert M. Freeman:									
United States	Dollar				656.49				656.49
United Kingdom	Pound		4,460.00						4,460.00
Floyd Des Champs:									
United States	Dollar				680.95				680.95
Italy	Euro		1,342.00						1,342.00
John Richards:									
United States	Dollar				713.13				713.13
Italy	Euro		929.00						929.00
Kristin Elder:									
United States	Dollar				654.44				654.44
Italy	Euro		694.00						694.00
Mimi Braniff:									
United States	Dollar				654.44				654.44
Italy	Euro		704.07						704.07
Margaret Spring:									
United States	Dollar				725.13				725.13

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATIONFOR TRAVEL FROM OCT. 1 TO DEC. 31, 2003—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Italy	Euro		716.00						716.00
Cindy Bethell:									
United States	Dollar				714.23				714.23
Italy	Euro		1,253.00						1,253.00
Total			15,730.07		4,798.81				20,528.88

JOHN McCAIN, Chairman,
Committee on Commerce, Science, and Transportation, Jan. 23, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Larry Craig:									
Italy	Euro		1,354.29		376.90				1,731.19
Will Hart:									
Italy	Euro		1,425.20		183.91				1,609.11
Kellie A. Donnelly:									
Italy	Euro		1,018.74		4,601.90				5,620.64
Marianne Funk:									
Italy	Euro		1,047.74		4,601.90				5,649.64
Jonathan Black:									
Italy	Euro		1,016.00		5,725.40				6,741.40
Total			5,861.97		15,490.01				21,351.98

PETE DOMENICI, Chairman,
Committee on Energy and Natural Resources, Feb. 11, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Chuck Hagel:									
Germany	Euro		724.00						724.00
Poland	Zloty		710.00						710.00
United States	Dollar				6,781.12				6,781.12
Tunisia	Dinar		206.00						206.00
Algeria	Dinar		252.00						252.00
Morocco	Dirham		504.00						504.00
United States	Dollar				7,887.26				7,887.26
Senator Joseph Biden:									
United Kingdom	Pound		421.00						421.00
France	Euro		828.00				202.70		1,030.70
Belgium	Euro		710.00						710.00
United States	Dollar				6,377.81				6,377.81
Tony Blinken:									
United Kingdom	Pound		421.00						421.00
France	Euro		828.00				202.70		1,030.70
Belgium	Euro		710.00						710.00
United States	Dollar				6,845.65				6,845.65
Heather Flynn:									
South Africa	Rand		753.00						753.00
Swaziland	Lilangeni		1,300.00						1,300.00
United States	Dollar				6,976.00				6,976.00
Jessica Fugate:									
Serbia and Montenagro	Dinar		300.00						300.00
Bosnia and Herzegovina	Mark		240.00						240.00
Croatia	Kuna		224.00		162.44				386.44
Slovenia	Tolar		350.00						350.00
Kosovo	Euro		200.00						200.00
United States	Dollar				5,198.44				5,198.44
Michael Haltzel:									
Germany	Euro		1,500.00						1,500.00
United States	Dollar				6,490.65				6,490.65
United Kingdom	Pound		421.00				24.00		445.00
France	Euro		828.00				202.70		1,030.70
Belgium	Euro		710.00						710.00
United States	Dollar				6,305.81				6,305.81
Frank Jannuzi:									
Philippines	Peso		894.00						894.00
Malaysia	Ringit		465.00						465.00
United States	Dollar				4,771.24				4,771.24
Thomas C. Moore:									
United Kingdom	Pound		900.00						900.00
United States	Dollar				5,865.30				5,865.30
Kenneth Myers III:									
France	Euro		550.00						550.00
United States	Dollar				6,448.08				6,448.08
Andrew Parasiliti:									
Germany	Euro		724.00						724.00
Poland	Zloty		710.00						710.00
United States	Dollar				5,443.12				5,443.12
Tunisia	Dinar		206.00						206.00
Algeria	Dinar		252.00						252.00
Morocco	Dirham		504.00						504.00
United States	Dollar				3,820.86				3,820.86
Switzerland	Franc		686.00				222.50		908.50
Belgium	Euro		610.00						610.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2003—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				3,550.40				3,550.40
Dallas Scholes:									
Italy	Euro		716.00						716.00
United States	Dollar				5,028.41				5,028.41
Puneet Talwar:									
Switzerland	Franc		662.67				222.50		885.17
United States	Dollar				5,759.82				5,759.82
Total			21,019.67		93,712.41		1,077.10		115,809.18

RICHARD G. LUGAR, Chairman,
Committee on Foreign Relations, Jan. 20, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Timothy Profeta:									
United States	Dollar				715.95				715.95
Italy	Euro		1,253.00						1,253.00
Senator Susan M. Collins:									
Israel	New Skekel		797.00						797.00
Jordan	Dinar		152.50						152.50
Morocco	Dirham		102.50						102.50
Total			2,305.00		715.95				3,020.95

SUSAN COLLINS, Chairman,
Committee on Governmental Affairs, Jan. 21, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jon Kyl:									
Israel	Dollar		756.00						756.00
Morocco	Dollar		255.00		0.00		0.00		255.00
Christine Clarke:									
Israel	Dollar		756.00		0.00		759.00		1,515.00
Morocco	Dollar		255.00		0.00		0.00		255.00
Total			2,022.00				759.00		2,781.00

ORRIN HATCH, Chairman,
Committee on the Judiciary, Jan. 30, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, AMENDED FROM THE 1ST QUARTER, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1 TO MAR. 30, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mike DeWine							4,105.76		4,105.76
Senator Richard Durbin			20.00				4,105.76		4,125.76
William Duhnke			643.50						643.50
Christopher Mellon			1,965.00						1,965.00
					7,479.56				7,479.56
Total			2,628.50		7,479.56		8,211.52		18,319.58

PAT ROBERTS, Chairman,
Committee on Intelligence, Jan. 16, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCEFOR TRAVEL FROM APR. 1 TO JUN. 30, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John D. Rockefeller:			1,087.00						1,087.00
Christopher Mellon:			1,087.00						1,087.00
Senator Saxby Chambliss:			236.00						236.00
Jay Jakub:			558.00						558.00
	Dollar				7,479.56				7,479.56
Total			2,968.00		7,479.56				10,447.56

PAT ROBERTS, Chairman,
Committee on Intelligence, Jan. 16, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kenneth G. Johnson:			1,376.45						1,376.45
	Dollar				6,244.28				6,244.28
Brandon Milhorn:			1,376.45						1,376.45
	Dollar				6,244.28				6,244.28
Lindsey Fair:			1,376.45						1,376.45
	Dollar				6,244.28				6,244.28
Nancy St. Louis:			1,376.45						1,376.45
	Dollar				6,244.28				6,244.28
Randall Bookout:			1,704.00						1,704.00
	Dollar				7,844.29				7,844.29
Richard Douglas:			1,704.00						1,704.00
	Dollar				7,844.29				7,844.29
Total			8,913.80		40,665.70				49,579.50

PAT ROBERTS, Chairman,
Committee on Intelligence, Jan. 16, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL DODD FOR TRAVEL FROM NOV. 29 TO DEC. 6, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Christopher Dodd:									
Jordan	Dinar		238.00						238.00
Kuwait	Dollar		402.00						402.00
Israel	Dollar		1,086.00						1,086.00
Senator Jon S. Corzine:									
Jordan	Dinar		108.30						108.30
Kuwait	Dollar		300.00						300.00
Israel	Dollar		726.00						726.00
Evan Gottesman:									
Jordan	Dinar		108.30						108.30
Kuwait	Dollar		280.00						280.00
Israel	Dollar		727.00						727.00
Janice O'Connell:									
Jordan	Dinar		238.00						238.00
Kuwait	Dollar		402.00						402.00
Israel	Dollar		1,086.00						1,086.00
Jonathan Pearl:									
Jordan	Dinar		238.00						238.00
Kuwait	Dollar		402.00						402.00
Israel	Dollar		1,086.00						1,086.00
Delegation Expenses:[1]									
Jordan	Dinar						2,831.51		2,831.51
Afghanistan	Dollar						176.00		176.00
Pakistan	Dollar						2,134.08		2,134.08
Uzbekistan	Dollar						322.68		322.68
Kuwait	Dollar						273.90		273.90
Israel	Dollar						11,133.88		11,133.88
Total:			7,427.60				16,872.05		24,299.65

[1] Delegation expenses include payments and reimbursements to the Department of State under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977,

TOM DASCHLE,
Democratic Leader, Feb. 11, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), MAJORITY LEADER, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2003

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Larry Craig:									
United States	Dollar				5,026.79				5,026.79
Italy	Euro		537.00						537.00
William Hart:									
United States	Dollar				5,026.79				5,026.79
Italy	Euro		537.00						537.00
Total			1,074.00		10,053.58				11,127.58

BILL FRIST,
Majority Leader, Feb. 2, 2004.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398, as amended by Public Law 108–7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106–398, and upon the recommendation of the majority leader, in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individual to the United States-China Economic Security Review Commission: Gary J. Schmitt of Washington, D.C., vice Michael A. Ledeen of Maryland.

The Chair, on behalf of the Democratic Leader, pursuant to Public Law 108–173, appoints the following individual to serve as a member of the

Commission on Systemic Interoperability: Herbert Pardes, M.D. of New York.

PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY TO AWARD A CONGRESSIONAL GOLD MEDAL

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 357, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant journal clerk read as follows:

A concurrent resolution (H. Con. Res. 357) permitting the use of the rotunda of the Capitol for a ceremony to award a Congressional Gold Medal to Dr. Dorothy Height.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 357) was agreed to.

CONGRATULATING FOCUS: HOPE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 92 submitted earlier today by Senator LEVIN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant journal clerk read as follows:

A concurrent resolution (S. Con. Res. 92) congratulating and saluting Focus: HOPE on the occasion of its 35th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LEVIN. Mr. President, I rise today with great pleasure to speak in commemoration of the 35th anniversary of Focus: HOPE and to support this concurrent resolution commemorating its many achievements. Focus: HOPE has served as an invaluable, multifaced resource for the people of Detroit and Michigan and is a model of success for the entire Nation. From its inception, Focus: HOPE has been committed to taking ''intelligent and practical action to overcome racism, poverty, and injustice.'' For three and a half decades, Focus: HOPE has worked toward that goal.

In 1968, Father William T. Cunningham, a Roman Catholic priest, and Eleanor Josaitis, a housewife, joined to form Focus: HOPE as a positive reaction to the devastating Detroit riots the previous year. While having few material resources at their disposal, Father Cunningham and Ms. Josaitis possessed a singular and indefatigable desire to help residents of Detroit take control of their lives. Their faith has been matched by a love for all of humanity, irrespective of religion or race. That love has helped Focus: HOPE flourish as it seeks to assist many in metro-Detroit.

Focus: HOPE has been involved with myriad activities that address both the immediate and long-term needs of our people. In the 1970s, Focus: HOPE began several innovative programs to provide nutritious food to young children, their mothers and senior citizens. Through its USDA Commodity Supplemental Food Program, the largest of its kind, monthly supplemental food is provided to 43,000 low-income pregnant and postpartum mothers, infants, preschool children and seniors throughout Southeast Michigan. The Commodity Supplemental Food Program can now be found in 32 States.

While caring for the basic needs of individuals, Focus: HOPE also seeks to lift the dreams and spirits of all who study, work at, or visit its 40-acre Detroit campus. Father Cunningham was a firm believer in the ability of education and technology to inspire people and bring out the best in them. By helping people to harness their dreams and imagine what is possible, he sought to develop a series of training and educational programs that challenged students to fulfill their dreams while learning marketable career skills.

To achieve this end, Focus: HOPE developed a four-part educational and training system that requires that students meet rigorous competency standards before they are able to proceed to the next academic program. The first two parts, fast track and the Machinist Training Institute, opened in the 1980s during a time of radical evolution for Focus: HOPE. Fast rack, is a computer assisted course which improves the reading and math skills of high school graduates or GED holders to prepare them for advanced study in the Machinist Training Institute where individuals prepare for careers in advanced machining and precision manufacturing. Fast track ensures that all those who enter the MTI program have the skills needed to succeed in this program and industry. The MTI uses a unique combination of classroom instruction and hands-on manufacturing experience producing high quality products in industry.

By maintaining clear and rigorous standards, MTI is able to train individuals that industry wants to hire. Since its foundation, nearly 2,500 graduates have learned high-demand skills and gain access to the financial mainstream. One indication of the success of this program is that industry often seeks to hire the students ever before they have completed their training.

In 1993, Focus: HOPE expanded its educational programs by adding a third education and training program—the Center for Advanced Technologies, CAT. At the center, ''candidates,'' as all students are called at Focus: HOPE, are able to continue their education by working toward an associate's or bachelor's degree in manufacturing engineering. Through a unique partnership with several universities, CAT students are awarded their degrees in a rigorous process that combines hands-on manufacturing experience and academic instruction within a leading edge technology environment while working and studying at Focus: HOPE. These candidates produce the highest quality and precision parts for the auto industry—a very demanding challenge. This innovative Focus: HOPE program has been cited as enrolling the largest number of African Americans studying manufacturing engineering in the Nation.

In 1999, Focus: HOPE was able to further diversify its training resources through the establishment of the Information Technologies Center, which provides industry-certified training in network administration, network installation, and desktop server administration enabling students to gain employment in the growing Information Technology sector of our economy.

These innovative and successful programs have caused Focus: HOPE to receive considerable national attention for its efforts. As a result of its many successes, Focus: HOPE has been visited by many national, State and local officials who wanted to examine this remarkable place in person. Presidents George H.W. Bush and Bill Clinton have visited Focus: HOPE as well as Energy Secretary Spence Abraham, Army Secretary Thomas White, Commerce Secretary Ron Brown, Secretary of Agriculture Dan Glickman, Secretary of Labor Robert Reich, the Honorable Colin Powell when he served as Joint Chiefs of Staff, and many others. These quests quickly learned as I have on many visits there, that the achievements of Focus: HOPE can hardly be described in just a few minutes or digested in even several visits.

Focus: HOPE has provided practical and compassionate assistance to people of all ages, from young children who receive quality child care at their Center for Children, to young adults who receive vital training through hands-on manufacturing projects, seniors who are fed by the Commodity Supplemental Food Program as well as those who are still young at heart who continue to persevere in the never-ending fight against racism, poverty, and injustice.

I have been privileged to witness and support Focus: HOPE's extraordinary achievements throughout the years. Like thousands of others, I have also been inspired by its positive energy and tireless commitment to providing opportunity for all people. For 35 years, Focus: HOPE has repeatedly amazed me with its spirit, grace, and vision.

Although Focus: HOPE lost a great mentor in 1997 with the passing of Father William Cunningham, Eleanor Josaitis continues to inspire and lead Focus: HOPE as its co-founder and chief executive officer. Today, I am pleased to offer my congratulations to Ms. Josaitis and her colleagues on the 35th anniversary of Focus: HOPE. I am sure that my colleagues in the Senate and the House of Representatives will join Senator STABENOW and me in commemorating this invaluable resource by supporting the passage of this concurrent resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 92) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 92

Whereas Focus: HOPE began as a civil and human rights organization in 1968 in the wake of the devastating Detroit riots, and was co-founded by the late Father William T. Cunningham, a Roman Catholic priest, and Eleanor M. Josaitis, a suburban housewife, who were inspired to establish Focus: HOPE by the work of Dr. Martin Luther King Jr.;

Whereas Focus: HOPE is committed to bringing together people of all races, faiths, and economic backgrounds to overcome injustice and build racial harmony, and it has grown to one of the largest nonprofit organizations in Michigan.

Whereas the Focus: HOPE mission statement states: ''Recognizing the dignity and beauty of every person, we pledge intelligent and practical action to overcome racism, poverty and injustice. And to build a metropolitan community where all people may live in freedom, harmony, trust and affection. Black and white, yellow, brown and red from Detroit and its suburbs of every economic status, national origin and religious persuasion we join in this covenant.'';

Whereas one of Focus: HOPE's early efforts was to support African American and female employees in a seminal class action suit against AAA, resulting in one of the finest affirmative action commitments made by any corporation up to that time;

Whereas Focus: HOPE helped to conceive of and develop the Department of Agriculture's Commodity Supplemental Food Program which has been replicated in 32 states, and through this program Focus: HOPE helps to feed 43,000 people per month throughout Southeast Michigan;

Whereas Focus: HOPE has revitalized several city blocks in central Detroit by redeveloping obsolete industrial buildings, beautifying and landscaping Oakman Boulevard, creating pocket parks, and rehabilitating homes in the surrounding areas;

Whereas Focus: HOPE's Machinist Training Institute has been training individuals from Detroit and beyond for careers in advanced manufacturing and precision machining since 1981, and has sent forth nearly 2,500 certified graduates, providing an opportunity for primarily under-represented minority youth, women, and others to gain access to the financial mainstream and learn in-demand skills;

Whereas Focus: HOPE, with assistance from Michigan, the Department of Housing and Urban Development, and other generous private and public partners, has within the last two years invested over $10 million to complete the renovation of the industrial building housing its Machinist Training Institute;

Whereas Focus: HOPE has recognized that manufacturing and information technologies are key to the economic growth and security of Michigan and the United States, and is committed to designing programs that would contribute to the participation of under-represented urban individuals in these critical sectors;

Whereas, in 1982, Focus: HOPE began a for-profit subsidiary that was initiated for community economic development purposes and is now designated with Federal HUBZone status;

Whereas Focus: HOPE created two pioneering programs—FAST TRACK and First Step—designed to help individuals improve their reading and math competencies by a minimum of two grade levels in 4–7 weeks;

Whereas these programs have graduated over 7,000 individuals since their inception, a new offsite training facility in Detroit's Empowerment Zone in southwest Detroit has been established to reach out to individuals in other parts of the city, and the success of the programs has inspired Michigan (in its State-wide FAST BREAK program) and other States to replicate the efforts of Focus: HOPE;

Whereas, in 1987, Focus: HOPE reclaimed and renovated an abandoned building and opened it as a Center for Children, which has now served over 5,000 children of colleagues, students, and neighbors with quality child care, including latchkey, early childhood education, and other educational services;

Whereas Focus: HOPE, through an unprecedented co-operative agreement between the Departments of Defense, Commerce, Education, and Labor, established a National demonstration project—the Center for Advanced Technologies—in which candidates earn associates and bachelors degrees in either manufacturing engineering or technology, and engage in hands-on manufacturing with-in-real world conditions, producing parts for DaimlerChrysler, Detroit Diesel, Ford Motor Company, General Motors Corporation, the Department of Defense, and others;

Whereas Focus: HOPE has caused over $22 million to be invested in renovating a previously obsolete building to house the Center for Advanced Technologies, transforming the building into a model facility for 21st century advanced manufacturing, education, and research;

Whereas Focus: HOPE has made outstanding contributions toward increasing diversity within the traditional homogeneous science, math, engineering, and technology fields, and 95 percent of currently enrolled degree candidates are African American, representing perhaps the United States' largest producer of bachelor-degreed minority graduates in manufacturing engineering;

Whereas Focus: HOPE's unique research and development partnership with the Department of Defense has resulted in a nationally recognized demonstration project, the Mobile Parts Hospital, whose Rapid Manufacturing System has recently been deployed to Kuwait in support of the Armed Forces' current operations in Afghanistan and Iraq;

Whereas Focus: HOPE began a community arts program in 1995, presenting multicultural arts programming and gallery exhibitions designed to educate and encourage area residents, while fostering integration in a culturally diverse metropolitan community, and over 43,000 people have viewed sponsored exhibits or participated in this program;

Whereas Focus: HOPE established an Information Technologies Center in 1999, providing Detroit students with industry-certified training programs in network administration, network installation, and desktop and server administration, and has graduated nearly 475 students to date, and has initiated, in collaboration with industry and academia, the design of a new bachelors degree program to educate information management systems engineers;

Whereas Focus: HOPE's initiatives and programs have been nationally recognized for excellence and leadership by such organizations as the Government Accounting Office, the Department of Labor, the International Standards Organization, the National Science Foundation, the Cisco Networking Academy Program, Fortune Magazine, Forbes Magazine, the Aspen Institute, and many others, and former Presidents George H.W. Bush and Bill Clinton have visited Focus: HOPE's campus;

Whereas Focus: HOPE is currently led by Eleanor M. Josaitis, its co-founder and chief executive officer, and she has received honorary degrees from 11 outstanding universities and colleges, was named one of the 100 Most Influential Women in 2002 by Crain's Detroit Business, has been inducted into the Michigan Women's Hall of Fame, has received the Detroit NAACP Presidential Award, the Arab American Institute Foundation's Kahlil Gibran Spirit of Humanity Award, as well as many other awards;

Whereas through the generous partnerships and support of individuals from all walks of life, Federal, State, and local government, and foundations and corporations across the United States, the vision of Focus: HOPE will continue to grow and inspire;

Whereas Focus: HOPE has been blessed with an active board of directors and advisory board from the senior most levels of corporate and public America, and has benefited from an annual average of 25,000 volunteers and countless colleagues;

Whereas Focus: HOPE has been a tremendous force for good in the City of Detroit, the State of Michigan, and the United States for the past 35 years;

Whereas Focus: HOPE continues to strive to eliminate racism, poverty, and injustice through the use of passion, persistence, and partnerships, and continues to seek improvement in its quality of service and program operations; and

Whereas Focus: HOPE and its colleagues will continue to identify ways in which it can lead Detroit, the State of Michigan, and the United States into the future with creative urban leadership initiatives: Now, therefore, be it

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

(1) congratulates and salutes Focus: HOPE for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States; and

(2) directs the Secretary of the Senate to make available enrolled copies of this resolution to Focus: HOPE and Ms. Eleanor M. Josaitis for appropriate display.

MEASURE PLACED ON THE CALENDAR—H.R. 3783

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk due its second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The assistant journal clerk read as follows:

A bill (H.R. 3783) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

Mr. MCCONNELL. I object to further proceedings.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

ORDERS FOR THURSDAY, FEBRUARY 26, 2004

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, February 26. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 1805, the gun liability bill, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Mr. President, tomorrow the Senate will resume consideration of S. 1805, the gun liability bill. The consent agreement worked out by the managers just a few moments ago means that we will make significant progress on many somewhat contentious issues tomorrow. Senators should anticipate rollcall votes throughout the day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:09 p.m., adjourned until Thursday, February 26, 2004, at 9:30 a.m.

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO HAROLD BROUGHTON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. McINNIS. Mr. Speaker, it is truly a privilege to take this opportunity to pay tribute to Harold Broughton and thank him for his service to the agricultural industry. His incredible accomplishment of being awarded the 2003 Lifetime Membership Award at the Western Colorado Horticultural Society is a testament not only to his extraordinary natural abilities, but also his incredible work ethic and indomitable human spirit.

This well deserved honor is the manifestation of a life-long passion, and could not have been bestowed upon a more deserving individual. As a fourth generation farmer, Harold Broughton has spent his career managing the fruit orchards for families and organizations throughout Colorado. He was able to start his own company in 1966 which would later be named Harold Broughton Orchards, LLC which electronically sizes, custom packs, brokers and ships fruit throughout the nation under the Tom-Tom label.

Mr. Speaker, it is quite clear that Harold Broughton is a person of unparalleled dedication and commitment to his life-long pursuit of horticulture and shipping fruit nationwide. It is not only his incredible devotion, but also his unrelenting passion for the fruit industry in Colorado that I wish to bring before this body of Congress. It is my distinct pleasure to honor Harold here today, and wish him all the best in his future endeavors.

IN HONOR AND RECOGNITION OF DR. HELEN S. FAISON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Dr. Helen S. Faison, for her significant and groundbreaking professional accomplishments in the field of education, and for serving as a mentor, role model and inspiration for countless women and men in the City of Pittsburgh, PA, and far beyond.

