The Speaker pro tempore (Mr. Fosse1a). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 676. The Clerk read the title of the resolution. The Speaker pro tempore. The question of suspending the rules and agreeing to the resolution, H. Res. 676, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 414, nays 1, not voting 18, as follows:

[Roll No. 304]

108th Congress, 2nd Session

House of Representatives

WASHINGTON, THURSDAY, JUNE 24, 2004

HONORING 40TH ANNIVERSARY OF PASSAGE OF CIVIL RIGHTS ACT OF 1964

The Speaker pro tempore (Mr. Fosse1a). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 676. The Clerk read the title of the resolution.

The Speaker pro tempore. The question of suspending the rules and agreeing to the resolution, H. Res. 676, 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 414, nays 1, not voting 18, as follows:

[Roll No. 304]

H4929

This symbol represents the time of day during the House proceedings, e.g., 1415 means 2:15 p.m.

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

Mr. Berman, Mr. Speaker, I was unavoidably delayed and had to cast a number of rollcall votes. Had I been present, I would have voted “no” on rollcall No. 293, “yes” on rollcall No. 294, “yes” on rollcall No. 295, “yes” on rollcall No. 296, “yes” on rollcall No. 297, “yes” on rollcall No. 300, “yes” on rollcall No. 301, “no” on rollcall No. 302, “no” on rollcall No. 303, and “yes” on rollcall No. 304.

CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent to take from the Speaker’s table the Senate bill (S. 2507) to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. GEORGE MILLER of California. Mr. Speaker, reserving the right to object, although I do not intend to object, I ask the gentleman to offer an explanation of his request.

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

Mr. GEORGE MILLER of California. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Speaker, I appreciate the gentleman yielding to me.

Mr. Speaker, I rise in support of this measure, which represents months of hard work and commitment to bipartisan cooperation.

In that spirit we have before us a bill that will extend the life of the Federal child nutrition programs while strengthening program integrity, ensuring effective use of Federal resources, and providing continued nutritional services for millions of American children. And I am pleased to have reached a bipartisan, bicameral consensus that finally will allow the President to sign these important reform into law.

First and foremost, I want to recognize the gentlewoman from Delaware (Mr. CASTLE), chairman; and the gentleman from California (Ms. WOOLSEY), ranking member of the Education Reform Subcommittee, who deserve a great deal of credit for their hard work and cooperation that have brought this bill before us today. I also want to thank the gentleman from California (Mr. GEORGE MILLER), the ranking member of the committee, for his continued commitment to a bipartisan, cooperative process.

The Federal child nutrition programs ensure millions of needy children have access to nutritious meals. While we all know that a healthful diet is necessary for children to achieve full physical development and long-term health and is critical for academic success as well in school, for this reason the investment in these programs is considerable. And so is our obligation to ensure our Federal dollars are being used effectively and efficiently. Children and families depend on Federal child nutrition programs, and they depend on us to ensure that these programs are being administered with integrity.

The Child Nutrition and WIC Reauthorization Act extends the National School Lunch and Breakfast programs; Child and Adult Care Food Program; After-School Snack Program; the Summer Food Service Program; and the Special Supplemental Nutrition Program for Women, Infants, and Children, the WIC program. Taken together, the reforms in this bill will help ensure we are making the most of Federal resources to improve the nutritional health of children while being mindful of program quality and integrity.

The bill before us strikes an important balance between our desire to promote healthy nutritional choices and physical activity among children and the need to preserve local control for our schools. The gentleman from Delaware (Mr. CASTLE), the author of the House version of this legislation, has been a leader in our efforts to reduce the epidemic of child obesity by promoting a comprehensive approach that includes nutrition education and physical activity. In particular, the establishment of a local wellness policy, written at the local level to reflect local needs, marks significant progress that will promote nutrition education and increased physical activity in schools while maintaining local control.

To improve integrity in the Federal child nutrition programs and ensure access for eligible children, the legislation makes a number of positive reforms. The bill allows children whose parents who are in the Armed Forces and living in privatized military housing to continue to receive free or reduced-price meals at school if they meet the eligibility requirements. It also helps parents by allowing them to submit a single application for multiple children and ensures enrollment of eligible children through the use of a comprehensive approach to reach eligibility for those children and families receiving food stamps.

The Child Nutrition and WIC Reauthorization Act also takes steps to reduce paperwork by allowing school lunch certifications to be valid for the full year, preventing situations in which schools are forced to repeatedly certify children within a single school year. The bill also includes a provision originally proposed by the gentleman from Florida (Mr. KELLER) to help reduce the stigma that children receive free and reduced-priced lunches by helping schools make technological improvements, such as automated meal card systems that keep students’ financial status confidential to increase the efficiency of program operations.

In recognition of the success and popularity of the Fruit and Vegetable Pilot program, which currently provides fresh and dried fruits and fresh vegetables to children in 25 schools in each of our States and one Indian reservation, I am pleased that the bill before us authorizes the continuation and expansion of this valuable pilot program.

And since this measure originally passed the House, we have worked closely with Members on both sides of the aisle and in both legislative bodies to reach a consensus, which is embodied in the bill that we have before us today. And through that process, we have reached an agreement on additional reforms that will further strengthen and improve child nutrition programs. We have included a demonstration program that will allow us to evaluate the impact of eliminating the reduced-price meal category, an initiative many of us are interested in exploring, and authorize six additional States, including my State of Ohio, to participate in the Lugar pilot program under the Summer Feeding Program.

Additionally, I am pleased to have reached a commonsense solution to address concerns about the most efficient use of Federal dollars, particularly within the WIC program. The bill includes strong cost-containment measures to ensure that WIC food costs and voucher payments are consistent with competitive retail prices for supplemental foods. And this will ensure efficient use of taxpayer dollars while protecting our ability to serve the greatest number of eligible women, infants, and children.

The Child Nutrition and WIC Reauthorization Act will prevent important nutritional programs from expiring while ensuring that these are able to operate effectively and efficiently. And I am pleased to support this measure and would encourage my colleagues to do so.

There are a number of staff members from our committee who I believe deserve special recognition and thanks. And they include Jennifer Blumenthal, Krisann Pearce, Cindy Herrie, Julian Baer, Denise Forte, Linda Thife. And I also want to thank Tyson Redpath on my staff and Sarah Rittling on the gentleman from Delaware’s (Mr. CASTLE) staff and also Kate Houston, she wrote it. Kate Houston spent hundreds and hundreds and hundreds of hours over this last year shepherding this and working with staff on both sides of this.

And I think all of our colleagues realize that we could not do the job that we do as Members without having terrific staff, and on our committee we have got terrific staff on both sides of the aisle. I want to thank all of them.

I include letters for the RECORD.
Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for his explanation.

Continuing under my reservation of objection, I yield to the gentlewoman from California (Ms. WOOLSEY), ranking member of the committee.

Ms. WOOLSEY. Mr. Speaker, I thank my colleagues and staff on both sides of the aisle and in both Chambers who have worked so hard and in such good faith.

A lot of positive compromises were made to get to this point. I think that every Member who was involved in the negotiations, and even some who were not, gave up something while gaining in the long run. But we were determined all through the effort that the Federal child nutrition programs would continue to provide nutritious food for low-income infants and children at home, in child care centers, in family day care homes, at school, and when school is out for the day or the year. And that is what this bill before us today does.

While I would have liked to include a full expansion of the Free Breakfast Program for all kids and tighter restrictions on the junk food that is sold in schools, the Child Nutrition and WIC Reauthorization Act does improve the Federal child nutrition programs in many ways, and I am not going to list all those ways because we have other people that would like to speak. But I want the Members to know that those of us that are here support exactly this bill. I am glad that we are able to support it. What I hope and what I expect is that one of the most significant benefits to hungry children since the first Federal school lunch, and that is the pilot program that will allow us to examine the impact of eliminating the reduced/free category in school meals, that this will be a huge success supported around the Nation so we will prove that children who have a nutritious meal, a nutritious breakfast learn better, they have better attendance, they have better scores on their tests, and they behave better in school. So that we will have learned something very significant for all of this and for my colleagues.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for her explanation. And also I want to thank her for all of her hard work and her advocacy on behalf of children in this program and families in this program. She has very much made a difference in the outcome of this legislation by her efforts.

Mr. Speaker, continuing under my reservation of objection, I yield to the gentleman from Delaware (Mr. CASTLE) for his remarks.

Mr. CASTLE. Mr. Speaker, I thank the distinguished gentleman from California for yielding to me. I also want to thank all of the Members on both sides of the aisle in addition to both sides of the Capitol.

The Child Nutrition and WIC Reauthorization Act of 2004 makes a number of positive reforms focusing on reaching three main goals: ensuring eligible children have access to nutrition; promoting comprehensive solutions to the health and nutrition of children, and strengthening program integrity to ensure Federal resources are being effectively leveraged to serve children who qualify.

The bill reauthorizes the National School Lunch and Breakfast programs, Child and Adult Care Food Program, After-School Snack Program,
Summer Food Service Program, and the Special Supplemental Nutrition Program for Women, Infants, and Children. I believe that in this bill we have gone a long way in strengthening these programs on behalf of disadvantaged children and families.

While the bill includes a variety of important reforms, there are a few I would like to mention specifically. With little money to work with, we were able to increase access to child nutrition programs for eligible children. For example, the bill extends participation for eligible children whose parents are in the Armed Forces and living in privatized military housing so these children may continue receiving free or reduced-priced meals. This provision alone would benefit 250 children in my home State of Delaware and up to 100,000 children nationwide.

The Federal Government invests roughly $36 billion annually in child nutrition programs. Ensuring the effective use of these resources by enhancing program integrity has been a top priority during the reauthorization process. We have moved to ensure that children are receiving these services and not being excluded by those who are not eligible. To this end, we have taken steps to reduce administrative error, improve accuracy, and enhance accountability for programs administered by States.

Finally, I would like to highlight an issue of particular concern to me, the growing problem of childhood obesity. During visits to schools over the past several years, I have noticed a growing number of overweight children. We all recognize the fact that obesity has reached epidemic proportions in our Nation. Defeating this crisis will require the work of many, including schools, parents, government, the health community, and industry.

The bill before us today also includes important steps to promote comprehensive solutions to child health and nutrition, including provisions to promote nutritional education and physical activity at the State and local level.

The Child Nutrition and WIC Reauthorization Act of 2004 is a result of cooperative bipartisan and bicameral efforts to strengthen nutritional services provided to needy children and families through the various child nutrition programs. I would like to thank my colleagues for their cooperation in bringing this bill forward, and I urge its passage.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman from Delaware for his explanation. I also want to thank him for all of his work in this legislation. He is one of those individuals in this institution that makes a bipartisan agreement like this able to be brought up on unanimous consent because of his cooperation and his advocacy on behalf of our children. So I thank the gentleman from Delaware (Mr. CASTLE).

Mr. Speaker, continuing under my reservation of objection, I yield to the gentleman from New Jersey (Mr. ANDREWS), a member of the committee.

Mr. ANDREWS. Mr. Speaker, I thank the gentleman from California for yielding to me.

I would like to thank the gentleman from Delaware (Chairman CASTLE); the gentleman from California (Mr. GEORGE MILLER), our ranking member; and the gentlewoman from California (Ms. WOOLSEY), ranking member of the subcommittee, for their outstanding work that will benefit my constituents and children throughout the country.

I thank the gentleman for his cooperation and comity, and for working with us on this.

I particularly want to thank the committee for incorporating three issues in this bill that I was involved in working on with members on both sides.

The first is a provision that will permit school districts to more easily automatically enroll children in the child nutrition programs if they are eligible for some assistance program that has similar or the same eligibility requirements. There are a lot of children who do not get enrolled because their moms and dads do not send the forms back or because there is some bureaucratic problem. This will help many, many children, and it is greatly appreciated.

Secondly, I appreciate the committee’s efforts to be sure that children who attend private for-profit pre-kindergarten programs are given full and equal opportunity to participate in this program.

Third, I salute the committee leadership for their very artful and fair compromise on the issue of soy milk, which is important medically and culturally for many children and many families. This will permit parents who wish to make the choice of soy milk to make that choice.

I also want to commend the staff on both sides of the aisle for their outstanding participation and help in this. I am proud to support this bill.

Mr. GEORGE MILLER of California. Mr. Speaker, continuing my reservation, I thank the gentleman for his remarks.

Mr. Speaker, I yield to my colleague the gentlewoman from California (Ms. LEE), and thank her for her participation in this legislation.

Ms. LEE. Mr. Speaker, first let me thank the chairman of the subcommittee, the gentleman from Delaware (Mr. CASTLE); the chairman of the full committee, the gentleman from Ohio (Mr. BOEHNER); my colleague, our ranking member, the gentleman from California (Mr. GEORGE MILLER); and the gentlewoman from California (Ms. WOOLSEY) for making sure that this is a bipartisan bill and for incorporating many of our new policies and ideas into this bill, and ensuring that one provision is included in the bill that I introduced actually back in September of 2003, the Right to Know School Nutrition Act.

Basically, today over 27 million low-income children throughout the nation depends on the National School lunch program and the national breakfast program for a healthy and nutritious meal. Oftentimes this is the only source of nutrition that these kids will receive all day, so it is incredibly important that we work to make sure our children get a healthy, nutritious meals to these students and we make sure we notify their parents about what they are eating.

But, believe it or not, when it comes to the issue of irradiated food, food that is bombarded with gamma rays or electrons, there is no requirement in law that schools must notify their parents or their children about what they are eating, or even that the irradiated food was being served. This provision of the bill basically notifies parents and children about irradiated food, while providing a possible alternative, if the schools can so provide for that.

I am very delighted that both the House and the other body have seen fit to include a large part of my bill in this bill. I think it is very important for the health and safety of our children. It is very important that parents and children know that their food is irradiated and have some alternatives for their health. That is basically what it is about.

I just want to thank the chairman of the full committee, the gentlewoman of the subcommittee, our ranking member and the gentlewoman from California (Ms. WOOLSEY), our ranking subcommittee member, for all of their assistance in this. I fully support the bill, and I hope we have a bipartisan vote.

Mr. GEORGE MILLER of California. Mr. Speaker, continuing to reserve the right to object, I thank the gentlewoman for her remarks.

Mr. Speaker, I yield to the gentlewoman from Los Angeles, California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise in strong support of the Child Nutrition and WIC Reauthorization Act of 2004.

I am very pleased to commend my colleagues, the gentleman from Ohio (Chairman BOEHNER); the ranking member the gentleman from California (Mr. GEORGE MILLER); and my good friend the gentlewoman from California (Ms. WOOLSEY) on the wonderful work they have done, along with all of the other members of the committee.

I just want to give recognition to the fact that there was some controversy that developed around the WIC-only stores, but a good compromise has been worked out, and the compromise language in the bill is intended to make sure that the program serves the maximum number of eligible women, infants and children.

The language is not intended to eliminate WIC-only stores or to force the WIC-only stores to price their products less than the larger retail stores.
The WIC-only operators have agreed that they will make their prices more competitive, because that was one of the criticisms. I commend the WIC-only stores for providing special services to limited English speaking families and poor families that allows them to receive WIC benefits, to the children, to the mother, to the father, to the grandparents who may be residing with them, with dignity and respect. The language in the bill also allows the WIC-only stores to use promotional items in the same way that the larger retail stores are allowed to do.

I would like to thank again all of my colleagues for working this out. The compromise language makes good sense, and this helps us to move forward in ways that serve the maximum number of women, infants and children.

Mr. GEORGE MILLER of California. Mr. Speaker, continuing my reservation of objection, I thank the gentlewoman for her comments and participation in the resolution of the issue concerning WIC-only stores.

Mr. Speaker, I yield to the gentleman from Ohio (Chairman BOEHNER) for all of his cooperation in moving this legislation. I want to thank the gentleman from Ohio (Chairman BOEHNER) for all of his cooperation in moving this legislation in a timely fashion, so we would have an opportunity to work with the Senate; to the gentleman from Delaware (Mr. CASTLE); and the gentlewoman from California (Ms. WOOLSEY) for developing the substance of this legislation, the changes in this legislation, the reforms in this legislation and the expansion of opportunity for these children and for their families.

I certainly want to thank Senator HARKIN, who I came to Congress with, for all of his hard and continuing work on child nutrition and food programs in this Nation and internationally, and Chairman COCHRAN, who I have had an opportunity to work with on so many programs affecting children in literacy and nutrition and other benefits such as that.

Finally, I want to thank the staff members of our committee. On our side we have Ed, Lynda Porte, and Joe Novotny; the people from CRS, Joe Richardson and Donna Porter, who provided us so much technical assistance and expertise; to Tyson Redpath on the staff of the gentleman from Ohio (Mr. BOEHNER), and Sarah Rittinger on the staff of the gentleman from Delaware (Mr. CASTLE); and the Republican staff in the House, Kate Houston, Stephanie Milburn, Sally Lovejoy, Krisann Pearce and Julian Baer, for all of their work, for their cooperation.

The fact of the matter is, it was the cooperation among the staffs that allowed this bill to be reported on a timely basis as we come toward the end of this session of Congress.

I would also like to thank Derek Miller of Senator HARKIN's staff and Dave Johnson of Senator COCHRAN's staff.

Mr. Speaker, I think the House and the Senate can be very proud of this legislation, and I know that those individuals, the American School Food Service Association, the Food Research and Action Center, the WIC directors, the United Fresh Fruit and Vegetable Association, the Center for Budget and Policy Priorities, and so many others that I will submit for the Record, were great advocates of the improvements made in this legislation and the expansion of nutritional and health opportunities for the participants.

Mr. Speaker, I include for the RECORD the list of supporters of this legislation.

American Association of School Administrators.
American Commodity Distribution Association.
American Dietetic Association.
American Federation of State, County, and Municipal Employees (AFSCME).
American School Food Service Association (ASBFA).
America's Second Harvest.
Anti-Hunger Action Committee.
Association of Farmworker Opportunity Programs.
Bread for the World.
Catholic Charities USA.
Central Coast Hunger Coalition.
Chicago Jobs Council.
Children’s Defense Fund.
Children’s Foundation.
Coalition of Labor Union Women.
Coalition of Religious Communities (Utah).
Coalition on Human Needs.
Colorado Anti-Hunger Network.
Colorado Center on Law and Policy.
Community Food Security Coalition.
Congressional Hunger Center.
Connecticut Association for Human Services.
Crossroads Urban Center.
Denver Urban Ministries.
EBT Industry Council of the Electronic Funds Transfer Association.
Evangelical Lutheran Church in America.
Food and Allied Service Trades Department (FAST), AFL-CIO.
Food Research and Action Center (FRAC).
FOOD Share, Inc.
Greater Upstate Law Project, NY.
Green Consulting Services, Miami, FL.
Hudson Valley Poverty Law Center, NY.
Human Services Coalition of Dade County.
Hunger Action Network of New York State.
I Am Your Child Foundation.
Indiana Coalition on Housing and Homeless Issues, Inc.
Institute Justice Team, Sisters of Mercy of the Americas.
Jewish Council for Public Affairs.
Just Harvest, Pittsburgh, PA.
Lutheran Advocacy Ministry—Colorado.
Migrant Legal Action Program.
Monterey County Farm to School Partnership.
National Advocacy Center of the Sisters of the Good Shepherd.
National Association for the Education of Young Children (NAEYC).
National Association of Protection and Advocacy Systems.
National Association of State Boards of Education.
National Coalition for the Homeless.
National Council of Churches of Christ in the USA.
National Council of Jewish Women.
National Farmers Union.
National Grange.
National Head Start Association.
National Priority Project.
National PTA.
National Student Campaign Against Hunger and Homelessness.
National WIC Association (NWA).
National Women’s Law Center.
Northeast Missouri Client Council for Human Needs, Inc.
Presbyterian Church (U.S.A.) Washington Office.
Public Children Services Association of Ohio.
Public Interest Law Office of Rochester, NY.
Public Justice Center.
RESULTS.
Sargent Shriver National Center on Poverty Law.
Second Harvest Food Bank of Santa Cruz and San Benito Counties.
Share Our Strength (SOS).
The Advocacy for the Poor, Inc., Winston-Salem, NC.
The Partnership Center, Ltd. Union for Reform Judaism.
United Food and Commercial Workers International Union (UFCW).
United Fresh Fruit & Vegetable Association.
WHEAT, Phoenix, AZ.
Women of Reform Judaism.
World Hunger Year.
Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today in strong support of S. 2507, the Child Nutrition and WIC Reauthorization Act. Federal child nutrition programs were conceived to offer wholesome meals and snacks to children in need, and to support the health of lower-income pregnant women, new mothers, and their young children. Federal child nutrition programs touch the lives of countless children. The National School Lunch Program alone serves an average of 29 million children each school day. Fifty-eight percent of these children receive a nutritious lunch each school day for free or at a reduced price. Nearly eleven million children also take part in school breakfast, after-school snacks, and summer meals. These programs provide an extraordinary opportunity to send a strong, consistent message to children about maintaining a healthy, active lifestyle.
Along with nutritional provisions, this legislation works to streamline the eligibility criteria and paperwork parents and guardians need to participate. For schools, lunch certifications will now be valid for a full year. Additionally, parents will be allowed to submit a single application for multiple children, and to file school lunch applications electronically. And, eligible children whose parents live in privatized military housing will continue to receive free- or reduced-price meals.
This bill also addresses the Women, Infant and Children program commonly known as WIC. This important program helps safeguard the health of nutritionally at-risk pregnant women and new mothers, infants, and children up to age five. It provides vital nutrient-dense foods to supplement diets, along with nutrition education for healthcare and other social services. WIC is based on the premise that early intervention programs can prevent future medical and developmental problems in at-risk individuals. The success of WIC is well documented. Participation in WIC has led to better pregnancy outcomes—fewer infant deaths, fewer premature births, and increased birth weights. Through this legislation, WIC is authorized through 2009 and a number of enhancements are made to program access and operations.
Finally, this bill also ensures that supplemental foods available through WIC are consistent with current nutritional science, a key link in fighting youth obesity. Mr. Speaker, The Child Nutrition and WIC Reauthorization Act will help strengthen and improve all these programs which are invaluable to children and their families. I urge my colleagues to support this important legislation and yield back the balance of my time.
Mr. GRUJALVA. Mr. Speaker, I rise today in support of S. 2507, the bipartisan bill to reauthorize the Child Nutrition and WIC Programs. In this hot political climate, I am pleased to see that members across the aisle are committed to the interests of hungry children. There are a number of provisions in this bill which will improve the program through increased access and innovative programs. Migrant and seasonal farm working families, the families that put food on our tables, face unique challenges in accessing this program. The average farm worker earns just $7,650 a year—less than most of their families live below the poverty level. The hardships that the children in these families face are only amplified by their migratory lifestyle. Their parents, who are poor, uneducated, and often with limited literacy in their native language, face many barriers helping their children apply for services every time they move. S. 2507 will make home, runaway and migrant children automatically eligible for free lunch and breakfast. It will extend automatic eligibility to children who qualify for migrant educational services under the Elementary and Secondary Education Act.
It will be easier for parents to apply for free or reduced price meals by requiring only one application for the household and making that application valid for the full school year. Additionally, children in Food Stamp and TANF households will be directly certified to participate in the program.
Common sense and scientific knowledge tells us that eating breakfast improves school performance. Yet a number of barriers keep schools from offering this service, ranging from stigma, from cost, and transportation. This bill would encourage more schools to serve breakfast by studying the logistical impediments that make it difficult, and finding ways to reduce those impediments.
Children who are hungry during the school day suffer even more during the summer when the appropriate resources are not available. S. 2507 authorizes a new pilot project to examine ways to reduce transportation barriers and increase access to summer feeding programs in rural areas.
Childhood obesity has become a national epidemic. Nearly a quarter of Hispanic children are overweight, and at high risk for Type II Diabetes. This program is in the position to significantly impact this national health crisis. In addition to requiring schools to create a wellness policy, this bill would authorize grants for outreach and education on obesity prevention activities to communities with high Limited English Proficiency populations.
This bill would expand the Fruit and Vegetable Pilot program, allowing it to target high poverty areas. Additionally, it authorizes an evaluation of the impact of fruits and vegetables on childhood obesity through pilot programs in WIC.
I stand today in support of this reauthorization bill because it offers real solutions to families and children who are in need of our help. S. 2507 is a comprehensive piece of legislation that increases access, simplifies the application process, offers outreach, creates innovative pilot programs for targeted communities, and promotes the health and well-being of all children served in the program. I encourage my colleagues to support this important bipartisan reauthorization.
Mr. HINOJOSA. Mr. Speaker, I rise in strong support of S. 2507, The Child Nutrition and WIC Reauthorization Act of 2004. I would like to thank the Democratic Leadership of the Education and the Workforce Committee and the Senate Agriculture Committee for negotiating a bipartisan bill that will improve access to the child nutrition programs.
I am pleased that this compromise bill contains a number of provisions that were supported by the Congressional Hispanic Caucus and national Hispanic organizations. S. 2507 will make a difference for Hispanic children and families.

Mr. Speaker, I rise in support of the Child Nutrition Act. This bill is a step in the right direction of important reforms in federal child nutrition programs. I would like to thank Chairmen Boehner, Castle, and Ranking Members Miller and Woolsey for their hard work on the bill. I would also like to thank the Chairman for taking my amendment during the committee process eliminating the cost-accounting requirement for severe need breakfast programs.

This paperwork problem was brought to my attention by the Director of the New Jersey Child Nutrition Programs, Kathy Kuser. Many states, such as New Jersey, Wisconsin and Illinois, are making significant retrofits. They are changing their school breakfast participation rate, and reducing the paperwork requirements would help these efforts.

Under current law, schools would qualify for severe-need breakfast assistance if at least 40 percent of the children who participate in the lunch program meet the severe-need standard, as defined in regulations promulgated by the Secretary. I am also pleased to see a bill authorizing fruit and vegetable pilot programs for schools and child care centers.

Mr. Speaker, once again I want to thank my colleagues and their staffs on the for their hard work. I ask my colleagues to support this bill, which will eliminate barriers to participation for low-income children and families and ensure greater access to these critical nutrition programs.

Mr. Speaker, I rise today in strong support of the Child Nutrition and WIC Reauthorization Act. As a member of the Education and the Workforce or Committee, I am pleased with the process in which this bill has been considered; it is a critical bill that will greatly benefit our nation's children as well as family farmers. Ensuring that our youth receive proper nutrition is a top priority for me in Congress. I have traveled across western Wisconsin, meeting with people both in and out of the schools who are active in administering child nutrition programs, and consistently I hear how important these programs are for our youth. I have also met with parents and children who participate, and I hear how many of these families depend on federal child nutrition programs for a start in life and to feed their children grow. Sadly, too often, a federally subsidized meal is the only complete meal some children eat in a day. This reality underscores the importance of this bill that will improve access to such important programs while increasing the nutritional value of federal food programs.

Specifically, I am pleased that several provisions were included in the base bill, which I coauthored in previous legislation. H.R. 3250, the Child Nutrition Improvement Act 2003, was sponsored by Congresswomen BENNIE THOMPSON, GIL GUTKNECHT, and TOM PETRI, and will combat the increasing problem of child obesity through increased child milk consumption by preventing commercial beverage companies from pressuring schools to remove milk vending machines. Another provision included in the base bill from H.R. 3250 will improve child nutrition by making it easier for schools to offer milk in a variety of flavors and fat contents to better meet students' varying tastes and needs. With 90 percent of teenage girls and 70 percent of teenage boys currently not getting enough calcium, it is imperative to provide increased availability of milk products in schools.

Additionally, S. 2507 includes legislation that I sponsored with Representative UPTON, H.R. 2626, The Farm-to-Cafeteria Projects Act of 2003. This provision focuses on connecting local agriculture to schools in every state through a competitive, one-time matching grant directly to local communities. This allows each locality to design a farm-to-cafeteria project tailored to specific farm and school community needs. Experience has shown that kids' food choices can be improved by connecting farms to the lunchroom.

Mr. Speaker, again, I am proud to support this bill on the Floor today. Our goal in the 21st century should be to ensure that every child receives proper nutrition needed to succeed in school. It is a simple fact: good nutrition is an educational tool that improves children's performance in school.

Mr. Speaker, I rise in support of the Child Nutrition and WIC Reauthorization Act of today.

I support child nutrition programs. The link between child nutrition and academic performance is a strong one, and I believe we need...
Chase infant formula from the list.

The Food and Drug Administration that provide in the State to distribute infant formula and wholesalers, distributors, and retailers licensed in the reduced-price income category find it difficult to pay the fee. As a result, many children who could benefit from the program do not.

I am pleased the Child Nutrition and WIC Reauthorization Act incorporates a pilot program to evaluate the effect of legislation introduced free meals under the Richard B. Russell National School Lunch Act to all children whose family incomes are less than 185 percent of the poverty line.

My legislation, each year the income eligibility threshold for free meals would rise, so that by the beginning of the school year that begins July 1, 2008, all children who are currently eligible for a reduced-price meal would be eligible for a free meal.

For Connecticut’s Fourth Congressional District, this means 3,943 more children would be eligible for free meals, an increase of 13 percent.

S. 2507 would authorize a demonstration program in five States or parts of States to evaluate the impact of reducing the reduced-price meal category.

The bottom line is reducing school hunger will increase academic performance.

Children cannot learn on an empty stomach. We need to ensure all children who can’t afford lunches have guaranteed access to free meals. With the bounty of food we have in America, there is no reason for a child to be hungry in school. I urge support of this legislation.

Mr. CARTER. Mr. Speaker, I rise in support of S. 2507, Child Nutrition and WIC Reauthorization Act of 2004, which includes language that I offered to stop infant formula theft.

After being stolen, the formula was stored and sometimes repackaged with phony expiration dates, then it was sold to small convenience stores in the United States.

In 2003, international crime rings stole as much as $2.5 million worth of baby formula a month. Why? Because infant formula is the least monitored food in the country.

This legislation requires State agencies to license and maintain a list of infant formula manufacturers, wholesalers, distributors, and retailers approved to provide infant formula to vendors.

A section closes a loophole that would allow crime rings to steal infant formula and resell this formula to retailers, who often are unaware that the formula was stolen.

This list would include food manufacturers, wholesalers, distributors, and retailers licensed in the State to distribute infant formula and food manufacturers registered with the U.S. Food and Drug Administration that provide infant formula, with vendors required to purchase infant formula from the list.

The stolen formula is often resold to customers using vouchers from the federally funded Women, Infants, and Children program.

I want to thank Education and the Workforce Chairman JOHN BOEHRER and the Subcommittee on Education Reform Chairman M-
Sec. 502. Effective dates.
Sec. 501. Guidance and regulations.
Sec. 301. Commodity distribution programs.
Sec. 205. Team nutrition network.
Sec. 204. Local wellness policy.
Sec. 203. Special supplemental nutrition programs in schools, institutions, and service institutions.

"(A) a uniform base amount established by the Secretary; or

"(B) an amount determined by the Secretary, based on the ratio that—

"(ii) the number of lunches reimbursed through food service programs under this section in schools, institutions, and service institutions in the State that participate in the food service programs; bears to

"(ii) the number of lunches reimbursed through food service programs in schools, institutions, and service institutions in all States that participate in the food service programs.

(2) REDUCTIONS.—The Secretary shall reduce allocations to State agencies qualifying for an allocation under paragraph (1)(B), in a manner determined by the Secretary, to the extent necessary that the total amount of funds allocated under paragraph (1) is not greater than the amount appropriated under subsection (g).

"(d) USE OF PAYMENTS.—

"(i) USE BY STATE AGENCIES.—A State agency may reserve, to support dissemination and use of nutrition messages and material developed by the Secretary, up to—

"(ii) USE OF PAYMENTS.—

"(i) by a State agency, a higher percentage (as determined by the Secretary) of the payment that is in excess of expenses covered by reimbursements under this subparagraph shall be paid by the school food authority.

"(C) RESTRICTIONS ON SALE OF MILK PROHIBITED.—The school that participates in the school lunch program for this Act shall not directly or indirectly restrict the sale or marketing of fluid milk products by the school (or by a person approved by the school) at any time or any place—

"(ii) in the second sentence, by striking "(B) Applications'' and inserting the following:

"(B) SUBSTITUTES.—

"(i) PROVISION OF INFORMATION.—

"(A) GUIDANCE.—Prior to the beginning of the school year beginning July 2004, the Secretary shall issue guidance to States and school food authorities to increase the consumption of foods and food ingredients that are recommended for increased serving consumption in the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

"(B) an amount determined by the Secretary, include fortification of calcium, protein, vitamin A, and vitamin D to levels found in cow’s milk); for students who cannot consume fluid milk because of a medical or other special dietary need other than a disability described in subparagraph (A)(iii).

"(v) NOTICE.—The substitutions may be made if the school notifies the State agency that the school is implementing a variation allowed under this subparagraph, and if the substitution is requested by a written statement of a medical authority or by a student’s parent or legal guardian that identifies the medical or other special dietary need that restricts the student’s diet, except that the school shall not be required to provide beverages other than beverages the school has identified as acceptable substitutes.

"(vi) USE OF PAYMENTS.—

"(A) GUIDANCE.—Prior to the beginning of the school year beginning July 2004, the Secretary shall issue guidance to States and school food authorities to increase the consumption of foods and food ingredients that are recommended for increased serving consumption in the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

"(B) an amount determined by the Secretary, include fortification of calcium, protein, vitamin A, and vitamin D to levels found in cow’s milk); for students who cannot consume fluid milk because of a medical or other special dietary need other than a disability described in subparagraph (A)(iii).

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"(B) an amount determined by the Secretary, include fortification of calcium, protein, vitamin A, and vitamin D to levels found in cow’s milk); for students who cannot consume fluid milk because of a medical or other special dietary need other than a disability described in subparagraph (A)(iii).

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"(B) an amount determined by the Secretary, include fortification of calcium, protein, vitamin A, and vitamin D to levels found in cow’s milk); for students who cannot consume fluid milk because of a medical or other special dietary need other than a disability described in subparagraph (A)(iii).

"(vi) USE OF PAYMENTS.—

"(A) GUIDANCE.—Prior to the beginning of the school year beginning July 2004, the Secretary shall issue guidance to States and school food authorities to increase the consumption of foods and food ingredients that are recommended for increased serving consumption in the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).
(iii) by adding at the end the following:

"(iii) CONTENTS OF DESCRIPTIVE MATERIAL.—

(A) IN GENERAL.—Subject to paragraph (6), any local educational agency may certify any child as eligible for free lunches or breakfasts, without further application, by directly communicating with the appropriate State or local agency to obtain documentation of the status of the child as—

(i) a member of a family that is receiving assistance under the food stamp program; or

(ii) a member of a family that is receiving assistance under the Temporary Assistance for Needy Families program.

(B) PROCEDURES.—Subject to paragraph (6), any local educational agency may certify any child as eligible for free lunches or breakfasts, without further application, by directly communicating with the appropriate State or local agency to obtain documentation of the status of the child as—

(i) a member of a household receiving assistance under the food stamp program; or

(ii) a member of a household receiving assistance under the Temporary Assistance for Needy Families program.

(C) CRIMINAL PENALTY.—A person described in subparagraph (A) who publishes, discloses, or uses any information obtained under subparagraph (A) to elect not to have the information disclosed will be fined not more than $1,000 or imprisoned not more than 1 year, or both.

(D) REQUIREMENTS FOR WAIVER OF CONFIDENTIALITY.—A State that elects to exercise the option described in subparagraph (A)(i) shall ensure that any local educational agency or school food authority acting in accordance with that option—

(1) amends its written agreement, with 1 or more State or local agencies administering health programs for children under titles X and XXI of the Social Security Act (42 U.S.C. 1396 and 1397aa) to require the health agencies to use the information obtained under subparagraph (A) to seek to enroll children in those health programs

(ii) notifies each household, the information of which shall be disclosed under subparagraph (A)(i), that the information disclosed will be used only to enroll children in health programs referred to in subparagraph (A)(i); and

(iii) provides each parent or guardian of a child in the household with an opportunity to object to the disclosure of the information.

(E) USE OF DISCLOSED INFORMATION.—A person to whom information is disclosed under subparagraph (A)(i) shall use the information only as necessary for the purpose of enrolling children in health programs referred to in subparagraph (A)(i).

(F) FREE AND REDUCED PRICE POLICY STATEMENT.—

(A) IN GENERAL.—After the initial submission, a local educational agency shall not be required to submit a free and reduced price policy statement to a local educational agency under this Act unless there is a substantive change in the free and reduced price policy of the local educational agency.

(B) ROUTINE CHANGE.—A routine change in the policy of a local educational agency (such as an annual adjustment of the income eligibility guidelines for free and reduced price meals) shall not be sufficient to require the local educational agency to submit a policy statement.

(G) COMMUNICATIONS.—

(A) IN GENERAL.—Any communication with a household under this subsection or section (b) shall be in a understandable and uniform format and, to the maximum extent practicable, in a language that parents and legal guardians can understand.

(B) ELECTRONIC AVAILABILITY.—In addition to the distribution of applications and descriptive material in paper form as provided for in this paragraph, the applications and material may be made available electronically via the Internet. No local educational agency shall be required to require the local educational agency to submit a policy statement.

(H) AGREEMENT FOR DIRECT CERTIFICATION AND COOPERATION.—

(A) IN GENERAL.—Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) (as amended by subsection (a)) is amended by inserting after paragraph (4) the following:

"(5) DISCRETIONARY CERTIFICATION.—"
Section 9 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) (as amended by section 105(a)) amended by section 105(a)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)).

(1) In general.—On October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to assist States in carrying out the amendments contained in this section and the provisions of section 9(b)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) in amounts not in excess of $9,000,000, to remain available until expended.

(2) Receipt and acceptance.—The Secretary shall be entitled to receive, shall accept, and shall use to assist States in carrying out the amendments made by this section and the provisions of section 9(b)(3) of the Richard B. Russell National School Lunch Act (as amended by section 105(a)) the funds transferred under paragraph (1), without further appropriation.

Section 9 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758) (as amended by section 105(a)) amended by section 105(a)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) is amended by striking paragraph (3)(E) and inserting the following:

"(3) Certification.—(I) The application is submitted electronically.

(II) The electronic application filing system consists of confidentiality standards established by the Secretary.

(III) The application is filed electronically by the Secretary.

(IV) The electronic application filing system meets confidentiality standards established by the Secretary.

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(IV) Certification.—(I) The application is submitted electronically.

(II) The electronic application filing system consists of confidentiality standards established by the Secretary.

(III) The application is filed electronically by the Secretary.

(IV) The electronic application filing system meets confidentiality standards established by the Secretary.

(5) The application is submitted electronically by the Secretary.

Section 9 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758) (as amended by section 105(a)) is amended in the first sentence by inserting (3)(E) and (4) of section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)).

(1) In general.—The household application shall be the names of each child in the household for whom meal benefits are requested.

(2) Separate applications.—A State educational agency or local educational agency shall be entitled to receive an eligibility determination for each child in the household that attends schools under the same local educational agency.

(3) Verification of sample.—(I) Definitions.—(i) Error prone application.—The term ‘error prone application’ means an approved household application that—

(a) includes monthly income that is within $100, or an annual income that is within $2,000, of the income eligibility limit for free or reduced price meals; or

(b) in lieu of the criteria established by the Secretary.

(ii) Non-response rate.—The term ‘non-response rate’ means (in accordance with guidelines established by the Secretary) the percentage of approved household applications for which information has not been obtained by a local educational agency after attempted verification under subparagraphs (F) and (G).

(iii) Sample size.—Each school year, a local educational agency shall verify eligibility of the children in a sample of household applications approved for the school year by a method determined by the Secretary.

(iv) Additional selected applications.—A school for a local educational agency for a school year under clauses (ii) and (iv)(iii)(AA) shall include the number of additional randomly selected approved household applications that are required to comply with the sample size requirements in those clauses.

(E) Preliminary review.—(I) Review for accuracy.—(A) In general.—Prior to conducting any other verification approved household applications selected for verification, the local educational agency shall verify that the initial eligibility determination for each approved household application is reviewed for accuracy by an individual other than the individual making the initial eligibility determination, unless otherwise determined by the Secretary.

(B) Waiver.—The requirements of subparagraph (A) shall be waived for a local educational agency if the local educational agency uses a technique of verification that demonstrates a high level of accuracy, to the satisfaction of the Secretary, in processing an initial eligibility determination in accordance with the eligibility guidelines of the school lunch program.

(ii) Correct eligibility determination.—If the review indicates that the initial eligibility determination is incorrect, the local educational agency shall verify the approved household application.

(iii) Incorrect eligibility determination.—If the review indicates that the initial eligibility determination is incorrect, the local educational agency shall (as determined by the Secretary)

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(ii) Correct eligibility determination.—If the review indicates that the initial eligibility determination is incorrect, the local educational agency shall verify the approved household application.

(iii) Incorrect eligibility determination.—If the review indicates that the initial eligibility determination is incorrect, the local educational agency shall (as determined by the Secretary)
“(III) in any case in which the review indicates that the household is eligible for free or reduced-price meals, notify the household of the reason for the ineligibility and that the household may reapply with income documentation for free or reduced-price meals; and

“(IV) in any case in which the review indicates that the household is eligible for free or reduced-price meals, verify the approved household application.

“(F) DIRECT VERIFICATION.—

“(i) of a household—Subject to clauses (ii) and (iii), to verify eligibility for free or reduced-price meals for approved household applications, the local educational agency may (in accordance with criteria established by the Secretary) first obtain and use income and program participation information from a public agency administering—

“(I) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); or

“(II) the food distribution program on Indian reservations established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013b); or

“(III) the temporary assistance for needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

“(iv) a similar income-tested program or other source of information, as determined by the Secretary.

“(ii) FAX MEALS.—Public agency records that may be obtained and used under clause (i) to verify eligibility for free meals for approved household applications selected for verification should include the most recent available information (other than information reflecting program participation or income before the 180-day period ending on the date of application for free meals) that is relied on to administer—

“(I) a program or source of information described in clause (i) (other than clause (i)(IV)); or

“(II) the State plan for medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) in which the income eligibility limit applied under section 1902(a)(2)(C) of that Act (42 U.S.C. 1396a(a)(2)(C)) is not less than the official poverty line described in section 1902(a)(2)(A) of that Act (42 U.S.C. 1396a(a)(2)(A)); or

“(bb) a State that otherwise identifies households that have income that is not more than 185 percent of the official poverty line described in section 1902(a)(2)(C) of that Act (42 U.S.C. 1396a(a)(2)(C)); or

“(cc) a State in which the income eligibility limit applied under section 1902(a)(2)(C) of that Act (42 U.S.C. 1396a(a)(2)(C)) is not less than 200 percent of the official poverty line described in section 1902(a)(2)(A) of that Act (42 U.S.C. 1396a(a)(2)(A)); or

“(bb) a State that otherwise identifies households that have income that is not more than 185 percent of the official poverty line described in section 1902(a)(2)(A) of that Act (42 U.S.C. 1396a(a)(2)(A)); and

“(i) the effectiveness of direct verification carried out under this subparagraph in decreasing the portion of the verification sample that must be verified under subparagraph (G) while ensuring that adequate verification information is obtained; and

“(ii) the feasibility of direct verification by State agencies and local educational agencies.

“(iv) EXPANDED USE OF DIRECT VERIFICATION.—If the Secretary determines that direct verification significantly decreases the portion of the verification sample that must be verified under subparagraph (G), while ensuring that adequate verification information is obtained, and can be conducted by most State agencies and local educational agencies, the Secretary may require a State agency or local educational agency to implement direct verification through 1 or more of the programs described in clause (i), as determined by the Secretary in accordance with criteria established by the Secretary that the State agency or local educational agency lacks the capacity or ability to conduct, or is unable to implement, direct verification.

“(G) HOUSEHOLD VERIFICATION.—

“(i) IN GENERAL.—If an approved household application is not verified through the use of public agency records, a local educational agency shall provide to the household written notice that—

“(I) the approved household application has been selected for verification; and

“(II) the household is required to submit verification information to confirm eligibility for free or reduced-price meals.

“(ii) PHONE NUMBER.—The written notice in clause (i) shall include a toll-free phone number that parents and legal guardians in households selected for verification can call to seek assistance with the verification process.

“(iii) FOLLOWUP ACTIVITIES.—If a household does not respond to a verification request, a local educational agency shall make at least 1 attempt to obtain the necessary verification information from the household in accordance with guidelines and regulations promulgated by the Secretary.

“(iv) CONTRACT AUTHORITY FOR SCHOOL FOOD SERVICE PROGRAMS.—A local educational agency may contract (under standards established by the Secretary) with a third party to assist the local educational agency in carrying out this subsection.

“(H) VERIFICATION DEADLINE.—

“(i) GENERAL DEADLINE.—

“(I) in general.—Subject to subclause (II), not later than 180 days after the end of the school year, a local educational agency shall complete the verification activities required for the school year (including followup activities).

“(ii) EXTENSION.—Under criteria established by the Secretary, a State may extend the deadline established under subclause (I) for a school year for a local educational agency to December 15 of the school year.

“(i) ELIGIBILITY CHANGES.—Based on the verification activities, the local educational agency shall make appropriate modifications to the eligibility determinations made for household applications in accordance with criteria established by the Secretary.

“(ii) LOCAL CONDUCT.—In the case of a natural disaster, civil disorder, strike, or other local condition (as determined by the Secretary), the Secretary may substitute alternatives for—

“(I) the sample size and sample selection criteria established under subparagraph (D); and

“(ii) the verification deadline established under subparagraph (H).

“(J) INDIVIDUAL REVIEW.—In accordance with criteria established by the Secretary, the local educational agency may, on individual review—

“(i) to verify eligibility for free or reduced-price meals for other approved household applications to be verified.

“(K) FEASIBILITY STUDY.—

“(i) in general.—The Secretary shall conduct a study of the feasibility of using computer technology (including data mining) to reduce—

“(I) overcertification errors in the school lunch program under this Act;

“(II) waste, fraud, and abuse in connection with this paragraph; and

“(III) errors, waste, fraud, and abuse in other nutrition programs, as determined to be appropriate by the Secretary.

“(ii) report.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the study conducted under this subsection.

“(L) how a computer system using technology described in clause (i) could be implemented;

“(III) a plan for implementation; and

“(IV) proposed legislation, if necessary, to implement the system.

“(M) CONFORMING AMENDMENTS.—Section 1902(b)(7) of the Social Security Act (42 U.S.C. 1396a(a)(7)) is amended—

“(I) by striking ‘‘connected with the’’ and inserting ‘‘connected with—’’;

“(A) the’’;

“(B) by adding ‘‘and’’ after the semicolon; and

“(C) by adding at the end the following:

“(ii) the exchange of information necessary to verify the eligibility of children for free or reduced-price breakfasts under the Child Nutrition Act of 1966 and free or reduced-price lunches under the Richard B. Russell National School Lunch Act, in accordance with section 9(b) of that Act, using data standards and formats established by the State agency;

“(O) EVALUATION FUNDING.—

“(I) in general.—On October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to conduct the evaluation required by section 1902(b)(7) of the Richard B. Russell National School Lunch Act (as amended by subsection (a)) $2,000,000, to remain available until expended.

“(II) RECEIPT AND ACCEPTANCE.—The Secretary of Agriculture shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (I) without further appropriation.

“SEC. 106. DURATION OF ELIGIBILITY FOR FREE OR REDUCED PRICE MEALS.

“Paragraph (9) of section 9(b) of the Richard B. Russell National School Lunch Act (2 U.S.C. 1756(b) (as redesignated by section 104(a)(1)(A)) is amended—

“(1) by striking ‘‘(9) Any’’ and inserting the following:

“(9) Eligibility for free and reduced price lunches.”
“(A) FREE LUNCHES.—Any;”

(2) by striking “Any” in the second sentence and inserting the following:

“(B) REDUCED PRICE LUNCHES.—

(1) by redesignating paragraph (1) as paragraph (2),

(2) by redesignating paragraphs (2) through (7) as paragraphs (3) through (9) respectively, and

(3) by striking “The” in the last sentence and inserting the following:

“(ii) MAXIMUM PRICE.—‘The’; and

(b) in subsection (c) the following:

“(C) DURATION.—Except as otherwise specified in paragraph (3)(E), (3)(H)(ii), and section 11(a), eligibility for free or reduced price meals for any school year shall remain in effect—

“(i) beginning on the date of eligibility approval for the current school year; and

“(ii) during the subsequent school year determined by the Secretary.”.

SEC. 105. RUNAWAY, HOMELESS, AND MIGRANT YOUTH.

(a) CATEGORICAL ELIGIBILITY FOR FREE LUNCHES AND BREAKFASTS.—Section 9(b)(12)(A) of the Richard B. Russell National School Lunch Act (as redesignated by section 104(a)(1) of this Act) is amended—

(1) in clause (ii), by striking “or” at the end;

(2) in clause (iii), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(iv) a homeless child or youth defined as 1 of the individuals described in section 7101 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

“(v) a migratory child (as defined in section 11(a), eligibility for free or reduced price meals for any school year shall remain in effect—

“(i) beginning on the date of eligibility approval for the current school year; and

“(ii) during the subsequent school year determined by the Secretary.”.

(b) COMPELLED SCHOOL ATTENDANCE.—Section 9(b)(12)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(j)(2)(A)) is amended by striking “school food authority” each place it appears and inserting “local educational agency” each place it appears.

(c) SCHOOL BREAKFAST PROGRAM.—Section 4(h)(1)(E) of the Child Nutrition Act of 1966 (42 U.S.C. 1773b(h)(1)(E)) is amended by striking “school food authority” each place it appears and inserting “local educational agency” each place it appears.

SEC. 109. EXCLUSION OF MILITARY HOUSING ALLOWANCES.

Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) is amended—

(1) in the subsection heading, by striking “INSPECTIONS”;

(2) in paragraph (1)—

(A) by striking “Except as provided in paragraph (2), a” and inserting “A”;

(B) by striking “shall, at least once” and inserting “shall;

“(A) at least twice”;

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

(D) by adding at the end the following:

“(B) submit to the Secretary a report of the results of the inspection conducted under subparagraph (A); and

(C) report, request, provide a copy of the report to a military school food authority and insert the following:

“(2) STATE AND LOCAL GOVERNMENT INSPECTIONS.—The term ‘state and local government inspection’ as defined in paragraph (1) prevents any State or local government from adopting or enforcing any requirement for more frequent food safety inspections of schools.

“(3) AUDITS AND REPORTS BY STATES.—For each of fiscal years 2006 through 2009, each State shall annually—

“(A) audit food safety inspections of schools conducted under paragraphs (1) and (2); and

(B) submit to the Secretary a report of the results of the inspections conducted under paragraph (3).

“(4) AUDIT BY THE SECRETARY.—For each of fiscal years 2006 through 2009, the Secretary shall annually audit State reports of food safety inspections of schools submitted under paragraph (3).

“(5) SCHOOL FOOD SAFETY PROGRAM.—Each school food authority shall implement a school food safety program that includes the preparation and service of each meal served to children, that complies with any hazard analysis and critical control point system established by the Secretary.

SEC. 112. PURCHASES OF LOCALLY PRODUCED FOODS.


SEC. 113. SPECIAL ASSISTANCE.

Section 114(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)(1)) is amended by inserting “or” after “school” wherever it appears in subparagraphs (C) through (E) (other than as part of “school year”, “school board”, “school lunch program”, “school breakfast program”, and “4-year-school period”).
(B) EVALUATION.—

(1) IN GENERAL.—The Secretary, acting through the Administrator of the Food and Nutrition Service, shall evaluate the impact of the eligibility criteria described in subparagraph (A) as compared to the eligibility criteria established by the Secretary; and

(2) RESULTS.—Not later than January 1, 2008, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the evaluation under this subparagraph.

(F) FUNDING.—

(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary shall be entitled to receive, shall accept, and shall use to carry out this paragraph the funds transferred under clause (i), without further appropriation.

(III) AVAILABILITY OF FUNDS.—Funds transferred under clause (i) shall remain available until expended.

(IV) REALLOCATION.—The Secretary may reallocate any amounts made available to carry out this paragraph that are not obligated or expended, as determined by the Secretary.

(E) REALLOCATION.—

(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term ‘eligible State’ means—

(i) a State that participates in the summer food service program under this subsection as of May 1, 2004; and

(ii) a State in which (based on data available in April 2004) the percentage obtained by dividing—

(I) the number of days of children attending the summer food service program in the State in July 2003; and

(II) the average daily number of children receiving free or reduced price meals under the school lunch program in the State in July 2003; by

(III) the sum of—

(aa) the average daily number of children attending the summer food service program in all States in July 2003; and

(bb) the average daily number of children receiving free or reduced price meals under the school lunch program in all States in July 2003.

(2) M INIMUM REQUIREMENTS.

(1) FUNDING.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this paragraph the funds transferred under clause (i), without further appropriation.

(IV) PROGRAMS.

(1) SIMPLIFIED SUMMER FOOD PROGRAMS.—

(i) DEFINITION OF ELIGIBLE STATE.—Section 18(f)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) is amended by striking paragraph (1) and inserting the following:

‘‘(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term ‘eligible State’ means—

(A) a State participating in the summer food service program under this subsection as of May 1, 2004; and

(B) a State in which (based on data available in April 2004) the percentage obtained by dividing—

(I) the number of days of children attending the summer food service program in the State in July 2003; and

(II) the average daily number of children receiving free or reduced price meals under the school lunch program in the State in March 2003; by

(III) the sum of—

(aa) the average daily number of children attending the summer food service program in all States in July 2003; and

(bb) the average daily number of children receiving free or reduced price meals under the school lunch program in all States in March 2003.’’.

(2) DURATION.—Section 18(f)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)(2)) is amended by striking ‘‘During the period beginning October 1, 2000, and ending June 30, 2004, the’’ and inserting ‘‘The’’.

(3) PRIVATE NONPROFIT ORGANIZATIONS.—

Section 18(f)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)(3)) is amended by inserting ‘‘and’’ after ‘‘Secretary’’ and striking ‘‘the’’ before ‘‘school’’.

(4) REPORT.—Section 18(f)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) is amended by striking paragraph (6) and inserting the following:

‘‘(6) REPORT.—Not later than April 30, 2007, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes—

(A) the evaluations completed by the Secretary under paragraph (5); and

(B) any recommendations of the Secretary concerning the programs.’’.

X. CONFORMING AMENDMENTS.

Section 18(f)(6) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) is amended by striking ‘‘(A) by striking the subsection heading and inserting the following: (F) SIMPLIFIED SUMMER FOOD PROGRAMS.—’’.

(B) in paragraph (2)—

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

‘‘(2) PROGRAMS.—; and

(2) by striking ‘‘pilot project’’ and inserting ‘‘program’’.

(C) in subparagraph (A) and (B) of paragraph (3), by striking ‘‘pilot project’’ both places it appears and inserting ‘‘program’’; and

(D) in paragraph (5)—

(1) in the paragraph heading by striking ‘‘PILOT PROJECTS’’ and inserting ‘‘PROGRAMS’’;

(2) by striking ‘‘pilot project’’ each place it appears and inserting ‘‘program’’.

SEC. 117. COMMODITY DISTRIBUTION PROGRAM. Section 14(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1762a(a)) is amended by striking ‘‘, during the period beginning July 1, 1974, and ending June 30, 2003’’ and inserting ‘‘, during the period beginning July 1, 1974, and ending June 30, 2007’’.

SEC. 118. NOTICE OF IRRADIATED FOOD PRODUCTS. Section 14 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1762a) is amended by striking ‘‘(i) factual information on the science and evidence regarding irradiation technology; and

(II) the average daily number of children receiving free or reduced price meals under the school lunch program in all States in March 2003 is less than

(6) calculate the percentage obtained by dividing—

(I) the sum of—

(aa) the average daily number of children attending the summer food service program in the State in July 2003; and

(bb) the average daily number of children receiving free or reduced price meals under the summer food service program in the State in July 2003; by

(II) the average daily number of children receiving free or reduced price meals under the school lunch program in all States in March 2003.’’.

(2) DURATION.—Section 18(f)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)(2)) is amended by striking ‘‘During the period beginning October 1, 2000, and ending June 30, 2004, the’’ and inserting ‘‘The’’.

(3) PRIVATE NONPROFIT ORGANIZATIONS.—

Section 18(f)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)(3)) is amended by inserting ‘‘and’’ after ‘‘Secretary’’ and striking ‘‘the’’ before ‘‘school’’.

(4) REPORT.—Section 18(f)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) is amended by striking paragraph (6) and inserting the following:

‘‘(6) REPORT.—Not later than April 30, 2007, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes—

(A) the evaluations completed by the Secretary under paragraph (5); and

(B) any recommendations of the Secretary concerning the programs.’’.

X. CONFORMING AMENDMENTS.

Section 18(f)(6) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) is amended by striking ‘‘(A) by striking the subsection heading and inserting the following: (F) SIMPLIFIED SUMMER FOOD PROGRAMS.—’’.

(B) in paragraph (2)—

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

‘‘(2) PROGRAMS.—; and

(2) by striking ‘‘pilot project’’ and inserting ‘‘program’’.

(C) in subparagraph (A) and (B) of paragraph (3), by striking ‘‘pilot project’’ both places it appears and inserting ‘‘program’’; and

(D) in paragraph (5)—

(1) in the paragraph heading by striking ‘‘PILOT PROJECTS’’ and inserting ‘‘PROGRAMS’’;

(2) by striking ‘‘pilot project’’ each place it appears and inserting ‘‘program’’.

SEC. 117. COMMODITY DISTRIBUTION PROGRAM. Section 14(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1762a(a)) is amended by striking ‘‘, during the period beginning July 1, 1974, and ending June 30, 2003’’ and inserting ‘‘, during the period beginning July 1, 1974, and ending June 30, 2007’’.

SEC. 118. NOTICE OF IRRADIATED FOOD PRODUCTS. Section 14 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1762a) is amended by striking ‘‘(i) factual information on the science and evidence regarding irradiation technology; and

(II) the average daily number of children receiving free or reduced price meals under the school lunch program in all States in March 2003 is less than

(6) calculate the percentage obtained by dividing—

(I) the sum of—

(aa) the average daily number of children attending the summer food service program in the State in July 2003; and

(bb) the average daily number of children receiving free or reduced price meals under the summer food service program in the State in March 2003; by

(II) the average daily number of children receiving free or reduced price meals under the school lunch program in all States in March 2003.’’.

(2) DURATION.—Section 18(f)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)(2)) is amended by striking ‘‘During the period beginning October 1, 2000, and ending June 30, 2004, the’’ and inserting ‘‘The’’.

(3) PRIVATE NONPROFIT ORGANIZATIONS.—

Section 18(f)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)(3)) is amended by inserting ‘‘and’’ after ‘‘Secretary’’ and striking ‘‘the’’ before ‘‘school’’.

(4) REPORT.—Section 18(f)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) is amended by striking paragraph (6) and inserting the following:

‘‘(6) REPORT.—Not later than April 30, 2007, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes—

(A) the evaluations completed by the Secretary under paragraph (5); and

(B) any recommendations of the Secretary concerning the programs.’’.
Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) are labeled with a symbol or other printed notice that—

(i) indicates that the product was irradiated; and

(ii) is prominently displayed in a clear and understandable format on the container;

(F) irradiated food products are not comingled with irradiated and non-irradiated food products that are not irradiated; and

(G) schools that offer irradiated food products are encouraged to offer alternatives to irradiated food products as part of the meal plan used by the schools.

SEC. 119. CHILD AND ADULT CARE FOOD PROGRAM.

(a) Definition of Institution.—(1) In General.—Section 17(a)(2)(B)(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(e)(2)(B)(i)) is amended by striking “spring” and all that follows through “2004.”

(2) Conforming Amendment.—Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended by striking subsection (p).

(b) Duration of Determination as Tier I Family or Group Day Care Home.—Section 17(f)(3)(E)(iii) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(3)(E)(iii)) is amended by striking “3 years” and inserting “1 year”.

(c) Audits.—Section 17(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(i)) is amended by striking “(i)” The” and inserting the following:

“(i) Audits.—

(1) Disregards.—

(A) In General.—Subject to subparagraph (B), in conducting management evaluations, reviews, or audits under this section, the Secretary or a State agency may disregard any overpayment to an institution for a fiscal year if the overpayment is incurred at the institution for the fiscal year does not exceed an amount that is consistent with the disregards allowed in other programs under this Act and recognizes the cost of collecting small claims, as determined by the Secretary.

(B) Criminal or Fraud Violations.—In carrying out this paragraph, the Secretary and a State agency shall not disregard any overpayment for which there is evidence of a violation of a criminal law or civil fraud law.

(2) Funding.—The.

(d) Duration of Agreements.—Section 17(j) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(j)) is amended—

(1) by striking “(j) The” and inserting the following:

“(j) Agreements.—

(1) In General.—The; and

(2) by striking the at the end of the following:

(2) Duration.—An agreement under paragraph (1) in effect until terminated by either party to the agreement.”;

(e) Rural Area Eligibility Determination for Tier I Family or Group Day Care Homes.—Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) (as amended by subsection (a)(3)) is amended by striking “in effect until terminated by either party to the agreement.”;

(f) Rural Area Eligibility Determination for Day Care Homes.—

(1) Definition of selected tier I family or group day care home means a family or group day care home that meets the definition of tier I family or group day care home under subsection (1) of subsection (b)(2)(A) unless that item applies to each subsequent school year.

(2) Eligibility.—For each of fiscal years 2006 and 2007, in rural areas of the State of Nebraska (as defined by the Secretary), the Secretary shall provide reimbursement to selected tier I family or group day care homes (as defined in paragraph (1)) under this subsection in a manner that tier I family or group day care homes (as defined in subsection (b)(2)(A))

(i) the number of family or group day care homes offering meals under this section;

(ii) the number of family or group day care homes offering meals under this section as a result of paragraph (1) that otherwise would be defined as tier I family or group day care homes under subsection (b)(2)(A); and

(iii) the geographic location of the family or group day care homes;

(iv) services provided to eligible children; and

(v) other factors determined by the Secretary.

(g) Impact.—The evaluation shall assess the impact of the change in eligibility requirements on

(i) the number of family or group day care homes offering meals under this section;

(ii) the number of family or group day care homes offering meals under this section that are defined as tier I family or group day care homes as a result of paragraph (1) that otherwise would be defined as tier II family or group day care homes under subsection (b)(2)(A); and

(iii) the geographic location of the family or group day care homes.

(h) Funding.—The.


(j) Early Child Nutrition Education.—

(1) In General.—Subject to the availability of funds made available under paragraph (6), for a period of 4 successive years, the Secretary of Agriculture, in conjunction with 1 or more entities with expertise in designing and implementing health education programs for limited-English-proficient individuals through the child and adult care food program under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) in each of 4 States (as selected by the Secretary in accordance with paragraph (2)).

(2) States.—The Secretary shall provide grants under this subsection in States that have experienced a greatly limited-English-proficient population of the States of at least 100 percent between the years 1990 and 2000, as measured by the census.

(k) Required Activities.—Activities carried out under paragraph (1) shall include—

(A) developing an interactive and comprehensive tool kit for use by lay health educators in facilitating technical assistance and training activities;

(B) conducting training and providing ongoing technical assistance for lay health educators;

(C) establishing collaborations with child care centers and sponsoring organizations participating in the child and adult care food program under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) to—

(i) identify limited-English-proficient children and families; and

(ii) enhance the capacity of the child care centers and sponsoring organizations to use appropriate obesity prevention strategies.

(l) Evaluation.—The Secretary shall request an independent evaluation of the effectiveness of the grant.

(m) Report.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the evaluation under this subsection.

(n) Receipt and Acceptance.—The Secretary shall be entitled to receive, accept, and use to carry out this paragraph the funds transferred under clause (i), without further appropriation.


(1) in subclause (1)—

(A) by striking “12” and inserting “18”; and

(B) by inserting “or” after the semicolon;

(2) in subclause (2), by striking “(f)(3)” and inserting “(f)(1)”;

(q) Technical Amendments.—Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended—

(1) in subsection (a)(6)(B), by inserting “and “adult” after “child”;

(2) in subsection (b)(3), by striking “subsection (a)(5)”;

(3) by redesignating subsection (a)(1) as subsection (a)(2).

(r) Paperwork Reduction.—The Secretary of Agriculture, in conjunction with States and participating institutions, shall examine the feasibility of reducing paperwork resulting from regulations and recordkeeping requirements for State agencies, family child care homes, child care centers, and sponsoring organizations participating in the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766).