Dr. Faison's unwavering integrity, strong work ethic, trailblazing spirit and energetic quest for knowledge led her to become one of the first African-American teachers in the Pittsburgh School District. After many decades of inspirational instruction, Dr. Faison became the first female, and the first African-American to be named high school principal within the City of Pittsburgh.

Dr. Faison was later appointed as deputy superintendent of the Pittsburgh School District. This was the highest administrative position ever held by a woman in the district. Presently, Dr. Faison is the Director of the Pittsburgh Teachers Institute, and Education Department Chair and distinguished visiting professor at Chatham College. Beyond her monumental scholastic and professional contributions, awards and accolades, Dr. Faison has served as a beacon of inspiration, hope and living testament to countless students and colleagues—teaching by example that dreams can become reality.

Mr. Speaker and Colleagues, please join me in honor and recognition of Dr. Helen Faison, as she has been honored on February 5, 2004, by the 14th Annual Strong Men & Women: Excellence in Leadership series, sponsored by Dominion East Ohio. Dr. Faison's groundbreaking professional excellence and accomplishment as an outstanding teacher and educational leader has inspired, guided and enhanced the minds and hearts of countless young students through the years. Her continued commitment to education serves as a beacon of hope and light for people of all races so they may visualize and realize their dreams, and her journey continues to inspire us all.

HONORING THE MEMORY OF MR. GEORGE ROBINSON ''ROBIN'' SWIFT, JR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. BONNER. Mr. Speaker, Escambia County and indeed the entire state of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Mr. George Robinson ''Robin'' Swift, Jr., was a devoted family man and dedicated public servant throughout his entire life.

His desire to provide the best opportunities possible for his fellow Alabamians led him to become involved in state politics on both the local and statewide levels, culminating with a hard-fought campaign for governor in 1994. Prior to his run for elective office, Robin Swift participated on the campaign of former Governor Guy Hunt and served with distinction as the governor's finance director. It would be safe to say that the state of Alabama has never had a finer, more dedicated or more capable finance director than Robin Swift.

During his tenure as finance director, Robin was extremely diligent with the taxpayer's money and set the highest standard for all public servants. One of his former colleagues in the Alabama Finance Office, Lee Miller, paid tribute to Mr. Swift's tremendous success when he said, ''He led by example, and was the best steward of the public trust I ever encountered at any level of government.''

Mr. Speaker, while Robin Swift was an exemplary model of public service, his true love was America's free enterprise system where, as a small business owner in Atmore, he was extremely familiar with the challenges and goals of running a successful business. That business, Swift Lumber Company, provides employment opportunities today to many dozens of hardworking men and women throughout South Alabama. While serving as president of Swift Lumber Company, Robin Swift and his family have provided a local anchor that remains an important part of the area economy to this day.

Additionally, Mr. Swift was a proud veteran of the United States Army and served with distinction for two years during the Korean War.

Mr. Speaker, I ask my colleagues to join me in remembering a dedicated public servant and long-time advocate for the citizens of Escambia County and the state of Alabama. Mr. Swift will be deeply missed by his family—his wife, Lucille King Swift, his daughter, Lisa Swift Marks, his son, G. Robin Swift, III, and his six grandchildren—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

PAYING TRIBUTE TO DAVID EPPICH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. McINNIS. Mr. Speaker, it is truly a privilege to take this opportunity to pay tribute to David Eppich, a man who for over twenty-five years has led a distinguished career in education and public service in Durango, Colorado. His incredible devotion to his community and involvement in youth programs was recently recognized by the Durango Chamber of Commerce, named David Eppich its Citizen of the Year.

This is an incredible honor for a Durango resident, and could not have been bestowed upon a more well deserving individual. For over a quarter of a century, David has worked with Fort Lewis College and emerged as a community leader actively involved in the youth programs in the Durango region. Humbled by the award, David believes there are many more well deserving individuals, and continues to encourage others to volunteer their time and resources to organizations in the Durango area.

Mr. Speaker, it is quite clear that David Eppich is a person who possesses unparalleled dedication and commitment to his life long pursuit of public service. It is not only his incredible devotion, but also his passion for contributing to the youth programs in the Durango community that I wish to bring before this body of Congress. It is my distinct pleasure to honor David here today, and wish him all the best in his future endeavors.

HONORING EVELYN BLAHA SZCZECH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor of my dear friend, Evelyn Blaha Szczech of Newburgh Heights, Ohio, as she gathers with family and friends to celebrate her birthday on February 7—eighty years young, and as lively as ever.

With family central to her life, Mrs. Szczech and her late husband, Clarence T. Szczech, raised four children: Clarence, Roseanne, Robert and Brian. She is blessed with ten grandchildren and two great-grandchildren.

Beyond caring for her family, Mrs. Szczech has been an involved member of the community, and continues to dedicate her time and talents to many civic endeavors. For nearly five decades, Mrs. Szczech has been an intregal part of our democratic system—working to support candidates, educate voters, and promote voter registration. She has been an active member of the Democratic Party of Newburgh Heights since 1959, and has held all positions within the Party throughout the years, from entertainment committee member, to treasurer, to president.

With a quick and agile mind, and an equally energized spirit, Mrs. Szczech continues to volunteer her time and talents in service to her community. She continues her involvement in the Democratic Party of Newburgh Heights, and serving on the Cuyahoga County Board of Elections—as she has for the past fifty years. She also continues to serve as a member of the Executive Committee of the Cuyahoga County Democratic Party and is President of the Golden Agers of Newburgh Heights.

Mr. Speaker and colleagues, please join me in honor of Evelyn Blaha Szczech, in joyous celebration of her 80th birthday. Mrs. Szczech continues to be an inspiration to everyone in her life—especially to her family and friends. Her loyalty, friendship, convictions, boundless energy, joy, and good works are invaluable gifts to all of us who know her well, and her dedication and work has uplifted the Village of Newburgh Heights, and our entire community. We wish her continued health and happiness today, and all days to come.

CONGRATULATING THE HONORABLE JACK TILLMAN ON HIS ELECTION AS PRESIDENT OF THE ALABAMA SHERIFFS ASSOCIATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor the Honorable Jack Tillman, Sheriff for Mobile County, Alabama, on the occasion of his being elected as president of the Alabama Sheriffs Association (ASA).

The ASA was designed to provide a professional network and link for the sheriffs in Alabama's 67 counties. Along with providing this link for law enforcement officials throughout the State, the Sheriffs Association also serves as an important legislative tool on the State and Federal levels and advocates on behalf of its membership and their families. Since 1990, the ASA has also been actively involved with the ''Jail Assistance Project,'' a program created to provide sheriffs, chiefs of police, and representatives of local governments with the tools to plan and staff new jail facilities, provide expert advice and assistance in evaluating correctional equipment, and develop training on various correctional issues.

Jack Tillman is very qualified to serve as the president of this organization and has an extensive background in the law enforcement field. On January 15, 2003, he was sworn in to begin his third term as Mobile County Sheriff. Prior to that, he served in the Mobile County Public School System as a Resource Officer. During his tenure with the school system, he successfully conducted numerous criminal investigations requiring collaboration with representatives from law enforcement agencies at the local, State, and Federal levels.

Sheriff Tillman's concern for and involvement in his community also extends outside the professional boundaries of the sheriff's office. He serves on numerous boards for civic and church groups and organizations dedicated to the young people of Mobile County.

Along with his wife, Deborah, their children Brian and Lindsay, and his many friends and colleagues, I wish to extend to Sheriff Jack Tillman my warmest congratulations on his election as president of the Alabama Sheriffs Association.

PAYING TRIBUTE TO FRAN WEAVER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise before you today to pay tribute to a remarkable woman from my district. Fran Weaver of Pueblo, Colorado passed away recently at the age of seventy-nine. Fran was a successful author and friend to many, and I would like to recognize her tremendous contributions to the Pueblo community before this body of Congress and this nation.

Fran was renowned for her devotion to education, and after raising her children, decided to return to college where she earned a degree in journalism. She delighted in writing her weekly column, ''Midlife Musings,'' for The Pueblo Chieftain, as well as lecturing on national television and Crystal Cruises. She felt that old age should not be a reason to slow down, and, according to her former newspaper, ''urged them to open themselves up to new experiences.'' As I reflect on Fran's accomplishments, it is evident that she heeded her own advice.

Mr. Speaker, it is an honor to rise before this body of Congress and this nation to pay tribute to the life of Fran Weaver. Fran's love of the written word and zest for life is truly an inspiration for us all. The Pueblo community and the State of Colorado will truly miss her, and my thoughts go out to Fran's loved ones during this difficult time of bereavement.

IN HONOR AND REMEMBRANCE OF DONALD BOGART

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Mr. Donald Bogart—devoted family man, accomplished scientist, social justice activist and humanitarian.

Mr. Bogart grew up in a small apartment in Brooklyn, NY. He earned a degree in mechanical engineering from Cooper Union for the Advancement of Science and Arts. Immediately following graduation, Bogart, a brilliant scholar, was recruited by the National Advisory Committee for Aeronautics—NASA's forerunner. In 1943, Bogart moved to Cleveland to begin his accomplished career in nuclear physics at NASA—a career that spanned nearly 40 years. From 1958 to 1974, Mr. Bogart served as director of the nuclear physics branch at NASA Lewis Research Center, where he led a team of scientists to develop a nuclear rocket for a proposed manned space flight to Mars. Mr. Bogart moved into the area of solar energy and technology, making great strides in the field. Later, as a representative of the State Department, Bogart brought his expertise in the area of solar energy to India and the Philippines.

Outshining his significant scientific achievement was his compassionate heart, strong convictions, and unyielding bravery as he consistently led local efforts on behalf of matters of human rights and civil rights, here at home and overseas. Mr. Bogart spoke publicly about the plight of Soviet Jews during the height of the cold war, and organized local groups to assist Jews to escape religious persecution in the former Soviet Union.

Mr. Speaker and Colleagues, please join me in honor, gratitude and remembrance of Mr. Donald Bogart—an exceptional man, scientist, and leader whose life reflected accomplishment, caring and joy. I offer my deepest condolences to his devoted wife, Marilyn, beloved children, Carol, Valerie, and Wendy, devoted grandchildren, Sam, Alex and Andre, and extended family and friends. Donald Bogart's brilliant and flawless legacy—both personally and professionally, will be remembered forever by family, friends and colleagues.

HONORING THE MEMORY OF MR. KENDALL P. DEXTER

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. BONNER. Mr. Speaker, Mobile County and indeed the entire State of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Mr. Kendall Parker Dexter was a devoted family man and dedicated community leader throughout his life.

Following his graduation from the University of Michigan, he joined International Paper Company in 1950 as a forester. After serving in various positions with the company in Mississippi, Mr. Dexter moved to Mobile, Alabama

in 1955 and began work as a conservation forester in International Paper's Gulf Woodlands Region. From 1962 to 1974, he served as a member of the management development and public relations departments at the Southern Kraft Division headquarters. Beginning in 1974 and continuing until his retirement, he served as the division's manager of governmental relations.

Along with his employment at International Paper, Mr. Dexter also served in various capacities as an outside consultant to the timber and paper industries, the Mobile Bar Pilots, and to representatives in both the Alabama State Legislature and the United States Congress. He also served as president of the Paper Industry Management Association.

In the midst of his intense professional schedule, Mr. Dexter also found time to serve in many community organizations and on several boards of directors. He was actively involved with the Boy Scouts of America and was an important part of the effort to organize and develop Camp Maubila in Jackson, Alabama. Mr. Dexter was also an active member of the Kiwanis Club, a past member of the Mobile Area Chamber of Commerce, as well as a member of the board of directors of the Mobile Symphony and Civic Music Association.

Mr. Dexter was also a proud veteran of the United States Air Force and served with distinction during the Korean War as both a navigator and bombardier aboard a B–26 ''Invader.'' For his service, he was awarded the Distinguished Flying Cross.

Mr. Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout South Alabama. Mr. Dexter will be deeply missed by his family—his wife, Lila Webb Dexter; his children, John Kendall Dexter, David Parker Dexter, Elizabeth Dexter, and Katherine Dexter Allen; his stepchildren, Lila McDuffie Bailey, Virginia McDuffie Siniard, and Hunter McDuffie, III; and 14 grandchildren—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

TRIBUTE TO THE MARCELLUS GIRLS VARSITY SOCCER TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. WALSH. Mr. Speaker, I rise today in tribute to the Marcellus girls varsity soccer team. The team had an outstanding season with a record of 23 wins, one tie, and one loss. They rose to become the section III class B champions, defeating Skaneateles, South Jefferson, and Ilion.

The team continued on to become the New York State class B regional champions defeating Chartham and Potsdam and became State champions defeating Alden by a score of 4 to 2 and Oneonta by a score of 1 to zero. The girls were all named Channel 9 Athletes of the Week on account of their many accomplishments.

In addition to their dedication to athletics, the team has also demonstrated outstanding academic achievement. All the girls on the team were selected as New York State Public High School Athletic Association Scholar Athletes.

The team includes Sami Boyle, Maureen Dooley, Jenna Farneti, Kelly Hanlon, Candy Hoffman, Jocie Jankowski, Alyssa MacLachlan, Meghan Mannion, Alyse O'Brien, Katie O'Laughlin, Sarah Potter, Jessie Reynolds, Amanda Stessen, Hannah Vaughn, Sarah Vulcano, Katie Walter, Amy Ware, Jennifer Young, Katie Young, and Katie Zimmerman. These girls are a source of pride to our community and should be commended for their hard work and dedication.

PAYING TRIBUTE TO FRANCES JONES

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise before you to pay tribute to a remarkable woman from my district. Frances Jones of Pueblo, Colorado, passed away recently at the age of one hundred and eleven. Frances was dedicated to her family, and tried to live each day to its fullest. She will be missed by many and I would like to ask my colleagues to please join me in recognizing her amazing life before this body of Congress and this nation today.

Frances was born when Grover Cleveland was president, and went on to graduate from Central High School. She later helped found the Alpha Mu Delta Sorority, and married her best friend and soul mate John Jones. During World War II, Frances served as the chairwoman of the local Red Cross canteen. She also remained active in volunteering her time for the greater good of her community and worked with the Pueblo Kennel Club for forty years, taught piano, and mentored young cub scouts before retiring at the age of ninety-six. She is survived by a son, Tom, and his wife Lillian, three grandchildren and five great-grandchildren.

Mr. Speaker, it is an honor to rise before this body of Congress and this nation and pay tribute to the life of Frances Jones. Frances' love of family and serving her community are truly a model of living life to its fullest. The Pueblo community, and the State of Colorado will truly miss her, and my thoughts go out to Frances' loved ones during this difficult time of bereavement.

IN HONOR AND REMEMBRANCE OF ROBERTO OCASIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Roberto Ocasio. His love for family, music and community has left an indelible mark upon our city, and his passing has created a significant void for all who knew and loved him well.

Mr. Ocasio was born in New York City and raised in Cleveland. By the tender age of ten, he was performing in public, already greatly inspired by Latin music and jazz. He mastered several instruments along the way, including guitar, piano, clarinet and saxophone. As a young man, he left Cleveland for New York City to further his musical education, then onto Boston, where he studied at Berklee College of Music, mastering composing and arranging.

Mr. Ocasio's Latin Jazz eight-piece band, Roberto Ocasio's Latin Jazz Project, entertained local and national audiences and won critical acclaim. For two consecutive years, Roberto Ocasio's Latin Jazz Project was awarded the Cleveland Free Times Music Award for ''Best Jazz Band.'' More significantly than winning awards, Mr. Ocasio used his musical genius to reach out to the Hispanic community, offering instruction, song and hope by performing at schools, universities, churches and community events. Mr. Ocasio was honored as the ''2001 Hispanic of the Year'' by the offices of the United States Senate, in collaboration with Nuevos Horizontes Newspaper, for his exceptionally dedicated service to our Hispanic community.

Mr. Speaker and colleagues, please join me in honor and remembrance of Roberto Ocasio, who freely shared his gifts of music, warmth, wit and concern for others. His life was lived joyously and his gift of song and humanity has touched countless lives. I extend my deepest condolences to those who loved and knew him well—his wonderful family and many friends. Although he will be deeply missed, the lyrical song of Roberto Ocasio's spirited life will resound in the hearts of everyone he loved and inspired—today, and for generations to come.

CONGRATULATING THE HONORABLE ANN BEDSOLE ON RECEIPT OF THE ASSOCIATION OF FUNDRAISING PROFESSIONALS 2004 OUTSTANDING VOLUNTEER FUNDRAISER AWARD

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor the Honorable Ann Bedsole on the occasion of her being honored by the Association of Fundraising Professionals with the organization's 2004 Outstanding Volunteer Fundraiser Award.

Senator Ann Bedsole has been a distinguished member of the Mobile, Alabama, community and a tremendous advocate for all of south Alabama for over three decades. In 1978, she was elected to the Alabama House of Representatives and served in that capacity for one term. Four years later, in 1982, she became the first woman ever elected to the Alabama State Senate, and was a candidate for governor in 1994.

During her career in the Alabama State Legislature, Senator Bedsole was instrumental in the creation of the Alabama School of Math and Science in Mobile, Alabama. Working closely with fellow legislators and members of various agencies in state government, she was able to secure support for the institution and has provided a great deal of support since it opened in 1991. In the two decades since its inception, Senator Bedsole has served as both vice president and president of the ASMS Foundation Board of Directors.

Throughout her long fundraising and volunteer career, her crowning achievement was undoubtedly the City of Mobile's Tricentennial Celebration in 2002. This event, celebrating the 300 year history of Mobile, drew thousands of visitors to this historic center and brought tourists, dignitaries, and media representatives from all across the United States and around the world. The celebration's schedule of concerts, exhibitions, festivals, and sporting events were a tremendous success and required a great deal of financial support. Under her leadership and guidance as chairman of the festival, Senator Bedsole was able to solicit more than $5 million in private, local, state, and committee funds and in-kind services. Her efforts in organizing and leading this event led to a truly memorable celebration of the history and tradition of Mobile.

Along with her strong involvement in the community, Senator Bedsole is involved in many charitable organizations including serving on the boards of the Cybil Smith Charitable Trust and the J.L. Bedsole Foundation.

Senator Bedsole's efforts in the fields of volunteerism and fundraising have also led to significant recognition in previous years, and she has been honored as First Lady of Mobile in 1972 and Mobilian of the Year in 1993.

Mr. Speaker, there are few individuals more dedicated or more committed to helping their communities than Ann Bedsole, and I would like to offer my congratulations on both the Outstanding Volunteer Fundraiser award and for her many personal and professional achievements. I know her husband, Palmer Bedsole, and her many family and friends join with me in praising her accomplishments and extending thanks for her many efforts on behalf of Mobile and the state of Alabama.

TRIBUTE TO THE AQUINAS BOYS' VARSITY SOCCER TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. WALSH. Mr. Speaker, I rise today in tribute to the Aquinas boys' varsity soccer team. The team had an outstanding season with a record of 22 wins, no losses, and two ties. The team rose to become class B State champions, defeating Westhill by a score of four to zero. This was the second time the boys have captured this title in 4 years.

The entire Aquinas lineup was overflowing with speed and skill that the team's opponents could not match. Keith Manscuk, Chris Roland, Steve Fantuzzo, and Frank Iacovangelo all contributed to Aquinas' victory with one goal apiece. Westhill's coach, Ronald Ficken, hailed the team as not only the best in class B, but also the best team in the State in any class.

The team includes Latim Bitek, Connor Burgasser, Sean Connell, Anthony Dambra, Stephen Fantuzzo, Frank Iacovangelo, Adam Kelly, Daniel Kolb, Corey Lown, Keith Manscuk, James Marsala, Chris Nacca, Patrick Nicholas, Jaymes Nowicki, Dominic Pettinari, Joe Pettinari, Chris Roland, Mike Roorda, Brad Torchia, and Cory Wisecup. The team was coached by Joe LaPietra and Tad Valentino. These boys are a source of pride to our community and should be commended for their hard work and dedication.

PAYING TRIBUTE TO DAVID NOVAK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise before you to pay tribute to a remarkable man from my district. David Novak of Pueblo, Colorado passed away recently at the age of seventy-three. David will always be remembered as a devoted family man and educator of his community's youth, and I would like to ask my colleagues to please join me in recognizing his amazing life before this body of Congress and this nation today.

David began his career as a special education teacher in Pueblo, Colorado after graduating from Adams State College in 1952. He was an advocate for youth throughout his community, and instrumental in organizing youth baseball leagues. David's passion about youth baseball played an instrumental role in bringing the 1976 Babe Ruth Youth World Series to Pueblo, Colorado. Because of his dedication to the sport, he was inducted into the Greater Pueblo Sports Association Hall of Fame in 1980. He is survived by his wife and best friend, Laurel, their children, Michael, Patrick and Rebecca, eight grandchildren, and two brothers, Tony Novak and Joe Martell.

Mr. Speaker, it is an honor to rise before this body of Congress and this nation to pay tribute to the inspiring life of David Novak. He was a beloved man who made a tremendous impact on his community through his many years of educational leadership and organizing youth baseball. David's love of family and public service is truly a model for us all. The Pueblo community and the State of Colorado will truly miss David, and my thoughts go out to his family during this difficult time of bereavement.

IN HONOR AND REMEMBRANCE OF WILLIAM C. NIEBERDING

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Mr. William C. Nieberding—devoted family man, accomplished scientist, active community leader, and admired friend and mentor.

Mr. Nieberding graduated from John Carroll University with a Bachelor of Science degree in physics in 1957, and attained a Master of Science degree in physics one year later. In 1959, Mr. Nieberding began employment at NASA Glenn Research Center as a research engineer. He was promoted several times throughout his tenure at NASA, and at the time of his retirement in 1995, held the position of Deputy Chief of the Instrumentation and Control Technology Division. Mr. Nieberding's professional life reflects several significant accomplishments and innovations in the field of aeronautics, space propulsion and space research. He was awarded the NASA Exceptional Service Medal for his outstanding achievement in the development of advanced instrumentation used in aeronautic and space research programs. He was considered the leading national authority regarding this area of study, offering his expertise to aeronautic researchers from around the world. His name is one of a select few stored within a Mars rover that he helped to create.

Beyond his professional work, Mr. Nieberding was deeply dedicated to his community. He served on the Fairview Park Planning Commission, and was an active member of St. Angela Merici Catholic Church, where he served as President of the Parish Council for two years.

Mr. Speaker and Colleagues, please join me in honor, gratitude and remembrance of Mr. William C. Nieberding, an exceptional man, scientist, and leader whose life reflected accomplishment, caring and joy. I offer my deepest condolences to his beloved wife, Mary Ellen, his beloved children, Timothy, Therese and the memory of Christine; his beloved grandchildren, Emily and Mitchell; and his entire extended family. Mr. Nieberding's brilliant and flawless legacy, both personally and professionally, will be remembered forever by family, friends and colleagues, and will shine for all time across the starry night.

HONORING THE MEMORY OF MR. BEN C. STIMPSON

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. BONNER. Mr. Speaker, Mobile County and indeed the entire state of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Mr. Ben C. Stimpson was a devoted family man and dedicated business leader and conservationist throughout his life.

After attending the University of Alabama for a number of years, he left in 1945 to join the United States Army. At the conclusion of his enlistment, Mr. Stimpson returned home to join his brothers in the family timber business, Ben May's Gulf Lumber Company, in Mobile, Alabama. Over the next several years, he and his family built Ben May's into one of the largest sawmills in the State of Alabama, and Mr. Stimpson served as president of the company. Through his work in the timber industry, he had the opportunity to become affiliated with several professional organizations and served in various leadership capacities with these groups. These include serving as a director of the Alabama Forest Products Association, director of the Southern Forest Products Association, and chairman of the board of the Southern Pine Inspection Bureau. As a result of his professional success and industry involvement, Mr. Stimpson was inducted into the Alabama Business Hall of Fame in 2002 at the University of Alabama.