(s) Fresh Fruit and Vegetable Program.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (g) and inserting the following:

(g) Fresh Fruit and Vegetable Program.—

(1) In General.—For the school year beginning July 2004 and each subsequent school year, the Secretary shall carry out a program to make free fresh fruits and vegetables available, to the maximum extent practical, to—

(A) 25 elementary or secondary schools in each of the 4 States authorized to participate in the program under this subsection on May 1, 2004;

(B) 25 elementary or secondary schools (as selected by the Secretary in accordance with paragraph (3)) in each of 4 States (including the State for which grants are allocated under the program described in paragraph (3)(B)(i)) that are not participating in
the program under this subsection on May 1, 2004; and

(C) 25 elementary or secondary schools operated on 3 Indian reservations (including the reservations to which the Secretary is required to participate in the program under this subsection on May 1, 2004), as selected by the Secretary.

(2) PROGRAM.—A school participating in the program shall make free fresh fruits and vegetables available to students throughout the school day in 1 or more areas designated by the school.

(3) DISTRIBUTION OF SCHOOL MEALS.—(A) IN GENERAL.—Except as provided in subparagraph (B), in selecting additional schools to participate in the program under paragraph (1), the Secretary shall—

(i) to the maximum extent practicable, ensure that the majority of schools selected are those in which not less than 50 percent of students are eligible for free or reduced price meals under this Act; and

(ii) solicit applications from interested schools that include—

(I) information pertaining to the percentage of students enrolled in the school submitting the application who are eligible for free or reduced price school lunches under this Act;

(II) a certification of support for participation in the program signed by the school food manager, the school principal, and the district superintendent (or equivalent positions, as determined by the school); and

(III) such other information as may be requested by the Secretary.

(iii) for each application received, determine whether the application is from a school in which not less than 50 percent of students are eligible for free or reduced price meals under this Act; and

(iv) give priority to schools that submit a plan for participation in the program that includes a partnership with 1 or more entities that provide non-Federal resources (including entities representing the fruit and vegetable industry) for—

(I) the acquisition, handling, promotion, or distribution of fresh and dried fruits and fresh vegetables; or

(II) other support that contributes to the purposes of the program.

(B) NONAPPLICABILITY TO EXISTING PARTICIPANTS.—Subparagraph (A) shall not apply to a school, State, or Indian reservation authorized—

(i) to participate in the program on May 1, 2004; or

(ii) to receive funding for free fruits and vegetables under funds provided for public health improvement under the heading ‘‘DEVELOPMENT, SERVICE, AND TRAINING’’ under the heading ‘‘CENTERS FOR DISEASE CONTROL AND PREVENTION’’ in title II of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004 (Division E of Public Law 108–199; 118 Stat. 238).

(4) NOTICE OF AVAILABILITY.—To be eligible for grants under this subsection, a school shall widely publicize within the school the availability of fresh fruits and vegetables under the program.

(5) REPORTS.—

(A) INTERIM REPORTS.—Not later than September 30 of each of fiscal years 2005 through 2006, the Secretary, acting through the Administrator of the Food and Nutrition Service, shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a final report that describes the results of the program under this subsection.

(B) FINAL REPORT.—Not later than December 31, 2008, the Secretary, acting through the Administrator of the Food and Nutrition Service, shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that evaluates the effect of this subsection on program participation and other factors, as determined by the Secretary.

SEC. 122. ACCESS TO LOCAL FOODS AND SCHOOL GARDENS.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1767a) is amended by adding at the end the following:

(h) SUMMER FOOD SERVICE RESIDENTIAL CAMPS.

(1) IN GENERAL.—During the month after the date of enactment of this subsection through September, 2004, and the months of May through September, 2005, the Secretary shall modify eligibility criteria, at not more than 1 private nonprofit residential camp in each State that requests, and that is determined by the Secretary, for the purpose of identifying and evaluating alternative methods of determining the eligibility of residential camps to participate in the summer food service program for children established under section 13.

(2) ELIGIBILITY.—To be eligible for the criteria modified under paragraph (1), a residential camp—

(A) shall be a service institution (as defined in section 13(a)(1));

(B) may not charge a fee to any child in residence at the camp; and

(C) shall serve children who reside in an area in which poor economic conditions exist (as defined in section 13(a)(1)).

(3) PAYMENTS.

(A) IN GENERAL.—Under this subsection, the Secretary shall provide reimbursement for meals served to all children at a residential camp at the payment rates specified in section 13(b)(1).

(B) REIMBURSABLE MEALS.—A residential camp selected by the Secretary may receive reimbursement for not more than 3 meals, or 2 meals and 1 supplement, during each day of operation.

(4) EVALUATION.

(A) INFORMATION FROM RESIDENTIAL CAMPS.—Not later than September 30, 2005, a residential camp selected under paragraph (3) shall provide to the Secretary information as is required by the Secretary concerning the requirements of this subsection.
similar case, at anytime during such a period; and
“(B) for a snack served during each day of operation after school hours, weekends, and school holidays during the regular school calendar.”

“(2) PAYMENTS.—The service institution shall be reimbursed consistent with section 13(b)(1).”

“(3) ADMINISTRATION.—To receive reimbursement under this subsection, a service institution shall comply with section 13, other than subsections (b)(2) and (c)(1) of that section.”

“(4) EVALUATION.—Not later than September 24, 2009, the Secretary shall submit to the Secretary a report on the effect of this subsection on participation in the summer food service program for children established under this section.”

“(5) FUNDING.—The Secretary shall provide to the State of California such sums as are necessary to carry out this subsection for each fiscal year thereafter.”

SEC. 124. FREE LUNCH AND BREAKFAST ELIGIBILITY.

Section 2(e) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1768) (as amended by section 123) is amended by adding at the end the following:

“Free Lunch and Breakfast Eligibility.—

“(1) IN GENERAL.—Subject to the availability of funds under paragraph (4), the Secretary shall expand the service of free lunches and breakfasts provided at schools participating in the school lunch program under this Act or the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) in all or part of 5 States selected by the Secretary (of which at least 1 shall be a largely rural State with a significant Native American population).

“(2) INCOME ELIGIBILITY.—The income guidelines for determining eligibility for free lunch or breakfast under this subsection shall be 185 percent of the applicable family income poverty guidelines prescribed by the Secretary, as adjusted annually in accordance with section 9(b)(1)(B).

“(3) EVALUATION.—

“(A) IN GENERAL.—Not later than 3 years after the implementation of this subsection, the Secretary shall conduct an evaluation to assess the impact of the changed income eligibility guidelines in comparing the food authorities operating under this subsection to school food authorities not operating under this subsection.

“(B) IMPACT ASSESSMENT.—

“(i) CHILDREN.—The evaluation shall assess the impact of this subsection separately on—

“(I) children in households with incomes less than 130 percent of the applicable family income levels contained in the nonfarm poverty income guidelines prescribed by the Office of Management and Budget, as adjusted annually in accordance with section 9(b)(1)(B); and

“(II) children in households with incomes greater than 130 percent and not greater than 185 percent of the applicable family income levels contained in the nonfarm poverty income guidelines prescribed by the Office of Management and Budget, as adjusted annually in accordance with section 9(b)(1)(B).

“(ii) FACTORS.—The evaluation shall assess the impact of the following—

“(I) participation rates in the school lunch and breakfast programs;

“(II) rates of lunch- and breakfast-skiping;

“(III) academic achievement;

“(IV) the allocation of funds authorized in title I of the Elementary and Secondary Education Act (20 U.S.C. 6301) to local educational agencies and public schools; and

“(V) other factors determined by the Secretary.

“(C) COST ASSESSMENT.—The evaluation shall assess the increased costs associated with providing additional free, reduced price, or paid meals in the school food authorities participating in this subsection and evaluating how the increased costs were covered by other sources and whether the additional meals were provided.”

“(D) REPORT.—On completion of the evaluation, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the evaluation under this paragraph.

“(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection, to remain available until expended.”

SEC. 125. TRAINING, TECHNICAL ASSISTANCE, AND FOOD SERVICE MANAGEMENT INSTITUTE.

(a) IN GENERAL.—Section 21(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-1(a)(1)) is amended by striking “activities and” and all that follows and inserting “provide—”

“(A) training and technical assistance to improve the skills of individuals employed in—

“(i) food service programs carried out with assistance under this Act and, to the maximum extent practicable, using individuals who administer exemplary local food service programs in the State;

“(ii) school breakfast programs carried out with assistance under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

“(iii) as appropriate, other federally assisted feeding programs; and

“(B) assistance, on a competitive basis, to States.”

(b) FEDERAL ADMINISTRATIVE SUPPORT.

“(2) USE OF FUNDS.

“The funds transferred under subparagraph (A) may be used for—

“(A) providing technical assistance, training, and material relating to the administration of school meal programs that are representative of the best management and administrative practices;

“(B) the Secretary’s administrative support; and

“(C) the Secretary’s administrative support for—

“(i) the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

“(ii) the Food and Nutrition Service of the Department of Agriculture.”

(c) AUTHORIZATION OF APPROPRIATIONS.


“(2) FOOD SERVICE MANAGEMENT INSTITUTE.—Section 21(e)(2)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-1(e)(2)(A)) is amended in the first sentence—

“(A) by striking “provide to the Secretary” and all that follows through “1998,” and

“(B) by striking “2004” and inserting “2004 and 4,000,000 for fiscal year 2005.”

SEC. 126. ADMINISTRATIVE TRAINING AND TECHNICAL ASSISTANCE.

(a) FEDERAL SUPPORT FOR TRAINING AND TECHNICAL ASSISTANCE.—Section 21 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-1) is amended by adding at the end the following:

“(1) ADMINISTRATIVE TRAINING AND TECHNICAL ASSISTANCE MATERIAL.—In collaboration with State educational agencies, local educational agencies, and school food authorities of varying sizes, the Secretary shall develop and distribute training and technical assistance material relating to the administration of school meal programs that are representative of the best management and administrative practices.

“(2) FEDERAL ADMINISTRATIVE SUPPORT.—

“(A) FUNDING.—

“(i) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary shall transfer to the Secretary of Agriculture to carry out this subsection—

“(I) on October 1, 2004, and October 1, 2005, $3,000,000; and

“(II) on October 1, 2006, October 1, 2007, and October 1, 2008, $2,000,000.

“(B) RECIPE AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

“(c) ADMINISTRATIVE TRAINING AND TECHNICAL ASSISTANCE MATERIAL.—In collaboration with State educational agencies, local educational agencies, and school food authorities of varying sizes, the Secretary shall develop and distribute training and technical assistance material relating to the administration of school meal programs that are representative of the best management and administrative practices.”

“(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary shall transfer to the Secretary of Agriculture to carry out this subsection—

“(I) on October 1, 2004, and October 1, 2005, $3,000,000; and

“(II) on October 1, 2006, October 1, 2007, and October 1, 2008, $2,000,000.

“(B) USE OF FUNDS.—The Secretary may use funds provided under this subsection for—

“(A) to provide training and technical assistance and material related to improving program integrity and administrative accuracy in school meal programs; and

“(B) to assist State educational agencies in reviewing the administrative practices of local educational agencies, to the extent determined by the Secretary.”

(b) SELECTED ADMINISTRATIVE REVIEWS.

“(1) IN GENERAL.—Section 22(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-3(b)) is amended by adding at the end the following:

“(3) ADDITIONAL REVIEW REQUIREMENT FOR SELECTED LOCAL EDUCATIONAL AGENCIES.—

“(A) DEPARTMENT OF EDUCATION REVIEW.—In this paragraph, the term ‘selected local educational agency’ means a local educational agency that has a demonstrated high level of, or a high risk for, administrative error, as determined by the Secretary.”
“(B) ADDITIONAL ADMINISTRATIVE REVIEW.—In addition to any review required by subsection (a) or paragraph (1), each State educational agency shall conduct an administrative review of each local educational agency during the review cycle established under subsection (a).”

“(C) SCOPE OF REVIEW.—In carrying out a review required by subparagraph (B), a State educational agency shall only review the administrative processes of a selected local educational agency, including application, certification, verification, meal counting, and meal claiming procedures.

“(D) RESULTS OF REVIEW.—If the State educational agency determines (on the basis of a review conducted under subparagraph (B)) that a selected local educational agency fails to meet performance criteria established by the Secretary, the State educational agency shall—

“(i) require the selected local educational agency to develop and carry out an approved plan of corrective action;

“(ii) except to the extent technical assistance is provided directly by the Secretary, provide technical assistance to assist the selected local educational agency in carrying out the corrective action plan; and

“(iii) require a followup review of the selected local educational agency under standards established by the Secretary.

“(4) RETAINING FUNDS AFTER ADMINISTRATIVE REVIEW.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), if the local educational agency referred to in paragraph (1) is out of compliance with the administrative performance criteria established by the Secretary in both an initial review and a followup review under paragraph (1) or (3) or subsection (a), the Secretary may require the State educational agency to retain funds that would otherwise be paid to the local educational agency for school meals programs under procedures prescribed by the Secretary.

“(B) AMOUNT.—The amount of funds retained under subparagraph (A) shall equal the value of any overpayment made to the local educational agency or school food authority as a result of an erroneous claim during the time period described in subparagraph (C).

“(C) GRACE PERIOD.—The period for determining the value of any overpayment under subparagraph (B) shall be the period—

“(i) beginning on the date the erroneous claim was made;

“(ii) ending on the earlier of the date the erroneous claim is corrected or—

“(I) in the case of the first followup review conducted by the State educational agency under this subsection after July 1, 2005, the date that is 60 days after the beginning of the period under clause (i); or

“(II) in the case of any subsequent followup review conducted by the State educational agency of the local educational agency under this section, the date that is 90 days after the beginning of the period under clause (i).

“(5) USE OF RETAINED FUNDS.—

“(A) IN GENERAL.—Subject to subparagraph (B), funds retained under paragraph (4) shall—

“(i) be returned to the Secretary, and may be used by the Secretary to provide technical assistance to State educational agencies and local educational agencies in carrying out school meals programs; and

“(ii) be credited to the child nutrition program fund of the State educational agency.

“(B) STATE SHARE.—A State educational agency may retain not more than 25 percent of an amount recovered under paragraph (4), to carry out school meals program integrity initiatives to assist local educational agencies and school food authorities that have repeatedly failed, as determined by the Secretary, to meet administrative performance criteria.

“(C) REQUIREMENT.—To be eligible to retain funds under paragraph (B), a State educational agency shall—

“(i) submit to the Secretary a plan describing how the State educational agency will use the funds to improve school meals program integrity, including measures to give priority to local educational agencies from which funds were retained under paragraph (4);

“(ii) consider using individuals who administer exemplary local food service programs in the provision of training and technical assistance described in paragraph (4)(A); and

“(iii) obtain the approval of the Secretary for the plan:

“(D) INTERPRETATION.—Nothing in the amendment made by paragraph (1) affects the requirements for fiscal actions as described in the regulations issued pursuant to section 22(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769a(a)).

“(E) TRAINING AND TECHNICAL ASSISTANCE.—

“Section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1766) is amended—

“(1) in subsection (e)—

“(A) by striking ‘‘(e) Each’’ and inserting the following:

“(e) PLAN FOR USE OF ADMINISTRATIVE EXPENSE FUNDS.—

“(1) IN GENERAL.—Each; and

“(B) by striking ‘‘After submitting’’ and all that follows through ‘‘in the plan,’’ and inserting the following:

“(2) UPDATES AND INFORMATION MANAGEMENT SYSTEMS.—

“(A) IN GENERAL.—After submitting the initial plan, a State shall be required to submit to the Secretary for approval only a substantive change in the plan;

“(B) PLAN CLOSURE.—Each State plan shall, at a minimum, include a description of how technology and information management systems will be used to improve program integrity by—

“(1) monitoring the nutrient content of meals served;

“(2) training local educational agencies, school food authorities, and schools in how to use technology and information management systems (including verifying eligibility for free and reduced price meals using program participation or income data gathered by State or local agencies); and

“(3) using electronic data to establish benchmarks to compare and monitor program integrity, program participation, and financial data.

“(F) TRAINING AND TECHNICAL ASSISTANCE.—

“Each State shall submit to the Secretary for approval a plan describing the manner in which the State intends to implement subsection (g) and section 22(b)(3) of the Richard B. Russell National School Lunch Act:

“(1) by redesignating subsection (g) as subsection (j); and

“(2) by inserting after subsection (f) the following:

“(g) STATE TRAINING.—

“(1) IN GENERAL.—At least annually, each State shall provide training in administrative processes that are included in subparagraphs (a), (c), and (d); certification, verification, meal counting, and meal claiming procedures; and

“(2) FUNDING FOR AND ADMINISTRATIVE REVIEW.—

“(1) IN GENERAL.—On October 1, 2004, and on each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection $4,000,000, to remain available until expended.

“(2) USE OF FUNDS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall use funds provided under this subsection to assist States in carrying out subsection (g) and administrative reviews of selected local educational agencies carried out under section 22(b)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c).

“(B) EXCEPTION.—The Secretary may retain a portion of the amount provided to cover costs of activities carried out by the Secretary in lieu of the State.

“(3) ALLOCATION.—The Secretary shall allocate funds provided under this subsection to States based on the number of local educational agencies that have demonstrated a high level of, or a high risk for, administrative error, as determined by the Secretary, taking into account the requirements established by the Child Nutrition and WIC Reauthorization Act of 2004 and the amendments made by that Act.

“(4) REALLOCATION.—The Secretary may reallocate, to carry out this section, any amounts made available to carry out this subsection that are not obligated or expended, as determined by the Secretary.

“SEC. 127. COMPLIANCE AND ACCOUNTABILITY.

“Section 22(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c(d)) is amended by striking ‘‘$3,000,000 for each of the fiscal years 1994 through 2003’’ and inserting ‘‘$6,000,000 for each of fiscal years 2004 through 2009’’.

“SEC. 128. INFORMATION CLEARINGHOUSE.

“Section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence by striking ‘‘1998, and’’ and inserting ‘‘1998, and’’; and

“(b) by striking ‘‘2003’’ and inserting ‘‘2009’’.

“SEC. 129. PROGRAM EVALUATION.

“The Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended in the first sentence by adding at the end the following:

“(c) PERFORMANCE ASSESSMENTS.—

“(1) IN GENERAL.—The Secretary shall review the availability of funds made available under paragraph (3), the Secretary, acting through the
Administered by the Food and Nutrition Service, may conduct annual national performance assessments of the meal programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1711 et seq.)—

"(2) COMPONENTS.—In conducting an assessment, the Secretary may assess—

(A) the cost of producing meals and meal supplements served, as programmed in the paragraphs described in paragraph (1); and

(B) the nutrient profile of meals and status of menu planning practices, under the programs described in paragraphs (1) and (2).

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each fiscal year.

"(b) CERTIFICATION IMPROVEMENTS.—

(1) IN GENERAL.—Subject to the availability of funds made available under paragraph (5), the Secretary, acting through the Administrator of the Food and Nutrition Service, shall conduct a study of the feasibility of improving the certification process used for the school lunch program established under this Act.

"(2) PILOT PROJECTS.—In carrying out this subsection, the Secretary may conduct pilot projects to improve the certification process used for the school lunch program.

"(3) COMPONENTS.—In carrying out this subsection, the Secretary shall examine the use of—

(A) other income reporting systems;

(B) an integrated benefit eligibility determination process managed by a single agency;—

(C) income or program participation data gathered by State or local agencies; and

(D) other options determined by the Secretary.

"(4) WAIVERS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may waive such provisions of this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) as are necessary to carry out this subsection.

(B) PROVISIONS.—The protections of section 9(b)(6) shall apply to any study or pilot project carried out under this subsection.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection such sums as are necessary.

TITLE II—AMENDMENTS TO CHILD NUTRITION ACT OF 1966

SEC. 201. SEVERE NEED ASSISTANCE.

Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) is amended by striking subsection (d) and inserting the following:

"(d) AMOUNT AND ALLOCATION OF FUNDS.—

(1) AMOUNT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each school year;

(B) MINIMUM AMOUNT.—In the case of each fiscal year 2004 through 2007, the Secretary shall make available to each State for administrative costs not less than the initial allocation made to the State under this subsection for fiscal year 2004.

(2) ALLOCATION.—The Secretary shall examine the value of the index for State and local government purchases, as published by the Bureau of Economic Analysis of the Department of Commerce, for the 12-month period ending June 30 of the preceding fiscal year.

(3) T ECHNOLOGY INFRASTRUCTURE IMPROVEMENT.—The amendment made by paragraph (2) shall apply to any study or pilot project carried out under this subsection.

"(c) PROVISIONS.—The protections of section 9(b)(6) shall apply to any study or pilot project carried out under this subsection.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry this subsection such sums as are necessary for each of fiscal years 2005 through 2009, to remain available until expended.

"(c) REAUTHORIZATION.—Subsection (j) of section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) (as redesignated by section 123) is amended by striking "2003" and inserting "2009".

SEC. 202. STATE ADMINISTRATIVE EXPENSES.

(a) MINIMUM STATE ADMINISTRATIVE EXPENSE GRANTS.—Section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) is amended by inserting the following:

"(1) AMOUNT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each school year;

(B) MINIMUM AMOUNT.—In the case of each fiscal year 2004 through 2007, the Secretary shall make available to each State for administrative costs not less than the initial allocation made to the State under this subsection for fiscal year 2004.

(2) ALLOCATION.—The Secretary shall examine the following:

(i) TECHNICAL ASSISTANCE.—The Secretary shall examine the following:

(ii) TECHNICAL ASSISTANCE.—The Secretary shall examine the following:

3. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

(a) DEFINITIONS.—

(1) NUTRITION EDUCATION.—Section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by striking paragraph (7) and inserting the following:

"(7) NUTRITION EDUCATION.—The term 'nutrition education' means individual and group nutrition education sessions and the use of materials that are designed to improve health status and achieve positive change in dietary and physical activity habits, and that emphasize the need for adequate and healthful eating, active physical activity, and health, all in keeping with the personal and cultural preferences of the individual.

(b) SUPPLEMENTAL FOODS.—Section 17(b)(4) of the Child Nutrition Act of 1966 (42 U.S.C. 1786b)(4) is amended in the first sentence by inserting "children" after "children" the following:

"(b) PRIMARY CONTRACT INFANT FORMULA.—The term 'primary contract infant formula' means the specific infant formula for which manufacturers submit a bid to a State agency in response to a rebate solicitation under this section and for which a contract is awarded by the State agency as a result of that bid.

"(23) STATE ALLIANCE.—The term 'State alliance' means 2 or more State agencies that...
join together for the purpose of procuring infant formula under the program by soliciting competitive bids for infant formula.';

(b) Eligibility.—
(1) CERTIFICATION PERIOD.—Section 17(h)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(3)) is amended—
(A) by striking “(3)(A) Persons” and inserting the following:

   “(1) by striking “(3)(A) Persons” and inserting the following:
   “(3) CERTIFICATION.—
   “(i) IN GENERAL.—Subject to clause (ii), a person’’; and
   (B) by adding at the end of subparagraph (A) the following:

   “(ii) BREASTFEEDING WOMEN.—A State may elect to certify a breastfeeding woman for a period of 1 year postpartum or until a woman discontinues breastfeeding, whichever is earlier.’’;

(A) in subclause (I)(b), by striking “from a provider other than the local agency; or” and inserting a semicolon;
(B) by adding at the end of subparagraph (A) the following:

   “(b) for which all necessary certification information is provided.’’;

(c) ADMINISTRATION.—
(1) PROCESSING VENDOR APPLICATIONS; PARTICIPANT ACCESS.—Section 17(f)(1)(C) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(1)(C)) is amended—
(A) in clause (i) by inserting “at any of the authorized retail stores under the program’’ after “the program’’;
(B) by redesignating clauses (i) through (x) as clauses (iii) through (xi), respectively; and
(C) by inserting after clause (i) the following:

   “(ii) procedures for accepting and processing vendor applications outside of the established timeframes if the State agency determines that inadequate access to the program, including in a case in which a previously authorized vendor sells a store under circumstances that do not permit timely access to the State agency of the change in ownership.’’;

(2) ALLOWABLE USE OF FUNDS.—
(A) In general.—Section 17(f)(9) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(9)) is amended—
(i) by striking “(1) The Secretary’’ and inserting the following:

   “(1) SUPPLEMENTAL FOODS.—
   “(A) In general.—The Secretary’’;

(ii) in the second sentence, by striking “To the degree’’ and inserting the following:

   “To the degree’’;

(iii) by adding at the end the following:

   “(C) ALLOWABLE USE OF FUNDS.—Subject to the availability of funds, the Secretary shall award grants to not more than 10 local sites determined by the Secretary to be graphically and culturally representative of State, local, and Indian agencies, to evaluate the feasibility of including fresh, frozen, or canned fruits and vegetables (to be made available through private funds) as an addition to the supplemental foods prescribed under this section.

   “(D) REVIEW OF AVAILABLE SUPPLEMENTAL FOODS.—As frequently as determined by the Secretary, the Secretary shall review scientific papers, studies, and other studies to reflect the most recent scientific knowledge, the Secretary shall—

   “(i) conduct a scientific review of the supplemental foods available under the program; and
   (ii) amend the supplemental foods available, after consultation with nutrition science, public health concerns, and cultural eating patterns.’’;

(B) RULEMAKING.—Not later than 18 months after the date of receiving the review initiated by the National Academy of Sciences, Institute of Medicine in September 2003 of the supplemental foods available for the Special Supplemental Nutrition Program for women, infants, and children authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Secretary shall promulgate any final determination to amend the prescribed supplemental foods available through the program.

(3) USE OF CLAIMS FROM LOCAL AGENCIES.—Section 17(f)(21) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(21)) is amended—
(A) in the paragraph, by striking ‘‘vendors’’ and inserting “LOCAL AGENCIES, VENDORS,’’;
(B) by striking “vendors” and inserting ‘‘local agencies, vendors,’’;

(4) INFANT FORMULA BENEFITS.—
(A) In general.—Section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)) is amended by adding at the end the following:

   “(26) N OTIFICATION OF VIOLATIONS .—If a State agency finds that a vendor has committed a violation that requires a pattern of occurrences in order to impose a penalty or sanction, the State agency shall notify the vendor of the violation in writing prior to documentation of another violation, unless the State agency determines that notifying the vendor would compromise an investigation.

   (d) REAUTHORIZATION OF WIC PROGRAM.—
   Section 17(g) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)) is amended by striking “(g)” and all that follows through “As authorized” in paragraph (1) and inserting the following:

   “(1) AUTHORIZATION.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2004 through 2009.

   (2) ADVANCE APPROPRIATIONS; AVAILABILITY.—As authorized.’’;

   (e) NUTRITION SERVICES AND ADMINISTRATION FUNDS; COMPETITIVE BIDDING; RETAILERS.—
   (1) In general.—Section 17(h)(2)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(2)(A)) is amended by striking “for each of the fiscal years 1995 through 2003’’ and inserting “‘The’’;

   (2) HEALTHY PEOPLE 2010 INITIATIVE.—Section 17(h)(4) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(4)) is amended—
   (A) in subparagraph (D), by striking “and’’;
   (B) in subparagraph (E), by striking the period at the end and inserting “;’’; and
   (C) by adding at the end the following:

   “(F) partner with communities, State and local agencies, employers, health care professionals, and other entities in the private sector to build a supportive breastfeeding environment for women participating in the program under this section to support the breastfeeding goals of the Healthy People 2010 initiative.’’;

(5) SIZE OF STATE ALLIANCES.—Section 17(h)(8)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)(A)) is amended by adding at the end the following:

   “(i) SIZE OF STATE ALLIANCES.—
   “(I) IN GENERAL.—Except as provided in subclauses (II) through (IV), no State alliance may exist among States if the total number of infants served by States participating in the alliance as of October 1, 2003, or such subsequent date determined by the Secretary for which data is available, would exceed 100,000.

   “(II) ADDITION OF INFANT PARTICIPANTS.—In the case of a State alliance that exists on the date of enactment of this clause, the alliance may continue and may expand to serve more than 100,000 infants but, except as provided in subclause (III), may not expand to include any additional State agency.

   “(III) ADDITION OF SMALL STATE AGENCIES AND INDIAN STATE AGENCIES.—Any State alliance may expand to include any State agency that served less than 5,000 infant participants as of October 1, 2003, or such subsequent date determined by the Secretary for which data is available, or any Indian State agency if the State agency requests to join the State alliance.

   “(IV) SECULARITY WAIVERS.—The Secretary may waive the requirements of this clause not earlier than 30 days after submitting to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a written report that describes the cost-containment and competitive benefits of the proposed waiver.’’;

(6) PRIMARY CONTRACT INFANT FORMULA.—
(A) In general.—Section 17(h)(6)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(6)(A)) (as amended by paragraph (3)) is amended—

   (i) in clause (i)(1), by striking “contract brand of’’ and inserting “primary contract’’;
   (ii) in clause (ii), by inserting “for a specific infant formula brand of which manufacturers submit a bid’’ after “lowest net price’’; and
   (iii) by adding at the end the following:

   “(A) LACK OF PRIMARY CONTRACT INFANT FORMULA.—If a State agency finds that a vendor has committed a violation that requires a pattern of occurrences in order to impose a penalty or sanction, the State agency shall notify the vendor of the violation in writing prior to documentation of another violation, unless the State agency determines that notifying the vendor would compromise an investigation.

   (d) REAUTHORIZATION OF WIC PROGRAM.—
   Section 17(g) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)) is amended by striking “(g)” and all that follows through “As authorized” in paragraph (1) and inserting the following:

   “(1) AUTHORIZATION.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2004 through 2009.

   (2) ADVANCE APPROPRIATIONS; AVAILABILITY.—As authorized.’’;

   (e) NUTRITION SERVICES AND ADMINISTRATION FUNDS; COMPETITIVE BIDDING; RETAILERS.—
   (1) In general.—Section 17(h)(2)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(2)(A)) is amended by striking “for each of the fiscal years 1995 through 2003’’ and inserting “‘The’’;

   (2) HEALTHY PEOPLE 2010 INITIATIVE.—Section 17(h)(4) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(4)) is amended—
   (A) in subparagraph (D), by striking “and’’;
   (B) in subparagraph (E), by striking the period at the end and inserting “;’’; and
   (C) by adding at the end the following:

   “(F) partner with communities, State and local agencies, employers, health care professionals, and other entities in the private sector to build a supportive breastfeeding environment for women participating in the program under this section to support the breastfeeding goals of the Healthy People 2010 initiative.’’;

(7) UNCOPING MILK AND SOY BIDS.—
(A) In general.—Section 17(h)(8)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)(A)) is amended by adding at the end the following:

   “(i) SEPARATE SOLICITATIONS.—In soliciting bids for infant formula under a competitive bidding system, any State agency,
or State alliance, that served under the program a monthly average of more than 100,000 infants during the preceding 12-month period shall solicit bids from infant formula manufacturers under procedures that require that bids for rebates or discounts are solicited for milk-based and soy-based infant formula separately.’’.

(B) APPLICABILITY.—The amendment made by this paragraph applies to a bid solicitation issued on or after October 1, 2004.

(7) CENT-FOR-CENT ADJUSTMENTS.—

(A) IN GENERAL.—Section 17(h)(6)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(6)(A)) (as amended by paragraph (6)(A)) is amended by adding at the end the following:

‘‘(7) CENT-FOR-CENT ADJUSTMENTS.—A bid solicitation for infant formula under the program shall require the manufacturer to adjust for price changes subsequent to the open bidding process in a manner that requires—

‘‘(I) a cent-for-cent increase in the rebate amounts if there is an increase in the lowest national wholesale price for a full truckload of the particular infant formula; and

‘‘(II) a cent-for-cent decrease in the rebate amounts if there is a decrease in the lowest national wholesale price for a full truckload of the particular infant formula.’’.

(B) CONFORMING AMENDMENT.—Section 17(h)(6)(A)(ii) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(6)(A)(ii)) is amended by striking ‘‘changing’’.

(C) APPLICABILITY.—The amendments made by this paragraph apply to a bid solicitation issued on or after October 1, 2004.

(8) LIST OF INFANT FORMULA WHOLESALERS, DISTRIBUTORS, RETAILERS, AND MANUFACTURERS.—Section 17(h)(8)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)(A)) (as amended by paragraph (7)(A)) is amended by adding at the end the following:

‘‘(IX) LIST OF INFANT FORMULA WHOLESALERS, DISTRIBUTORS, RETAILERS, AND MANUFACTURERS.—The State agency shall maintain a list of—

‘‘(I) infant formula wholesalers, distributors, and retailers licensed in the State in accordance with State law (including regulations); and

‘‘(II) infant formula manufacturers registered with the Food and Drug Administration to sell the formula.

‘‘(X) PURCHASE REQUIREMENT.—A vendor authorized to participate in the program under this section shall only purchase infant formula described in clause (I) of paragraph (D)(ii)(I).

‘‘(D) FUNDING FOR INFRASTRUCTURE, MANAGEMENT INFORMATION SYSTEMS, AND SPECIAL NUTRITION EDUCATION.—Section 17(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)) is amended by striking paragraph (10) and inserting the following:

‘‘(10) FUNDS FOR INFRASTRUCTURE, MANAGEMENT INFORMATION SYSTEMS, AND SPECIAL NUTRITION EDUCATION.—

‘‘(A) IN GENERAL.—For each of fiscal years 2006 through 2009, the Secretary shall use for the purposes specified in subparagraph (B), $61,000,000 or the amount of nutrition services and administration funds and supplemental food funds for the prior fiscal year that have not been obligated, whichever is less.

‘‘(B) PURPOSES.—Of the amount made available under subparagraph (A) for a fiscal year, not more than—

‘‘(i) $14,000,000 shall be used for—

‘‘(I) infrastructure for the program under this section;

‘‘(II) special projects to promote breastfeeding, including projects to assess the effectiveness of particular breastfeeding promotion strategies; and

‘‘(III) special State projects of regional or national significance to improve the services of the program;

‘‘(ii) $30,000,000 shall be used to establish, implement, or improve management information systems for the program, including changes necessary to meet new legislative or regulatory requirements of the program; and

‘‘(B) PROPORTIONAL DISTRIBUTION.—In a case in which less than $61,000,000 is available under subparagraph (A) for a fiscal year, the Secretary shall make a proportional distribution of funds allocated under subparagraph (B).

‘‘(7) VENDOR COST CONTAINMENT.—

‘‘(A) P EER GROUPS.—

‘‘(i) IN GENERAL.—The State agency shall—

‘‘(I) establish a vendor peer group system; and

‘‘(II) in accordance with subparagraphs (B) and (C), establish competitive price criteria and allowable reimbursement levels for each vendor peer group; and

‘‘(III) if the State agency elects to authorize any types of vendors described in subparagraph (D)(ii)(I) and other vendors by establishing—

‘‘(AA) separate peer groups for vendors described in subparagraph (D)(ii)(I); or

‘‘(BB) distinct competitive price criteria and allowable reimbursement levels for vendors described in subparagraph (D)(ii)(I) within a peer group that contains both vendors described in subparagraph (D)(ii)(I) and other vendors; and

‘‘(B) ALLOWABLE REIMBURSEMENT LEVELS.—

‘‘(i) IN GENERAL.—The State agency shall establish allowable reimbursement levels for supplemental foods for each vendor peer group that ensure—

‘‘(I) that payments to vendors in the vendor peer group reflect competitive retail prices; and

‘‘(II) that the State agency does not reimburse a vendor for supplemental foods at a level that would make the vendor ineligible for authorization under the criteria established under subparagraph (B).

‘‘(ii) PRICE FLUCTUATIONS.—The allowable reimbursement levels may include a factor to reflect fluctuations in wholesale prices.

‘‘(III) PARTICIPANT ACCESS.—In establishing allowable reimbursement levels, the State agency shall consider participant access in a geographic area.

‘‘(D) EXEMPTIONS.—The State agency may exempt from competitive price criteria and allowable reimbursement levels established under this paragraph—

‘‘(i) pharmacy vendors that supply only exempt infant formula or medical foods that are authorized under the program; and

‘‘(ii) vendors—

‘‘(I)(aa) for which more than 50 percent of the annual revenue of the vendor from the sale of food items consists of revenue from the sale of supplemental foods that are obtained with food instruments; or

‘‘(bb) who are new applicants likely to meet the criteria of item (aa) under criteria approved by the Secretary; and

‘‘(II) that are nonprofit.

‘‘(E) LIMITATION ON PRIVATE RIGHTS OF ACTION.—Nothing in this paragraph may be construed as creating a private right of action.

‘‘(F) IMPLEMENTATION.—A State agency shall comply with this paragraph not later
than 18 months after the date of enactment of this paragraph.

(B) CONFORMING AMENDMENT.—Section 17(l)(1)(C) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(l)(1)(C)) is amended by inserting before the semicolon the following: “

including a description of the State agency’s vendor peer group system, competitive price criteria, and allowable reimbursement levels that demonstrate that the State is in compliance with the cost-containment provisions in subsection (b)(11).

(11) COSTS ON RETAIL STORES.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended by striking paragraph (12) and inserting the following:

“(12) IMPOSITION OF COSTS ON RETAIL STORES.—The Secretary may not impose, or allow a State agency to impose, the costs of any equipment, system, or processing required for electronic benefit transfers on any retail store authorized to transact food instruments, as a condition for authorization or participation in the program.”.

(12) UNIVERAL PRODUCT CODES DATABASE.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended by striking paragraph (13) and inserting the following:

“(13) UNIVERSAL PRODUCT CODES DATABASE.—The Secretary shall—

“(A) establish a universal national product code database for use by all State agencies in carrying out the program; and

“(B) provide from appropriated funds such sums as are required for hosting, hardware and software configuration, and support of the database.”.

(13) RETROACTIVE FUNDING.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) as amended by paragraph (12) is amended by adding at the end the following:

“(14) RETROACTIVE FUNDING.—A State agency shall not authorize or make payments to a vendor described in paragraph (13)(D)(ii)(I) that provides incentive items or other free merchandise, except food or merchandise of nominal value (as determined by the Secretary), to program participants unless the vendor provides to the State agency proof that the vendor obtained the incentive items or merchandise at no cost.”.

(A) SPEND FORWARD AUTHORITY.—Section 17(l)(2)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(l)(2)(A)) is amended by inserting “and (at the option of a State) roadside stands” after “farmers’ markets”.

(B) MATCHING FUNDS.—Section 17(m)(5) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(5)) is amended by striking “total” both places it appears and inserting “administrative”.

(14) DISCRETIONARY VALUE.—Section 17(m)(5)(C)(ii) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(5)(C)(ii)) is amended by striking “$20” and inserting “$50”.

(15) APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2004 through 2009.

(1) DEMONSTRATION PROJECT RELATING TO USE OF WIC PROGRAM FOR IDENTIFICATION OF ELIGIBLE CHILDREN IN CERTAIN HEALTH PROGRAMS.—

(a) IN GENERAL.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by striking subsection (r).

(b) CONFORMING AMENDMENT.—Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1771 et seq.) is amended by striking subsection (p).

SEC. 204. LOCAL WELLNESS POLICY.

(a) IN GENERAL.—Not later than the first day of the school year beginning after September 30, 2006, each local educational agency participating in a program authorized by the Richard B. Russell National School Lunch Act (42 U.S.C. 1771 et seq.) shall establish a local school wellness policy for schools under the local educational agency that, at a minimum:

(1) includes goals for nutrition education, physical activity, and other school-based activities that are designed to promote student wellness in a manner that the local educational agency determines is appropriate;

(2) includes nutrition guidelines for reimbursable school meals that are consistent with this section, and

(3) provides an assurance that guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to subsections (a) and (b) of section 10 of the Child Nutrition Act (42 U.S.C. 1779) and sections 8(f)(1) and 17(a)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)(1), 1766(a)), as those regulations and guidance apply to schools.

(b) TECHNICAL ASSISTANCE AND BEST PRACTICES.—

(1) IN GENERAL.—The Secretary shall—

(A) establish a plan for measuring implementation of the local wellness policy, including designation of 1 or more persons within the local educational agency or at each school, as appropriate, charged with operational responsibility for ensuring that the school meets the local wellness policy; and

(B) develop and disseminate guidance materials to States, school and community nutrition programs, and child nutrition food service professionals;

(2) to coordinate and collaborate with other nutrition education and active living programs that share similar goals and purposes; and

(3) to identify and share innovative programs with demonstrated effectiveness in helping children to maintain a healthy weight by enhancing healthy eating patterns and the importance of regular physical activity.

(c) DEFINITION OF TEAM NUTRITION NETWORK.—

(A) IN GENERAL.—The purposes of the team nutrition network are—

(1) to establish State systems to promote the nutritional health of school children of the United States through nutrition education and active living programs in schools and facilities that participate in child nutrition programs;

(2) to provide training and technical assistance, and disseminate nutrition messages to States, school and community nutrition programs, and child nutrition food service professionals; and

(3) to identify and share innovative programs with demonstrated effectiveness in helping children to maintain a healthy weight by enhancing healthy eating patterns and the importance of regular physical activity.

(B) DEFINITION.—In this section, ‘‘team nutrition network’’ means a statewide multidisciplinary program for children to promote healthy eating and physical activity based on scientifically valid information and sound educational, social, and marketing principles.

(C) GRANTS.—

(1) IN GENERAL.—Subject to the availability of funds for use in carrying out this section, in addition to any other funds made available to the Secretary for team nutrition purposes, the Secretary, in consultation with the Secretary of Education, may make grants to State agencies for each fiscal year, in accordance with this section, to establish team nutrition networks to promote nutrition education through—

(A) the use of team nutrition network messages and other scientifically based information and messages, and

(B) the promotion of active lifestyles.

(2) FORM.—A portion of the grants provided under this subsection may be in the form of competitive grants.

(D) FUNDS FROM NONGOVERNMENTAL SOURCES.—In carrying out this subsection,
the Secretary may accept cash contributions from nongovernmental organizations made expressly to further the purposes of this section, to be managed by the Food and Nutrition Serv-

ice, and the States in carrying out this section.

(d) ALLOCATION.—Subject to the availability of funds made available for a fiscal year for grants under this section, the total amount of funds made available shall equal not more than the sum of—

(1) the product obtained by multiplying ½ cent by the number of lunches reimbursed through food service programs under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) during the second preceding fiscal year in schools, institutions, and service institutions that participate in the food service programs; and

(2) the total value of funds received by the Secretary in support of this section from nongovernmental sources.

(e) Requirements for State Participa-
tion.—To be eligible to receive a grant under this section, a State agency shall submit to the Secretary a plan that—

(1) is subject to approval by the Secretary; and

(2) is submitted at such time and in such manner as the Secretary may require, including—

(A) a description of the goals and pro-

posed State plan for addressing the health and nutrition needs of children and youths who are at risk of becoming overweight or obese;

(B) an analysis of the means by which the State agency will use and disseminate the team nutrition messages and material developed by the Secretary;

(C) an explanation of the ways in which the State agency will use the funds from the grant to work toward the goals required under subparagraph (A), and to promote healthy eating and physical activity and fitness in schools throughout the State;

(D) a description of the ways in which the State team nutrition network messages and activities will be coordinated at the State level with other health promotion and education activities;

(E) a description of the consultative process that the State agency employed in the development of the model nutrition and physical activity curriculum including consultation with individuals and organizations with expertise in promoting public health, nutrition, or physical activity;

(F) a description of how the State agency will evaluate the effectiveness of each program developed by the State agency;

(G) an annual summary of the team nu-

trition network activities;

(H) a description of the ways in which the total school environment will support healthy eating and physical activity; and

(I) a description of how all communications to parents and legal guardians of stu-

dents who are members of a household receiving or applying for assistance under the program will be understandable in uniform format and, to the maximum extent practicable, in a language that parents and legal guardians can understand.

(f) TEAM NUTRITION NETWORK COORDINATOR.—Each State that receives a grant under this section shall appoint a team nutrition network coordinator who shall—

(1) administer and coordinate the team nutrition network within and across schools, school food authorities, and other child nutrition program providers in the State; and

(2) coordinate activities of the Secretary, acting through the Food and Nutrition Service, and State agencies responsible for other child nutrition and wellness programs to implement a comprehensive, co-

ordinated team nutrition network program.

(4) AUTHORIZED ACTIVITIES.—A State agency that receives a grant under this section may use funds from the grant—

(1) to collect, analyze, and disseminate data on the dietary intake of children and youths in the State; and

(A) to identify the programs and services available to meet those needs;

(B) to implement model elementary and secondary education curricula using team nutrition network messages and material developed by the Secretary to create a comprehensive, coordinated nutrition and physical fitness awareness and obesity prevention program;

(C) to implement pilot projects in schools to promote physical activity and to enhance the nutritional status of students;

(D) to improve access to local foods through farm-to-cafeteria activities that may include the acquisition of food and the provision of training and education;

(E) to implement State guidelines in health (including nutrition education and physical education guidelines) and to empha-

size regular physical activity during school hours;

(F) to establish healthy eating and lifestyle practices in schools;

(G) to provide training and technical assistance to teachers and school food service professionals consistent with the purposes of this section;

(H) to collaborate with public and private organizations, including community-based organizations, State medical associations, and public health groups, to develop and imple-

ment nutrition and physical education programs targeting lower income children, ethnic minorities, and youth at a greater risk for obesity.

(2) LOCAL NUTRITION AND PHYSICAL ACTIVITY GRANTS.—

(A) IN GENERAL.—Subject to the availability of funds to carry out this subsection, the Secretary, in consultation with the Sec-

retary of Education, shall provide assistance to local educational agencies to create healthy school nutrition environments, promote healthy eating and increase physical activity, consistent with the Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341); and

(B) may use funds provided to—

(i) provide training and technical assistance to food service professionals to develop more appealing, nutritious menus and reci-

pes;

(ii) implement nutrition education programs that promote fitness and lifelong activity;

(iii) provide technical and technical assist-

ance to food service professionals to develop new opportunities for physical activity through after school programs, athletics, intramural activities, and recess; and

(iv) provide nutrient content or nutrition information on meals served through the school lunch program, established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of this Act and items sold a la carte during mealtime.

(7) to establish healthy eating and physical activity programs and pro-

motion:

(F) a description of the procedures the agency will use to assess and publicly report progress toward meeting those goals; and

(G) a description of how communications to parents and guardians of participating students regarding the activities under this Act shall be in a language and uniform format, and, to the extent maximum practicable, in a language that parents can understand.

(4) DURATION.—Subject to the availability of funds made available to carry out this subsection, a local educational agency receiving assistance under this subsection shall conduct the project during the period of 3 successive school years beginning with the initial fiscal year for which the local educational agency receives funds.

(5) AUTHORIZED ACTIVITIES.—An eligible applicant that receives assistance under this subsection

(A) may use funds provided to—

(i) provide training and technical assistance to food service professionals to develop new opportunities for physical activity through after school programs, athletics, intramural activities, and recess; and

(ii) provide nutrient content or nutrition information on meals served through the school lunch program, established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of this Act and items sold a la carte during mealtime.

(7) to establish healthy eating and physical activity programs and pro-

motion:

(F) a description of the procedures the agency will use to assess and publicly report progress toward meeting those goals; and

(G) a description of how communications to parents and guardians of participating students regarding the activities under this Act shall be in a language and uniform format, and, to the extent maximum practicable, in a language that parents can understand.

(4) DURATION.—Subject to the availability of funds made available to carry out this subsection, a local educational agency receiving assistance under this subsection shall conduct the project during the period of 3 successive school years beginning with the initial fiscal year for which the local educational agency receives funds.

(5) AUTHORIZED ACTIVITIES.—An eligible applicant that receives assistance under this subsection

(A) may use funds provided to—

(i) provide training and technical assistance to food service professionals to develop new opportunities for physical activity through after school programs, athletics, intramural activities, and recess; and

(ii) provide nutrient content or nutrition information on meals served through the school lunch program, established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of this Act and items sold a la carte during mealtime.
(viii) offer healthy food choices outside program meals, including by making low-fat and nutrient dense options available in vending machines, school stores, and other venues.

(ix) provide nutrition education, including sports nutrition education, for teachers, coaches, food service staff, athletic trainers, and school administrators.

(6) REPORT.—Not later than 18 months after completion of the projects and evaluations under this subsection, the Secretary shall—

(A) submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report describing the results of the evaluation under this subsection; and

(B) make the report available to the public, including through the Internet.

(i) NUTRITION EDUCATION SUPPORT.—In carrying out the purpose of this section to support nutrition education, the Secretary may provide for technical assistance and grants to improve the quality of school meals and access to local foods in schools and institutions.

(ii) LIMITATION.—Material prepared under this section regarding agricultural commodities, food, or beverages, must be factual and without bias.

(k) TEAM NUTRITION NETWORK INDEPENDENT EVALUATION.—

(1) IN GENERAL.—Subject to the availability of funds under subsection (c), the Secretary of Agriculture shall enter into an agreement with an independent, nonpartisan, science-based research organization—

(A) to conduct a comprehensive independent evaluation of the effectiveness of the team nutrition initiative and the team nutrition network under this section; and

(B) to identify best practices by schools in—

(i) improving student understanding of healthful eating patterns;

(ii) engaging students in regular physical activity and improving physical fitness;

(iii) reducing diabetes and obesity rates in school children;

(iv) improving student nutrition behaviors on the school campus, including by increasing healthier meal choices by students, as evidenced by greater inclusion of fruits, vegetables, whole grains, and lean dairy and protein in meal and snack selections;

(v) linking meals programs to nutrition education activities;

(vi) successfully involving parents, school staff, the private sector, public health agencies, nonprofit organizations, and other community partners;

(vii) ensuring the adequacy of time to eat during school meal periods; and

(viii) successfully generating revenue through the sale of food items, while providing healthy options to students through vending, student stores, and other venues.

(2) REPORT.—Not later than 3 years after funds are made available to carry out this subsection, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the findings of the independent evaluation.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(2) CONFORMING AMENDMENT.—Section 21(c)(2)(E) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1764q-1(c)(2)(E)) is amended by striking “1966” and all that follows through “1966”.

SEC. 206. REVIEW OF BEST PRACTICES IN THE BREAKFAST PROGRAM.

(a) REVIEW.—

(1) IN GENERAL.—Subject to the availability of funds under subsection (c), the Secretary of Agriculture shall enter into an agreement with an independent, nonpartisan, science-based research organization to collect and disseminate a review of best practices to assist school food authorities in addressing existing impediments at the State and local level to the growth and funding of the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

(2) RECOMMENDATIONS.—The review shall describe model breakfast programs and offer recommendations for schools to overcome obstacles, including—

(A) the length of the school day; and

(B) bus schedules; and

(C) potential increases in costs at the State and local level.

(b) DETERMINATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) make the review required under subsection (a) available to school food authorities via the Internet, including recommendations to improve participation in the school breakfast program; and

(2) transmit to Committee on Education and the Workforce of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate a copy of the review.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE III—COMMODITY DISTRIBUTION PROGRAMS

SEC. 301. COMMODITY DISTRIBUTION PROGRAMS.

Section 15 of the Commodity Distribution Reform Act of 1996 (7 U.S.C. 1773) is amended by striking subsection (e).

SEC. 302. COMMODITY DISTRIBUTION PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) childhood obesity in the United States has reached critical proportions;

(2) childhood obesity is associated with numerous health risks and the incidence of chronic disease later in life;

(3) the prevention of obesity among children yields significant benefits in terms of preventing disease and the health care costs associated with obesity;

(4) further scientific and medical data on the prevalence of childhood obesity is necessary in order to inform efforts to fight childhood obesity; and

(5) the State of Arkansas—

(A) is the first State in the United States to have a comprehensive statewide initiative to combat and prevent childhood obesity by—

(i) annually measuring the body mass index of public school children in the State from kindergarten through 12th grade; and

(ii) providing that information to the parents of each child with associated information about the health implications of the body mass index of the child;

(B) maintains, analyzes, and reports on annual and longitudinal body mass index data for the public school children in the State; and

(C) develops and implements appropriate interventions at the community and school level to address the condition of being overweight, and the condition of being obese, and the condition of being overweight, including efforts to encourage healthy eating habits and increased physical activity.

(THE COMMITTEE ON AGRICULTURE, CHAIRMAN)
MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

CONGRATULATING THE INTERIM GOVERNMENT OF IRAQ ON ITS FORTHCOMING ASSUMPTION OF SOVEREIGN AUTHORITY IN IRAQ

MR. HYDE. Mr. Speaker, pursuant to the previous order of the House, and as the designee of the majority leader, I call the resolution (H. Res. 691) congratulating the Interim Government of Iraq on its forthcoming assumption of sovereign authority in Iraq, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of H. Res. 691 is as follows:

H. RES. 691

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

Whereas United Nations Security Council Resolution 1483 (May 22, 2003) and the laws and authorizations of war authorized the Coalition Provisional Authority to govern Iraq on a temporary basis;

Whereas the Coalition Provisional Authority established an Iraqi Governing Council, broadly representative of the major geographic, ethnic, and religious groupings of Iraq, as well as a Cabinet, to assist in the governing of Iraq, and the Council was recognized by many members of the international community as a legitimate voice of the Iraqi people;

Whereas the United States and other Coalition members, in response to the desire of the Iraqi people for early self-government, worked with the Iraqi Governing Council to accelerate the transfer of power to the Iraqi people, with sovereignty to be transferred no later than the end of June 2004;

Whereas the Coalition Provisional Authority and the Iraqi Governing Council, on March 8, 2004, agreed upon a Law of Administration for the State of Iraq for the Transitional Period that strongly protects the civil and political rights of Iraqis;

Whereas that Law and its Annex provide for a transition of power to an Iraqi Interim Government, for elections by the end of January 2005, for a Transitional National Assembly, and for a Transitional National Government, all of which shall form an Iraqi Transitional Government and provide for the drafting and adoption of a permanent constitution, and, by the end of 2005, for a government chosen under the new constitution;

Whereas the Iraqi people have begun electing local officials in parts of Iraq under Coalition control and have the opportunity to express their will in free and meaningful national elections for the first time in Iraq's history;

Whereas the United Nations Secretary General appointed a Special Adviser to conduct political consultations aimed at putting in place an Interim Government to assume sovereignty over Iraq;

Whereas the Iraqi Governing Council made recommendations about the composition of the Interim Government, after which, when the recommendations were accepted by the Coalition Provisional Authority, the Council dissolved itself;

Whereas on June 8, 2004, the United Nations Security Council unanimously adopted Resolution 1546, welcoming the formation and forthcoming “assumption of full responsibility and authority by a fully sovereign and independent Interim Government of Iraq” and authorizing the multinational force under unified command to continue its activities;

Whereas the Coalition Provisional Authority will dissolve at the end of June 2004 and will not be replaced;

Whereas members of the United States Armed Forces, a total force consisting of active, reserve, and National Guard personnel, have performed their mission with great skill and honor, and have been awarded at least 18 Distinguished Service Crosses, 6 Distinguished Flying Crosses, 133 Silver Stars, 16,551 Bronze Stars, and 4,161 Purple Hearts;

Whereas, as of June 23, 2004, 833 members of the United States Armed Forces, approximately 100 members of the Coalition forces, and many members of the Iraqi security services, have suffered wounds for that cause;

Whereas the families of American soldiers, sailors, airmen, Marines, and Coast Guard men have made and continue to make enormous sacrifices for their country;

Whereas in addition, Coalition forces, civilian and military, the Coalition Provisional Authority, the Iraqi government and its employees, international organizations, and American and other international volunteers, as well as large numbers of Iraqis, have made and continue to make enormous efforts to reconstruct the country and improve the lives of the Iraqi people;

Whereas Ambassador L. Paul Bremer, III, Presidential Envoy to Iraq and Administrator of the Coalition Provisional Authority, has ably advanced the international coalition’s goals of transforming Iraq into a safe, secure, stable, sovereign, democratic state that serves the interests of the Iraqi people;

Whereas the United States will be represented in Iraq by an Embassy led by Ambassador John D. Negroponte, and the United States will deal with the Government of Iraq on the basis of the sovereign equality of states under international law, including the Vienna Convention on Diplomatic Relations, to which both the United States and Iraq are parties;

Whereas after June 30, 2004, the Interim Government of Iraq and its successors, and United States Armed Forces and Coalition forces, will continue to face security challenges and to extend security and stability to all regions of Iraq; and

Whereas the United States has never desired to exercise permanent sovereignty over Iraq and welcomes the formation of the Iraqi Interim Government and its imminent assumption of authority: Now, therefore, be it—

Resolved, That the House of Representatives—

(1) congratulates the Interim Government of Iraq on its forthcoming assumption of sovereign authority in Iraq;

(2) offers its continued support to the United States Armed Forces, civilians associated with the United States Government, Coalition forces, and Iraqi security forces who continue to bear the burden of attacks from former regime elements, foreign and Iraqi terrorists, and other criminals who are attempting to undermine the will of the Iraqi people and thwart their evident desire to live in peace;

(3) calls on the entire international community to promote the welfare of the Iraqi people by rendering, in addition to the generous assistance provided by the American people and, in varying degrees, by some nations, immediate, tangible, and generous assistance to the Iraqi people in the reconstruction of their nation, including, in response to requests from the Iraqi government to be coordinated with the command of the multinational forces, forces capable of assisting in the provision of security to the Iraqi people;

(4) unanimously—

(A) that the United States Armed Forces operating in Iraq after June 30, 2004, will remain under the full authority, direction, and control of their American commanders; and

(B) the need to ensure that such Armed Forces will possess all necessary authority to fulfill their mission effectively and to provide for their operational safety; and

(5) expresses its condolences to the families of those who have lost loved ones in Operation Iraqi Freedom and of those wounded in the service of their country, for their sacrifices;

(6) expresses its condolences to the families of the innocent Iraqis who have been killed or wounded in the course of events, including those who were victimized by the illegal and terrorist tactics of the enemy, and despite the concerted efforts by the Coalition forces to minimize civilian casualties;

(7) offers its continued support to the United States Armed Forces, civilians associated with the United States Government, Coalition forces, and Iraqi security forces who continue to bear the burden of attacks from former regime elements, foreign and Iraqi terrorists, and other criminals who are attempting to undermine the will of the Iraqi people and thwart their evident desire to live in peace;

(8) calls on the entire international community to promote the welfare of the Iraqi people by rendering, in addition to the generous assistance provided by the American people and, in varying degrees, by some nations, immediate, tangible, and generous assistance to the Iraqi people in the reconstruction of their nation, including, in response to requests from the Iraqi government to be coordinated with the command of the multinational forces, forces capable of assisting in the provision of security to the Iraqi people;

(9) unanimously—

(A) that the United States Armed Forces operating in Iraq after June 30, 2004, will remain under the full authority, direction, and control of their American commanders; and

(B) the need to ensure that such Armed Forces will possess all necessary authority to fulfill their mission effectively and to provide for their operational safety; and

(10) urges the people of the United States and of other countries to celebrate the restoration of freedom to the people of Iraq through the efforts of the people of the United States, the Coalition, and Iraq.

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, June 24, 2004, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from Florida (Ms. ROSELIGHTENIN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my esteemed chairman for yielding me time.

I rise in strong support of this resolution.

On June 30, as all of us know, Iraq will assume control of its own destiny. Iraq will enter the post-Saddam era with the hope of the world upon them. No longer will the Iraqi people be subjected to a climate of fear and desperation.

Saddam’s murderous,
thieving cronies have been removed. Uday and Qusay’s henchmen likewise will no longer be free to roam the streets, terrorizing people.

The challenge now for the Iraqi people and their new government is to set their future on a course of open thought, popular choice for their leaders, and freedom of action in which to conduct their lives.

The Iraqi people understand that with freedom comes responsibility, a responsibility to remember the interests of all Iraqis. Each and every Iraq has a stake in that Nation’s future, and now, with our transfer of sovereignty to them, that stake can be fully realized.

We are honored to have played a role in empowering the Iraqi people and supporting them in their efforts to build their country after decades of corruption and oppression. They have the only of the Iraqi make their Nation a shining light for all to see, not only in the Middle East, but around the world. A nation filled with talent beyond imagination, Iraq can create a climate of freedom and opportunities for others to emulate.

Yes, problems have arisen. Yet, we must acknowledge the positive developments that could not have happened without the brave men and women of the United States military and our allies. Through their courage, commitment, and sacrifice, we have managed to free an enslaved people. We have brought down a tyrant who has killed as many as 1 million of his own people. Thus, we will recall that the United States brought a beacon of light and hope to a people that had only known misery, suffering, and brutality under Saddam Hussein.

The future will judge us to have done right by the Iraqi people, and for our own Nation as well.

We are, however, not naive about the challenges that lie ahead. Freedom and democracy take time and hard work. They take vigilance and dedication, and determination to succeed. The extremists who attack us and our forces from law-abiding societies where human rights are valuable to the people.

The terrorists want to deprive the Iraqi people of their future, but Iraq can and will prevail. Iraq’s chance is now. Let us stand by the Iraqi people as they struggle to enjoy these rights and liberties that they were denied for so very long. Let us be motivated by the knowledge that we have helped make the world a better place for the Iraqi people and for all.

As our beloved former President Ronald Wilson Reagan would say, “You and I have a rendezvous with destiny. If we fall, at least let our children and our children’s children say of us, we justified our brief moment here. We did all that could be done.”, and that we have done for the Iraqi people.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of H. Res. 691.

On June 30, a momentous date in the history of Iraq, after 45 years of dictatorship and one year of occupation, a sovereign government representative of the Iraqi people is about to assume power in Baghdad. We take justifiable pride in the U.S. role in achieving that milestone, and we pay tribute to our soldiers who have achieved this incredible feat.

But there is no fooling ourselves, Mr. Speaker. The Iraq that Prime Minister Iyad al-Alawi and his colleagues will inherit is far from stable and it is far from free. It is our task to assume full responsibility for its Nation’s security. For the United States, the challenges of ensuring security, promoting reconstruction, and fostering liberal and decent governance will continue essentially unchanged for now. Whether we and the Iraqis look back at June 30, 2004 as an historic turning point for the good will be determined by our joint ability to meet those ongoing and gigantic challenges.

Mr. Speaker, developments on our home front should give us hope that we can meet those challenges, as the positions on Iraq taken by leaders of both of our parties are fundamentally congruent. The administration has shown signs that it is willing to alter the course when necessary in order to get the job done. I am pleased that the President embraced the wisdom of acknowledging a major role for the United Nations. As a result of the United Nations unanimously-adopted resolution, the so-called Iraqi government will have far greater domestic and international legitimacy than otherwise it would have.

I think it is important to underscore that the likely nominee of the Democratic Party for president, Senator KERRY, shares the basic vision, and I quote: “While we may have differed on how we went to war, Americans of all political persuasions are united in our determination to succeed. The extremists attack us. We know that they will not succeed in dividing America, or in sapping American resolve, or in forcing the premature withdrawal of U.S. troops. Our country is committed to help the Iraqis build a stable, peaceful, and pluralistic society.”

The most important line in my quotation from Senator KERRY is as follows: “No matter who is elected President in November, we will persevere in that mission.”

Mr. Speaker, success in Iraq is a bipartisan, national interest. Not only is the credibility of the United States at stake in the region and around the globe, but an Iraqi collapsing into chaos would be a heart of darkness in the Middle East.

Mr. Speaker, Senator KERRY and President Bush are also on the same page in calling on our NATO allies to show solidarity by reinforcing our efforts in Iraq. Even though NATO nations may not have many deployable troops to spare, there is nevertheless much that they can do to. And the opportunity for NATO to make these important decisions is the highest-profile manner possible will present itself next week at the NATO summit in Istanbul.

As the NATO Secretary General said, we have a Security Council resolution, a fully legitimate interim government in Iraq. NATO has no excuse to slam the door in Iraq’s face.

NATO States can and must provide training for the new Iraqi Army, and they should do so in Iraq itself without requiring Iraqi troops to go to a third country as some are suggesting.

One of the most brilliant of our military leaders, General David Petraeus, is leading the U.S. effort to train Iraqi forces, and his presence in that role should give all of us confidence in our ultimate success. But building a fighting force capable of defeating Iraq’s fundamentalists and Saddamist thugs is a mammoth undertaking. NATO nations are ideally positioned to support the efforts of General Petraeus.

NATO troops can and must provide nation security to support all-important Iraqi elections in January. If Iraq is to hold its first free and democratic elections in its history, security is paramount.

Mr. Speaker, let us be clear. The European members of NATO, all of them, should not contribute to Iraq’s security as a favor to us, even though the peace and prosperity that reigns in Europe today was won with American blood and American treasure. They should do it as a favor to themselves but, most importantly, to the Iraqi people. Europe’s stake in the stability of Iraq and the Middle East is greater than our own. Europe borders the Middle East and is far more dependent on its energy resources than we are here in the United States.

Europe’s moral credibility is also at stake in Iraq. For years, the States of the European Union, most of whom belong to NATO, have trumpeted their country’s stake in democracy. Now it is time for them to prove that this is more than rhetoric. When Iraqi President al-Yawar was in town recently, he told a group of us that the presence of European troops is crucial to Iraq. He emphasized that Iraq needs security forces from law-abiding societies where human rights are valuable to the people.

Mr. Speaker, Iraq is undertaking history’s boldest experiment in trying to build a more free society. If Europe is not with us, its message to the Iraqi people and to the world is that it just does not care about democratic developments outside its borders.

I call on President Chirac and Chancellor Schroeder and other reluctant NATO leaders to stand up at the Istanbul summit and be counted on behalf of the Iraqi people and democratic values.

Mr. Speaker, we already have many fine allies, NATO and non-NATO alike, in our coalition in Iraq. Tony Blair’s United Kingdom has shown extraordinary courage and leadership. South
Korea’s determination was tested by tragedy just this week, and it proved itself a model of resolve. These nations are doing work from which all of Europe will benefit, and they too deserve Europe’s, and that means NATO’s, backing and help.

As the loyal opposition, we Democrats will continue to call this administration to account for its errors in Iraq. We will continue to offer constructive advice, as our duty demands, particularly from our position of oversight in the legislative branch. But all of us, Democrats and Republicans alike, are united in our commitment to achieving success in giving rise to a durable, pluralistic, more open and free society in Iraq.

It is not merely a simple matter of restoring sovereignty. George Bernard Shaw observed, “Liberty means responsibility. That is why most men dread it.” The new stewards of the sovereign Iraq will prove that they are up to the task. As they do, we want them to know that we will stand by them.

Mr. Speaker, I strongly support this resolution, and I urge all of my colleagues to do so.

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

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

Mr. Speaker, we live indeed in a very historic moment in history, and our world is engulfed in conflict of a very new and terrible kind. But it is remarkable to come together today in unity, and we are certainly in bipartisan unity, on a resolution taking note of some very important accomplishments in the quest for freedom in the near east.

This resolution is cosponsored by the gentleman from California (Mr. LANTOS) as the ranking Democrat on the Committee on International Relations; the gentleman from California (Mr. HUNTER), the chairman of the Committee on International Relations; the gentleman from Missouri (Mr. SKELTON), the ranking Democrat on that committee, as well as myself.

And that sponsorship should indicate the fact that there is agreement on the very important points made in this resolution. There is a new sovereign interim Iraqi government that is assuming power. Provincial governments are governing, courts are dispensing justice, political parties are forming, civil society is emerging, and independent media is operating, and preparations are being made for nationwide elections.

The interim Constitution states that Iraq’s system of government will be republican, federal, democratic, and pluralistic and that federalism will be based on geography, history, and the separation of powers, not on ethnicity or sect.

On July 1, a new day will dawn on Iraq’s future. Iraq will no longer be about the United States and its occupying role. Rather, it will be about the new self-governing Iraq and the decisions Iraq’s leaders will be making in order to further the democratic ideals and principles.

This resolution, as I say, is bipartisan. It commends the interim government of Iraq on its forthcoming assumption of sovereign authority. It expresses its gratitude to the United States Armed Forces on their valiant service to their country, expresses its gratitude to the United States Armed Forces personnel, especially families of those who have lost loved ones. It expresses its condolences to the families of the innocent Iraqis who have been killed or wounded. It expresses gratitude to the coalition forces, the Coalition Provisional Authority, the Iraqi Governing Council, the current Iraqi cabinet government officials, and many international and coalition forces personnel.

This resolution, as I say, is bipartisan. It recognizes the families of all the people who are collaborating and making Iraq a new and democratic state.

So this is something that I cannot imagine anybody not being proud to vote for. And I look forward to an affirmative vote.

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

Mr. LANTOS. Mr. Speaker, before recognizing our next speaker, I want to pay tribute to the gentleman from Illinois (Chairman HYDE) for his leadership on this resolution and on this entire issue.

Mr. Speaker. I yield 2 minutes to my colleague, the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, first let me thank our chairman, the gentleman from Illinois (Mr. HYDE), and our ranking Democrat on the Committee on International Relations, a committee on which I am proud to serve, and for their consistent efforts to ensure that there is bipartisanship in this body and our committee.

Let me just say to them today that I respectfully rise to disagree with them on this issue. This resolution does not represent the views of the families of the dead soldiers and innocent Iraqis who have been killed in Iraq. Today, unfortunately, many more lives were lost. My thoughts and my prayers go out to these families and the families of all those who have been wounded in this unnecessary war.

As a daughter of a career military officer, I know what it means to support our troops, and I do. However, this resolution paints a totally false picture of the situation in Iraq, the fact that it ignores the bluness of the President’s claims that led us into this unjust war, and that it endorses a failed Bush policy in Iraq.

As an example of what I mean, let me just draw my colleagues’ attention to page 4, the third paragraph down which says, “Paul Bremer, the administrator of the Coalition Provisional Authority, has ably advanced the international coalition’s goals in Iraq of transforming Iraq into a safe, secure, stable, sovereign, democratic state that serves the interests of the Iraqi people.” This resolution also commits our troops to an indefinite period of time in Iraq.

Mr. Speaker, this undue praise flies in the face of reality on the ground. Again, as I said earlier, just today it is reported that 92 people have lost their lives including three United States soldiers and more than 220 people wounded.

Moreover, this resolution completely ignores the false basis for the war and its cost. It also leaves out the fact that we were faced with a dilemma of mass destruction and the alleged cooperation between al Qaeda and Iraq as it relates to 9/11. It makes it sound as if the occupation and the aftermath of this unjust war is a success.

And that ignores responsibility. We had choices; we had options. I offered an amendment that would authorize the United Nations to continue with this inspection process. Unfortunately, that was defeated.

Now we have a resolution that celebrates the war. I respectfully disagree, and I must vote against it.

Mr. HYDE. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. HUNTER), the distinguished chairman of the Committee on Armed Services, the cosponsor of the bill.

Mr. HUNTER. Mr. Speaker, I want to congratulate the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for their wonderful bipartisan effort in putting this together and also my great colleague from the Committee on Armed Services, my partner, the gentleman from Missouri (Mr. SKELTON), for his work.

I will be very brief, but there are two messages in this resolution. I think it is appropriate that this resolution follows the funding of our Defense bills and our Intelligence bills because those are the bills that give our forces the tools to get the job done.

I think we have done an excellent job in putting together bills that give the force protection, the surveillance capability, the extra troops that are going to be needed over the next several years, and the funding for those troops, and particularly that $25 billion bolt-on that we did on the Defense authorization bill and the Defense appropriations bill.

So it is appropriate that this resolution, this message to the people of Iraq and the people of the United States, follow those funding bills because this is a very important message that the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) and the gentleman from Missouri (Mr. SKELTON) and many others are sending.
The message to the American people can be found in this resolution that the command of American forces will remain with American commanders. That is very important to moms and dads and people who care about our uniformed people, that that chain of command will remain firmly in the American military that we will continue to pursue our mission against terrorists, and that operation will be overseen and supervised by U.S. leaders. That is a very important message.

But to the Iraqi people there is also a message, and the message is that we are giving them a running start. We are handing over a country divested now of the leadership of Saddam Hussein. We are handing over to them a chance to maintain freedom in a very, very difficult part of the world. We are going to provide for them this military shield just as we have in other countries around the world as they stand up this free government.

But it is important for the Iraqi people to understand that, too, and I think they do understand it, that this enduring, the endurance of this government in a very difficult neighborhood is going to require some real grit on the part of the Iraqi people and that no country, not our country, not any country, is guaranteed perpetual freedom.

We are giving them a running start. We have given them the sacrifice of many brave Americans and the continued sacrifice right through this day in terms of Americans KIA, killed in action, and wounded in action, as well as coalition partners, as well as many Iraqis. But they are going to have to take hold, and they are going to have to be able to lift that weight. I hope that under the good leadership that is now forming, that is taking over on the 30th of this month, they are going to be able to make that transition when the Americans were in Iraq, one thing that can be said from the dawn of time until the end of time, only when the American came to Iraq did they have a chance to have a free and fair government. We are giving them this chance.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Missouri (Mr. SKELTON), the distinguished ranking member of the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I appreciate the opportunity to follow my friend from California (Mr. HUNTER) in supporting this resolution. And I thank the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Chairman HYDE) for cosponsoring this, and I am a cosponsor along with you.

June 30 should be a proud day for the Iraqi people, but one for which they are continuing to pay a heavy price. Today's coordinated bloody attacks demonstrate how much of a challenge they still face.

We congratulate the interim Iraqi government on the upcoming assumption of sovereignty. This is a great step, a real step toward a permanent government elected by the Iraqi people. I sincerely hope it works. Lasting peace and political progress will only come when Iraq is secure. This will remain an ongoing partnership between American forces and Iraqis for a long time.

I commend our troops; I commend their families. They have given so much and are feeling the real meaning of sacrifice every day. Deputy Secretary of Defense Paul Wolfowitz confirmed to our Committee on Armed Services this week that our troops could be in Iraq for years.

We need a plan for our partnership with the Iraqis, to move the security of their country to them as soon as they are ready. Until then, I commend this resolution for its reiteration of the full authority of the U.S. commanders in Iraq over American forces. That is so important. I feel strongly that we should have a status of forces agreement. Without it, we need at least a clear statement that our commanders can do what they must do to protect our troops and accomplish their mission.

I join my colleagues in congratulating the Iraqi people. I urge strong support for this resolution.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to our distinguished colleague, the gentleman from Massachusetts (Mr. FRANK), my good friend. Mr. FRANK of Massachusetts. Mr. Speaker, I know that this is being carried on C-SPAN, but I think we should broaden our broadcast efforts. When we did the tax bill last week, I thought it was a real waste on C-SPAN.

Yesterday Mr. FRANK pointed out that this resolution is a cartoon. It describes an Iraq that resembles nothing of the one that we know. It is a misrepresentation, I think, of some of the most important aspirations in this resolution.

This resolution is a cartoon. It describes an Iraq that resembles nothing as much as Brigadoon. I expect that it will appear once every hundred years.

I agree with many of the aspirations of this resolution. I agree that our troops deserve credit for the terrible situation in which they have been put. But if one read this resolution and had not read the newspapers or watched television about Iraq, one would not know what country was being discussed.

The gentleman from California alluded to our congratulating Mr. Bremer for ably advancing the goals of our policy in Iraq, a goal shared by our undersecretary, the evacuation, and democratic. The Iraq that is safe, secure, stable, sovereign, and democratic, are there two countries named Iraq? Is this Iraq anywhere near the Iraq that we have been worried about? I wish Iraq could become that. But to congratulate ourselves as if it already had is simply not accurate. I am troubled by the procedures we are seeing. The majority obviously feels that the American public no longer shares its view so they have decided to legislate opinion. They have a pattern now of coming forward with resolutions which include some things Members agree with, like support for our troops and accomplishments, and then they wrap into that a lot of misrepresented, inaccurate descriptions of reality and then demand that people vote it. We are told if we do not vote for a resolution that talks about Iraq as a safe, secure, stable, sovereign, democratic state, that somehow we are not in favor of the troops. It is a misrepresentation of the situation of Iraq, and a grievous misuse of the legislative process.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. MCCOTTER) and Mr. MCCOTTER. Mr. Speaker, we are daily inundated with the rhetoric of terrorists selling their singular sagacity to the world as revolution. Yet, when did we cease to be a revolutionary country? Never.

The look about this weary, wanting world sufficiently reminds us it is we, the Americans, who were, are and continued throughout our democracy always must be the embodiment of the revolutionary ideals, powering the emancipation of populations throughout the globe.

Thus, today is this resolution offered and its adoption urged in order that we might hearten our Iraqi allies in this dark hour before the dawn of their democracy, in order that they might understand the archaic hassations of evil and find, not revolutionaries, but lying reactionaries; and, finally, hopefully, in order that we might recall our own indispensable, indisputable revolutionary role in the advancement of man.

Let us, then, pass this resolution and duly honor our revolutionary brethren, the Iraqi people, upon the occasion of the assumption of their sovereignty and the advancement toward their democracy, which like ourselves since our inception, they must win and keep. I urge support of the resolution.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH), my friend and a distinguished colleague.

Mr. KUCINICH. Mr. Speaker, the gentleman from Massachusetts (Mr. FRANK) has pointed out that this resolution is being covered by C-SPAN. I would suggest it ought to be covered by the Science Fiction Network. Let us consider the prospects of this bill, which endorses an illegal war which this Nation entered into based on lies and misrepresentation. Let us forget, Iraq
had nothing to do with 9/11, with al Qaeda’s role in 9/11. Iraq had no weapons of mass destruction. It was wrong to go in, and it is wrong to stay in. The June 30 sovereignty this resolution discusses is a hoax. What kind of sovereignty have we if U.S. troops remain? What kind of sovereignty does Iraq have when the U.S. is now selling Iraqi oil and spending the money as it sees fit?

This bill states that we are handing Iraq a safe, secure and stable state. In effect, it declares a desert an oasis, a swamp a garden, a lie the truth.

The continued U.S. occupation of Iraq will not end on June 30, and it is counterproductive. Make no mistake about it, when July 1 comes, the violence will continue, the attacks will not stop, and our troops will still be in harm’s way. It is time for us to recognize the Nation went down the wrong path in Iraq. The policy is unsustainable and it is a failure. We cannot continue with it. It is time for a peace plan with an exit strategy. It is time for us to get the U.N. community involved and to bring our troops home. U.N. in, U.S. out.

We should not be fooled. We should vote against this resolution, and we should be looking towards bringing this Congress together with a new direction to truly have a peace plan with an exit strategy. This resolution does not do this. This resolution is a farce and a fraud.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER). Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of H. Res. 691, and I would like to congratulate the gentleman from Illinois (Mr. HYDE) for the leadership that he has provided and the gentleman from California (Mr. LANTOS) for the leadership that he has provided in not only this piece of legislation, but also in supporting our men and women through a very delicate moment of history.

Mr. Speaker, ladies and gentlemen, and my colleagues, we are Americans. We are not Republicans. We are not Democrats. We are Americans today. Our country is at war with a force, a hostile force that hates everything that we stand for. That the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE) of both parties in supporting this historic effort to defeat an enemy which would slaughter our people before our eyes and cut the heads off of American citizens and try to intimidate our entire Nation in order to make us cowards, the fact that we stand together is the one thing that gives us strength.

H. Res. 691 reaffirms that we Americans are standing together behind the central purpose of the operation in Iraq, which is nothing more or nothing less than providing the Iraqi people the means to determine their own destiny through the ballot box; and by taking this stand, we take a stand for democracy that will be available to those in the Islamic world. It is a strategic move on our part but, yet, something totally consistent with our values as a people, as the American people.

Thus, it is fitting today that we stand together as for Republicans and Democrats, but we stand behind our President and this noble effort in Iraq to get rid of a tyrant who slaughtered hundreds of thousands of his people and help those people in Iraq establish a democratic government so that all our civilians are safe from evil forces. It is time for the force of radical Islam that threatens us will be defeated.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER), our distinguished colleague.

Mr. NADLER. Mr. Speaker, these feel-good resolutions that we passed last night and are considering today do not change the facts. The facts are that this country is not united. It is very difficult to say that we did not invade Iraq for the purpose of instituting a democracy. We invaded Iraq because we were told that Iraq threatened us with weapons of mass destruction and that Iraq was responsible for September 11th. We were not told about al Qaeda and producing the catastrophe of 9/11.

We were misled into Iraq by the administration that either lied to the American people or lied us into war by using falsehoods stated out of ignorance. We are told by this resolution that we are creating a sovereign Iraq now; and, yet, on page 7 of the resolution the American troops there remain under American command. That is a slight contradiction. How can Iraq be sovereign when we control the military over there?

We are told that we are creating a democratic Iraq. Anybody who knows anything knows we are not going to have a democratic Iraq for many years, maybe decades. We will be happy to figure out a way to get out of this quagmire without leaving behind mass chaos, civil war, communal slaughter and betraying the Kurds a third time.

We also know that this war in Iraq is a diversion from the real war against the Islamic terrorists who struck war upon us, a war we must fight but that we are being diverted from. We know that it is harder to take the necessary action, if it may be necessary, if a real nuclear threat arises from perhaps in Iran because we cried wolf in Iraq.

How will we persuade Congress or the American people that we have to do something real if a real threat arises, not a phantom threat that we reacted to?

Our actions in Abu Ghraib and perhaps elsewhere still to be properly investigated have shamed this Nation and engendered further hatred of the United States across the world. So let us not celebrate this catastrophe. Let us not pass resolutions that do not bear any relation to the world. Let us figure out how to get out of this catastrophe as best we can.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to our distinguished colleague, the gentleman from New York (Mr. HINCHHEY).

Mr. HINCHHEY. Mr. Speaker, let me first say that I have a great deal of respect for both the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) and for the work that they do here, and there is much in this resolution which I appreciate. However, there is a lot in here that is misleading. In fact, I think that much of this resolution is an exercise in self-deception as well as an attempt to deceive others.

Let me just give my colleagues an example. We have here on page 4, the House of Representatives offers its continued support to the people and government of Iraq as they deal with the consequences of decades of misrule by the former regime of Saddam Hussein. We were told by this resolution that is not much, but it does not say that we supported that regime of Saddam Hussein. Saddam Hussein took office in 1980. It was not more than 3 years later that the government of President Reagan sent Secretary of State James Baker to begin a relationship with that country, and the relationship resulted in the transfer of billions of dollars of American material and money to the government of Saddam Hussein right up to the advent of the first Gulf War.

Why are we not talking about that in this resolution, how we supplied the government of Saddam Hussein with money, how we supplied the government of Saddam Hussein with both conventional, biological and chemical weapons from the United States, from France, from Germany and from Chile, all orchestrated by the government under the administration of Ronald Reagan and George H.W. Bush? Why are we not talking about that in this resolution?

We are giving our sympathy and our condolences to the innocent people who were killed in Iraq. What about the innocent people who were killed unnecessarily as a result of this unjust, unnecessary war?

This is a war that will be a rock around the neck of this country for decades. It will be a long time before we get over the results of this. That is particularly true with regard to the treatment of prisoners in Abu Ghraib and Camp Cropper and others. Why are we not discussing that in this resolution?

There is much to be embarrassed about. This is not something that we should congratulate ourselves about. Try not to deceive ourselves either.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DELAY), the majority leader.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding.

I am just a little overwhelmed by the previous two speakers. What we are here for is a resolution that celebrates
successes in the war on terror. Yet, to make their arguments, they might as well go back to World War II and all kinds of things that have nothing to do with the war on terror, with the national security of this Nation, with trying to protect the American people, and with the American and coalition troops. Those terrorists, like all terrorists in this war on terror, must also succeed, Iraq or anywhere else in the world.

Iraq or anywhere else in the world.

For a generation, the proud and resilient people of that great nation were brutalized by a dictator. Today, they are free, and next Wednesday they will take up their God-defined, human right to self-determination.

The resolution before us acknowledges all that has been won in Operation Iraqi Freedom and all that has been sacrificed in that victory. Words, of course, cannot replace the years lost to millions of Iraqi families during Saddam Hussein’s reign of terror nor can they bring back the brave American heroes lost in battle since the war began last March.

Despite the finest planning, equipment and training in military history, servicemen and women of the American armed forces are still at war, and no matter how just and how necessary wars may be, they still rob us of the bravest and trust of the young.

Just as the miracle of June 30 will be a celebration of the Iraqi people, it will also be a celebration of the men and women who liberated them from evil and especially a celebration of the legacy of service left by those who will not make it home. That legacy, Mr. Speaker, is not one of grief and regret but of service, duty, love and courage. It is a legacy of honor which cannot be undone by the unyielding winds of history or the fracturing vectors of politics. It cannot be undone because we will not let it. Those young men and women will not have died in vain.

Therefore, this resolution affirms Congress’ absolute support for democracy and freedom in Iraq and for the forthcoming Iraqi interim government sworn to provide both. It also reaffirms our commitment to see the job of stabilizing and securing Iraq to the end.

Terrorists remain in Iraq targeting Iraqi government officials and American and coalition troops.

Terrorists remain in Iraq targeting Iraqi government officials and American and coalition troops. Those terrorists, like all terrorists in this war on terror, must be killed or captured before democracy can truly be secured in Iraq or anywhere else in the world.

In order for America’s war on terror to succeed, Iraq’s interim government, and ultimately the democratic government elected next year, must also succeed. Its success depends on the continued military, economic, and diplomatic support of the United States and the international community, which President Bush has pledged and garnered since before Operation Iraqi Freedom began. That support will remain in place as long as it is necessary, and I know that it will be for a strong and enduring alliance between the United States and a sovereign democratic Iraq.

Before I close, Mr. Speaker, there is one man who deserves special thanks. In the course of this debate, a man who stared down our enemies and appeasers alike and marshaled the civilized world to victory in Iraq. Were it not for the courage and vision of George W. Bush, June 30 would be just another Wednesday in Iraq. Instead, it is a day to be remembered, fraught with danger, to be sure, a day, too, of unfinished business, but a day of pride in this country.

For June 30 is not the end of the road, but it is just another step along the winding journey toward Iraqi freedom. We will not be divided by our enemies or deterred from our goals in the war on terror in Iraq, Afghanistan, or anywhere else in the world, and that is due to the steadfast leadership of our Commander in Chief. Thank you, Mr. President.

So I urge all Members to support this resolution and send a signal of solidarity from the American people to the people of Iraq and to the nations around the world that all people who seek to be free are now and will always be our friends.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2½ 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, a soldier in the service of his nation who carries on the task of the soldier’s sacrifice should affirm the fact that criticism, diverse opinion, and the right to challenge government is precious and privileged and protected by the Constitution.

Might I add my appreciation to the gentleman from California (Mr. LAN-TOs), the ranking member, and the gentleman from Illinois (Mr. HYDE) for the collegiality and the respect given to Members in this debate and the language of this resolution.

I oppose this war with every fiber in my body, but I believe today is a time to be able to emphasize elements of unity that will say to the world that we do want success. I believe there is failure; and for that reason, for the record, I will indicate that I will not support pages 1 to 5, at the top; but I am going to support this resolution on the basis of the resolution, how we re- solve.

What are we resolving? We recognize the people of Iraq, the most innocent. We are offering our support to them that they might survive and experience democracy. We are expressing grati-
The preamble of a new Constitution for a free and democratic Iraq. When just 2 years ago we think of the Iraq that existed on the world scene, Sad-
dam Hussein was still imprisoning, tort-
turing, and killing tens of thousands of
innocent Iraqis; financially supporting
and arming terrorists; illegally profiting
from the U.N.’s Oil-For-Food program, denying millions of Iraqis
needed medicines and food; and flout-
ing and ignoring 16 different U.N. Secu-
ritv Council resolutions.

The leadership of President George W. Bush and the sacrifice of U.S. and coalition forces, those days are
over. And on this June 30 that we
commemorate in this resolution, the
United States will disengage and those
words of that preamble will begin to
become the reality of a new free and
democratic Iraq.

And know this, Mr. Speaker. The
people of Iraq are grateful. As we stood
in the midst of 30 or 40 men and women
in Baghdad a few weeks before we were
in Baghdad, I will never forget as people
approached me one after the other, tears
in their eyes, taking me by the
hand and saying, please, when you go
home to America, tell the people you
serve and the American people we will never forget what
the United States has done for our people in Iraq.

The people I met in Iraq have an
unyielding gratitude that will begin to
express itself most eloquently in the
advance of freedom and democracy for
themselves and their posterity. I sup-
port this resolution. I embrace all that
it celebrates, and I thank the chairman and
d the ranking member for their lead-
ership in bringing it forward at this
time.

Mr. HYDE. Mr. Speaker, I am pleased
to yield 3 minutes to the distinguished
gentleman from Connecticut (Mr.
SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the
gentleman for yielding me this time, and
it is a privilege to speak on the
resolution of two people for whom I
have the utmost respect, the chairman
and ranking member of the Committee
on International Relations. I thank
them for this resolution.

I have been in Iraq five times, and
four of those times I have been outside
the umbrella of the military as well as
being under the umbrella of the mili-
ary. I have talked to everyday Iraqis, attempted to
visit schools, hospitals, businesses, met with community
and religious leaders, as well as
visited the very poorest of the poor in
their own homes, and slept in Iraqi vil-
lages. I cannot tell you how important
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Why, in the prime of their lives, are
Iraq’s new leaders risking everything,
including their very lives, for such a
case? It is because, Mr. Speaker, they
desire liberty. It is because they desire
freedom. The men and women who will
officially become Iraq’s interim leaders
June 30 all share a vision of their na-
tive land free at last of Saddam Hus-
sein’s brutal oppression. This vision re-
spects the rule of law and will listen to
the voice of the people. This govern-
ment, of course, is one step toward
elections and an elected government that we hope to see in Iraq in just a few
months.

We should not forget that our Nation
was built on the backs and the minds
and the hearts and the hands of the
same kind of brave and heroic figures. Two hundred
twenty-eight years ago, 56 Americans challenged the British
crown by signing the Declaration of
Independence, risking their families,
their fortunes and their lives for the
cause, again just like Iraqis today, the
case of liberty.

Today, Mr. Speaker, in supporting
the brave Iraqi leaders and the millions
of Iraqi citizens who are standing up for
the terrorists and insurgents for the
cause of freedom for the Iraqi people,
we recall the sacrifices made by brave
Americans throughout history for our
own freedom. We express our pride in
the men and women of our Armed
Forces who are making this day pos-
sible for the Iraqi people. Even after
next week’s handover, the cause of freedom in Iraq will continue to re-
quire sacrifices by the American people
and by our brave soldiers. The Ameri-
can people must be prepared to help
the fledgling government financially as
it generates the type of infrastructure
necessary to support a stable democ-
acy. We must be prepared to encour-
ge this government as it moves to free
and fair elections.

Iraq is still a dangerous place. Ter-
rorists continue to target our troops as
well as innocent men, women and chil-

dren in an effort to ruin Iraq’s attempt
democracy. But democratic institu-
tions are forming and our soldiers and
civilian advisers continue to train Iraqi
civil police and other security forces.

Mr. HYDE. Mr. Speaker, I am pleased
to yield 5 minutes to the gentleman
from Missouri (Mr. BLUNT), the distin-
guished whip.

Mr. BLUNT. Mr. Speaker, I thank the
gentleman for yielding me this time
and for his work in bringing this
resolution to the floor.

Two weeks ago, I had the opportunity
to have a discussion with the new
President of Iraq, President Yawar,
about his vision of a stable, sovereign,
democratic Iraq. All of us who
joined with him in this building that
day were impressed by his resolve and,
frankly, his courage, the courage of Prime Minister Illawi,
and the courage of hundreds of others who have demonstrated great bravery and
resolve by taking the reins of the Iraqi
Governing Council in the aftermath of
Izzedeen Salim’s assassination in mid-
May, in the face of daily attacks, and
this desperate attempt of tyrants and
tyranny to prevail in a part of the
world that has experienced tyranny for
far too long.
We do not desire an empire. We seek stability both at home and in the Middle East. The President’s decision to intervene in Iraq was made in the best interests of Americans and Iraqis. Saddam Hussein is in a jail cell, no longer able to impose his will on his people. We have moved closer to the goal of destroying or reducing the threat of weapons of mass destruction or encouraging global terrorism that threatens the lives of freedom-loving people. Most importantly in the context of today’s debate, Iraqis at last have the chance to demonstrate to the world democracy can spring forth in the cradle of civilization.

I urge my colleagues to support this resolution, and even beyond that, I urge all of us and all Americans to support this great effort, this great experiment in freedom that we encourage today and in the days ahead.

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

Robust debate is the hallmark of this body and this precedent in November, we will persevere in that mission.

Mr. Speaker, these are difficult days for our country, but we stand united in our commitment to our troops and in our commitment to our values. I urge all of my colleagues to support this resolution.

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

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

I want to thank the gentleman from California and everyone who has participated in this debate. As the gentleman from California said, robust debate is a hallmark of democracy and we have had it. I have seen a tremendous effort to keep politics out of this because I am so pleased this is a bipartisan resolution and truly it is one that is appropriate because it is a magnificent achievement to have a country such as this, where we have such venerable traditions, move toward a working democracy where they are going to have free elections and have all of the additional assets that go with a democracy. I think it is a joyous occasion and one that no matter our differences we ought to be able to join in congratulating them.

Mr. Speaker, we did not start this war. On September 11, 2001, some people declared war on us and committed an act of war. Does anyone doubt if they had access to nuclear materials they would have used them? And then we would mourn the deaths of 3 million people, not 3,000 people. Does anybody doubt for one minute that chemical and biological warfare agents, if available to these people, they would not use them? They could poison an awful lot of water systems in this country and paralyze this country. War is difficult and sometimes you do not win.

They do not put uniforms on and march in formation. They sneak up on you in the dark and stab you in the back. And so if you wait for the smoking gun, you might find one of your major cities is the smoking gun.

The fact that Libya threw its cards on the table and said we will not pursue weapons of mass destruction is glossed over as though that was not a significant achievement. The fact that weapons of mass destruction have not been found in Iraq does not mean that they were not ever there or that there were not programs to develop these things. And Dr. Rice has said Saddam Hussein is one that indicates he would use them in a minute given the opportunity.

We are in a terrible war. We cannot win a war like this unless we are unified. I would ask all of us, Democrats and Republicans, when we start to argue this issue, think. What are we saying going to help us or not help us in this struggle that may last for generations? It is very important, because we all have children and grandchildren whose future ought to be a prime concern. Everything in this resolution is non-partisan. It is praiseworthy. It recognizes one of the great accomplishments, the transformation of a country like Iraq into a democracy and setting the example in that region of the world. And so let us join hands and acknowledge this accomplishment and join the Iraqi people in celebrating their new democracy.

Mr. WOOLSEY. Mr. Speaker, once again this House has passed a resolution celebrating the manner in which the war in Iraq has been fought, and the burgeoning democracy it has ostensibly established. In reality, H. Res. 691 speaks to the profound failure of the Bush Administration’s Iraq policies and the lack of an appropriate rationale for invading another country: The war was fought because President Bush’s desire to take down Saddam Hussein, not out of a desire to fight global terrorism, but out of a highly ideological plan to extend America’s reach in the Middle East, not about ridding the world of nuclear weapons. In short, the war was about the Bush Administration’s priorities—not Iraq’s.

This resolution also expresses unequivocal support for the U.S. military. We must be sure to honor the brave men and women who put themselves in harm’s way; already 833 American soldiers who have died during the course of this conflict. Accordingly, I hope we will honor future veterans when they return home, knowing that the will require prosthetic arms and legs, physical therapy, and years of health care for injuries incurred during the war.

H. Res. 691 is not without its merits. This resolution contains important language expressing condolences to the families of the innocent Iraqis who have been killed or wounded during the conflict. In fact, an estimated 12,000-14,000 unarmed, innocent Iraqi civilians have died since the United States invaded the country last year.

However, while I support many parts of this resolution, I am disappointed that the House Republican leadership has once again pushed for passage of a resolution the contents of which are either inaccurate or downright wrong.

An entire clause of this resolution is devoted to the claim that Iraq has been transformed “into a safe, secure, stable, sovereign, democratic state that serves the interests of the Iraqi people.” Secure? Stable? Sovereign? Iraq is none of these things, and it still won’t be any of these things when the United States transfers authority back to the Iraqi people on June 30th. The Bush Administration needs to realize and admit to the American people that Iraq is neither secure nor stable, and will not be for quite a few years. The Administration’s policies in Iraq have been a colossal failure.

The fact is, President Bush and his Administration want to have it both ways. They want to appear to have finished up work in Iraq in time for the November, Armed Forces Day at the same time maintaining over 100,000 soldiers there to ensure they maintain a high degree of control over the country’s fate. Not to mention the new American Embassy overseen by the controversial John Negroponte will be the largest in the world.

Instead of continuing to pass resolutions of inaction, Congress should be pressing the administration to truly engage the international community to stabilize an insecure Iraq—particularly in light of the recent resolution encouraging the turnover of power back to the Iraqi people that was passed unanimously by the U.N. Security Council. We’ve already entered into a fight that has diverted resources from the real fight against terrorism and from important domestic programs. Now is the time for tax cuts, measures so things do not repeat our mistakes. Now is the time we must invest in an international coalition before the international will to endorse our efforts in Iraq runs dry.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in support of this resolution for the transfer of sovereignty to the Iraqi people on June 30. June 30 will be the start of a new Iraq. Life for the people of Iraq will be a world away from the cruelty and tyranny of the regime that once ruled them for decades. A new sovereign, interim Iraqi government—representing the diversity of Iraq—will assume authority, provincial governments will be put in place, courts will be overseen by Iraqi justices, political parties will be formed and preparations for national elections will be made. Leading up to June 30, the U.S., under the leadership of Ambassador John Negroponte, will provide support to the new Iraqi Interim Government in helping it assume control of managing day-to-day operations, preparations for new elections, and rebuilding the country’s infrastructure and economy. Once established, they will require prosthetic arms and legs, physical therapy, and years of health care for injuries incurred during the war.
medical clinics and hospitals have been re-opened. An army and more effective police force have been rebuilt. A fair judicial system has been constituted. And an interim constitution has been signed—laying the foundation for democratic elections.

The United States transferred authority to a new sovereign Iraq only 14 months after liberation efforts began. An army and more effective police force in Iraq for their work in liberating 25 million Iraqis from the grip of Saddam Hussein’s regime and rebuilding a country that was in disarray for nearly two decades. America appreciates their sacrifice and commitment to the security of our Nation. Those who have made the ultimate sacrifice to protect our freedom and defend America will never be forgotten.

Mr. Speaker, July 1, 2004 will be the dawn of a new day for the men, women and children of Iraq. This day will not mean an end to terrorist violence, but it will be a radical departure from the decades of governmental and personal abuse that existed under Saddam’s ruthless reign.

Ms. KILPATRICK. Mr. Speaker, I rise today to oppose H. Res. 691. My position is consistent with my opposition to our invasion of Iraq and my belief that any congratulations we have been promised. As a mother and grandmother, I bear the fruit of liberty and peace that they have worked for and I will never forget.

Additionally, I want to express my condolences to all of the victims of our invasion into Iraq. My heart is heavy for the Iraqi families who have suffered permanent losses as a result of the war and continuing insurgency efforts. Furthermore, I mourn for the families of U.S. and foreign military personnel; valiant soldiers, men and women, who have sacrificed their lives to promote the reality of freedom for Iraq.

However, Mr. Speaker, I disagree with many of the notions put forward in the resolution because I believe some of them are simplistic, naive and wrong. While it is true that Iraqis have participated in elections, widespread antigovernment demonstrations continue, our forces. Our soldiers are imperiled because of how and why they entered Iraq, in addition to their continued presence in Iraq. Second, the notion that Iraq is more secure now than before is also wrong. While it is true that the government of Saddam Hussein was toppled, Iraq continues to be a besieged nation. Violence is prevalent, and the victims of the bombings and assassinations are largely innocent Iraqis.

I appreciate the spirit in which the resolution was drafted, but I strongly disagree with the underlying assumptions that we are celebrating the Iraqi freedom. Iraqis will not be free until they are capable of installing a representative government devoid of foreign intervention. Iraqis will not be free until they overcome the challenges of enfranchising diverse segments of its average population, namely, the Kurds, Shiites and Sunnis into a force of democracy that suits their needs and not the designs of the United States.

Finally, while June 30, 2004 is a monumental date for the people of Iraq, we should not delude ourselves, nor mislead the people of America that in the near term democracy bear the fruit of liberty and peace that they have been promised. As a mother and grandmother who worries about the future of our Nation and the world, I am ruled by my conscience, and my conscience dictates that I cast a “no” vote on H. Res. 691.

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

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired. Pursuant to the order of the House of Wednesday, June 23, 2004, the resolution is considered read for amendment and the previous question is ordered. The question is on the resolution. The question was taken; and the SPEAKER pro tempore announced that the ayes appeared to have it.

Mr. KUCINICH. Mr. Speaker, on that demand the yeas and nays.

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

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108-196)

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

To the Congress of The United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Western Balkans emergency is to continue in effect beyond June 26, 2004, to the Federal Register for publication. The most recent notice continuing this emergency was published in the Federal Register on June 24, 2003, 68 Fed. Reg. 37389.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting, (i) extremist violence in the former Yugoslav Republic of Macedonia, and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, has not been resolved. Subsequent to the declaration of the national emergency, acts obstructing implementation of the Ohrid Framework Agreement of 2001 in the former Yugoslav Republic of Macedonia, have also become a concern.

All of these actions are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.


SPENDING CONTROL ACT OF 2004

The SPEAKER pro tempore. Pursuant to House Resolution 692 and rule XVIII, the Chair declared the House in the Committee of the Whole on the State of the Union for the consideration of the bill, H.R. 4663.

The Chair designates the gentleman from Ohio (Mr. LaTOURETTE) as Chairman of the Committee of the Whole, and requests the gentleman from Arkansas (Mr. BOOZMAN) to assume the chair temporarily.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4663) to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to establish discretionary spending limits and a pay-as-you-go requirement for mandatory spending, with Mr. BOOZMAN (Chairman pro tempore) in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Iowa (Mr. NUSSELE) and the gentleman from South Carolina (Mr. SPRATT) each will control 30 minutes.

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

Mr. Chairman, the most important job of the House Committee on the Budget, which I have been assigned to chair, is to make sure that the Board is a reasonable, realistic blueprint to guide the spending and revenue decisions for the Federal Government. We did that. We completed a budget over the month ago when this Chamber adopted the conference report for the budget for fiscal year 2005. Getting a budget is difficult enough. Now comes the second part of the job and that is to ensure that you stick to it. Getting the budget means that you have been able to get a majority of Members to agree on the levels for spending, on the levels for revenues and to bring together those very different ideas because, trust me, there is no such thing as a perfect budget by any stretch of the imagination. My good friend from Florida reminds me of that every once in a while.

But we do get a document that tries to mold and shape the hopes and
dreams and the budget priorities for the Nation in a document, and then we work to stick to it.

Since the gentleman from Florida came on the floor, the very distinguished chairman of the Committee on Appropriations, we say somehow about the House and our ability to stick to that plan. We have passed budgets in years past that have been difficult. We have dealt with terrorist attacks. We have dealt with a downturn in the economy. We have dealt with the need to borrow resources to deal with emergencies we never managed. We had to deal with new priorities no one ever heard of, new Department of Homeland Security, and new initiatives such as a global war on terrorism, a war in Iraq, and a war in Afghanistan. And I have to tell the Members that in each one of those turns, committees have worked together in order to accomplish that. There is no doubt that once in a while committees have a difficult time to get agreement on certain priorities and ideas; but once we do it, there is general agreement and effort to stick to it.

And when we talk about sticking to it, the gentleman from Florida (Mr. Young), chairman of the Committee on Appropriations and his committee have done an excellent job of sticking to it.

We have increased spending over the last number of years at a rate that has been unprecedented, in many respects because we have had unprecedented need, particularly in homeland security, national defense, intelligence, and emergencies that we have had to deal with. But even the nondefense or nonsecurity accounts have increased at an alarming rate, twice the rate of inflation. And so it is no wonder that Members will come to the floor from time to time, we saw that debate earlier today, and say, look, spending is out of control.

Unfortunately, we often focus too much attention and energy on just what we call the discretionary appropriation accounts, the 13 bills that the chairman of the Committee on Appropriations has to shepherd not only through the House floor but also through the Senate and to final passage. That process has been difficult. We are behind in that process, and I have no doubt the chairman will remind me that having this discussion probably puts us even further behind.

But we are having this debate, nonetheless, because once we have a budget, we also want to make sure we stick to it. And that is why an enforcement bill has come forward.

I will definitely report to my colleagues that I would much rather have this debate after the other body had passed the conference report, but they are tied in knots over there across the rotunda on the other side of the Capitol. Post-Presidential elections all sorts of things are tying up all sorts of items in the other body, going to make it very difficult for us to pass budgets, appropriations, get judges confirmed, all sorts of a myriad of issues that make that difficult.

As a result of having some difficulty in spending and having difficulty in getting a budget through the other body, we want to bring up in huge increases in what we call mandatory spending through our Federal Government. Mandatory spending, as most of my colleagues know, are those spending initiatives which we can vote on and bring up a bill to fund a program, and unless we change the law, the funding continues. Medicare is probably one of the best examples of that. We just had a huge change in Medicare to provide a first-ever prescription drug benefit for seniors. It costs a lot of money, though, and that has grown much faster than even many of the discretionary accounts.

So as a result, there are Members who come to the floor frustrated by the increase in spending, frustrated because there are times when the budget is not followed, and thinking that if we change the process on how we achieve the budget or if we change the process on how we discuss appropriation bills, that is something that I am part of that camp from time to time. But I must remind all of us before we start this debate that when everything is said and done here today, it still comes down to how we vote. One can blame the process. One can blame the budget. One can blame the Committee on Appropriations. One can blame individual Members. One can blame past administrations. One can blame current administrations. But no matter what one blames, they had better look in the mirror today before they come down here to vote on anything and realize that spending increases when Members vote to increase spending.

And already the appropriation bills that we have on our floor have had huge majorities, huge majorities, for very valid increases, in defense and intelligence, other issues that have come before our body. Why? Because the need is there. So those Members who come to the floor today and say let us blame the process or let us blame the president or let us blame another committee also need to take their fair share of the responsibility for how the process runs.

I believe that we need discipline, and we need enforcement of a budget once we get it. That requires what we used to have in this body, and that is caps in PAYGO. Caps in PAYGO, statutory caps in PAYGO, I believe, are necessary because it gives the force of law to what we have done. It makes sure that all three entities, the President; the Senate, the other body; and the House, are all together when the discussion occurs on spending, when the discussion occurs on taxes, when the discussion occurs on entitlement or expenditure. It ensures that everybody is there because we are all in this together. We cannot do one without the other. We cannot say it is only the Congress’s prerogative because the President has to sign the check, he has got to sign the bill if, in fact, that is what he agrees to.

But it starts here in a process called the Appropriations process, and called the authorization process. So in order for us to deal with this, we are asking that the body today consider capping spending at the rate we just passed in the House, and just for 2 years, do not bind another Congress, just for these 2 years, and to also for really the first time address mandatory spending and its out-of-control nature by applying what we used to apply and that is pay-as-you-go to entitlements or mandatory spending. We believe this will help us. It will not be the be all and end all because there are still emergencies; there are still other ways that Congress spends money outside of that process. But this is the way it was in the 1990s to help ensure that spending control could occur.

Members are going to come to the floor with different opinions, and I respect those opinions and I have a question that people have a variety of ideas on how we should do this. But I would ask each and every one of them to remember that this is about each and every one of us, as Members, what our priorities are and how we vote. We cannot give that to another process. Nothing we do here today given to another process will, in and of itself, stop the madness of increases in spending that have been what many Members believe are out of control. The only way, when everything is said and done, is to cast our vote to control spending, and that is done in the individual processes of the bills that we consider here on the floor.

So we believe this is a work product worth consideration. There will be amendments to consider changes in the budget process and the appropriations process in order to help get a handle on spending concerns and mandatory spending. But as I say, when everything is said and done, we have got to have a budget, we have got to enforce it, and we have got to vote that way on each and every bill in order for spending to be controlled.

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

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. BOOZMAN). The Chairman would remind Members to refrain from improper references to the Senate.

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

Mr. Chairman, the bill we have before us, H.R. 4663, the Spending Control Act of 2004, causes me to say to my friends across the aisle, and I cannot help but take a little jab at them, our Republican friends control the House, they control the Senate, they control the White House. Why can they not control spending? And will this bill make a difference?
I ask that question because there is a particular irony about this bill. This is a budget enforcement bill, but there is no budget to enforce. For the first time since 1974 when the Budget Act was first adopted, the party that controls both branches of the government, the Congress and the White House, failed to agree on how to make sure they could play fair. They were unable to get their act together and pass a budget. And now they propose new rules to the budget process if they cannot commit with the rules we have got. This is hardly a consensus bill. There is a lot of dissonance about it even as it comes to the floor. When it was filed, 28 amendments were filed with the Committee on Rules to change it. All but one of those amendments, which is my amendment, focused solely on spending as the source, the cause of the deficit that we are incurring today. We are supposed to have a deficit this year of over $521 billion. The prognosis has gotten a bit better, but it looks like it will be at least $30 to $50 billion, a half trillion dollars. Only my substitute deals with the other side of the problem, and that is revenues.

Two rules of all the rules we will see today, two rules that stood the test of time, they have worked. They have helped us wipe out deficits. They did in the 1990s. One rule caps discretionary spending at fixed levels over the next 5 years. That was the rule that we in effect in 1990, extended in 1993, and again in 1997; and it helped us balance the budget for the first time in 40 years. The other rule is what we call the pay-as-you-go rule, which requires us to pay as we go, that is, to offset new tax cuts and new entitlement increases by new revenues or by equal spending cuts so that they do not add to the deficit, pay-as-you-go, discretionary spending caps.

As I said, the base bill and all the amendments except mine focus entirely on deficit and not on statutory caps as the source of the problem. Yet if we look at the period 2002 through 2011, the 10-year period that covers the first 4 years of the Bush administration, $2.3 trillion of our total fiscal reversal during that period has been caused by substantial tax cuts and related debt service; and that revenue deficit grows as tax cuts that expire are renewed and new tax cuts are adopted, as the Bush administration proposes and pushes for today. This bill promises deficit reduction; but it ignores the elephant in the room, one of the chief causes now and well into the future, and that is the deficit in revenues.

Do we have a problem? You bet, we have a problem. In the last 3 years of the Clinton administration, I remind everybody, we ran surpluses for the first time in 30 to 40 years. We paid off $400 billion in debt. In the first 4 years of the Bush administration, Congress has raised the ceiling by $13.5 trillion in order to accommodate Mr. Bush's fiscal policy.

And these increases in the statutory debt limit is part of a series. The Congressional Budget Office told us last March, when they examined the President's budget, that if we implemented, if we enacted that budget, the President's budget, we would have to raise the debt ceiling to $13.5 trillion in the year 2014. Not my number. It is the number of the Congressional Budget Office, which is a neutral, nonpartisan arm of the Congress.

So we have a problem; but this bill, unfortunately, does not deal with it. It takes off in pursuit of red herrings and Draconian solutions that will not work, if they were ever enacted; and I doubt they will be enacted. It trots out the idea that the deficit that has ever been thought of, but the two that have worked, the two rules that have worked so well that, as I said, we moved the budget from a deficit of $290 billion in 1992 to a surplus of $236 billion in 1998.

One is a double-edge PAYGO rule that requires both tax cuts and entitlement increases to be deficit neutral; and the other is discretionary spending caps over 5 years. They do not work unless you extend them out for some period of time. The caps in the base bill only go out for 2 years and are set to boot at unrealistically low levels. They are lower than the President's request, yet they provide more for transportation. I think the gentleman from Florida (Mr. YOUNG) will tell you if he talks about the appropriations bind he is in right now, he cannot take much more reduction than he has already given him.

So we have got here a set of proposals that simply do not address the problem at hand, which is a substantial problem, except for one particular provision. All I am calling for and all I would recommend the House would do, but it would be a good day's work if we did it, is go back and reinstate the PAYGO rule, which worked so well in the 1990s; reinstate the 5-year spending caps, which worked so well in the 1990s; and then we can get to work on balancing the budget.

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

Mr. NUSSELE. Mr. Chairman, I yield 4 minutes to my friend, the gentleman from Florida (Mr. YOUNG), the very distinguished chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, I appreciate the gentleman yielding the floor. I know that I disagree with his package. But he also is a fair player, because he understands that the Committee on Rules did not give the Committee on Appropriations any time under this rule. That is strange, inasmuch as the Committee on Appropriations will be affected more than any other committee in the House based on what happens here today. Even so, every amendment was given no time at all. But I voted for the rule, just to keep the process going.

I want to say again, as I did earlier this morning, we need a budget. We need budget caps. And I have said that in defense of resolutions presented by the gentleman from Iowa (Mr. NUSSELE), on numerous occasions. As chairman, I need the budget caps to have the discipline in committee to keep spending from running wild. As a matter of fact, last year the Committee on Appropriations denied $18 billion worth of amendments that would have increased spending.

But I do not appreciate his package. I think we do need budget process reform, and I cannot describe everything in this bill that needs it in the 2 minutes I have left. What I suggest is in an amendment I offered but was not made in order by the Committee on Rules. What we need is a commission or committee, bipartisan and bicameral, of this Congress to sit down and thoroughly study the problems and make a recommendation, without regard to politics, without regard to this person or that person or somebody else. This Committee would make a recommendation to the Congress as to what budget process will work.

Now, the one main reason that I am opposed to the budget process bill offered by the gentleman from Iowa (Mr. NUSSELE) is, of first, all, it has multiyear caps. When it was first reported, it had 5-year multiyear caps with no numbers. No numbers. We were going to set 5-year caps, but with no numbers.

Well, as of last night, a decision was made to change that bill and make it 2-year caps with numbers. At one point I was promised that my committee could have some input into what those numbers would be. I did not hear what the numbers were until I read it in Congress Daily yesterday morning. I think that we deserved a little more consideration than that.

But the big concern is statutory caps, which is what this package presents. Statutory caps are different than caps set by a concurrent resolution. Statutory caps would bring the executive branch into the mix setting a budget. That is not the role of the executive branch of government.

The Constitution provides for separation of powers. The Constitution gives the President and spending; financial matters, to the Congress. The President gets his chance when the appropriations bills are sent to him and he has an opportunity to veto.

But statutory caps would mean that the executive branch, OMB, would be the only one that can make cuts. Every day we will not accept these caps, or we will veto these caps. That puts the executive branch in the driver's seat when it
comes to setting our budget caps, and that is just not right.

For that reason alone, I cannot support this package today, although I recognize my friend, the gentleman from Iowa (Mr. Nussle), has worked very hard. We do not have a budget this year. In the House we have a deemed budget, but the process did not work because the other body cannot get their act together on a budget.

The gentleman from Iowa (Mr. Nussle) has done a good job in getting that budget, and we are working under his budget. The gentleman has worked hard under difficult procedures; and he is right, the budget process needs to be changed. But it ought to be changed only after very serious thought and consideration.

I really am disappointed that the Committee on Rules did not make my amendment in order that would have created a bipartisan, bicameral committee or commission of this Congress to thoroughly study, and, in a serious, sincere way, recommend what our budget process ought to be.

I thank the gentleman from Iowa (Chairman Nussle) for the hard work he does and for the time he gave me. The gentleman is an extremely difficult job. I agree with the gentleman a lot of the time. Sometimes I do not; but we are still friends.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. Boozman). The Chair would remind Members to refrain from improper references to the Senate.

Mr. SPRATT. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland (Mr. Hoyer), the Democratic whip.

Mr. HOYER. I thank the gentleman for yielding me time.

Mr. Chairman, for the first time since 1974, it appears that Congress will not act like a government when the same political parties control the House, the Senate, and the White House. In other words, in 28 years we have not been in this position of not being able to pass a budget.

Why can the Republican majority not fulfill one of the most basic tests of effective government, adopting a budget? Because they cling to the fiction that we can rein in record deficits and runaway debt by applying pay-as-you-go budgeting to mandatory spending only. They do this as they preside over record budget deficits, and, just this week, trying to hide a $690 billion increase in the debt ceiling in the rule on the Defense appropriation bill.

As the New York Times stated this morning, applying PAYGO rules to spending, but not taxes, is “like swearing off demon rum while continuing to binge on vodka martinis.” Even some Republicans reject this dilution, to wit, four Members of the other body.

Earlier this week, my friend, the chairman of the Committee on Appropriations, whom I have so much respect for, speaking for our committee, but more, much more, importantly, speaking for fiscal responsibility, said, “No one should expect significant deficit reduction as a result of austere, non-defense discretionary spending limits. The numbers simply do not add up.” The chairman was right.

The fact is, PAYGO would eliminate all nondefense discretionary spending, and we would still be running deficits of more than $1 trillion. That is how much we put our country into the red. Perhaps even more, is perhaps the height of irony, is that just 7 years ago, in 1997, 193 Republicans voted for a pay-as-you-go affecting spending and revenues, or taxes. That included the gentleman from Illinois (Speaker Hastert), who voted for PAYGO affecting both; the majority leader, the gentleman from Texas (Mr. DeLay); the conference chairwoman, the gentlewoman from Ohio (Ms. Pryce); the chairman of the Committee on the Budget, the gentleman from Iowa (Chairman Thomas). And the Bush administration itself endorsed pay-as-you-go rules affecting both revenues and expenditures in 2002, 2003, and 2004.

I have here next to me the language of the fiscal 2002 budget. I hope it is on the screen. The Bush administration endorsed it, as you can see, affecting both spending and tax legislation. In fact, I will quote. It states: “President Bush also proposed to extend the PAYGO requirement for entitlement spending and tax legislation.” Why? Because he knew you could not do what you say you can do. And for 3 years he stuck to that principle. This is the first year he has not.

I would hope that those who believe in fiscal responsibility would vote for this Democratic substitute, which would restore the original PAYGO rules — apply to mandatory spending and taxes as they were originally established on a bipartisan basis, as we did in 1997 when the gentleman from Iowa (Mr. Nussle) and I both voted for a balanced budget proposal, which, in fact, was very helpful in assuring that balance.

Mr. Chairman, I do not think we ought to let our majority colleagues get away with this charade. Do not let them preen as deficit hawks, as some of you perceive yourselves to be, and not apply discipline to both expenditures and revenues.

I tell my colleagues, it is oh, so easy. I have been in a legislative body for 35 years, and every year I have found it so easy to vote for tax reductions, but so difficult to vote for cuts in spending.

Let us have discipline. Vote for this substitute. Do not pretend your PAYGO has any effect.

Mr. NUSSELLE. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. Portman), a member of the Committee on the Budget.

Mr. PORTMAN. Mr. Chairman, I thank the chairman of the Committee on the Budget for yielding me time, and I thank him for bringing this resolution to the floor.

What we are talking about in this resolution is not so much budget process reform, although we will have an opportunity through various amendments to get into that issue. What we are talking about here is enforcing the budget we have.

I think what the Committee on the Budget reported out our resolution before we sit here today is the right way to do it, and that is putting a cap on discretionary spending and having PAYGO apply to mandatory.

I was going to talk a little about the importance of growth and what is going to our budget, but I think we have really gone over that in the previous debate. Instead, let me talk for a minute about what my friend from Maryland was just saying with regard to tax relief.

In 2001 we had PAYGO to the tax relief, which was in effect, by the way, we would not have the economy we have today. That is what I believe. I believe that the economic growth we have seen the last 4 years; if we remember now, we have added 4 million jobs to our economy in the last 9 months, we have the best growth in 20 years; we are the envy of the entire industrialized world; we are growing jobs; we are increasing wages; we are seeing real growth, which is resulting in higher revenues, which is why CBO is going to come back later this year and tell us our deficit is not as big this year as they thought it was going to be, because more revenue is coming in. If we had PAYGO on taxes in 2001 and applied it, we would not have put the tax breaks in place. That is my belief.

Second, there is a bias in our system right now. Think about it. With regard to spending, the gentleman said it is hard for him to vote for cuts in spending. It is not hard for any of us to vote for increases in spending. We do it all the time. Then it becomes a baseline. Then, in terms of the budgetary consequence, it continues.

There is no budgetary consequence once an appropriation, an authorization, expires; but there is when tax relief expires. When tax relief expires, there is a budgetary consequence.

We have to find a way to account for it. That is a bias within our system. And to add PAYGO to both would, therefore, be unfair, both because the tax cuts, unlike spending, add directly to economic growth. And it is incredibly important, we can have that debate without having the PAYGO, but have that debate, an honest debate. Second is the fact that in our current system, let us face it, there is a bias right now in favor of spending.

I thank, again, the chairman for bringing this to the floor. I think it is a responsible approach to just enforcing the budget we have, to be sure the chairman of the Committee on Appropriations can do his job, and do it well.

Mr. SPRATT. Mr. Chairman, I yield 10 seconds to the gentleman from Maryland (Mr. Hoyer).
Mr. HOYER. Mr. Chairman, had I had the time, I would have simply asked, why did the gentleman vote for this in 1997?

Mr. SPRATT. Mr. Chairman, I yield 5 seconds to the gentleman from Ohio (Mr. PORTMAN) to respond.

Mr. PORTMAN. Mr. Chairman, I yield the gentleman from Ohio 10 seconds.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. PORTMAN) is recognized for 15 seconds.

Mr. PORTMAN. Mr. Chairman, I would tell the gentleman two things. Number one, at that time we were working on a bipartisan basis to try to get a balanced budget agreement through the Congress, which we did support. We wanted a cap on spending, you wanted it on taxes, and we came up with a compromise in order to get that 1997 balanced budget agreement through, which was a good agreement in the sense that it restrained spending. That part of it was good, and the economy grew; and I think we should learn from that.

Today, what we are trying do again is to get this economy growing and restrain spending through these caps. That is the key.

Mr. SPRATT. Mr. Chairman, I yield myself 10 seconds to remind the gentleman that we have 1.3 million fewer jobs today, March 1, 2001, at the beginning of the Bush administration. First amendment, first recession since the end of the Second World War with that result.

Mr. Chairman, I yield 2½ minutes to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Chairman, let me thank the gentleman from South Carolina (Mr. SPRATT) for yielding me time.

Mr. Chairman, if I can purport to get into the heads of the majority and answer that question for myself for a minute, I think it is fairly basic. I would guess, Mr. Chairman, the reason is about 5, 6 years ago there was an overwhelming consensus in this body that we apply PAYGO to both tax and spending for a very simple reason. It is good common sense. It is only basic fairness.

If I can, Mr. Chairman, let me make this point. This sounds like a very esoteric debate to a lot of people who are listening right now. Do we apply PAYGO to revenues? Do we apply PAYGO to spending? And there is a certain technical-sounding aspect to it.

There is a way to cut to the chase and make this a whole lot simpler. Who do we make bear the brunt of discipline and sacrifice in this country? It is very clear after listening to a lot of the very able adversaries on the other side of the aisle that they are not terribly interested in asking but a few people to sacrifices. They are very interested in seeking to impose discipline on but a few of us; and they in the name of tax cuts would seal off a whole portion of our population, namely people who are receiving huge tax cuts because of their income, from the brunt and burden of sacrifice.

This is what we ought to understand today. We may argue about all kinds of aspects of the Clinton years, but they were enormously successful in bringing this economy back, creating jobs and leading us into surplus.

These facts are indisputable. When William Jefferson Clinton left the White House, we had a surplus of $122 billion. Today as George W. Bush submits himself to the country for re-election, we have a deficit of around $500 billion. If any CEO in America had gone from having $4 billion of one year to that kind of a deficit in 4 years, his contract would absolutely not be renewed. This is a fundamental question of how fair we are as a people. Are we fairer now than we were four years ago?

And I would submit that it is fundamentally wrong and fiscally irresponsible to only ask people who do not have certain influence, who do not have a certain voice in this society to bear the burden.

So the reality is if we decide, we are going to apply these PAYGO rules, there ought to be a very simple test, Mr. Chairman, number one, what would bring us closer to balance and number two, what provides for fairness.

It is only fair and only reasonable that we do what an overwhelming majority of the Republicans wanted to do 5 years ago. What is good for the goose is good for the gander; and if we can somehow make these rules work, then we will be back on the way to fiscal stability in this country.

Mr. NUSSLE. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. TOOMEY), a member of the Committee on the Budget.

Mr. TOOMEY. Mr. Chairman, let me just suggest to the gentleman from Maryland who raised the question about the difference between imposing PAYGO on the revenue side in 1997 versus doing so today, and the big difference is doing it in 1997 did not result necessarily in a big tax increase.

Doing it today, as the minority would like to do, would absolutely result in a huge tax increase because of the provisions in the Senate. That is a big difference. A huge tax increase versus not having a huge tax increase is a big difference.

Let me just congratulate our chairman and the members of the committee who got this bill to this point on the floor. It is so important that we find a way to control and limit the growth in spending for a number of reasons, and I think that one of the main reasons is it is just so fundamentally important and incumbent upon us to be adopting policies that allow the American people to maximize economic growth and prosperity, opportunity for themselves, for their wages to grow and their standard of living to improve. That is what we ought to be all about.

Well, the empirical evidence is very clear that one of the greatest threats to that kind of prosperity comes from excessive government intervention in the economy. The government intervenes and threatens economic growth in lots of ways, but the two biggest ways that the government is through excessive government spending and excessive taxes.

On the spending side, I think we ought to acknowledge that on the margin, excessive growth spending results in less economic growth. That is what happens. It is because the government essentially misallocates capital.

Let us face it. When we are here in Washington spending money, what we are doing is allocating capital based on political needs. Members of Congress tend to vote to spend money on that which they think will help them get re-elected. That does not make us bad people. That is the natural tendency of a represented body. That is what government does. But when we use this political self-preservation, this fat we end up meaning is that the excess spending of other people’s money, by the way, might maximize incumbent retention, but it certainly does not maximize economic growth. And I think that is what we ought to be all about here.

In fact, the tendency is forever more government spending. We see that now we are spending over 20 percent of GDP; whereas, just 3 years ago it was over 19 percent.

And we all know that there is no guarantee that the caps will even hold. If we could get them passed and signed into law, you know, Congress usually has a way of busting the caps, but what they do and the important role that they can play is they help on the margin to provide a break on the rate of growth of spending, and that is what is so important.

We need to go beyond the other big way in which government intervention harms economic growth, and that is excessive taxes. And there is just no question. The evidence is overwhelming. And the good news is that when we have taken the measures of lowering the tax burden, as we did, we can make those tax cuts permanent, we can continue to enjoy the tremendous economic growth that is underway right now.

So I urge my colleagues to reject the Democratic substitute and support this underlying bill government does not do larger deficits now. The government is growing faster than the economy. All the things point in the same direction. We need some limits on spending growth. That is what this is all about.

Let us keep in mind that the caps that we have on discretionary spending in this bill, the PAYGO provision that we have on mandatory spending, there is no spending cuts. Nothing is cut. Frankly, I would like to cut some spending. I wish there were, but there is none.

And we all know that there is no guarantee that the caps will even hold. If we could get them marched and signed into law, you know, Congress usually has a way of busting the caps. But what they do and the important role that they can play is they help on the margin to provide a break on the rate of growth of spending, and that is what is so important.
Mr. POMEROY. Mr. Chairman, this is one fine exercise in utter budget hypocrisy. The crowd in charge of this House has failed to produce a budget. We have no budget agreement with the Senate, it remains deadlocked in conference committee, and now they direct us to spend an afternoon on the floor in this charade of an exercise in budget responsibility.

The budget debate has been something to watch. It has been contentious, it has been mean, it has turned personal, and it is just between the Republicans. They control the White House, they control the House, they control the Senate, and they have not produced a budget. No party has held solid control of all three points of power and not produced a budget in years and years and years.

Yet, rather than resolve that naughtily little issue of not having a budget, they come to the floor and pree about with this budget enforcement resolution. This is a joke.

If on the face of it, it was not ridiculous already, just look behind the circumstances, briefly. The people who have brought this to the floor are the people who have pushed this country deeper into deficits, spiraling deficits, spiraling deficits that have forced us to increase the national borrowing limit of our Nation twice because we have hit the credit limit of the United States of America. Yesterday they put one in, and this week they have put a place-holder in to raise it yet a third time, bringing debt borrowing authority to over $8 trillion. We are screaming in red ink, and they cannot get a budget.

Secondly, they bring a sham PAYGO requirement up that has nothing to do with revenues. Can my colleagues imagine a family trying to get a hold of their finances saying, honey, we have to cut back on the expenses, but because we do not count the revenue, but we are imposed? Absolutely. We will have some tough decisions if spending caps are imposed? Absolutely. We will have some tough decisions if spending caps are imposed. This should be held by the Congress. This resolution guarantees that we will win the budget battle. It reinstates spending controls with the force of law and ensures that Congress will stay the course in promoting a fiscally responsible budget.

Mr. POMEROY. Mr. Chairman, earlier this year, we had a budget here in the committee and on the floor, and that budget helped to combat the deficit, cut back on the deficit. It is amazing that those people on the other side of the aisle who say that they care so much about the deficit, so many of them did not vote in favor of it.

There are some fears that by adopting this resolution Congress will turn its back on those who have pushed this country deeper into deficits, spiraling deficits, and warned the proneness to abuse which predominates in the human heart.” and warned of the “necessity of reciprocal checks of political power, by dividing and distributing it into different depositories and constituting each the guardian and protector of certain constituent powers.”

This basically is an invasion of the executive branch. I love President Bush. I pray for President Bush every single night. I want President Bush to be successful, but we ought not give authority and power to any branch. This should be held by the Congress.

For that reason, and for Madison, Monroe, Washington, and Jefferson, I ask for a no vote on this bill.