Along with his work in the timber industry, Mr. Stimpson was also actively involved in the conservation and preservation of the wildlife and natural resources of his native State. Between 1971 and 1984, he served as a member of the Conservation Advisory Board for the

Alabama Department of Conservation and Natural Resources. He was also a member of the Alabama Wildlife Federation for many years and was both a member of the board of directors and past president of that organization. In 1964, he was recognized for his tremendous efforts in the field of conservation when he was awarded the Governor's Conservation Award by then-Governor George C. Wallace.

In the midst of his busy professional schedule, Mr. Stimpson also found time to serve in many community organizations and on several boards of directors. He was a member of the board of Mobile Infirmary for 25 years; he served for 20 years as a past chairman, president, and member of the St. Paul's Episcopal School board of trustees; and was a vestryman at St. Paul's Episcopal Church.

Mr. Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout South Alabama. Mr. Stimpson will be deeply missed by his family—his wife, Nedra Greer Stimpson; his children, Nedra Stimpson Crosby, John L. Stimpson, Ben C. Stimpson, Jr., Mary Stimpson Turner, and Greer Stimpson Stephens; his brother, William Herbert Stimpson; and 16 grandchildren—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

TRIBUTE TO RETIRING SYRACUSE UNIVERSITY LEADERS KENNETH AND MARY ANN SHAW

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. WALSH. Mr. Speaker, I rise today in tribute to Chancellor Kenneth A. Shaw, Ph.D., and Associate to the Chancellor, Mary Ann Shaw, M.S. Both Dr. and Mrs. Shaw are retiring administrators at Syracuse University and active members of the central New York community.

Kenneth A. Shaw has served as chancellor of Syracuse University with great honor since 1991. Prior to coming to Syracuse, Chancellor Shaw presided over the 26-campus University of Wisconsin system that serves more than 160,000 students. In addition, Dr. Shaw was chancellor of the Southern Illinois University system from 1979 to 1986, president of Southern Illinois University at Edwardsville from 1977 to 1979, and vice president and dean of Towson State University from 1969 to 1977.

Dr. Shaw is the recipient of honorary degrees from Southern Illinois University at Edwardsville in 2002; Purdue University, 1990; Illinois State University, 1987; Illinois College, 1986; and Towson State University, 1979. He was also awarded the NCAA's Silver Anniversary Award in 1986 and received the Advancement and Support of Education's District II Chief Executive Leadership Award.

Recently Chancellor Shaw was elected chairman of the Metropolitan Development Association, a regional development, planning, and research organization including a 12-county area in upstate New York. In retirement, Chancellor Shaw plans on taking a more active role with the association.

Mary Ann Shaw is the associate of the chancellor of Syracuse University and has held this position since 1991. At Syracuse University she works closely with the Office of Institutional Advancement and assists her husband, Chancellor Kenneth A. Shaw.

During her tenure as associate, Mrs. Shaw has helped found and direct the University's Center for Public and Community Service, which promotes public and community service as a fundamental part of the teaching and learning experience. Mrs. Shaw was an original founder of the Syracuse University Literacy Corps, a cadre of SU students who tutor young students in local schools. Mrs. Shaw is currently the chair of the steering committee for the development of the Central New York Children's Hospital and was instrumental in the development of United Way's Success By Six. Mrs. Shaw has also been active as a member and/or officer of the following community organizations: Lifetime Healthcare, Inc., BlueCross BlueShield of Central New York, Inc., the Salvation Army of the Syracuse Area, Syracuse Stage, Syracuse Symphony, and Central New York Community Foundation.

Chancellor Shaw has long been known among the Syracuse University student body for his accessibility and visibility not only in university activities, but in everyday student life. The chancellor has demonstrated his profound commitment to the education of students in many ways; none more significant than his connection and engagement with the Syracuse University student body.

Upon hearing of the chancellor's plans to retire, the Syracuse University student newspaper, the Daily Orange, published an editorial that praised his willingness to defend the newspaper's freedom of speech and his consistent availability to answer questions and talk with the student writers. The editorial wrote that Chancellor Shaw 'recognized the importance of an independent student voice amid a university of administrative voices.'

The Shaws' dedication to the constant advancement of the resources and ideas available to students is reflected in the university's many academic achievements. Chancellor and Mrs. Shaw will leave a lasting influence on the relationship between the Syracuse community and the university. The success attained by the Shaws is attributed largely in part to their genuine concern and interest in providing an atmosphere that fosters growth and discovery.

Both Chancellor and Mrs. Shaw have made a far-reaching impact on the students and faculty of Syracuse University as well as the surrounding community. Their leadership has elevated the educational curriculum and caliber of student attending and graduating from Syracuse University. Chancellor and Mrs. Shaw have set an educational precedent that solidifies Syracuse as a top collegiate program.

On behalf of the students, faculty and community members of Syracuse, I extend my sincere gratitude for the dedication and service Chancellor Shaw and Mrs. Shaw have offered to the community. We look forward to their continued involvement in local civic and business organizations in retirement.

PAYING TRIBUTE TO LOUISE GARCIA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. McINNIS. Mr. Speaker, it is with a sad heart that I rise to pay tribute to the passing of a great woman from my district. Louise Garcia, a native of Durango, Colorado, recently passed away at the age of 85. Louise dedicated her life to improving public transportation and serving the Durango community. I am honored today to bring her contributions to the attention of this body of Congress and this nation today.

Louise will forever be remembered as a pioneer of the transportation system in Durango. She worked as both a dispatcher and a bookkeeper for the city bus and Opportunity Bus transportation systems. Louise dedicated her time, energy and even personal living space to the betterment of the city's bus system. Louise enjoyed the outdoors and often volunteered to take children camping with the local Community Action organization. Louise was also an active member of the Mother's Club and the choir at her local church.

Mr. Speaker, Louise Garcia was a dedicated woman that selflessly served her Durango community, and I am honored to pay tribute to such a generous public servant. Her lifetime of service is an incredible model for all Americans and my thoughts and prayers go out to her family during this difficult time of bereavement.

HONORING AND RECOGNIZING THE HONORABLE JUDGE PATRICIA ANN BLACKMON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Judge Patricia Ann Blackmon, for her significant and groundbreaking professional accomplishments, and for serving as an inspiration and role model for minority women in Cleveland, Ohio, and far beyond.

Her unwavering integrity and strong work ethics were gifts from her mother, who taught by example during her childhood in Mississippi. Blackmon was the first member of her family to attend college, graduating magna cum laude from Tougaloo College in Mississippi with a Bachelor's Degree in African American Studies, political science and history. Her quest for knowledge and personal growth led her away from her Mississippi home, north to Cleveland, to earn a law degree at Cleveland-Marshall College of Law. Throughout her noteworthy career as an attorney, Judge Blackmon has served as the chief prosecutor for the City of Cleveland, assistant director of Victims/Witness Program, and professor at Dyke College. Presently, Judge Blackmon holds the monumental title as the first African-American woman to preside over the Court of Appeals of Ohio. Judge Blackmon has served, and continues to serve, on many civic advisory boards. She currently serves as

trustee for the Cleveland Bar Association, Lake Erie College, and the Black Women's Political Committee. For her outstanding contribution to the legal profession, Judge Blackmon has been awarded numerous personal and professional awards, including her induction into the Ohio Women's Hall of Fame, and the 1996 Alumni of the Year Award from Cleveland-Marshall College of Law.

Mr. Speaker and Colleagues, please join me in paying tribute to Judge Patricia Ann Blackmon, as she is being honored on February 5, 2004, by the 14th Annual Strong Men & Women: Excellence in Leadership series, sponsored by Dominion East Ohio. Judge Blackmon's professional excellence and accomplishment as a distinguished attorney and judge serves as a beacon of hope and light for people of all races so they may visualize and realize their dreams. And Judge Blackmon's journey from Mississippi to Ohio reflects tenacity, integrity, dreams and hope, and she continues to inspire us all.

HONORING BRIGADIER GENERAL BRADFORD C. BRIGHTMAN ON THE OCCASION OF HIS RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. BONNER. Mr. Speaker, today I rise to recognize one of the exemplary servicemen who has served the great State of Alabama and our country in ensuring freedom for the American people. Brigadier General Bradford C. Brightman has not only offered his knowledge and expertise to the Nation while serving, but he has taught the men and women who have served under him to do the same. Today I wish to recognize his numerous accomplishments and honor his distinguished career on the occasion of his retirement from the United States Army.

General Brightman served our country for 1 year as a combat engineer enlisted man and then was commissioned on May 16, 1969, after completing the United States Army Engineer Officer Candidate School. He served on active duty from May 1969 until July 1975, during which time he spent 19 months of combat aviation duty with the 1st Aviation Brigade in Vietnam. He also served as an Operations Officer and Flight Instructor at the United States Army Aviation School, Fort Rucker, Alabama, before leaving active duty in August 1975 and joining the Alabama National Guard.

As a member of the National Guard, General Brightman served his country in a number of aviation unit assignments and in staff positions with group and higher headquarters. These positions have also included assignments as the Deputy Commander of the 62nd Troop Command in Montgomery and Commander of the 226th Area Support Group in Mobile, Alabama.

General Brightman has received numerous awards during his service including the Bronze Star Medal, the Meritorious Service Medal, the Air Medal, the Army Reserve Components Achievements Medal, the National Defense Service Medal, the Vietnam Service Medal, and the Humanitarian Service Medal. He has also been awarded the Armed Forces Reserve Medal, the Army Service Ribbon, the Army Reserve Components Overseas Training Ribbon, the Republic of Vietnam Campaign Medal, the Republic of Vietnam Civil Action Unit Citation, Master Army Aviator Badge, Senior Army Aviator Badge, Veterans Service Medal of Alabama, Special Service Medal of Alabama, and the Faithful Service Medal of Alabama.

In addition to his successful military career, General Brightman has also achieved success in the academic arena, earning a degree in civil engineering from Auburn University in 1977 and his MBA from Troy State University in 1985. He attended three military educational facilities including Army Command and General Staff College, Associate Logistics Executive Development Course, and the Army War College. In 1992, General Brightman received the United States Civilian Achievement Award for his participation in the writing of the Panama Canal Treaty Implementation Plan. Currently, General Brightman works as a Senior Project Manager with a management and engineering services company in Mobile.

Mr. Speaker, Brigadier General Bradford C. Brightman has selflessly offered his life and services for his country. It is for this devotion that I would like to extend our most sincere thanks and gracious appreciation on the occasion of his retirement. While the United States Army National Guard will certainly miss the benefit of his leadership and experience, I know I join with his family and many friends and colleagues in wishing him continued success in the years ahead.

TRIBUTE TO THE TULLY BOYS VARSITY CROSS-COUNTRY TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. WALSH. Mr. Speaker, I rise today in tribute to the Tully boys varsity cross-country team. The team had an outstanding season, capturing the class D State title. Tully posted the meet's low score of 38 points, beating their closest opponent, Oakfield-Alabama by 42 points.

Seniors Lopez Lomong and Dominic Luka led their team to victory with a 1–2 finish. Other runners who placed for the State champion team were senior Bennett Hillenbrand in 20th place, freshman Tommy Miexell in 28th place, and Matt Kinne in 42nd place. These young men led their team to the second State championship in school history by a Tully athletic team.

The team includes Greg Hartnett, Tommy Miexell, Scott Vandermelon, Mike Heyman, Jeremiah Fraser, Casey Knapp, Brent Hartnett, Matt Kinne, Justin Rood, Travis Kushner, Kevin Easton, Dan Hatch, Rune Anderson, Lopez Lomong, Dominic Luka, Bennett Hillenbrand, Zac Long, and Pat Jordan. The team is coached by Jim Paccia. These young men are a source of pride to our community and should be commended for their hard work and dedication.

PAYING TRIBUTE TO WALTER PREDOVICH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise before you to pay tribute to a remarkable man from my district. Walter Predovich of Pueblo, Colorado recently passed away at the age of eighty-four. He will always be remembered as a devoted family man and highly respected attorney throughout the state. I would like to ask my colleagues to please join me in remembering his life before this body of Congress and this Nation today.

Walter began his career by answering his nation's call to duty in serving his country in the Navy. After an honorable discharge, he returned to Colorado to graduate from Colorado College and later the University of Denver School of Law. He went on to practice law for more than half a century and retired as a senior partner in the law firm of Predovich, Ward and Banner. Walter was also passionate about the arts, and served on the board of directors of the Denver Center for the Performing Arts, where he had been president and chief operating officer for almost fifteen years. He is survived by his wife and best friend of fifty-seven years, Marjorie, their two sons, Walter and David, and two grandchildren.

Mr. Speaker, it is an honor to rise before this body of Congress and this nation to pay tribute to the wonderful life of Walter Predovich. Walter was a beloved man who made a tremendous impact on his community through his many years of service in his profession and to the performing arts. Walter's love of family and community service is truly a model to us all. The Pueblo community and the State of Colorado will truly miss Walter, and my thoughts go out to his family during this difficult time of bereavement.

HONORING CLEVELAND READS—GREATER CLEVELAND'S LITERACY COALITION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Cleveland Reads, as they enter into their seventeenth year of offering the gift of literacy to thousands of Greater Clevelanders. For many children and adults, learning to read and write also brings a significant sense of accomplishment, self-esteem, and the promise and possibility of a renewed and brighter future.

Established in 1987, Cleveland Reads, a non-profit organization, has consistently worked to draw individuals, businesses and agencies into their volunteer literacy projects and campaign. Recently, Cleveland Reads was awarded a significant monetary grant from the United Parcel Service (UPS). The UPS award will enable the agency to enhance their existing volunteer outreach programs, and will also be used to create an effective tutoring model that will be initiated within our community's literacy coalition.

Cleveland Reads serves as the parent organization for over two hundred and twenty sites. Cleveland Reads recruits and trains tutors, researches leading methods in the literacy arena, and provides resources, guidance and support for literacy services throughout our region. Additionally, Cleveland Reads works to create local and national awareness regarding literacy issues within all levels of government and throughout the private sector.

Mr. Speaker and Colleagues, please join me in honor and recognition of Cleveland Reads. This vital agency has uplifted the lives of thousands of individuals, young and old—individuals who can now read and write, hope, dream and achieve. Cleveland Reads provides people with the tools to realize their goals by illuminating their horizon with promise and possibility shedding new light on their future—and bringing new hope to our community, and to our entire Nation.

INTRODUCTION OF ROCKY FLATS SPECIAL EXPOSURE COHORT ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. UDALL of Colorado. Mr. Speaker, I am today introducing a bill to make it more likely that red tape and missing documents will not frustrate Congress's attempt to provide compensation and care for some nuclear-weapons workers made sick by on-job exposure to radiation.

The bill is cosponsored by my colleague from Colorado, Mr. BEAUPREZ. I appreciate his support.

The bill would revise the part of the Energy Employees Occupational Injury Compensation Act (''the Act'') that specifies which covered workers are part of what the law designates as the ''Special Exposure Cohort.''

The revision would extend this ''special exposure cohort'' status to Department of Energy employees, Department of Energy contractor employees, or atomic weapons employees—all terms defined by the current law—who have worked at the Rocky Flats site, in Colorado, for at least 250 days or will have worked there that long by January 1, 2006.

The result would be to help provide the Act's benefits to any of those workers who contracted a radiation-linked cancer specified in the Act after beginning employment at Rocky Flats.

As the law now stands, before a Rocky Flats worker suffering from a covered cancer can receive benefits, it must be established that the cancer is as likely as not to have resulted from on-the-job exposure to radiation.

That sounds like a reasonable requirement—and it would be appropriate for Rocky Flats if we had adequate documentation of radiation exposures for the years when it was producing nuclear-weapons components as well as for the more recent time when DOE and its contractors have been working to clean it up and prepare it for closure.

However, in fact there were serious shortcomings in the monitoring of Rocky Flats workers' radiation exposures and in the necessary recordkeeping—to say nothing of the slowness of the current administrative process for making the required determinations concerning links between exposure and employment.

This means there is a real risk that a significant number of Rocky Flats workers who should be able to benefit from the Act will not obtain its benefits in a timely manner or will be denied them entirely.

The bill would prevent this miscarriage of justice, by recognizing that Rocky Flats workers have been plagued by the same kinds of administrative problems that entangled workers at some other locations—administrative problems that were addressed through inclusion in the Act of the provisions related to the ''Special Exposure Cohort.''

My understating of the need for this bill by meeting with Rocky Flats workers and their representatives and by consulting experts. I have particularly benefited from the great experience and expertise of Dr. Robert Bistline. Dr. Bistline has served as Program Manager of the Energy Department's Oversight of Radiation Protection Program at the Rocky Flats field office and has few if any peers in terms of his understanding of the problems addressed by the bill.

In particular, the bill reflects these aspects of Rocky Flats history—

Many worker exposures were unmonitored over the lifetime of the plant. Even within the past month a former worker from the 1950's was monitored under the Former Radiation Worker Program and found to have a significant internal deposition that had been undetected and unrecorded for more than 50 years.

No lung counter for detecting and measuring plutonium and americium in the lungs existed at Rocky Flats until the late 1960's. Without this equipment the very insoluble oxide forms of plutonium cannot be detected and a large number of workers had inhalation exposures that went undetected and unmeasured.

Exposure to neutron radiation was not monitored until the late 1950's and most of those measurements through 1970 have been found to be in error. In some areas of the plant the neutron doses were as much as 2 to 10 times as great as the gamma doses received by workers but only gamma doses were recorded. The old neutron films are being reread but those doses have not yet been added to the workers' records or been used in NIOSH's dose reconstructions for Rocky Flats workers.

Radiation exposures for many workers were not measured or were missing, therefore, the records are incomplete or estimated doses were assigned. There are many inaccuracies in the exposure records that NIOSH is using to determine whether Rocky Flats workers qualify for compensation under the Act.

The model that has been used for dose reconstruction by NIOSH in determining whether Rocky Flats workers qualify for compensation under the Act is in error. The default values used for particle size and solubility of the internally deposited plutonium in workers are in error. Use of these erroneous values reduces the actual internal doses for claimants by as much as 3 to 10 times less than the Rocky Flats records and autopsy data indicate.

Some Rocky Flats workers, despite having worked with tons of plutonium and having known exposures leading to serious health effects, have been denied compensation under the Act as a result of potentially flawed calculations based on records that are incomplete or in error as well as the use of incorrect models.

Mr. Speaker, since early in my tenure in Congress I have worked to make good on promises of a fairer deal for the nuclear-weapons workers who helped America win the Cold War. That was why enactment and improvement of the compensation Act has been one of my top priorities. I saw this as a very important matter for our country—and especially for many Coloradans because our state is home to the Rocky Flats site, which for decades was a key part of the nuclear-weapons complex.

Now the site's military mission has ended, and the Rocky Flats workers are pressing to complete the job of cleaning it up and preparing it for closure. But while they are taking care of the site, we in Congress need to take care of them and the others who worked there in the past.

That was the purpose of the compensation act. I am very proud that I was able to help achieve its enactment, but I am also aware that it is not perfect. The bill being introduced today will not remedy all the shortcoming of the current law, but it will make it better.

For the benefit of our colleague, I am attaching an outline of the bill's provisions:

Section 1: Short Title, Findings, and Purpose

Subsection (a) provides a short title, ''Rocky Flats Special Cohort Act.''

Subsection (b) sets forth several findings regarding the need for the legislation.

Subsection (c) states the bill's purpose: ''to revise the Energy Employees Occupational Illness Compensation Act so as to include certain past and present Rocky Flats workers as members of the special exposure cohort.''

Section 2: Definition of Member of Special Exposure Cohort

Subsection (a) amends section 3621(14) of the Energy Employees Occupational Injury Compensation Act (EEOICPA). The effect of the amendment is to provide that a person employed by the Department of Energy or any of its contractors for an aggregate of at least 250 work days at Rocky Flats before January 1, 2006 would be a ''member of the Special Exposure Cohort.'' Under EEOICPA, a member of the special exposure cohort suffering from one of the cancers specified in the Act is covered by the Act if the cancer was contracted after the person began employment at a covered facility.

Subsection (b) provides that someone employed by the Energy Department or any of its contractors for an aggregate of at least 250 work days at Rocky Flats before January 1, 2006 may apply for compensation or benefits under EEOICPA even if the person had previously been denied compensation or benefits under the Act. This is to make clear that the subsection (a)'s change in the law will apply to people who had applied previously.

PERSONAL EXPLANATION

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mrs. LOWEY. Mr. Speaker, during an absence yesterday, I regrettably missed rollcall votes 25 to 27. Had I been present, I would have voted in the following manner: rollcall No. 25, ''yea''; rollcall No. 26, ''yea''; rollcall No. 27, ''yea''.

PAYING TRIBUTE TO TODD LAWS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise before you today to pay tribute to a remarkable man from my district who has dedicated his life to improving the lives of the citizens of Taiwan. Todd Laws, of Delta County, Colorado, started his mission ten years ago by devoting his time and efforts to help improve the lives of Taiwanese youths. Todd's work serves as a valuable model of service to us all, and I would like to ask my colleagues to please join me in recognizing his achievements before this body of Congress and this nation today.

Todd recently returned from Taiwan after an intensive week of facilitating training for the Young Life leaders within the country, an organization that combines Christian beliefs with basic human values. While there, he taught basic skills such as balancing a checkbook, marketing oneself for jobs, and morality. Todd hopes to return to Taiwan in the near future, to continue this noble and worthy cause.

Mr. Speaker, it is my honor to rise and pay tribute to Todd Laws for reaching out to the youth of Taiwan. He has truly demonstrated a devotion to the teaching of morals and values to the world's youth, and I would like to thank him for his contributions to this noble endeavor before this body of Congress and this Nation today. Thanks for your service.

HONORING DORIS CHERRY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. UDALL of Colorado. Mr. Speaker, I am pleased to have the opportunity to acknowledge Ms. Doris Cherry, who has recently been named ''Employee of the Year'' by Congressional Guest Services, for her 28 years of exemplary service at the Longworth Cafeteria.

Ms. Cherry is well known by members of my staff and other congressional offices for her extraordinary reputation of friendliness and warmth. While she is being recognized as the ''Employee of the Year'', I daresay that if a poll were taken of the many thousands of people who use the Longworth Cafeteria, she would easily win any competition where customer service, patience and genuine kindness were at stake.

At a time when civility in human relations is arguably at low ebb, people like Doris Cherry remind us that a simple smile can make an enormous difference in all of our lives. She treats her job as an art, and not just a profession.

Doris has the kind of personality that warms the heart. She is a person we can all learn from. Perhaps her last years in Longworth will be spent on the other side of the cash register? She would make a great candidate for office and would no doubt have many admirers on both sides of the aisle.

Mr. Speaker, I would like to submit the following article from Roll Call newspaper in the RECORD, as a fitting tribute to this very gifted woman.

CAFETERIA WORKER IS EMPLOYEE OF THE YEAR

(By Zach Miller)

For 28 years, Doris Cherry has been a regular sight in the Longworth Cafeteria. Working the checkout lines for the past 15 years, she is the friendly face at the end of a long line of hungry staffers. This year, Guest Services has named her Employee of the Year.

''I am very excited and very happy,'' Cherry said of the award, but in her now-trademark selfless attitude she added, ''I am happy when my customers are happy. They come to the Food Court for a break. My job is to make them leave with a smile.''

Born in Clinton, N.C., Cherry came to Washington, D.C., as a child. In 1976, she started work in the Longworth Cafeteria as a line server before becoming a grill cook and deli server. After a decade of making food, Doris moved to the checkout line registers, where she became the warm and kind fixture collecting money from House patrons and in return giving them a smile and a hello.