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Florida (Ms. GINNY BROWN-WAITE), a member of the Committee on the Budget.

Ms. BROWN-WAITE. Mr. Chairman, spending discipline is needed and it is needed now. The time for talk is over. We have to focus on a basic budget problem, and that is spending. America cannot spend its way out of our deficit. Real action is needed, and this resolution demonstrates Congress’s commitment to protecting America’s taxpayers.

Mr. WOLF. Mr. Chairman, I rise in strong opposition to this bill. It is an attack on those who have pushed this country deeper into deficits, spiraling deficits. Madison from Virginia said, “The accumulation of all powers, legislative, executive, and judicial, in the same hands, whether of one, a few, or many, is the very definition of tyranny.”

Madison believed the preservation of liberty depends on the separation of powers. He said, “Its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places.”

This bill does not keep each body in their proper place. This bill, in essence, says we will save the Congress from itself. Let us save us, and not have the President decide.

Lastly, George Washington, the Father of our country in his Farewell Address, spoke of the “love of power and the proneness to abuse which predominates in the human heart” and warned of the “necessity of reciprocal checks of political power, by dividing and distributing it into different depositories and constituting each the guardian and protector of certain constituent powers.”
Mr. PRICE of North Carolina. Mr. Chairman, the Republican pay-as-you-go proposal makes no fiscal sense. Leaving revenues out of the picture is like trying to fill a bucket with a gaping hole in it. It simply will not work.

We have enacted trillions of dollars in tax cuts mainly benefiting our country’s wealthiest people. And we have not paid for them.

The President and this Congress have defied the budget rules. They have abandoned fiscal sanity. The result is deficits now approaching $500 billion a year. And far from correcting this folly, the Republican budget reform bill would actually codify it. Why? Because we have enacted trillions of dollars in tax cuts mainly benefiting our country’s wealthiest people. And we have not paid for them.

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Mr. FEENEY. Mr. Chairman, I thank the distinguished chairman and appreciate his great work on this issue. I will tell my colleagues that the problem of spending in democracies is nothing new. It is not endemic to America. Churchill once said, “There is nothing so easily learned by one government from the last government as spending other people’s money.” Indeed, spending other people’s money is a very intoxicating experience.

Our Democratic friends say that PAYGO applications, finding the money as you go, ought to apply equally to tax cuts as they do to spending. I have got two reasons why that is so true. In the first place, according to Americans for Tax Reform, the average Floridian, where I represent, has to work until July 8 this year to pay for his or her share of Federal, State, local taxation and regulation. I think our Democratic friends would like every Floridian to have to work until August 8 every year to pay for their fair share of the government burden.

Secondly, what our Democratic friends do not understand is that spending is too high, but taxes are not too low.

The last other point I would make about applying PAYGO equally to tax cuts is this: if we had dynamic scoring — where people could estimate the actual effects of the tax burden on people, it might be a reasonable idea. Our Democratic friends think if we trim the taxes on something like we did in the last case we get 30 percent of the revenue. What we really did was put people out of business, put people more on welfare.

On the other hand, in 1986 the Congress cut the capital gains tax from 28 percent to 20 percent, Federal revenues doubled.

Mr. Chairman, the time now is to restrain ourselves. The chairman of the Committee on the Budget and the entire congressional body have done a great job. I applaud them for their efforts.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORGAN).

Mr. MORAN of Virginia. Mr. Chairman, I am obviously opposed to this irresponsible bill. We had some debate on May 12 when we first took up the budget resolution; and as hard as we listened, we never really got an adequate explanation from the Chair of the Committee on the Budget, and virtually all House Republicans voted for what is now the Democratic alternative. That was a responsible approach.

But now they are suggesting that the budget can be balanced with only a one-sided approach, which we continually explain is impossible to do. Even if you eliminate all nonmilitary domestic discretionary spending, we would not come close to balancing the budget.

So are we really talking about balancing the budget, or are we talking about another agenda? I am afraid the agenda is being driven by the right wing of the Republican Party, who would just as soon eliminate all domestic discretionary spending. Head Start, school lunch programs, health research, you name it; it should be on the cutting block as far as they are concerned. That is not what this country wants. It is not what this country deserves.

Thanks to the Republicans’ tax cuts, revenues have dropped to near lowest level of GDP since 1950. And over the last 3 years, revenue has declined 12 percent. And yet we are suggesting that we leave the revenue side of the budget alone? That is nonsense. You cannot do it when you combine the administration’s control spending with this decline in revenue. The result is a budget deficit that is expected to reach half a trillion dollars this year and will reach $1.5 trillion of deficit over the next decade. That is a real number. That is the direction in which you are driving us. It is wrong.

The first President Bush understood that we have got to have balanced PAYGO rules. He was in favor of the Democratic approach. The Federal Reserve Chairman, Alan Greenspan, said we have got to approach both sides of the budget, the revenue side and the spending side. But yet we are going to ignore the experts, we are going to go ahead with this one-sided agenda, and our children are the ones who are going to pay the price for it.

I call on my colleagues to defeat this resolution, Mr. Chairman.

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Chairman, I thank the chairman and the leadership of this Congress for tonight’s debate of this budget resolution that will be tough and real and a discussion of meaningful reforms. And they are timely, and they are timeless.

In the year 55 B.C., Cicero wrote, “The national budget must be balanced. The public debt must be reduced; the arrogance of the authorities must be moderated and controlled. Payments to foreign governments must be reduced, if the Nation does not want to go bankrupt.”

Real Federal spending today is at its highest level per person since World War II. And despite the conservative instincts of many of our appropriators in this Congress, the current budget process adopted by a liberal Democratic Congress in 1974 was designed for one purpose and one purpose only: to guarantee the growth of the Federal Government. And that Big Government Democratic spending scheme has worked like a charm for 30 years. In a word, Mr. Chairman, it is not the appropriators; it is the appropriation process.

So let us gather tonight in that spir- it, to focus on the agenda that will give our spending committee the tools that they need to do what Republicans came to Washington to do, to practice fiscal responsibility, to put our fiscal house in order and achieve a balanced Federal budget. And the stakes could not possibly be higher.

Abraham Lincoln said, and I quote, “If we do not make common cause to save the good old ship of the Union on this voyage, nobody will have a chance to pilot her on another.”

Let us get behind these resolutions, these changes in this budget process; let us engage in the debate and serve the public’s interest in the best way that a Republican Congress knows how, through fiscal discipline, through real reform.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I rise today in strong opposition to this most fiscally irresponsible Republican budget enforcement bill. My colleagues on the other side of the aisle are right on one thing, this Congress does need to
control, the outrageous budget deficit that is fast approaching $500 billion. However, if we want to make serious progress in reducing this deficit, PAYGO rules must be applied to spending and tax cuts. Exempting tax cuts from these budget enforcement rules makes fiscal sense by itself. Additionally, it threatens to increase the deficit and the burden on our children and our grandchildren; the one that they will have to bear is unfathomable if we do not act responsibly today.

The PAYGO rules passed by Congress and signed by the first President Bush were essential to restoring this country’s fiscal health the last time we faced record deficits. Those rules worked because they applied them to both sides of the equation, spending and tax cuts.

If my colleagues on the other side of the aisle are serious about fiscal responsibility, they would be offering a PAYGO proposal that applies it to entitlements, spending as well as tax cuts. Failing to apply PAYGO rules to tax cuts is little more than a smoke screen that seeks to hide the major contributing factor of this Nation’s growing deficits.

As this country faces record deficits in increased spending on homeland security and the war in Iraq, now is the time for fiscal discipline.

When I was a freshman, the thing I was most proud of were that we had a good surplus, we had low unemployment, and we had a good budget.

This is a shame to all of us that are here. We ought to act responsibly on a bipartisan basis and come up with a decent budget proposal that not only affects spending but tax cuts as well.

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), a member of the Committee on the Budget.

Mr. GUTKNECHT. Mr. Chairman, Members, I have been listening to this debate, and I would like to distill as best I can the arguments against this bill that we are debating today.

The first one seems to be that it is not tough enough, that it does not include the ability for immediate tax increases. And if that is your reason, that is fine. Go ahead and vote against this.

The other one I think is much more complicated. I want to talk about that for a moment, and that is the separation-of-powers argument in the Constitution. Members, nothing in this bill today changes the constitutional powers that we in the Congress and the executive branch have. The President of the United States would still have the power to veto any appropriation bill or the budget bill. It simply brings the President and the Congress, both bodies in the Congress, together earlier so that we work on a common blueprint. Imagine just for a moment in this great structure, if we had the masons using one blueprint, and we had the carpenters using another blue-
Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for this colloquy.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank my friend for yielding me time, and I rise in opposition to the Republican budget legislation.

Mr. Chairman, we are here today to debate a very important issue, and that is reestablishing fiscal disciplinary rules in the budget process. We need a meaningful budget rule, one that offsets both spending and tax cuts to achieve balance.

Unfortunately, what is before us today is more like "pay-as-you-go" or more like "little-bit-as-you-go" and leave a legacy of debt to the next generation to inherit.

Unfortunately, we hear a lot of talk on the other side that the problem is always spending, too much spending. Well, if that is the case, then what have you been doing the last 4 years? Republicans have been in control of the House of Representatives. Republicans have been in control of the Senate. There is a Republican President sitting in the White House, and he has not vetoed one spending bill in the last 4 years. Instead, he inherits a 5.6 projected surplus, converts it into a $3 trillion deficit and now claims that spending has run away.

Instead, we could go back to a tried and true method that worked in the 1990s, a pay-as-you-go rule that made sense and brought balance and then budget surpluses that actually allowed us to reduce the national debt. That is what the Spratt substitute allows, and I encourage my colleagues to support the Spratt substitute.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, I rise in strong opposition to the Republican smokescreen.

It makes infinitely more sense to debate budget reform before voting on a budget that kind of common sense regularly escapes this majority and it is why there has not been a budget agreement for over 4 months. In fact, this House has been on a session-long recess when it comes to addressing the health care crisis, educational crisis and retirement security crisis in America.

That is because the majority is scared of being honest with the American people. This is a smoke screen, none of which is going to fool the American people that you are responsible for $3 trillion in additional debt and an annual deficit of $500 billion dollars.

This legislation ignores the advice of Chairman Greenspan, who said it would be a grave mistake to let pay-as-you-go budget enforcement rules expire. This bill even ignores the advice of the gentleman from Iowa, the chairman of the Committee on the Budget, who said just 2 years ago pay-as-you-go contributed to taming the deficits.

The chairman voted for those rules in 1997. They were good in 1997; they are good now. That vote ensured we made choices, lived within our means and ensured that cuts were made for what we do. Those who voted for the bill in 1997 made sure that we lived within our means, that we made choices as we governed.

The 1990s achieved record economic times: 22 million more jobs; health care and tax cuts for middle class families; 10 million more children without health insurance got insurance; college doors were opened; Social Security was secure. Those are the choices we made for a "yes" vote on balanced the budget while we cut taxes for middle class families. Those are the right economic times.

Today, what do we have? Health care costs have gone up by a third. College costs have gone up 18 percent in the last 2 years. Personal bankruptcies are up by a third since 2000, and in fact, you all want to lay the sign "mission Accomplished" above the economy.

This economy is not working for the American people. This is a fact. Your $500 billion worth of deficits are the results that the American people have to turn to their children and make them pay their way out of it.

We turned our back on what we learn in the 1990s. If you are in a hole, the first thing to do is stop digging.

The CHAIRMAN. The gentleman from South Carolina (Mr. SPRATT) has 3 minutes remaining.

Mr. SPRATT. Mr. Chairman, I yield 1½ 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. Chairman, I thank the distinguished ranking member for the time. I also thank him for the good work he has done in bringing some rationale and reason to this process that really impacts the lives of Americans and really are the lives of friends and allies around the world.

I would like to remind my friends that we are at war. This is a difficult time for America. It is a time of sacrifice, but I think it is important to note that the budget resolution that my good friends on the other side of the aisle are trying to shove down this Congress’ throat is $18.9 billion for individuals making over $1 million. Is that sacrifice, Mr. Chairman? It is not.

We are standing here today to ask for a little understanding, a little reason. The Spratt amendment, the substitute that will be on the floor, speaks to reason. Would my colleagues accept the fact that we are at war? Three of our young men, women lost their lives in the last 24 hours in Iraq; $25 billion is going out over the next couple of days; more money will be asked for Iraq and Afghanistan, and yet we want to give $3 trillion away.

Mr. Chairman, that is not creating any jobs in America, but yet we have legislation that we hope will pass that will invest in quality health care for veterans. Can my colleagues believe it, they are cutting very big dollars.

Give us critical investments in education. Help us with the long-term unemployed. Some of them are off the unemployment list and never heard from again. Provide for the children who are vulnerable and as well provide the investment in clean water.

We are at war. It is time for sacrifice. We need the Spratt substitute. We do not need $18.9 billion to be given to those making over $1 million. I would vote for a "no" vote on the Spratt amendment.

Mr. SPRATT. Mr. Chairman, I yield the balance of our time, 1½ minutes, to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for yielding me time.

We have heard a lot of people say the budget is good. We have heard some people say it is bad. We have heard some people cannot afford it, and we have heard some people making excuses. I think it is just helpful to start off with what the facts are.

This is a chart showing the deficit back to the Johnson administration, a little bit of deficit, Nixon, Ford, Carter, Reagan and Bush deficit, Clinton from deficit to surplus, Bush deficit. The swing from the surplus to the deficit, $750 billion.

Now, let us put that in perspective. If we look at the revenue, individual income tax, what everybody pays in individual income tax, $800 billion; deterioration in the deficit, 750. Now, when we run up that kind of debt, we run up interest in the national debt. This is the chart that showed that by 2009, we would be paying virtually nothing in interest on the national debt because we had enough surplus to pay off the national debt. This chart shows that we are going to be paying $300 billion a year in interest on the national debt, $300 billion. At $30,000 each, that is enough to hire 10 million people, more than the total number of people drawing unemployment today.

We said we got into that mess to create jobs. This is the chart showing the average job growth, Ford ad, administration back to the Hoover administration. Everybody is net plus until we get to this administration. People look at this chart and say the job growth is good, job growth is bad. Make your own decision, casting blame, and we have heard some people making excuses.

Mr. BACA. Chairman, I ask unanimous consent to revise and extend my remarks. I rise in opposition to H.R. 4663, the Republican
Budget Enforcement bill and in support of the Spratt Democratic substitute.

This bill is an irresponsible attempt to place the burden of reducing the large budget deficit brought about by huge, new tax cuts on the backs of the vast majority of Americans. The bill rewards those who pay-as-you-go rules that will worsen the deficit rather than improve it. The Budget Enforcement bill slashes spending on public services important to all Americans but allows unlimited deficits for tax cuts. If the Republican amendments also included this pay-go provision as well as an entitlement cap that would put important government services at risk. Republicans would require that any improvements in entitlement programs be offset with cuts in programs like Medicaid, Medicare, veterans programs, food stamps, and student loans. As a result of the entitlement cap, veterans will get $1.3 billion less than what the House Veterans’ Affairs Committee says it needs for veterans’ health care programs next year. Education would be cut so that important national priorities like education, veterans’ medical care, and law enforcement would be reduced. More Americans will be without access to adequate health care, more students will be left without financial resources to go to college, and more families will be left without hope.

Mr. PAUL. Mr. Chairman, I support H.R. 4663, the Spending Control Act of 2004, because I believe those of us concerned about the effects of excessive government spending on American liberty and prosperity should support any effort to rein in spending. However, I hold no great expectations that this bill will result in a new dawn of fiscal responsibility. In fact, since this bill is unlikely to pass the Senate, the main effect of today’s vote will be to allow members to brag to their constituents that they voted to keep a lid on spending. Many of these members will not tell their constituents that they voted to restore fiscal order, much less Constitutional government.

Even if this bill becomes law, it is likely that the provision in this bill allowing spending for emergency purposes to exceed the bill’s spending caps will prove to be an easily abused loophole allowing future Congresses to avoid the spending limitations in this bill. I am also concerned that, by not applying the spending caps to international military programs, future Congresses to misplace priorities, and ignores a major source of fiscal imprudence. Congress will not get our fiscal house in order until we seriously examine our overseas commitments, such as giving welfare to multinational corporations and subsidizing the defense of allies who are perfectly capable of defending themselves.

Congress already has made numerous attempts to restore fiscal discipline, and none of them has succeeded. Even the much-heralded “surpluses” of the nineties were due to the Federal Reserve creating an economic boom and Congress continuing to raid the Social Security trust fund. The surplus was not caused by a sudden outbreak of fiscal conservatism in Washington, DC.

The only way Congress will cease excessive spending is by rejecting the idea that the Federal Government has the authority and the competence to solve all ills, both domestic and international. If the last century taught us anything, it was that big government cannot create utopia. Yet, too many members believe that we can fix economic problems, eliminate all social ills, and bring about worldwide peace and prosperity by simply creating new federal programs and regulations. However, the well-intended efforts of Congress have exacerbated America’s economic and social problems. Meanwhile our international meddling has failed to create perpetual peace but rather lead to perpetual war for perpetual peace.

Every member of Congress has already promised to support limited government by swearing to uphold the United States Constitution. The Constitution limits the Federal Government to a few, well-defined functions. A good start toward restoring Constitutional government would be debating my Liberty amendment (H.J. Res. 15). The Liberty amendment repeals the 16th amendment eliminating the income tax the source of much of the growth of government and loss of individual liberty. The Liberty amendment also explicitly limits the Federal Government to those functions it is Constitutionally authorized to perform.

If Congress were serious about reining in government, it would also eliminate the Federal Reserve Board’s ability to inflate the currency. Federal Reserve policy enables excessive government spending by allowing the government to monetize the debt, and hide the cost of big government through the hidden tax of inflation.

In 1974, during debate on the Congressional Budget Reform and Impoundment Control Act, Congressman H.R. Gross, a libertarian-conservative from Iowa, eloquently addressed the flaws in thinking that budget process reform absent the political will to cut spending would reduce the size of government. Mr. Speaker, I would like to conclude my remarks by quoting Mr. Gross:

Every member knows that he or she cannot for long spend $75,000 a year on a salary of $42,500 and remain solvent. Every member knows this Government cannot forever spend billions beyond tax revenue and endure.

Congress already has the tools to halt the headlong flight into bankruptcy. It holds the purse strings. No President can impound funds or spend unwisely unless an improvident, reckless Congress makes available the money.

I repeat, neither this nor any other legislation will provide morality and responsibility on the part of Members of Congress.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 4663 is as follows:

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

SECTION 1. SHORT TITLE.
This Act may be cited as the “Spending Control Act of 2004.”

SEC. 2. EXTENSION OF DISCRETIONARY SPENDING LIMITS.
(a) DISCRETIONARY SPENDING LIMITS.—(1) Section 251(c)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (relating to fiscal year 2004) is amended—
(A) in subparagraph (A), by striking "$31,834,000,000" and inserting "$32,052,000,000"; and
(B) in subparagraph (B), by striking "$1,462,000,000,000" and inserting "$1,436,000,000,000" and by striking "$6,629,000,000" and inserting "$6,271,000,000.

(2) Section 251(c)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting a dash after "2005", by redesigning the remaining portion of such paragraph as subparagraph (D) and by moving it two ems to the right, and by inserting after the dash the following new subparagraphs:

(’’A’’ for the general purpose discretionary category: $817,726,000,000 in new budget authority and $366,066,000,000 in outlays;’’)

’’(B) for the highway category: $30,585,000,000 in outlays; and’’)

’’(C) for the mass transit category: $1,554,000,000 in new budget authority and $6,787,000,000 in outlays; and’’)

’’(D) for the mass transit category: $1,554,000,000 in new budget authority and $6,787,000,000 in outlays; and’’)

(3) Section 251(c)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting a dash after “2006”, by redesigning the remaining portion of such paragraph as subparagraph (D) and by moving it two ems to the right, and by inserting after the dash the following new subparagraphs:

’’(A) for the general purpose discretionary category: $389,167,000,000 in new budget authority and $511,731,000,000 in outlays;’’)

’’(B) for the highway category: $33,271,000,000 in outlays; and’’)

’’(C) for the mass transit category: $1,436,000,000,000 in new budget authority and $7,585,000,000 in outlays; and’’)

(4) Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by redesigning paragraphs (4) through (9) as paragraphs (7) through (12) and inserting after paragraph (3) the following new paragraphs:

’’4’’ with respect to fiscal year 2007—

’’(A) for the highway category: $35,248,000,000 in outlays;’’)

’’(B) for the mass transit category: $1,700,000,000 in new budget authority and $8,110,000,000 in outlays;’’)

’’5’’ with respect to fiscal year 2008—

’’(A) for the highway category: $35,267,000,000 in outlays; and’’)

’’(B) for the mass transit category: $1,890,000,000 in new budget authority and $8,517,000,000 in outlays; and’’)

’’6’’ with respect to fiscal year 2009—

’’(A) for the highway category: $37,682,000,000 in outlays; and’’)

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"(B) for the mass transit category: $2,017,000,000 in new budget authority and $8,968,000,000 in outlays;".

DEFINITIONS.—Section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in subparagraph (B), by—

(A) inserting “Transportation Equity Act for the 21st Century and the Surface Transportation Extension Act of 2003” and inserting “the Transportation Equity Act: A Legacy for Users”;

(B) inserting before the period at the end the following new clause:—

"(vi) 69-8158-0-7-401 (Motor Carrier Safety Grants);".

(ii) the outlays for the applicable category calculated assuming obligation levels consistent with the estimates prepared pursuant to subparagraph (A), using current technical assumptions; minus

"(ii) the outlays for the applicable category set forth in the subparagraph (D) estimates, as adjusted.

"(D)(i) When OMB and CBO submit their final sequester report for fiscal year 2004, that report shall include an estimate of the outlays for each of the categories that would result in fiscal years 2005 through 2009 from obligations at the levels specified in section 1105 of the Transportation Equity Act: A Legacy for Users;

(ii) When the President submits the budget under section 1105 of title 31, United States Code, for fiscal years 2006, 2007, 2008, or 2009, OMB shall, in the budget report required under section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, and each outyear, adjust the amount of obligations set forth in paragraph (5) for the highway category for the budget year and each outyear as provided in clause (i) by the adjustments by subparagraphs (B) and (C).

(B) OMB shall consult with the Committees on the Budget and include a report on adjustments under subparagraphs (B) and (C) in the preview report.

SEC. 4. LEVEL OF OBLIGATION LIMITATIONS.

(a) HIGHWAY SPENDING WITH REVENUES.—For the purposes of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, the level of obligation limitations for the highway category shall be—

(1) for fiscal year 2004, $34,309,000,000; (2) for fiscal year 2005, $34,260,000,000; (3) for fiscal year 2006, $34,256,000,000; (4) for fiscal year 2007, $36,719,000,000; (5) for fiscal year 2008, $38,651,000,000; and (6) for fiscal year 2009, $40,061,000,000.

(b) MASS TRANSIT CATEGORY.—For the purposes of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, the level of obligation limitations for the mass transit category shall be—

(1) for fiscal year 2004, $7,266,000,000; (2) for fiscal year 2005, $7,750,000,000; (3) for fiscal year 2006, $8,266,000,000; (4) for fiscal year 2007, $9,403,000,000; and (5) for fiscal year 2008, $10,029,000,000.

For purposes of this subsection, the term “obligation limitations” means the sum of budget authority and obligation limitations.

SEC. 5. ADVANCE APPROPRIATIONS.

Section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new subsection:

"(j) ADVANCE APPROPRIATIONS.—In any of fiscal years 2006 through 2008, discretionary advance appropriations provided in appropriation Acts in excess of $23,358,000,000 shall be counted against the discretionary spending limits for the fiscal year for which the appropriation Act containing the advance appropriation makes such funds available is enacted.

"(k) AMOUNT OF DEFICIT INCREASE OR DECREASE.—In each of fiscal years 2006 through 2008, the Treasury Secretary shall prescribe for each outyear an adjustment to the limit on outlays for the highway category and the mass transit category equal to—

(i) the outlays for the applicable category calculated assuming obligation levels consistent with the estimates prepared pursuant to subparagraph (A), using current technical assumptions; minus

"(ii) the outlays for the applicable category set forth in the subparagraph (D) estimates, as adjusted.

"(D)(i) When OMB and CBO submit their final sequester report for fiscal year 2004, that report shall include an estimate of the outlays for each of the categories that would result in fiscal years 2005 through 2009 from obligations at the levels specified in section 1105 of the Transportation Equity Act: A Legacy for Users; and

(ii) When the President submits the budget under section 1105 of title 31, United States Code, for fiscal years 2006, 2007, 2008, or 2009, OMB shall, in the budget report required under section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, and each outyear, adjust the amount of obligations set forth in paragraph (5) for the highway category for the budget year and each outyear as provided in clause (i) by the adjustments by subparagraphs (B) and (C).

"(B) OMB shall consult with the Committees on the Budget and include a report on adjustments under subparagraphs (B) and (C) in the preview report.

SEC. 6. EXTENSION OF PAY-AS-YOU-GO REQUIREMENT.

(a) PURPOSE.—Section 252a(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking “any net deficit increase” and all that follows through “in direct spending enacted before October 1, 2009.”.

(b) TIMING.—Section 252a(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking “any net deficit increase” and all that follows through “in direct spending enacted before October 1, 2009.”.

(c) CALCULATION OF DIRECT SPENDING INCREASE.—Section 252a(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) by striking “deficit” substituted for the first place it appears and inserting “direct spending”;

(2) in subparagraph (A) by striking “and receipts”;

(3) in subparagraph (C) by striking “and receipts”;

(4) by amending the heading to read as follows: “CALCULATION OF DIRECT SPENDING INCREASE”; and

(d) CONFORMING AMENDMENTS.—(1) The heading of section 252(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows: “ELIMINATING A DIRECT SPENDING INCREASE.”.

(2) Paragraphs (1), (2), and (4) of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 are amended by striking “amount of deficit increase or decrease” and inserting “amount of decrease in direct spending”.

(3) Section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking “or receipts” and inserting “and receipts” and inserting “and outlays”.

(4) Section 254(c)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(A) in subparagraph (A) by striking “net deficit increase or decrease” and inserting “net increase or decrease in direct spending”;

(B) in subparagraph (B) by striking “amount of deficit increase or decrease” and inserting “amount of decrease in direct spending”;

(C) in subparagraph (C) by striking “a deficit increase” and inserting “an increase in direct spending”.

SEC. 7. DEFINITIONS.

(a) IN GENERAL.—Section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new provision:

“‘(20) the term ‘advance appropriation’ means appropriations that first become available one fiscal year or more before the fiscal year for which the advance appropriation Act making such funds available is enacted.

“(21) A conviction as that is part of an agreement of anticipates emergencies, particularly when normally estimated in advance, is not unforeseen.”.

(b) FIRE SUPPRESSION; CONTINGENCY OPERATIONS RELATED TO GLOBAL WAR ON TERRORISM.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new subsection:

“(1) FERRE SUPPRESSION.—(i) If a bill or joint resolution is enacted that provides new budgetary authority for wildland fire suppression, and the provision that would cause the level of total new budget authority for wildland fire suppression to
exceed the base amount for that fiscal year, the adjustment for that fiscal year shall be the additional new budget authority provided for such purpose and the additional outlays flowing from such amounts, but shall not exceed—

“(I) for the Forest Service for fiscal year 2005 or fiscal year 2006 (as applicable), $100,000,000.

“(II) for the Department of the Interior for fiscal year 2005 or fiscal year 2006 (as applicable), $400,000,000; and

“(III) for the purposes of enforcing the discretionary spending limits for the highway and mass transit categories (as described in section 252(b)(2)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by title V of the Jobs and Growth Tax Relief Reconciliation Act of 2003), $100,000,000.

“(J) CONTINGENCY OPERATIONS related to GLOBAL WAR ON TERRORISM. If, for fiscal year 2005, appropriations for discretionary accounts are enacted for contingency operations related to the global war on terrorism that, pursuant to this subparagraph, the President designates as a contingency operation related to the global war on terrorism and the Congress so designates in statute, the base amount for that fiscal year shall be the total of such appropriations in discretionary accounts so designated, but not to exceed $50,000,000,000, and the outlays flowing in all fiscal years from such accounts shall not exceed the base amount for that fiscal year.

“(K)forcing Amendment. The second sentence of section 250(c)(4)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:—

“(5) Appropriations designated under this subparagraph are sequesterable to the extent provided in the provisions of this Act, and the provisions described in subparagraph (J) of section 256(c) of such Act, relating to sequestration, shall apply to such appropriations. The amount sequestered under subsection (c) of such section (as calculated by OMB) plus the amount designated under this subparagraph (as calculated by OMB) shall be treated as the sequesterable amount for purposes of enforcing the discretionary spending limits and pay-as-you-go requirements. The amount sequestered under this subparagraph shall be treated as the sequesterable amount for purposes of enforcing the discretionary spending limits and pay-as-you-go requirements described in subparagraph (J) of section 256(c) of such Act.

“(L) Extension. The deadline for abolishing an agency may be extended for an additional year after the due date of the second paragraph (1) of such section if the Congress enacts legislation extending such deadline by a vote of a super majority of the House of Representatives and the Senate.


Part C of this title entitled ‘Balanced Budget and Emergency Deficit Control Act of 1985’ is amended as follows:

“(1) In section 250(a), strike ‘SEC. 256, GENERAL SPENDING LIMITATION, AND SPECIAL SEQUESTRATION RULES’ and insert ‘Sec. 256, General and special sequestration rules’ in the item relating to section 256.

“(2) In subparagraphs (F), (G), (H), (I), (J), and (K) of section 250(c)(4), insert ‘subsection after ‘described in’ each place it appears.

“(3) In section 250(c)(18), insert ‘of’ after ‘expenses’.

“(4) In section 251(b)(1)(A), strike ‘committees’ the first place it appears and insert ‘Committees’.

“(5) In section 251(b)(1)(C)(i), strike ‘fiscal years’ and insert ‘fiscal year’.

“(6) In section 251(b)(1)(D)(ii), strike ‘fiscal years’ and insert ‘fiscal year’.

“(7) In section 252(b)(2)(B), insert ‘the’ before ‘budget year’.

“(8) In section 252(c)(1)(C)(i), strike ‘paragraph’ (1) and insert ‘paragraph (b)’.

“(9) In section 254(c)(3)(A), strike ‘subsection’ and insert ‘section’.

“(10) In section 254(f)(4), strike ‘subsection’ and insert ‘section’ and insert ‘sequestrable’ and insert ‘sequestrable’.

“(11) In section 256(g)(1)(B), move the fourth undesignated clause 2 ems to the right.

“(12) In section 256(g)(2), insert ‘and’ after the semicolon at the end of the next-to-last undesignated clause.

“(13) In section 256(h)(1)(A) strike ‘and’ after the semicolon at the ninth undesignated clause.

“(B) insert ‘and’ after the semicolon at the end of the tenth undesignated clause; and

“(C) strike the semicolon at the end and insert a period.

“(14) In section 256(k)(3), strike ‘paragraph (5)’ and insert ‘paragraph (6)’.

“(15) In section 257(b)(2)(A), strike ‘differences’ and insert ‘differences’.

“The CHAIRMAN. No amendment to the bill shall be in order except those printed in House Report 108-566. Each amendment offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall be not subject to amendment, and shall not be subject to a demand for division of the question. It is now in order to consider amendment No. 1 printed in House Report 108-566.

“AMENDMENT NO. 1 OFFERED BY MR. BRADY OF TEXAS

Mr. BRADY of Texas. Mr. Chairman, I offer an amendment. The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. Brady of Texas:

Page 2, after line 3, insert the following:—

“TITLE IX—ENFORCEMENT OF DISCRETIONARY SPENDING LIMITS AND PAY-AS-YOU-GO REQUIREMENTS.

Redesignate sections 2 through 9 as sections 1 through 8, and on page 10, after line 21, add the following new title:

“TITLE II—ESTABLISHMENT OF FEDERAL AGENCY SUNSET COMMISSION

“SEC. 201. REVIEW AND ABOLISHMENT OF FEDERAL AGENCIES.

“(a) Schedule for Review.—Not later than one year after the date of the enactment of this Act, the Federal Agency Sunset Commission established under section 202 (in this Act referred to as the ‘Commission’) shall submit to Congress a schedule for review by the Commission, at least once every 12 years (or, less, if determined appropriate by Congress), of the abolishment or reorganization of each agency.

“(b) Review of Agencies Performing Related Functions.—In determining the agencies to be reviewed by the Commission under subsection (a), the Commission shall provide that agencies that perform similar or related functions be reviewed concurrently to promote efficiency and consolidation.

“(c) Abolishment of Agencies.—

“(1) In General.—Each agency shall—

“(A) be reviewed according to the schedule created pursuant to this section; and

“(B) be abolished not later than one year after the date that the Commission completes its review of the agency pursuant to such schedule, unless the agency is reauthorized by the Congress.

“(2) Extension.—The deadline for abolishing an agency may be extended for an additional year after the due date of the second section (1)(B) if the Congress enacts legislation extending such deadline by a vote of a super majority of the House of Representatives and the Senate.

“SEC. 202. ESTABLISHMENT OF COMMISSION.

“(a) Establishment.—There is established a commission to be known as the ’Federal Agency Sunset Commission.’

“(b) Composition.—The Commission shall be composed of 12 members (in this title referred to as the ‘members’) who shall be appointed as follows:

“(1) Six members shall be appointed by the Speaker of the House of Representatives, one of whom may include the Speaker of the House of Representatives, with minority members appointed with the consent of the minority leader of the House of Representatives.

“(2) Six members shall be appointed by the majority leader of the Senate, one of whom may include the majority leader of the Senate, with minority members appointed with the consent of the minority leader of the Senate.

“(c) Qualifications of Members.—

“(1) In General.—(A) Of the members appointed under subsection (b), four shall be members of the House of Representatives (not more than two of whom may be of the same political party), and two shall be an individual described in subparagraph (C).

“(B) Of the members appointed under subsection (b)(2), four shall be members of the Senate (not more than two of whom may be of the same political party) and two shall be an individual described in subparagraph (C).

“(C) An individual under this subparagraph is an individual—

“(I) who is not a member of Congress; and

“(II) with expertise in the operation and administration of Government programs.

“(2) Continuation of Membership.—If a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, that member shall cease to be a member of the Commission. The validity of any action of the Commission shall not be affected as a result of a member becoming ineligible to serve as a member for the reasons described in subparagraph (c).

“(d) Initial Appointments.—All initial appointments to the Commission shall be made
(e) CHAIRMAN; VICE CHAIRMAN.—

(1) INITIAL CHAIRMAN.—An individual shall be designated by the Speaker of the House of Representatives as the initial chairman of the Commission from among the members initially appointed under subsection (b)(1) to serve as chairman of the Commission for a period of 2 years.

(2) INITIAL VICE-CHAIRMAN.—An individual shall be designated by the majority leader of the Senate from among the individuals initially appointed under subsection (b)(2) to serve as vice-chairman of the Commission for a period of 2 years.

(3) ALTERNATE APPOINTMENTS OF CHAIRMEN AND VICE-CHAIRMEN.—Following the termination of the period described in paragraphs (1) and (2), the Speaker and the majority leader shall alternate every two years in appointing the chairman and vice-chairman of the Commission.

(f) TERMS OF MEMBERS.—

(1) MEMBERS OF CONGRESS.—Each member appointed to the Commission who is a member of Congress shall serve for a term of six years; except that, of the members first appointed under paragraphs (1) and (2) of subsection (b), 2 members shall be appointed to serve a term of three years under each such paragraph.

(2) OTHER MEMBERS.—Each member of the Commission who is not a member of Congress shall serve for a term of three years.

(3) ALTERNATE APPOINTMENTS OF CHAIRMEN.—A member of the Commission who is a member of Congress and who serves more than three years of a term may not be appointed to another term as a member.

(B) A member of the Commission who is not a member of Congress and who serves as a member of the Commission for more than 56 months may not be appointed to another term as a member.

(g) POWERS OF COMMISSION.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this title, hold such hearings, and receive such evidence as the Commission considers appropriate. The Commission may administer oaths to witnesses appearing before it.

(2) OBTAINING INFORMATION.—The Commission may, in connection with any investigation or for the purpose of any report to be issued by the Commission, require the attendance and testimony of witnesses and the production of evidence relative to any matter under investigation by the Commission.

(3) SUBPOENA.—(A) The Commission may issue a subpoena to require the attendance and testimony of witnesses and the production of evidence relating to any matter under investigation by the Commission.

(B) The Commission may issue a subpoena to require an order or subpoena of the Commission that is issued in connection with a Commission proceeding, the Commission may apply to the United States district court in the judicial district in which the proceeding is held for an order requiring the person to comply with the subpoena or order.

(4) IMMUNITY.—The Commission is an agency of the United States for purposes of part V of title 18, United States Code (relating to immunity of witnesses).

(5) CONTRACT AUTHORITY.—The Commission may contract with and compensate government and private agencies or persons for services without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(h) COMMISSION PROCEDURES.—

(1) MEETINGS.—The Commission shall meet at the call of the Chairman.

(2) QUORUM.—Seven members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(i) PERSONNEL MATTERS.—

(1) COMPENSATION.—The members shall not be paid by reason of their service as members.

(2) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, at rates prescribed by law, subject to the provisions of sections 5702 and 5703 of title 5, United States Code.

(3) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Chairman. The Director shall be paid at a rate not to exceed the maximum rate of basic pay payable for GS-15 of the General Schedule.

(4) STAFF.—The Director may appoint and fix the pay of additional personnel as the Director considers appropriate.

(5) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and pay rates.

(j) OTHER ADMINISTRATIVE MATTERS.—

(1) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the United States.

(2) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative services necessary for the Commission to carry out its duties under this title.

(3) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(k) SUNSET OF COMMISSION.—The Commission shall terminate on December 31, 2021, unless reauthorized by Congress.

SEC. 203. REVIEW OF EFFICIENCY AND NEED FOR FEDERAL AGENCIES.

(a) IN GENERAL.—The Commission shall review the efficiency and public need for each agency in accordance with the criteria described in section 204.

(b) RECOMMENDATIONS; REPORT TO CONGRESS.—The Commission shall submit to Congress and the President not later than September 1 of each year a report containing—

(1) an analysis of the efficiency of operation and public need for each agency to be reviewed in the year in which the report is submitted pursuant to the schedule submitted to Congress under section 201;

(2) recommendations on whether each such agency should be abolished or reorganized;

(3) recommendations as to whether the functions of any other agencies should be consolidated, transferred, or reorganized in an agency to be reviewed in the year in which the report is submitted pursuant to the schedule submitted to Congress under section 201; and

(4) recommendations for administrative and legislative action with respect to each such agency, but not including recommendations for appropriation levels.

(c) DRAFT LEGISLATION.—The Commission shall submit to Congress, not later than September 1 of each year a draft of legislation to carry out the recommendations of the Commission under subsection (b).

(d) INFORMATION GATHERING.—The Commission shall—

(1) conduct public hearings on the abolishment of each agency reviewed under subsection (b);

(2) provide an opportunity for public comment on the abolishment of each such agency;

(3) require the agency to provide information to the Commission as appropriate; and

(4) require the agency to provide information to the Commission as appropriate related to the operation of the agency.

(e) USE OF PROGRAM INVENTORY.—The Commission shall use the program inventory prepared under section 206 in reviewing the efficiency and public need for each agency under subsection (a).

SEC. 204. CRITERIA FOR REVIEW.

The Commission shall evaluate the efficiency and public need for each agency pursuant to section 203(a) using the following criteria:

(1) The effectiveness, and the efficiency of the operation of, the programs carried out by each such agency.

(2) Whether the programs carried out by the agency are cost-effective.

(3) Whether the agency has acted outside the scope of its original authority, and whether the original objectives of the agency have been achieved.

(4) Whether less restrictive or alternative methods exist to carry out the functions of the agency.

(5) The extent to which the jurisdiction of, and the programs administered by, the agency duplicate or conflict with the jurisdiction and programs of other agencies.

(6) The potential benefits of consolidating programs administered by the agency with similar or duplicative programs of other agencies, and the potential for consolidating such programs.

(7) The number and type of beneficiaries or persons served by programs carried out by the agency.

(8) The extent to which any trends, developments, and emerging conditions that are likely to affect the future nature and extent of the problems or needs that the programs carried out by the agency are intended to address.

(9) The extent to which the agency has complied with the provisions contained in the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 265).

(10) The promptness and effectiveness with which the agency seeks public input and input from State and local governments on the efficiency and effectiveness of the performance of the functions of the agency.

(11) Whether the agency has worked to enact changes in the law that are intended to benefit the public as a whole rather than the specific business, institution, or individual the agency regulates.

(12) The extent to which the agency has encouraged participation by the public as a whole in making its rules and decisions rather than encouraging participation solely by those it regulates.

(13) The extent to which the public participation in rulemaking and decisionmaking of the agency has resulted in rules and decisions compatible with the objectives of the agency.

(14) The extent to which the agency complies with the record-keeping requirements of the General Accounting Office, the Office of Management and Budget, the Comptroller General, and the chair and ranking minority members of the committees of Congress with oversight responsibility for the agency being reviewed regarding the operation of the agency.

(15) The extent to which the agency complies with the equal employment opportunity requirements under section (b);
(16) The extent of the regulatory, privacy, and paperwork impacts of the programs carried out by the agency.

(17) The extent to which the agency has coordinated with State and local governments in performing the functions of the agency.

(18) The potential effects of abolishing the agency on State and local governments.

(19) The extent to which changes are necessary in the authorizing statutes of the agency in order that the functions of the agency can be performed in the most efficient and effective manner.

SEC. 205. COMMISSION OVERSIGHT.

(a) Monitoring of Implementation of Recommendations.—The Commission shall monitor implementation of laws enacting provisions that incorporate recommendations of the Commission with respect to abolition or reorganization of agencies.

(b) Monitoring of Other Relevant Legislation.—

(1) In general.—The Commission shall review and report to Congress on all legislation introduced in either house of Congress that would establish—

(A) a new agency;

(B) a new program to be carried out by an existing agency.

(2) Report to Congress.—The Commission shall include in each report submitted to Congress under paragraph (1) an analysis of whether—

(A) the functions of the proposed agency or program could be carried out by one or more existing agencies;

(B) the functions of the proposed agency or program could be carried out in a less restrictive manner than the manner proposed in the legislation;

(C) the legislation provides for public input regarding the performance of functions by the proposed agency or program.

SEC. 206. AUTHORITY.

The Commission may promulgate such rules as necessary to carry out this title.

SEC. 207. RELOCATION OF FEDERAL EMPLOYEES.

If the position of an employee of an agency is eliminated as a result of the abolishment of an agency in accordance with this title, there shall be a reasonable effort to relocate such employee to a position within another agency.

SEC. 208. PROGRAM INVENTORY.

(a) Preparation.—The Comptroller General of the United States and the Director of the Congressional Budget Office, in cooperation with the Director of the Congressional Research Service, shall prepare an inventory of Federal programs (referred to as the “program inventory”) within each agency.

(b) Purpose.—The purpose of the program inventory is to advise and assist the Congress and the Commission in carrying out the requirements of this title. Such inventory shall not in any way bind the committees of the Senate or the House of Representatives with respect to their responsibilities under this title and shall not infringe on the legislative and oversight responsibilities of such committees. The Comptroller General shall compile and maintain the inventory and the Director of the Congressional Budget Office shall prepare such inventory information for inclusion in the inventory.

(c) Inventory Content.—The program inventory shall set forth for each program each of the following matters:

(1) The specific provision or provisions of law authorizing the program.

(2) The committees of the Senate and the House of Representatives which have legislative or oversight jurisdiction over the program.

(3) A brief statement of the purpose or purposes for which the program was created, by the program.

(4) The committees which have jurisdiction over legislation providing new budget authority for the program, including the appropriate subcommittees of the Committees on Appropriations of the Senate and the House of Representatives.

(b) The agencies, and, if applicable, the subdivisions thereof, responsible for administering the program.

(6) The grants-in-aid, if any, provided by such program to State and local governments.

(7) The next reauthorization date for the program.

(8) A unique identification number which links the program and functional category structure.

(9) The year in which the program was originally authorized and, if applicable, the year in which the program expires.

(10) Where applicable, the year in which the new budget authority for the program was last authorized and the year in which current authorizations of new budget authority expire.

(d) Budget Authority.—The budget authority provided for such programs is—

(1) authorized for a definite period of time;

(2) authorized in a specific dollar amount but without limit of time;

(3) authorized without limit of time or dollar amounts;

(4) not specifically authorized; or

(5) permanently provided, as determined by the Director of the Congressional Budget Office.

(e) CBO Information.—For each program or group of programs, the program inventory also shall include information prepared by the Director of the Congressional Budget Office indicating each of the following matters:

(1) The amounts of new budget authority authorized and provided for the program for each of the preceding four fiscal years and, where applicable, the four succeeding fiscal years.

(F) The functional and subfunctional category in which the program is presently classified and was classified under the fiscal year 2001 budget.

(3) The identification code and title of the appropriation account in which budget authority is provided for the program.

(f) Mutual Exchange of Information.—The General Accounting Office, the Congressional Research Service, and the Congressional Budget Office shall permit the mutual exchange of available information in their possession which would aid in the compilation of the program inventory.

(g) Assistance by Executive Branch.—The Office of Management and Budget, and the Executive agencies and the subdivisions thereof shall, to the extent necessary and possible, provide the General Accounting Office with assistance requested by the Comptroller General in the compilation of the program inventory.

SEC. 209. DEFINITION OF AGENCY.

As used in this title, the term “agency” has the meaning given that term by section 102(2) of the United States Code, except that such term includes an advisory committee as that term is defined in section 102(2) of the Federal Advisory Committee Act.

SEC. 210. OFFSET OF AMOUNTS APPROPRIATED.

Amounts appropriated to carry out this title shall be offset by a reduction in amounts appropriated to carry out programs of other Federal agencies.

(The CHAIRMAN. Pursuant to House Resolution 1715, the gentleman from Texas (Mr. BRADY) and I, Members of the Committee, oppose each bill control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. BRADY).
Savings alone are not the only benefit. It is amazing how responsive agencies become in the years prior to sunset. Treating taxpayers promptly, fairly, and with respect becomes a key to their survival, just like in business, and just the way government should always treat our taxpayers.

Legislatively, sunsetting often causes agencies to hew much closer to legislative intent because they know they face a regular thorough examination in future years.

The Federal sunset amendment has strong support across the political spectrum. My Democrat colleague, the gentleman from Texas (Mr. TURNER), who is at an important national security briefing as we speak, is a strong champion for this. We have support from everyone from Common Cause to American Conservative Union. We have broad support across the Members of Congress in this House. And in a recent national survey, over 77 percent of Americans believe this would be helpful for cutting wasteful spending and spending our precious tax dollars where they belong.

This is a powerful tool. Let us set sunset on wasteful spending. We can do better for our States. The gentleman from Texas. The gentleman from Texas.

Mr. TURNER of Texas. Mr. Chairman, I thank the gentleman for yielding me the time.

This amendment, creating a sunset process, has been successful in many of our States. The gentleman from Texas (Mr. BRADY) and I have had personal experience with it in our State, where we have been able to eliminate unnecessary agencies. We have been able to streamline the activities of agencies.

I know that at the Federal level we all understand that it is a very difficult job within our existing committee structures to really take a good, hard and complete look at the management and the functioning of our Federal agencies in the course of the appropriation process and the oversight responsibilities of our authorizing committees. So by creating a bipartisan commission of six Democrats and six Republicans, we do this with a long-term view to accomplish some goals that perhaps we are not as good at accomplishing in our usual process.

Mr. Chairman, I rise to claim the time in opposition, and I yield myself such time as I may consume.

Mr. Chairman, like a lot of Members, many of the provisions offered here are matters of first impression. I have not seen this bill before, so I would like to ask either of the cosponsors a question about a critical provision of the bill for their clarification.

It is my understanding that this amendment would require that each commission complete its review of an agency every 12 years, that agency would be abolished automatically, would be extinguished unless, within a year, Congress reauthorized the agency. Is that correct? Am I reading it correctly?

Mr. BRADY of Texas. Mr. Chairman, will the gentleman yield?

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

Mr. BRADY of Texas. Yes, the gentleman is correct.

Mr. SPRATT. You would have automatic abolition of an agency? It would simply sunset?

Mr. BRADY of Texas. Mr. Chairman, if the gentleman will continue to yield, in the States that have used that, yes, that is correct; but it has rarely happened. It has been the tool for Congress to come together on reviewing it. Yes, sir.

Mr. SPRATT. Mr. Chairman, reclaiming my time, I see the merit in having some sort of conscious, affirmative periodic review of the huge morass of agencies we have in the Federal Government. But I come here with the concern that if a President disagreed with the Congress, you could have 289 Members of the House and 66 Members of the Senate who thought this agency should be reestablished, but the President could veto the bill that would reauthorize it. I would worry that it would not come back into existence.

Mr. TURNER of Texas. Mr. Chairman, will the gentleman yield?

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

Mr. TURNER of Texas. Mr. Chairman, I understand the gentleman’s concern, but I can assure him that in practice this has worked very well in Texas. We have never had the occurrence that the gentleman describes. In trying to alleviate some of the concerns that he has expressed, the gentleman from Texas and I put in this bill clear language that would say that the laws administered by these agencies do not sunset. There have been Members of Congress throughout the time who have said, well, if an agency happened to sunset, then all the laws we passed that that agency administers would then go away and a lot of valuable programs disappear. We specifically have language here to ensure that the laws that administer various programs, and that are important to a lot of constituencies, do not disappear when the agency disappears.

Having said that, in practical terms, when a sunset commission makes a recommendation to the Congress, if the Congress failed to be able to come to grips with the recommendations of the commission, what happens in most States, and it has certainly happened on a couple of occasions in Texas, is that the legislature, and I would hope the Congress, would simply extend the agency as it is and set a new sunset date to allow the process of review of that agency to continue.

What we are trying to do here is create a bipartisan entity that has the credibility to make recommendations for change in operations of an agency, create new efficiencies, eliminate obsolete programs and obsolete offices, and to do it in a way that that commission and its recommendations have the same kind of weight that we all hope the 9/11 Commission will have, where once they have reported, there is some momentum behind what this bipartisan group has recommended to the Congress.

So I think in terms of our efforts in the years ahead, to try to figure out how to make government more efficient, to be sure that we are eliminating unnecessary spending, that this is a very powerful tool that we should take advantage of. And I think the concern that the gentleman from South Carolina expressed is not one that is likely to occur.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BRADY).

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

Mr. BRADY of Texas. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the amendment offered by the gentleman from Texas (Mr. BRADY) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 2, printed in House Report 108-566.

AMENDMENT NO. 2 OFFERED BY MR. CHOCOLA

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CHOCOLA:
Page 2, after line 3, insert the following:
TITLE I—EXTENSION OF DISCRETIONARY SPENDING LIMITS AND PAY-AS-YOU-GO REQUIREMENTS
Redesignate sections 2 through 9 as sections 101 through 108, respectively; on page 5, lines 23 and 24, strike “paragraphs” and insert “paragraph”; on page 6, line 5, insert quotation marks after the period and strike line 6 and all that follows thereafter through page 7, line 12; on page 7, line 13, strike “(c)” and insert “(b)” and on page 7, strike line 25 and insert the following: “covered by subsection (b) or (c) of section 316 of the Congressional Budget Act of 1974”.

At the third blank, add the following new titles:
TITLE II—ONE-PAGE BUDGET RESOLUTIONS
SEC. 201. ONE-PAGE BUDGET RESOLUTIONS
(a) CONTENT OF ANNUAL CONCURRENT RESOLUTIONS ON THE BUDGET—Section 301(a)(4) of the Congressional Budget Act of 1974 is amended to read as follows:
“(4) submissions of new budget authority and outlays for nondiscretionary discretionary spending, defense discretionary spending, direct spending (excluding interest), interest, and expenditures for the reserve fund in section 316(b) and for military operations in section 316(c)”;
(b) ADDITIONAL MATTERS IN CONCURRENT RESOLUTIONS—Section 301(b) of the Congressional Budget Act of 1974 is amended as follows:
(1) Strike paragraphs (2), (4), and (6) through (9).

(2) After paragraph (1), insert the following new paragraph:

"(2) The chairman of such other congressional procedures, relating to the budget, as may be appropriate to carry out the purposes of this Act;"

(3) At the end of paragraph (3), insert "and" and redesignate paragraph (5) as paragraph (4) and in such paragraph strike the semicolon and insert a period.

(e) Required CONTENTS of REPORT. —Section 301(e)(2) of the Congressional Budget Act of 1974 is amended as follows:

(1) Redesignate subparagraphs (A), (B), (C), (D), (E), (F), and (G), respectively.

(2) Before subparagraph (B) (as redesignated), insert the following new subparagraph:

"(A) new budget authority and outlays for each major functional category, based on allocations of the total levels set forth pursuant to subsection (a)(1);"

(3) In subparagraph (C) (as redesignated), strike "mandatory" and insert "direct spending.".

(4) ADDITIONAL CONTENTS of REPORT. —Section 301(e)(3) of the Congressional Budget Act of 1974 is amended by striking "and" at the end of subparagraph (D), by striking the period at the end of subparagraph (E), and by striking the last sentence of subparagraph (E) and by adding at the end the following new subparagraph:

"(F) reconciliation directives described in section 310.

(e) PRESIDENT'S BUDGET SUBMISSION to the Congress. —(1) The first two sentences of section 1105(a) of title 31, United States Code, are amended to read as follows:

"On or after the first Monday in January but not later than the first Monday in February of each year the President shall submit a budget of the United States Government for the following fiscal year which shall set forth the following levels:

(A) new budget authority and outlays;

(B) total Federal revenues and the amount, if any, by which the aggregate level of Federal revenues should be increased or decreased by bills and resolutions to be reported by the appropriate committees;

(C) the surplus or deficit in the budget;

(D) subtotals of new budget authority and outlays for nondefense discretionary spending, and for each program area and function in section 302(a)(3) (as redesignated) of the Congressional Budget Act of 1974 (as added by section 310 of the Deficit Control Act of 1985) for the purpose of setting forth the budget authority for any emergency as identified pursuant to subsection (d) that is not covered by subsection (c).

(2) A chairman of the Committee on the Budget of the House of Representatives or the Senate shall determine and certify, pursuant to the guidelines referred to in section 315 of the Spending Control Act of 1985, the portion (if any) of the amount so specified that is for an emergency within the meaning of section 311;

(3) Such chairman shall make the adjustment set forth in paragraph (2) for the amount of new budget authority (or outlays) in that measure and the outlays flowing from new budget authority.

(2) MATTERS to be ADJUSTED. —The adjustments referred to in paragraph (1) are to be made to the allocations made pursuant to the guidelines referred to in section 315 of the Spending Control Act of 1985, the amount set forth in the reserve fund for emergencies for fiscal year pursuant to section 302(a)(4) and shall be in an amount not to exceed the amount reserved for emergencies pursuant to the measure of subparts (C) and (D) that is for an emergency as identified pursuant to subsection (d) that is not covered by subsection (c).

(3) At the end of paragraph (3), insert "emergency, which means that the situation is unforeseen, which means not predicted or anticipated as an emerging need; and"

(4)"(i) unanticipated.

"(B) As used in subparagraph (A), the term "emergency" has the meaning given to such term in section 3 of the Congressional Budget and Impoundment Control Act of 1974.

(2) In subparagraph (C) (as redesignated), strike paragraphs (2) and (4) and add the following:

"(i) sudden, which means rapidly coming into being or not building up over time;

(ii) urgent, which means a pressing and compelling need requiring immediate action;

(iii) unforeseen, which means not predicted or anticipated as an emerging need; and

(iv) temporary, which means not of a permanent duration.

(b) CONFORMING AMENDMENT. —The term "emergency" has the meaning given to such term in section 3 of the Congressional Budget and Impoundment Control Act of 1974.

SEC. 303. DEVELOPMENT of GUIDELINES for APPLICATION of EMERGENCY DEFINITION.

Not later than 5 months after the date of enactment of this Act, the chairman of the Committee on the Budget (in consultation with the chairman of the Committees on Appropriations and applicable authorizing committees) shall develop guidelines for the joint resolution authorizing the use of military force (or economic assistance funding in furtherance of such operation) and the report accompanying any bill or joint resolution that provides budget authority for any emergency that is a threat to national security and the funding of which carries out a military operation authorized by a declaration of war or a joint resolution authorizing the use of military force (or economic assistance funding in furtherance of such operation) and the report accompanying any bill or joint resolution, pursuant to subsection (d), identifies any amendment that increases in the aggregate the budget authority and (or outlays flowing therefrom) for such emergency, the enactment of which would exceed (or be greater than) the amounts of budget authority or outlays provided for emergencies for the budget year in the joint resolution on the budget (pursuant to section 302(a)(4)) to be exceeded.

(1) Such bill or joint resolution shall be referred to the Committee on the Budget of the House or the Senate, as the case may be, with instructions to report it without amendment, other than that specified in paragraph (2), within 5 legislative days of the day in which it is reported from the originating committee. If the Committee on the Budget of either House fails to report a bill or joint resolution referred to it under this subparagraph within such 5-day period, the committee shall be automatically discharged from further consideration of such bill or joint resolution and such bill or joint resolution shall be placed on the appropriate calendar.

(2) An amendment to such a bill or joint resolution referred to in this subsection shall only consist of an exemption from section 315 of the Balanced Budget and Emergency Deficit Control Act of 1985 of all or any part of the provisions that provide budget authority (and the outlays flowing therefrom) for an emergency if the chairman determines, pursuant to the guidelines referred to in section 303 of the Spending Control Act of a conference report thereon that provides budget authority for any emergency as identified pursuant to subsection (d) that is not covered by subsection (c).
2004, that such budget authority is for an emergency within the meaning of section 3(11)."

"(3) If such a bill or joint resolution is reported with an amendment specified in paragraph (2) by the Committee on the Budget of the House of Representatives or the Senate, then the budget authority and resulting outlays that of such amendment shall not be included in any determinations under section 302(f) or 311(a) for any bill, joint resolution, amendment, motion, or conference report.

"(d) COMMITTEE NOTIFICATION OF EMERGENCY AUTHORIZATION.—Whenever the Committee on Appropriations or any other committee of either House (including a committee of conference) reports any bill or joint resolution that provides budget authority for any emergency, the report accompanying that bill or joint resolution (or the joint explanatory statement of managers in the case of a conference report on any such bill or joint resolution) shall identify all provisions that provide budget authority and the outlays flowing therefrom for such emergency and include a statement of the reasons why such budget authority meets the definition of an emergency and include a statement of the reasons why such budget authority meets the definition of an emergency, the report accompanying such committee has been discharged) pursuant to the guidelines referred to in section 303 of the Spending Control Act of 2004.

"(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

"Sec. 316. Emergencies.

SEC. 306. APPLICATION OF SECTION 306 TO EMERGENCIES IN EXCESS OF AVAILABLE RESERVE FUND

Section 306 of the Congressional Budget Act of 1974 is amended by inserting at the end the following new sentence: "No amendment by the Committee on the Budget (or from the consideration of which such committee has been discharged) pursuant to the guidelines referred to in section 303 of the Spending Control Act of 2004.""

"(a) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

"Sec. 316. Emergencies.""

"(D) shall include an up-to-date tabulation of amounts remaining in the reserve fund for emergencies.

The CHAIRMAN. Pursuant to House Resolution 692, the gentleman from Indiana (Mr. CHOCOLA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. CHOCOLA).

Mr. CHOCOLA. Mr. Chairman, I yield myself 2½ minutes.

The amendment I have offered is very straightforward. It is about simplicity, and it is about honesty in the budget process, which does not exist today.

It is about simplicity because it replaces 20 budget functions that we currently have with an annual budget process with five. Those five would include mandatory spending, defense and non-defense discretionary spending, interest, and emergency spending, or a rainy day fund.

By simplifying the process in this way, we make the budget process much easier; and we expedite it by focusing on 20 different so-called spending priorities. We spend too much time, frankly, debating and amending these spending priorities, when in the end they are not binding and they are ultimately, on too many occasions, ignored in the appropriations process.

My amendment is about honesty because it is budget authority that we know we are going to spend. Every year we spend money on emergencies that are not budgeted. My amendment changes this practice by creating a rainy day fund that is based on the rolling 5-year average that we spend on emergencies. By doing that, we will expedite the delivery of needed funds in the event of a true emergency, and we will provide a clearer definition of what an emergency is to deter characterizing routine spending and spending money in and above the budgeted and appropriated levels.

So, Mr. Chairman, this amendment would bring more clarity to the process; it would bring more simplification and, most importantly, encourage all of my colleagues to support this amendment.

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

Mr. SPRATT. Mr. Chairman, I claim the time in opposition.

Mr. Chairman, this amendment, if adopted, would reduce the budget process to one page. And while the budget process has its flaws and has not worked well, it has certain advantages to it. First, it gives the House one of the few opportunities we have to make a judgment among competing priorities: how much money will we spend for education, versus how much money we will spend for housing, versus how much we will spend for defense.

Secondly, it gives us some kind of central mechanism where everybody can make a decision about whether or not we want to increase taxes and decrease taxes, and expedite the process for doing so by way of reconciliation. Or we may feel it is necessary that we reduce entitlement spending.

The committees of jurisdiction of those particular programs do not normally cotton to the idea of taking a cut out of the entitlement which falls under their jurisdiction. Once again, the reconciliation process in the budget helps us accomplish those ends.

And then, finally, one of the problems that we have no solutions here 20 years, and I think many other Members would confess they have it too, is that everything we do is so broken up into so many different parcels and pieces that it is hard to get a picture of the whole. The budget resolution at least gives us a picture of the whole. It helps us keep a tab on spending, and it also allows us to know whether or not aggregate spending estimates and aggregate revenue estimates are accurate.

If you reduce spending to one total for discretionary spending, for example, you can claim that spending can be shrunk. But unless you have 20 different functions to show how that shrinkage will take place, how those reductions would be achieved and affected, then nobody can judge whether or not, or will not be able to judge as well whether or not, that spending reduction, which you are claiming is really pragmatic and achievable, is indeed that.

If you have to break it up into 20 different functions, it is one way the House gets together early in a session, expresses its priorities about those different functions, but it is not a way that we can tell whether or not that is realistic. On the other hand, if individual functions, whether it is defense or housing or health care or whatever, are understated well before this year's level, we may say that is not politically realistic, or that is not something I would like to see us do. And the budget resolution gives us an opportunity to vote on that as a House, one of the rare opportunities we get to express ourselves collectively.

I am not sure how it benefits this House to vote on categories that have no enforcement ability whatsoever. When we have 13 appropriation bills and 20 budget functions that never meet, we are losing sight of another important fact that this budget ought to serve, and that is the function of protecting the family budget from the Federal budget.

Spending is out of control. It is a very important debate between relative expenditures within the Federal budget, but we also have to focus on how much money are we going to take away from the American family; how are we going to impact their dreams and their ability to realize their housing programs, their education programs, their child care programs.

We need to focus on what is enforceable, and we need to focus on protecting the family budget from the Federal budget. And if we believe in limited government, we will support this amendment.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume to simply say again, how do we know if the spending amounts that are provided for in the budget resolution in the aggregate are reasonable or attainable unless you break it down into their component parts and can see what is provided for defense and non-defense programs from entitlements and for discretionary programs alike?"
This is not a good idea. It is a bad idea. It devalues the budget process, and I hope the House will reject it.

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

Mr. CHOCOLA. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I just want to comment on a couple other aspects of this amendment that I think are very important. This amendment really dovetails well with another amendment that is coming, which is breaking it into five simple categories so that we do not have these stalemates we have every year in Congress between the other Chamber and the White House. What we want to do is make the budget amendment easier to achieve in the beginning of the process. Also what this does is it has emergency spending protection so that we have real emergencies that occur every year, exactly what the American taxpayers and the American citizens deserve.

We also clean up the definition of emergencies in this amendment. Far too often in this body, in the last minute, we designate things that really do not pass the smell test as to what are emergencies. We want to have real emergencies being funded under the emergency spending reserve fund, not nonemergencies. That is what the amendment is needed to do to clean up that rule that allows Congress to designate things like a summit house on top of Pikes Peak an emergency.

So this bill makes it easier to get a budget agreement, cleans up our emergency spending designation and helps us set money aside so we can prepare for these inevitable emergencies that occur every year Congress spends this money.

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

Mr. CHOCOLA. Mr. Chairman, I would simply say if the object of what we are doing tonight is to try to put some starch into the budget process, put some structure into it so we can get our hands around spending, get our hands around revenues, this is the opposite direction we should go.