Cherry's manager, Eran Nuran, said she is a sweet person who genuinely cares about everyone she meets. ''She is one of the most dependable team members here at Longworth. Customers will line up to 20 people at a time to get a chance to speak to Doris. Other registers will be open, but they think she is worth the wait,'' Nuran said.

Cherry once received a letter from a regular customer informing her he was leaving his job. In the letter the customer confessed that even though his office had free coffee every morning prepared for the staff, he would come to the cafeteria and pay for a cup just so he could say hello to her.

Cherry and her husband, Reginald, have four children and seven grandchildren.

RECOGNIZING MARIO DESANTIS FOR A LIFE OF SERVICE TO HIS COUNTRY

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mrs. LOWEY. Mr. Speaker, I rise today to recognize and congratulate Yonkers, New York, resident Mario DeSantis on his retirement after 57 years of service on behalf of Americans in Westchester County and all over the country.

As a young clerk at the Internal Revenue Service (IRS), Mr. DeSantis helped organize the employees of what was then the Manhattan District of the IRS as members of the National Treasury Employees Union (NTEU). The NTEU is the largest independent non-postal Federal employees union in the country, representing about 150,000 workers in 29 different government agencies. NTEU Chapter 47, to which Mr. DeSantis belongs and which he helped found, now represents 1,600 IRS employees in New York City and Westchester County.

Mr. DeSantis quickly took a leadership role in NTEU Chapter 47. As he rose through the ranks of the IRS to become a revenue officer, Mr. DeSantis also rose through the ranks of NTEU Chapter 47 as a steward, assistant chief steward, and associate vice president. His enthusiastic and effective work in these roles led to his election as national vice president for District 5 at the 1985 NTEU national convention.

He has also served as the legislative coordinator for Chapter 47 for the past 20 years. In this post, Mr. DeSantis has led the chapter's legislative advocacy program on behalf of all Federal employees. He has lobbied for better pay and benefits, against schemes to contract out government work, and to protect overtime pay. He has been particularly successful at organizing voter registration efforts. Each year, these drives have registered hundreds of citizens across Westchester County to vote. Because of his success as legislative coordinator, he came to lead the New York State delegation to the NTEU legislative conferences.

Mr. DeSantis is also a talented jazz musician and a member of the American Federation of Musicians (AFM). He has performed both professionally and at Chapter 47 holiday parties. His work on behalf of members of both AFM and NTEU came together in Las Vegas in 1995 during the NTEU national convention. Mr. DeSantis organized convention delegates to help walk a picket line at Caesar's Palace in solidarity with picketing members of AFM.

This anecdote clearly demonstrates the devotion and enthusiasm that Mr. DeSantis has brought to his struggle in support of workers all over the United States, from Federal employees to professional musicians. We can all take inspiration from the way that he sees a problem in society, whether the high number of unregistered voters or a lack of adequate benefits for workers, and commits himself to help fix that problem.

I thank Mr. DeSantis for almost 6 decades of public service and wish him the best in his retirement. The IRS, the members of NTEU and AFM, and the residents of Westchester County will all miss him. I am confident that, although he is retiring, the legacy Mr. DeSantis leaves behind will continue to motivate others to embrace service to their country with the commitment and energy that he did.

PAYING TRIBUTE TO RICHARD NICHOLS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. McINNIS. Mr. Speaker, it is truly a privilege to take this opportunity to pay tribute to Richard Nichols, a citizen that has dedicated his life toward aiding others in medical distress. Richard has been an outstanding paramedic in Craig, Colorado and I would like to ask my colleagues to please join me in recognizing him before this body of Congress and this Nation today.

Richard began his service to his community ten years ago as an ambulance driver, and before long enrolled in an EMT basic course. Seeing the benefit of his increasing skill level, Richard earned his paramedic license through the University of Colorado at Yampa Valley Medical Center. Today he values each opportunity where his crew's skills are tested and the patient walks out of the hospital, healed. Richard is also instrumental in the classroom where he teaches an EMT basic course at the Community College of Northwest Colorado.

Mr. Speaker, it is quite clear that Richard Nichols is a person who possesses unparalleled dedication and commitment to not only

each patient he treats, but also his students hoping to follow in his footsteps. It is his incredible talent and spirit of enthusiasm with which he has always conducted himself that I wish to bring before this body of Congress and this Nation today. Thanks for your continued service.

IN REMEMBRANCE OF JOHN WESLEY WINTERS, SR.

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. ETHERIDGE. Mr. Speaker, I rise today to remember a great North Carolinian, John Wesley Winters, Sr.

North Carolina and its capital city, Raleigh, lost one of its most outstanding citizens with the death of John Wesley Winters, Sr., on February 15. Mr. Winters was a builder, land developer, civil leader, and a pioneer in improving race relations in his city and State. He was a loyal Democrat and an innovative champion for human rights.

Mr. Winters worked as a milkman and airport skycap in his youth, saving his money with the goal of becoming a builder for southeast Raleigh's African American community. In 1957, he opened his home-building company and began building homes. Each year brought more houses. In the early 1960s he developed Biltmore Hills as a neighborhood of affordable homes for middle-class African American families. He named the streets of the subdivision for famous African Americans, including (Ralph) Bunche and (Ella) Fitzgerald Drives and (Roy) Campanella Lane. He later developed Madonna Acres, an upper-level development near St. Augustine's College, and Wintershaven, an apartment complex for senior citizens.

Elected to the Raleigh City Council in 1961, only a year after the Greensboro drug store sit-ins launched the civil rights movement in North Carolina, Mr. Winters was thrust into a key leadership role in Raleigh and Wake County. His was the voice on the city council raised to help the city respond to the civil rights revolution. Quiet-spoken, diplomatic, determined, he was a tower of strength for both whites and blacks as the city responded to the demands for equal rights. When Dr. Martin Luther King, Jr., visited Raleigh in 1961, it was Mr. Winters who was asked to pick him up at the airport and drive him to the speech. Former Governor James B. Hunt called Mr. Winters ''the best bridge-builder between the races that has ever come along in North Carolina.'' Governor Hunt was later to appoint Mr. Winters to the North Carolina Utilities Commission.

In 1974, Mr. Winters and Mr. Fred Alexander of Charlotte were elected to the North Carolina State Senate. They were the first two African Americans elected to that body since Reconstruction. With quiet determination and hard work, Mr. Winters quickly became a leader in the State senate, forming life-long friendships with North Carolina's political leaders. He was a friend of Governors, Senators, Congressmen and Presidents. Governor Terry Sanford, whose term as Governor corresponded with the civil rights protests, was a personal friend and sought Mr. Winters' advice.

Mr. Winters is survived by his wife of 63 years Marie; by seven children, Frances, John, Jr., Donna, Naomi, Rebecca, Roland and Seannea; by a brother, Joseph Winters of Raleigh; by a sister, Delores Scotto of Port Charlotte, Florida; by eight grandchildren and two great-grandchildren.

His courage and his leadership will be missed in Raleigh, Wake County, and North Carolina. If God charges each of us that we leave the world a better place than we found it on our birth, John Winters succeeded admirably. He lived, as the Chinese proverb says, ''in interesting times.'' We can only thank God that a kind Providence saw fit to place us on the same highway of life with John Winters and made him our friend.

IN MEMORY OF BISHOP AND MRS. R.E. RANGER

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Ms. GRANGER. Mr. Speaker, during Black History Month 2004, I rise today to recognize an outstanding and historic African American ministry and church in my district. It is my distinct pleasure to honor Bishop & Mrs. R.E. Ranger and historic Wayside Church of God In Christ, Inc. in Fort Worth, Texas.

Bishop R.E. Ranger served as the legendary Pastor of Wayside Church of God In Christ from January 16, 1930 until January 6, 1992—a period of 62 years of continuous ministry at the same Church location at 2100 Beckham Place, Fort Worth, Texas 76104—and is believed to have served one of the longest tenures as a Pastor of the same church—if not the longest—of any pastor in Fort Worth history and one of the longest continuous pastoral tenures in the State of Texas.

Bishop R.E. Ranger was born on Sunday, January 22, 1899 in the small, southern, rural area of Wilson Creek community, Allenhurst, Texas in Matagorda County and was a serious, disciplined student who became a voracious reader and independent learner who acknowledged the call of God to preach the gospel at age 17 in San Antonio, Texas and continued as a gospel preacher for over 75 years (Diamond Jubilee).

Bishop R.E. Ranger rose from very humble beginnings on his own via early self-education at the St. Mary's Baptist Church using Catholic books and materials and without customary parental support to become an outstanding radio and TV trailblazer and pioneer in Fort Worth, Texas, as well as the nation and with the aid and assistance of radio and TV stations owned by Amon Carter, Jr.—WBAP Radio and WBAP–TV—achieved a number of historic 'firsts' in the 1930's, 40's and 50's, including but not limited to: the Founding Bishop of the Church of God In Christ (Southeast) in Texas; a pioneering Pastor and Bishop in the Church of God In Christ in the State of Texas; the first African American appointed a denominational Bishop in Fort Worth History; the first African American minister in America to receive 'national' radio air time; the first African American minister in the South to have a national radio ministry in the early 1930's; first African American minister south of the Mason/Dixon line to have weekly broadcasts short waved to many parts of the world—such as Australia, South America and England; and, became internationally known and his homilies were featured on television from such locales as Piccadilly Square in London and Honolulu, Hawaii; first African American minister in America to be seen in a ''live'' television worship service from a church auditorium; featured in June 1949 issue of Ebony Magazine as one of the ''Outstanding Black Ministers on Radio''; and a survey revealed his WBAP radio audience to be about six (6) million at its peak.

Bishop R.E. Ranger was the historic minister of the Wayside Church of God In Christ. In 1944, he personally drew up the blueprints for the current Wayside Church after receiving a God-given vision of a new, brick church in the ''shape of a cross'' with a tower. With that vision, he tore down the former church facility—the ''Little Wooden Church on the Hill''—with his own hands.

Bishop R.E. Ranger was a pioneer in the Church of God in Christ in the state of Texas and was appointed Presiding Bishop of the Church of God In Christ (Southeast) by the founder of the Church of God In Christ—Bishop C.H. Mason. He also became an influential state and national religious leader headquartered in Fort Worth, Texas.

Bishop R.E. Ranger willingly opened doors for activities for the good of the larger community and provided material and spiritual assistance to countless numbers of people in need. As a member of the NAACP and the Interdenominational Minesterial Alliance, he was actively involved in religious, civic, and educational activities and the struggle for human rights.

Mrs. Blanche Mae Ranger was born March 20, 1904 in Houston, Texas, and graduated from the City of Houston's Normal and Colored High School on June 1, 1922. She also received a teaching degree from the historic Tuskegee Normal & Industrial Institute on May 22, 1924, during the time of George Washington Carver. Blanche Mae Ranger served with Bishop Ranger at Wayside Church from January 16, 1930 until her passing on October 26, 1985.

Mrs. Blanche Mae Ranger was an exemplary Christian wife, a licensed missionary, musician and singer of the radio/TV ministry theme song—''The Old Ship of Zion'', homemaker, mother of eleven (11) children, home economics teacher, poll tax collector and civic worker of Fort Worth, Texas. She reared and supported the education of a host of children and grandchildren who studied at and received numerous college and postgraduate degrees from institutions such as Huston Tillotson, Wiley College, Hastings Law School (UC), Lincoln University, University of Minnesota, Howard University, Howard University Law School, Lane College, University of Texas, Rutgers Law School, Morehouse College, Bowdoin College, Harvard Law School, University of Michigan Law School, University of Pennsylvania Law School, Oberlin College, MIT, Stanford, Boston University, Perdue University, Northwestern University, United States Air Force Academy, Loyola Marymont University, and University of Virginia.

I am very proud of the achievements of Bishop and Mrs. R.E. Ranger and historic Wayside Church. Thanks to their significant achievements, Bishop and Mrs. R.E. Ranger and Wayside Church were symbols of selfless

service and achievement for African American citizens in our community and across this nation.

In recognition of its historic past, Wayside Church is currently in the process of receiving an official designation as a Cultural and Historical Landmark of the City of Fort Worth and is being considered for a Texas Historical Landmark designation and the National Register of Historic Places.

Wayside Church of God In Christ, Inc., congratulations on 92 years (1912–2004) of outstanding local, state, and national service!

TRIBUTE TO JOHN MRAULE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. McINNIS. Mr. Speaker, it is truly a privilege to take this opportunity to pay tribute to John Mraule, a man who for over twenty-five years has dedicated himself to developing women athletics while rising to the top ranks of Colorado high school basketball coaches. His recent induction into the Colorado High School Activities Association Hall of Fame is a testament to his incredible ability to develop outstanding women athletes as well as his unparalleled work ethic.

This incredible honor is the manifestation of a life-long passion, and could not have been bestowed upon a more deserving individual. John started the women's basketball program at Montrose High School before it was a sanctioned sport, and since has led his teams to eleven league titles, ten district championships, thirteen state tournaments, and the state championships in 1985 and 1991. As further proof of his coaching abilities, John has been named the Southwestern League Coach of the Year, and was named State Coach of the Year during his team's championship season in 1991.

Mr. Speaker, it is clear that John Mraule is a person of unparalleled dedication and commitment to women athletics who coaches his teams on a championship level. It is John's incredible talent, unrelenting passion for competition, and drive for perfection that I wish to bring to the attention of this body of Congress. John is a remarkable man who has taken the Montrose High School girl's basketball program to extraordinary heights. It is my distinct pleasure to honor him here today, and wish him the best of luck in all his future endeavors.

INTRODUCTION OF THE PROGRAM ASSESSMENT AND RESULTS ACT

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. PLATTS. Mr. Speaker, I rise today to introduce important legislation to improve the efficiency and effectiveness of our Federal government—the Program Assessment and Results Act, or PAR Act. As elected representatives of the people, we have a responsibility to use taxpayer dollars in the most effective way possible. As Congress formulates its budget each year, we must have the best information available to us on which to base our spending decisions.

The Government Performance and Results Act, or GPRA, has laid a solid foundation for agencies working with Congress to set strategic goals and begin to utilize performance based information. Building on GPRA, we must take the next step toward reforming the way the government conducts business.

One of the key aspects of any reform effort is to change the prevailing mind set. If our emphasis is on creating a more results-oriented government, then we must change our mind set from outputs to outcomes. It takes time to achieve this type of cultural shift. The reforms of the early 1990s—the CFO Act, GPRA and others—are just beginning to work as intended.

Prior efforts to make the federal government more effective—the Hoover Commission, Zero-Based Budgeting, the Planning-Programming-Budgeting System, Reinventing Government—have come and gone with little lasting effect. Federal managers have learned that if they wait, each new administration is likely to attempt yet another broad-based reform. From a management standpoint, it is difficult in that type of environment to make long-range plans; and it's next to impossible to achieve the kind of cultural shift needed to reform the management of the federal government.

Major reform takes time. By enacting GPRA, Congress put government reform in statute. Because of this statutory framework, federal managers now look at the requirements for performance plans and strategic plans required by GPRA and know they are here to stay regardless of changes in Congress and the Executive Branch. When the first round of strategic plans fell short of expectations, the reform effort was not scrapped—it was improved. Now, ten years after GPRA was enacted, we have strategic plans that are more in line with what was envisioned. We have seen slow, sustainable improvement.

GPRA requires that agencies focus attention on program evaluation as one of six aspects of their strategic plans. Unfortunately, according to a draft report from the General Accounting Office, program evaluation is the one area where departments consistently come up short. Not only have agencies failed to comply with this requirement, the valuable information that stands to be gained from these evaluations is not culled, coordinated, or presented in a useful way.

We have seen great progress in meeting other objectives set out in GPRA. In 1997, only 76 percent of federal managers had developed performance measures. By 2003, that number had risen to 89 percent. It is now time to strengthen GPRA to address the shortfall we see in program evaluation.

By creating and using the Program Assessment Rating Tool, or PART, this Administration has gone a step beyond the strategic plans required by GPRA and implemented a system for evaluating the performance and results of federal programs. The next logical step is to codify the requirement for a coordinated evidence-based review of programs. In looking at this legislation that I am introducing today, we must ask ourselves, do we believe that better understanding how government operates program by program is a good idea. If the answer to that question is yes, and I believe it is, then we should work to ensure that program assessments be required for this and every future administration.

This legislation does not seek to codify the use of the PART specifically. Rather, this bill amends GPRA by establishing a requirement for program reviews. Specifically, the Office of Management and Budget is required under the Act to review each program activity at least once every five years. By requiring OMB to be responsible for overseeing program assessment data, we will take a great step forward in realizing the reform envisioned by GPRA and make the federal government more efficient and results oriented.

Information gleaned from these program reviews needs to be useful across the board to all stakeholders. Members of Congress, taxpayers, federal managers and the Executive Branch need to know if programs are being managed effectively and if they are achieving the desired result. Further, this legislation, once enacted, will allow us to compare data among different agencies, to see how different programs with similar goals are achieving results. Members of Congress can use the information to make informed budget decisions and conduct more effective oversight. It will help the taxpayers see what they are getting for their money. Most important, federal managers will use the information to improve the way they manage programs. The results will be a more effective and efficient government for the good of all Americans.

COMMEMORATING NORTH DAKOTA'S PRISONER OF WAR AND MISSING IN ACTION SOLDIERS

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. POMEROY. Mr. Speaker, at an event last year commemorating North Dakota's Prisoner of War and Missing in Action soldiers, I had the privilege of listening to Joanna Sherman read from her essay, ''Freedom's Obligation.'' Joanna's work was chosen as the North Dakota State winner in the Veterans of Foreign Wars Voice of Democracy Scholarship Contest. This essay is a testament to the great value of instilling patriotism and the appreciation of our Nation's freedom into our Nation's youth.

I would like to include in the RECORD her essay, which eloquently describes the meaning of freedom and the cost of preserving it. I commend Joanna for her achievement.

FREEDOM'S OBLIGATION

(BY JOANNA SHERMAN)

The ancient Athenian leader Pericles, a proponent of democracy, once said, ''Freedom is the sure possession of those alone who have the courage to defend it.'' Freedom is America's greatest gift, and it is the duty of the American people to honor and cherish it. Our great gift of freedom relies heavily on three obligations: remembering the past, understanding the present, and committing to the future.

How can we ensure tomorrow's freedom? We must remember that today's freedom was paid for by the sacrifices of yesterday. From the past, there are countless personal stories that remember freedom's fight. My grandparents' story is only one of them. They were married July 2, 1942. One week later my

grandfather was inducted into the army at Fort Snelling. During World War II, he served in Patton's Third Army in the European Theatre and fought in ''The Battle of the Bulge.'' My grandmother has told us many stories of these difficult times. During the first months after their marriage, she was able to follow him across the country while he completed his training and was on maneuvers. Each day he would call her from the base and would tell her, ''Lucille, one day my calls will stop, and you will know that means I have been shipped out.'' One day the calls did stop. She went back to her hometown and waited. Three long years later, he returned home. They were so lucky. Her younger brother, many of his friends, and so many others, did not come back. Our freedoms were ''paid in full'' by those brave men and women who have put freedom far above themselves. However, the luxury of our freedom must not make us complacent. We too may find ourselves again face to face with hardships such as those experienced by past generations. We must remember their courage. In remembering their stories of honor, dignity and sacrifice, I can only pray that we preserve our freedom today with the same measure of success.

Samuel Johnson once wrote, ''The future is purchased by the present.'' I believe that freedom is no different. We must have an understanding of the evil present today. On September 11th, our freedom and our way of life came under attack. The brave men and women of the past who sacrificed their lives to extinguish evil in the world, will have not died in vain if we continue to extinguish the evil that is present today. Like yesterday's Nazis, today's terrorists want to drive freedom into extinction. They must not, and will not win if we defend our precious freedom. We must do it for ourselves, and for the future generations of Americans. Now is the time to purchase the freedom of the future.

We have a supreme obligation to commit ourselves to do our duty for our country. We must pay the price for tomorrow's freedom. Tomorrow's children must be assured by our generation that it is our duty to protect their freedom. Some of us will become soldiers like my grandfather, and some will serve in other ways, but all of us must be willing to sacrifice, and remain committed to play a part and pay the price today for freedom tomorrow.

All of us can help pay for tomorrow's freedom by dedicating ourselves to what our ancestors have fought so hard for, and carrying out obligations of remembrance, understanding, and commitment. Remember by learning your history and by listening to those with stories to tell. Understand by being aware and mindful of current history, and commit to this country by being willing to sacrifice to preserve our freedom. Call it patriotism. Call it love of country. Call it loyalty. But whatever you call it, keep it in your heart, and freedom will always follow.

My grandparents have been married for 60 years. They are my heroes!

RECOGNIZING OF THE GE AIRCRAFT ENGINES PLANT IN EVENDALE

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to the people who work at the GE Aircraft Engines plant in Evendale, Ohio. This facility was recently recognized and awarded Voluntary Protection Program Star status by the Occupational Safety and Health Administration (OSHA) for its outstanding achievements in workplace safety.

Headquartered in Evendale, Ohio, GE Aircraft Engines is the world's leading producer of large and small jet engines for commercial and military aircraft. Additional work and services at the plant include aircraft-derived engines for marine applications and aviation services.

The OHSA Voluntary Protection Program (VPP) promotes effective worksite-based safety and health. In the VPP, management, labor, and OSHA establish cooperative relationships at workplaces to implement a comprehensive safety and health management system. Approval into the VPP is OSHA's official recognition for the outstanding efforts of employers and employees who have implemented exemplary safety and health management systems. In short, it represents a commitment to go beyond compliance to achieve workplace safety.

Less than 0.1 percent of companies are VPP certified. GE has 82 OSHA VPP sites—more than any other company in the nation. As a result of these efforts, 56,000 GE employees, including those in Evendale, enjoy exceptional workplace safety standards. The GE Aircraft Engines plant in Evendale is the largest VPP site in Ohio, the largest GE site to achieve VPP Star status and the largest federal VPP Star manufacturing facility in the nation.

Mr. Speaker, I hope my colleagues will join me in recognizing the GE Aircraft Engines plant in Evendale for being awarded the prestigious VPP Star status. All of us in Greater Cincinnati congratulate the plant's management and employees on their dedication to outstanding workplace safety standards.

HONORING THE IRONWORKERS LOCAL 84 ON 100 YEARS OF SERVICE

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. GREEN of Texas. Mr. Speaker, I rise today to honor Houston's Ironworkers Local 84 and to celebrate their one-hundredth year representing the interests of Houston's ironworkers. Our country's ironworkers have long been admired for the architectural wonders they created while working under tremendously dangerous conditions.

For the past one hundred years, the Ironworkers of Local 84 have put their blood and sweat into the bridges and skyscrapers that have become Houston's celebrated landmarks. Their service to the Houston community, however, did not cease with the end of the work day. During times of war, the ironworkers answered the call for help and offered their skills in the homefront effort to win the war.

Houston's ironworkers also have a long history of standing by each other. Local 84 has historically purchased cemetery plots to make sure that any deceased ironworker receives an honorable burial. Local 84 was Texas's first Ironworkers union to establish a pension fund and medical insurance for its members. Local 84 recognized early the importance of job training skills in remaining competitive in the field and Houston's Local 84 started an apprenticeship school and a program to upgrade the skills of its journeymen.

Local 84's commitment to its members, to the Houston community, and to the nation as a whole cannot be exaggerated. Therefore, on this day, I salute the hard-working men and women of the International Association of Bridge, Structural and Ornamental Iron Workers, Local 84 and thank them for one hundred years of service. Our great city would not be standing as tall without them, and I wish them great success for the next hundred years.

TRIBUTE TO TASKER L. EDMISTON

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. BERMAN. Mr. Speaker I rise today to pay tribute to Tasker L. Edmiston who recently passed away, at the age of ninety-four. Mr. Edmiston was a remarkable man whose accomplishments were legion and whose passion was indefatigable. He was an avid outdoorsman and a very important figure in California's conservation movement.

Mr. Edmiston was born on January 22, 1910, in Los Angeles, California. His love for the environment and the outdoors began as a young boy. He was a Sea Scout, an Explorer Scout and later he ran track and set several records in speed-climbing.

During World War II, Mr. Edmiston demonstrated his creativity and entrepreneurial spirit by inventing a new series of food canning machinery. His invention increased the volume and quality of food that was distributed to the Armed Forces in the Pacific.

In the 1960's and 1970's, Mr. Edmiston turned his attention to the conservation movement. He was one of the cofounders and the first treasurer of the Southern California Chapter of the Nature Conservancy. He proved to be instrumental in the establishment of the Edmund C. Jaeger Nature Sanctuary and the Desert Lily Sanctuary. He also served on the Board of Directors of the Desert Protective Council and the Federation of Western Outdoor Clubs.

Mr. Edmiston is survived by his son, Joseph T. Edmiston, his daughter-in-law, Pepper Edmiston, and seven grandchildren.

I ask my colleagues to join me in paying tribute to Tasker L. Edmiston and offering our heartfelt condolences to his family members.

TRIBUTE TO EDWARD H. ''NED'' SCHWARZ

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. MEEHAN. Mr. Speaker, Edward H. ''Ned'' Schwarz, 74, of Lawrence, Boy Scout leader, veteran, businessman, father, and friend to his home town of Lawrence, Massachusetts, died February 1, 2004. A graduate of Melrose High School, he attended MIT for 2 years then enlisted in the U.S. Air Force and served stateside during the Korean conflict.

He completed his degree in electrical engineering from Merrimack College after his time in the Air Force and went on to work at the former Western Electric in North Andover as an electrical design engineer. After taking an early retirement he opened the Totem Pole Camping Store in North Andover. He was a man of faith and was a 45-year member of the former United Presbyterian Church of Lawrence where he was an ordained Elder. These are the eloquent words of Charles D. Boddy, Jr. who read this eulogy at the funeral:

Daniel Webster once compared New Hampshire's Old Man of the Mountains to a tradesman's sign hanging above the front door of a store indicating the nature of the tradesman's trade. He stated that God had hung out the Old Man of the Mountains as if to say, ''here we build men.'' It is, therefore, oddly fitting that we should lose Uncle Ned, another icon of the mountains, within a year of the fall of the Old Man. Uncle Ned was himself, a builder of men.

Monday nights, 7–9 p.m., first three Mondays of the month, September to June. For more than 40 years, if you were a boy growing up on Prospect Hill in Lawrence, these nights were reserved. Fathers in the neighborhood packed up their young sons and brought them to Uncle Ned who spent these hours nurturing the boys' resourcefulness and self-reliance through the scouting program. I am fortunate to have been one of those boys, and my words speak for all of us.

I well remember sitting with him, as a boy, as he taught me my knots. His thick fingers routinely tracing the course of rope as they had done so many times with so many other scouts before me. The process of making the knot was so ingrained in him from years of practice, rehearsal, and repetition. Later, as a young scout leader I watched again as he taught another boy the lesson, now his fingers slightly gnarled by the faint touch of arthritis that, alone, betrayed his age. As I watched him teach, year after year, I myself learned that his lesson was not one of knots, but one of life. By patiently guiding each scout, he let him know that he mattered, he was important. By teaching the simple lessons, he instructed us that the greatest lesson was personal contact: that a communion of souls could bridge the greatest of differences. Hence, you will see among his scouts and admirers members of every creed and race, followers of every cause, the elite and powerful, as well as the simple and humble. Uncle Ned related to us all. He effortlessly collected friends along his journey.

He was a mentor to all the boys who passed through his scout troop, growing with them, changing his methods as the times changed, but always giving generously of his time and himself. He was a man who saw solutions not problems, and saw friends, never enemies. In the highly political climate of his home City, he followed the path to improve us through unity and friendship, through our commonality, and avoided the thorny path of criticism and divisiveness.

Without a doubt, Uncle Ned has returned to the camp in the highest summit from which he started his 74 year hike. He rests at a camp made safe by the Great Scoutmaster in the Heavens. Boss Buthmann, Troop 2's first scoutmaster, along with all of Troop 2's finest, who have passed before, are at his side. He has marked his final trail with the scout orienteer's sign of a dot within a circle indicating ''Gone home.'' There he sits, and there he waits, tending a roaring fire. Uncle Ned, the faithful Scoutmaster will guide and guard his troop until the last of us is safe at home by his side.

Ned Schwarz was very proud of Charlie Boddy, the young man who delivered the eulogy at his memorial service, as he was of all his scouts. Charlie went on to public service following Ned's example of public service and civic duty becoming City Solicitor for Lawrence, Massachusetts.

Besides spending countless hours with his beloved scouts, Ned worked tirelessly to revitalize his neighborhood and his hometown. Ned led graffiti removal efforts, park clean-ups and helped to organize the annual National Night Out celebration for his Prospect Hill neighborhood. He belonged to numerous civic organizations including the Lawrence Historical Commission, the Lawrence Citizens Police Academy Alumni Association, and the Prospect Hill Back Bay Neighborhood Association, in which he served in various leadership positions over the years along with his dear friend, Jim Ross. The two of them took great pride in constructing the Neighborhood Association's parade floats which won numerous awards.

Edward H. ''Ned'' Schwarz will be remembered by his loving wife Gloria, his wife of 50 years; sons Edward R. and his wife Julie of Salem, N.H., and Erich H. and his wife Amy of Lawrence; daughters Lynn and her husband Edward McNamara of Merrimack, N.H., and Beverly and her husband John Cody of Haverhill; grandchildren John, Christopher and Catherine McNamara, Emily Schwarz, Tom and Dan Cody and Andrew and Nysa Schwarz; sisters Dorothy Gretchen Perkins and Hope Cox of Maine; and several nieces and nephews; a grateful City and thousands of young men whose lives he touched.

REGARDING THE RETIREMENT OF DUDLEY L. TADEMY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. SKELTON. Mr Speaker, one of the privileges of serving as a member of Congress is that you work with some amazing people. The halls of our buildings are filled with bright and energetic Americans, and every now and then among them a true hero.

By my definition, a hero is someone who would never use that word. Dudley Tademy, who is leaving the Armed Services Committee staff this week, fits that definition. But he fits anyone's definition of an honorable patriot.

Before Dudley came to Capitol Hill, before he took on the job of overseeing the military's readiness for the Armed Services Committee, before he was the assistant to the Secretary of Defense for Atomic Energy, before all of those achievements that would be enough credit for any man, he was thirty years a soldier. As Captain Tademy, he served in Vietnam, and what service that was.

Mr. Speaker, even those members not familiar with the details of that grueling war may have heard of Landing Zone X-Ray, and the la Drang Valley. They are familiar names, thanks to the book ''We Were Soldiers Once . . . and Young.'' That story, of how the 1st Cavalry Division (Airmobile) endured one of the most brutal engagements of that war, is also part of the story of Dudley Tademy. He was there. And as the fire support coordinator for the 3rd Brigade, he devised and directed the artillery plan that was central to holding the enemy at bay and creating an escape path for hundreds of overrun American soldiers. Across our country are men, their children, and grandchildren who would not be with us but for Dudley Tademy.

As he said of that time, ''It's our job to get the job done and get those kids home safe.'' He brought that same dedication and mission to his work with the Armed Services Committee—always putting the soldier first.

For the last ten years, he has carried a Herculean load on the committee staff. He oversees military readiness, now a $140 billion portfolio; all Department of Energy nuclear weapons related activities, another $16 billion annually; all Morale, Welfare, and Recreation programs—that's another $18 billion—and matters concerning two of my favorite subjects, organization of the Department of Defense and professional military education. That's more oversight responsibility in one man than some entire full committees on the Hill! And there's nobody you or I would trust more to carry those astounding tasks.

Nothing I or anyone can say here can do justice to Dudley Tademy's service, in uniform or after. Yet to speak with him, you would never guess at it. He is, in a word we don't use enough in Congress, humble. His gentle character and cheerful whistle belie a man of great discipline—still keeping up a daily physical training regimen, you'd never guess that he was older than most members. But he remains young in spirit, mentoring junior staff, and active in his church, where he counsels troubled youth.

Now he can begin to devote proper time to Audrey, who does so much to keep Dudley humble. And instead of serving sixty committee members, Dudley's priority will be six grandchildren, and I believe they already have him more fully scheduled than we ever did.

Best of all, we know that any time the Committee gets in a jam, we can call upon the inspiration of an American who has honored this Congress with his service. I salute Dudley Tademy, and know that all members will join me in gratitude for his company and devotion.

RECOGNIZING THE SERVICE OF DAVID SCHAFFER

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. OBERSTAR. Mr. Speaker, I would like to take this opportunity to congratulate one of our long-time staff members on the House Transportation and Infrastructure Committee on his retirement. David Schaffer is retiring as the Majority Staff Director and Senior Counsel of the House Aviation Subcommittee at the end of this month.

David joined the House Committee on Public Works and Transportation in 1984 as Assistant Minority Counsel for the Subcommittee on Aviation, became the Minority Counsel of the Aviation Subcommittee in 1992 and then Majority Counsel in January 1995.

Over the course of his 26 years in the federal government, including 6 years with the Civil Aeronautics Board, his efforts have directly contributed to many of this Committee's significant legislative efforts to enhance the overall safety, efficiency, competitiveness and security of our Nation's aviation system.

During my tenure as Chairman of the Aviation Subcommittee from 1989 through 1994, David was a fixture at our hearings, sitting at the elbow of my Republican colleagues John Paul Hammerschmidt and William Clinger. As we crafted some of the most important aviation law of our time, including the Aviation Security Improvement Act of 1990 and the Aviation Noise and Capacity Act of 1990, David was always at the negotiating table, working with my staff and me toward the common goal of effective legislation.

As the Majority Counsel for the Aviation Subcommittee, David was instrumental in crafting the Aviation Investment and Reform Act for the 21st Century (AIR 21), Federal Aviation Authorization Act of 1996, the Aviation Medical Assistance Act, Pilot Records Improvement Act, Aviation Disaster Family Assistance Act, and the Aviation and Transportation Security Act.

His bipartisan, non-confrontational approach to crafting legislation, his painstaking attention to detail, and his mastery of the subject matter has been most impressive and has been greatly appreciated by my staff, and by me.

I know that his work has required great personal sacrifice and I commend him for his unwavering commitment to excellence. I wish him nothing but the best as he moves on to the next phase of his exemplary career.

EXPORT-IMPORT BANK

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. FRANK of Massachusetts. Mr. Speaker, during my service as a Member of Congress, I have from time to time worked with the Export-Import Bank on matters particularly important to significant employers within my district. In an ideal world, there would be no subsidies of any sort for exports. But in the real world which we inhabit, Americans seeking business elsewhere often confront heavy subsidies from other countries, and without an instrumentality like the Export-Import Bank, these American enterprises would be at an unfair disadvantage. The Export-Import Bank's existence enables many American companies to compete on even terms, with good results both for the companies that provide goods and services and those that benefit from them. For example, several years ago I was proud to work with the Export-Import Bank to make it possible for the Raytheon Corporation to receive a major contract in Brazil, which allowed Raytheon to use its technical skills for environmental purposes. Without Export-Import Bank aid, the Raytheon effort would have been unsuccessful, not through any fault of their own, but because of heavy subsidies from the national governments of competitors.

Most recently, I was glad to join several of my Massachusetts and New Hampshire colleagues in urging the Export-Import Bank to show support in a meaningful way for the Malden Mills Company, whose owner, Aaron Feuerstein, has justly drawn widespread praise for his combination of economic wisdom and social responsibility. I was pleased that the Export-Import Bank did respond in ways that were very important in this situation, and I am pleased that we have this entity in place to provide this kind of essential assistance to American companies who would otherwise be facing unfairness.

IN MEMORY OF RICHARD P. RAMEY

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. REGULA. Mr. Speaker, with great sorrow I rise today to recognize Richard P. Ramey, an Ohio citizen from my district, who gave his life fighting for our country. On Sunday, February 8th, 2004, in Iraq, Staff Sergeant Ramey was killed by a roadside bomb.

From training as a boy scout to his position on the Perry High School football team and then as a member of the Army, Staff Sergeant Ramey grew to be a leader. He graduated from high school in 1995 and began his career serving in the Army that same year. He was carrying on a family tradition in military service.

This outstanding young man showed courage and a commitment to protect those who could not protect themselves. Those who knew him recognized how proud he was to serve in the military. Staff Sergeant Ramey is a true hero and a reminder of the dedication evidenced by all the men and women all over the world fighting the war on terror. We must reflect on this great life and all the good that is being done in Iraq.

Staff Sergeant Ramey and his family will be forever in our hearts and prayers. May we keep them in mind as they struggle through this difficult period of mourning.

INTRODUCING LEGISLATION TO EXEMPT NEW MEXICO FROM THE COMPARATIVE COST ADJUSTMENT PROGRAM

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to introduce legislation to exempt my home state of New Mexico from the Comparative Cost Adjustment (CCA), or ''premium support'' provisions included in the recently passed Medicare Prescription Drug Bill. I am pleased to introduce this bill as companion legislation to a bill that Senator JEFF BINGAMAN is introducing in the other chamber today.

Mr. Speaker, when the House passed H.R. 1 at the end of November, I strongly opposed this legislation and voted accordingly. Today, I stand here still as strongly opposed to the newly implemented law as I did when we passed the bill the first two times it came to the floor last year. One of my strongest objections to the legislation was the inclusion of the CCA program, which requires the Medicare fee-for-service program to compete against the new Medicare Advantage program. This CCA program will last for 6 years and will be applied in a limited number of Metropolitan Statistical Areas (MSAs).

This provision is one of the worst in what was an extremely disappointing piece of legislation. Not only does this provision undercut the Medicare program, it outright threatens it by taking it down the road toward privatization. Rather than defined benefits beginning in 2010, seniors would receive a set premium payment—like a voucher—from the government, based on a combination of the process private plans charged and the cost of Medicare fee-for-service in their area. Seniors would enroll in either a private plan or fee-for-service, but those who picked a plan that was more expensive than the defined premium contribution would need to pay the difference out of their own pocket. This is not the way the Medicare program has been run in the past and its not the way it should run in the future.

In order to ensure that New Mexico's seniors keep their defined benefit plans when the time comes for the CCA to go into effect, I am introducing this legislation today. This legislation will exempt regions of New Mexico from being one of the MSA's used as part of the CCA program. Many studies have shown that a likely outcome of these privatization provisions in the new law is that seniors will have to pay more than they do now to stay in fee-for-service.

Mr. Speaker, these demonstration plans will dramatically alter the Medicare landscape for our seniors. For the first time in the history of Medicare, seniors would end up paying different premiums for the exact same fee-for-service benefit. I don't want New Mexico's seniors, or our nation's seniors facing the end of the safety and security they have come to know under the Medicare program.

Mr. Speaker, I know Mr. BINGAMAN and I are not the only members in our respective chamber's who feel this way. Several other Senators and Members have either introduced or are preparing to introduce similar legislation. I hope the leadership of each chamber recognizes the danger of the CCA program and takes action to protect New Mexico and our nation's seniors.

TRIBUTE TO ARKANSAS TROOPS AT FT. POLK, LA

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. BERRY. Mr. Speaker, I rise to express my deep appreciation for the contributions of Arkansas National Guardsmen currently training at Ft. Polk Louisiana preparing for deployment to Iraq and their families who await their safe return.

Recently, I had the opportunity to visit these fine men and women and witness their training. Designed to mimic what the troops will face in the field, their exercises are impressive in scope and in our troops' ability to accomplish the monumental tasks regularly laid before them.

More impressive than the accomplishments, however, were dedicated Arkansans; far from home and preparing to go farther. They did not complain about living in tents, carrying heavy gear or the long days of hard training. And when this country called them to service, they did not hesitate.

As they prepare for their mission, it is imperative we consider more than their coming task,

we must remember who they are. They are fathers, mothers, sons and daughters who will soon be in harm's way. In Arkansas—and elsewhere—they have families who love them and communities that will miss them.

We cannot thank these brave men and women enough for their sacrifice. We can only salute their commitment and do what we can to support them when they return. On behalf of Congress, I extend our deepest gratitude to our men and women in uniform.

HONORING SUPERINTENDENT BILL McNEAL

HON. BRAD MILLER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. MILLER of North Carolina. Mr. Speaker, the public schools are where we deliver on the promise of equality of opportunity. Today I rise to honor a man who has been delivering on that promise throughout his 29 years of service to Wake County public schools.

Bill McNeal has served Wake County kids in every capacity—as a social studies teacher, a principal, and a county administrator. After 3 years at the helm of our school system, folks back home knew we were lucky to have him as our school superintendent.

Now our secret is out. This week the American Association of School Administrators named Bill McNeal the National Superintendent of the Year.

Superintendent Bill McNeal has proven that even the loftiest ambitions can be met with hard work, boundless determination, and strong leadership. A key author of Wake County's ambitious Goal 2003 program, he has delivered results.

In 1998, 75.4 percent of Wake's third graders were testing at or above grade level in math. In 2003, 93.5 percent achieved the mark. Wake's fourth and fifth graders fared even better, with 95 percent achieving at or above grade level scores. Last year, Wake's high school students averaged a 1067 SAT score, the highest average ever in the school district.

Even more remarkable has been Bill McNeal's campaign to narrow the achievement gap for Wake's diverse and ever expanding student population. The achievement gap in math for students on free or reduced lunch shrank from 35 percent in 1998 to 16 percent in 2003 and in reading shrank from 35 percent in 1998 to 21 percent in 2003—all while student performance has increased across the board.

Not one to sit back and enjoy these successes, Bill McNeal recently implemented the Goal 2008 program to continue to push ahead. He has outlined a blueprint to increase student achievement across the district's elementary, middle, and high schools over the next 5 years. His goal is to have 95 percent of all students in grades 3 through 12 at or above grade level by 2008.

Mr. Speaker, we are honored by Bill McNeal's service to our kids and our community, and I look forward to working with him and our dedicated administrators, teachers, and parents to deliver on the promise of equality of opportunity.

HONORING JAMES A. ''BUDDY'' CONNER

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. WAMP. Mr. Speaker, I rise today to recognize James A. ''Buddy'' Conner, who has contributed some 45 years of service to the defense of our Nation as a leader, a worker, and a soldier.

Mr. Conner is retiring from a 43-year career with BWX Technologies, where he rose from his first assignment as an associate engineer and technician to become one of the company's four highest-ranking executives.

Mr. Conner was born in Appomattox, Virginia, and after finishing his primary education, devoted two years of service to the United States Marine Corps.

Upon his arrival back home, Mr. Conner took a short trip west to the town of Lynchburg and began working at the recently built Nuclear Facilities Plant while he earned his business degree from Lynchburg College. He would spend the next 40 years at that site, eventually leading the Naval Nuclear Fuel Division, which supplies the United States Navy with all of its nuclear fuel. During his tenure, in 2000, Mr. Conner joined the BWXT team vying for the operations contract for the Y–12 National Security Complex in Oak Ridge, Tennessee. For Buddy, this was a chance to lead a facility that is still as monumentally important in our nation's defense as it was during one of our country's biggest security successes, the Manhattan Project.

BWXT won the contract, and Mr. Conner has spent the last three years helping to ensure the site will continue to be the unique jewel in America's first line of nuclear defense. When America has called on Buddy and Y–12 to provide stewardship and security to a safe and reliable stockpile of nuclear weapon components and materials, they have stood at the ready.

Since taking the helm of the operating contract for the site, Buddy and his management team have lead Y–12 into an exciting new era. From modernization plans that are transforming our country's Fort Knox of highly enriched uranium into an efficient storage and production facility, to the renewal of the worker's spirit and enthusiasm through aggressive recruitment and mentoring programs that are bringing in the future of Y–12—Buddy and company have set Y–12 on a fantastic course.

Mr. Conner rose through the ranks of one of our premier defense contractors because of his intelligence, dedication, and outstanding work ethic. In short: he is the real deal.

Mr. Conner's 45 years of devotion to our Nation's security are not to be forgotten. That is why today I am proud to recognize Mr. Conner's efforts for his years of service to the defense of our country.

OBSERVING THE PASSING OF AMERICA'S ''OLDEST MAN''

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. HOYER. Mr. Speaker, today Maryland mourns the loss of William Coates, thought to be the oldest man in America and certainly someone who made a lifetime of contributions to our state.

Mr. Coates was born in Maryland on June 2, 1889 and lived to see many of our nation's most important moments, including the Wright Brothers' first flight, the Great Depression, two World Wars, the Civil Rights movement and the Space age.

Over the span of his life in our great state, Mr. Coates worked with the Maryland State Highway Department in the 1930s building roads for the state, and as a tobacco farmer on a variety of farms throughout Prince George's County including Claggett Farm in Upper Marlboro.

Mr. Coates leaves behind him a caring family of nine children, 21 grandchildren and 37 great-grandchildren, many of whom still live in Prince George's County. His life, like the times he lived through, will long be fondly remembered by his family and friends and those of us who marveled at his longevity.

William Coates' extended and healthy life is also a tribute to a dedicated investment in medical research. Mr. Coates' life shows us that by investing in research, we can all improve our lives and our health.

William Coates has dedicated a life of service to our state and community, and my thoughts and prayers are with his family and friends.

SOCIAL SECURITY SOLVENCY

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. LANGEVIN. Mr. Speaker, today I rise to express my disappointment with Federal Reserve Chairman Greenspan's remarks to the House Budget Committee regarding Social Security.

In his testimony, Chairman Greenspan suggests that possible remedies for the record deficits and $7 trillion debt include increasing the Social Security retirement age and cutting benefits for future recipients.

I want my constituents to know that I will not support any proposal to decrease or eliminate Social Security, nor will I support an increase in the retirement age. Social Security is an entitlement—a right—for the millions of Americans who pay into the program with each and every paycheck. The government has made a commitment to seniors and current workers alike that Social Security will be available upon retirement. We cannot go back on our word.

In Rhode Island, Social Security provides a vital lifeline for a significant percentage of the population. Rhode Island ranks fifth in the nation for the percentage of residents over 75 and sixth in the nation for those over 65. In my district alone, 110,000 people rely on Social Security for their livelihood, and its importance will continue to grow as the baby boom generation begins to retire. Rhode Islanders spend their lives contributing to the vitality of our communities and our country—and paying into Social Security. They are entitled to the benefits they have earned and should not have to worry about whether Social Security will continue to be there when they need it.

Chairman Greenspan is right about one point: this country needs a ''greater discipline''

on budgetary matters. I believe that discipline must come from the White House. Congress can no longer afford runaway tax cuts and corporate welfare while neglecting long-term fiscal solvency and current priorities like health care and education.

What Chairman Greenspan neglected to state was that the President's reckless disregard for fiscal responsibility led to a $521 billion deficit in FY 2004. When President Bush took office in 2001, he inherited a projected $5.6 trillion surplus over ten years. Just three short years later, we have a projected $1.9 trillion deficit, a shocking turnaround. While the President was dealt a difficult hand with a recession and the attacks of September 11, many of the fiscal woes are a result of repeated tax cuts that benefit the wealthiest Americans. Our promise to seniors has been bypassed in order to line the pockets of the President's wealthy friends.

Every man, woman, and child in Rhode Island and around the country would owe more than $24,000 if we were to erase the national debt today. Due to increasing deficits, this amount is only going to increase until we take serious steps to cut wasteful government spending and collect the revenue to meet America's priorities and promises. Baby boomers will challenge the Social Security system, but through responsible fiscal policy, the government will be able to keep this program afloat.