Mr. CHOCOLA. Mr. Chairman, may I inquire how much time is remaining? The CHAIRMAN. The gentleman from Indiana (Mr. CHOCOLA) has 1½ minutes. The gentleman from South Carolina (Mr. SPRATT) has 1 minute and the right to close.

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

Mr. Chairman, let me just conclude by saying as I started to clean up this amendment is straightforward, and it is about simplicity and honesty. I think we owe the American people a simplified budget that they can understand, and by reducing the number of budget functions from 20 to 5, I think we are going to achieve that goal.

The 20 budget functions that we have already, as has been pointed out, are unenforceable and too often ignored in the budget appropriations process, and we are simply budgeting money that we know we are going to spend. Every single year we spend Federal money for emergencies that we spend above the budget and appropriated levels. So we are being held hostage to the American people, which I think they deserve.

So I encourage my colleagues to support this amendment, because it is based on simplicity and honesty. It is exactly what we should be doing here every day, exactly what the American taxpayers and the American citizens deserve.

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

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, once again, if we want to make the budget process opaque, more opaque, less transparent, then this will be the way to do it; but if you think we need more visibility, the House should assert more control, then we should have the kind of numbers we need to make honest judgments about the budget. We should stick at least with the process we have got. It is flawed, but this would be a travesty. This would be the budget process as it has existed since 1974.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. CHOCOLA). The question is on the amendment offered by the gentleman from Indiana (Mr. CHOCOLA). The question is on the amendment offered by the gentleman from Indiana (Mr. CHOCOLA).

The amendment was offered by the gentleman from Indiana (Mr. CHOCOLA). Thousand or more than 5 minutes remaining. The gentleman from Indiana (Mr. CHOCOLA).

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

Mr. CASTLE. Mr. Chairman, I offer an amendment. The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows: Amendment No. 3 offered by Mr. CASTLE: At the end, add the following new section:

SEC. . ESTABLISHMENT OF MACROECONOMIC CONGRESSIONAL BUDGETS.

(a) Macroeconomic Categories.—Section 301(a) of the Congressional Budget Act of 1974 (2 U.S.C. 623a) is amended by striking paragraph (4) and redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively.

(b) Additional Matters.—Section 301(b) of the Congressional Budget Act of 1974 (2 U.S.C. 623b) is amended by striking “and” at the end of paragraph (7), by striking the period and inserting “; and” at the end of paragraph (8), and by adding at the end the following new paragraph:

“(10) set forth appropriate levels for each fiscal year covered by such concurrent resolution for new budget authority and outlays for each major functional category established by the Committees on the Budget (after consultation with each other), based on an annual determination by the Committees of levels set forth pursuant to subsection (a)(1).”.

The CHAIRMAN. Pursuant to House Resolution 692, the gentleman from Delaware (Mr. CASTLE) and the gentleman from South Carolina (Mr. SPRATT) each will control 5 minutes.

The CHAIRMAN. Pursuant to House Resolution 692, the gentleman from Delaware (Mr. CASTLE) and the gentleman from South Carolina (Mr. SPRATT) each will control 5 minutes.

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

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

Mr. Chairman, this amendment is somewhat different but somewhat similar to the amendment we just had before us, which I would also support, but the challenge of passing a budget resolution, as we have seen particularly in recent years, and subsequent appropriation bills in a timely manner has proven to be an extraordinarily difficult series of tasks.

In my opinion, this is, in large part, due to the fact that there are 20 budget functions, 17 for broad areas of national need and 3 to ensure full coverage of the budget. This structure, therefore, forces us to engage in duplicitious debates over spending priorities and procedures.

The gentleman from Washington (Mr. HASTINGS) and I believe that by eliminating the requirement of the budget functions, that we will provide the Committee on the Budget increased flexibility in moving the process forward each year.

Specifically under this amendment, the Committee on the Budget will be given the opportunity to eliminate or restructure the budget functions. By granting the Committee on the Budget this ability, we will be giving them the ability to structure a budget in the most fair and efficient manner.

Let me give my colleagues an example of how this may happen. Under this amendment, the committee would have the freedom to see a macro budget consisting of four aggregate numbers as opposed to the current 20 budget functions. These aggregate numbers include total revenues, total budget authority and outlays, the surplus or deficit and the national debt.

A macro budget may also include the amount by which revenues would be lowered. Under a macro budget the resulting resolution would also contain reconciliation instruction to expedite action, primarily by the Senate, as well as separate titles to reconciliation instructions, enforcement procedures and possible reserve accounts, thus preserving the importance of the budget resolution and helping guide Congress.

This ability to use a macro budget empowers the committee to operate as they were originally intended, to provide the blueprint for the year’s budget and to allow the appropriators to work out the details.

Our focus should be on the larger macroeconomic impact of budget policies rather than a summation of proposed spending, and I happen to believe that the current functional categories have really become dysfunctional mechanisms for setting our priorities and budget.

While I do not claim to have the perfect solution to fit our budget process into our fiscal timetable, I do, however,
believe that minimizing duplication of issue deliberations could significantly accelerate the budget and appropriations process. As we all know, one of the main holdups of the budget process is having the same debates on the same issues year after year. While spending within the set guidelines should fall to the appropriators. When the Committee on the Budget was formed in the 1970s, the intent was to look at the large blueprint. By eliminating the requirement of budget functions by the Committee on the Budget to set the broad parameters.

The Hastings-Castle amendment provides the Budget Committees with the discretion to include whatever functional categories, if any, that they deem appropriate. I encourage my colleagues to support this amendment as it will prevent us from constraining the economy by being beholden to the antiquated procedures that we have had over the past three decades.

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

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume. I wish there were some procedure in the House that we could give a signal or maybe use a code word and incorporate by reference all of our comments previously made on the same subject. I have to repeat myself because this amendment is, to some extent, the same as the amendment previously offered. This amendment would eliminate the requirement that the annual budget resolution include budget functions. Once again, this is one of the opportunities we have as a House collectively, all of us, to have a debate in-depth about our priorities, whether we want to spend more for education or whether we need to spend more for defense or highways, priorities that are big functions of our budget. It takes away that opportunity. It also takes away into the budget resolution whether or not it is adequate to provide for the many things we want to do.

Secondly, as I have said, there are a lot of centrifugal forces in this House. There is a lot of fragmentation of what we do. It is very hard in this House and in the Congress to keep a picture of the whole, of what is happening altogether. The budget resolution gives us the ability to keep the puzzle kind of together, so we can see what is happening. This particular budget resolution would not even require that discretionary spending allocations be split between defense and nondefense.

It would simply call for a total of all new budget authority and outlays. So the House would forgo the opportunity to say we want to do more for defense while we are going to do less for non-defense in order to pay for the additional commitment to defense. It calls for an aggregate statement of revenues, but nothing with respect to the House’s expression to the Committee on Ways and Means as to what those revenues might be, no reconciliation instructions, so a key function of the Committee on the Budget, a key means of exerting discipline and control in the institution, would be lost, and then a simple statement of the surplus or deficit.

To me this is letting the reins go, giving up what little control and structure we have got, what little ability we have got to keep a picture of the whole composed at all times. I think it is a bad idea.

If we want to do away with the budget resolution, let us just repeat it altogether because what this leaves in place is practically useless.

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

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume. I disagree with the distinguished gentleman from South Carolina on the basis of what I have seen here in the House. I have been here long enough to have a great deal of faith in the Committee on the Budget. I have a great deal of faith in the gentleman as the ranking member and the chairman, but I have seen this process literally almost collapse in recent years. My judgment is that the transparency that the gentleman requests is not there and that the reality is that the Committee on the Budget’s responsibility is to do something which we have not been doing which is to make sure that we are managing within the broad parameters that we set. I do not necessarily match up the appropriations to the functions of how the individual amounts of money are going to be spent. In addition, we do not necessarily match up the appropriations with the various designations in the budget resolution which we have. It is my sense we need to break that impasse in some way or another so that we have some sense of the dollars we are spending in the House and the Senate and be working together in order to advance as far as the future is concerned.

I reiterate what I have already stated, and that is, that I think we need to start moving in that direction. But I would also point out to the gentleman, and I think this is important, that this amendment does not disallow doing as much as the Committee on the Budget wishes to do. They could still do what they need to do. It gives us an opportunity to make that proposal, to show what the consequences are for the bottom line and for trade-offs against other programmatic areas and then allows us to have a debate on that subject on the House floor.

These aggregate numbers do not signify anything. They do not really tell you what is going to be cut and what is going to be increased, and that is the problem I have. We do not get the process started with that sort of message and direction that the budget resolution gives us an opportunity to process the budget and the opportunity it gives to the House as a whole to make a statement of priorities and have something of a debate on programmatic priorities for the next 1 to 5 fiscal years.

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

Mr. CASTLE. Mr. Chairman, I yield myself the balance of my time. It does encompass total revenues, total budget authority and outlays, the surplus or deficit and the resultant debt. To me that is what the Committee on the Budget should be doing, not necessarily setting the priorities in the different areas which is done now, although that could still happen. That is why I think that we should adopt this amendment.

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

Some of our friends in the Senate have said that the House is not showing up for the debate. But I would be making a distinction between defense and nondefense spending. This gives you one big aggregate for all discretionary spending. That is how far back it takes us and how little definition it leaves to what we end up doing. We come up with three or four programmatic priorities and that is the end of the budget. The gentleman is suggesting we could do something much more elaborate, but this would be the only
statutory prerogative we would have which would mean that pretty soon we would probably not be doing any function allocations at all. It would not have any statutory basis. I am not saying they get great deference from the Committee on Appropriations today, but only if we remove the budget process to this, I doubt the Committee on the Budget would get any deference from the appropriators.

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

Mr. SPARRATT. I yield to the gentleman from Delaware.

Mr. CASTLE. On that particular subject, there may be times when we do need to put more money into discretionary spending. We may be in one of those times now in terms of the war in Iraq. There may be other emergency things that we have to deal with. For that reason, I believe that flexibility should be in the Committee on Appropriations.

Mr. CASTINGS of Washington. Mr. Chairman, this amendment would remove the requirement that 20 functional categories be included in the annual budget resolution, and grant the Budget Committee the discretion to include such categories, if any, as they deem appropriate.

With this change to the 30-year old Congressional Budget Act, we can properly return to the "big picture," macroeconomic budget issues that were intended to be the focus of the budget resolution when the act was passed.

Annual budget disputes have bogged down in recent years often by bitter disputes over funding for scores of Federal programs within these 20 budget functions. This has become an enormous distraction for lawmakers on both sides of the aisle and harmed the process of making rational decisions about overall Federal fiscal policy.

The 20 functional categories are intended to illustrate how the Federal spending could be allocated under the budget resolution. However, that does not direct how much money is eventually spent for programs covered by each specific function. Function totals also do not specifically mandate how the Appropriations Committee makes allocations to its 13 subcommittees.

Yet, despite the reality that these functions have no real power over actual spending decisions, every year tremendous time, energy and resources are dedicated to influencing the levels of particular functions.

Interest groups mobilize and massive lobbying efforts are undertaken to try and affect levels of particular functions.

Will the government’s budget be in balance? Or will there be a surplus or deficit?

How do all of these affect the public debt?

I believe we must clear away the distractions that have overtaken the budget process.

The first step in the annual budget process in Congress should be discussion and reaching an agreement on overall spending, tax and debt levels in a budget resolution. We must be a real hand on the federal budget and the macroeconomic factors that the budget resolution is designed to guide and over which it actually has control.

Decisions about spending on individual programs do not need to be debated twice—once during consideration of the budget resolution and again during open debate on Appropriations bills.

As the fiscal challenges that our Nation will face with the effects of a retiring Baby Boom generation, it is more important than ever to focus our budget decisions in a manner that best directs attention to the critical choices we face today and the effects they will have on our children and the country’s future.

I urge all of my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

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

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

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

It is now in order to consider Amendment No. 4 printed in House Report 108-566.

AMENDMENT NO. 4 OFFERED BY MR. HENSARLING

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HENSARLING:

Page 2, after line 3, insert the following:

TITLE I—EXTENSION OF DISCRETIONARY SPENDING LIMITS AND PAY-AS-YOU-GO REQUIREMENTS

Redesignate sections 2 through 9 as sections 101 through 108, respectively, and, at the end, add the following new titles:

TITLE II—SPENDING CAPS ON GROWTH OF ENTITLEMENTS AND MANDATORIES

SEC. 201. SPENDING CAPS ON GROWTH OF ENTITLEMENTS AND MANDATORIES.

(a) CONTROL OF ENTITLEMENTS AND MANDATORIES.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding after section 252 the following new section:

"SEC. 252A. ENFORCING CONTROLS ON DIRECT SPENDING.

"(a) CAP ON GROWTH OF ENTITLEMENTS.—Effective for fiscal year 2005 and for each ensuing fiscal year, the total level of direct spending for all direct spending programs, projects, and activities (excluding social security) for any such fiscal year shall not exceed the total level of spending for all such programs, projects, and activities for the previous fiscal year after the direct spending for each such program, project, or activity is increased by the higher of the change in the Consumer Price Index for All Urban Consumers or the inflator (if any) applicable to that program, project, or activity and the growth in eligible population for such, project, or activity.

"(b) SEQUESTRATION.—Within 15 days after Congress adjourns to end a session (other than the session of the One Hundred Eighth Congress), and on the same day as a sequestration (if any) under section 251, there shall be a sequestration to reduce the amount of direct spending for the fiscal year beginning in the year the Congress adjourns by any amount necessary to reduce such spending to the level set forth in subsection (a) unless that amount is less than $250,000,000.

"(c) UNIFORM REDUCTIONS; LIMITATIONS.—The amount required to be sequestered for the fiscal year under subsection (a) shall be obtained from nonexempt direct spending accounts by actions taken in the following order:

"(1) First.—The reductions in the programs specified in section 256(a) (National Wool Act and special milk), section 256(b) (federal loans), and section 256(c) (foster care and adoption assistance) shall be made.

"(2) Second.—Any additional reductions that may be required shall be achieved by reducing each remaining direct spending account by the uniform percentage necessary to achieve those additional reductions, except that—

"(A) the low-income programs specified in section 256(d) shall not be reduced by more than 2 percent;

"(B) the retirement and veterans benefits specified in sections 256(e) and 256(f) shall not be reduced by more than 2 percent in the manner specified in that section; and

"(C) the medicare programs shall not be reduced by more than 2 percent in the manner specified in section 256(i).

The limitations set forth in subparagraphs (A), (B), and (C) shall be applied iteratively, and after each iteration the uniform percent-age applicable to all other programs under this paragraph shall be increased (if necessary) to a level sufficient to achieve the reductions required by this paragraph.

(b) EXCLUSION OF MEDICARE COST-SHARE FUND PROGRAM FROM BUDGETARY CONSIDERATION.—The Medicare Part B Prescription Drug Program for the fiscal years beginning in the period beginning after December 31, 2004, and ending on September 30, 2005, is not included in budgetary consideration for fiscal years 2005 and 2006.

(c) LIMITATIONS ON SEQUESTRATION.—The table of contents set forth in section 255(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding after the item relating to section 252 the following item:

"Sec. 252A. Enforcing controls on direct spending."

SEC. 202. EXEMPT PROGRAMS AND ACTIVITIES.

Section 255 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

"SEC. 255. EXEMPT PROGRAMS AND ACTIVITIES.

"(a) SOCIAL SECURITY BENEFITS; TITLE I RAILROAD RETIREMENT BENEFITS; AND CERTAIN MEDICARE BENEFITS.—(1) Benefits payable under the old-age, survivors, and disability insurance program established under title II of the Social Security Act, and the benefits payable under section 202 of the Railroad Retirement Act of 1974, shall be exempt from reduction under any order issued under this part.

"(2) Payments made under part A of title XVIII (relating to part A Medicare hospital budgeting efforts are undertaken to try and affect levels of particular functions. How much is the government going to spend next year? How much is going to be collected in taxes?
(a) I N GENERAL. — The President may not make payments made to a State as reimbursement of administrative costs incurred by that State under or in connection with the unemployment compensation programs specified in subsection (a)(11) shall be subject to reduction or sequestration under this part notwithstanding the exemption otherwise granted to such programs under that subsection.

(b) DISCRETIONS AND LISTS. — The following budget accounts or activities shall be exempt from sequestration:

1. net interest;
2. all payments to trust funds from excise taxes or other receipts or collections proposed to be transferred to those trust funds;
3. all payments from one Federal direct spending budget account to another Federal budget account; and
4. all payments from one Federal direct spending budget account to another Federal budget account to which the Government, in connection with any program, project, activity, or account subject to that reduction or sequestration, makes payments in reimbursement of administrative costs incurred by a State or political subdivision in connection with the unemployment compensation programs specified in subsection (a)(10) shall be subject to reduction or sequestration under this part notwithstanding the exemption otherwise granted to such programs under that subsection.

(c) NOTWITHSTANDING any other provision of law, the administrative expenses of the following programs shall be exempt from sequestration:

(1) Comptroller of the Currency.
(2) Federal Deposit Insurance Corporation.
(3) Office of Thrift Supervision.
(4) National Credit Union Administration.
(5) National Credit Union Administration, central liquidity facility.
(6) Federal Retirement Thrift Investment Board.
(7) Resolution Funding Corporation.
(8) Resolution Trust Corporation.
(9) Board of Governors of the Federal Reserve System.
(10) Veterans’ Programs. — The following programs shall be exempt from reduction under any order issued under this part:

(1) General Post Funds (36-8190-0-3-705).
(2) Veterans Insurance and Indemnities (36-0210-0-3-701).
(3) Service-Disabled Veterans Insurance Funds (36-4012-0-3-701).
(4) Veterans Reopened Insurance Fund (36-4010-0-3-701).
(5) Servicemembers’ Group Life Insurance Fund (36-4009-0-3-701).
(6) Post-Vietnam Era Veterans Education Account (36-8132-0-7-702).
(7) National Service Life Insurance Fund (36-8132-0-7-701).
(8) United States Government Life Insurance Fund (36-8150-0-7-701).
(9) Veterans Special Life Insurance Fund (36-8655-0-8-701).

(1) IN GENERAL. — The President may, with respect to any defense or homeland security account, exempt that account from sequestration or provide for a lower uniform percent reduction than would otherwise apply.

(2) LIMITATION. — The President may not use the authority provided by paragraph (1) unless the President notifies the Congress of the manner in which such authority will be exercised or as otherwise specified in section 254(a) for the budget year.

SECTION 256. EXCEPTIONS, LIMITATIONS, AND SPECIAL RULES. —

(a) IN GENERAL. — Section 256 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

(3) National Wool Act and the Special Milk Program. — Automatic spending increases are increases in outlays due to changes in indexes in the following programs:

(1) National Wool Act; and
(2) Special milk program.
In those programs all amounts other than the automatic spending increases shall be exempt from reduction under any sequestration order.

(b) LOAN LOANS.—For all student loans under part B or D of title IV of the Higher Education Act of 1965 made during the sequestration order period under section 254 is in effect as required by section 252 or 253, origination fees under sections 380(c)(2) and 455(c) of that Act shall each be increased by 0.50 percentage point.

(c) FOSTER CARE AND ADOPTION ASSISTANCE PROGRAMS.—Any sequestration order shall make the reduction otherwise required under foster care and adoption assistance programs (established by part E of title IV of the Social Security Act) only with respect to payments and expenditures made by States in which foster care maintenance rate or adoption assistance payment rates or (both) are to take effect during the fiscal year involved, and only to the extent that the required reduction can be accomplished by applying a uniform percentage reduction to the Federal matching payments that each such State would otherwise receive under section 401 of that Act (for such fiscal year) for that portion of the State’s payments attributable to the increases taking effect during that year. No State shall be required to make any expenditures from the funds under this order for foster care maintenance payments or for adoption assistance maintenance payments or for adoption assistance maintenance payments may be reduced by a percentage exceeding the Federal per capita rate of domestic sequestration percentage. No State may, after the date of the enactment of this Act, make any change in the formula for paying payments under a State plan approved under part E of title IV of the Social Security Act which has the effect of changing the fiscal year in which expenditures under such part are made.

(d) LOW-INCOME PROGRAMS.—(1) Benefit payments or payments to States or other entities for the programs listed in paragraph (2) shall not be reduced by more than 2 percent under any sequestration order. When reduced under an end-of-session sequestration order, those benefit reductions shall occur starting with the payment made at the start of January. When reduced under a within-session sequestration order, those benefit reductions shall occur starting with the payment made at the end of the session sequestration order, those benefit reductions shall occur starting with the next periodic payment.

(2) The programs referred to in paragraph (1) are the following:

(A) Child Nutrition (42-3539-0-1-605).

(B) Food Stamp Programs (12-3505-0-1-605).

(C) Grants to States for Medicaid (75-0512-0-1-551).

(D) State Children’s Health Insurance Program (75-6015-0-1-551).

(E) Supplemental Security Income Program (75-6040-0-1-609).

(F) Temporary assistance for Needy Families (75-1552-0-1-609).

(G) Special supplemental nutrition program for women, infants, and children (WIC) (12-3510-0-1-605).

(h) VETERANS’ MEDICAL CARE.—The maximum permissible reduction in budget authority for Veterans’ medical care (36-0160-0-1-703) for any fiscal year, pursuant to an order issued under section 254, shall be 2 percent.

(i) FEDERAL RETIREMENT PROGRAMS.—(1) For each of the programs listed in paragraph (2) and except as provided in paragraph (3), monthly (or other periodic) benefit payments required under the programs by the percentage applicable to direct spending sequestrations for such programs, which shall in no case exceed 2 percent under any sequestration order, shall be reduced under any sequestration order, those benefit reductions shall occur starting with the payment made at the start of January or 7 weeks after the order is issued, whichever is later. When reduced under a within-session sequestration order, those benefit reductions shall occur starting with the next periodic payment.

(2) The programs subject to paragraph (1) are:

(A) Central Intelligence Agency Retirement and Disability Fund (56-3400-0-1-054).

(B) Comptrollers General Retirement System (05-0107-0-1-801).

(C) Judicial Officer’ Retirement Fund (10-8122-0-7-602).

(D) Claims Judges’ Retirement Fund (10-6124-0-7-602).

(E) Pensions for former Presidents (47-0105-0-1-802).


(G) Railroad Industry Pension Fund (90-6011-0-7-601).

(h) Retired pay, Coast Guard (70-0602-0-1-403).

(i) Retirement pay and medical benefits for commissioned officers, Public Health Service (75-0579-0-1-551).

(j) Payments to Civil Service Retirement and Disability Fund (24-0600-0-1-805).

(k) Payments to Civil Service Retirement and Disability Fund (72-1036-0-1-153).

(l) Payments to Judiciary Trust Funds (10-0941-0-1-752).

(m) VETERANS PROGRAMS.—To achieve the total percentage reduction required by any order issued under this part, the percentage reduction that shall apply to payments under the following programs shall in no event exceed 2 percent:

(A) Canteen Service Revolving Fund (36-4014-0-3-703).

(B) Medical Center Research Organizations (36-4026-0-3-703).

(C) Disability Compensation Benefits (36-0102-0-1-701).

(D) Education Benefits (36-0137-0-1-702).

(E) Vocational Rehabilitation and Employment Benefits (36-0135-0-1-702).

(F) Pensions Benefits (36-0154-0-1-701).

(G) Burial Benefits (36-0139-0-1-701).

(H) Guaranteed Transitional Housing Loans For Homeless Veterans Program Account (36-1119-0-1-704).

(I) Housing Direct Loan Financing Account (36-4127-0-1-704).

(J) Housing Guaranteed Loan Financing Account (36-4129-0-7-704).

(K) Vocational Rehabilitation and Education Direct Loan Financing Account (36-4259-0-3-702).

(l) MILITARY HEALTH CARE AND RETIREMENT.—To achieve the total percentage reduction in military retirement required by any order issued under this part, the percentage reduction that shall apply to payments under the military retirement fund (97-4097-0-7-602), payments to the military retirement fund (97-0000-0-1-054), and the Defense Health Program (97-0130-0-1-651) shall in no event exceed 2 percent.

(m) MEDICARE PROGRAM.—(1) CALCULATION OF REDUCTION IN INDIVIDUAL PAYMENT AMOUNTS.—To achieve the total percentage reduction in those programs required by any order issued under this part, the percentage reduction that shall apply to payments under the health insurance programs under title XVIII of the Social Security Act (other than payments described in section 252(a)(2) that are subject to such order for services furnished after any sequestration order, those benefit reductions shall occur starting with the payment made at the start of January or 7 weeks after the order is issued, whichever is later. When reduced under a within-session sequestration order, those benefit reductions shall occur starting with the next periodic payment.

(2) TIMING OF APPLICABILITY OF REDUCTIONS.—If a reduction is made under paragraph (1) in payment amounts pursuant to a sequestration order, the reduction shall be applied to payment for services furnished after the effective date of the order.

(3) NO INCREASE IN CHARGES IN ASSIGNMENT-RELATED CASES.—If a reduction in payment amounts is made under paragraph (1) for services which payment under title IV-B of the Social Security Act is made on the basis of an assignment described in section 1915(b)(3)(B)(ii), in accordance with section 1915(b)(9)(B), or under arrangements as determined by section 1707(c)(1) of such Act, the person furnishing the services shall be considered to have accepted payment of the reasonable charge for such services and reduction in payment amount made pursuant to a sequestration order, as payment in full.

(4) APPLICATION TO PARTS C AND D.—The benefit reductions otherwise required under parts C and D of title XVIII of the Social Security Act with respect to a fiscal year shall be applied to the calendar year that begins after the date of the enactment of this Act.

(n) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.

(1) I N GENERAL.—For purposes of any order issued under section 254, new budget authority to pay such payments shall be reduced by the applicable uniform percentage, but no sequestration order may reduce or have the effect of reducing the rate of pay in which any individual is entitled under any statutory pay system (as increased by any amount payable under section 5303 of title 5, United States Code, or section 502 of the Federal Employees Pay Comparability Act of 1990) or the rate of any element of military pay to which any individual is entitled under title 37, United States Code, or any increase in rate of pay which is scheduled to take effect under section 5303 of title 5, United States Code, section 1009 of title 37, United States Code, or any other provision of law.

(o) DEFINITIONS.—For purposes of this sub-section:

(1) The term ‘statutory pay system’ shall have the meaning given that term in section 5303(c) of title 5, United States Code.

(2) The term ‘elements of military pay’ means:

(A) the elements of compensation of members of the uniformed services specified in section 1009 of title 37, United States Code,

(B) allowances provided members of the uniformed services under sections 403a and 405 of such title,

(C) (i) cafey pay and midshipman pay under section 203(c) of such title.

(D) The term ‘uniformed services’ shall have the meaning given that term in section 101(3) of title 37, United States Code.

(E) Child Support Enforcement Program.—Any sequestration order shall accomplish the full amount of any required reduction in expenditures under sections 151 and 458 of the Social Security Act by reducing the Federal matching rate for State administrative costs under such program, as specified for the fiscal year involved in section 455(a) of such Act, to the extent necessary to reduce such expenditures by that amount.

(1) EXTENDED UNEMPLOYMENT COMPENSATION.—(1) A State may reduce each weekly benefit payment (or an increase in such payment) made under the Federal-State Extended Unemployment Compensation Act of 1970 for any week of unemploy-

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the Federal payment to the State under section 204 of such Act is to be reduced for such week as a result of such order.

"(2) A reduction by a State in accordance with this subsection shall not be considered as a failure to fulfill the requirements of section 3304(a)(11) of the Internal Revenue Code of 1986.

"(m) COMMODOITY CREDIT CORPORATION.—

"(1) POWERS AND AUTHORITIES OF THE COMMODOITY CREDIT CORPORATION.—This title shall not restrict the Commodity Credit Corporation in the discharge of its authority and responsibility as a corporation to buy and sell commodities in world trade, to use the proceeds gained to meet other obligations and otherwise operate as a corporation, the purpose for which it was created.

"(2) REDUCTION IN PAYMENTS MADE UNDER CONTRACTS.—All contracts entered into with a person by the Commodity Credit Corporation prior to the time any sequestration order has been issued shall not be reduced by an order subsequently issued. Subject to subparagraph (b), after any sequestration order is issued for a fiscal year, any cash payments made by the Commodity Credit Corporation—

"(i) under the terms of any one-year contract shall be made in such manner and under such procedures as are subject to reduction under the order;

"(ii) out of an entitlement account, to any person (including any producer, lender, or guaranty entity) shall be subject to reduction under the order.

"(B) Each contract entered into with producers or producer cooperatives with respect to a portion of a commodity and subject to reduction under subparagraph (A) shall be reduced in accordance with the same terms and conditions. If some, but not all, commodities or crops of a commodity have been entered into prior to the issuance of any sequestration order, the order shall provide that the necessary reduction in payments under contracts applicable to the commodity be uniformly applied to all contracts for succeeding crops of the commodity, under the authority provided in paragraph (3).

"(3) DELAYED REDUCTION IN OUTLAYS PERMISSIBLE.—Notwithstanding any other provision of this title, if any sequestration order is issued for a fiscal year, a reduction under the order applicable to contracts described in paragraph (2) may provide for reductions for the amount involved to occur in the fiscal years following the fiscal year to which the order applies.

"(4) UNIFORM PERCENTAGE RATE OF REDUCTION APPLICABLE.—All reductions described in paragraph (2) that are required to be made in connection with any sequestration order with respect to a fiscal year—

"(A) shall be made so as to ensure that outlays for each program, project, activity, or account involved are reduced by a percentage rate that is uniform for all such programs, projects, activities, and accounts, and may not be made so as to achieve a percentage rate of reduction in any such item exceeding the rate specified in the order; and

"(B) the eligibility of cash, commodity price support, and income protection programs, shall be made in such manner and under such procedures as will attempt to ensure that—

"(i) the scope of benefits under any such program is minimized;

"(ii) any instability in market prices for agricultural commodities resulting from the reduction is minimized; and

"(iii) normal production and marketing relationships among agricultural commodities (including both contract and non-contract commodities) are not distorted.

In meeting the criterion set out in clause (iii) of subparagraph (B) of the preceding sentence, the President shall take into consideration that reductions under an order may apply to programs for two or more agricultural commodities that use the same type of production or processing systems or that are alternative commodities among which a producer could choose in making annual production decisions.

"(5) ACTIVITIES AUTHORITY NOT TO BE LIMITED.—Nothing in this title shall limit or reduce in any way any appropriation that provides the Commodity Credit Corporation with funds to cover the Corporation’s net realized losses.

"(n) POSTAL SERVICE FUND.—Notwithstanding any sequestration order, any sequestration of the Postal Service Fund shall be accomplished by a payment from that Fund to the General Fund of the Treasury, provided that the Postal Service Fund to the General Fund of the Treasury, provided that the United States shall make the full amount of that payment during the fiscal year to which the President's sequestration order applies.

"(o) EFFECTS OF SEQUESTRATION.—The effects of sequestration shall be as follows:

"(1) Budgetary resources sequestered from any account other than an entitlement trust, special, or revolving fund account shall revert to the Treasury and be permanently canceled.

"(2) Except as otherwise provided, the same percentage sequestration shall apply to all programs, projects, and activities within a budget account (with programs, projects, and activities as defined in the appropriation Act or accompanying report for the relevant fiscal year covering that account, or for accounts not included in appropriation Acts, as determined by the most recently submitted President's budget).

"(3) Administrative regulations or similar actions implementing a sequestration shall be made in accordance with the sequestration order. To the extent that formula allocations differ at different levels of budgetary resources within an account, program, project, or activity, the sequestration shall be interpreted as producing a lower total appropriation, with that lower appropriation being obligated as though it had been the pre-sequestration appropriation and no sequestration had occurred.

"(4) Except as otherwise provided, obligations in sequestered direct spending accounts shall be decreased by the same amount as a reduction in the applicable index that was disregarded as a result of that sequestration shall not be taken into account in any subsequent fiscal year.

"(5) If an automatic spending increase is sequestered, the increase (in the applicable index) that was disregarded as a result of that sequestration shall not be taken into account in any subsequent fiscal year.

"(6) Except as otherwise provided, sequestration in accounts for which obligations are indefinite shall be taken in a manner to ensure that obligations in the fiscal year of a sequestration and sequestration occurring in all subsequent fiscal years.

(5) If an automatic spending increase is sequestered, the increase (in the applicable index) that was disregarded as a result of that sequestration shall not be taken into account in any subsequent fiscal year.

(6) Except as otherwise provided, sequestration in accounts for which obligations are indefinite shall be taken in a manner to ensure that obligations in the fiscal year of a sequestration and sequestration occurring in all subsequent fiscal years.

(5) If an automatic spending increase is sequestered, the increase (in the applicable index) that was disregarded as a result of that sequestration shall not be taken into account in any subsequent fiscal year.

(6) Except as otherwise provided, sequestration in accounts for which obligations are indefinite shall be taken in a manner to ensure that obligations in the fiscal year of a sequestration and sequestration occurring in all subsequent fiscal years.

(5) If an automatic spending increase is sequestered, the increase (in the applicable index) that was disregarded as a result of that sequestration shall not be taken into account in any subsequent fiscal year.

(6) Except as otherwise provided, sequestration in accounts for which obligations are indefinite shall be taken in a manner to ensure that obligations in the fiscal year of a sequestration and sequestration occurring in all subsequent fiscal years.

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(6) Except as otherwise provided, sequestration in accounts for which obligations are indefinite shall be taken in a manner to ensure that obligations in the fiscal year of a sequestration and sequestration occurring in all subsequent fiscal years.

(5) If an automatic spending increase is sequestered, the increase (in the applicable index) that was disregarded as a result of that sequestration shall not be taken into account in any subsequent fiscal year.

(6) Except as otherwise provided, sequestration in accounts for which obligations are indefinite shall be taken in a manner to ensure that obligations in the fiscal year of a sequestration and sequestration occurring in all subsequent fiscal years.
“SEC. 443. ANALYSIS OF LONG-TERM UNFUNDED OBLIGATIONS.

The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill or resolution of a public character reported by any committee of the House of Representatives or the Senate (except the Committee on Appropriations of each House), and submit to such committee—

(1) an estimate of any increase of the long-term unfunded obligation of any applicable entitlement program which would be incurred in carrying out such bill or resolution and the increase in the excess of the discounted present value of the expenditures of such program above the discounted present value of the dedicated receipts of such program over a long-term estimating period by more than an applicable threshold; and

(2) an estimate of any increase in the dollar value of such program above the dedicated receipts of such program in the last year of the estimating period by more than the applicable threshold.

The estimates and description so submitted shall be included in the report accompanying such bill or resolution if timely submitted to such committee before such report is filed.

“SEC. 444. DEFINITIONS.

As used in this part—

(A) Old Age, Survivors, and Disability Insurance.

(B) Medicare (combined hospital insurance and supplemental medical insurance).

(C) Civilian retirement and disability (combined Civil Service Retirement System and Federal Employees Retirement System).

(D) Foreign Service Retirement and Disability (combined Foreign Service Retirement and Disability System and Foreign Service Pension System).

(E) Military Retirement System.

(G) Uniformed Services Retiree Health Care System.


(I) Supplemental Security Income (SSI).

(J) For estimates made on or after January 1, 2006, veterans disability compensation.

(K) Any entitlement program with regularly available long-term estimates.

(2) The term ‘entitlement program with regularly available long-term estimates’ means a program for which the Director of the Congressional Budget Office, in consultation with the Committees on the Budget of the House of Representatives and the Senate and the Chairmen of the House of Management and Budget, has determined that it is feasible to make long-term estimates of expenditures and dedicated receipts based on explicit demographic, economic, and other estimating assumptions. The Director shall notify the House and Senate Committees on the Budget in writing, whenever he or she makes such a determination.

(3) The term ‘applicable group of entitlement programs’ shall be defined as any of the following:

(A) Old Age, Survivors, and Disability Insurance.

(B) All applicable entitlement programs except Old Age, Survivors, and Disability Insurance.

(4) The term ‘long-term estimating period’ shall be defined as 75 years, starting with the current year, for all applicable entitlement programs except Old Age, Survivors, and Disability Insurance. For Old Age, Survivors, and Disability Insurance, the term shall be defined as the period of 75 years utilized in the most recent annual report of the Board of Trustees provided pursuant to section 201(c)(2) of the Social Security Act.

(6) The term ‘last year of the estimating period’ shall be defined as the 75th year of the long-term estimating period.

(b) the term ‘budgetary’ shall be defined, for all applicable entitlement programs other than Medicare, as taxes and fees received from the public, payments received from Federal agencies, and Federal agency employees who are participants in the program, transfers received by the program under section 7(c)(2) of the Railroad Retirement Act of 1974 (45 U.S.C. 2316(c)(2)), and transfers from the general fund of amounts equivalent to income tax receipts under section 86 of the Internal Revenue Code. Dedicated receipts shall not include payments from the general fund to amortize a program’s unfunded liability or payments of interest on a program’s trust fund holdings. For Medicare, ‘dedicated receipts’ shall be defined according to section 801(c)(3) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

(c) The term ‘applicable threshold’ shall be defined as:

(A) For a group of applicable entitlement programs over a long-term estimating period—

(i) 0.02 percent of the present value of the taxable payroll of the group of programs over the estimating period, for legislation affecting Old Age, Survivors, and Disability Insurance or Medicare; and

(ii) 1 percent of the present value of the expenditures in the estimating period of the programs in the group that are affected by the legislation.

(B) For a group of applicable entitlement programs in the last year of the estimating period—

(i) 0.02 percent of the taxable payroll of the group of programs in that year, for legislation affecting Old Age, Survivors, and Disability Insurance or Medicare;

(ii) 0.01 percent of Gross Domestic Product in that year; or

(iii) 1 percent of the expenditures in that year of the programs in the group that are affected by the legislation.

(b) CONFORMING AMENDMENT.—The table of contents forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 428 the following:

“PART C—LONG-TERM UNFUNDED OBLIGATIONS

“Sec. 441. Analysis of long-term unfunded obligations.

“Sec. 442. Standard for determining increase in long-term unfunded obligation.

“Sec. 443. Long-term unfunded obligation and annual report by congressional budget office.

“Sec. 444. Definitions.

The CHAIRMAN. Pursuant to House Resolution 692, the gentleman from Texas (Mr. HENSARLING) and the gentleman from South Carolina (Mr. SPRATT) each will control 5 minutes.

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

First, I want to offer my congratulations to the gentleman from Iowa (Chairman Nussle) for his fine work on an incredibly important topic that we take today, and that is the topic of limiting the size, the scope, the power, the expense of government. In his underlying bill, he has placed a cap on the growth, on the growth of discretionary spending.

This amendment would also offer a cap on the growth of mandatory spending, again, a cap on the growth. Under this particular amendment, mandatory spending would grow by either CPI, the consumer price index for a program inflator, plus new enrollees. There are certain exemptions, certain programs that, if this were to be enforced by a sequester, would have a 2 percent protection.

But the truth is this is an amendment that goes to the heart of the question: Does this body believe in limited government? Is government ever too big? Is spending ever out of control? Should we ever do anything to protect the family or the future or the Federal budget? Many of us believe that spending is indeed out of control.

Mr. Chairman, since I have been on the face of the planet, the Federal budget has grown seven times faster, seven times faster, than the family budget as measured by median worker income. I believe that is an unsustainable growth rate, and an unconscionable growth rate. If we look at per capita spending, the interest outlays have increased 3.6 percent faster than inflation each year since 1997. We see where the trend lines are headed. Ten years of spending history: total spending growth has averaged 5 percent each year since 1994, and the incline gets greater and greater and greater.

Until we finally draw a line in the sand and tell the American people at some point we are going to quit taking money away from them, at some point we are going to go in and begin to root out the waste, the fraud, the abuse, the duplication that permeates every corner, then American families will not be able to realize their dreams, their dreams of a better tomorrow, their dream of better education for their children, their dream of better health care for their family.

We must decide at some point that we are going to limit the growth of government, and this amendment would do that.

Mr. Chairman, I reserve the balance of my time.
Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill would set an arbitrary cap on some of the most important spending in the Federal budget, the spending that supports Medicare. This is a huge tax cut that would result in a substantial deficit, requiring us to borrow large sums of money. Interest on the principal for paying on our national debt. So we fix a level which the current level of expenditures is not to exceed the level of expenditure, and then every year it increases.

The gentleman does allow for the spending level to increase with the rate of inflation measured by the CPI. As everyone in this room knows, the cost of health care every year, for as long as I have known it, goes up substantially more than the consumer price index so that over time in holding Medicare to no more than the rate of growth of the CPI, while the rest of health care spending is going up at a substantially higher rate, this is going to erode away spending authority for Medicare. It is going to result in automatic cuts in Medicare and other programs, affected programs are not taken out of Medicare, they will have to come all the more out of other programs.

Secondly, since debt service, the interest we pay on the national debt, is included, we could have this anomaly: we could have a huge tax cut that would result in a substantial deficit, requiring us to borrow large sums of money. Interest on the principal for the additional debt would go up, and that increment over and above the entitlement cap would have to be taken out of other spending programs like the Medicaid or children’s health insurance or TRICARE for Life, trade adjustment assistance. All of these programs fall under that category and would be subject to automatic cuts if we have anomalous action like that.

So this is not a good idea. Certainly these are not programs we want to put in that kind of jeopardy. We would like to exercise some control over their growth, and we have from time to time in the past voted to reduce rates of expenditure to curb the growth in Medicare and Medicaid and these other programs. But to do it automatically, to do it mindlessly, to do it with a meat cleaver is not the way to go on these programs on which so many people depend.

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

Mr. HENSARLING. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I just want to respond to a few things the gentleman from South Carolina said.

Number one, the cap is indexed to inflation at the CPI or another inflation adjuster, such as, in the case of Medicare, medical inflation, Medicare price. So how can he say that it is a cut if each of these programs grows by inflation plus new beneficiaries and the inflation within those kinds of programs?

The problem we have, Mr. Chairman, is when we put most of the Federal Government off limits to budget discipline, it grows out of control. I hope that those who are in charge of discretionary spending in Congress also join with us in trying to control mandatory spending, because if we can control mandatory spending, we can get our hands around the big problem in our budget, the Federal Government, and that is out-of-control spending. We do this in an honest way, we do this in a sincere way, and we do this in a way to protect those. That is why earned entitlements are off limits, like Social Security and Medicare benefits. We do this in a way that we protect beneficiaries, we protect them from inflation, and we get our hands around the biggest part of our Federal budget, entitlements.

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

In response to the gentleman’s statement, it is still my understanding that child care, direct student loans, farm price supports, TRICARE for Life, military retirement, and trade adjustment assistance, among other things, would be subject to these automatic cuts. If there was some sort of growth over and above the cap that he has imposed, all of these things would get whacked unless Congress somehow intervened and saved them from being cut by administering cuts elsewhere in the budget.

It is not a good idea. It is not a workable idea. And I continue to oppose the amendment.

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

Mr. HENSARLING. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania (Mr. TOOMY).

Mr. TOOMY. Mr. Chairman, I thank the gentleman from Texas for yielding me this time, and I commend him for this amendment.

If we are serious about getting spending under control, we simply have to address the mandatory side. It is as simple as that. In 1963 mandatory spending was 25 percent of the Federal budget. Today it is over 60 percent; and it is on its way up in absolute terms, as a percentage term. It is growing faster than any restraint we have on it. And to allow, as this amendment does, for it to grow at the sum of the rate of growth of the population and inflation, allows us to maintain the level of benefits. It just puts a break on the out-of-control spending.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for yielding me that time.

This amendment points out the difficulty in the one-way PAYGO. If we have a crunch, we can only deal with it by cutting spending. We cannot deal with it any other kind of way. With the one-way PAYGO, if we want to deal with the problem through tax cuts, if we have health care we want to deliver, we can do it in tax cuts. Just give tax credits. There is no limit to what we can do, if we have a crunch and the budget is tight, we have to do this mindless across-the-board cut. If we do it through tax cuts, we could have tax cuts at the same time that we are cutting the spending.

This is what happens when we have a two-way PAYGO. The red is what happens when we have unlimited tax cuts with PAYGO. This just says we have got to cut mindlessly across the board with spending. If we have a crunch and we have a new need, we cannot make it; we cannot meet it. If we want to meet it, the only way we can do it is through some tax plan where we are unlimited. But if we have a new program, if there is a housing need, if there is a health care need, something new we want to do, we cannot do it. This is why we need a two-way PAYGO and a more sensible way to deal with our budget, not mindless across-the-board tax cuts.

Mr. HENSARLING. Mr. Chairman, I yield the balance of my time to the gentleman from Arizona (Mr. SHADDEGG).

Mr. SHADEEGG. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in strong support of this amendment. My colleagues on the Appropriations correctly point out that the engine driving the train here is entitlement spending, not discretionary spending which they have control. And they are right.

Every American, I think, understands in their gut that entitlement spending is out of control. It is out of control because there are no restraints on it. I would like to point out, as my colleague from Pennsylvania did just a moment ago, in 1963, not that long ago, 25 percent of our spending was entitlement spending. Today it is over 60 percent of all our spending. We have to control that, and this is a rational basis to do it because it limits the growth to the growth in the population of the constituency plus inflation. That is the only way we can rationally limit spending. And it is not a meat cleaver.

I urge my colleagues to support the amendment.

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

Mr. Chairman, the caps that are being proposed here could create short-falls of billions of dollars over the next 10 years, triggering huge cuts. And let me tell the Members the programs that would be cut: veterans compensation, veterans pensions, food stamps, Medicaid, children’s health insurance, childcare, direct student loans, farm
price supports, TRICARE for Life, military benefits, and trade adjustment assistance among others.

This is not a good plan. We do not need to put those in jeopardy of automatic cuts, and I oppose the amendment and urge others to do so also.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

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

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

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

It is now in order to consider amendment No. 5 printed in House Report 108-566.

AMENDMENT NO. 5 OFFERED BY MR. HENSARLING

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. Hensarling

At the end, add the following new section:

SEC. 1. GOVERNMENT SHUTDOWN PROTECTION. (a) In general.—Chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1311 the following new item: ”§ 1311. Continuing appropriations

‘‘(1) If any regular appropriation bill for a fiscal year does not become law before the beginning of such fiscal year or a joint resolution making continuing appropriations is not in effect, there are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any project or activity for which funds were provided in the preceding fiscal year—

‘‘(A) in the corresponding regular appropriation Act for such preceding fiscal year; or

‘‘(B) if the corresponding regular appropriation bill for such preceding fiscal year did not become law, then in a joint resolution making continuing appropriations for such preceding fiscal year;

‘‘(2) Appropriations and funds made available, and authority granted, for a project or activity for any fiscal year pursuant to this section shall be at a rate of operations not in excess of the level authorized for such project or activity by the regular appropriation Act for such fiscal year;

‘‘(3) in the absence of such an Act, the rate of operations provided for such project or activity pursuant to a joint resolution making continuing appropriations for such preceding fiscal year;

‘‘(4) the rate of operations provided for in the regular appropriation Act providing for such project or activity for the preceding fiscal year;

‘‘(5) the rate of operations provided for in the regular appropriation bill as passed by the House of Representatives or the Senate for the fiscal year in question, except that the lower or lesser of the above rates shall be provided for that project or activity in either version; or

‘‘(D) the annualized rate of operations provided for in the most recently enacted joint resolution making continuing appropriations for part of that fiscal year or any funding levels established under the provisions of this Act.

‘‘(3) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a project or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

‘‘(A) the date on which the applicable regular appropriation bill for such fiscal year becomes law (whether or not such law provides for such project or activity) or a continuing resolution making appropriations becomes law, as the case may be; or

‘‘(B) the last day of such fiscal year.

‘‘(b) An appropriation or funds made available, or authority granted, for a project or activity for any fiscal year pursuant to this section shall be subject to the terms and conditions imposed with respect to the appropriations made or funds made available for the preceding fiscal year, or authority granted for such project or activity under current law.

‘‘(c) Appropriations and funds made available, and authority granted, for any project or activity for any fiscal year pursuant to this section shall cover all obligations or expenditures incurred for such project or activity during such fiscal year for which this section applies to such project or activity.

‘‘(d) Expenditures made for a project or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of a fiscal year providing for such project or activity for such period becomes law.

‘‘(e) This section shall not apply to a project or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)

‘‘(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period; or

‘‘(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

‘‘(f) For purposes of this section, the term ‘regular appropriation bill’ means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority for the following categories of projects and activities:

‘‘(1) Agriculture, rural development, Food and Drug Administration, and related agencies appropriations.

‘‘(2) The Departments of Commerce, Justice, and State, the Judiciary, and related agencies.

‘‘(3) The Department of Defense.

‘‘(4) The government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the District.

‘‘(5) Energy and water development.

‘‘(6) Foreign operations, export financing, and related programs.


‘‘(8) The Department of the Interior and related agencies.

‘‘(9) The Departments of Labor, Health and Human Services, and Education, and related agencies.

‘‘(10) The Legislative Branch.

‘‘(11) Military construction, family housing, and base realignment and closure for the Department of Defense.

‘‘(12) The Departments of Transportation and Treasury, and independent agencies.

‘‘(13) The Departments of Veterans Affairs and Housing and Urban Development, and related independent agencies.

(b) CLERICAL AMENDMENT.—The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new item:

‘‘§ 1311. Continuing appropriations.’’

The CHAIRMAN. Pursuant to House Resolution 692, the gentleman from Texas (Mr. HENSARLING) and the gentleman from South Carolina (Mr. SPRATT) each will control 5 minutes.

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

Mr. Chairman, this is a very simple amendment. In the past when this House has not agreed with the other body on a budget, occasionally we have faced a government shutdown, a train wreck. The government has shut down 17 times since 1977, for a total of 109 days. These shutdowns should not happen. They are not good for the American people. Parks close. Applications for visas go unprocessed. Toxic waste clean-up is postponed.

This amendment is very simple. It says if for whatever reason we cannot come to an agreement on the budget, we do not shut down the government. We go back to the last agreement on the table. We put in place a continuing resolution until such time as we can come to agreement so we do not hold the American people hostage.

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

Mr. SPRATT. Mr. Chairman, I yield 2½ minutes to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding me this time.

I will speak quickly because time is so limited. We are dealing with a constitutional issue in what we are talking about today. We have raised that issue many times.

Section 9 of article I is very specific: ‘‘No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. But it goes further to say ‘and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.’”

If we were to agree to put into place an automatic continuing resolution, we would not follow the Constitution. We put the administration on auto pilot; and we let the Congress say that it is going to be a lot easier to avoid those difficult days and hours, those difficult decisions. Just go on automatic pilot with a CR. Ignore the Constitution.

This is not a good amendment.

1800

This is not a good plan. I supported the first amendment of the gentleman, but I cannot support this amendment. I think it flies in the face of the Constitution.
Mr. Chairman, I yield back the balance of my time.

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

Mr. Chairman, this particular amendment could have a perverse and unintended result, and that is it could lower, lessen the incentive for Congress to get its work done, knowing that if we could not come together and pass appropriation bills, all 13 of them, if we could not get them on the President’s desk in time, why, it would be automatic. This continuing resolution would just automatically kick into effect.

Anyone bent upon sort of disrupting the process and preventing an appropriations bill that he thought was maybe too much or maybe too little could manipulate this result, manipulate the situation if this rule were in place. So I do not think it helps the process at all.

I think when we have to pass a continuing resolution, it is a bit embarrassing that we have to get up and say to the country and the public, as well as to our constituents, ‘we have not gotten our work done yet, so keep on spending money at the existing level. It gives us a strong incentive to go ahead and finally come to those final compromises that will help us close the appropriations process.

So this would probably complicate, prolong the process, and lead to situations where we did not even pass appropriation bills because there would be an automatic reversion to the prior year’s spending level.

It is not a good idea. It has been debated before, debated more thoroughly than it has been debated tonight, and there is a good reason it has never become law, it is not a workable or viable idea.

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

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

Mr. Chairman, first I would like to thank the gentleman from Florida for allowing me to bat 500 with him.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

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

Mr. Chairman, this is, I think, just a matter of responsible government. This is a voiding of our amendment. It is not sensible because the status quo is not. It is not responsible to have the threat of a government shutdown looming over this process. It is not responsible to have the American people wondering whether or not government services are going to be suspended, whether or not important functions are going to be disrupted. That is what is irresponsible.

What is responsible is to say if we are unable to come to a resolution and pass a new appropriation bill, then we will, by an act of Congress, continue under the previously enacted appropriation bill.

Contrary to my good friend and a colleague I respect, the gentleman from Florida, I do not see any constitutional problem with this whatsoever. It still is an exercise in Congressional authority in establishing the level of appropriation, but it happens to do so at the previous year’s level. There is nothing in the Constitution that says we have to change the level of spending from one year to the next, so I tend to disagree with that.

The other problem I have with the status quo and the reason that I like this amendment so much is that in the absence of an automatic continuing resolution, let us face it, we know what happens. There is a big game of political chicken that the world. We discovered that basically freezing spending at the previous year’s level in many areas was no big deal.

Now, if you are interested in getting spending under control, this is a very good amendment, and I urge my colleagues to support it.

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

The CHAIRMAN. The gentleman from Texas has 2 minutes remaining.

Mr. HENSARLING. Mr. Chairman, I yield 30 seconds to the gentleman from Iowa (Mr. NUSSELE), the esteemed chairman of the Committee on the Budget.

Mr. NUSSELE. Mr. Chairman, I support the gentleman’s amendment.

More than anything else, I just want to reinforce what my colleague from Texas said. There has been a lot of coming to the floor and saying the budget process is broken. Part of the reason that this amendment is being offered is because it is the appropriations process that cannot get done on time.

We have had so many years when appropriations do not get done on time, and, because of that, the threat hangs over for government shutdown. It is the reason why we are looking, grappling with a way to make sure that does not happen. But it is because of the appropriations process that with the budget process and other processes around here have some challenges.

So do not come down and just talk about the budget. It is also the appropriations process that has challenges.

Mr. HENSARLING. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I just would like to bring some illumination to this with numbers. This brinksmanship that this process brings us to has brought us a lot of extra challenges. In fiscal year 2003, the discretionary spending level in the budget resolution was $661 billion. We spent $734 billion.

In FY 2003, the discretionary spending level was set out in the budget resolution at $750 billion. We ended up spending $849 billion.

In FY 2004, the discretionary spending level was $784 billion. We ended up spending $873 billion.

This brinksmanship brings us to this overspending limit. This amendment stops that.

Mr. HENSARLING. Mr. Chairman, I yield 30 seconds to the gentleman from Arizona (Mr. SHADEG).

Mr. SHADEG. Mr. Chairman, I thank the gentleman for yielding me time, and I rise in support of this amendment.

Mr. Chairman, the reality is, it is a common-sense amendment. I was here in 1995 when the government shut down. My colleague from South Carolina said look, it is simply not needed. The budget process works and this process helps us.

Since 1977, in 27 years, we have shut this government down 17 different times for a total of 109 days. What that means to the American people is that in 1995, 368 national parks closed, 7 million visitors were turned away, a loss of $14 million in tourism revenue, and 20,000 to 30,000 applications for visas went unprocessed every single day.

It is not a yielding of our constitutional authority, it is indeed a rational way to deal with the process. We need to do our budget work, and if we cannot get it done in time, we need a process to keep the government open and running to serve the American people.

Mr. Chairman, I urge my colleagues to support the amendment.

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

Mr. Chairman, I have the greatest amount of respect for the gentleman from Florida, the chairman of the Committee on Appropriations, and the ranking member on the Committee on the Budget, but it seems to me rarely has an amendment been endowed with such common sense as this one. Why do we shut down the government if we cannot get our business done? Do we understand the implications to the average American out there in the street? This is not a yield. It is not a constitutional authority, it is indeed a rational way to deal with the process. We need to do our budget work, and if we cannot get it done in time, we need a process to keep the government open and running to serve the American people.

Mr. Chairman, I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. HENSARLING?). The question was taken; and the Chairman announced that the noes appeared to have it.
H4988

Mr. HENSARLING. Mr. Chairman, I
demand a recorded vote.
The CHAIRMAN. Pursuant to clause
6 of rule XVIII, further proceedings on
the amendment offered by the gentleman from Texas (Mr. HENSARLING)
will be postponed.
SEQUENTIAL VOTES POSTPONED IN COMMITTEE
OF THE WHOLE

The CHAIRMAN. Pursuant to clause
6 of rule XVIII, proceedings will now
resume on those amendments on which
further proceedings were postponed in
the following order: Amendment No. 1
offered by Mr. BRADY of Texas; amendment No. 2 offered by Mr. CHOCOLA of
Indiana; amendment No. 3 offered by
Mr. CASTLE of Delaware; amendment
No. 4 offered by Mr. HENSARLING of
Texas; and amendment No. 5 offered by
Mr. HENSARLING of Texas.
The Chair will reduce to 5 minutes
the time for any electronic vote after
the first vote in this series.
AMENDMENT NO. 1 OFFERED BY MR. BRADY OF
TEXAS

The CHAIRMAN. The pending business is the demand for a recorded vote
on the amendment offered by the gentleman from Texas (Mr. BRADY) on
which further proceedings were postponed and on which the ayes prevailed
by voice vote.
The Clerk will redesignate the
amendment.
The Clerk redesignated the amendment.
RECORDED VOTE

The CHAIRMAN. A recorded vote has
been demanded.
A recorded vote was ordered.
The CHAIRMAN. This will be a 15minute vote, followed by four 5-minute
votes.
The vote was taken by electronic device, and there were—ayes 272, noes 140,
not voting 21, as follows:
[Roll No. 305]
AYES—272
Aderholt
Akin
Alexander
Baca
Bachus
Baird
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bell
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burns
Burr
Burton (IN)

VerDate May 21 2004

June 24, 2004

CONGRESSIONAL RECORD — HOUSE

Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Dooley (CA)
Doolittle

00:46 Jun 26, 2004

Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graves
Green (TX)
Green (WI)
Gutknecht
Hall
Harman
Hart

Jkt 029060

Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery

McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Mica
MillenderMcDonald
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross

Abercrombie
Ackerman
Allen
Andrews
Baker
Baldwin
Becerra
Berkley
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Chandler
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr

Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Greenwood
Grijalva
Gutierrez
Hinchey
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee
(TX)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum

Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wu
Young (AK)

NOES—140

PO 00000

Frm 00060

Fmt 4634

Sfmt 0634

McGovern
Meek (FL)
Menendez
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ose
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Rush
Ryan (OH)
Sabo
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (VA)
Serrano
Sherman
Simpson
Slaughter
Solis
Spratt

Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns

Udall (CO)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner

Wexler
Wilson (NM)
Wolf
Woolsey
Wynn
Young (FL)

NOT VOTING—21
Barton (TX)
Bereuter
Berman
Carson (IN)
Collins
Davis, Tom
Deutsch

Gephardt
Granger
Harris
Hastings (FL)
Hastings (WA)
Jefferson
Jones (OH)

McDermott
Meeks (NY)
Mollohan
Rothman
Roybal-Allard
Tauzin
Velázquez

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote).
Members are advised there are 2 minutes remaining in this vote.
b 1837
Ms. JACKSON-LEE of Texas, Ms.
CORRINE BROWN of Florida, Ms.
DeGETTE, Ms. McCARTHY of Missouri, Mr. EVANS, and Mr. CROWLEY
changed their vote from ‘‘aye’’ to ‘‘no.’’
Mrs. EMERSON, and Messrs. LEWIS
of California, BOEHNER, PETERSON
of Pennsylvania, GILCHREST, WICKER, RUPPERSBERGER, SNYDER and
EHLERS changed their vote from ‘‘no’’
to ‘‘aye.’’
So the amendment was agreed to.
The result of the vote was announced
as above recorded.
Stated for:
Ms. HARRIS. Mr. Chairman, on rollcall No.
305 I was unavoidably detained. Had I been
present, I would have voted ‘‘aye.’’
AMENDMENT NO. 2 OFFERED BY MR. CHOCOLA

The CHAIRMAN. The pending business is the demand for a recorded vote
on the amendment offered by the gentleman from Indiana (Mr. CHOCOLA) on
which further proceedings were postponed and on which the noes prevailed
by voice vote.
The Clerk will redesignate the
amendment.
The Clerk redesignated the amendment.
RECORDED VOTE

The CHAIRMAN. A recorded vote has
been demanded.
A recorded vote was ordered.
The CHAIRMAN. This will be a 5minute vote.
The vote was taken by electronic device, and there were—ayes 126, noes 290,
not voting 17, as follows:
[Roll No. 306]
AYES—126
Akin
Bachus
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Boswell
Brady (TX)
Burgess
Burns
Burton (IN)
Camp

E:\CR\FM\K24JN7.147

H24PT2

Cannon
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Cubin
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Duncan
Dunn
Ehlers
Feeney

Flake
Foley
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
Green (TX)
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hayworth
Hensarling
Herger
Hoekstra


by voice vote. postponement and on which the ayes prevailed which further proceedings were postponed.

The vote was taken by electronic device, and there were two ayes, one no, one present not voting.

Mr. RADANOVICH changed his vote from "no" to "aye." So the amendment was rejected. The result of the vote was announced as above recorded.

ANNOUNCEMENT OF THE CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Delaware (Mr. CASTLE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment. The Clerk redesignates the amendment.

RECORDED VOTE

THE CHAIRMAN. A recorded vote has been ordered. A recorded vote was ordered.

The vote was taken by electronic device, and there were—aye 185, noes 230, not voting 18, as follows: [Roll No. 307]
ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

Ms. HARMAN changed her vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. HENSARLING

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignates the amendment.

RECORDED VOTE

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 96, noes 317, not voting 20, as follows:

(Roll No. 308)

| AYES—96 |
|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Akin | DeMint | Keller | Rangel | Serrano | Udall (NM) | Rep. Serrano |
| Ballenger | Diaz-Balart, M. | Kennedy (MN) | Barrett (SC) | Doolittle | King (CA) | Rep. Barrett (SC) |
| Burgess | Gingrey | Myrick | Burns | Good | Esh Connie Slaughter | Rep. Burgess |
| Cantor | Ganske | Otter | Chabot | Hall | Paul | Rep. Chabot |
| Carter | Hall | Oxnard | Chabot Hall | Hall | Paul | Rep. Chabot Hall |
| Cho | Harris | Hare | Cole | Hayworth | Pence | Rep. Cole |
| Cox | Hensarling | Pombo | Crane | Hekstra | Putnam | Rep. Crane |
| Culberson | Issa | Royce | Culberson | Issa | Royce | Rep. Culberson |
| Del | Gallo | Starks | Del | Gallo | Starks | Rep. Del |
| DeLa Rey | Johnson | Sam | Del | Gallo | Starks | Rep. Del |

Schorr | Sesion Brenner | Sessions | Shanker | Shadegg | Walsh | Rep. Shanker |
| Shimkus | Smith (MO) | Smith (MI) | Smith (AL) | Smith (PA) | Smith (SC) | Rep. Smith (MO) |

Abercrombie | Ackerman | Alexander | lange | Alexander | Lange | Rep. lange |
| Zentler | Bell | Bent | Bell | Berner | Beswick | Rep. Berner |
| Berry | Bisaro | Bischendorf | Bischoff | Blumenauer | Byrd | Rep. Bischoff |
| Bozoan | Boucher | Boyd | Bradley (IN) | Brady (PA) | Brown (OH) | Rep. Brady (IN) |
| Cappo | Capito | Capto | Cappo | Cardoza | Cardoza | Rep. Cardoza |
| Casanova | Castle | Clay | Clyburn | Clyburn | Clyburn | Rep. Clyburn |
| Casarson | Castle | Clay | Clyburn | Clyburn | Clyburn | Rep. Clyburn |
| Casarson (OK) | Castle | Clay | Clyburn | Clyburn | Clyburn | Rep. Clyburn |

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

Stated against:

(Roll No. 309)

| AYES—111 |
|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Akin | Chabot | Fole | Akin | Chabot | Fole | Rep. Akin |
| Ballenger | D avis-Balart, M. | Kennedy (MN) | Barrett (SC) | Doolittle | King (CA) | Rep. Barrett (SC) |
| Burgess | Gingrey | Myrick | Burns | Good | Esh Connie Slaughter | Rep. Burgess |
| Cantor | Ganske | Otter | Chabot | Hall | Paul | Rep. Chabot |
| Carter | Hall | Oxnard | Chabot Hall | Hall | Paul | Rep. Chabot Hall |
| Cho | Harris | Hare | Cole | Hayworth | Pence | Rep. Cole |
| Cox | Hensarling | Pombo | Crane | Hekstra | Putnam | Rep. Crane |
| Culberson | Issa | Royce | Culberson | Issa | Royce | Rep. Culberson |
| Del | Gallo | Starks | Del | Gallo | Starks | Rep. Del |
| DeLa Rey | Johnson | Sam | Del | Gallo | Starks | Rep. Del |

Schorr | Sesion Brenner | Sessions | Shanker | Shadegg | Walsh | Rep. Shanker |
| Shimkus | Smith (MO) | Smith (MI) | Smith (AL) | Smith (PA) | Smith (SC) | Rep. Smith (MO) |

Abercrombie | Ackerman | Alexander | lange | Alexander | Lange | Rep. lange |
| Zentler | Bell | Bent | Bell | Berner | Beswick | Rep. Berner |
| Berry | Bisaro | Bischendorf | Bischoff | Blumenauer | Byrd | Rep. Bischoff |
| Bozoan | Boucher | Boyd | Bradley (IN) | Brady (PA) | Brown (OH) | Rep. Brady (IN) |
| Cappo | Capito | Capto | Cappo | Cardoza | Cardoza | Rep. Cardoza |
| Casanova | Castle | Clay | Clyburn | Clyburn | Clyburn | Rep. Clyburn |
| Casarson (OK) | Castle | Clay | Clyburn | Clyburn | Clyburn | Rep. Clyburn |
| Casarson (CA) | Castle | Clay | Clyburn | Clyburn | Clyburn | Rep. Clyburn |

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

MR. HERGER, Mr. Chair, on rollcall No. 308 I was unavoidably detained. Had I been present, I would have voted “aye.”

MR. HENSARLING, Mr. Chair, on rollcall No. 308 I was unavoidably detained. Had I been present, I would have voted “no.”

AMENDMENT NO. 1 OFFERED BY MR. HENSARLING

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignates the amendment.

RECORDED VOTE

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 111, noes 304, not voting 18, as follows:

(Roll No. 339)
CONGRESSIONAL RECORD — HOUSE
H4991

Rangel
Regula
Rehberg
Renuzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WV)
Sabo
Sánchez, Linda
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano

Buck
Davis, Tom
Davis (TX)
Davis (MD)
Davis (GA)
Davis (IN)
Davis (KY)
Davis (LA)
Davis (WI)

due to the closing of the mail.

PERMISSION FOR AMENDMENT NO. 18 TO BE CONSIDERED OUT OF SEQUENCE AND WITHDRAWN AFTER DEBATE DURING FURTHER CONSIDERATION OF H.R. 4663, SPENDING CONTROL ACT OF 2004

Mr. DREIER. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4663 pursuant to House Resolution 692, amendment No. 18 in House Report 108-566 be considered out of sequence in the Committee of the Whole and that the amendment be withdrawn by its propounder after debate thereon.

SPENDING CONTROL ACT OF 2004

The SPEAKER pro tempore. Pursuant to House Resolution 692 and rule XVIII, the Chair declares the House in the Committee of the Whole on the State of the Union for the further consideration of the bill, H.R. 4663.

In the Committee of the Whole

Accordingly, the House resolved itself into the Committee of the Whole on the State of the Union for the further consideration of the bill (H.R. 4663) to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to establish discretionary spending limits and a pay-as-you-go requirement for mandatory spending, with Mr. Bas (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, amendment No. 5 printed in House Report 108-566 offered by the gentleman from Texas (Mr. HENSARLING) had been disposed of.

Pursuant to the order of the House of today, amendment No. 5 as printed in the report may be considered out of sequence and may be withdrawn by its propounder after debate thereon.

AMENDMENT NO. 18 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF FLORIDA

Mr. NUNES changed his vote from "no" to "aye." So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. NUSSELE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to, accordingly, the Committee rose; and the Speaker pro tempore (Mr. TERRY) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole on the State of the Union, reported that that Committee of the Whole House on the State of the Union had had under consideration the bill (H.R. 4663) to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to establish discretionary spending limits and a pay-as-you-go requirement for mandatory spending, had come to no resolution thereon.

The CHAIRMAN (during the vote).

The CHAIRMAN pro tempore. The yeses have it.

Mr. YOUNG of Florida. Mr. Chairman, I rise to order.

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

There was no objection.

The CHAIRMAN pro tempore. The Speaker pro tempore will designate the amendment in the nature of a substitute as follows:

Amendment No. 18 in the nature of a substitute No. 18 offered by Mr. Young of Florida.

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE

This Act may be cited as the "Spending Control Act of 2004."

SEC. 2. EXTENSION OF DIRECT SPENDING CONTROLS

(a) PURPOSE. —Section 252(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

"(a) PURPOSE. —The purpose of this section is to assure that any legislation that causes a net increase in direct spending will trigger an offsetting sequestration."

(b) TIMING. —Section 252(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking "any net deficit increase" and all that follows through "and by inserting "any net increase in direct spending."

(c) CALCULATION OF DIRECT SPENDING INCREASE. —(1) Section 252(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

"(2) CALCULATION OF DIRECT SPENDING INCREASE. —OMB shall calculate the amount of increase or decrease in direct spending. If, in the President's budget submission pursuant to section 1105(a) of title 31, United States Code, baseline estimates for direct spending for the current fiscal year and the fiscal years following the current fiscal year are not available, OMB shall estimate the baseline estimates for the current year assumed in the previous year's budget as a result of legislation enacted since the previous budget, that shall be treated as an increase in direct spending for purposes of this section."
H4992

CONGRESSIONAL RECORD — HOUSE
June 24, 2004

(2) CONFORMING AMENDMENT.—Section 1106(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

“(3) In subparagraph (A), striking “net deficit increase or decrease” and by inserting “net increase or decrease in direct spending”.”

(3) CONFORMING AMENDMENTS.—(1) The heading of section 252(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows: “ELIMINATING A DIRECT SPENDING INCREASE.—”.

(2) Paragraphs (1), (2), and (4) of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 are amended by striking “or receipts” each place it appears.

(3) Section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking “and” in the first place and inserting “and” in the second place.

(4) Section 254(c)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(A) in subparagraph (A) by striking “net deficit increase or decrease” and by inserting “net increase or decrease in direct spending”;

(B) in subparagraph (B) by striking “amount of deficit increase or decrease” and by inserting “amount increase or decrease in direct spending”; and

(C) in subparagraph (C) by striking “a deficit increase” and by inserting “an increase in direct spending”.

SEC. 3. PROJECTIONS UNDER SECTION 257.

Section 257(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting after paragraph (6) the following new paragraph:

“(7) EMERGENCIES.—New budgetary resources designated under section 255(b)(2)(A) or 255(c)(2) shall not be assumed beyond the fiscal year for which they have been enacted.”

SEC. 4. EXCEPTION FOR OUTLAY COMPONENTS OF EXPENDING RECEIPTS LEGISLATION.

Section 252(d)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting at the end of the subsection (b) after the semicolon at the end and inserting “after the semicolon in the

SEC. 5. TECHNICAL CORRECTIONS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.

Part C of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended as follows:

(1) In section 250(a), strike “SEC. 256. GENERAL AND SPECIAL SEQUESTRATION RULES” and insert “Sec. 256. General and special sequestration rules” in the item relating to section 256.

(2) In subparagraphs (F), (G), (H), (I), (J), and (K) of section 250(c)(1), insert “paragraph” after “described” in each place it appears.

(3) In section 250(c)(18), insert “of” after “expenses”.

(4) In section 251(b)(1)(A), strike “committees” the first place it appears and insert “Committees”.

(5) In section 251(b)(1)(C)(i), strike “fiscal years” and insert “fiscal years and in each”.

(6) In section 251(b)(1)(D)(i), strike “fiscal years” and insert “fiscal year”.

(7) In section 252(b)(2)(B), insert “the” before “budget year”.

(8) In section 252(c)(1)(C)(i), strike paragraph (1) and insert “subsection (b)”.

(9) In section 254(c)(1)(D), insert “section” and “subsection”.

(10) In section 254(f)(4), strike “subsection” and insert “section” and strike “appropriation” and insert “appropriation”.

(11) In section 256(g)(1)(B), move the fourteenth undesignated clause 2ems to the right.

(12) In section 256(g)(2), insert “and” after the semicolon at the end of the next-to-last undesignated clause.

(13) In section 256(h)(1), (A) strike “section” after the semicolon in the ninth undesignated clause;

(B) insert “and” after the semicolon at the end of the tenth undesignated clause; and

(C) strike the semicolon after the end and insert a period.

(14) In section 256(k)(1), strike “paragraph (5)” and insert “paragraph (6)”.

(15) In section 256(k)(2)(A)(i), strike “differences” and insert “differences”.

SEC. 6. CHANGE OF FISCAL YEAR.

(a) FISCAL YEAR TO BEGIN NOVEMBER 1.

Section 1105(a) of title 31, United States Code, is amended by striking “October 1” and inserting “November 1” and by striking “September 30” and inserting “October 31”.

(b) TITLE OF APPROPRIATION ACTS.

Section 1102 of title 31, United States Code, is amended by striking “October 1” and inserting “October 31”.

(c) TRANSITION TO NEW FISCAL YEAR.—(1) As soon as practicable, the President shall prepare and submit to the Congress—

(A) after consultation with the Committees on Appropriations of the House of Representatives and the Senate, budget estimates for the United States Government for the period comprising October 1, 2005, and ending October 31, 2005, in such form and detail as he may determine; and

(B) propose legislation he considers appropriate with respect to changes in law necessary to provide authorizations of appropriations for that period.

(2) The Director of the Office of Management and Budget shall provide, by regulation or otherwise, for the orderly transition of all departments, agencies, and instrumentalities of the Government and the government of the District of Columbia from the use of the fiscal year in effect on the date of enactment of this Act to the use of the next fiscal year, as described in section 1102 of title 31, United States Code, (as amended by subsection (a)). The Director shall prepare and submit to the Congress such additional proposed legislation as he considers necessary to accomplish this objective.

(d) EFFECTIVE DATE.—This section and the amendments made by subsection (c) apply to fiscal year 2006 and subsequent fiscal years.

SEC. 7. SUNSETTING OF DISCRETIONARY PROGRAMS WITH RESPECT TO UNFINISHED ENTITLEMENTS.

(a) FISCAL YEAR 2007.—Effective October 1, 2006, any entitlement program (except for sub- section (c)) shall terminate unless such programs are reauthorized after the date of enactment of this Act and before October 1, 2007.

(b) DEFINITIONS.—For purposes of subsection (a), the term “earned entitlement” means an entitlement earned by service or paid for in 1997 and for all years thereafter except for sub- section (c) apply to fiscal year 2006 and subsequent fiscal years.

SEC. 8. SPECIAL RULE FOR FISCAL YEAR 2005.

For purposes of ensuring the full funding of the transportation guarantees in fiscal year 2005, the amounts provided for fiscal year 2005 for discretionary new budget authority and outlays allocated to the House Committee on Appropriations as though under section 302(a) of the Congressional Budget Act of 1974 shall be increased by not less than $2,057,000,000 in budget authority and $857,000,000 in outlays.

The CHAIRMAN pro tempore, pursuant to House Resolution 692, the gentleman from Florida (Mr. Young) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Florida (Mr. Young).

Mr. YOUNG of Florida. Mr. Chair, I yield myself 2 minutes.

Mr. Chairman, I offer this substitute, which includes many similar amendments of groups of HEHOOY, HEED and others we will consider, as a total substitute for the bill. However, the primary reason I offer this substitute is because my friends on the Committee on Rules did not give appropriators any time at all under the other end of the Capitol. But I have to do in one of the amendments I submitted and the Committee on Rules rejected, was to create a commission, a bicameral, bipartisan body—under the Senate, to sit down and study this problem from all perspectives not just that of the Committee on the Budget, or the Committee on Appropriations, or the Committee on Ways and Means, or the authorizers—but from all perspectives. Everybody has something good to offer if they are given an opportunity.

But my amendment was not made in order. They did not allow me to do that here today. So what I intend to do, Mr. Chairman, is to develop a bill on my own. And I intend to seek and solicit the ideas and information from all of those committees that I have mentioned process is not working, especially at the other end of the Capitol. But what I intended to do in one of the amendments I submitted and the Committee on Rules rejected, was to create a commission, a bicameral, bipartisan body—under the other end of the Capitol. But I have to do in one of the amendments I submitted and the Committee on Rules rejected, was to create a commission, a bicameral, bipartisan body—under the Senate, to sit down and study this problem from all perspectives not just that of the Committee on the Budget, or the Committee on Appropriations, or the Committee on Ways and Means, or the authorizers—but from all perspectives. Everybody has something good to offer if they are given an opportunity.

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But in that zeal, I want us to be sure we do not step on the Constitution. One of the hallmarks of that great Constitution that has sustained us so far is the separation of powers between the executive, the legislative, and the judicial. One of the reasons the Constitution is so powerful is that it is not a monolithic structure, but a federal one, with Congress being the legislative branch, the President being the executive branch, and the Supreme Court being the judicial branch. This separation of powers is designed to prevent any one branch from becoming too powerful, and to ensure that the checks and balances that are built into the system are effective.

Mr. Chairman, I have, obviously, no objection to the gentleman’s removing it from consideration. There are some ideas in there that I agree with. For example, the gentleman would tell CBO not to assume that expiring tax provisions are not going to be renewed. They are most likely going to be renewed, and that is the way the projection ought to be carried out. I think. So I agree with a number of those provisions is like that in the gentleman’s proposal.

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

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume. The process converges, and it is the gentleman who has the responsibility of bringing spending under control.

Mr. NUSSLE. Mr. Chairman, if the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget, if he intends to use any time, and if so, maybe we could alternate.

Mr. NUSSLE. Mr. Chairman, I only have one speaker, and that is to close. Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. WALSH), the chairman of the Subcommittee on Ways and Means, et cetera.

Mr. WALSH. Mr. Chairman, we all know from our study of history that the Founding Fathers provided the executive, legislative and judicial branch with powers, separating powers. Within the Legislature, they gave the House the power of the purse. We all know in our dealings with the Senate that they have certain powers and abilities that we do not have, but we have the purse. Now, we already tried once to give power of that power to the Appropriative Branch. We passed a line-item veto, and the Supreme Court saved us from ourselves. I suspect that if any legislation that passed this Congress that allowed us to submit to mandatory or statutory caps, line-item vetoes, automatic continuing resolutions. My goodness, New York State, my State, passed automatic continuing

That was going to solve all of our problems, and indeed, about the time I arrived, it was presumed that maybe that advice and counsel might work. And, yet, the deficit continued to expand. So shortly thereafter, the majority changed, and in the budget process the whole committee made the decision to try to make sense out of an annual budget balance. And, indeed, that led to our putting voluntary limitations within the process using the budget, because they believe that the Committee on Appropriations has stuck to those limits. And it has worked reasonably well, even though at times of war, like currently, we have great difficulty with that. Nonetheless, overall, it worked pretty well.

There seems to be a bit of stumble here in recent years, people not being happy with the way that process has worked for them in terms of priority, maybe not cutting spending as much as they would like versus others. This moment, we are at war. As of this moment, this bill includes statutory caps, which not only affects the President’s budget, but has the President in a position to renegotiate again, essentially saying that it was his decision, and we are going to renegotiate that at the apple. That concerns me; and, therefore, the chairman is absolutely correct. We need to go at this one more time. And I appreciate my colleague yielding.

Mr. YOUNG of Florida. Mr. Chairman, I would like to inquire of the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget, if he intends to use any time, and if so, maybe we could alternat...
resolutions. They have not passed a budget on time in 20 years. They even went so far as to say we will not pay ourselves until we pass a budget, and even that did not work. We have to have some discipline. We have the responsibility to the 535 Members to have a 150 years to deal with these priorities.

In 1974, when we passed a budget resolution, the Budget Reform Act, the deficits have gone through the roof since that occurred. I would submit, with all due respect to the Committee on the Budget, with all due respect to the Chairman, and most elegant solution is to eliminate the Committee on the Budget and take the discretionary spending and get control of it by making mandatory spending discretionary. We cannot continue on allowing mandatory spending to go through the roof.

I appreciate the difficulty the job the Committee on the Budget has. I appreciate the effort that they have made, but we cannot continue to overlay Band-Aids on a system that does not work.

So I would urge to reject the underlying bill and support the chairman’s amendment if he retains it.

Mr. YOUNG of Florida. Mr. Chairman, I have been a member of the Appropriations Committee on Energy and Water Development, whose bill will be on the floor tomorrow. (Mr. HOBSHON asked and was given permission to revise and extend his remarks.)

Mr. HOBSHON. Mr. Chairman, I have been a member of the Committee on the Budget by the time we balanced the budget. I was the Speaker’s delegate to the budget, so I know the difficult problems that can go on in the Committee on the Budget, but I think this so-called budget reform does harm to our process. We have a process that we need to maintain and maintain. We cannot abrogate our responsibilities to make those hard choices here on the floor by giving the President, or whoever the administration is, three bites at the apple.

Recently I have had experience with this. We passed a bill in the House that solved the problem for two Members that had been going on for 14 years. The bill was signed by the President of the United States. OMB decided they were not going to follow it. They just went not being to do it. So we have had to go back and do it again. I do not think we should give up our process to people like that when we are dealing with this.

There are reforms to discretionary spending enforcements that should be considered in the broader reforms, such as meaningful controls on the growth of mandatory programs and putting the Congressional authorization process back on track. I would urge the defeat of the underlying bill.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. REGULA), chairman of the Subcommittee on Labor, Health and Human Services, Education and Related Agencies.

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

Mr. REGULA. Mr. Chairman, the gentleman from Florida and I were probably the only two Members who were here when the Budget Committee was created and the budget process that we are talking about today. We realized that to make the steps that would accomplish the goals of achieving fiscal responsibility. I think it is time that we take a look at this process to see if there are changes that can be made. I, for one, think that we might take a look at a 2-year budget as a possibility so that we can bring more certainty to the process. Because what we are doing is setting the parameters for those who execute the decisions that we make in terms of policy. But keep in mind, we always say this is the people’s budget. This is not the Office of Management and Budget’s House. That is what we are talking about here, whether we would give OMB the ability to establish the priorities for the people. That is our job. That is why we get elected.

That is why Daniel Webster, if you read the statement above the Speaker’s chair said, “Let us develop the resources of our land, call forth its powers, built up its institutions, promote its great interests and see whether we also in our day and generation may not perform things worthy to be remembered.” Daniel Webster was a Member of the House. He was speaking in terms of the people’s House. I think we have a responsibility to make these priority decisions. The subcommittee I chair is second only to defense in terms of the people’s House. This is not the Office of Management and Budget’s House. That is what we are talking about here, whether we would give OMB the ability to establish the priorities for the people. That is our job. That is why we get elected.

If we truly want to make this the people’s House and keep it that way, I think we should retain control of setting those priorities.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. FRELINGHUYSEN), chairman of the Committee on the District of Columbia.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding me this time.

If we truly want to make this the people’s House, I think we need to give the people a chance to tell us what their priorities are and what is important in their lives. That is why it is essential that we have the responsibility for establishing the budget process the broad parameters of spending but more precisely the specific appropriations that reflect the priorities of the people should remain in the people’s House.

If we truly want to make this the people’s House and keep it that way, I think we should retain control of setting those priorities.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. REGULA), chairman of the Subcommittee on Labor, Health and Human Services, Education and Related Agencies. (Mr. REGULA asked and was given permission to revise and extend his remarks.)
bills done eventually, some sooner and some later. And we have to work with real numbers. We cannot assume numbers. We cannot pick a number out of the air. We have to work with real numbers and with real laws.

The Committee on the Budget should understand the problems we have in moving 15 bills through conference because he has one budget resolution to move and he has trouble getting that done, not by any fault of his, but the fault of the other body.

I know I am not supposed to say that, but nevertheless it is the fact. That information is not classified.

The Appropriations Committee is a very good committee. It works hard and it produces good legislation. I would say that just in the last fiscal year, your Appropriations Committee defeated amendments that would have increased spending by $18 billion. Most of those amendments sounded really good. They would have been perceived as spending money. We were committed to staying within the budget and we did. I would also say that it is the mandatory spending programs that we have no control over. We do not deal with them and it is mandatory spending that is causing this deficit to rise higher and higher and higher.

I would suggest that just one example: we had a colloquy today between the chairman of the Committee on Transportation and Infrastructure and the chairman of the Committee on the Budget on firewalls for the transportation bill, TFA-LU. I support that bill. We need to improve our infrastructure and our bridges and our highways in our communities. The problem, and what they never really admit and concede, is that there are guarantees in that bill. If the trust funds do not make up the guarantees, the appropriations committee has to swallow the guarantees. That means we have to take it away from education or health benefits or something else. The 302(a)s should be adjusted if we are saddled with a mandatory spending of this kind.

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

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

First of all, let me say this has been a fascinating thing to listen to. Let me start by saying “methinks thou dost protest” just a little bit too much.

It is fascinating to me that in the middle of the appropriations process, all of these very good friends of mine, who are every one from the Committee on Appropriations chairman himself to the, what are often time around here called cardinals, subcommittee Chairs, who have the job of managing these appropriations, to find them time to come to the floor for this somewhat innocuous debate today. It is kind of interesting they spent their entire afternoon on the floor concerned about this process.

And I would suggest that it is not because the Committee on the Budget is where everyone is pointing the fingers. The Committee on the Budget did not cause the deficits that we are faced with here today any more than the Committee on Appropriations did, any more than the Committee on Ways and Means did, any more than the Republicans or the Democrats or the President or Congress. We need to spend so much time blaming other people and pointing fingers around here that we forget sometimes to look in the mirror as to how this all happened. And everyone is going to have their own version. I am not going to bore everyone with a couple of things that are important over the last few years, they are really missing the point.

We created a budget in 2001, and we had a surplus on September 10 of 2001. And I think we all know what happened the next day. And thank goodness we had a budget, and thank goodness we had the flexibility in the budget to go into a room and say guess what, guys, the jig is up. We had to create a new Department of Homeland Security. I was in the room when the bidding began on how much money to send to New York. Do my colleagues know what the opening bid was? I will never forget it. I will never forget the way the meeting went. It started by someone mentioning that we might have to send $6 billion up to New York. Does the gentleman from Florida (Chairman Young) remember that? And by the end of a half hour meeting, the number was $10 billion. We went from 6 to 40 in one hour.

Was it the right thing to do? Yes. Did the budget allow it to happen? Yes. Did the Committee on Appropriations cause it to happen? Yes. Did the American people want it? No, it added to the deficit? Yes. And thank goodness we have got the full faith and credit and the great economy that can bounce back from something like that so that we can do it.

So do not come here today, please, I beg of my colleagues, and blame the Committee on Appropriations for the deficit, or as I heard a gentleman actually suggest not too long ago that maybe it was because of the Budget Committee that we had the deficit. As I mean, my goodness, let us be real about this.

The next thing I would like to say is that there was a gentleman who mentioned a moment ago about a perceived spending problem. Okay. If that is how he would like to refer to it as a perceived spending problem, that is fine. But would he please go home and talk to his constituents, because if they are like the constituents I represent in Iowa, there is no perception about it. And I beg of my colleagues to find the spending problem in Washington that we have got to get a handle on. And, yes, Mr. Chairman, it is on the appropriations side, and 60 percent of it is also on the mandatory side. And I have said that until I am blue in the face. Unfortunately, a lot of the people who spoke have now left, and they never get the benefit of hearing me say that I do not blame the Committee on Appropriations for everything.

Last but not least, let me just mention the offer that the very distinguished gentleman from Florida, who is an excellent friend of mine, and I am honored to have the opportunity to even stand next to him on the floor and debate, the gentleman from Florida does an amazing job under extremely difficult circumstances, and he is right; I only have it to do this once. I have only got to pass one budget. He has to do it 13 times. Yes, that is heavy lifting. No question about that, and I respect that.

But having said that, to suggest we can come together and come to an agreement on a new process and leave the Appropriations Committee feeling better I think is probably not going to happen. And I would just suggest this does not have at least one small part to do with how the Committee on Appropriations operates or how Committee on Appropriations' bills come to the floor, that is where we break down. It is when the Committee on Ways and Means says, You can do that, but just do not include me; or the Committee on Transportation and Infrastructure says, as the gentleman said, Do for everything but that. I would like to refer to the process. The Committee on Appropriations says, Blame it on the Budget Committee, our appropriations process should not be part of this discussion.

If we are going to have this discussion, we all have to have the discussion, and we have got to put all our rules on the table. We cannot say, just say separation of powers say that we have the right to do this. And let me end with that.

This was a gentleman who came to the floor who said that this Committee on the Budget and the budget process was created to provide advice. No, it was not. It was created because back in the 1960s, there was absolutely no coordination during the 5 months Congress was in session. That is it. During the 5 months Congress was in session, the Committee on Appropriations and the Committee on Ways and Means, who managed revenues and appropriations, never talked. And at the end of the year, maybe miraculously in a good year, there might be a surplus, but most of the time there were deficits. There was never a coordination.

And so the main reason why this was established was to reconcile those two processes, and that is why we have something now called the reconciliation process. And I overheard the gentleman and he is right. When was the last time we did that? We do not do it anymore. And that is why the process is broken. Because Members have been taken out of the process. The political process for this, small “p,” has been taken
out, and we are  trusting  that  a  process
can get us to a result. And at the end  of
the day, I have got to tell the Mem-
bers we can monkey with this process
day long until we are blue in the
face. It still comes back to how I
opened the debate. It is still about how
we as individual Members want to op-
erate in here.

If the  gentleman  from South Caro-
lin a (Mr. SPRATT) I and want to argue
for the  next 10 years and have dif-
ferences  of opinion, we will never come
together. If for some miraculous reason
we could sit down one day and come up
with a joint list of priorities, it would
work. That is what it comes down to,
Members working together. The process
cannot  supplant  that. It still has to be
Members making political, small
"p" decisions about how to represent
their districts in this Congress.

So I respect everything that my
friends from the Committee on Appor-
niations  have said, but I would just re-
mind them that "methinks thou dost
protest" just a little bit too much.
This is not about them. This is about
us.

The CHAIRMAN pro tempore (Mr.
BASS). The time of the gentleman from
Iowa (Chairman NUSSLE) has expired.

Mr. SPRATT. Mr. Chairman, I yield
the balance of my time to the gen-
tleman from Florida (Mr. YOUNG) and
ask unanimous consent that he be al-
lowed to control that time.

The CHAIRMAN pro tempore. Is there objection to the request of
the gentleman from South Carolina?

There was no objection.

The CHAIRMAN pro tempore. The
gentleman from Florida (Mr. YOUNG)
has 6 minutes remaining.

Mr. YOUNG of Florida. Mr. Chair-
man, I thank the gentleman for yield-
ing me this time. We were rather
rushed in trying to get some of our
speakers to the floor.

Mr. Chairman, I yield 3 minutes to
the distinguished gentleman from
Georgia (Mr. KINGSTON), chairman of
the Legislative Subcommittee of the
Committee on Appropriations.

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

I rise in opposition to the Nussle
budget  reform  proposal, but I do so
with  great  respect  for  the  Committee
on the Budget and his leadership on
that. I say that this is the proper dis-
cussion and a discussion in which we
should be having.

As a member of the Committee on
Appropriations, I see it a little bit dif-
ferently. I think that we are both going
towards the same goal, the Committee
on the Budget and the Committee on
Appropriations; yet we are taking a
different course. What our concern is
about is the so-called statutory caps in
the Nussle proposal give the executive
branch, the President, three different
bites of the apple: one when he submits
the budget, the next using his veto pen,
and then another one forcing his will
on Congress. He will very much be at
the table. And as our Founding Fathers
established the separation of powers, I
believe that there should be a little
more than a philosophical firewall be-
tween the executive and the legislative
branches. That is our view on it.

I believe we can accommodate the
Committee  on  Appropriations  would
like to see is a little more cross-poli-

tication between the Committee on the
Budget and the Committee on Ap-
propriations and perhaps the Committee
on Ways and Means.

I was a member of the Ways and Means
Committee of the Georgia legislature for
8 years, and it seemed ridiculous to me
when I got here that we split up our
budget process into three dynamic
committees all with a point of view
and yet none of them with the fran-
chise and the final responsibility of
getting the job done at the end of the
day.

I would like to see our work not just
more closely with the Committee on
the Budget but actually have some vot-
ing influence on each other, and I
think there are some things that we
can discuss in that vein.

I am also a supporter of a bill by the
gentleman from Iowa (Mr. TIEMER)
that would set up a BRAC-type Base
Realignment and Closure Commission
for spending that would sort of pick up
some pieces of some of the Grace Com-
m ission thoughts, but something of
that nature where we could take a step
outside the process and say, okay, how
do we get this together?

Another alternative is the Istook
Balanced Budget Amendment, which I
have supported. We need to get that on
the floor. We need to get the other
body to pass it and the President to put
it into law.

We also need to have good old-fash-
nioned fiscal discipline. As the chairman
of the Legislative Subcommittee, I am
proud to work with the gentleman
from Virginia (Mr. MORAN). We
brought in a level funding bill this
year; and in addition to that, we had a
lot of other reforms, some outsourcing,
some privatization, some reduction of
committee spending and agency spend-
ing, some cuts, real cuts. Not just re-
duction, some privatization, some
outsourcing, some reduction of
committee spending and agency spend-
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outsourcing, some reduction of
committee spending and agency spend-

I also want to thank the gentleman
from Iowa (Chairman NUSSLE) for the
merits of the gentleman from Florida’s
(Chairman YOUNG) proposal which he is
withdrawing tonight so that he can
work with the members of the Com-
m ittee on the Budget. Members of this
House, and listen to all of the best ad-
vice that he can gather to come up
with some substantive and meaningful
reform of our appropriations process
and the budget process.

We all recognize the Committee on
Appropriations only controls about 20
percent of Federal spending. The gen-
tleman from Florida’s (Chairman
YOUNG) proposal, which really merits
our support, has laid out a system to
help us with their best ideas on bal-
ancing the Federal budget. It is a sys-
tem that I am particularly pleased about
and excited to see, the chairman has
proposed setting up of all Federal programs, except earned en-
titlements, effective October 1 of 2006
unless reauthorized. And I know the
Chairman of the Ways and Means State
legislature in Florida, is interested in lis-
tening to and hearing advice from our
State legislators. The American Legis-

tative Exchange Council is meeting in
Seattle this summer; a very good orga-
nization made up of State legislators
whom we need to listen to and talk to
about how we can help them balance
their State budgets and how they can
help us with their best ideas on bal-
ancing the Federal budget.

I believe the gentleman from Flor-
da's (Chairman YOUNG) amendment,
which he will turn into a bill, merits
our support. I look forward to working
with him, as I know he will work with
the Committee on the Budget and all
Members of this Congress to bring to-
gether the best ideas so we can truly
bring spending under control.

Mr. YOUNG of Florida. Mr. Chair-
man, I yield myself the balance of my
time.
He said it is about us, and he is right. It is about the entire Congress, and that is what we are concerned about today: the prerogatives, the privileges and the constitutional responsibilities of the Congress of the United States.

So I want everybody to know that the gentleman from Iowa (Chairman Nussle) and I are still very good friends. We were before this started, we will be after the final vote. We just tend to have some honest differences; and that is what this place is all about, with those honest differences; if we did not do that, then I would like to be in charge and we would do everything my way.

But that is not the way it happens. That is why we have this great debating society in the United States House of Representatives. I would say to the gentleman from Iowa (Chairman Nussle), while he was walking down the aisle, that I complimented him for the conduct of this debate, and that is what I appreciate very much.

Mr. Chairman, under the previously agreed to unanimous consent request, I withdraw this amendment.

The CHAIRMAN pro tempore (Mr. Bass). The amendment is withdrawn.

It is now in order to consider amendment No. 6, printed in House Report 108-566.

AMENDMENT NO. 6 OFFERED BY MR. KIRK

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

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

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. Kirk:

At the end of the section of this Act of 1974, as added by section 202(e) of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

SEC. 202. ANNUAL CBO REPORTS ON ENTITLEMENT SPENDING.

Section 202(e) of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"(4) On or before February 15 of each year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate, a report for the fiscal year ending on September 30 of the preceding year, with respect to entitlement spending, including (A) a comparison of actual spending for entitlements, on an account by account basis, with projected spending for such entitlements assumed in the concurrent resolution of the budget for that fiscal year and (B) an identification of those entitlements for which the actual spending exceeded the projected spending."

The CHAIRMAN pro tempore. Pursuant to House Resolution 692, the gentleman from Illinois (Mr. Kirk) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. Kirk).

Mr. KIRK. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, we have all heard of forecasting to estimate future spending by our government. Our experience with forecasting the cost of entitlement spending shows wild inaccuracies. A classic example comes from forecasts we used on the spending under a new entitlement program to care for patients suffering from kidney failure.

Under estimates before our Congress, Representatives were told 90,000 patients would enroll for taxpayer-funded dialysis by 1995. 90,000 patients enrolled in this new Federal entitlement program by 1985, 10 years earlier than expected. By 1986, there were 229,000 patients in the program, not the 90,000 estimated. Today, in fact, there are 400,000 patients in this program, so spending is wildly above that which was estimated when the program was voted on before this House.

My point with the amendment before us is simple: we need better forecasts before we change or improve entitlement spending programs. We would do that if we started a process which every budget analyst fears, and that is called backcasting. Backcasting by the Congressional Budget Office would require analysts to look at the actual spending over the previous year, with an eye to reviewing the actual errors they made in the estimates used the previous year.

Backcasting would give our budget analysts a grade. It would show the Congress clearly where actual spending of a program differed from the assumptions used in the previous forecast. Backcasting is now a standard procedure used in nearly every investment house on Wall Street, and every American family with an IRA reviews the estimates of promised performance by their mutual funds and then compares it to what actually happened with their retirement nest egg.

I think it is about time we use this time-tested procedure to improve estimates used to prepare our budget using a rigorous analysis, comparing our previous estimates and the errors made compared to our actual budget experience.

This amendment comes just in time for the budget history of the United States. Right now, over 60 percent of our spending goes through entitlement spending. So 70 percent of the budget will be spent in entitlement spending. This means that the estimates we use to set benefits and beneficiaries are not just important; they are crucial to the long-term financial strength of the United States.

We make vital promises to America’s seniors. We must use advanced forecasting and backcasting to make sure that the promises we make to America’s seniors are promises that taxpayers can afford to keep.

I appreciate the support of the gentleman from Iowa (Chairman Nussle) on this amendment and the lack of opposition from our senior, very distinguished ranking Democratic member on this. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Who seeks time in opposition? The CHAIRMAN pro tempore (Mr. Nussle) is recognized for 5 minutes.

Mr. SPRATT. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I would urge adoption of the amendment. You can imagine CBO analysts do not exactly want to be forced to go back and compare exactly how actual performance deviated from their estimate that way. I think it would be important to get that information.

Mr. NUSSELLE. Mr. Chairman, if the gentleman would yield further, since it is possible this bill may not become law, if that is possible, and I have heard that, why do we not work on this amendment as a project. I think it would be important to get that information.

Mr. KIRK. Mr. Chairman, reclaiming my time, absolutely. You can imagine...
CBO analysts are somewhat reticent for us to formally go back and see how their estimates varied. I urge adoption of the amendment.

The CHAIRMAN pro tempore. The time of the gentleman from Illinois (Mr. KIRK) has expired.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinois (Mr. KIRK).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it. Mr. KIRK. Mr. Chairman, I demand a recorded vote.

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

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 7 printed in House Report 108-506.

AMENDMENT NO. 7 OFFERED BY MR. RYAN OF WISCONSIN

Mr. RYAN of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will now state the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. RYAN of Wisconsin:

At the end of section 301, add the following new sections:

SEC. 3. JOINT BUDGET RESOLUTIONS.

(a) Definitions.—(Paragraph 4 of section 3 of the Congressional Budget Act of 1974 is amended to read as follows:

‘‘(4) ‘‘Joint resolution on the budget’’ means—

‘‘(A) a joint resolution setting forth the congressional budget for the United States Government for a fiscal year as provided in section 301; and

‘‘(B) any other joint resolution revising the congressional budget for the United States Government for a fiscal year as described in section 304.’’.

(b) Joint Resolution on the Budget.—

(1) Section 301(a) of the Congressional Budget Act of 1974 is amended by inserting ‘‘annual resolution’’ each place it appears including in the caption and inserting ‘‘joint resolution’’.

(2) Section 301(b) of such Act is amended by striking ‘‘concurrent resolution’’ each place it appears including in the caption and inserting ‘‘joint resolution’’.

(3) Section 301(c) of such Act is amended by striking ‘‘concurrent resolution’’ each place it appears and inserting ‘‘joint resolution’’.

(4) Section 301(e) of such Act is amended by striking ‘‘concurrent resolution’’ each place it appears and inserting ‘‘joint resolution’’.

(5) Section 301(f) of such Act is amended by striking ‘‘concurrent resolution’’ each place it appears and inserting ‘‘joint resolution’’.

(6) Section 301(g) of such Act is amended by striking ‘‘concurrent resolution’’ each place it appears and inserting ‘‘joint resolution’’.

(7) Section 301(h) of such Act is amended by striking ‘‘concurrent resolution’’ and inserting ‘‘annual adoption of concurrent’’ and inserting ‘‘ANNUAL ADOPTION OF JOINT’’.

(8) Section 301(i) of such Act is amended by striking ‘‘annual adoption of concurrent’’ each place it appears and inserting ‘‘annual adoption of joint resolution’’.

(a) Amendments to Section 302.—Section 302(a) of the Congressional Budget Act of 1974 is amended by striking ‘‘Concurrent’’ in the item relating to section 304 and inserting ‘‘Joint’’.

(b) Amendments to Section 303 and Conforming Amendments.—

(1) Section 303 of the Congressional Budget Act of 1974 is amended by striking ‘‘Concurrent resolution’’ each place it appears and inserting ‘‘Joint resolution’’.

(2) Section 310 of such Act is amended by striking ‘‘Concurrent resolution’’ each place it appears and inserting ‘‘Joint resolution’’.

(3) Section 311 of such Act is amended by striking ‘‘Concurrent resolution’’ each place it appears and inserting ‘‘Joint resolution’’.

(c) Contents of Concurrent Resolutions.—Any concurrent resolution on the budget introduced under subsection (a) shall be deemed to be a joint resolution for all purposes of this title and the Rules of the House of Representatives and any reference to the date of enactment of a joint resolution on the budget shall be deemed to be a reference to the date agreed to when applied to such concurrent resolution.

(d) Effect of Concurrent Resolution on the Budget.—Notwithstanding any other provision of this title, whenever a concurrent resolution on the budget described in subsection (a) is an aggregate, allocations, and reconciliation directives (if any) contained in the report accompanying such concurrent resolution or in such concurrent resolution shall be considered to be the aggregates, allocations, and reconciliation directives for all purposes of sections 302, 303, and 311 for the applicable fiscal years and such concurrent resolution shall be treated in the House of Representatives or Senate (or his designee) may introduce a concurrent resolution on the budget or joint resolution on the budget introduced under subsection (a) and any amendments thereto and debatable motions and appeals in connection therewith shall be not more than 10 hours and in the House such debate shall be limited to not more than 3 hours.

(e) Limitation on Contents of Budget Resolutions.—Section 305 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

‘‘(f) Limitation on Contents.—(1) It shall not be in order in the House of Representatives or in the Senate to consider any joint resolution on the budget introduced under subsection (a) or (b) or as a conference report on a budget resolution under subsection (c) that contains any matter referred to in paragraph (2).

(2) Any joint resolution on the budget or any amendment thereto or conference report thereon that contains any matter not permitted in section 301(a) or (b) shall not be treated in the House of Representatives or the Senate as a budget resolution under subsection (a) or (b) or as a conference report on a budget resolution under subsection (c) that contains any matter referred to in paragraph (2).’’.

H4998

CONGRESSIONAL RECORD — HOUSE

June 24, 2004

The CHAIRMAN pro tempore. Pursuant to House Resolution 692, the gentleman from Wisconsin (Mr. RYAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself 2 minutes.
Mr. Chairman, let me just briefly explain what this amendment does. What this does is it elevates the budget resolution to a level of a law. Specifically, this would change the current nonbinding concurrent budget resolution into a joint resolution, which would give the force of law when signed by the President. This would encourage the President to get involved early in the process, instead of having this typical annual brinkmanship that we have in the budget process at the end of the year, so that we can settle on the numbers between the other body, this body, and the White House and move on to good legislation.

A joint resolution would be binding and have the force of law so that both the Congress and the White House would work these issues out in the beginning of the annual year. The simplicity of this budget resolution makes agreements easier to reach because negotiations will be forced early on in the process.

I would like to go through how this would make it easier for me to explain this. First, like we have anytime, the President submits his budget. Then Congress would pass a joint budget resolution. Then the question is whether the President would sign it or not. If with these negotiations the President then signs that joint budget resolution, then Congress passes its appropriations, its reconciliation, its tax and entitlement bills and its conference reports, and the President signs those bills into law. Very easy, very clear process.

If, for example, the President does not sign that joint budget resolution, there is a fallback provision similar to what we have today, where it would go back to Congress and Congress would adopt a concurrent resolution, much like we have right now.

For example, in the past year, where we actually do not have a concurrent resolution in place because we could not get one through the other body, we would end up deeming it.

Then, in this case, Mr. Chairman: we have to front-load this system so we can get these agreements reached at the beginning of the year so we can move forward on the same page. Most importantly, we need to make this budget resolution the force of law so that it can be enforced. That is the problem. Our budget resolutions end up becoming mere guidelines and do not actually have the force of law. Therefore, they are not enforceable. We always break our budgets.

If we make this have the force of law, it becomes enforceable. Therefore, we can actually stick to the budgets we have.

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

The CHAIRMAN pro tempore. Who seeks time in opposition? Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have heard some eloquent statements from members of the Committee on Appropriations, largely Republican members of the committee, speaking about the effect that the President already has, as they put it, three bites at the apple. This gives the President a fourth bite, and, believe me, a big bite.

Mr. Chairman, this clearly is a shift of leverage from the House and the Senate, the Congress, to the Presidency. The President would emerge from this kind of deal with much, much greater authority in dictating what the budget is. We have heard get more eloquently from members of the Committee on Appropriations, what the results would be in determining priorities. This definitely would be a big shift.

Now, would it make the budget process any stronger, any more effective? My concern is, contrary to the belief that it might streamline the process by elevating the status of the budget resolution, I think it would probably prolong the process of the process. As a result, we would find ourselves with less time to do appropriation bills because it would take a much longer time to get the budget resolution done, because not only would we have to agree on appropriations from the party to the House, but we would have to agree with the White House.

There is some advantage to that, trying to bring us together; but I think there is a lot of disadvantage, and there is a lot of room for chicanery. There is a lot of room for manipulating the process if we do it, and it could result in a protracted budget process, such that every year we will be, as we are now, in the heart of the summer, trying to pass appropriation bills before the fiscal year ends.

This has been around the track a number of times. It has a certain appeal to it, until you begin considering all the ramifications and the transfer of power. This is a very subtle transfer, but a real one.

I would suggest this is an idea that we should not adopt.

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

Mr. RYAN of Wisconsin. Mr. Chairman, before yielding to my co-sponsor of this amendment, I yield myself 10 seconds.

Number one, the President already has the power to sign these bills into law. He signs appropriation bills, he signs tax bills, he signs entitlement bills. So this does not give him new power he does not already have.

Number two, the gentleman from South Carolina, who is a leader in this area, has been a leader in this area for a long time, sponsored a bill in 1991 that did just this. So I think this is a good idea.

Mr. SPRATT. Mr. Chairman, I yield myself 15 seconds to respond to that.

Mr. Chairman, I do not know what bill the gentleman is referring to, but the gentleman from Iowa (Mr. Nussle) proposed this idea some time ago. I never did support this idea. I never have.

Mr. RYAN of Wisconsin. Mr. Chairman, will the gentleman yield?

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

Mr. RYAN of Wisconsin. Mr. Chairman, it is my understanding the gentleman supported this in the past. Either way, good people can disagree on these things.

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

Mr. GUTKNECHT. Mr. Chairman, one of my favorite Rodney Dangerfield routines is when he comes home one night and his wife is packing, and he asked her, “Are you leaving?” She said, “Yes.” He looked at her and said, “Is there another man?” She said, “There must be.”

When you look at the system we have today, and I have listened to the debate so far, people are in a sense saying the system is broken, but we cannot fix it.

The system is broken, and if you look at the way the system works, it guarantees that we will overspend.

Earlier today, I went through the numbers, and I have done this several times, what we passed in our budget resolution and what we ended up spending. And a lot of people are walking around saying, gee, I do not know how that happened. Well, here is how it happens. Here is the dirty little secret.

What happens is, we over here in the House might low-ball certain things and high-ball other things, and the folks over in the Senate will low-ball certain things and high-ball other things, and what we wind up doing with a lot of these things, and we all know this happens, is we go to conference at one level and the Senate is at another level and we end up compromising at another level beyond the other 2, and the reason is we are all working off different blueprints. We have what the President proposes and what he ultimately will agree to, and then what the House proposes and what the Senate proposes.

What we are saying with this amendment is, and I think it is pretty simple: let us get all of the players on the same page early in the process.

Some people say, well, that will take away the constitutional powers of the House. If you stop and think about it, I say to my colleagues, that is ludicrous. The House will still maintain the power of the purse, and the President will still have that one arrow in his quiver called the veto. But we are going to try to bring everybody to the table early so that we are all using the same blueprint, so that at the end of the day, we build a house we can all be proud of.

Is there a better way? There must be. Now, maybe this is not perfect, but I think this would be a giant step in the
right direction. Let me remind my colleagues, I think most of our constituents think that that is the way the system is today. When we explain to them that the budget resolution does not have the power of law, they look at us with a blank look.

We need to pass this amendment 300 to nothing.

Let me begin with an analogy that might explain the purpose of this amendment—if you're constructing a building and the steel workers and engineers and masons are all working with a different blueprint, you're bound to build one ugly building. But, that's exactly what's happening with the budget process. The House, Senate and Administration are all using a different blueprint, and the result is a pretty ugly budget.

The Joint Budget Resolution is very basic but does one extremely important thing—forces both Congress and President to stay within the budget resolution levels. The budget would be signed by the President into law.

Another vital aspect of this amendment is that Congress and the Administration would be engaged and working on the same priorities from day one. This amendment would go a long way to eliminating the practice of waiving budget points of order and large omnibus spending bills. A law cannot be waived or broken.

When Congress allowed our spending caps and PAYGO expire, spending rose. Numbers are stubborn things and let me provide some history.

Discretionary Spending in FY 2002 Budget Resolution was $661.3 billion. Congress spent $734.6 billion. Discretionary Spending in FY 2003 Budget Resolution was $759 billion. Congress spent $849.1 billion. Discretionary Spending FY 2004 Budget Resolution was $784.5 billion. Congress spent $873.1 billion. The Joint Budget Resolution is not a radical idea—it's common sense. That is why grass-roots organizations like Americans for Tax Reform, American Conservative Union, Citizens Against Government Waste, Citizens for a Sound Economy and the National Taxpayers Union have endorsed this amendment.

We need a budget that will be enforced and that is why I have offered this amendment to restore fiscal sanity back to the federal budget process. We need to protect the taxpayers from Congress' bad spending habits. If you believe that we need to control spending and put common sense back into the budget process—i urge your support on the Ryan/Gutknecht Amendment.

From 1995—2000, overall spending has increased by an average of 3.2% (House Budget Committee). Since 2001, overall spending has increased by an average of 6.4% (House Budget Committee).

Since 2001, discretionary spending has increased on average of 9.7% (House Budget Committee). Since 2001, discretionary spending has increased on average of 9.7% (House Budget Committee). Since 2001, discretionary spending has increased on average of 9.7% (House Budget Committee).

Sine 9–11 the weak economy has been the #1 factor contributing to our deficits. As our economy recovered, spending increased substantially, becoming the #2 factor contributing to our deficits (Joint Economic Committee).

Post 9/11, spending grew by 11% (2001–2003), which represents the largest two-year increase in nearly a decade. This does not include defense and 9–11 costs (Heritage Foundation).

Mandatory spending now represents 55% of the entire federal budget—this does not include the recently enacted medicare bill (House Budget Committee).

The federal budget now totals more than $200,000 per household—the first time since WWll (Heritage Foundation).

"The progress in the 1990s in reducing budget deficits might have been elusive were it not for the budget rules that worked far better than many skeptics, myself included, had expected." (Alan Greenspan, House Budget Committee, September 2002).

"Now is not the time to abandon the discipline and structure that worked so well for so long. The framework enacted in the Budget Enforcement Act of 1990 . . . must be preserved." (Alan Greenspan, House Budget Committee, July 2003).

"I do believe that tax cuts, if properly constructed, can be a significant factor in long-term economic growth, but it obviously requires adopting the maintenance of a viable long-term budget deficit, or surplus policy, you have to address spending as well." (Alan Greenspan, House Budget Committee, July 2003).

"We don't have a trillion-dollar debt because we haven't taxed enough—we have a trillion dollar debt because we spend too much." (President Ronald Reagan, 1982).

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

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

I think it is useful to put this debate into perspective: enthusiastic ideas about how the budget process can work, talking about building a new house for the construction of the Nation's budget. It reminds me of a contractor that you might hire that has left the house in utter shambles, the project nowhere done, no hope of completion, yet he wants to talk to you about the next house, the next project.

We do not have a budget. We have a Republican President, we have a Republican Senate, we have a Republican House, and they cannot pass a budget. So what is the amendment before us? It says we have to have a concurrent law for a budget. That will make it all right.

Mr. Chairman, if we just took all of this time and put it to work in trying to get a budget; after all, it should not be so hard: Republican controlled, Republican controlled, Republican controlled. If they just did the task in front of them, that would be a really good place to start. And in the absence of getting the budget done, all of the rest of this does not mean anything.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

The current system we have is dysfunctional. It has games built into the system so that the House can do one thing; the other body, the Senate, but I am not supposed to say that word, can do another; and the President can do a third thing. What happens in the current budget system is we go into a stalemate and to get out of that stalemate at the end of the year, we end up spending more money than the budget ever planned on spending.

What we simply want to do is to bind this budget up to a legal level of the law so that we are all on the same page at the beginning of the budget process so that we can enforce that budget because it is in law.

The budgets that pass here are not really binding, they are guidelines. They are not legally protected. We cannot protect and enforce our budget if it does not rise to the level of the law. We cannot be on the same page at the beginning of the year, if we are not on the same page at the beginning of the year. That is why we are trying to pass this very common sense idea, so that we are all on the same page and so that this can be law and, therefore, our budgets can be enforced.

I urge adoption of this amendment.

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

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

Mr. Chairman, I honestly fail to see what we will accomplish except protracting the process; what we will accomplish positively by making this concurrent resolution a joint resolution that has the effect of law. I really do not know what will be different from what we have right now, except we would have to come to some agreement with the White House much, much sooner in the year than we otherwise have to.

What is going to be different? The status quo? What would be different about it?

Mr. RYAN of Wisconsin. Mr. Chairman, will the gentleman yield?

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

Mr. RYAN of Wisconsin. Mr. Chairman, this is part of our larger effort, which is in our substitute. But what this will do is allow to have a sequester to kick in if Congress exceeds its spending items. Just like the sequester we have talked about in the old Committee on the Budget days, if Congress overspends, because we have this in law, a sequester kicks in and brings spending back into conformity with the budget.

Mr. SPRATT. But that is done already under existing law.

Mr. RYAN of Wisconsin. But we waive our budget caps all of the time under the current system.

Mr. SPRATT. Sure. We would waive them again, put it in a bill, send it to the White House, the President would sign it.

Mr. RYAN of Wisconsin. This way the President could veto breaking the
budget caps early in the process and we could keep to these numbers.

Mr. SPRATT. Well, I am convinced it will prolong the process, complicate the process, and lead to less results rather than better results. It is something we can long argue about.

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

Mr. SPRATT. I yield to the gentleman from Iowa.

Mr. NUSSEL. Mr. Chairman, I am not going to change the gentleman’s mind. Probably a lot of people’s minds, but what the gentleman is suggesting is by doing it this way, everyone has to come together at least once. That is the reason.

The CHAIRMAN pro tempore (Mr. BASS). The time of the gentleman from South Carolina (Mr. SPRATT) has expired. All time has expired.

The question is on the amendment offered by the gentleman from Wisconsin (Mr. RYAN).

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

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

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

It is now in order to consider Amendment No. 8 printed in House report 108-560.

AMENDMENT NO. 8 OFFERED BY MR. RYAN OF WISCONSIN

Mr. RYAN of Wisconsin. Mr. Chairman, I offer an amendment.

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

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. Ryan of Wisconsin:

At the end, add the following new sections:

SEC. . ESTABLISHMENT OF BUDGET PROTECTION MANDATORY ACCOUNT.

(a) BUDGET PROTECTION MANDATORY ACCOUNT.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

‘‘BUDGET PROTECTION MANDATORY ACCOUNT’’—

‘‘SEC. 316. (a) Establishment of Account.—The chairman of the Committee on the Budget of the House of Representatives and of the Senate shall each maintain an account to be known as the ‘Budget Protection Mandatory Account’. The Account shall be divided into entries corresponding to the House or Senate committees, as applicable, that received allocations under section 302(a) in the most recently adopted concurrent resolution on the budget, except that it shall not include the Committee on Appropriations of that House and each entry shall consist of the ‘First Year Budget Protection Balance’ and the ‘Five Year Budget Protection Balance’.

(b) Components.—Each entry shall consist of amounts credited to it under subsection (c). No entry of a negative amount shall be made.

(c) Crediting of Amounts to Account.—

(1) Whenever a Member or Senator, as the case may be, offers an amendment to a bill that reduces the amount of mandatory budget authority provided either under current law or proposed to be provided by the bill under consideration, or Senator may state the portion of such reduction achieved in the first year covered by the most recently adopted concurrent resolution on the budget and in addition the portion of such reduction achieved in the first five years covered by the most recently adopted concurrent resolution on the budget that shall be:

‘‘(A) credited to the First Year Budget Protection Balance and the Five Year Budget Protection Balance in the House or Senate, as applicable;

‘‘(B) used to offset an increase in new budget authority;

‘‘(C) allowed to remain within the applicable section 302(b) suballocation or

‘‘(D) used to offset a decrease in receipts.

If no such statement is made, the amount of reduction in new budget authority resulting from the amendment shall be credited to the First Year Budget Protection Balance and the Five Year Budget Protection Balance, as applicable, if the amendment is agreed to.

(2) Except as provided by paragraph (3), the chairman of the Committee on the Budget of the House or Senate, as applicable, shall, upon the engrossment of any bill, other than a budget bill, by the House or Senate, as applicable, credit to the applicable entry balances amounts of new budget authority and outlays equal to the net amounts of reductions in budget authority and in outlays resulting from amendments agreed to by that House to that bill.

(3) When computing the net amounts of reductions in budget authority and in outlays resulting from amendments agreed to by the House or Senate, as applicable, to a bill, the chairman of the Committee on the Budget of the House or Senate may count those portions of such amendments agreed to that were so designated by the Members or Senators offering such amendments as amounts to be credited to the First Year Budget Protection Balance and the Five Year Budget Protection Balance, or that fall within the last sentence of paragraph (1).

(4) The chairman of the Committee on the Budget of the House and of the Senate shall each maintain a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported to its House. This tally shall be available to Members or Senators during consideration of any bill by that House.

(d) Calculation of Lock-Box Savings in House and Senate.—For the purposes of enforcing section 302(a), upon the engrossment of any bill, other than an appropriation bill, by the House or Senate, as applicable, the amount of budget authority and outlays calculated pursuant to subsection (c)(3) shall be counted against the 302(a) allocations provided by the Appropriations Committee or committees of that House which reported the bill as if the amount calculated pursuant to subsection (c)(3) was included in the bill just engrossed.

(e) Definition.—As used in this section, the term ‘appropriation bill’ means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of fiscal year 2005 or the subsequent fiscal year, as the case may be.

SEC. . ESTABLISHMENT OF BUDGET PROTECTION DISCRETIONARY ACCOUNT.

‘‘BUDGET PROTECTION DISCRETIONARY ACCOUNT’’—

‘‘SEC. 317. (a) Establishment of Account.—The chairman of the Committee on the Budget of the House of Representatives and of the Senate shall each maintain an account to be known as the ‘Budget Protection Discretionary Account’. The Account shall be divided into entries corresponding to the House or Senate committees, as applicable, that receive proposals of that House and each entry shall consist of the ‘Budget Protection Balance’.

(b) Components.—Each entry shall consist of amounts credited to it under subsection (c). No entry of a negative amount shall be made.

(c) Crediting of Amounts to Account.—

(1) Whenever a Member or Senator, as the case may be, offers an amendment to an appropriation bill to reduce new budget authority or in outlays resulting from any appropriation bill by the House or Senate, as applicable, credit to the applicable entry balances amounts of new budget authority and outlays equal to the net amounts of reductions in budget authority and in outlays resulting from amendments agreed to by that House to that bill.

(2) Except as provided by paragraph (3), the chairman of the Committee on the Budget of the House or Senate, as applicable, shall, upon the engrossment of any appropriation bill by the House or Senate, as applicable, credit to the applicable entry balances amounts of new budget authority and outlays equal to the net amounts of reductions in budget authority and in outlays resulting from amendments agreed to by that House to that bill.

(3) When computing the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the House or Senate, as applicable, to an appropriation bill, the chairman of the Committee on the Budget of the House or Senate shall only count those portions of such amendments agreed to that were so designated by the Members offering such amendments as amounts to be credited to the Budget Protection Balance, or that fall within the last sentence of paragraph (1).

(4) The chairman of the Committee on the Budget of the House and of the Senate shall each maintain a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported to its House. This tally shall be available to Members or Senators during consideration of any bill by that House.

calculation of lock-box savings in house and senate.—For the purposes of enforcing section 302(a), upon the engrossment of any appropriation bill by the House or Senate, as applicable, the amount of budget authority and outlays calculated pursuant to subsection (c)(3) shall be counted against the 302(a) allocation provided to that Committee. The amount calculated pursuant to subsection (c)(3) shall be included in the bill just engrossed.

(2) For purposes of enforcing section 302(a) upon the engrossment of any appropriation bill by the House or Senate, as applicable, the 302(b) allocation provided to the
subcommittee for the bill just engrossed shall be deemed to have been reduced by the amount of budget authority and outlays calculated, pursuant to subsection (c)(3).

“(a) Definitions.—In this section, the term ‘appropriation bill’ means any general or special appropriation bill, and any bill or joint resolution making supplemental appropriations, continuing appropriations through the end of fiscal year 2005 or any subsequent fiscal year, as the case may be.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section (b) of the Congressional Budget and Impoundment Control Act of 1974, as amended by inserting after the item 

SEC. 317. Budget protection discretionary account.

SEC. 316. Budget protection mandatory account.

The CHAIRMAN pro tempore. Pursuant to House Resolution 692, the gentleman from Wisconsin (Mr. RYAN) and a Member opposed each will control 5 minutes.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

I bring this amendment to the desk with my cosponsor, the gentleman from Texas (Mr. NEUGEBAUER). Let me briefly explain it.

This is what we call budget protection or legislative counsel draw it in a form that would be truly enforceable run into multiple complications. It is maddeningly complicated, as the gentleman can tell from reading the bill. The bill takes it a step further than any previous of this kind of idea I have ever read before, and it taxed all my concentration here on the House Floor to make it from the first page to the last page, and I am in a maze. I do not really know how it works.

Mr. RYAN of Wisconsin. Mr. Chairman, will the gentleman yield?

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

Mr. RYAN of Wisconsin. Mr. Chairman, I can explain it. Basically, it is like the House brings an amendment to the Senate Floor to cut spending. The 302(a) allocation goes down by that amount. At the end of the day, the conference report for the appropriation bills goes down by the floor or the Senate, that is, going to deficit reduction.

That is essentially how it works. I know it is complicated.

Mr. SPRATT. Mr. Chairman, re-

claiming my time, keep in mind that other body called the Senate moves in a separate orbit from this body, and somebody over there is going to have a different program. That is ridiculous, Mr. Chairman.

All we are proposing is this: if Members can come to the floor with amendments to eliminate or reduce wasteful spending, we ought to be able to save that money. That is all we are proposing.

So what we do here is when a cutting amendment comes to the floor to reduce spending, the entire 302(a) allocation, the entire discretionary allocation goes down by the amount of that amendment. So that at the end of the year, that money either goes to reducing the deficit or that money goes to reduce taxes. We have a mechanism that makes sure that this reconciles with the other body appropriately.

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

Mr. SPRATT. Mr. Chairman, I claim the time in opposition, and I yield myself such time as I may consume.

Mr. Chairman, like many of the amendments that were offered to this base bill, I have only had the change to peruse quickly this one. This is an idea that has been around the track before. In the late 1980s, early 1990s, we were searching for ways to get our hands around the problem. This is one of the things that was proposed by several different people in several different variations.

Anyone who tried to implement this and have legislative counsel draw it in a form that would be truly enforceable into multiple complications. It is maddeningly complicated, as the gentleman can tell from reading the bill. The bill takes it a step further than any proposal of this kind of idea I have ever read before, and it taxed all my concentration here on the House Floor to make it from the first page to the last page, and I am in a maze. I do not really know how it works.

Mr. RYAN of Wisconsin. Mr. Chairman, will the gentleman yield?

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

Mr. RYAN of Wisconsin. Mr. Chairman, I can explain it. Basically, it is like the House brings an amendment to the Senate Floor to cut spending. The 302(a) allocation goes down by that amount. At the end of the day, the conference report for the appropriation bills goes down by the amount of the amendment the Senate and have legislative counsel draw it in a form that would be truly enforceable run into multiple complications. It is maddeningly complicated, as the gentleman can tell from reading the bill. The bill takes it a step further than any proposal of this kind of idea I have ever read before, and it taxed all my concentration here on the House Floor to make it from the first page to the last page, and I am in a maze. I do not really know how it works.

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

Mr. SPRATT. Mr. Chairman, re-claiming my time, the core idea is basically an appealing idea and lots of Members around here have had the experience where they have found something that they thought could be a legitimate saving, they have offered the amendment and thought to see where the money is spent somewhere else. I disagree with the gentleman when he said a little while ago, and I think it was in a moment of zealotry, that if the savings were taken out of, say, the Cleveland Rock and Roll Museum, it would have to be spent somewhere else. It does not have to be spent somewhere else; it can be saved, and this mechanism was a way to sort of lock box money, so that it could not be used again.

But there are so many moving pieces. We have an authorization bill, an appropriation bill; a House and a Senate conference committee, and any time anybody makes any kind of change or different entry, there has to be an adjustment. This is a $2.2 trillion budget, and I think the bookkeepers, their minds would be boggled trying to keep account of this, as mine was when I was trying to read this bill.

So I do not discredit the idea, it is just the mechanism for enforcing it and truly making it work is so complicated, I think it collapses upon itself.

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

Mr. SPRATT. I yield to the gentleman from South Carolina (Mr. SPRATT) has 1 minute remaining; the gentleman from Wisconsin (Mr. RYAN) has 3½ minutes remaining.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 2 minutes to the cosponsor of this amendment, the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Chairman, I rise today in support of the Budget Accounts amendment. I appreciate having the chance to work with the gentleman from Wisconsin (Mr. RYAN) on this amendment which enhances the budget legislation we are considering today.

In this and other debates today, we have heard a lot of talk about a provision called PAYGO. Well, I think this
amendment creates something that I call save-go.

Budget Protection Accounts allow us to actually save money for the taxpayers as we go through the appropriations and other spending bills; money that is set aside for the taxpayers, either in the form of tax relief or debt reduction.

When Members offer amendments on appropriations bills today that reduce spending, any money reduced automatically becomes available to be spent in another program or a program in that bill or in another bill. If the Budget Projection Accounts are created, Members would be able to direct savings resulting from their amendments to the debt reduction or tax relief. Members are not required to do so, but they are simply given that option. Imagine being able to go home back to your district and actually tell your constituents that you saved them some money.

This is an important option to have if we are serious about doing something about reducing spending. Members have little incentive to offer amendments that reduce spending when they know that the money the amendment claims to save is automatically given to other projects. If Members have the option to direct savings to relief of deficit reduction or incentive to go after other waste and fraud, they will actually do so.

Budget Projection Accounts allow Members to be for savings and fiscally responsible, rather than always against projects or programs.

Let us give the House the opportunity to save the taxpayers some money when we are going through spending bills and the opportunity to use those savings for the benefit of the taxpayers. As many have said today, and I continue to say, Mr. Chairman, we do not have an income problem, we have a spending problem, and I believe that the Budget Projection Accounts help us with that problem.