Ensuring the solvency is not the task of one person or one party. Saving Social Security will require difficult decisions, but we cannot play politics with Americans' futures. More than anything, we need an Administration that respects fiscal responsibility and recognizes that in a time of war and recession, we should not be giving trillion-dollar tax cuts to the most privileged Americans. I urge my colleagues to reject Chairman Greenspan's calls to cut benefits to our nation's seniors and instead work to restore fiscal responsibility to our government.

HONORING HAHNVILLE HIGH SCHOOL

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. TAUZIN. Mr. Speaker, I would like to take a moment to offer my congratulations to the Hahnville High School Tigers football team of Boutte, Louisiana for winning the Louisiana 5A Football Championship game on December 13, 2003 in the New Orleans Superdome.

Led by their head coach, Lou Valdin, the Hahnville Tigers capped off a fairytale season when they defeated the Evangel Eagles 41–35. This year's win marks the school's sixth state championship title, the most recent in 1994, and seals off their perfect 15–0 season. It also gives Lou Valdin his first state title as a head coach.

On their march to this year's championship, the Tigers defeated Fountainebleu, Barbe, Higgins, and Carencro in the playoffs before meeting Evangel in finals. The championship game was a great effort by both teams, but in the end the Hahnville Tigers came away the victors.

I am proud to report that during the championship game the Tigers compiled over 450 total yards on offense on an Evangel defense that had only allowed just over 230 yards per game this season. I would especially like to note the efforts of three key offensive players: Darius Reynaud, Bryant Lee and Craig Turner. Reynaud and Lee both tied 5A Prep Classic records and Reynaud was named the Player of the Game by the media. Reynaud rushed for 184 yards on 31 carries and two touchdowns. He also led the Tigers in receiving yards with 86 on three receptions and a touchdown. Those three touchdowns tied a 5A Prep Classic record for most touchdowns and most points scored. This championship game was monumental in so many ways for both teams. The two teams broke or tied 27 5A Prep Classic records, including most points scored by two teams.

The whole effort was aided by Principal Barbara Fuselier, and all of the students, staff and parents of Hahnville High School who have shown their support for the players and coaches. It was truly a community effort that accomplished this great victory. I would like to commend all of the players and coaches who have shown true dedication to their sport, and I am extremely proud of their accomplishment. It is with great pride that we congratulate and wish them luck in all their future endeavors.

INTRODUCTION OF THE CONGRESSIONAL GOLD MEDAL PROGRAM ENHANCEMENT ACT OF 2004

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. CASTLE. Mr. Speaker, I rise today to introduce the ''Congressional Gold Medal Program Enhancement Act of 2004.'' Passage of this legislation will ensure that the medals Congress confers will continue to honor truly exceptional achievement.

As you know, Mr. Speaker, Congress created the Congressional Gold Medal honor in 1776 to recognize military leaders, and then honored George Washington for his heroic service in the Revolutionary War. Since then, the medal program has evolved to become the highest civilian honor Congress confers, and medals have gone to those who have attained exceptional achievement, including General Douglas MacArthur; General Colin Powell; Mother Teresa; Pope John Paul II; British Prime Ministers Winston Churchill and Tony Blair; Jonas Salk; Robert H. Goddard and Rosa Parks.

However, a disturbing trend has started to emerge in which Congress approves numerous medals each year, and in some cases approves medals for groups rather than individuals. Mr. Speaker, I do not believe that either of these trends is in the spirit of the gold medal concept. This legislation seeks to clarify guidelines under which the medals may be awarded, and strengthen the honor of the process.

Under the new guidelines, Congressional Gold Medals could only be awarded to an individual, not to a group. While there are many groups of people deserving recognition, I believe the medal should be awarded for outstanding, individual achievement.

Also under this legislation, no more than two medals could be awarded in any single year. A similar limitation has worked extraordinarily well for the commemorative coin programs struck by the United States Mint: under reform legislation I authored and Congress passed in 1995, only two coin programs may be conducted in any year. This reform improved the commemorative coin honor and similar standards could improve the process for awarding the Congressional Gold Medal.

It concerns me, Mr. Speaker, that limiting the number of coin programs a year but having no limitation on Congressional Gold Medals—we award five or six in some years—could someday devalue the medals. Mr. Speaker, this is a simple piece of legislation with great meaning. It will ensure the future integrity and true honor of the award. It is my goal that each recipient—President, civil rights leader, military hero, inventor, noted healer—who receives a Congressional Gold Medal will remain part of a unique honor, bestowed by the U.S. Congress.

Mr. Speaker, few can argue with the idea that these medals are an important indicator of American appreciation and gratitude. To maintain this standard, I will work to move the ''Congressional Gold Medal Program Enhancement Act'' quickly, in order to take effect at the beginning of the next Congress. I urge my colleagues to cosponsor this legislation and look forward to working with the Financial Services Committee to bring this bill to the House Floor.

PATRICK PHELAN 2003 GATORADE NATIONAL HIGH SCHOOL BOYS SOCCER PLAYER OF THE YEAR

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to commend Patrick Phelan, of Wilbraham & Monson Academy, on his selection as the 2003 Gatorade National High School Player of the Year in Boys Soccer. Out of the more than 300,000 young men across the country who play soccer, he was selected for this prestigious award based on athletics, academic achievement, and overall character. This selection, which has been given out for nineteen years in ten different sports, places him in the elite company of highly regarded athletes such as NFL co-MVP Peyton Manning, U.S. Olympic Gold Medallist Marion Jones, and basketball stars Lisa Leslie and LeBron James.

Gatorade is not the first to sing the praises of Patrick Phelan, though. His coach, Gary Cook, refers to him as, ''the best player I have coached in my twenty eight years in high school.'' Beyond being an amazing player, Patrick is also an important leader on the team. According to Cook, ''everyday he trains with a purpose and he makes everyone around him better. He was a great captain and teammate.''

As a defender, Patrick scored six goals and was attributed with five assists this past season. Along with his on-field performance, the leadership he provided in his role as team captain helped elevate the team to a 12–1–2 regular season and a berth in the Class B New England Prep School Semi-Finals.

Patrick does more than play soccer, though. Academically, he stands out with a grade point

average of 3.74. At Wilbraham, he is a member of the Spanish Club. Additionally, he manages to give back to the community through his work with young children as the computer aid at Here We Grow Preschool. He has also figured out a way to include his soccer skills with his community service efforts as a volunteer at Top Soccer, which hosts clinics for disabled children.

Mr. Speaker, it is an honor to pay tribute to this young man attending Wilbraham & Monson Academy. Patrick Phelan's accomplishments transcend any single niche; he excels in athletics, scholarship, and community service. He has done many things to be proud of, and it is a great pleasure to see him recognized for his dedication and hard work. Patrick, congratulations on being selected as Gatorade's National High School Boys Soccer Player of the Year, and good luck in your future endeavors.

FREEDOM FOR OMAR RODRÍGUEZ SALUDES

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Omar Rodníguez Saludes, a prisoner of conscience in totalitarian Cuba.

Mr. Rodríguez has been active in the Cuban pro-democracy movement since 1995. In his capacity as an activist for freedom, he has worked primarily as an independent journalist and photographer. Mr. Rodríguez is the director of the New Press, an independent news agency in Havana.

Mr. Rodríguez has dedicated his life to reporting and photographing the truth in totalitarian Cuba. Because Castro's totalitarian regime denies and abhors the truth, Mr. Rodríguez has been continually arrested and harassed by the dictator's ruthless machinery of repression. According to Amnesty International, Mr. Rodríguez was detained repeatedly between December 1998 and January 2002 for attempting to disseminate the truth about the only totalitarian dictatorship in the Western Hemisphere.

On March 20, 2003, as part of the brutal crackdown on Cuban pro-democracy activists, Mr. Rodríguez was arrested by the totalitarian government. Amnesty International reports that Mr. Rodríguez was convicted based on accusations such as ''he photographed places that, because of the state they were in, gave a distorted image of Cuban reality.''

After this sham trial, Mr. Rodríguez was sentenced to 27 years in the totalitarian gulag. I repeat, Mr. Rodríguez was sentenced to 27 years in Castro's gulag, because he captured the truth about a decayed, bankrupt, and ruthless regime on his roles of film.

Mr. Speaker, we must fight for freedom whenever and wherever human beings are shackled by totalitarian dictators. My colleagues, we must demand the immediate release of Omar Rodríguez Saludes and every prisoner of conscience in totalitarian Cuba.

''PUEBLO'' RESOLUTION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. AKIN. Mr. Speaker, on 28 January 1968, the U.S.S. *Pueblo*, under the command of Cmdr. Lloyd ''Pete'' Bucher was attacked by four North Korean torpedo boats while in international waters. The attack resulted in the death of one Navy sailor and the capture of Cmdr. Bucher and his crew.

Held in concrete cells, the *Pueblo* crew was starved and tortured for 11 months. Fed mostly turnips, many of the malnourished crewmembers began to lose their sight. They were repeatedly beaten and burned on steam radiators.

By all accounts Cmdr. Bucher bore the brunt of the North Korean's wrath. Crewman James Kell explained it this way: ''We were all beaten, we all were tortured. But [Bucher] had it double, triple, quadruple what we got.''

Stu Russell, another crewman, echoes Kell's praise of Cmdr. Bucher: ''The man was a giant. No matter who did what, he was always punished. I simply don't know where he got the strength and courage to go through what he did.''

In January 2004, Cmdr. Lloyd ''Pete'' Bucher passed away and was subsequently buried with honors at Fort Rosecrans National Cemetery in Point Loma, San Diego, California. He died an American hero.

Today, joined by 15 bi-partisan colleagues, I introduce this Resolution to honor Cmdr. Lloyd ''Pete'' Bucher and the crew of the U.S.S. *Pueblo* who served our country, and suffered while doing so. They sacrificed that each of us may enjoy the liberty for which so many others have given the ultimate sacrifice.

PERSONAL EXPLANATION

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. OSE. Mr. Speaker, on Tuesday, February 24, 2004, I missed rollcall vote Nos. 25, 26, and 27, for family reasons. Had I been here, I would have voted ''aye'' on rollcall No. 25; ''aye'' on rollcall No. 26; and ''aye'' on rollcall No. 27.

LIMIT ON DEDUCTION FOR CHARITABLE CONTRIBUTIONS OF PATENTS AND SIMILAR PROPERTY

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. HOUGHTON. Mr. Speaker, today I am introducing legislation that would tighten the tax rules for technology donations. The proposal would prevent the abusive transactions, but would allow the fair market value of legitimate gifts of technology to be deducted when the technology is transferred to universities, teaching hospitals, or nonprofit research institutions. My good friend and former House colleague, PAT ROBERTS, has introduced a companion bill in the Senate.

Taxpayers are permitted to deduct the fair market value of patents and related technology that are donated to tax exempt charities. The benefit from the tax savings generated by patent and technology donations encourages the private owners of technology to transfer the patent to credentialed institutions that can develop it, creating new markets, improving people's lives, creating jobs, and strengthening the educational capabilities and innovative skills of our universities, teaching hospitals and research institutions.

In recent years the Internal Revenue Service and the Treasury Department have identified serious problems that have allowed unscrupulous taxpayers to abuse the law. In some cases, technology of questionable value is donated to tax exempt entities that are either incapable or unwilling to develop it. Any ''value'' deducted in these cases is clearly exaggerated. In some cases, donor appraisals of otherwise valuable technology to a credentialed donee may have stated values that are inflated.

The Treasury Department has proposed a solution to these problems that would effectively eliminate any current deduction for donors of technology. While I strongly support measures to clean up the current law and tighten the rules for deductible gifts of technology, I believe Treasury's proposal goes too far.

My proposal would limit the incentive to very specific circumstances. Deductions would be limited to technology gifts in cases when all rights, title and interest in technology are transferred to either a university, teaching hospital, or non-profit research institute that is able to apply its credentialed expertise to the development of the technology. Under the proposal, the donor and donee of any cash included with a qualified gift must agree to limit its use to the development of the technology gift.

The bill adds a number of measures to avoid abuse in this area. Qualified appraisals and qualified appraisers are required and defined. One or more appraisals (second appraisal if value is over $5 million) would be required without regard to any value limitation. The Secretary of the Treasury shall prescribe regulations or guidance regarding the qualified appraisals and qualified appraisers. In addition, other anti-abuse measures to prevent the bundling of patents or similar property and/or manipulation of the tax basis in order to increase the amount of the contribution are included.

I encourage my colleagues to support this important measure.

SLIMMING DOWN THE GOVERNMENT

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. COLE. Mr. Speaker, I rise today to address the issue of government spending. Prescription medicines for seniors, helping families own their own homes, supporting education and defending America—the list of the government's responsibilities to the American

people is numerous. But, while it is the government's responsibility to provide assistance to the needy and fund programs for our children and seniors, it is intolerable to provide these services at the cost of leaving a crippling burden of debt on our children and grandchildren.

When Congress passed the budget last year, it required us to identify ways to eliminate waste, fraud and abuse. A task force was put together that was asked to report its findings. Since then, Congress and the General Accounting Office have identified over $85 billion in waste and fraud in government programs.

There are quite a few outrageous examples of wasteful Federal spending. The Energy and Commerce Committee reported that by eliminating double-payments for welfare and Medicaid the Federal Government could save $3.7 billion over 10 years. The Education and Workforce Committee found that the government could save $340 million each year by allowing the Internal Revenue Service to verify the income eligibility of Pell Grant applicants. The Judiciary Committee reported that the Department of Justice spends about $2 million a year more than necessary on employee training.

There are also numerous examples of duplicative programs. The Federal Government has over 50 different programs in eight Federal agencies to assist the homeless. Sixteen of those programs are specifically reserved for the homeless. Most of these programs have different eligibility standards and application procedures, making it difficult for the homeless population to receive help. The Federal Government operates 342 programs working in economic development. Six agencies and 26 programs serve to build roads and streets. Seven agencies and 31 programs fund water and sewer-related activities.

Mr. Speaker, while these findings are a great step in reducing government spending there is still more work to be done. The percentage of waste in the Federal Government would be intolerable in the private sector. I believe that with further investigation and inquiry, we can find even more examples of waste, fraud and abuse. Congress should be accountable for every dollar of the taxpayer's money. By reducing waste and duplication we can create a slimmer, more effective government. With a government as large and as far-reaching as that of the United States, small mistakes and oversights can amount to millions of dollars of waste. Correcting those mistakes and saving these dollars should be a priority for every member of Congress. Working Americans deserve the best possible government at the lowest possible cost.

Waste is a symptom of an ineffective government. Combating waste does not imply hostility toward government, but a desire to strengthen government programs so that they can serve constituents effectively. I believe it is possible to continue funding our priorities while also remaining fiscally responsible. By seeking to balance the budget we can bring accountability to government programs and departments.

TRIBUTE TO MASTER SERGEANT RODGER F. DEWEY

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. RUPPERSBERGER. Mr. Speaker, I rise today to pay tribute to Master Sergeant Rodger F. Dewey.

Master Sergeant Dewey, a career Marine, will be retiring after 24 years of honorable and faithful service to this country.

Master Sergeant Dewey has served with distinction. He enlisted in the Marine Corps in 1980 while still in High School. He has had numerous duty assignments. Some of these assignments included the Naval Academy, Marine Barracks Washington, DC, the 1989 Presidential Inauguration Committee and the Navy and Marine Corps Liaison Office for the House of Representatives.

Master Sergeant Dewey provided incredible support to the Members of Congress. While in the Liaison Office, he addressed congressional inquiries fielding constituent questions. Master Sergeant Dewey was instrumental in educating Members and staff about the policies and goals for the Department of Navy and the Marine Corps.

Master Dewey has volunteered in many organizations and programs both with the Marine Corps and throughout Baltimore County. Over the past 6 years he has been instrumental in providing gifts and food for families in Eastern Baltimore County and Annapolis. As the Toys for Tots Coordinator he has collected and distributed over 90,000 toys to those children in need. Also, with the help of his wife Betty, a Baltimore County Police Officer, they have distributed over 600 holiday food baskets to families in the Dundalk and Essex areas. His satisfaction is in seeing the families and the children sharing a happy holiday.

In 2003 Master Sergeant Dewey was selected as the Naval Cryptologic Veterans Association's Marine of the Year for 2002. This award is presented to the Marine that best supports the Naval Cryptologic missions. As Administrative Chief for a Battalion consisting of eight separate and remote companies co-located with the Navy Security Group Activities and National Intelligence Agency sites around the world, Master Sergeant Dewey's superior sustained performance was noteworthy. Through his dynamic leadership and unswerving dedication to duty, he ensured that Marine Cryptologic Support Battalion was successful in every endeavor, and he personally ensured every company's overall administrative requirements were fully met; regardless of where the company was; the United Kingdom, Hawaii, and throughout the United States.

The Marine Corps has been a career and home to Master Sergeant Dewey for 24 years. He has touched the lives of all who he has come in contact with. His leadership and guidance will be missed. The Marine's of his past and present will miss him.

Mr. Speaker, I ask my colleagues to join me in thanking Master Sergeant Dewey for his service to the United States Marine Corps and to our Nation.

RECOGNIZING JUSTIN BEARDEN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Justin Bearden, 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 65, and in earning the most prestigious award of Eagle Scout.

Justin has been very active with his troop, participating in many scout activities. Over the 9 years Justin has been involved with scouting, he has earned 28 merit badges and has held numerous leadership positions, serving as patrol leader, assistant patrol leader, and troop guide. Justin has also been inducted into the Order of the Arrow as an Ordeal member.

Justin's Eagle Scout project was the restoration of the exterior of the Patterson Assembly of God Parsonage.

Mr. Speaker, I proudly ask you to join me in commending Justin Bearden for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING MR. RAUL VARGAS

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Ms. SOLIS. Mr. Speaker, I stand today to recognize the numerous contributions of Mr. Raul Vargas of the University of Southern California (USC). For more than three decades, Mr. Vargas has pioneered higher education accessibility for minority students in southern California and throughout America.

A graduate of prestigious universities, including the University of Southern California, former Army veteran and life-long educator, Mr. Vargas is one of the nine founding members of the Mexican American Alumni Association (MAAA) at USC. Under his leadership, the MAAA and its supporters have provided unprecedented financial assistance to Latino students entering USC since 1974. Totaling over $10 million, the MAAA has awarded nearly 6,000 scholarships to outstanding Latino undergraduate and graduate students. For this reason, the MAAA is currently the largest and most prestigious Hispanic alumni association in the nation.

Since its inception in 1974, the MAAA has raised a major portion of its scholarship money from its Annual Scholarship Dinner in February and its Scholarship Golf Classic Tournament in June. The Scholarship Dinner, the elder of the two events, draws hundreds of USC alumni, donors, and supporters and raises hundreds of thousands of dollars each year. Within the last 10 years, the success of the two annual events has helped the USC MAAA's Endowment Fund to now proudly exceed $2 million.

Mr. Vargas has been recognized by prominent institutions and organizations. He was named Hispanic of the Year by the National

Hispanic Scholarship Fund; won the Spirit of Education Award by the American Diabetes Association; and earned the Lifetime Achievement Award by the Mexican American Legal Defense and Educational Fund.

Mr. Raul Vargas currently ranks among the top leaders in higher education. Above all, he exemplifies the excellence in American leadership today.

TRIBUTE TO KIP LOMBARD

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to pay special tribute to one of Oregon's finest citizens and most dedicated public servants, the late Benjamin ''Kip'' Lombard, Jr. It is with great sadness that I report that Kip passed away last year at the age of sixty-two, though he lives on in the memories of the many people he touched during his life and the grateful citizens on whose behalf he worked so tirelessly.

Mr. Speaker, Kip Lombard was a true son of the State of Oregon, and his love for his native state was evident in the many labors he performed for the betterment of his fellow Oregonians. Kip was blessed with both a keen intellect and the motivation to use his intellectual gifts in the service of others. He graduated with honors as a member of the first class of the University of Oregon Honors College, an institution reserved for only the most academically gifted. Knowing firsthand the value of a good education, Kip was a steadfast advocate for promoting academic excellence in Oregon. He served on the Jackson County Education Service District, Southern Oregon University's Regional Advisory Board, and as a volunteer on the Board of Directors of the Oregon Shakespeare Festival Association.

Mr. Speaker, while Kip's contributions to his community and state were diverse, he made perhaps his greatest mark in his role as State Representative. Kip served faithfully in the Oregon State Legislature from 1977 to 1985, where he quickly gained a reputation for his effectiveness, conviction, personal integrity and abiding respect for others. When the big jobs had to be done, Kip was always there, working relentlessly and forsaking the limelight. He was fiercely loyal to his southern Oregon constituents, yet committed to making Oregon the greatest state in the Union. He was, in short, a true gentleman and statesman in the finest tradition of Oregon's greatest public leaders.

Kip was widely respected for his thorough knowledge of Western water issues, both during his service in the legislature and in his law practice. As an attorney in private practice Kip brought the same high standards to his profession that he brought to the State House, and his clients were well served by him.

Mr. Speaker, although Kip's life was distinguished by many impressive accomplishments and the recognition that attended his achievements, I know that as a humble man his greatest source of pride was attaining the rank of Eagle Scout. Many of Kip's finest qualities were learned and nurtured in the Scouts, and he maintained a close relationship to Scouting throughout his life.

Kip Lombard's passing subtracts from the number of truly good men in this world, but it will be impossible for us ever to forget that Kip left this world a better place than he found it. Kip will always remain an inspiration to me, and his life's work will always represent the ideal of using one's God-given abilities on behalf of others.

Mr. Speaker, Kip was a man of many distinguished titles, but he valued none of them more highly than the titles of husband and father. I know the solemn pride that his wife, Bernadette, his children, Christopher and Ian, and his grandson, Samuel Benjamin, must certainly feel. While he has left their side in this world, I hope they find consolation in the knowledge that his was a life extremely well lived. For my part, I am grateful to have called Kip Lombard my friend and to have been associated with a man whose tireless work will benefit the State of Oregon for generations.

TAIWAN'S UPCOMING REFERENDUM

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. HINCHEY. Mr. Speaker, the referendum offered by Taiwan's President, the Honorable Chen Shui-bian, for the March 20, 2004 election ballot will not alter the status quo of cross-strait relations.

This referendum does not seek a declaration of independence. Rather, it is intended to express the Taiwanese people's immediate and legitimate concerns regarding the peace and security of the region. Taiwan is a thriving democracy that promotes freedom and the rule of law. The upcoming referendum will allow its people to freely express their views, which is a fundamental human right guaranteed by international law.

HONORING AFRICAN AMERICAN HISTORY MONTH

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Ms. SOLIS. Mr. Speaker, I rise to recognize the rich history of African Americans as we celebrate African American History Month.

Throughout our Nation's history, African Americans have made vast contributions to all aspects of American society—music, literature, sports, education, science, business, and politics. This month and throughout the year we honor these contributions and the wonderful African American men and women whose stellar achievements have left a positive imprint on our society.

We remember in a very special way this month the thousands of African Americans serving in the United States Armed Forces. From the Revolutionary War to the war in Iraq, African Americans have served our Nation in high numbers and with great distinction and honor. We honor this proud history and all African Americans currently defending our Nation and its freedoms.

I encourage those living in my district in Los Angeles County, California, and around the country to take time this month to learn more about vast cultural and historical contributions made by African Americans to our great Nation.

TRIBUTE TO LENN HANNON

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. WALDEN of Oregon. Mr. Speaker, it is with great pride that I rise today to pay special tribute to a fine American, a true gentleman and a good friend of mine, Lenn Hannon, on the occasion of his retirement from the Oregon State Senate. It is a pleasure to honor Lenn and his lovely wife, Dixie, who have stood together in public life for more than 30 years and together have made invaluable contributions to the State of Oregon and its people.