The gentleman from South Carolina, if I understand correctly, seems to be objecting to the amendment on the grounds that it is difficult to draft this in a way that really works. And I am the first to say it is tricky. But we got a lot of very bright people in this town. If they draft the absolute perfect way to draft it, although it might be. I appreciate my colleague conceding that the gentleman from Wisconsin (Mr. RYAN) has done an excellent job, maybe the best job yet on this. I would say let us work on refining it and improving it and let us dedicate both sides’ staffs to figuring out how to get this done.

But the concept of saying if a certain amount of spending is going to be withheld on this floor, that that money is not available to be spent anywhere else, that is not that hard. I am convinced we can do it.

So I would urge my colleagues to reconsider and to support this amendment, to send the language that achieves the objective that apparently we all agree with.

Mr. SPRATT. Mr. Chairman, to close I yield the remaining time to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, this proposal would allow a vote on the Senate to reduce the House 302(b) allocation. A vote on the Senate reduces our allocation. This is an absurd idea in the language that conveys the name “lockbox.” Previously we all agreed on lockbox. Lockbox meant we did not spend Social Security, we did not spend Medicare revenues on anything but Social Security and Medicare.

The deficit policies of the majority now spend every nickel of the surplus of Social Security and Medicare, every nickel; $500 billion this year alone. They want to get up on the floor of the House and talk about creating this Mickey Mouse lockbox where to capture our fly-by-budget. It is ridiculous.

Let us talk about the real issue: blowing all the revenues of Social Security, all the revenues of Medicare, all of the surplus intended to strengthen these programs, gone because of run-away deficit spending, the absolute core result of Republican fiscal policies.

Rather than pass a budget to deal responsibly with beginning to get us out of this hole, they put us through this charade tonight. Shackle on my colleagues. Defeat this amendment.

The CHAIRMAN pro tempore (Mr. BASS). The question is on the amendment offered by the gentleman from Wisconsin (Mr. RYAN).

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

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

The CHAIRMAN pro tempore. Pursuant to Clause XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. RYAN) will be postponed.

It is now in order to consider amendment No. 9 printed in House Report 108-566.

AMENDMENT NO. 9 OFFERED BY MR. RYAN OF WISCONSIN

Mr. RYAN of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore will designate the amendment. The text of the amendment is as follows:

Amendment No. 9 offered by Mr. Ryan of Wisconsin: Amendment No. 9, the CHAIRMAN pro tempore, will add the following new section:

SEC. 1013. (A) Proposed Rescission of Budget Authority Identified as Wasteful Spending.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriation Act that identifies as wasteful any account, department, or agency, or any project, or activity to which that budget authority relates.

(B) Any account, department, or agency, or any project, or activity to which that budget authority relates.

In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill for accounts within the jurisdiction of each subcommittee.

(C) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the following:

(A) The amount of budget authority which he proposes to be rescinded.

(B) Any account, department, or establishment of the Government to which such budget authority is allocable for the obligations, and the specific project or governmental function involved.

(C) The reasons why the budget authority should be rescinded, including why he considers it to be wasteful spending.

(D) The maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission.

SEC. 1014. Enhanced Consideration of Certain Proposed Rescissions.—

SEC. 1014. Enhanced Consideration of Certain Proposed Rescissions—

Amendment No. 9 is offered by Mr. Ryan of Wisconsin.
President.

Deficit Control Act of 1985, if proposed by the
251(c) of the Balanced Budget and Emergency
ationary spending limits set forth in section
purposes, and programs for which the budget
the proposed rescission upon the objects,
extent practicable, the estimated effect of
for the Senate. A motion to report the bill within
the Senate after it receives the bill. A com-
committee failing to report the bill within such
period shall be automatically discharged from
consideration of the bill, and the bill shall be
appropriate calendar.

(4)(A) A motion in the Senate to proceed
to the consideration of a bill under this sec-
section shall be debatable. An amendment to
motion shall not be in order, nor shall it be in
order to move to reconsider the vote by which
the motion is agreed to or disagreed to.

(B) Debate in the Senate on a bill under
this section, and all debatable motions and
appeals in connection therewith (including
debate pursuant to paragraph (C)), shall not
exceed 10 hours. The time shall be equally
divided between, and controlled by, the
majority leader and the minority leader or
their designees.

(C) Debate in the Senate or any debatable
motion or appeal in connection with a bill
under this section shall be limited to not
more than 1 hour, to be equally divided be-
tween, and controlled by, the mover and the
manager of the bill, except that in the event
the manager of the bill is in favor of any
such motion or appeal and opposing
motion thereto, shall be controlled by the
minority leader or his designee. Such leaders,
or either of them, may, from time under
their control, extend the time of a bill,
additional time to any Senator during the
consideration of any debatable motion or ap-
peal.

(D) A motion in the Senate to further
limit debate on a bill under this section is
debatable. A motion to recommit a bill
under this section is not in order.

(d) AMENDMENT AND DIVISIONS PROHIB-
ITED. No amendment to a bill considered
in the Senate or any debatable
motion in connection therewith (including
an amendment to a bill)
under this section, and all
debatable motions and
appeals in connection therewith (including
an amendment to a bill)
in CHAP.

(2) The term
means, with respect
to the

amendment, supporting
this amendment.

This is what we call enhanced rescis-
sion, which I support.

The Chair recognizes the gentleman
from Wisconsin (Mr. RYAN), who
is going to go after wasteful spending
and the like.

I yield myself 2

minutes.

The CHAIRMAN pro tempore. Pursu-
ant to House Resolution 692, the
gentleman from Wisconsin (Mr. RYAN) and
a member opposed each will control 5
minutes.

The Chair recognizes the gentleman
from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chair-
man, I yield myself 2

minutes.

The Chairman. I will explain this. We
are going to go after wasteful spending
in another direction with this amend-
ment. This is a bipartisan amendment
with the gentleman from Texas (Mr.
STENHOLM), also with the gentleman
from Delaware (Mr. CASTLE), who is
not here with us. This is the moment,
supporting this amendment.

This is what we call enhanced rescis-
sions.
The way this amendment works is that the President, after signing a bill into law, an appropriations bill into law, has the ability to pull out a wasteful spending measure or a number of wasteful spending measures that he or she disagrees with.

Now, this makes sure that we retain the power of the purse so that that bill comes back to the House and the Senate among expedited procedures where we vote up or down on that rescission package—now, if my colleagues will recall, during the line item veto debate of a number of years ago, the Supreme Court ended up striking down the line item veto. The reason the Supreme Court struck down the line item veto is a reason I agree with, which was it is unconstitutional for the legislative branch to delegate its lawmaking power to the executive branch the power of the purse.

So what we are doing in place of that is the consequence to those who oppose the line item veto at the same time, they were the folks who were actually proposing this legislation, what happens is the President pulls out spending from a spending bill, sends it back to Congress on an expedited procedural basis, Congress votes up or down on those spending cuts. And we have the final say as to whether or not that spending occurs.

Now, the great point of all of this is when we get back to the appropriations bills. Last year's omnibus appropriation bill had seven different appropriation bills bundled into one. So we had one vote on the conference report up or down. So we had to vote on veterans health care, on Labor Department spending, on Health and Human Services; but we also had to vote for the $50 million rain forest museum in Coralville, Iowa.

This gives the President the ability to say we probably should not be spending that money on that rain forest museum in Coralville, Iowa, and a few other things. I am pulling those out of the bill. I am pulling those out of the bill, but Congress has the final decision as to whether or not that spending takes place.

We retain the power of the purse, but we have a tool to go after wasteful spending.

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

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

Mr. TOOMEY. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin.

Mr. STENHOLM. Mr. Chairman, I am very happy to join with the gentleman from Wisconsin (Mr. Ryan) and the gentleman from Delaware (Mr. Castle) to offer this amendment tonight.

Expedited rescission has been around a long time. Dan Quayle first introduced it in 1975. Senator CARPER, Dick Armeypoliticians continue to oppose this legislation. I have been working in support of expedited rescission legislation since 1992. And I worked with many Members on my side of the aisle, including the gentleman from South Carolina (Mr. SPRAT), the gentleman from Michigan (Mr. MURPHY), and others on similar proposals.

There is a fundamental question that we need to ask. Line item veto was unconstitutional, and I was never comfortable giving any President one-third-plus-one minority override over a decision of Congress, and the Supreme Court upheld that as being unconstitutional, but imperfectly willing to give any President line item veto over any pork spending, if that is what you want to call it. The concern Mr. Armey and I had is the $4 million for fruit flies in France does not do it. And that is what this amendment will give too much power to the President, but it matters not to me who is President. I am perfectly willing to give any President that opportunity because it will have a very cleansing effect because anyone that sticks in as many add-ons as we have been adding on to the appropriation process, and I found it rather amusing listening to the appropriators a moment ago, when you look at what has happened with all of the add-ons, all of the add-ons that have been added in the appropriations process, I would love to see a President come in and line item veto that, even if it is mine or anyone else's, because it would have a cleansing effect.

If on the other side, if on the floor and defend that which he has asked appropriators to put in the bill, he should not do it. And that is what this amendment is all about.

This amendment will not make a significant dent in our deficit, and I do not claim that it will. But it will have a very real cleansing effect on the legislative process. And it will take a step towards reducing the public cynicism about the political process.

The time has come for us to support this additional tool for accountability and fiscal responsibility.

Mr. Ryan of Wisconsin. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Chairman, we have talked about a number of individual items that we have found questionable in past omnibus bills, including, in particular, a tropical rain forest that, by the way, was not in the district of the Committee on the Budget chairman.

One of the points that I want to make about the beauties of this particular amendment is that often, this is going to be shocking to people listening to this debate, but often we have an appropriation bill, especially when it is an omnibus appropriation bill, that can be thousands and thousands of pages long, and the folks know how many tens of thousands of lines in this. And sometimes we have had all of several hours to go through every single line in these thousands and thousands of pages. The stack is usually here somewhere, set up here. If one can find out where they are and then they can get it and they can look through and they can discover the $4 million for fruit flies in France or whatever else it might be. And they could raise their objection and deal with that. But sometimes you might not get the opportunity to go through this whole thing. In fact, as a practical matter, none of us do. We discover later on what all has been inserted in this bill.

This is just common sense, responsible budgeting and appropriating. So I urge my colleagues to support this amendment.

Mr. SPRATT. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I have actually sponsored legislation like this in the past. I have voted for it and argued for it on the House floor. When we had the vote on the line item veto, I came over and tried to offer an alternate amendment and I argued for it, and argued for it on the other side principally, that if they would adopt this, and the Supreme Court did what I predicted they would do and held it unconstitutional, then this would be in place as the alternative. We would have it by now if that had been attempted, the bill passed, and that was not put in it.

There was a strong suspicion on my colleagues' side that if we put that in, the Senate would take out the line item veto and pass the rescission provisions. In truth, there are certain Senators who are probably laying in wait for this rescission provision already.

We did add some features to it that I would recommend for your consideration. One is when it came through the Committee on Government Reform we added a provision that would not only allow spending to be treated this way, but also targeted tax cuts. Because these targeted tax cuts are often tax expenditures and they were defined as they were written and the - very few of them. I thought it was a good idea and a good improvement on the bill.
We bring these tax bills over here to the floor, they are not amendable. We vote on them up or down. At least on the appropriations bill, if one wants to, they have an opportunity to go after individual items. Instead, the tax bills have all kinds of provisions. We have the provisions in it about how you could break out for separate treatment all or certain parts of the package if one could get a petition with so many Members. This is an idea that has been around and around the track and if it is actually an idea that has been embellished and improved as it went around the track. I am not quite sure how many of those ideas there are in this particular version of it, but I recommend those for my colleagues’ consideration.

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

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself the remainder of the time.

Mr. Chairman, I want to answer the points the gentleman from South Carolina made. We did look at the issue of whether there are tax expenditures included in the enhanced rescission power, and some raised the constitutional question. Because in article I, section 7, the U.S. Constitution clearly states that bills for raising revenue shall originate only in the House of Representatives.

There are some who have a constitutional concern, and this is a difficult point, that it would be unconstitutional for the President to alter tax legislation because this would be an originating bill even after this other bill would be passed into law.

So there is a constitutional question about the tax expenditure side. But, more importantly, we want to focus on spending. We wanted to focus this tool to go after wasteful spending.

Let me just conclude with showing a few things that we have done around the country, that we are to blame for this; 13.4 million for community resilience project in Virginia.

Mr. Chairman, $916,000 for a study about what makes a meaningful day, $500,000 for the Anaheim Resort Transit to fund buses for Disneyland, $270,000 for wool research in Montana and Wyoming, $72,000 for the study by the National Institute of Health on dorm room wall decorations and Web pages.

These are ridiculous expenditures that I believe are an embarrassment to this body, and it is a good thing, and I think we all agree, to have the President to have the ability to bring those things out and send it back and have us vote on those things in the light of day instead of tucking them in big appropriations bill.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. Stenholm).

Mr. STENHOLM. Mr. Chairman, sometimes it is rather amusing if you have been around for a few years, as I have. The last time this was seriously discussed, my friends on this side of the aisle opposed it. They believe the expedited rescission was a bad idea and that we ought to go with line-item veto. The person that interjected taxes into this was Bob Michel, the minority leader. I am arguing that if you really want to do this in a way in which it will work, you put everything on the table.

The gentleman from South Carolina (Mr. Spratt) supported that, and today it is a difficult task for the gentleman from Iowa (Chairman Nussle) was talking about, it is us. It is we. It is pretty difficult for “we” to work on things when we keep changing what we think because of the current political environment that we have. Mr. Chairman, I am happy to yield to the gentleman from Wisconsin (Mr. Ryan).

Mr. RYAN of Wisconsin. Mr. Chairman, a couple of us were not in Congress back then when you said you decided that, so we have been consistent.

Mr. STENHOLM. I know, but it is great. You can come in here and get 85 votes, and it does not get things done. We can get 300 votes.

Mr. CASTLE. Mr. Chairman, I rise today in support of the Ryan/Castle/Stenholm amendment. I have supported this executive power in many forms, but I see this amendment as a version that all of us can stand behind.

Under this power, the President, regardless of party, may submit to Congress provisions from a spending bill that he deems wasteful. The difference between our approach, and the Line-Item Veto which was overturned by the Supreme Court in 1998, is that Congress remains the deciding factor. The power of the purse remains in the hands of Congress. This “expedited” rescission is intended to ensure a vote on those rescission requests sent from the President. Under expedited rescission, Congressional approval would still be necessary to cancel the funding by an up-or-down vote on an amendment to a spending provision. I believe that Congressional power is actually increased under this amendment—because Members are able to exercise more discretion over wasteful spending. Additionally, I believe that under this provision, Members will hesitate to abuse the practice of earmarking funds when they are held accountable to the full House.

The Line Item Veto Act of 1996 amended the Congressional Budget and Impoundment Control Act of 1974, to give the President “enlightened rescission authority” to cancel certain items. The President was only to exercise the cancellation authority if he determined that such cancellation would reduce the federal budget deficit and would not impair essential government functions or harm the national interest and then notified the Congress. The act provided 30 days for the expedited congressional consideration of disapproval bills to reverse the cancellations from the President.

When the Supreme Court overturned the Line Item Veto in 1998, the subsequent policy discussions produced alternative versions that would address issues of Constitutionality. This enhanced rescission would give lawmakers the ability to clean up waste in spending bills while protecting the priorities of the bill.

We believe that this amendment has the opportunity to eliminate wasteful and abusive spending, while maintaining Constitutional power of the purse and I encourage my colleagues to support Ryan/Castle/Stenholm.

The CHAIRMAN pro tempore (Mr. Bass). The question is on the amendment offered by the gentleman from Wisconsin (Mr. Ryan).

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

Mr. RYAN of Wisconsin. Mr. Chairman, I demand a recorded vote.

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

It is now in order to consider in sequence amendments numbered 10 through 14 printed in House Report 108-566. The Chair has been advised that the amendments will not be offered.

AMENDMENT NO. 15 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Budget Enforcement Act of 2004.”

SEC. 2. EXTENSION OF DISCRETIONARY SPENDING LIMITS.

(a) DISCRETIONARY SPENDING LIMITS.—(1) Section 251(c)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (relating to fiscal year 2004) is amended—

(A) in subparagraph (A), by striking “$1,384,000,000” and inserting “$2,852,000,000”;

(B) in subparagraph (B), by striking “$1,462,000,000” and inserting “$1,936,000,000”;

(C) in subparagraph (C), by striking “$6,629,000,000” and inserting “$6,271,000,000”.

(2) Section 251(c)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting a dash after “2005”, by redesignating the remaining portion of such paragraph as subparagraph (D) and by moving it two ems to the right, and by inserting after the dash the following new subparagraphs:

“(A) for the general purpose discretionary category: $382,474,000,000 in new budget authority and $397,885,000,000 in new budget outlays;

(B) for the highway category: $30,585,000,000 in outlays; and

(C) for the mass transit category: $6,154,000,000 in new budget authority and $7,767,000,000 in outlays; and

(3) Section 251(c)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting a dash after “2005”, by redesignating the remaining portion of such paragraph as subparagraph (D) and by moving it two ems to the right, and by inserting after the dash the following new subparagraphs:

“(A) for the general purpose discretionary category: $856,879,000,000 in new budget authority and $863,961,000,000 in new budget outlays;

(B) for the highway category: $33,271,000,000 in outlays; and
For purposes of this subsection, the term "obligation limitations" means the sum of budget authority and obligation limitations.

SEC. 5. EXTENSION OF PAY-AS-YOU-GO REQUIREMENT

Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended "2002" both places it appears and inserting "2009".

SEC. 6. REPORTS.

Subsections (c)(2) and (f)(2)(A) of section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 are amended by striking "2002" and inserting "2006" (or 2009 solely for purposes of enforcing the discretionary spending limits for the highway and mass transit categories)."
through September 30, 2009, to require that both the cost of all net direct, mandatory or entitlement spending increases and all tax cuts both, this is two-edged, double-edged PAYGO, enacted during a session be fully offset. In other words, this amendment would reinstate the rule that expired two years ago, the rule that is applicable to entitlement increases, the rule that is applicable to tax cuts known as the PAYGO rule.

In addition, this amendment would set total discretionary spending limits for 2005 and 2006 equal to the levels in the Democratic budget resolution which we offered on the House floor a few months ago. There are no total funding caps for other years.

Like H.R. 4863, it specifies that annual mass transit and highway funding for each year through 2009 will be set at the levels also included in the House-passed transportation reauthorization bill, known as TEA-21.

Mr. Chairman, in the 1980s and 1990s, as we have struggled with deficits and as the effects of Gramm-Rudman-Hollings fizzled out, various rules, some of which have been surfaced on the House floor tonight, were proposed and tried. Two, were adopted as meritorious and were included in what became the Budget Enforcement Act of 1991. It was a spin-off from the Bush Budget Summit in the year 1990. These were the disciplinary tools to implement the Bush-Quayle Budget Agreement, which really has not gotten the credit it is due for laying the foundation for what we accomplished in the 1990s. Neither have these rules gotten the full credit of their due, but they got a nice accolade from a source who admitted that he was a cynic, if not a skeptic, at that time, Chairman Alan Greenspan of the Federal Reserve.

He told our committee, the Committee on the Budget, just a few weeks ago when he talked about the renewal of these rules, if he thought from his observation as an outside observer of the budget that these were worthwhile tools. He said, you know, I was a skeptic. I did not think they would work. I thought they were diversionary tactic, but I have been proven wrong. They were remarkably effective. And when we questioned him and asked him, he said, I would reinstate both rules, both the discretionary spending caps and I would reinstate the pay-as-you-go rule, which provides that if you want to have a tax cut when you have got a deficit, then you have to make it deficit neutral; you have to have an offset. You either cut entitlement spending one place in the budget, or you increase revenues as an offset in another place.

And by the same token, if you want to enhance an entitlement, you have got to identify a revenue stream to pay for it, or you have to have a commensurate cut elsewhere. And I would reinstate that pay-as-you-go rule, which provides that if you want to have a tax cut when you have got a deficit, then you have to make it deficit neutral; you have to have an offset. You either cut entitlement spending one place in the budget, or you increase revenues as an offset in another place.

And by the same token, if you want to enhance an entitlement, you have got to identify a revenue stream to pay for it, or you have to have a commensurate cut somewhere and another entitlement program elsewhere in the budget so that in all respects, they are deficit neutral at the end of the session.

These two rules, the PAYGO rule, the double-edged PAYGO rule and the statutory spending caps on discretionary spending, are the heart and soul of this particular substitute that I am offering here. This cuts to the very core. Rather than just one of these convoluted rules, let us go back to two rules that work. Let us be pragmatic. Let us pick from the past experience that we have had those rules that contributed the most to our success in the 1990s.

I think he infused the $1 trillion budget with a $290 deficit to a $236 surplus in six fiscal years, and these two rules helped us do it.

They have both expired now. We could do a world of good for the budget process, for the budget, for the deficit, by reinstating these two rules, and really, it is all we need to do that and fixing realistically discretionary spending caps.

Let me say, we proposed 5 years of spending caps. The chairman has reduced his effort to just 2 years. In an effort to get something that he could possibly pass over there, he went with two years. I really do not think we have efficacy of discretionary spending limits unless we have longer terms than that. So we have a 5-year spending limitation on discretionary spending, and I should acknowledge that we have set this a bit above current services, a bit above the CBO baseline. Why did we do that? Because we fully accommodated the President’s defense request, nondefense discretionary, and our cap is pretty close to baseline, pretty close to current services, just a bit over.

Total discretionary is somewhat more in excess of the CBO baseline because we followed the President’s defense members. We put in the $50 billion for the Iraq and Afghanistan and supplemental expenses. That is realistic, and there is one rule that we learned in the 1990s we should apply here, too. It applies to the 1997 budget which was uniquely successful when we impose the statutory caps on discretionary spending at a very, very tight and unrealistic level.

When we got to the ideas, we fudged on them substantially and that is primarily because partly because we set them too tight to start with. Here, we have set them realistically. We have got two rules that work. They have proved their worth.

The chairman of the Federal Reserve says I do not would not reinstate them and make the PAYGO rule in particular applicable to tax cuts as well as entitlement increases. I submit to the House, if we want to do something tonight, if we want some legislation for all of our efforts, these two things would do a world of good, and we could leave here feeling that we had done something good for the budget and something successful tonight.

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

Mr. NUSSLE. Mr. Chairman, I claim the time in opposition, and I yield 2 minutes to the gentleman from Pennsylvania (Mr. Toomey).

Mr. TOOMEY. Mr. Chairman, I thank the chairman for the time, and I would like to stress there are two big problems with this approach and reasons the oppose this approach.

First of all, with respect to the discretionary spending caps, I commend the gentleman from South Carolina for extending them longer than we have in the majority bill. I think it is a constructive idea. Unfortunately, he starts off with caps at higher levels so we end up spending considerably more money, not only in the first couple of years, but thereafter as well, and so I have to strongly disagree with that approach on the discretionary spending caps side.

I also want to talk about the change that the gentleman from South Carolina proposes with regards to the PAYGO provision to the tax cuts, as well as to the mandatory spending increases, which is what we have in the majority bill.

Now obviously the superficial appeal of this idea is that both an increase in mandatory spending or a decrease in taxes appear to have the same directional effect on the size of the deficit in the short run. With respect to the government’s budget, that is, of course, true, but there is something I think much more important here. The fact is that increasing spending and cutting taxes are not equivalent to the American people because the former, increasing mandatory spending, which we try to control, that slows down economic growth, and it reduces personal freedom, but the latter, cutting taxes, that accelerates economic growth and it reduces mandatory spending considerably more money, not extending them longer than we have in the majority bill.

In addition to that, the former, which is to say increasing mandatory spending, which we control in our bill, in the absence of that constraint which we impose, then we definitely increase the size of the structural deficit. That is clearly a problem that we are trying to rein in.

On the other hand, as we have seen time and time again, when you lower the tax burden, essentially you do it right by lowering marginal tax rates. You, in fact, improve the deficit picture over the long run as accelerating economic growth and enhancing revenue.

So I would urge my colleagues to reject this amendment and support the underlying bill.

Mr. NUSSLE. Mr. Chairman, I yield myself such time as I may consume. Well, let me just make a couple of comments, and then we have no other speakers, and I would be ready to yield back the balance of my time.

Let me just say, first of all, the gentleman from Pennsylvania said it very well. Let me just underscore a couple of things.

We have had number of votes on the floor, and I understand we may have
yet another one tonight as a motion to recommit with regard to PAYGO for taxes, as it has been called here on the floor, and every time this year we rejected that, and we basically said, look, the only people who pay for taxes are taxpayers. The government does not have the money, because the government is not the one that pays taxes. It is taxpayers that pay for taxes.

So we have made it very clear that tonight we want to discuss spending, mandatory spending, and discretionary spending. That is the reason we apply the PAYGO provisions to mandatory spending, and it is the reason why we set discretionary caps.

What the gentleman from South Carolina (Mr. SPRATT) has done follows that exact rubric. He has a PAYGO provision, but he extends it to revenue; therefore, I would oppose that.

On the discretionary side, he increases spending above the caps where we are now or above the budget resolution. In my estimation, that is unnecessary spending at this time. Certainly, as we all know, during the appropriation process many people will come to the floor and suggest that we could spend money on this or we could spend more money on that or we could do something here or we could increase over there, but again, so many of our colleagues on both sides have talked about restraining spending. I do not believe an increase in the cap is what we need.

So I would oppose the amendment. The discretionary cap does not need to be lifted an additional $12.5 billion, number one; and number two, we do not believe that anyone in this country pays for taxes except taxpayers. Therefore, I would oppose the amendment as a substitute.

As I said to the gentleman from South Carolina (Mr. SPRATT), we have no other speakers.

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

Mr. SPRATT. Could the Chair please advise me how much time I have?

The CHAIRMAN pro tempore (Mr. BASS). The gentleman from South Carolina has 8½ minutes remaining.

Mr. SPRATT. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, once again what we are trying to do here is to cut through all the rhetoric, go through all of these complicated rules, sometimes convoluted rules, and come up with two basic rules, two pragmatic rules that have proven themselves over a period of 10 years to work and work well. Indeed, they were part of the success we enjoyed in the 1990s when we moved the budget from a deficit of $290 billion in 1992 to a surplus of $236 billion in the year 2000.

First of all, we would impose a statutory cap on discretionary spending at a level that we think is realistic. And what do we mean by that? We take current services, basically treading water, with inflationary adjustment, and we add to it the Bush defense budget. But we want to make a point here, and that is this is the totality of domestic non-homeland discretionary spending in the budget. This is one-sixth of the budget. Wipe it all out, you do not have an F-35, you do not have a new airport system, you do not have a Park Service, you do not have highways; but you still have a deficit, notwithstanding the fact you have wiped the whole thing out.

If you look back over the last 4 years, which is the source of this spending that everybody is decrying tonight? What you find is it certainly is not domestic non-homeland security; 383, 382, 383. Now, Mr. Bush said he would like to cut it down to $576 billion. Well and good. This is one of the reasons the appropriators are out here tonight. They are struggling with the attainment of that goal. That saves $7 billion on a deficit that is estimated at over $400 billion next year. That is how much blood you can squeeze out of this turp.

Where then have the cost increases come from? This chart tells it all. These bar charts show 2001, 2002, 2003, and 2004, and they show that 90 to 95 percent of the change in his budget, which is the source of those four fiscal years occurred in defense, homeland security, and the response to 9/11, not in what we call domestic nondefense discretionary spending. Therefore, the cap will have an effect, but not a great effect.

Basically, what we have done is we have capped nondefense discretionary spending at a current services level. We provided, as I said, realistically for the Bush defense budget for the other half of discretionary spending in the cap we have set.

Complicated chart. It says one thing in particular. When Bush came to office, when the President came to office several years ago, the Bush defense budget, the defense budget for the next 10 years was $3.6 trillion. Today, by our calculation, it is more like $5 trillion. We have seen defense spending go up over that time frame by $1.4 trillion.

And what about revenues? This is where the Bush administration told us revenues would go if we had tax cuts as we did in 2001, 2002 and 2003; that they would follow this blue dotted line. They have not followed the blue dotted line. They have taken a precipitous decline down, this period of time, from over $1 trillion to less than $900 billion in a period of about 3 or 4 fiscal years.

So if you want to solve the problem, you have to get to the source of the problem. You have to go to the budget and look at where the problem exists, and you cannot rule out revenues and expect to resolve a $521 billion estimate. That was the last official estimate we got from OMB of a deficit for this year.

That is why we have, number one, spending caps on discretionary spending at realistic levels that accommodate for defense. Get real. We are not going to be reinning in those accounts by any substantial amount in the near future, given our obligations that are still being worked out.

And, secondly, we have acknowledged that revenues are a significant part of the problem. Indeed, we demonstrated that when we resolved the $200 billion deficit in the 1990s, and CBO looked back on it, they said 48 percent of your success was due to the fact that you were able to enhance revenues, 52 percent was due to the fact you curbed spending. Those two together produced the phenomenal results we enjoyed in the 1950s.

Here it is right here. It can be done. The Clinton administration came to office and outlays were 22 percent of GDP. When he left office, outlays had been reduced to about 18 percent of GDP. Revenues were about 17 to 18 percent of GDP. They were taken up over 20 percent of GDP. And there is the measure of the success in the Clinton administration right there, the $230 billion surplus we have been talking about.

And here is what happened with the Bush administration. Revenues have plummeted and spending outlays have gone up. But outlays are still below what they were in 1992. And that is why we are saying that what we have got before you now in this substitute a package of two simple and basic rules which we say to you pragmatically worked, worked phenomenally well, and ought to be reinstated so we can tackle this difficult problem and approach it and try to begin working down the deficit.

I would suggest to the House that this would be the simplest way and the best way to resolve this whole debate. And this substitute would wrap it up by reinstating the PAYGO rule with a double edge applicable to tax cuts and spending increases alike.

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

Mr. NUSSLE. Mr. Chairman, I reserve the balance of my time, and I am prepared to yield back.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

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

We would have liked the opportunity to present an amendment to this bill that would clean up clearly the prospects of pay-as-you-go, including both the revenue and spending sides. Revenue, pay-as-you-go on spending. That does not mean anything, because a budget is revenue and a budget is outflow. If you only do outflow without revenue, you will never get to balance. Never get to balance. It is not a surgically effort.

What did they do to the request we had to have a clean vote on it, the request by the Blue Dogs? They did not
make it in order in the Committee on Rules. We have been working the last several hours through 19 amendments. They have made every cockamamie idea under the sun in order. But when we wanted to have a straight pay-as-you-go to address this budget deficit, it was not included in the bill. That is why I believe the underlying bill is not a serious effort in budgeting whatsoever, and the effort put forward by my friend and colleague, the gentleman from South Carolina (Mr. SPRATT), represents there in a bad situation. That is a situation we should support.

Mr. SPRATT. Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SPRATT) for yielding me this time, but more especially for the excellent leadership that he has provided as the ranking member on the Committee on the Budget, and I thank him for bringing this substitute to the floor. I think it would be really very important for the American people to understand the standing that the gentleman from South Carolina has on this issue. He has, without any inkling of partisanship, addressed the issues of a fiscal soundness for our country and a budget that reflects our values in a way that has been, again, nonpartisan, professional, and that we sible. He knows the facts and the figures. He takes responsibility for what he puts forth and will answer and defend the conclusions that he advances. So when he speaks about his own substitute that will lead to reducing the deficit, you can take him at his word. When he introduces this substitute for pay-as-you-go, it is as responsible as it sounds.

Earlier in the debate, on the Obey amendment, one of our Republican colleagues said there is no such thing as a free lunch. This pay-as-you-go budget really validates that statement, because it says in order for us to provide for the needs and the aspirations of the American people, we must do so in a fiscally sound way, and we must not fool ourselves about the consequences of our actions.

You can talk all day about the dynamic, as our Republican colleagues would have us do. But dynamic is not the same as of their tax cuts. They have been cutting taxes and cutting taxes and cutting taxes. Democrats like tax cuts too. We wanted to cut the taxes for the middle class. We want to cut the taxes for Americans who will then spend the money and put it back into the economy, injecting demand into the economy, creating jobs, growing the economy to create jobs.

We want to use our investments in our budget to invest in education. There is no better investment that we can make in terms of helping and meeting the needs and aspirations of the American people in terms of educating them, early childhood, K through 12, higher ed, post-graduate and life-time learning. And nothing does more to grow the economy and bring money into the Federal Treasury than to educate the American people.

So the investments that we talk about as pay-as-you-go are investments that bring money into the Treasury, that put tax cuts where they belong, where they will generate jobs and, again, inject demand. The gentleman from South Carolina (Mr. SPRATT) represented to us how the pay-as-you-go, when it was in effect, created a situation where we had zero deficit in 1999. This was not an accident. It was not a fluke. It was part of a plan. It was not a situation where we kept trying one thing and another. It was part of a plan. When the pay-as-you-go expired, we now have returned to these growing deficits; this year, $5 trillion, a historically large deficit.

So, Mr. Chairman, when the Republicans say that we should subscribe to their reckless economic plan because it is going to create jobs, the success of their economic plan has not hit home for middle-class Americans. Yes, some jobs have been created, but they have been lower-paying jobs than the ones that were lost. The purchasing power of Americans has not increased. In fact, the increase in wages since this spring, since March, has been about a nickel. About a nickel. So that is not an economic plan that has been successful for middle-class Americans.

Their policy about tax cuts has been to go to those who need them least. Most of those people know they do not need the tax cuts and would rather they be investments into our society for educating our children. They do not want to, on top of it all, grow the deficit. We keep feeling the effects of that policy in lost jobs, wages that do not keep pace with inflation, and most dramatically, again, in record budget deficits.

When President Bush took office, as was indicated by the charts the gentleman from South Carolina (Mr. SPRATT) showed, we were on a path to a $5.6 trillion surplus. A $5.6 trillion surplus. Today, the budget deficit is projected to be over $3 trillion over the next 10 years, a $9 trillion fiscal collapse. We now have a deficit again for this year that is more than $5.5 trillion for 1 year alone. That is an astounding burden on our children.

We should be giving our children opportunities, not burdens. We cannot afford it. Because of the Republicans’ reckless economic policies.

These deficits matter. Federal Reserve Chairman Alan Greenspan has said, “History suggests that an abandonment of fiscal discipline will eventually lead to a fiscal crowd-out effect, where even small increases in government spending crowd out capital spending, lower productivity growth, and force harder choices upon us in the future.”

Economists agree, deficits are a drag on the economy. Higher deficits mean higher interest rates, which mean families pay more for homes, cars and college tuition. Higher deficits mean lower incomes. And higher deficits mean fewer good-paying jobs.

I’m always glad to read on this issue, Mr. Chairman, and today we can choose between two distinct paths. One, as the gentleman from South Carolina suggests, is the road back to fiscal responsibility. The other is the road to fiscal ruin. The road to fiscal responsibility runs right through the Democratic substitute offered by the gentleman from South Carolina, which would put the budget on a pay-as-you-go system in which both tax cuts and spending increases must be paid for, a real pay-as-you-go system.

Alan Greenspan agrees. He recently testified before the Senate Banking Committee that pay-as-you-go should apply to both taxes and spending. That was in effect throughout the 1990s, as was mentioned, and they were effective. As a result of these rules, we turned record deficits that we had received into the 1990s into record surpluses as we left the 1990s. We could afford tax cuts today. The road to fiscal ruin runs through the unrestrained deficits of the Republican proposal. The Republican bill on the floor today is a sham. It steals the mantle of pay-as-you-go without requiring the discipline that real pay-as-you-go would require. By failing to offset tax cuts, the Republican bill will make the deficit even worse.

The issue is simple: The Democratic pay-as-you-go proposal has a record of success. The Republican approach has a record of deficits. If you want to return to fiscal responsibility, vote for the Democratic substitute on pay-as-you-go.

Mr. Chairman, I again want to salute the gentleman from South Carolina and again commend what he has to say to the American people because he speaks truth about the budget and about the deficit. He knows of what he speaks. He knows the discipline that is needed to reduce the deficit. We are all blessed by his leadership.

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

First of all I would say to the very distinguished minority leader that the discipline that real pay-as-you-go would require. He does it in a spirit that may appear to be nonpartisan at times, but he is a very effective Democrat and I would never take that away from him. He is a very effective spokesman for their philosophy, for their priorities and fiscal discipline, which in essence is the fact that he can do it in a partisan way and not a mean way at all, or a disagreeable way.
There are a couple of things I would just like to point out. First of all, the reason we came to balance in 1999 was, as the minority leader said, because we had a plan. That was a plan that was passed by this Congress, this Republican Congress. Second, she said that there were jobs being created. Well, yes, some 1.4 million jobs since last August alone. If you want to create more of them or if you want to make sure that they get paid better salaries or if you want to make sure that they have more job security, I would just suggest to you that appropriating more money than we have in these huge increases for education, that is not going to increase their salaries.

For our kids, it may help them out and that is why we are increasing education, but that does not create more jobs. It does not increase their salaries. and that is why we are increasing educ-

Last but not least, you do not create opportunities as opposed to allowing businesses that are creating those jobs. Taxing small business like the proposal that the gentleman from Wisconsin (Mr. RYAN) include a similar PAYGO provision, the substitute offered by Rep. JEB HENSARLING establishes an equivalent point of order that applies only to mandatory spending, not tax cuts.

The original PAYGO rule that applied to tax cuts as well as spending was instrumental during the 1990s in bringing us from record deficits to record surpluses. The original PAYGO rule was renewed in July 1997 on a bipartisan basis, with a large majority of the House Republicans—including most of the

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

The CHAIRMAN pro tempore (Mr. NUSSLE). The question is on the amendment in the nature of a substitute offered by the gentleman from South Carolina (Mr. SPRATT) was taken; and the Chair pro tempore announced that the noes appeared to have it.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from South Carolina (Mr. SPRATT) will be postponed.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment No. 6 offered by the gentleman from Illinois (Mr. KIRK), amendment No. 7 offered by the gentleman from Wisconsin (Mr. RYAN), amendment No. 8 offered by the gentleman from Wisconsin (Mr. RYAN), amendment No. 9 offered by the gentleman from Wisconsin (Mr. RYAN), and amendment in the nature of a substitute No. 15 offered by the gentleman from South Carolina (Mr. SPRATT).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. KIRK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN pro tempore. A recorded vote has been demanded.

Sequen
cal votes postponed in Committee of the Whole

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will resume on those amendments on which further proceedings were postponed, in the following order: amendment No. 6 offered by the gentleman from Illinois (Mr. KIRK), amendment No. 7 offered by the gentleman from Wisconsin (Mr. RYAN), amendment No. 8 offered by the gentleman from Wisconsin (Mr. RYAN), amendment No. 9 offered by the gentleman from Wisconsin (Mr. RYAN), and amendment in the nature of a substitute No. 15 offered by the gentleman from South Carolina (Mr. SPRATT).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 6 OFFERED BY MR. KIRK

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. KIRK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 289, noes 121, not voting 23, as follows:

AYES—289

Akin (MO)  Bradby (RI)  Chatot
Alexander (KY)  Brady (TX)  Chandler (CA)
Amash (MI)  Briggs (IL)  Chaffetz (UT)
Baird (WA)  Brown-Waite (FL)  Coble
Ballenger (NC)  Burgess (SC)  Coleman (OH)
Bartlett (MD)  Burns (NV)  Costello
Bass (MN)  Burr (NC)  Cox
Beauprez (CO)  Burton (IN)  Crapo
Berry (AR)  Buyer (IN)  Crane
Burgess (TX)  Calvert (MD)  Crenshaw
Bilirakis (FL) Camp (SC)  Culin
Bishop (UT)  Cannon (NY)  Culberson
Blackburn (TN)  Cantor (VA)  Cunningham
Blumenauer (OR)  Capito (WV)  Davis (CA)
Bink (MN)  Capps (CA)  Davis (FL)
Boehlert (NY)  Casap (CA)  Davis (NV)
Bono (CA)  Carson (OK)  Deal (GA)
Boozman (AR)  Carter (GA)  Delaney
Bowser (MD)  Castle (RI)  Delahunt
Boyd (TX)  Castle (IL)  Delay

[Roll No. 310]
The CHAIRMAN pro tempore. The pending business is the demand for a record vote on the amendment offered by the gentleman from Wisconsin (Mr. RYAN), on which further proceedings were postponed and on which the ayes prevailed by voice vote. The Clerk will redesignate the amendment. The Clerk redesignated the amendment.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPE

The vote was recorded compulsorily.

The CHAIRMAN pro tempore. The pending business is the demand for a record vote on the amendment offered by the gentleman from Wisconsin (Mr. RYAN), on which further proceedings were postponed and on which the ayes prevailed by voice vote. The Clerk will redesignate the amendment. The Clerk redesignated the amendment.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPO

The vote was recorded compulsorily.

The CHAIRMAN pro tempore. The pending business is the demand for a record vote on the amendment offered by the gentleman from Wisconsin (Mr. RYAN), on which further proceedings were postponed and on which the ayes prevailed by voice vote. The Clerk will redesignate the amendment. The Clerk redesignated the amendment.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPO

The vote was recorded compulsorily.

The CHAIRMAN pro tempore. The pending business is the demand for a record vote on the amendment offered by the gentleman from Wisconsin (Mr. RYAN), on which further proceedings were postponed and on which the ayes prevailed by voice vote. The Clerk will redesignate the amendment. The Clerk redesignated the amendment.
The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 137, noes 272, not voting 24, as follows:

AYES—137

[A full list of the Ayes is provided]

Not Voting—24

[B a full list of the Not Voting members is provided]
NOT VOTING—22

Barton (TX)  Gehrardt (NY)  McMillan
Berrier (TX)  Granger (TX)  Petri
Berman (NY)  Granger (WA)  Phelan
Berman (NY)  Granger (WA)  Pickering
Berman (NY)  Graner (PA)  Poliquin
Berman (NY)  Graner (PA)  Poleo
Berman (NY)  Graner (PA)  Pomarico
Berman (NY)  Graner (PA)  Roorda
Berman (NY)  Graner (PA)  Rogers (AL)
Berman (NY)  Graner (PA)  Rogers (KY)
Berman (NY)  Graner (PA)  Rogers (MI)
Berman (NY)  Graner (PA)  Roybal-Allard

The CHAIRMAN pro tempore (during the vote) and the members. There are 2 minutes remaining in this vote.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMPNDMENT NO. 15 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SPRATT

The CHAIRMAN pro tempore.

The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from South Carolina (Mr. SPRATT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of a substitute.

The Clerk redesignated the amendment in the nature of a substitute.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

The vote was taken by electronic device, and there were—aye 179, noes 233, not voting 21, as follows:

AYES—179

Abercrombie  Blumenauer  Clyburn  Crowley  Culerson  Cummings  Davis (FL)  Davis (GA)  Davis (NJ)  Delaney  DeLauro  DeLay  Dicks
Ackerman  Blumenauer  Clyburn  Crowley  Culerson  Cummings  Davis (FL)  Davis (GA)  Davis (NJ)  Delaney  DeLauro  DeLay  Dicks

NOES—233

Abercrombie  Ackerman  Allen  Baca  Bachus  Baker  Balderston  Bascom  Bell  Berkley  Bishop (GA)  Bishop (ND)  Bilbray  Brown-Waite, J.  Clyburn  Conyers  Costello  Cramer  Creigh  Cummings  Culerson  Cunningham  Davis (CA)  Davis (IA)  Davis (MD)  Delateur  DelAHunt  DeLauro  DeLay  Dicks

The Clerk redesignated the amend-
Title B—Budgeting for Emergencies
Sec. 111. Purpose.

Title B—Enhanced Rescissions of Budget Authority Identified by the President as Wasteful Spending
Sec. 311. Enhanced consideration of certain proposed rescissions.

Title C—Commission to Eliminate Waste, Fraud, and Abuse
Sec. 331. Establishment of Commission.
Sec. 332. Duties of the Commission.
Sec. 333. Powers of the Commission.
Sec. 334. Commission personnel matters.
Sec. 335. Termination of the Commission.
Sec. 336. Congressional consideration of reform proposals.
Sec. 337. Authorization of appropriations.

TITLE IV—TRUTH IN ACCOUNTING

Subtitle A—Accrual Funding of Pensions and Retirement Pay for Federal Employees and Uniformed Services Personnel
Sec. 401. Civil Service Retirement System.
Sec. 402. Central Intelligence Agency Retirement and Disability System.
Sec. 403. Foreign Service Retirement and Disability System.
Sec. 404. Public Health Service Commissioned Corps Retirement System.
Sec. 405. National Oceanic and Atmospheric Administration Commissioned Officer Corps Retirement System.
Sec. 406. Coast Guard Military Retirement System.

Subtitle B—Accrual Funding of Post-Retirement Health Benefits Costs for Federal Employees
Sec. 411. Federal employees health benefits fund.
Sec. 412. Funding uniformed services health benefits for all retirees.
Sec. 413. Effective date.

Subtitle C—Limit on the Public Debt
Sec. 421. Findings.
Sec. 422. Purpose.
Sec. 423. Limit on public debt.
Subtitle D—Risk-Assumed Budgeting
Sec. 431. Federal insurance programs.
Sec. 432. Risk-assumed budgeting.
Sec. 433. Federal insurance programs.

TITLE V—MAINTAINING A COMMITMENT TO THE FAMILY BUDGET

Subtitle A—Further Enforcement
Sec. 501. Super-majority points of order in the House of Representatives and the Senate.

Subtitle B—Budget resolution enforcement point of order.
Sec. 503. Point of order waiver provision.

Subtitle C—Treatment of Excessive Appropriations in Omnibus Appropriations Measures
Sec. 521. Treatment of excessive appropriations.

SEC. 2. EFFECTIVE DATE.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall become effective on the date of enactment of this Act and shall apply with respect to fiscal years beginning after September 30, 2004.

TITLE I—A SIMPLE AND BINDING BUDGET

Subtitle A—Joint Budget Resolutions

Sec. 101. Declaration of purposes for the Budget Act.

Sec. 102. The timetables.
Sec. 103. Annual joint resolutions on the budget.

Sec. 104. Budget required before spending for any fiscal year may be considered.
Sec. 105. Amendments to effectuate joint resolutions on the budget.
SEC. 102. THE TIMETABLE.
Section 300 of the Congressional Budget Act of 1974 is amended to read as follows:

"SEC. 300. The timetable with respect to the congressional budget process for any fiscal year is as follows:

1. On or before: Action to be completed:
   a. First Monday in February Not later than 6 weeks after President submits his budget:
   b. February 15, 2004: Congressional Budget Office submits report to Budget Committees. Committees submit views and estimates to Budget Committees. Senate Budget Committee reports joint resolution on the budget.
   c. April 15: Congress completes action on joint resolution on the budget.
   d. June 10: Appropriations Committee reports last annual appropriation bill.
   e. June 15: Appropriations Committee reports last annual appropriation bill.
   f. June 30: House completes action on annual appropriation bills.
   g. October 1: Fiscal year begins.

SEC. 103. ANNUAL JOINT RESOLUTIONS ON THE BUDGET.
(a) CONTENT OF ANNUAL JOINT RESOLUTIONS ON THE BUDGET.—Section 301(a)(4) of the Congressional Budget Act of 1974 is amended to read as follows:

"(4) (A) budgetary and outlays for nondefense discretionary spending, defense discretionary spending, direct spending (excluding interest), and interest, and for emergencies for the reserve fund in section 316(b) and for military operations in section 316(c); and
(B) total Federal revenues and the amount, if any, by which the aggregate level of Federal revenues should be increased or decreased by bills and resolutions to be reported by the appropriate committees;"

(b) ADDITIONAL MATTERS IN JOINT RESOLUTION.—Section 301(b) of the Congressional Budget Act of 1974 is amended as follows:

"(1) Redesignate subparagraphs (A) and (B) as subparagraphs (A) and (B), respectively, strike subparagraphs (C) and (D), and redesignate subparagraphs (E), (F), (H), and (I), respectively.

(2) Before subparagraph (B), insert the following new subparagraph:

"(A) reconciliation directives described in section 311(b)."

(c) REQUIRED CONTENTS OF REPORT.—Section 301(e)(2) of the Congressional Budget Act of 1974 is amended as follows:

"(2) Before subparagraph (A), (B), (C), (D), (E), and (F) as subparagraphs (B), (C), (E), (F), (H), and (I), respectively.

(2) Before subparagraph (B) as redesignated, insert the following new subparagraph:

"(i) any conference reports thereon that contains any matter referred to in paragraph (2)."

(2) Any joint resolution on the budget or any conference report thereon that contains any matter not permitted in section 301(a) or (b) shall not be treated in the House of Representatives or the Senate under section (a) or (b) as a conference report on a budget resolution under subsection (c) of this section."

SEC. 104. BUDGET REQUIRED BEFORE SPENDING BILLS MAY BE CONSIDERED
(a) AMENDMENTS TO SECTION 302.—Section 302(a) of the Congressional Budget Act of 1974 is amended by striking paragraph (3).

(b) AMENDMENTS TO SECTION 303 AND CONFORMING AMENDMENTS.—(1) Section 303 of the Congressional Budget Act of 1974 is amended by striking "(a) IN GENERAL.—", by striking "as reported to the House or Senate", by striking "to become effective" in paragraph (1), and by striking subsections (b) and (c); and

(2) by striking its section heading and inserting the following new section heading:

"CONSIDERATION OF BUDGET-RELATED LEGISLATION AS A PART OF THE CONTINUING RESOLUTION.

(c) ADDITIONAL AMENDMENTS.—(1) Section 302(g)(1) of the Congressional Budget Act of 1974 is amended by striking "and, after April 15, section 303".

(2) (A) Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting "as amended before", before "before", as follows:

"before "301(b)(2)"

(B) Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting "as amended before", before "301(b)(2)"

(d) EXPEDITED PROCEDURES UPON VETO OF JOINT RESOLUTION ON THE BUDGET.—(1) Title III of the Congressional Budget Act of 1974 is further amended by adding after section 316 the following new section:

"EXPEDITED PROCEDURES UPON VETO OF JOINT RESOLUTION ON THE BUDGET."

SEC. 317. (a) SPECIAL RULE.—If the President vetoes a joint resolution on the budget for a fiscal year, the majority leader of the House of Representatives (or Senate (or his designee) may introduce a concurrent resolution on the budget or joint resolution on the budget for such fiscal year. If the Committee on the Budget of either House fails to report such concurrent or joint resolution referred to it within five calendar days (excluding Saturdays, Sundays, or legal holidays except when Congress is in recess), the House of Representatives (or Senate) after the date of such referral, the committee shall be automatically discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar.

"(b) PROCEDURE IN THE HOUSE OF REPRESENTATIVES AND THE SENATE.—(1) Except as provided in paragraph (2), the provisions of section 305 for the consideration in the House of Representatives and in the Senate of joint resolutions on the budget and conference reports thereon shall also apply to the consideration of concurrent resolutions on the budget introduced under subsection (a) and conference reports thereon.

"(2) Debate on the Senate on any concurrent resolution on the budget or joint resolution on the budget introduced under subsection (a), and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours and in the House such debate shall be limited to not more than 3 hours.

"(c) CONTENTS OF CONCURRENT RESOLUTION.—Any concurrent resolution on the budget introduced under subsection (a) shall be in compliance with section 301.

"(d) EFFECT OF CONCURRENT RESOLUTION ON THE BUDGET.—Notwithstanding any other provisions of this title, a concurrent resolution on the budget described in subsection (a) is agreed to, then the aggregates, allocations, and reconciliation directives of the House of Representatives and Senate shall be amended with respect to the amount of any concurrent resolution or in such concurrent resolution shall be considered to be the aggregates, allocations, and reconciliation directives of the House of Representatives and Senate for the fiscal years and such concurrent resolution shall be deemed to be a joint resolution for all purposes of this title, the rules of the House of Representatives and any reference to the date of enactment of a joint resolution on the budget shall be deemed to be a reference to the date agreed to when applied to such concurrent resolution."

(2) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 316 the following new item:

"Sec. 317. Expedited procedures upon veto of joint resolution on the budget."

SEC. 105. AMENDMENTS TO EFFECTUATE JOINT RESOLUTIONS ON THE BUDGET.
(a) DEFINITION.—Paragraph 3 of the Congressional Budget Act of 1974 is amended to read as follows:
“(4) the term ‘joint resolution on the budget’ means—

“(A) a joint resolution setting forth the budget for the United States Government for a fiscal year which is included in or is adopted as a part of an act of Congress or resolution of Congress, or

“(B) any other joint resolution revising the budget for the United States Government for a fiscal year as described in section 304.

“(b) CONFORMING AMENDMENTS TO THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.—(1)(A) Sections 301, 302, 303, 305, 308, 310, 311, 312, 314, 405, and 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) are amended by striking “concurrent” each place it appears and inserting “joint”.

“(1)(B) The table of contents set forth in section 3 of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking paragraph (2) and by redesignating paragraphs (4) through (8) as paragraphs (3) through (7) respectively.

“(2) Paragraph (4) of section 3 of the Congressionl Budget and Impoundment Control Act of 1974 is amended by striking “joint resolutions”.

“(3) Section 304 of such Act is amended by striking “and” and inserting “or”.

“SEC. 304. At any time after the joint resolution on the budget for a fiscal year has been enacted pursuant to section 301, and before the end of such fiscal year, the two Houses of Congress may enact a joint resolution on the budget which revises or reaffirms the joint resolution on the budget for such fiscal year most recently enacted.

“(c) CONFORMING AMENDMENTS.—(1) Sections 302(d), 302(g), 308(a)(1)(A), and 310(d)(1) of the Congressional Budget Act of 1974 are amended by striking “most recently enacted” and inserting “most recently agreed to”. The purposes of this subtitle are to—

“(1) develop budgetary and fiscal procedures for emergencies;

“(2) subject spending for emergencies to budgetary procedures and controls; and

“(3) establish criteria for determining compliance with emergency requirements.

“SEC. 112. REPEAL OF ADJUSTMENTS FOR EMERGENCIES.—(a) ELIMINATION OF EMERGENCY DESIGNATION.—Sections 251(b)(2)(A), 252(e), and 252(d)(4)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 are repealed.

“(b) ELIMINATION OF EMERGENCY ADJUSTMENTS.—If the joint explanatory statement accompanying a conference report on a joint resolution on the budget or agreed to concurrent resolution on the budget or the budget resolution set forth in paragraph (2) for the fiscal year pursuant to subsection (d), identifies any emergency that is specified for an emergency within the meaning of section 3(12) of the Congressional Budget Act of 1974.

“SEC. 113. OMB EMERGENCY CRITERIA.

“DEFINITION OF EMERGENCY.—Section 3 of the Congressional Budget and Impoundment Control Act of 1974 (as amended by section 105(e)) is further amended by adding at the end the following new paragraph:

“(b) RESERVE FUND FOR NONMILITARY EMERGENCIES.—The amount set forth in the reserve fund for emergencies for a fiscal year pursuant to section 301(a) shall be equal to—

“(1) the average of the levels of budget authority for emergencies for the 5 fiscal years preceding the current year; and

“(2) the average of the levels of budget authority for emergencies for the 5 fiscal years preceding the current year, plus any emergency that was authorized by a declaration of war or a joint resolution authorizing the use of military force (or economic assistance funding in furtherance thereof) for such emergency, the enactment of which would not cause the total amount...
of budget authority or outlays provided for emergencies for the budget year in the joint resolution on the budget (pursuant to section 301(a)(4)) to be exceeded:

“(D) shall include an up-to-date tabulation of amounts remaining in the reserve fund for emergencies.”.

SEC. 119. PROHIBITION ON AMENDMENTS TO BUDGET RESERVE FUND.

(a) POINT OF ORDER.—Section 305 of the Congressional Budget Act of 1974 (as amended by section 103(f)) is further amended by adding at the end the following new subsection:

“(f) POINT OF ORDER REGARDING EMERGENCY RESERVE FUND.—It shall not be in order in the House of Representatives or in the Senate to consider an amendment to a joint resolution on the budget which changes the amount of budget authority and outlays set forth in section 301(a)(4) for emergency reserve fund.”.

(b) TECHNICAL AMENDMENT.—(1) Section 304(c)(1) of the Congressional Budget Act of 1974 is amended by inserting “305(e), 305(f),” after “305(c)(4).”

(2) Section 304(d)(2) of the Congressional Budget Act of 1974 is amended by inserting “305(e), 305(f),” after “305(c)(4).”

Subtitle C—Biennial Budget Option

SEC. 121. EFFECTIVE DATE.

If—

(1) as part of the President’s budget submission under section 110(a) of title 31, United States Code, during the first session of any Congress, the President includes a request that the joint resolution on the budget that will be considered during the first session of the next Congress be for a biennium consisting of two consecutive fiscal years; and

(2) the joint resolution on the budget for the fiscal year to which the President’s submission relates contains a provision stating that the joint resolution on the budget that will be considered during the first session of the next Congress shall be for a biennium consisting of two consecutive fiscal years; then the provisions of this subtitle shall take effect on January 1 of the calendar year in which that next Congress commences and apply to that Congress and each Congress thereafter.

SEC. 122. REVISION OF TIMETABLE.

Section 300 of the Congressional Budget Act of 1974 (2 U.S.C. 631) is amended by inserting after the item relating to section 315 the following new item:

“Sec. 316. Emergencies.”.

SEC. 117. APPLICATION OF SECTION 306 TO EMERGENCY LEGISLATION.—Whenever the Committee on Appropriations or any other committee of either House (including a committee of conference) reports any bill or joint resolution that provides budget authority for any emergency, the report accompanying that bill or joint resolution (or the joint explanatory statement of managers in the case of a conference report on any such bill or joint resolution) shall identify all provisions that provide budget authority and the outlays flowing therefrom for such emergency. If the Committee on Appropriations (or the committee of either House that reports the bill or joint resolution) determines, pursuant to the guidelines referred to in section 114 of the Family Budget Protection Act of 2004, that such budget authority is for an emergency within the meaning of section 112.

(c) In such a bill or joint resolution is reported with an amendment specified in subparagraph (B) by the Committee on the Budget of the House of Representatives or the Senate, then the budget authority and resulting outlays that are the subject of such an amendment shall not be included in any determination under section 302(f) or 311(a) for any bill, joint resolution, amendment, motion, or conference report.

(d) COMMITTEE NOTIFICATION OF EMERGENCY LEGISLATION.—Whenever the Committee on Appropriations or any other committee of either House (including a committee of conference) reports any bill or joint resolution that provides budget authority for any emergency, the report accompanying that bill or joint resolution (or the joint explanatory statement of managers in the case of a conference report on any such bill or joint resolution) shall identify all provisions that provide budget authority and the outlays flowing therefrom for such emergency. If the Committee on Appropriations (or the committee of either House that reports the bill or joint resolution) determines, pursuant to the guidelines referred to in section 114 of the Family Budget Protection Act of 2004, that such budget authority is for an emergency within the meaning of section 112.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

“Sec. 316. Emergencies.”

SEC. 117. APPLICATION OF SECTION 306 TO EMERGENCY LEGISLATION.—Whenever the Committee on Appropriations or any other committee of either House (including a committee of conference) reports any bill or joint resolution that provides budget authority for any emergency, the report accompanying that bill or joint resolution (or the joint explanatory statement of managers in the case of a conference report on any such bill or joint resolution) shall identify all provisions that provide budget authority and the outlays flowing therefrom for such emergency. If the Committee on Appropriations (or the committee of either House that reports the bill or joint resolution) determines, pursuant to the guidelines referred to in section 114 of the Family Budget Protection Act of 2004, that such budget authority is for an emergency within the meaning of section 112.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

“Sec. 316. Emergencies.”

SEC. 117. APPLICATION OF SECTION 306 TO EMERGENCY LEGISLATION.—Whenever the Committee on Appropriations or any other committee of either House (including a committee of conference) reports any bill or joint resolution that provides budget authority for any emergency, the report accompanying that bill or joint resolution (or the joint explanatory statement of managers in the case of a conference report on any such bill or joint resolution) shall identify all provisions that provide budget authority and the outlays flowing therefrom for such emergency. If the Committee on Appropriations (or the committee of either House that reports the bill or joint resolution) determines, pursuant to the guidelines referred to in section 114 of the Family Budget Protection Act of 2004, that such budget authority is for an emergency within the meaning of section 112.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

“Sec. 316. Emergencies.”

SEC. 117. APPLICATION OF SECTION 306 TO EMERGENCY LEGISLATION.—Whenever the Committee on Appropriations or any other committee of either House (including a committee of conference) reports any bill or joint resolution that provides budget authority for any emergency, the report accompanying that bill or joint resolution (or the joint explanatory statement of managers in the case of a conference report on any such bill or joint resolution) shall identify all provisions that provide budget authority and the outlays flowing therefrom for such emergency. If the Committee on Appropriations (or the committee of either House that reports the bill or joint resolution) determines, pursuant to the guidelines referred to in section 114 of the Family Budget Protection Act of 2004, that such budget authority is for an emergency within the meaning of section 112.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

“Sec. 316. Emergencies.”

SEC. 117. APPLICATION OF SECTION 306 TO EMERGENCY LEGISLATION.—Whenever the Committee on Appropriations or any other committee of either House (including a committee of conference) reports any bill or joint resolution that provides budget authority for any emergency, the report accompanying that bill or joint resolution (or the joint explanatory statement of managers in the case of a conference report on any such bill or joint resolution) shall identify all provisions that provide budget authority and the outlays flowing therefrom for such emergency. If the Committee on Appropriations (or the committee of either House that reports the bill or joint resolution) determines, pursuant to the guidelines referred to in section 114 of the Family Budget Protection Act of 2004, that such budget authority is for an emergency within the meaning of section 112.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

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(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

“Sec. 316. Emergencies.”

SEC. 117. APPLICATION OF SECTION 306 TO EMERGENCY LEGISLATION.—Whenever the Committee on Appropriations or any other committee of either House (including a committee of conference) reports any bill or joint resolution that provides budget authority for any emergency, the report accompanying that bill or joint resolution (or the joint explanatory statement of managers in the case of a conference report on any such bill or joint resolution) shall identify all provisions that provide budget authority and the outlays flowing therefrom for such emergency. If the Committee on Appropriations (or the committee of either House that reports the bill or joint resolution) determines, pursuant to the guidelines referred to in section 114 of the Family Budget Protection Act of 2004, that such budget authority is for an emergency within the meaning of section 112.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

“Sec. 316. Emergencies.”
(A) in paragraph (3), by striking “for such fiscal year” and inserting “for either fiscal year in such biennium”; and

(B) in paragraph (7), by striking “for the first fiscal year” and inserting “for each fiscal year in the biennium”.

(3) Views of other committees.—Section 301(d) of such Act (2 U.S.C. 632(d)) is amended by inserting “for each fiscal year of the biennium” after “United States Code”.

(4) Hearings.—Section 309(a)(1) of such Act (2 U.S.C. 639(a)(1)) is amended by striking “fiscal year” and inserting “biennium”;

(B) inserting after the second sentence the following:

“(i) Clause 5(a)(1) of rule XIII of the Rules of the House is amended by striking ‘fiscal year’ each place it appears and inserting ‘biennium’.

(C) by striking “for each fiscal year” and inserting “for all fiscal years covered by the resolution;”

(D) by striking “for the fiscal year of that resolution” and inserting “for each fiscal year in the biennium”;

(E) in subsection (f)(1), by striking “for a fiscal year” and inserting “for a biennium”; and

(F) by inserting “for each fiscal year in the biennium” after “biennium”.]

(a) by striking “fiscal year” and inserting “biennium”;

(b) by striking “first fiscal year” and inserting “each fiscal year of the biennium”; and

(c) by striking “the total of all fiscal years covered by the resolution;” and

(d) in subsection (g)(1)(A), by striking “April” and inserting “May”.

(5) Section 303 Point of Order.—Section 303 of such Act (2 U.S.C. 633(a)) is amended by striking “fiscal year” and inserting “biennium”; and

(6) Presidential powers of appointment and consent to treaties.—Section 307 of such Act (2 U.S.C. 638) is amended—

(1) by striking “each year” and inserting “each odd-numbered year (or, if applicable, as provided by section 300(b), July 1)”;

(2) by striking “annual” and inserting “biennial”; and

(3) by striking “fiscal year” and inserting “biennium”;

(4) by striking “that year” and inserting “each odd-numbered fiscal year”;

(i) Quarterly budget reports.—Section 308 of such Act (2 U.S.C. 639) is amended by adding at the end the following new subsection:

(1) by striking “fiscal year” and inserting “biennium”;

(2) in the matter following paragraph (2), by striking “that fiscal year” and inserting “the applicable fiscal year”; and

(m) Maximum deficit amount point of order.—Section 312(c) of the Congressional Budget Act of 1974 (2 U.S.C. 663) is amended—

(1) by striking “for a fiscal year” and inserting “for each fiscal year in the biennium”;

(2) in paragraph (1), by striking “first fiscal year” and inserting “either fiscal year in the biennium”;

(3) in paragraph (2), by striking “that fiscal year” and inserting “either fiscal year in the biennium”; and

(4) in the matter following paragraph (2), by striking “that fiscal year” and inserting “the applicable fiscal year”.