Mr. Speaker, Lenn Hannon traces his interest in public service to 1960 when, as a high school junior and member of the school band, Lenn had an opportunity to shake hands with a young Senator campaigning for President named John F. Kennedy. Inspired by Kennedy's call to public service, Lenn would go on to live his life by Kennedy's famous admonition: ''Ask not what your country can do for you. Ask what you can do for your country.''

Lenn began his career in public service in 1974, when he won a seat in the State Senate by a mere 37 votes. During his first years in the Senate, Hannon developed a reputation as a smart, open-minded and fair lawmaker whose concern for the people he represented was far greater than his concern for himself. In 1980, Lenn switched parties to become one of only seven Republicans in the State Senate. Over the years he gradually built up seniority to become the Senate's senior Republican and Chairman of the powerful Ways and Means Committee. During this time, he devoted himself to a wide range of issues, from strengthening education and arts programs to combating substance abuse and managing federal land issues. One of his greatest accomplishments in the State Legislature was his success in helping to develop Southern Oregon University into a premiere educational institution for southern Oregon. The reverence his name inspires among SOU faculty, staff and alumni is a testament to his enduring contributions to the university.

Mr. Speaker, now that Lenn's service in the State Senate has come to an end, Lenn will serve on the State Board of Parole and Post-Prison Supervision, a role that will allow him to continue serving the citizens of Oregon. He and Dixie will move to Salem for the new job, but their hearts will always remain in the community where they are so well loved.

Mr. Speaker, I ask that my colleagues join me in congratulating these extraordinary Americans, Lenn and Dixie Hannon. I would like to thank them both personally for all they have done for the people of southern Oregon, the Second District, and the State of Oregon. I wish Lenn and Dixie and their entire family all the best in future endeavors.

BOTSWANA, ONE OF THE GREATEST SUCCESS STORIES IN AFRICA

HON. WILLIAM J. JEFFERSON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. JEFFERSON. Mr. Speaker, I would like to call to the attention of my colleagues an excellent and informative television program that featured the country of Botswana as one of the greatest success stories in Africa. It was the Today Show on NBC on Monday, Feb. 9, during the series ''Where in the World is Matt Lauer?''

Many Americans know Botswana from having seen or visited its wonderful game parks on safari, but this program told Botswana's complete story. We learned how the country protects its precious animals, how the country is courageously facing its problem with HIV and AIDS and how its diamonds are mined and secured.

Botswana's diamond industry, a global leader and innovator, was featured. Mr. Louis Nchindo, general manager of the Debswana Diamond Company, told Mr. Lauer how the country has insured that its clean diamonds are kept out of the world of illegitimate ''conflict diamonds'' by carefully managing the process from mining to export. He described the elaborate security measures including the requirements for licensed dealers throughout the process. I was proud to work with Mr. Nchindo in setting up a process for labeling diamonds to keep them out of the illicit trade. Debswana and Mr. Nchindo are to be commended for their efforts in this regard.

Mr. Lauer mentioned how Botswana is a stable democracy and ''all-around wonderful place,'' with first class accommodations in the game parks and which rightly boasts a rich and welcoming culture.

I was pleased to see Botswana honored by NBC and commend the country, a good friend of the United States, to my colleagues.

PERMITTING USE OF ROTUNDA OF CAPITOL FOR CEREMONY TO AWARD CONGRESSIONAL GOLD MEDAL TO DR. DOROTHY HEIGHT

SPEECH OF

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 10, 2004

Mr. GEORGE MILLER of California. Mr. Speaker, today's resolution regarding the award of the Congressional Gold Medal to Dr. Dorothy Height reminds us in this age of cynicism that one person can truly make a difference in our society. I was pleased to cosponsor the legislation to award Dr. Height with the Congressional Gold Medal, and I am pleased to support this measure today. I have great admiration for Dr. Height, a living legend and pioneer of civil rights, women's rights, and racial justice.

Beginning as a civil rights advocate in the 1930s, Dr. Height gained prominence through her tireless efforts to promote interracial schooling, to register and educate voters, and to increase the visibility and status of women in our society.

One of her many contributions was establishing Wednesdays in Mississippi, a unique project that brought together northern and southern women to get to know one another and work side-by-side for racial justice in the segregated south. That project lives on in that, today, the Children's Defense Fund has adopted the Wednesdays in Mississippi model for its innovative Wednesdays in Washington and at Home program, which enables advocates for children—especially poor, minority, and disabled children—to make their voices heard here in the nation's capital and across the country.

As president of the National Council of Negro Women since 1957, she has helped establish model programs on issues ranging from teenage parenting to the eradication of hunger. She also established the Dr. Mary McLeod Bethune Museum and Archives for Black Women, the first institution devoted to the history of black women.

Her leadership in struggle for equality, social justice, and human rights for all peoples is an example for us all.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mr. ORTIZ. Mr. Speaker, due to inclement weather and travel delays from my district, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 25, ''yes''; rollcall No. 26, ''yes''; rollcall No. 27, ''yes.''

BLACK HISTORY MONTH SPECIAL ORDER

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2004

Mrs. JONES of Ohio. Mr. Speaker, today I want to celebrate Black History Month and the upcoming 50th anniversary of Brown v. Board of Education.

In 1954 the U.S. Supreme Court stated that separate is inherently unequal. The Court concluded, ''that in the field of public education, the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal.'' The Court found that the evils of racial segregation affected students' motivation and retarded educational and mental development.

Education is a right, not a privilege. The Court wrote: ''. . . it is doubtful that any child may reasonably be expected to succeed in life if he (or she) is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.''

In the 11th Congressional District of Ohio, Barbara Byrd-Bennett, CEO of the Cleveland Municipal School District continues this legacy Brown v. Board of Education, championing the rights of our young people and working to ensure that they are afforded the best education possible. Six years ago, in 1998, the Cleveland Municipal School District ranked last among Ohio school systems, and was placed in academic emergency status. Under the direction of Ms. Byrd-Bennett the Cleveland Municipal School District now stands as one of Ohio's ''most improved school districts.''

Under Ms. Byrd-Bennett's leadership academic successes are clear.

Reading scores have increased by more than 30 percent.

Children have breakfast and lunch at school at no cost, and over 93 percent are immunized.

Graduation rates have increased by 10 percent and 74 percent of last year's graduates went on to college.

Suspensions are down nearly 45 percent, expulsions are down 9 percent and assaults on students are down 13 percent.

Reading results were up 19 percent and 28 percent, respectively, in one academic year, in the 4th and 6th grades.

Only 22 percent of 4th grade students passed the State reading test in 1998 compared to 59 percent passed, in 2003, an increase of 37 percent from 5 years ago. Reading performance at the 6th grade has improved by 32 percent.

I believe that education is the key to success. I am working on behalf of all the constituents of the 11th Congressional District in Ohio to make sure that public education remains the number one issue in America. I want for those who have a desire to go to college to be prepared and equipped with the tools necessary for success.

While highlighting successes and recognizing achievements, we must also focus on current realities to further aid us in shaping national education priorities. According to the National Education Association:

Poor and minority children risk doing poorly in school. Contributing factors include: rigorous curriculum, teacher preparation/experience/attendance, class size, technology-assisted instruction, school safety, parent participation, student mobility, birth weight, lead poisoning, and nutrition.

In 1994, 31 percent of black, 24 percent of Hispanic, and 35 percent of American Indian high school graduates took remedial courses, compared to 15 percent of whites and Asians.

Few minorities have access to or are enrolled in Advanced Placement courses.

Student achievement gap still wide.

Only 5 percent of African American 4th grade students and 4 percent of 8th grade students met national proficiency standards in 1996.

In addition, under the Bush budget $9.4 billion less for education than was promised in the No Child Left Behind Act; this means that 2.4 million children will not get the help with reading and math they were promised. Under the Bush budget 56,000 teachers won't get training and 1.3 million children won't get the after school programs they were promised.

According to the National Education Association, the budget eliminates funds for 38 pro-

grams, including dropout prevention and gifted and talented education, and once again fails to increase Pell Grants for our nation's poorest college students. Yet, incredibly, the President wants $50 million for a national experiment with school vouchers, which take away much needed resources from public schools, and trillions more in tax cuts continue to flow to the wealthy.

We have come a long way; however, we still have a long way to go.

Today I rise to celebrate the anniversary of Brown v. Board of Education. 1 am proud to be an American. I salute African Americans like Barbara Byrd-Bennett who believed in the fight for justice, believed in their dreams for equality and continue to pave the way for a better tomorrow.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 26, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 1

10:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2005 for the Department of Defense.
SD–192

11 a.m.
Governmental Affairs
Financial Management, the Budget, and International Security Subcommittee
To hold hearings to examine the management, investment, and oversight policies of the federal government's Thrift Savings Plan (TSP) to ensure the integrity of federal employees' retirement savings.
SD–342

MARCH 2

9 a.m.
Foreign Relations
To hold oversight hearings to examine certain foreign assistance programs.
SD–419

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2005 and the future years defense program.
SH–216

10 a.m.
Banking, Housing, and Urban Affairs
To resume hearings to examine current investigations and regulatory actions regarding the mutual fund industry, focusing on fund operations and governance.
SD–538

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2005 for the Department of Commerce.
SD–192

Energy and Natural Resources
To hold hearings to examine the President's proposed fiscal year 2005 budget for the Forest Service.
SD–366

Appropriations
Homeland Security Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2005 for science and technology programs, information analysis, and infrastructure protection.
SD–124

Health, Education, Labor, and Pensions
Substance Abuse and Mental Health Services Subcommittee
To hold hearings to examine suicide prevention and youth.
SD–430

2:15 p.m.
Veterans' Affairs
To hold hearings to examine the final report of the Department of Veterans' Affairs' Capital Asset Realignment for Enhanced Services (CARES) Commission.
SR–418

2:30 p.m.
Armed Services
Personnel Subcommittee
To hold hearings to examine active component, Reserve component and civilian personnel programs, in review of the defense authorization request for fiscal year 2005.
SR–232A

3 p.m.
Foreign Relations
To hold hearings to examine North Korea's nuclear situation.
SH–216

MARCH 3

9:30 a.m.
Environment and Public Works
To hold oversight hearings to examine grants management within the Environmental Protection Agency.
SD–406

Finance
To hold hearings to examine health insurance challenges.
SD–215

Foreign Relations
To hold hearings to examine building operational readiness in Foreign Affairs agencies.
SH–216

10 a.m.
Judiciary
Constitution, Civil Rights and Property Rights Subcommittee
To hold hearings to examine national implications of the Massachusetts Goodridge decision and the judicial invalidation of traditional marriage laws.
SD–226

Appropriations
Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2005 for the Army.
SD–192

Appropriations
Energy and Water Development Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2005 for the Department of Energy's Office of Science, Office of Nuclear Energy, Science and Technology, and Office of Energy Efficiency and Renewable Energy.
SD–124

Indian Affairs
To hold oversight hearings to examine the status of the completion of the National Museum of the American Indian.
SR–485

2 p.m.
Armed Services
SeaPower Subcommittee
To hold hearings to examine future Navy and Marine Corps capabilities and requirements in review of the defense authorization request for fiscal year 2005 and the future years defense program.
SR–232A

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 1420, to establish terms and conditions for use of certain Federal land by outfitters and to facilitate public opportunities for the recreational use and enjoyment of such land.
SD–366

MARCH 4

9:30 a.m.
Armed Services
To hold open and closed hearings to examine the Defense Authorization Request for Fiscal Year 2005, focusing on military strategy and operational requirements (closed in SH–219).
SH–216

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine higher education.
SD–430

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the Non-Commissioned Officers Association, the Military Order of the Purple Heart, the Paralyzed Veterans of America, the Jewish War Veterans, and the Blinded Veterans Association.
345 CHOB

11 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2005 for the General Accounting Office, the Government Printing Office, and the Congressional Budget Office.
SD–116

2 p.m.
Agriculture, Nutrition, and Forestry
Marketing, Inspection, and Product Promotion Subcommittee
To hold oversight hearings to examine the development of a national animal identification plan.
SH–216

United States Senate Caucus on International Narcotics Control
To hold hearings to examine the current status of federal efforts to coordinate and combat money laundering and terrorist financing.
SD–215

2:30 p.m.
Energy and Natural Resources
Energy Subcommittee
To hold hearings to examine new nuclear power generation in the United States.
SD–366

MARCH 9

9:30 a.m.
Armed Services
To hold hearings to examine current and future worldwide threats to the national security of the United States; to be followed by a closed session in SH–219.
SD–106

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine H.R. 1446, to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, S. 1306, to introduce the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and H.R. 1521, to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania.
SD–366

MARCH 10

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the Veterans of Foreign Wars.
SH–216

11:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

2 p.m.
Armed Services
SeaPower Subcommittee
To hold hearings to examine the posture of the U.S. Transportation Command in review of the defense authorization request for fiscal year 2005 and the future years defense program.
SR–232A

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 1354, 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, S. 1575 and H.R. 1092, both 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 State and the City of Craig, Alaska, S. 1819 and H.R. 272, both to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries, and H.R. 3249, to extend the term of the Forest Counties Payments Committee.
SD–366

MARCH 11

10 a.m.
Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings to examine child and family issues.
SD–430

Energy and Natural Resources
To hold hearings to examine S. 2086, to amend the Surface Mining Control and Reclamation Act of 1977 to improve the reclamation of abandoned mines, and S. 2049, to amend the Surface Mining Control and Reclamation Act of 1977 to reauthorize collection of reclamation fees, revise the abandoned mine reclamation program, promote remining, authorize the Office of Surface Mining to collect the black lung excise tax, and make sundry other changes.
SD–366

2 p.m.
Armed Services
Airland Subcommittee
To hold hearings to examine Army Transformation in review of the defense authorization request for fiscal year 2005 and the future years defense program.
SR–232A

MARCH 18

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Air Force Sergeants Association, the Retired Enlisted Association, Gold Star Wives of America, and the Fleet Reserve Association.
345 CHOB

MARCH 23

9:30 a.m.
Armed Services
To hold hearings to examine atomic energy defense activities of the Department of Energy relating to the Defense Authorization request for fiscal year 2005.
SD–106

10 a.m.
Health, Education, Labor, and Pensions
Substance Abuse and Mental Health Services Subcommittee
To hold hearings to examine mental health services.
SD–430

MARCH 25

9:30 a.m.
Armed Services
To hold hearings to examine the role of the U.S. Northern Command and U.S. Special Operations Command in defending the homeland and in the global war on terrorism, in review of the defense authorization request for fiscal year 2005; to be followed by a closed session in SH–219.
SH–216

10 a.m.
Health, Education, Labor, and Pensions
Employment, Safety, and Training Subcommittee
To hold hearings to examine MSDS and OSHA hazardous commission.
SD–430

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the National Association of State Directors of Veterans Affairs, AMVETS, American Ex-Prisoners of War, the Vietnam Veterans of America, and the Military Officers Association of America.
345 CHOB

MARCH 31

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

SEPTEMBER 21

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.
345 CHOB

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1531–S1609

Measures Introduced: Nineteen bills and three resolutions were introduced, as follows: S. 2111–2129, S.J. Res. 28, and S. Con. Res. 91–92. **Pages S1586–87**

Measures Reported:

S. 930, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a program to provide assistance to enhance the ability of first responders to prepare for and respond to all hazards, with an amendment in the nature of a substitute. (S. Rept. No. 108–227) **Page S1586**

Measures Passed:

Permitting the Use of the Rotunda of the Capitol: Senate agreed to H. Con. Res. 357, permitting the use of the rotunda of the Capitol for a ceremony to award a Congressional Gold Medal to Dr. Dorothy Height. **Page S1607**

Congratulating Focus: Hope: Senate agreed to S. Con. Res. 92, congratulating and saluting Focus: Hope on the occasion of its 35th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and for the United States. **Pages S1607–08**

Protection of Lawful Commerce in Arms Act: Senate resumed 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. **Pages S1532–82**

During consideration of this measure today, Senate also took the following action:

By 75 yeas to 22 nays (Vote No. 16), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the bill. **Page S1538**

A unanimous-consent-time agreement was reached providing for consideration of the bill (S. 1805), at 9:30 a.m., on Thursday, February 26, 2004, with certain amendments to be proposed thereto; further, that at 9:35 a.m., on Tuesday, March 2, 2004, the pending amendments be withdrawn, with certain exceptions, with certain additional amendment to be proposed, and that the time prior to 11:35 a.m. that day be equally divided for debate on all amendments concurrently; that no second degree amendments be in order; that at 11:35 a.m., Senate vote on Feinstein Amendment, followed by a vote on Reed Amendment, to be followed by a vote on Campbell Amendment, to be followed by a vote on Kennedy Amendment, to be followed by a vote on the D.C. ban amendment; further that following the disposition of the aforementioned amendments, the bill be read a third time and the Senate vote on final passage of the bill. **Page S1609**

Appointments:

United States-China Economic Security Commission: The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398, as amended by Public Law 108–7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106–398, and upon the recommendation of the Majority Leader, in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appointed the following individual to the United States-China Economic Security Review Commission: Gary J. Schmitt, of Washington, D.C., vice Michael A. Ledeen of Maryland. **Page S1606**

Commission on Systemic Interoperability: The Chair, on behalf of the Democratic Leader, pursuant to Public Law 108–173, appointed the following individual to serve as a member of the Commission on Systemic Interoperability: Herbert Pardes, M.D., of New York. **Pages S1606–07**

Messages From the House: **Page S1584**

Measures Referred: **Page S1584**

Measures Placed on Calendar: **Page S1584**

Executive Communications: **Pages S1584–86**

Additional Cosponsors: **Pages S1587–88**

Statements on Introduced Bills/Resolutions: **Pages S1588–S1600**

Additional Statements: Pages S1583–84

Amendments Submitted: Page S1600

Notices of Hearings/Meetings: Page S1601

Authority for Committees to Meet: Pages S1601–02

Privilege of the Floor: Page S1602

Record Votes: One record vote was taken today. (Total—16) Page S1538

Adjournment: Senate convened at 9:30 a.m., and adjourned at 11:09 p.m., until 9:30 a.m., on Thursday, February 26, 2004. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S1609.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DISTRICT OF COLUMBIA

Committee on Appropriations: Subcommittee on the District of Columbia concluded ahearing to examine proposed budget estimates for fiscal year 2005 for the government of theDistrict of Columbia, after receiving testimony from Rufus G. King III, Chief Judge, SuperiorCourt of the District of Columbia; Annice M. Wagner, Chief Judge, D.C. Court of Appeals andChair, Joint Committee on Judicial Administration; and Frederick Lindstrom, U.S. Commissionof Fine Arts, Craig W. Floyd, National Law Enforcement Memorial Fund, and PatriciaGallagher, National Capital Planning Commission, all of Washington, D.C.

SEXUAL ASSAULT PREVENTION

Committee on Armed Services: Subcommittee on Personnel concluded a hearing toexamine policies and programs for preventing and responding to incidents of sexual assault in thearmed services, after receiving testimony from David S.C. Chu, Under Secretary of Defense forPersonnel and Readiness; General George W. Casey, Jr., USA, Vice Chief of Staff, United StatesArmy; Admiral Michael G. Mullen, USN, Vice Chief of Naval Operations, and Terri J. Rau,Head, Policy and Prevention Section, Counseling, Advocacy and Prevention Branch, NavyPersonnel Command, Bureau of Naval Personnel, both of the United States Navy; GeneralWilliam L. Nyland, USMC, Assistant Commandant, United States Marine Corps; General T.Michael Moseley, USAF, Vice Chief of Staff, United States Air Force; Susan H. Mather, ChiefOfficer, Office of Public Health and Environmental Hazards, Veterans Health Administration,Department of Veterans' Affairs; Christine Hansen, The Miles Foundation, Newtown,Connecticut; and Deborah D. Tucker, National Center on Domestic and Sexual Violence, Austin,Texas.

DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Strategic Forces concluded a hearing toexamine the Department of Energy's Office of Environmental Management, Office of FutureLiabilities, and Office of Legacy Management, in review of the defense authorization request forfiscal year 2005, after receiving testimony from Jessie H. Roberson, Assistant Secretary forEnvironment Management, and Michael W. Owen, Director, Office of Legacy Management, bothof the Department of Energy.

MUTUAL FUND INDUSTRY

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing toexamine current investigations and regulatory actions regarding the mutual fund industry,focusing on understanding the fund industry from the investor's perspective, including the role ofState Treasurers, financial literacy Programs, management fee disclosure, and the recent scandalsin the industry, after receiving testimony from Gary Gensler, Brooklandville, Maryland, formerUnder Secretary of the Treasury for Domestic Finance; Tim Berry, Indiana State Treasurer,Indianapolis, on behalf of the National Association of State Treasurers; James S. Riepe, T. RowePrice Group, Inc., Baltimore, Maryland; Don Phillips, Morningstar, Inc., Chicago, Illinois; andJames K. Glassman, American Enterprise Institute, Washington, D.C.

HOUSING GSEs

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing toexamine proposals for improving the regulation of the housing government sponsored enterprises(GSEs), after receiving testimony from Franklin D. Raines, Fannie Mae, Washington, D.C.;Richard F. Syron, Freddie Mac, McLean, Virginia; and Norman B. Rice, Federal Home LoanBank of Seattle, Seattle, Washington.

DEPARTMENT OF HOMELAND SECURITY BUDGET

Committee on the Budget: Committee concluded a hearing to examine the President'sproposed budget request for fiscal year 2005 for the Department of Homeland Security, afterreceiving testimony from Tom Ridge, Secretary of Homeland Security.

SEAFOOD PROCESSOR QUOTAS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing toexamine the economic implications of seafood processor quotas, focusing on the Alaska crabrationalization plan developed by North Pacific Fishery Management Council, including effectson competition of the rationalization plan and antitrust issues associated with the plan's pricearbitration system, after receiving testimony from J. Bruce McDonald, Deputy Assistant AttorneyGeneral, Antitrust Division, Department of Justice; Anu K. Mittal, Director, National Resourcesand Environment, and Keith Oleson, Assistant Director, both of the General Accounting Office;Robert Halvorsen, University of Washington, and Joseph T. Plesha, Trident SeafoodsCorporation, both of Seattle; Scott C. Matulich, Washington State University, Pullman; RichardD. Young, Crescent City, California, on behalf of the Fishermen's Marketing Association; andRichard Powell, Kodiak, Alaska.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the United NationsConvention on the Law of the Sea, with Annexes, done at Montego Bay, December 10, 1982 (the''Convention''), and the Agreement Relating to the Implementation of Part XI of the UnitedNations Convention on the Law of the Sea of 10 December 1982, with Annex, adopted at NewYork, July 28, 1994 (the ''Agreement''), and signed by the United States, subject to ratification, on July 29, 1994 (Treaty Doc. 103–39).

TAX TREATIES

Committee on Foreign Relations: Committee concluded a hearing to examine the Convention Between the Government of the United States of America and the Government of Japan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, signed at Washington on November 6, 2003, together with a Protocol and an exchange of notes (the ''Convention'') (Treaty Doc. 108–14), and the Protocol Amending the Convention Between the Government of the United States of America and the Government of the Democratic Socialist Republic of Sri Lanka for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Colombo on March 14, 1985, together with an exchange of notes, signed at Washington on September 20, 2002 (the ''Protocol'') (Treaty Doc. 108–9), focusing on a zero-rate dividend provision, anti-conduit rules, insurance excise tax, restructured financial institutions, and the U.S. operating subsidiary, after receiving testimony from Barbara M. Angus, International Tax Counsel, Department of the Treasury; George Yin, Chief of Staff, Joint Committee on Taxation; William A. Reinsch, National Foreign Trade Council, and James W. Fatheree, U.S.-Japan Business Council, both of Washington, D.C.

USAID CONTRACTING POLICIES

Committee on Foreign Relations: Subcommittee on International Economic Policy, Export and Trade Promotion concluded a hearing to examine the United States Agency for International Development's (USAID) contracting policies, focusing on programs in Afghanistan and Iraq, after receiving testimony from Everett L. Mosley, Inspector General, and Tim Beans, Director, Office of Procurement, both of the United States Agency for International Development; Frederick D. Barton, Center for Strategic and International Studies, Allan V. Burman, Jefferson Solutions, and Marcus L. Stevenson, The Urban Institute, all of Washington, D.C.

INDIAN PROGRAMS BUDGET

Committee on Indian Affairs: Committee concluded hearings to examine the President's proposed budget request for fiscal year 2005 for Indian Programs, after receiving testimony from Ross Swimmer, Special Trustee for American Indians, Department of the Interior; Gary J. Hartz, Acting Director, Office of Public Health, Indian Health Service, and Douglas Black, Director, Office of Tribal Programs, Indian Health Service, both of the Department of Health and Human Services; Victoria Vasques, Deputy Under Secretary, and Director, Office of Indian Education, and Lonna Jones, Acting Director, Elementary, Secondary and Vocational Analysis Division, Budget Service, both of the Department of Education; Michael Liu, Assistant Secretary of Housing and Urban Development for Public and Indian Housing; David Garman, Assistant Secretary of Energy for Energy Efficiency and Renewable Energy; and Tracy Henke, Deputy Associate Attorney General, Department of Justice.

NOMINATION

Committee on the Judiciary: Committee concluded a hearing to examine the nomination of Roger T. Benitez, to be United States District Judge for the Southern District of California, after the nominee, who was introduced by Senator Feinstein, testified and answered questions in his own behalf. Testimony was also received from Marilyn L. Huff, Chief Judge, U.S. District Court for the Southern District of California; and Thomas Z. Hayward, Jr., Chicago, Illinois, and Richard M. Macias, Los Angeles, California, both on behalf of the Standing Committee on Federal Judiciary, American Bar Association.

House of Representatives

Chamber Action

Measures Introduced: 19 public bills, H.R. 3826–3844; and 7 resolutions, H. Con. Res. 367–370, and H. Res. 534, 535, and 537, were introduced. **Pages H632–33**

Additional Cosponsors: **Page H633**

Reports Filed: Reports were filed today as follows:

H. Res. 536, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 108–428). **Pages H631–32**

Speaker: Read a letter from the Speaker wherein he appointed Representative LaHood to act as Speaker Pro Tempore for today. **Page H577**

GAO Human Capital Reform Act of 2003: The House passed H.R. 2751, to provide new human capital flexibilities with respect to the GAO, by a yea and nay vote of 382 yeas to 43 nays, Roll No. 28. **Pages H579–83, H595**

Pursuant to the unanimous consent agreement of Tuesday, February 24, the amendment in the nature of a substitute recommended by the Committee on Government Reform now printed in the bill was considered as adopted. **Page H583**

The bill was considered under a unanimous consent agreement reached on Tuesday, February 24. **Page H579**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Recognizing and honoring the life of Raul Julia: H. Con. Res. 287, recognizing and honoring the life of the late Raul Julia, his dedication to ending world hunger, and his great contributions to the Latino community and the performing arts by a ⅔ yea and nay vote of 422 yeas with none voting "nay", Roll No. 29; **Pages H584–86, H596**

Barber Conable Post Office Building Designation Act: H.R. 3690, to designate the facility of the United States Postal Service located at 2 West Main Street in Batavia, New York, as the "Barber Conable Post Office Building". **Pages H586–87**

Recess: The House recessed at 10:48 a.m. and reconvened at 2:19 p.m. **Page H587**

Consideration of Unborn Victims of Violence Act: The House agreed to H. Res. 529, the rule that is providing for consideration of 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, by a voice vote. **Pages H587–95**

Quorum Calls—Votes: Two yea and nay votes developed during the proceedings today. There were no quorum calls. **Pages H595, H596**

Adjournment: The House met at 10 a.m. and adjourned at 9:16 p.m.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies began fiscal year 2005 appropriation hearings. Testimony was heard from the following officials of USDA: Ann M. Veneman, Secretary; James R. Mosley, Deputy Secretary; Keith Collins, Chief Economist; and Stephen B. Dewhurst, Budget Officer.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense met in executive session to receive a briefing on the CIA. Testimony was heard from George J. Tenet, Director, CIA.

INTERIOR AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior and Related Agencies began fiscal year 2005 appropriation hearings. Testimony was heard from the following officials of the Department of the Interior: Gale A. Norton, Secretary; P. Lynn Scarlett, Assistant Secretary, Policy, Management and Budget; and John D. Trezise, Director, Budget.

LABOR, HHS, EDUCATION AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies hearing on SSA. Testimony was heard from the following officials of the SSA: Jo Anne Barnhart, Commissioner; and James G. Huse, Jr., Inspector General.

The Subcommittee also held a hearing on the Corporation for Public Broadcasting. Testimony was heard from the following officials of the Corporation for Public Broadcasting: Robert Coonrod, President and CEO; Pat Mitchell, President and CEO, Public

Broadcasting Service; and Kevin Close, President and CEO, National Public Broadcasting.

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction held a hearing on the following: the Quality of Life; and on Quality of Life in the Military with Spouses. Testimony was heard from Sgt. Major Kenneth O. Preston, USA; Master Chief Petty Officer Terry D. Scott, USN; Sgt. Major John L. Estrada, USMC; and Chief Master Sgt. Gerald R. Murray, USAF.

VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies on the following: the Office of Science and Technology Policy; on Arlington Cemetery; on Consumer Product Commission; and on the Council on Environmental Quality. Testimony was heard from John H. Marburger, Director, Office of Science and Technology Policy, and President's Science Advisor; John Paul Woodley, Jr., Assistant Secretary, Civil Works, Department of the Army; Hal Stratton, Chairman; Thomas H. Moore and Mary Sheila Gall, both Commissioners, Consumer Product Safety Commission; and James Laurence Connaughton, Chairman, Council on Environmental Quality.

RESOLUTION REGARDING VALERIE PLAME; NATIONAL DEFENSE AUTHORIZATION REQUEST—DEPARTMENT OF THE ARMY

Committee on Armed Services: Ordered reported adversely 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.

The Committee also held a hearing on the Fiscal Year 2005 National; Defense Authorization budget request of the Department of the Army. Testimony was heard from the following officials of the Department of the Army: Les Brownlee, Acting Secretary; and Gen. Peter J. Schoomaker, USA, Chief of Staff.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST—SPACE PROGRAMS

Committee on Armed Services: Subcommittee on Strategic Forces held a hearing on the Fiscal Year 2005 National Defense Authorization budget request: Status of the Space Programs. Testimony was heard from Peter B. Teets, Under Secretary, Department of the Air Force.

DOD FORCE HEALTH PROTECTION AND SURVEILLANCE EFFORTS FOR SERVICE MEMBERS

Committee on Armed Services: Subcommittee on Total Force held a hearing on the Department of Defense force health protection and surveillance efforts for service members deployed to Operation Enduring Freedom and Operation Iraqi Freedom. Testimony was heard from the following officials of the Department of Defense: William Winkenwerder, Jr., M.D., Assistant Secretary, Health Affairs; Lt. Gen. James J. Peake, M.D., USA., The Surgeon General, U.S. Army, Commander, U.S. Medical Command; Sgt. Major Kenneth O. Preston, Sgt. Major, USA; and CPL Victor Thibeault, U.S. Army, 10th Mountain Division, Fort Drum, New York; the following officials of the Department of Veterans' Affairs: Michael J. Kussman, M.D., Deputy Chief, Patient Care Officer, Veterans Health Administration; Susan H. Mather, M.D., Chief Officer, Public Health and Environmental Hazards; and Laurent S. Lehmann, M.D., Chief, Mental Health Strategic Health Care Group; and public witnesses.

ECONOMIC OUTLOOK AND CURRENT FISCAL ISSUES

Committee on the Budget: Held a hearing on The Economic Outlook and Current Fiscal Issues. Testimony was heard from Alan Greenspan, Chairman, Board of Governors, Federal Reserve System.

STRENGTHENING PENSION SECURITY FOR ALL AMERICANS

Committee on Education and the Workforce: Held a hearing entitled "Strengthening Pension Security for All Americans: Are Workers Prepared for a Safe and Secure Retirement?" Testimony was heard from public witnesses.

U.S. OLYMPIC COMMITTEE REFORM ACT; CONSUMER ACCESS TO INFORMATION ACT

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection approved for full Committee action the following: the United States Olympic Committee Reform Act; and the Consumer Access to Information Act of 2004.

SECURITIES FRAUD DETERRENCE AND INVESTOR RESTITUTION ACT; BUDGET VIEWS AND ESTIMATES; COMMITTEE BUSINESS

Committee on Financial Services: Ordered reported, as amended, H.R. 2179, Securities Fraud Deterrence and Investor Restitution Act of 2003.

The Committee approved the following: as amended, "Views and Estimates of the Committee on Financial Services on Matters to be Set Forth in the Concurrent Resolution on the Budget for Fiscal Year 2005;" and other pending Committee business.

IMPROVE REGULATORY ACCOUNTING: COSTS, BENEFITS, AND IMPACTS OF FEDERAL REGULATIONS

Committee on Government Reform: Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs held a hearing entitled "How to Improve Regulatory Accounting: Costs, Benefits, and Impacts of Federal Regulations—Part II." Testimony was heard from John D. Graham, Administrator, Office of Information and Regulatory Affairs, OMB; Thomas M. Sullivan, Chief Counsel for Advocacy, SBA; and public witnesses.

U.S. PACIFIC ISLAND TERRITORIES—HEALTH CARE DISPARITIES

Committee on Government Reform: Subcommittee on Human Rights and Wellness held a hearing on "Investigation Into Health Care Disparities in the United States Pacific Island Territories." Testimony was heard from David Cohen, Deputy Assistant Secretary, Office of Insular Affairs, Department of the Interior; Nathan Stinson, Jr., M.D., Deputy Assistant Secretary, Office of Minority Health, Department of Health and Human Services; Felix Camacho, Governor, Territory of Guam; Juan Babauta, Governor, Commonwealth of the Northern Mariana Islands; Togiola Tulafono, Governor, American Samoa; and Jefferson Benjamin, M.D., Secretary of Health, Department of Health, Education, and Social Affairs, Federated States of Micronesia.

RESOLUTION REGARDING VALERIE PLAME; MISCELLANEOUS MEASURES

Committee on International Relations: Ordered reported the following measures: H. Res. 499, adversely, 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; and H.R. 3818, amended, The Microenterprise Results and Accountability Act of 2004.

The Committee favorably considered the following measures and adopted a motion urging the Chairman to request that they be considered on the Suspension Calendar: H.R. 3782, Counter-Terrorist and Narco-Terrorist Rewards Program Act; H.R. 854, amended, Belarus Democracy Act of 2003; H. Res. 530, 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 H. Con. Res. 364, 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.

RESOLUTION REGARDING VALERIE PLAME

Committee on the Judiciary: Ordered reported adversely 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.

OVERSIGHT—IMMIGRATION FUNDING

Committee on the Judiciary: Subcommittee on Immigration, Border Security, and Claims held an oversight hearing entitled "Funding for Immigration in the President's 2005 Budget." Testimony was heard from the following officials of the Department of Homeland Security: Michael Dougherty, Director, Operations, Immigration and Customs Enforcement; Eduardo Aguirre, Deputy Director and Chief of Staff, Citizenship and Immigration Services; and Seth Stodder, Counselor and Senior Policy Advisor to Commissioner Robert C. Bonner, U.S. Customs and Border Protection; and Daniel Smith, Principal Deputy Assistant Secretary, Consular Affairs, Department of State.

OVERSIGHT—EXAMINE POTENTIAL FOR A DELEGATE FROM NORTHERN MARIANA ISLANDS

Committee on Resources: Held an oversight hearing on An Examination of the Potential for a Delegate from the Commonwealth of the Northern Mariana Islands. Testimony was heard from David Cohen, Director, Office of Insular Affairs, Department of the Interior; the following officials of the Commonwealth of the Northern Mariana Islands: Juan N. Babauta, Governor; Pete A. Tenorio, Resident Representative; and Joaquin G. Adriano, Senate President; and a public witness.

OVERSIGHT—BUDGETS—BUREAU OF RECLAMATION, GEOLOGICAL SURVEY AND POWER MARKETING ADMINISTRATIONS

Committee on Resources: Subcommittee on Water and Power held an oversight hearing on the Proposed Fiscal Year 2005 Budgets for the Bureau of Reclamation, the U.S. Geological Survey and Power Marketing Administrations. Testimony was heard from the following officials of the Department of the Interior: John Keys III, Commissioner, Bureau of Reclamation; and Robert M. Hirsch, Associate Director, Water, U.S. Geological Survey; and the following officials of the Department of Energy: Michael S. Hacskaylo, Administrator, Western Area Power Administration; Stephen J. Wright, Administrator, Bonneville Power Administration; Michael A. Deihl, Administrator, Southwestern Power Administration; and Charles A. Borchardt, Administrator, Southeastern Power Administration.

SAME DAY CONSIDERATION OF RESOLUTION REPORTED BY THE RULES COMMITTEE CONCERNING SURFACE TRANSPORTATION EXTENSION ACT

Committee on Rules: Granted, by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any special rule reported on the legislative day of February 26, 2004, providing for consideration or disposition of H.R. 3783, Surface Transportation Extension Act of 2004, or any amendment thereto.

CONFLICT BETWEEN SCIENCE AND SECURITY IN VISA POLICY

Committee on Science: Held a hearing on The Conflict Between Science and Security in Visa Policy: Status and Next Steps. Testimony was heard from Asa Hutchinson, Under Secretary, Border and Transportation Security, Department of Homeland Security; Janice Jacobs, Assistant Secretary, Office of Consular Affairs, Department of State; Jess Ford, Director, International Affairs and Trade, GAO; and Robert Garrity, Jr., Deputy Assistant Director, Record/Information Administration, FBI, Department of Justice.

BUDGET VIEWS AND ESTIMATES

Committee on Small Business: Approved Committee's Budget Views and Estimates for Fiscal Year 2005 for submission to the Committee on the Budget.

MISCELLANEOUS MEASURES; BUDGET VIEWS AND ESTIMATES

Committee on Transportation and Infrastructure: Ordered reported the following bills: 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, amended, to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the "James V. Hansen Federal Building;" and H.R. 3713, To designate the Federal building located at 250 West Cherry Street in Carbondale, Illinois the "Senator Paul Simon Federal Building."

The Committee also approved the following: Committee's Budget Views and Estimates for Fiscal Year 2005 for submission to the Committee on the Budget; U.S. Army Corps Survey Resolutions; and GSA Fiscal Year 2004 Leasing Resolutions.

IC ANALYTICAL CAPABILITIES AND INFORMATION SHARING

Permanent Select Committee on Intelligence: Subcommittee on Terrorism and Homeland Security met in executive session to hold a hearing on IC Analytical Capabilities and Information Sharing. Testimony was heard from departmental witnesses.

HOMELAND SECURITY SCIENCE AND TECHNOLOGY BUDGET

Select Committee on Homeland Security: Subcommittee on Cybersecurity, Science and Research Development held a hearing entitled "Homeland Security Science and Technology Budget Hearing for Fiscal Year 2005." Testimony was heard from Charles McQueary, Under Secretary, Science and Technology, Department of Homeland Security.

Joint Meetings

HEALTH CARE

Joint Economic Committee: Committee concluded a hearing to examine the performance and potential of consumer driven health care, focusing on new health savings account options, employee choice, and health insurance risks, after receiving testimony from Arnold Milstein, Pacific Business Group on Health, San Francisco, California, on behalf of Mercer Human Resource Consulting; John M. Bertko, Humana, Inc., Louisville, Kentucky; Howard Leach, Logan Aluminum, Inc., Russellville, Kentucky; and Gail Shearer, Consumers Union, Washington, D.C.

HOMELAND SECURITY: NEW HUMAN RESOURCES SYSTEM

Joint Hearing: Senate Committee on Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a joint hearing with the House Committee on Government Reform Subcommittee on Civil Service and Agency Reorganization to examine the new personnel system of the Department of Homeland Security, after receiving testimony from Admiral James M. Loy, Deputy Secretary of Homeland Security; Kay Coles James, Director, Office of Personnel Management; David M. Walker, Comptroller General, General Accounting Office; and John Gage, American Federation of Government Employees, Colleen M. Kelley, National Treasury Employees Union, and Mike Randall, National Association of Agriculture Employees, all of Washington, D.C.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D 98)*

S. 610, to amend the provisions of title 5, United States Code, to provide for workforce flexibilities and certain Federal personnel provisions relating to the National Aeronautics and Space Administration. Signed on February 24, 2004. (Public Law 108–201).

COMMITTEE MEETINGS FOR THURSDAY, FEBRUARY 26, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Homeland Security, to hold hearings to examine proposed budget estimates for fiscal year 2005 for emergency preparedness and response budget, 10 a.m., SD–124.

Subcommittee on VA, HUD, and Independent Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2005 for the Office of Science and Technology Policy and the National Science Foundation, 10 a.m., SD–192.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the nominations of Alphonso R. Jackson, of Texas, to be Secretary of Housing and Urban Development, Linda Mysliwy Conlin, of New Jersey, to be a Member of the Board of Directors of the Export-Import Bank of the United States, and Rhonda Keenum, of Mississippi, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Services, 10 a.m., SD–538.

Full Committee, to continue hearings to examine current investigations and regulatory actions regarding the mutual fund industry, focusing on fund operations and governance, 2 p.m., SD–538.

Committee on the Budget: to hold hearings to examine the President's proposed international affairs budget request for fiscal year 2005, 10 a.m., SD–106.

Committee on Energy and Natural Resources: to hold hearings to examine the nomination of Susan Johnson Grant, of Virginia, to be Chief Financial Officer, Department of Energy, 2:30 p.m., SD–366.

Committee on Foreign Relations: to hold hearings to examine public diplomacy and international free press, 9:30 a.m., SD–419.

Full Committee, to hold hearings to examine next steps in U.S. relations regarding Libya, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine ensuring quality and accountability regarding higher education accreditation, 2 p.m., SD–430.

Committee on the Judiciary: business meeting to consider the nominations of Henry W. Saad, ofMichigan, to be United States Circuit Judge for the Sixth Circuit, William James Haynes II, ofVirginia, to be United States Circuit Judge for the Fourth Circuit, Raymond W. Gruender, ofMissouri, to be United States Circuit Judge for the Eighth Circuit, Franklin S. Van Antwerpen, ofPennsylvania, to be United States Circuit Judge for the Third Circuit, Judith C. Herrera, to beUnited States District Judge for the District of New Mexico, F. Dennis Saylor IV, to be UnitedStates District Judge for the District of Massachusetts, Sandra L. Townes, to be United StatesDistrict Judge for the Eastern District of New York, Louis Guirola, Jr., to be United StatesDistrict Judge for the Southern District of Mississippi, Virginia E. Hopkins, to be United StatesDistrict Judge for the Northern District of Alabama, Kenneth M. Karas, to be United StatesDistrict Judge for the Southern District of New York, Ricardo S. Martinez, of Washington, to beUnited States District Judge for the Western District of Washington, Gene E. K. Pratter, to beUnited States District Judge for the Eastern District of Pennsylvania, Neil Vincent Wake, to beUnited States District Judge for the District of Arizona, and Michele M. Leonhart, of California,to be Deputy Administrator of Drug Enforcement, Domingo S. Herraiz, of Ohio, to be Directorof the Bureau of Justice Assistance, and LaFayette Collins, to be United States Marshal for theWestern District of Texas all of the Department of Justice, 9:30 a.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, on Natural Resources and Environment, 9:30 a.m., 2362A Rayburn.

Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies, on Secretary of Commerce, 10 a.m., 2359 Rayburn.

Subcommittee on Interior and Related Agencies, on Secretary of Energy, 10 a.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Worker Protection Agencies, 10 a.m., 2358 Rayburn.

Subcommittee on Transportation, Treasury and Independent Agencies, on U.S. Postal Service, 10 a.m., 2358 Rayburn.

Committee on Armed Services, hearing on the Fiscal Year 2005 National Defense Authorization budget request for the Department of the Air Force, 9 a.m., 2118 Rayburn.

Subcommittee on Readiness, hearing on the Fiscal Year 2005 National Defense Authorization budget request—Military Construction Budget Request for the Programs of the Office of the Secretary of Defense, the Defense Agencies, and the Reserve Components of the Department of the Air Force, 2 p.m., 2118 Rayburn.

Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on the Department of Defense Transformation, 1 p.m., 2212 Rayburn.

Committee on the Budget, hearing on the Department of Health and Human Services Budget Priorities Fiscal Year 2005, 10 a.m., 210 Cannon.

Committee on Energy and Commerce, Subcommittee on Telecommunications and the Internet, to continue hearings on H.R. 3717, Broadcast Decency Enforcement Act of 2004, 9:30 a.m., 2123 Rayburn.

Committee on Government Reform, to consider the following: Committee's Budget Views and Estimates for Fiscal Year 2005 for submission to the Committee on the Budget; H.R. 3733, to designate the facility of the United States Postal Service located at 410 Huston Street in Altamont, Kansas, as the "Myron C. George Post Office;" H.R. 3797, 2004 District of Columbia Omnibus Authorization Act; H.J. Res. 87, Honoring the life and legacy of President Franklin Delano Roosevelt and recognizing his contributions on the anniversary of the date of his birth; H. Con. Res. 328, Recognizing and honoring the United States Armed Forces and supporting the designation of a National Military Appreciation Month; H. Res. 433, Honoring the life and legacy of Luis A. Ferre; and H. Res. 475, Congratulating the San Jose Earthquakes for winning the 2003 Major League Soccer Cup; followed by a hearing entitled "Will 'Network' Work? A Review of Whether a Centralized Government Telecom Plan Jibes with an Ever-Evolving Market," 10 a.m., 2154 Rayburn.

Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing entitled "Afghanistan: Law Enforcement Interdiction Efforts in Transshipment Countries to Stem the Flow of Heroin," 2 p.m., 2154 Rayburn.

Committee on International Relations, hearing on U.S. Foreign Assistance After September 11th: Major Changes, Competing Purposes and Different Standards—Is There an Overall Strategy? 11 a.m., 2172 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on H.R. 1856, Harmful Algal Bloom and Hypoxia Research and Amendments Act of 2003, 2:30 p.m., 1324 Longworth.

Subcommittee on National Parks, Recreation and Public Lands, oversight hearing to examine the Fiscal Year 2005 Budget for the National Park Service and Bureau of Land Management and ongoing efforts to reduce their maintenance backlogs, 10 a.m., 1334 Longworth.

Committee on Small Business, Subcommittee on Workforce, Empowerment and Government Programs, hearing entitled "Union Salting of Small Business Worksites," 10:30 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing on Agency Budgets and Priorities for Fiscal Year 2005, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Social Security, hearing on the Social Security Service Delivery Plan for 2005, 10 a.m., B–2318 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Intelligence Policy and National Security, executive, briefing on Global Intelligence Update, 9 a.m., H–405 Capitol.

Subcommittee on Intelligence Policy and National Security, executive, hearing on IC Language Capabilities, 10 a.m., H–405 Capitol.

Next Meeting of the SENATE

9:30 a.m., Thursday, February 26

Senate Chamber

Program for Thursday: Senate will consider S. 1805, Protection of Lawful Commerce in Arms Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, February 26

House Chamber

Program for Thursday: Consideration of H.R. 1997, Unborn Victims of Violence Act of 2003 (modified closed rule, two hours of general debate).

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