SEC. 124. AMENDMENTS TO RULES OF HOUSE OF REPRESENTATIVES

(a) Clause 4(a)(1) of rule X of the Rules of the House of Representatives is amended by inserting “odd-numbered” after “each”;

(b) Clause 4(a)(4) of rule X of the Rules of the House of Representatives is amended by striking “fiscal year” and inserting “biennium”.

(c) Clause 4(b)(2) of rule X of the Rules of the House of Representatives is amended by striking “each fiscal year” and inserting “biennium”.

(d) Clause 4(h) of rule X of the Rules of the House of Representatives is amended by striking “and” at the end of subparagraph (5), by striking the period and inserting “;” and adding at the end the following new subparagraph:

(7) use the second session of each Congress for study issues with long-term budgetary and economic implications, which would include—

(A) hold hearings to receive testimony from committees of jurisdiction on identity problem areas and to report on the results of oversight; and

(B) by January 1 of each odd-numbered year, issuing a report to the Speaker which identifies the key issues facing the Congress in the next biennium.”

(e) Clause 4(e) of rule X of the Rules of the House of Representatives is amended by striking “annually” each place it appears and inserting “biennially” and by striking “annual” and inserting “biennial”.

(f) Clause 4(f) of rule X of the Rules of the House of Representatives is amended—

(1) by inserting “during each odd-numbered year” after “subsequent”; and

(2) by striking “fiscal year” the first place it appears and inserting “biennium”;

and

(g) by striking “that fiscal year” and inserting “each fiscal year in such ensuing biennium.”

(g) Clause 11(i) of rule X of the Rules of the House of Representatives is amended by striking “during the same or preceding fiscal year”.

(h) Clause 3(d)(2)(A) of rule XIII of the Rules of the House of Representatives is amended by striking “two places it appears and inserting “six”;

(i) Clause 5(a)(1) of rule XIII of the Rules of the House of Representatives is amended by striking “fiscal year after September 15 in the preceding fiscal year” and inserting “biennium after September 15 of the calendar year in which such biennium begins”.

SEC. 125. AMENDMENTS TO TITLE 31, UNITED STATES CODE

(a) Definition.—Section 10101 of title 31, United States Code, is amended by adding at the end the following new paragraph:

“(3) ‘biennium’ has the meaning given to such term in paragraph (15) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(13)).”

(b) Budget contents and submission to the Congress.—

Schedule.—The matter preceding paragraph (1) in section 1105(a) of title 31, United States Code, is amended to read as follows:
“(a) On or before the first Monday in February of each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974), beginning with the first fiscal year of the Third Congress (as applicable), the President shall submit to the Congress the budget for the biennium beginning on October 1 of the odd-numbered year. The budget transmitted under this subsection shall include a budget message and summary and supporting information. The President shall include in each budget the following:—

(2) EXPENDITURES.—Section 1105(a)(3) of title 31, United States Code, is amended by striking “the fiscal year for which the budget is submitted” and inserting “each fiscal year in the biennium for which the budget is submitted and in the succeeding 4 years”.

(3) REVENUES.—Section 1105(a)(6) of title 31, United States Code, is amended by striking “the fiscal year for which the budget is submitted and the 4 fiscal years after that year” and inserting “each fiscal year in the biennium for which the budget is submitted and in the succeeding 4 years”.

(4) BALANCE STATEMENTS.—Section 1105(a)(9)(A), title 31, United States Code, is amended by striking “the fiscal year” and inserting “each fiscal year in the biennium”.

(5) GOVERNMENT FUNCTIONS AND ACTIVITIES.—Section 1105(a)(13) of title 31, United States Code, is amended in subparagraph (A), by striking “the fiscal year” and inserting “each fiscal year in the biennium”.

(6) ALLOWANCES.—Section 1105(a)(13) of title 31, United States Code, is amended by striking “the fiscal year” and inserting “each fiscal year in the biennium”.

(7) EXPENDITURES FOR UNANTICIPATED AND UNCONTROLLABLE EXPENDITURES.—Section 1105(a)(14) of title 31, United States Code, is amended by striking “that year” and inserting “in the biennium for which the budget is submitted”.

(8) TAX EXPENDITURES.—Section 1105(a)(16) of title 31, United States Code, is amended by striking “the fiscal year before the biennium”.

(9) ESTIMATES FOR FUTURE YEARS.—Section 1105(a)(17) of title 31, United States Code, is amended—

(A) by striking “the fiscal year following the fiscal year” and inserting “each fiscal year in the biennium following the biennium”;

(B) by striking “that following fiscal year” and inserting “each such fiscal year”;

(C) by striking “fiscal year before the biennium” and inserting “biennium before the biennium”.

(10) PRIOR YEAR OUTLAYS.—Section 1105(a)(18) of title 31, United States Code, is amended—

(A) by striking “the prior fiscal year,” and inserting “each of the 2 most recently completed fiscal years”;

(B) by striking “for that year” and inserting “with respect to those fiscal years”; and

(C) by striking “in that year” and inserting “in those fiscal years”.

(11) PRIOR YEAR RECEIPTS.—Section 1105(a)(19) of title 31, United States Code, is amended—

(A) by striking “the prior fiscal year” and inserting “each of the 2 most recently completed fiscal years”;

(B) by striking “for that year” and inserting “with respect to those fiscal years”; and

(C) by striking “in that year” and inserting “in those fiscal years”.

SEC. 120. TIMING FOLLOW APPROPRIATIONS TITLE AND STYLE OF APPROPRIATIONS ACTS.

Section 105 of title 1, United States Code, is amended to read as follows:—

“§105. Title and style of appropriations Acts

(a) The style and title of all Acts making appropriations for the support of the Government shall be—

(A) the section of the Appropriations Acts making the appropriations (here insert the object) for each fiscal year in the biennium of fiscal years (here insert the fiscal years of the biennium);

(B) All Acts making regular appropriations for the support of the Government shall be entitled for a biennium and shall specify the amount of appropriations provided for each fiscal year in such period.

(c) For purposes of this section, the term ‘biennium’ shall have the same meaning as in section 3(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621(3)).

SEC. 121. MULYEAR AUTHORIZATIONS.

(a) In general.—Title III of the Congressional Budget Act of 1974 (as amended by section 116(a)) is further amended by adding at the end the following new section:

“MULTIYEAR AUTHORIZATIONS OF APPROPRIATIONS

SEC. 318. It shall not be in order in the House or Senate to consider any measure that contains a specific authorization of appropriations for any purpose unless the measure includes such a statement in the appropriations, or otherwise, for any fiscal year:

(b) For purposes of this section, a specific authorization of appropriations is an authorization for the enactment of an amount of appropriations or amounts not to exceed an amount of appropriations (whether stated as a sum certain, as a limit, or as such sums as may be necessary) for any purpose for a fiscal year.

(c) This section does not apply with respect to an authorization of appropriations for a single fiscal year for any program, project, or activity if the measure contains that authorization in the provision expressly stating the following: ‘Congress finds that no authorization of appropriation will be required for [insert name of applicable program, project, or activity] for any subsequent fiscal year.’

(d) For purposes of this section, the term ‘measure’ means a bill, joint resolution, amendment, motion, or conference report.

(2) AMENDMENT TO TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the items relating to section 317 the following new item:

“Sec. 318. Multiyear authorizations of appropriations.”

SEC. 122. GOVERNMENT STRATEGIC AND PERFORMANCE PLANS ON A BIENNIAL BASIS.

(a) STRATEGIC PLANS.—Section 306 of title 5, United States Code, is amended—

(1) in subsection (a), by striking “September 30, 1997” and inserting “September 30, 2007”; and

(2) in subsection (b)—

(A) by striking “at least every three years” and all that follows thereafter and inserting “at least every 4 years, except that strategic plans submitted by September 30, 2007, shall be updated and revised by September 30, 2010”, and

(B) by striking “five years forward” and inserting “six years forward”; and

(2) in subsection (c), by inserting a comma after “second place it appears” and adding “including a strategic plan submitted by September 30, 2007, meeting the requirements of subsection (a)”, and

(3) in subsection (d), by inserting a comma after “fiscal year” and inserting “biennium, 2010, a biennium.”

SEC. 123. PERFORMANCE PLANS.—Section 1115 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter before paragraph (1)—

(i) by striking “section 1105(a)(29)” and inserting “section 1105(a)(29)”; and

(ii) by striking “an annual” and inserting “a biennial”;
(B) in paragraph (1) by inserting after “program activity” the following: “the following: for both years 1 and 2 of the biennial plan;”;
(C) in paragraph (5) by striking “and” after the semicolon.
(D) in paragraph (6) by striking the period and inserting a semicolon; and inserting “and” after the semicolon and;
(E) by adding after paragraph (6) the following:

“(7) cover each fiscal year of the biennium beginning with the first fiscal year of the next biennial budget. Each committee—

(1) in subsection (a) 

(A) in the first sentence by striking “annual”;

and

(B) by striking “section 1106(a)(29)” and inserting “section 1106(a)(28)”;

(2) in subsection (e) 

(A) in the first sentence by striking “one or” before “two years”;

(B) in the second sentence by striking “a subsequent year” and inserting “for a subsequent 2-year period”; and

(C) in the third sentence by striking “three” and inserting “four”; and

(8) STRATEGIC PLANS—Section 2802 of title 39, United States Code, is amended—

(1) in subsection (a), by striking “September 30, 1997” and inserting “September 30, 2007”;

(2) in subsection (b), by striking “at least every three years” and inserting “at least every 4 years except that strategic plans submitted by September 30, 2007, shall be updated and revised by September 30, 2010”;

(3) in subsection (c), by striking “five years forward” and inserting “six years forward”;

and

(4) in subsection (e), by inserting a comma after “section” the second place it appears and inserting “including a strategic plan submitted by September 30, 2007, meeting the requirements of subsection (e)”;

(1) PERFORMANCE PLANS—Section 2803(a) of title 39, United States Code, is amended—

(1) in the matter before paragraph (1), by striking “an annual” and inserting “a biennial”;

(2) in paragraph (1), by inserting after “program activity” the following: “for both years 1 and 2 of the biennial plan”;

(3) in paragraph (5), by striking “and” after the semicolon;

(4) in paragraph (6), by striking the period and inserting “and”;

and

(by adding after paragraph (6) the following)

“(7) cover each fiscal year of the biennium beginning with the first fiscal year of the next biennial budget cycle.”;

(g) COMMITTEE VIEWS OF PLANS AND REPORTS—Section 301(d) of the Congressional Budget Act (31 U.S.C. 622(d)) is amended by adding at the end “Each committee of the Senate or the House of Representatives shall review the strategic plans, performance plans, performance reports, required under section 306 of title 5, United States Code, and sections 1115 and 1116 of title 31, United States Code, of all agencies under the jurisdiction of such committee. Each committee may provide its views on such plans or reports to the Committee on the Budget of the applicable House.”;

SEC. 129. BIENNIAL APPROPRIATION BILLS.

(a) Appropriations for the House of Representatives—Clause 2(a) of rule XXI of the Rules of the House of Representatives is amended by adding at the end the following new subpar

“(3)(A) Except as provided by subdivision (B), an appropriation may not be reported in the regular appropriation bill (other than a supplemental appropriation bill), and may not be in order as an amendment thereto, unless it provides new budget authority or establishes new sanctions under contract authority for each fiscal year of a biennium;

(B) Subdivision (A) does not apply with respect to an appropriation for a single fiscal year for any program, project, or activity if the bill or amendment thereto containing that appropriation expressly states the following: Congress finds that no additional funding beyond one fiscal year will be required and the [Insert name of applicable program, project, or activity] will be completed or terminated after the amount provided has been expended.”;

“(C) For purposes of paragraph (b), the statement set forth in subdivision (B) with respect to an appropriation for a single fiscal year for any program, project, or activity may be included in a general appropriation bill or amendment thereto.

(b) CONFORMING AMENDMENT—Clause 5(b)(1) of rule XXII of the House of Representatives is amended by striking “(or (c))” and inserting ”or (c)”;

SEC. 130. ASSISTANCE BY FEDERAL AGENCIES TO STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES.

(a) INFORMATION REGARDING AGENCY APPROPRIATIONS REQUESTS.—To assist each standing committee of the House of Representatives and the Senate in carrying out its responsibilities, the head of each Federal agency which administers the laws or parts of laws under the jurisdiction of such committee shall furnish to such committee such studies, information, analyses, reports, and assistance as may be requested by the chairman and ranking minority member of such committee.

(b) INFORMATION REGARDING AGENCY PROGRAM ADMINISTRATION.—To assist each standing committee of the House of Representatives and the Senate in carrying out its responsibilities, the head of any agency shall furnish to such committee documentation concerning any program, complied, or maintained by the agency as part of the operation or administration of a program, or specifically compiled pursuant to a request in a previous session of Congress, as may be requested by the chairman and ranking minority member of such committee.

(c) SUMMARIES BY COMPTROLLER GENERAL.—Within thirty days after the receipt of a request from a chairman and ranking minority member of a standing committee having jurisdiction over a program being reviewed and studied by such committee under this section, the Comptroller General of the United States shall furnish to such committee summaries of any audits or reviews of such program which the Comptroller General has completed during the preceding six years.

(d) CONGRESSIONAL ASSISTANCE.—Consistent with their duties and functions under law, the Comptroller General of the United States, the Director of the Congressional Budget Office, and the Director of the Congressional Research Service shall continue to furnish, consistent with established protocols, to each standing committee of the House of Representatives or the Senate such information, studies, analyses, and reports as the chairman and ranking minority member of such committee may request in conducting reviews and studies of programs under this section.

Subtitle D—Prevention of Government Shutdown

SEC. 141. AMENDMENT TO TITLE 31.

(a) In GENERAL.—Chapter 13 of title 31, United States Code, is amended by inserting at the end of section 3110 the following:

“§1311. Continuing appropriations

“(a) If any regular appropriation bill for a fiscal year (or, if applicable, for each fiscal year in a biennium) does not become law before the beginning of such fiscal year or a joint resolution making continuing appropriations for such fiscal year is not in effect, there are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any project or activity for which funds were provided in the preceding fiscal year.

“(A) in the corresponding regular appropriation Act for such preceding fiscal year;

or

“(B) if the corresponding regular appropriation bill for such preceding fiscal year did not become law, then in a joint resolution making continuing appropriations for such preceding fiscal year.

“(2) Appropriations and funds made available under authority granted by project or activity for any fiscal year pursuant to this section shall be at a rate of operations not in excess of the lower of—

(A) the rate of operations provided for in the regular appropriation Act providing for such project or activity for the preceding fiscal year;

or

(B) the absence of such an Act, the rate of operations provided for such project or activity pursuant to a joint resolution making continuing appropriations for such preceding fiscal year.

“(C) the rate of operations provided for in the regular appropriation bill as passed by the House of Representatives or the Senate for the fiscal year in question, except that the lower of these two versions shall be ignored for any project or activity for which there is a budget request if no funding is provided for that project or activity in either version;

or

“(D) the annualized rate of operations provided for in the most recently enacted joint resolution making continuing appropriations for part of that fiscal year or any funding levels established under the provisions of this Act.

“(2) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a project or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

“A) the date on which the applicable regular appropriation bill for such fiscal year becomes law (whether or not such law provides for such project or activity) or a continuing resolution making appropriations becomes law, as the later may be; or

“(B) the last day of such fiscal year.

“(b) An appropriation or funds made available, or authority granted, for a project or activity for any fiscal year pursuant to this section shall be subject to the terms and conditions imposed with respect to the appropriation made or funds made available for the preceding fiscal year, or authority granted for such project or activity under current law.

“(c) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section shall cover all obligations or expenditures incurred for such project or activity for any fiscal year pursuant to this section for a project or activity for which funds were provided in the preceding fiscal year.

“(A) in the corresponding regular appropriation Act for such preceding fiscal year;

or

“(B) if the corresponding regular appropriation bill for such preceding fiscal year did not become law, then in a joint resolution making continuing appropriations for such preceding fiscal year.
“(d) Expenditures made for a project or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriations bill or a joint resolution making continuing appropriations until the end of a fiscal year providing for such project or activity for such period becomes law.

“(e) This section shall not apply to a project or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)

“(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period;

“(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

“(f) For purposes of this section, the term ‘regular appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories and activities’ means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories and activities:

“(1) Agriculture, rural development, Food and Drug Administration, and related agencies programs.

“(2) The Departments of Commerce, Justice, and State, the Judiciary, and related agencies.

“(3) The Department of Defense.

“(4) The District of Columbia and other activities chargeable in whole or in part against the revenues of the District.

“(5) Energy and water development.

“(6) Foreign operations, export financing, and related programs.


“(8) The Department of the Interior and related agencies.

“(9) The Departments of Labor, Health and Human Services, and Education, and related agencies.

“(10) The Legislative Branch.

“(11) Military construction, family housing, and base realignment and closure for the Department of Defense.

“(12) The Departments of Transportation and Treasury, and independent agencies.

“(13) The Departments of Veterans Affairs and Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.

“(b) Nongovernmental Items—The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1318 the following new item:

“1311. Continuing appropriations.”

Subtitle E—The Baseline

SEC. 151. ELIMINATION OF INFLATION ADJUSTMENT.

Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in paragraph (1) by striking “for inflation as specified in paragraph (5),”;

(2) by redesignating paragraph (5) as paragraph (6).”

SEC. 152. THE PRESIDENT’S BUDGET.

(a) Paragraph (5) of section 1105(a) of title 31, United States Code, is amended to read as follows:

“(5) except as provided in subsection (b) of this section, estimated expenditures and appropriations for the current year and estimated expenditures and proposed appropriations the President decides are necessary to support the Government in the fiscal year for which the budget is submitted and the 4 fiscal years following that year, and, except for detailed budget estimates, the percentage change from the current year to the fiscal year for which the budget is submitted for estimated expenditures and for appropriations (b) Section 1105(a)(6) of title 31, United States Code, is amended to read as follows:

“(6) estimated receipts of the Government in the current year and the fiscal year for which the budget is submitted and the 4 fiscal years after that year under—

“(A) laws in effect when the budget is submitted; and

“(B) proposals in the budget to increase revenues,

and the percentage change (in the case of each category referred to in subparagraphs (A) and (B) of the fiscal year for which the budget is submitted and between the current year and each of the 4 fiscal years after the fiscal year for which the budget is submitted.”

(c) Section 1105(a)(12) of title 31, United States Code, is amended to read as follows:

“(12) for each proposal in the budget for legislation that would establish or expand a Government activity or function, a table showing—

“(A) the amount proposed in the budget for appropriations for such activity or function because of the proposal in the fiscal year for which the budget is submitted;

“(B) the estimated amount for the same activity or function, if any, in the current fiscal year,

and, except for detailed budget estimates, the percentage change (in the case of each activity referred to in subparagraphs (A) and (B) of the fiscal year for which the budget is submitted;

“(C) the estimated amount for the same activity or function, if any, in the current fiscal year,

and, except for detailed budget estimates, the percentage change (in the case of each category referred to in subparagraphs (A) and (B) of the fiscal year for which the budget is submitted; and

“(D) proposals in the budget to increase revenues,

“(e) Section 1105(a)(18) of title 31, United States Code, is amended by inserting ‘new budget authority’ and ‘before’ ‘budget outlays’

“(f) Section 1105(a)(1) of title 31, United States Code, is amended by adding at the end the following new paragraphs:

“(34) a comparison of levels of estimated expenditures for each function and subfunction in the current fiscal year and the fiscal year for which the budget is submitted, along with the proposed increase or decrease for the 4 fiscal years after that year that the proposal will be in effect; and

“(35) a comparison of levels of estimated expenditures for each function and subfunction in the current fiscal year and the fiscal year for which the budget is submitted, along with the proposed increase or decrease for the 4 fiscal years after that year that the proposal will be in effect; and

“(36) a table on sources of growth in total direct spending for fiscal year 2005 and between the current year and the ensuing 4 fiscal years, which shall include changes in outlays attributable to the following: cost-of-living adjustments; changes in the number of program recipients; increases in medical care prices, utilization and intensity of medical care; and residual factors.

“(h) Section 308(a)(1)(B) of the Congressional Budget Act of 1974 is amended by inserting ‘and shall include a comparison of those levels to comparable levels for the current fiscal year’ before ‘beginning the next fiscal year pursuant to section 251(a)”.

SEC. 153. THE CONGRESSIONAL BUDGET.

Section 301(e) of the Congressional Budget Act of 1974 (as amended by section 103) is further amended by inserting after the first sentence the following new sentence: ‘Such report shall also include a table on sources of spending growth in total direct spending for fiscal year 2005 and the ensuing 4 fiscal years, which shall include changes in outlays attributable to the following: cost-of-living adjustments; changes in the number of program recipients; increases in medical care prices, utilization and intensity of medical care; and residual factors.”

SEC. 155. TREATMENT OF EMERGENCIES.

Section 257(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by section 151) is further amended by adding at the end the following new paragraph:

“(7) EMERGENCIES.—Budgetary resources for emergencies shall be at the level provided in the reserve fund for emergencies for that fiscal year pursuant to section 301(a)(4) of the Congressional Budget Act of 1974.”.

TITLE II—PUTTING A LID ON THE FEDERAL BUDGET

Subtitle A—Spending Safeguards on the Growth of Entitlements and Mandatories

SEC. 201. SPENDING CAPS ON GROWTH OF ENTITLEMENTS AND MANDATORIES.

(a) Control of Entitlements and Mandatories.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding after section 252 the following new section:

“SEC. 252A. LIMITING CONTROLS ON DIRECT SPENDING.

“(a) CAP ON GROWTH OF ENTITLEMENTS.—Effective for fiscal year 2005 and for each ensuing fiscal year, the total level of direct spending for all direct spending programs, projects, and activities (excluding social security) for any such fiscal year shall not exceed the total level of direct spending for such programs, projects, and activities for the previous fiscal year after the direct spending
(c) Uniform Reductions; Limitations.—

The amount required to be sequestered for the fiscal year under subsection (a) shall be obtained from nonexempt direct spending accounts by actions taken in the following order:

(1) First.—The reductions in the programs specified in section 256(a) (National Wool Act and special milk), section 256(b) (student loans), and section 256(c) (foster care and adoption assistance) shall be made.

(2) Second.—Any additional reductions to the amounts that may be required shall be achieved by reducing each remaining nonexempt direct spending account by the uniform percentage necessary to achieve those additional reductions, except that—

(A) the low-income programs specified in section 256(d) shall not be reduced by more than 2 percent.

(B) The retirement and veterans benefits specified in sections 256(f), (g), and (h) shall not be reduced by more than 2 percent in the manner specified in that section; and

(C) the Medicare programs shall not be reduced by more than 2 percent in the manner specified in section 256(i).

The limitations set forth in subparagraphs (A), (B), and (C) shall be applied iteratively, and after each iteration the uniform percentage applicable to all other programs under this paragraph shall be increased (if necessary and level sufficient to achieve the reductions required by this paragraph).

(d) Exclusion of Medicare Prescription Drug Program From Fully Operating.—

For purposes of this section with respect to the limitation under subsection (a) for a fiscal year before fiscal year 2008, direct spending programs and direct spending shall not be construed to include part D of title XVIII of the Social Security Act (or spending under part C of such title that is attributable to such part D).

(b) Table of Contents Amendment.—

The table of contents set forth in 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding after the item relating to section 252 the following new item:

Sec. 252A. Enforcing controls on direct spending.

SEC. 202. EXEMPT PROGRAMS AND ACTIVITIES.

Section 255 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

“SEC. 255. EXEMPT PROGRAMS AND ACTIVITIES.

(a) Social Security Benefits; Tier I Railroad Retirement Benefits; and Certain Governmental Entities.—(1) Benefits payable under the old-age, survivors, and disability insurance program established under title II of the Social Security Act, and any benefits that are payable under section 3(a), 3(f)(3), 4(a), or 4(l) of the Railroad Retirement Act of 1974, shall be exempt from reduction under any order issued under this section.

(2) Payments made under part A of title XVIII (relating to part A Medicare hospital insurance benefits) of the Social Security Act and payments made under part C of such title (relating to the Medicare Advantage program) insofar as they are attributable to payments made under part A of such title shall be exempt from reduction under any order issued under this part.

(b) Descriptions and Lists.—The following budget accounts or activities shall be exempt from sequestration:

(1) net interest;

(2) all payments to trusts funds from excise taxes or other receipts or collections properly credited to certain trust funds;

(3) all payments from one Federal direct spending budget account to another Federal budget account; and all intragovernmental Federal direct spending accounts, except that such funds are augmented by direct appropriations for the fiscal year for which the order is in effect;

(4) activities resulting from private donations, bequests, or voluntary contributions to the Government;

(5) payments from any revolving fund or trust-revolving fund (or similar activity) that provides deposit insurance or other guarantees, or any other form of contingent liability, to the extent those payments result from the other legal binding commitments of the Government at the time of any sequestration;

(6) credit lending and financing accounts;

(7) the following accounts, which largely fulfill requirements of the Constitution or otherwise make payments to which the Government is committed:

(A) Administration of Territories, Northern Mariana Islands Covenant grants (14–0412–0–1–006);

(B) Bureau of Indian Affairs, miscellaneous appropriations to operate and supervise the Bureau (14–2303–0–1–452);

(C) Bureau of Indian Affairs, miscellaneous trust funds, tribal trust funds (14–9973–0–7–999);

(D) Claims, defense;

(E) Claims, judgments, and relief act (20–1805–0–1–006);

(F) Compact of Free Association, economic assistance pursuant to Public Law 99–658 (14–0915–0–1–005);

(G) Compensation of the President (11–0001–0–1–002);

(H) Customs Service, miscellaneous permanent appropriations (15–0310–0–1–005);

(I) Eastern Indian land claims settlement fund (14–2202–0–1–006);

(J) Farm Credit Administration, Limitation on Administrative Expenditures (78–4313–0–3–351);

(K) Farm Credit System Financial Assistance Corporation, interest payments (20–1805–0–1–351);

(L) Internal Revenue collections of Puerto Rico (20–5737–0–2–852);

(M) Panama Canal Commission, operating expenses and capital outlay (95–5190–0–2–403);

(N) Payments of Vietnam and U.S.S. Pueblo prisoner-of-war claims (15–0104–0–1–153);

(0) Payments to copyright owners (05–5175–0–2–376);

(1) Payments to health care trust funds (75–0580–0–1–571);

(2) Payments to social security trust funds (75–0414–0–1–651);

(3) Payments to the United States territories, fiscal assistance (14–0118–0–1–001);

(4) Payments to widows and heirs of deceased Members of Congress (90–0215–0–1–001);

(5) United States Chamber of Commerce (Guaranty Corporation Fund (16–4204–0–3–001));

(6) Salaries of Article III judges;

(7) Washington Metropolitan Area Transit Authority, interest payments (46–0380–0–1–401);

(8) the following noncredit special, revolving trust-revolving funds:

(A) Coinage profit fund (20–5811–0–2–803);

(B) Comptroller of the Currency;

(C) Director of the Office of Thrift Supervision;

(D) Exchange Stabilization Fund (20–4444–0–3–156);

(E) Federal Housing Finance Board;

(F) Foreign Military Sales trust fund (11–8223–0–7–155);

(G) National Credit Union Administration, central liquidating facility (25–4170–0–3–373);

(H) National Credit Union Administration, credit union insurance fund (25–4468–0–3–373);

(I) National Credit Union Administration operating fund (25–4056–0–3–373); and


(9) Thrift Savings Fund;

(10) appropriations for the District of Columbia to the extent they are appropriations of locally raised funds;

(11)(A) any amount paid as regular unemployment compensation by a State from its unemployment trust fund (established by section 904(a) of the Social Security Act);

(B) any advance made to a State from the Federal Unemployment account (established by section 904(g) of such Act) under title XII of such Act and any advance appropriated to the Federal unemployment account pursuant to section 1209 of such Act; and

(C) any payment made from the Federal Employees Compensation Account (as established under section 509 of such Act) for the purpose of carrying out chapter 85 of title 5, United States Code, and funds appropriated or transferred to or otherwise deposited in such Account; and

(D) FDIC, Bank Insurance Fund (51–4064–0–3–373);

(F) FDIC, FSLIC Resolution Fund (51–4065–0–3–373); and

(G) FDIC, Savings Association Insurance Fund (51–4066–0–3–373).

(f) Federal Retirement and Disability Accounts.—The following Federal retirement and disability accounts shall be exempt from reduction under any order issued under this part:

(A) Civil service retirement and disability fund (21–8135–0–7–602).

(B) Black Lung Disability Trust Fund (20–8147–0–7–601).

(C) Foreign Service Retirement and Disability Fund (19–8106–0–7–602).

(D) District of Columbia Judicial Retirement and Survivors Annuity Fund (20–8212–0–7–602).

(E) Judicial Survivors’ Annuity Fund (10–8110–0–7–602).

(F) Payments to the Railroad Retirement Accounts (60–0113–0–1–601).

(G) Tax Court Judges Survivors Annuity Fund (23–8115–0–7–602).

(H) Employees Life Insurance Fund (24–8424–0–6–602).

(H) Federal Administrative Expenses.—

(1) Notwithstanding any provision of law other than paragraph (3), administrative expenses incurred by the departments and agencies, including independent agencies, of the Government in connection with any program, project, activity, or account shall be subject to reduction pursuant to any sequestration order, without regard to any exemption, exception, limitation, or special rule otherwise applicable with respect to such program, project, activity, or account, and the determination of whether a program, project, activity, or account is self-supporting and does not receive appropriations.
“(2) Payments made by the Government to reimburse or match administrative costs incurred by a State or political subdivision under or in connection with any program, project, activity, or account if such payment shall not be considered administrative expenses of the Government for purposes of this section, and shall be subject to sequestration to the extent (or to the extent that) other payments made by the Government under or in connection with that program, project, activity, or account are subject to that reduction under any order issued under this part:

‘‘HOMELAND SECURITY ACCOUNTS.

‘‘(a) National Wool Act and Special Milk Programs.—In those programs all amounts other than the automatic spending increases shall be exempt from reduction under any sequestration order.

‘‘(b) Student Loans.—For all student loans under part D or D of title IV of the Higher Education Act of 1965 made during the period in which an order under section 254 is in effect as required by section 252 or 253, origination fees under sections 438(c)(2) and 455(c) of that Act shall each be increased by 0.50 percentage point.

‘‘(c) Foster Care and Adoption Assistance Programs.—Any sequestration order shall make the reduction otherwise required under this subsection, and adoption assistance programs (established by part E of title IV of the Social Security Act) only with respect to payments and expenditures made by States in which increased maintenance payment rates or adoption assistance payment rates (or both) are to take effect during the fiscal year involved, and only to the extent that the required reduction can be accomplished by applying a uniform percentage reduction to the Federal matching payments that each such State would otherwise receive under section 474 of that Act (for such fiscal year) for that portion of the State’s payments attributable to the increase taking effect during that year. No State’s payment under the Government for foster care maintenance payments or for adoption assistance maintenance payments may be reduced by a percentage exceeding the percentage specified in subsection (a)(11) shall be subject to reduction or sequestration under this part notwithstanding the exemption otherwise granted to such programs under that subsection.

‘‘(3) Notwithstanding any other provision of law, the administrative expenses of the following programs shall be exempt from sequestration:

‘‘(A) Comptroller of the Currency.

‘‘(B) Federal Deposit Insurance Corporation.

‘‘(C) Office of Thrift Supervision.

‘‘(D) National Credit Union Administration.

‘‘(E) National Credit Union Administration, central liquidity facility.

‘‘(F) Federal Retirement Thrift Investment Board.

‘‘(G) Resolution Funding Corporation.

‘‘(H) Resolution Trust Corporation.

‘‘(I) Board of Governors of the Federal Reserve System.

‘‘(e) Veterans’ Programs.—The following programs shall be exempt from reduction under any order issued under this part:

‘‘(1) General Post-Fiscal Year

‘‘(A) Veterans Insurance and Indemnities (36–0120–0–701).


‘‘(H) Veterans Special Life Insurance Fund (36–4855–0–8–701).

‘‘(f) Optional Exemption of Defense and Homeland Security Accounts.—

‘‘(1) In General.—The President may, with respect to any defense or homeland security account, exempt that account from sequestration or provide for a lower uniform percentage reduction than would otherwise apply.

‘‘(2) Limitation.—The President may not use the authority provided by paragraph (1) unless the President notifies the Congress of the manner in which such authority will be exercised, including the date specified in section 254(a) for the budget year.

SEC. 203. EXCEPTIONS, LIMITATIONS, AND SPECIAL RULES.

(a) In General—Section 256 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

‘‘SEC. 256. EXCEPTIONS, LIMITATIONS, AND SPECIAL RULES.

‘‘(a) National Wool Act and the Special Milk Program.—Automatic spending increases are increases in outlays due to changes in indexes in the following programs:

‘‘(1) National Wool Act; and

‘‘(2) Special milk program.

‘‘(2) Programs subject to paragraph (1) are:

‘‘(A) Central Intelligence Agency Retirement and Disability Fund (56–3400–0–1–054).


‘‘(C) Judicial Officers’ Retirement Fund (10–8120–0–7–602).


‘‘(E) Pensions for former Presidents (47–0105–0–1–054).


‘‘(H) Retired pay, Coast Guard (70–0602–0–1–403).

‘‘(I) Retirement pay and medical benefits for commissioned officers, Public Health Service (75–4978–0–1–554).


‘‘(K) Payments to the Foreign Service Retirement and Disability Fund (72–1036–0–1–153).

‘‘(L) Payments to Judiciary Trust Funds (10–0941–0–1–752).

‘‘(m) Veterans Programs.—To achieve the total percentage reduction required by any order issued under this part, the percentage reduction that shall apply to payments under the following programs shall in no event exceed 2 percent:


‘‘(B) Medical Center Research Organizations (36–4026–0–3–703).

‘‘(C) Disability Compensation Benefits (36–0102–0–1–701).

‘‘(D) Education Benefits (36–0131–0–1–701).

‘‘(E) Vocational Rehabilitation and Employment Benefits (36–0135–0–1–702).


‘‘(H) Guaranteed Transitional Housing Loans For Homeless Veterans Program Account (36–1119–0–1–704).

‘‘(I) Housing Direct Loan Financing Account (36–4127–0–7–904).


‘‘(K) Vocational Rehabilitation and Education Direct Loan Financing Account (36–4230–0–3–702).

‘‘(L) Military Health and Retirement.—To achieve the total percentage reduction in military retirement required by any order issued under this part, the percentage reduction that shall apply to payments under the military retirement fund (97–4897–0–7–602), payments to the military retirement fund (97–0060–0–1–054), and the Defense Health Program (97–0130–0–1–051) shall in no event exceed 2 percent.

‘‘(M) Medicare Program.—

‘‘(1) Calculation of Reduction in Individual Payment Amounts.—To achieve the total percentage reduction in those programs required by any order issued under this part, the percentage reduction that shall apply to payments under the health insurance programs under title XVIII of the Social Security Act (other than payments described in section 256(a)(2)) that are subject to such order after sequestration order is issued shall be such that the reduction made in payments under that order shall achieve the required total percentage reduction in the payments for that fiscal year as determined on a 12-month basis. However, the percentage reduction...
under any such program shall in no case exceed 2 percent under any sequestration order.

(2) **Timing of Application of Reductions.**—If a reduction is made under paragraph (1) in payment amounts pursuant to a sequestration order, the reduction shall be applied to payment for services furnished after the effective date of the order.

(3) **No Increase in Beneficiary Charges in Assignment-Related Cases.**—If a reduction in payment amounts is made under paragraph (1), no reduction shall be made under paragraph (2) of this section for which payment is made under part B of title XVIII of the Social Security Act on account of the beneficiary’s assignment-related cases.

(4) **Application to Parts C and D.**—The reductions otherwise required under parts C and D of title XVIII of the Social Security Act with respect to a fiscal year shall be applied in the order of their occurrence to the end of the fiscal year to which the applicable sequestration order applies.

(5) **Federal Pay.**—(1) In General.—For purposes of any order issued under section 254, new budget authority to pay Federal personnel shall be reduced uniformly in all pay rates, but no sequestration order may reduce or have the effect of reducing the rate of pay to which any individual is entitled under any statutory pay system (as increased by any amount payable under section 5304 of title 5, United States Code, or any other provision of law).

(2) Definitions.—For purposes of this subsection:

(A) The term ‘statutory pay system’ shall have the meaning given that term in section 5302(1) of title 5, United States Code.

(B) The term ‘elements of military pay’ means—

(i) the elements of compensation of members of the uniformed services specified in section 674(2) of title 37, United States Code; and

(ii) allowances provided members of the uniformed services under sections 403a and 405 of such title, and the (c) of such title.

(C) The term ‘uniformed services’ shall have the meaning given that term in section 674 of title 37, United States Code.

(k) **Child Support Enforcement Program.**—Any sequestration order shall accomplish the full amount of any required reduction in obligations under sections 450 and 451 of the Social Security Act by reducing the Federal matching rate for State administrative costs under such program, but, if the order is for a fiscal year involved in section 451(a) of such Act, to the extent necessary to reduce such expenditures by that amount.

(l) **Debt Collection Program.**—(1) A State may reduce each weekly benefit payment made under the Federal State Unemployment Compensation Act of 1970 for any week of unemployment occuring during any period with respect to which payments are reduced under an order involving the order (B), but such reduction not to exceed the percentage by which the Federal payment to the State under section 204 of such Act is to be reduced for such week as a result of such order.

(2) A reduction by a State in accordance with subparagraph (A) shall not be considered as failure to fulfill the requirements of section 3304(a)(11) of the Internal Revenue Code of 1954.

(m) **Commodity Credit Corporation.**—(1) **Power of the Commodity Credit Corporation.**—This title shall not restrict the Commodity Credit Corporation in the discharge of its authority and responsibilities and sale and distribution of commodities in world trade, to use the proceeds as a revolving fund to meet other obligations and otherwise operate as a corporation.

(2) **Reduction in Payments Made under Contracts.**—(A) Payments and loan eligibility under any contract entered into with a person by the Commodity Credit Corporation prior to the time any sequestration order has been issued shall not be reduced by an order subsequently issued. Subject to subparagraph (B), after any sequestration order is issued for a fiscal year, any cash payments made by the Commodity Credit Corporation—

(i) under the terms of any one-year contract entered into in or after such fiscal year and after the issuance of the order; and

(ii) out of an entitlement account, to any person (including any producer, lender, or any other type of lender) to be reduced under the order;

(B) Each contract entered into with producers or processor cooperatives with respect to a particular crop of a commodity and subject to reduction under subparagraph (A) shall be reduced in accordance with the same percentage sequestration and all other provisions of law.

(n) **State Extended Unemployment Compensation.**—(1) A State may reduce each weekly benefit payment made under the Federal State Extended Unemployment Compensation Act of 1950 and D of title XVIII of the Social Security Act with respect to a fiscal year shall be applied in the order of their occurrence to the end of the fiscal year to which the applicable sequestration order applies.

(2) **Delay Reduction in Outlays Permitted.**—Notwithstanding any other provision of this title, a sequestration order is issued with respect to a fiscal year, any reduction under the order applicable to contracts descibed in paragraph (1) may provide for reductions in outlays for the account involved to occur in the fiscal years following the fiscal year to which the order applies.

(3) **Certain Authority Not to Be Limited.**—Nothing in this title shall limit or reduce in any way any appropriation that provides the Commodity Credit Corporation authority to pay the Corporation’s net realized losses.

(o) **Postal Service Fund.**—Notwithstanding any other provision of law, any sequestration order may be accomplished by a payment from that Fund to the General Fund of the Treasury, and the Postmaster General of the United States shall make the full amount of that payment during the fiscal year to which the presidential sequestration order applies.

(1) **Budgetary Resources Sequestered.**—(a) If a reduction is made under an order involving the order, the amount made pursuant to a sequestration order shall be considered to have been paid to the Treasury and be permanently canceled.

(2) Except as otherwise provided, the percentage sequestration shall apply to all programs, projects, and activities as delineated in the appropriation Act with respect to a fiscal year, any cash payments made by the Commodity Credit Corporation, and any other type of sequestration order.

(3) **Exceptions to Sequestration.**—The effects of sequestration shall be as follows:

(a) **Budgetary resources sequestered from any account other than an entitlement trust, special, or revolving fund account shall not be in order in the House of Representatives or the Senate to consider any appropriation that reductions under an order may have been made on.**

(b) **Sequestration does not apply to funds in budget accounts with programs, projects, and activities as delineated in the appropriation Act with respect to a fiscal year, any cash payments made by the Commodity Credit Corporation, and any other type of sequestration order.**

(4) **Except as otherwise provided, obligations in sequestered direct spending accounts shall be reduced in the fiscal year in which a sequestration order occurs and in all succeeding fiscal years.**

(5) If an automatic spending increase is sequestered, the increase (in the applicable appropriation Act with respect to a fiscal year) that formula allocations for such program differ at different levels of budgetary resources within an account, program, project, or activity, the sequestration shall be interpreted as producing a lower total appropriation, with that lower appropriation being obligated as though it had been the pre-sequestration appropriation and no sequestration had occurred.

(6) **Except as otherwise provided, sequestration in accounts for which obligations are indefinite shall be taken in a manner to ensure that obligations in the fiscal year of a sequestration and succeeding fiscal years are reduced to the extent that formula allocations have occurred, by the applicable sequestration percentage.**

(b) **Conforming Amendment.**—The table of contents set forth in the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding the item relating to section 256 to read as follows:

‘‘Sec. 256. Exceptions, limitations, and special rules.‘’

SEC. 204. POINT OF ORDER.

(a) **Entitlement Point of Order.**—Section 312 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

(1) **Entitlement Point of Order.**—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that—
("1") increases aggregate level of direct spending for any ensuing fiscal year or
("2") includes any provision that has the ef-
fect of modifying the application of section 252A of the Balanced Budget and Emergency Deficit Control Act of 1985 to any entitlement
program subject to sequestration or ex-
empt from sequestration under such Act.

SEC. 205. TRANSITION AND CONFORMING AMEND-
MENTS.
The Balanced Budget and Emergency Deficit
Control Act of 1985 is amended as follows:

(1) Section 251(a)(1) is amended by inserting
"(a)黑, section 252A, after "section 252B.

(2) Section 254(c)(4)(B) is amended by in-
serting "section 252A" after "section 252B.

(3) Section 254(c) is amended by redesign-
ating paragraph (5) as paragraph (6) and by
inserting after paragraph (5) the following new paragraph:

"5) DIRECT SPENDING CONTROL SEQUESTRA-
TION REPORTS.—The preview reports shall set
forth, for the current year and the budget
year, estimates for each of the following:

(A) The total level of direct spending for
all programs, projects, and activities (ex-
cluding social security).

(B) The sequestration percentage or if the
required sequestration percentage is
greater than the maximum allowable per-
centage for medicare) percentages necessary to comply with section 252A.

(4) Section 254(f) is amended by redesign-
ating paragraphs (4) and (5) as paragraphs
(5) and (6) and by inserting after paragraph
(5) the following new paragraph:

"4) DIRECT SPENDING CONTROL SEQUESTRA-
TION REPORTS.—The final reports shall con-
tain all the information required in the di-
rect spending control sequestration preview
reports. In addition, these reports shall con-
tain, for the budget year, for each account to be
sequestered, estimates of the baseline level
of available budgetary resources and resulting outlays and the amount of budgetary resources to be sequestered and resulting outlay reductions. The reports shall also contain estimates of the effects on
outlays of the sequestration in each outyear for
direct spending programs.

(5) Section 256(a)(1) is amended by insert-
ing "section 252A" after "section 252B.

SEC. 206. ESTABLISHMENT OF FAMILY BUDGET
PROTECTION MANDATORY AC-
COUNT.

(a) BUDGET PROTECTION MANDATORY AC-
COUNT.—Title III of the Congressional Budget
Act of 1974 (as amended by section 312) is fur-
ther amended by adding at the end the follow-

Subtitle B—Discretionary Spending Limits

SEC. 211. ENFORCING DISCRETIONARY SPEND-
ING LIMITS.

(a) DISCRETIONARY SPENDING LIMITS.—Sec-
tion 251(b) and (c) of the Balanced Budget
and Emergency Deficit Control Act of 1985 are amended to read as follows:

"(b) DISCRETIONARY LIMIT.—As used in this part, the term ‘discretionary spending limit’ means—

"(c) CREDITING AMOUNTS TO ACCOUNT.—
(1) Whenever a Member or Senator, as the case
may be, amends a bill that reduces the mandatory budget
authority provided either under current
law or proposed to be provided by the bill under consideration, that Member or Sen-
ator may state the portion of such reduction achieved in the first year covered by the
most recently adopted concurrent resolution on the budget and in addition the portion of
such reduction achieved in the first five years covered by the most recently adopted concurrent resolution on the budget that shall be—

"(3) with respect to fiscal year 2005—

"(A) $386,261,000,000 in new budget author-
ity of which no more than $400,625,000
shall be for the nondefense category;

"(B) $386,261,000,000 in outlays of which no
more than $433,158,400,000 shall be for the
nondefense category;

"(2) with respect to fiscal year 2006—

"(A) $388,969,000,000 in new budget author-
ity of which no more than $403,959,000
shall be for the nondefense category;

"(B) $388,969,000,000 in outlays of which no
more than $458,828,900,000 shall be for the
nondefense category;

"(1) with respect to fiscal year 2004—

"(A) $388,969,000,000 in new budget author-
ity of which no more than $403,959,000
shall be for the nondefense category;

"(B) $388,969,000,000 in outlays of which no
more than $458,828,900,000 shall be for the
nondefense category;
Budget Act of 1974 (as amended by this section) is further amended by adding at the end the following new subsection:

"(1) ADVANCE APPROPRIATION Point of Order.—(A) amendments in order in the House of Representatives or the Senate to consider any appropriation bill or joint resolution, or amendment thereto or conference report thereof, if the amendment does not add in order the amounts of appropriations for fiscal year 2004 for such program, project, or activity."

SEC. 212. ESTABLISHMENT OF FAMILY BUDGET PROTECTION DISCRETIONARY ACCOUNT.

(a) BUDGET PROTECTION MANDATORY ACCOUNT.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"BUDGET PROTECTION MANDATORY ACCOUNT

“Sec. 321. (a) ESTABLISHMENT OF ACCOUNT.—(1) Whenever a Member or Senator, as the case may be, offers an amendment to a bill that reduces the amount of mandatory budget authority provided therein, it shall be considered to increase the long-term unfunded obligation in any applicable entitlement program if it either—

(A) crediting of amounts to account—

(1) Whenever a Member or Senator, as the case may be, offers an amendment to a bill that reduces the amount of mandatory budget authority provided therein, it shall be considered to increase the long-term unfunded obligation in any applicable entitlement program if it either—

(2) an estimate of any increase in the dollar level of the expenditures of such program above the dedicated receipts of such program over a long-term estimating period by more than an applicable threshold; and

(b) COMPONENTS.—Each entry shall consist only of amounts credited to it under subsection (c). No entry of a negative amount shall be made.

(c) CREDITS OF AMOUNTS TO ACCOUNT.—(1) Whenever a Member or Senator, as the case may be, offers an amendment to a bill that reduces the amount of mandatory budget authority provided therein, it shall be considered to increase the long-term unfunded obligation in any applicable entitlement program if it either—

(2) an estimate of any increase in the dollar level of the expenditures of such program above the dedicated receipts of such program over a long-term estimating period by more than an applicable threshold; and

(2) Calculation of Lock-Box Savings in House and Senate.—For the purposes of enforcing section 302(a), upon the engrossment of any bill, other than an appropriation bill, by the House or Senate, as applicable, the amount of budget authority and outlays calculated pursuant to subsection (c)(3) shall be counted against the 302(a) allocation provided to the applicable committee or committees of that House which reported the bill or joint resolution making supplemental appropriations through the end of fiscal year 2005 or any subsequent fiscal year, as the case may be.

(d) DEFINITION.—As used in this section, the term 'appropriation bill' means any general or special appropriation bill, and any bill or joint resolution making supplemental, continuing, or special appropriations through the end of fiscal year 2005 or any subsequent fiscal year, as the case may be.

(e) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 319 the following new items:

“Sec. 320. Family budget protection mandatory account.

“Sec. 321. Family budget protection discretionary account.”

SEC. 213. REVENUE ADJUSTMENT.

If an amendment is designated to be used to offset a decrease in receipts for a fiscal year pursuant to section 311(c)(1) or section 321(c)(1)(D) of the Congressional Budget Act of 1974, then the applicable level of revenue for such fiscal year for purposes of section 311(b) of such Act shall be reduced by the amount of such amendment.

Subtitle C—Long-Term Unfunded Obligations

SEC. 221. LONG-TERM UNFUNDED OBLIGATIONS.

(a) IN GENERAL.—Title IV of the Congressional Budget Act of 1974 is amended by adding at the end the following:

PART C—LONG-TERM UNFUNDED OBLIGATIONS

"SEC. 441. ANALYSIS OF LONG-TERM UNFUNDED OBLIGATIONS.

"Beginning in fiscal year 2006, the President’s budget shall include an analysis of long-term unfunded obligations. This analysis shall include—

(1) an analysis of the impact of long-term unfunded obligations in applicable entitlement programs on the long-term level of unified budget outlays and the unified budget surplus or deficit, in relation to the projected level of the Gross Domestic Product.

(2) a report on the impact of legislation enacted during the previous session of Congress that affects the long-term unfunded obligation in any applicable group of entitlement programs.

(3) an analysis of the impact of legislation enacted during the previous session of Congress that affects the long-term unfunded obligation in any applicable group of entitlement programs.”

SEC. 442. POINT OF ORDER AGAINST LEGISLATION INCREASING LONG-TERM UNFUNDED OBLIGATIONS.

"It shall not be in order in the House of Representatives or in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would increase the long-term unfunded obligation in any applicable group of entitlement programs.

SEC. 443. STANDARD FOR DETERMINING INCREASE IN LONG-TERM UNFUNDED OBLIGATION.

"For the purpose of this part, legislation shall be considered to increase the long-term unfunded obligation of an applicable group of entitlement programs if it either—

(1) increases the excess of the discounted present value of the dedicated receipts of programs in the group over a long-term estimating period by more than an applicable threshold; or

(2) increases the dollar level of the expenditures of programs in the group above the dedicated receipts of programs in the group during the discounted present value of the estimated period of more than an applicable threshold; and

SEC. 444. LONG-TERM UNFUNDED OBLIGATION ANALYSES BY CONGRESSIONAL BUDGET OFFICE.

The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill or resolution of a public character reported by any committee of the House of Representatives or the Senate (except the Committee on Appropriations of each House) and submit to such committee—

(1) an estimate of any increase of the long-term unfunded obligation of any applicable entitlement program which would be incurred in carrying out such bill or resolution as measured by the increase of the excess of the discounted present value of the expenditures of such program above the discounted present value of the dedicated receipts of such program over a long-term estimating period by more than an applicable threshold; and

(2) an estimate of any increase in the dollar level of the expenditures of such program above the dedicated receipts of such program over a long-term estimating period by more than an applicable threshold.

The estimates and description so submitted shall be included in the report accompanying any bill or resolution in accordance with the order of the committee before which such report is filed.

SEC. 445. DEFINITIONS.

"As used in this part—

(1) the term 'applicable entitlement program' shall be defined as any one of the following programs:

"(1) Supplemental Security Income (SSI).

"(2) The term ‘employment program with regularly available long-term estimates’ means a program for which the Director of the Congressional Budget Office, in consultation with the Committees on the Budget of the House of Representatives and the Senate and the Director of the Office of Management and Budget, has determined that it is feasible to make long-term estimates of expenditures and dedicated receipts based on explicit demographic, economic, and other estimating assumptions. The Director shall notify the House and Senate Committees on the Budget in writing, whenever he or she makes such a determination.

"(3) The term ‘applicable group of entitlement programs’ shall be defined as any of the following:

(A) Old Age, Survivors, and Disability Insurance.

(B) All applicable entitlement programs except Old Age, Survivors, and Disability Insurance.

(C) All applicable entitlement programs other than Medicare, as taxes and fees received from the public, payments received from Federal agencies on behalf of Federal agency employees who are participants in the program, transfers received by the program under section 7(c)(2) of the Railroad Retirement Act of 1974 (45 U.S.C. 231(f)(2)), and transfers from the general fund of amounts equivalent to income tax receipts under section 86 of the Internal Revenue Code. The amounts set forth in the general fund are payments from the general fund to amortize a program’s unfunded liability or payments of interest on the trust fund obligations. For Medicare, ‘dedicated receipts’ shall be defined according to section 801(c)(3) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

(D) The term ‘expenditures’ shall be defined, for all applicable entitlement programs other than Medicare, to include benefit payments, administrative expenses to the extent paid from a dedicated fund, and transfers to other programs made under section 7(c)(2) of the Railroad Retirement Act of 1974 (45 U.S.C. 231(f)(2)). For Medicare, ‘expenditures’ shall be defined according to section 801(c)(4) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

(E) The term ‘applicable threshold’ shall be defined as:

(1) A group of applicable entitlement programs over a long-term estimating period—

(ii) 0.02 percent of the present value of the taxable payroll of the group of programs over the estimating period, for legislation affecting Old Age, Survivors, and Disability Insurance; and

(iii) 1 percent of the present value of the expenditures in that year of the programs in the group that are affected by the legislation.

If a proposal to rescind for each program, project, or activity to which that budget authority relates.

(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates.

"The President may transmit to Congress a special message proposing to rescind amounts of budget authority and include with that special message a draft bill that, if enacted, would only rescind that budget authority unless the President also proposes a reduction in the appropriate discretionary spending limits set forth in section 101(b) of the Balanced Budget and Emergency Deficit Control Act of 1985. That bill shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates.
(A) The amount of budget authority which he proposes to rescind.

(B) Any account, department, or establishment of the Government to which such budget authority is provided for in any appropriation bill, and the specific project or governmental functions involved.

(C) The reasons why the budget authority should be deauthorized, including why he considers it to be wasteful spending.

(D) To the maximum extent practicable, the estimated fiscal, economic, and budgetary effects of the proposed rescission and the decision to effect the proposed rescission, and to the maximum extent practicable, the estimated effect of the proposed rescission upon the objects, purposes, and programs for which the budget authority is provided.

(F) A reduction in the appropriate discretionary spending limits set forth in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, if proposed by the President.

(c) PROCEDURES FOR EXPEDITED CONSIDERATION.

(1)(A) Before the close of the second legislative day of the House of Representatives after the date of receipt of that special message, the Speaker shall transmit to Congress under subsection (b), the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill.

(B) The bill shall be referred to the Committee on Appropriations. The proposed rescission bill shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after the date of receipt thereof. If the bill is not reported as provided in the preceding sentence, then, on the third legislative day of the Senate after the date of receipt of that special message, any Senator of that Senate may introduce the bill.

(2) Section 1014 of such Act (2 U.S.C. 685) is amended by adding at the end the following new paragraph:

"(3) A bill transmitted to the Senate pursuant to paragraph (1)(D) shall be referred to its Committee on Appropriations. That Committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after the date of receipt thereof. A Committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar."
(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall consist of 12 members, all of whom shall be appointed by the President not later than 90 days after the date of enactment of this Act.

(2) CHAIRPERSON AND VICE CHAIRPERSON.—The President shall designate a chairperson and vice chairperson from among the members of the Commission.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(d) MEETINGS.—

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

(2) SUBSEQUENT MEETINGS.—The Commission shall meet at the call of the chairperson.

(e) ELECTION.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

SEC. 332. DUTIES OF THE COMMISSION.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) AGENCY.—The term ‘‘agency’’ has the meaning given the term ‘‘Executive agency’’ under section 105 of title 5, United States Code.

(2) PROGRAM.—The term ‘‘program’’ means any activity or function of an agency.

(b) IN GENERAL.—The Commission shall—

(1) evaluate all agencies and programs within those agencies, using the criteria under subsection (c); and

(2) submit to Congress—

(A) a plan with recommendations of the agency or program be realigned.

(b) SYSTEMATIC ASSESSMENT OF PROGRAMS.—The Commission shall consider assessments submitted under this subsection when evaluating programs under subsection (b)(1).

(c) P ERIOD OF APPOINTMENT; V ACANCIES.

(1) NON-FEDERAL MEMBERS.—Each member shall serve for a term of not less than 1 year or until the date of enactment of this Act.

(2) R ELOCATION OF FEDERAL EMPLOYEES.—Not later than 1 year after the date of enactment of this Act, the United States shall establish a plan to relocate any employee of an agency that provides a service that is redundant or streamlined into a single agency or program.

(d) M ETHOD OBJECTIVES.

(1) D UPLICATIVE.

(2) M ISMANAGEMENT OF RESOURCES AND PERSONAL OR LOSS OF CIVIL SERVICE STATUS OR PRIVILEGE.

(3) D IVIDUAL.

(4) C ALENDAR DAY.

(e) G IFTS.

(f) C OMPENSATION.

(g) E XECUTIVE DIRECTOR.

(h) E XECUTIVE DIRECTOR AND OTHER PERSONNEL.

(i) E XECUTIVE DIRECTOR AND DEPARTMENTAL SERVICES.

(j) A NNUAL BUDGET.

(k) D IRECTIONS TO THE COMMISSION.

(l) V ACANCIES.

SEC. 333. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this subtitle—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as any member of the Commission considers advisable;

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses as any member of the Commission considers advisable; and

(3) require, by subpoena or otherwise, the production of such books, records, correspondence, memoranda, papers, documents, and other materials relating to any matter under investigation by the Commission.

(b) SUBPOENAS.

(1) ISSUANCE.—Subpoenas issued under subsection (a) shall bear the signature of the chairperson of the Commission and shall be served by any person or class of persons designated by the chairperson for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court in which, or any other district in which, the person upon whom the subpoena is served resides, or may be found, may issue an order compelling such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly the information, books, records, or reports of any Federal department or agency upon request of the chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(d) FEDERAL EMPLOYEES.—The Commission may procure temporary and intermittent services under sections 3109(b) of title 5, United States Code, at rates for individual employees which do not exceed the daily equal of the annual rate of basic pay prescribed for level V of the Executive Schedule.

SEC. 334. TERMS AND CONDITIONS OF SERVICE.

The Commission shall establish such terms and conditions of service as it deems necessary to enable the Commission to perform its duties. Notwithstanding any other provision of law, a member of the Commission may continue to serve for a term commencing after the date of enactment of this Act until the date of appointment of the chairperson of the Commission.

SEC. 335. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Chairperson submits the report under section 320(f).

SEC. 336. CONGRESSIONAL CONSIDERATION OF REFORM PROPOSALS.

(a) DEFINITIONS.—In this section:

(1) IMPLEMENTATION BILL.—The term ‘‘implementation bill’’ means a bill which is introduced as provided under subsection (b), and contains the proposed legislation included in the report submitted to Congress under section 320, without any modification.

(2) CALENDAR DAY.—The term ‘‘calendar day’’ means a calendar day other than 1 on
which either House is not in session because of an adjournment of more than 3 days to a date certain.

(b) INTRODUCTION; REFERRAL; AND REPORT OR DISCHARGE.

(1) INTRODUCTION.—On the first calendar day on which both Houses are in session, on or immediately before the date set forth in the report submitted to Congress under section 232, a single implementation bill shall be introduced (by request).

(A) in the House by the Majority Leader of the House of Representatives, as determined by the Speaker and Minority Leader of the House of Representatives.

(B) in the House of Representatives by the Speaker of the House of Representatives, as determined by the Speaker and Minority Leader of the House of Representatives.

(C) in the Senate by the Majority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate.

(D) in the Senate by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate, or by Members of the House of Representatives designated by the Speaker and Minority Leader of the House of Representatives.

(2) IMPLEMENTATION BILLS.—An implementation bill introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the House of Representatives.

(3) REPORT OR DISCHARGE.—If a committee to which an implementation bill is referred has not reported such bill by the end of the first session of the House in which the report is submitted to Congress under section 232, a single implementation bill shall be introduced (by request).

(A) in the House by the Majority Leader of the House of Representatives, as determined by the Speaker and Minority Leader of the House of Representatives, as if no implementation bill had been received from the other House.

(B) in the House of Representatives by the Speaker and Minority Leader of the House of Representatives.

(C) in the Senate by the Majority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate.

(D) in the Senate by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate, or by Members of the House of Representatives designated by the Speaker and Minority Leader of the House of Representatives.

(4) VOTE ON FINAL PASSAGE.—If a committee to which an implementation bill is referred has not reported such bill by the end of the first session of the House in which the report is submitted to Congress under section 232, a single implementation bill shall be introduced (by request).

(A) in the House by the Majority Leader of the House of Representatives, as determined by the Speaker and Minority Leader of the House of Representatives, as if no implementation bill had been received from the other House.

(B) in the House of Representatives by the Speaker and Minority Leader of the House of Representatives.

(C) in the Senate by the Majority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate.

(D) in the Senate by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate, or by Members of the House of Representatives designated by the Speaker and Minority Leader of the House of Representatives.

(2) IMPLEMENTATION BILLS.—An implementation bill introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the House of Representatives.

(3) REPORT OR DISCHARGE.—If a committee to which an implementation bill is referred has not reported such bill by the end of the first session of the House in which the report is submitted to Congress under section 232, a single implementation bill shall be introduced (by request).

(A) in the House by the Majority Leader of the House of Representatives, as determined by the Speaker and Minority Leader of the House of Representatives.

(B) in the House of Representatives by the Speaker of the House of Representatives, as determined by the Speaker and Minority Leader of the House of Representatives.

(C) in the Senate by the Majority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate.

(D) in the Senate by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate, or by Members of the House of Representatives designated by the Speaker and Minority Leader of the House of Representatives.

(4) VOTE ON FINAL PASSAGE.—If a committee to which an implementation bill is referred has not reported such bill by the end of the first session of the House in which the report is submitted to Congress under section 232, a single implementation bill shall be introduced (by request).

(A) in the House by the Majority Leader of the House of Representatives, as determined by the Speaker and Minority Leader of the House of Representatives.

(B) in the House of Representatives by the Speaker of the House of Representatives, as determined by the Speaker and Minority Leader of the House of Representatives.

(C) in the Senate by the Majority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate.

(D) in the Senate by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate, or by Members of the House of Representatives designated by the Speaker and Minority Leader of the House of Representatives.

(2) IMPLEMENTATION BILLS.—An implementation bill introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the House of Representatives.

(3) REPORT OR DISCHARGE.—If a committee to which an implementation bill is referred has not reported such bill by the end of the first session of the House in which the report is submitted to Congress under section 232, a single implementation bill shall be introduced (by request).

(A) in the House by the Majority Leader of the House of Representatives, as determined by the Speaker and Minority Leader of the House of Representatives.

(B) in the House of Representatives by the Speaker of the House of Representatives, as determined by the Speaker and Minority Leader of the House of Representatives.

(C) in the Senate by the Majority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate.

(D) in the Senate by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate, or by Members of the House of Representatives designated by the Speaker and Minority Leader of the House of Representatives.

(4) VOTE ON FINAL PASSAGE.—If a committee to which an implementation bill is referred has not reported such bill by the end of the first session of the House in which the report is submitted to Congress under section 232, a single implementation bill shall be introduced (by request).

(A) in the House by the Majority Leader of the House of Representatives, as determined by the Speaker and Minority Leader of the House of Representatives.

(B) in the House of Representatives by the Speaker of the House of Representatives, as determined by the Speaker and Minority Leader of the House of Representatives.

(C) in the Senate by the Majority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate.

(D) in the Senate by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate, or by Members of the House of Representatives designated by the Speaker and Minority Leader of the House of Representatives.

(2) IMPLEMENTATION BILLS.—An implementation bill introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the House of Representatives.

(3) REPORT OR DISCHARGE.—If a committee to which an implementation bill is referred has not reported such bill by the end of the first session of the House in which the report is submitted to Congress under section 232, a single implementation bill shall be introduced (by request).

(A) in the House by the Majority Leader of the House of Representatives, as determined by the Speaker and Minority Leader of the House of Representatives.

(B) in the House of Representatives by the Speaker of the House of Representatives, as determined by the Speaker and Minority Leader of the House of Representatives.

(C) in the Senate by the Majority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate.

(D) in the Senate by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate, or by Members of the House of Representatives designated by the Speaker and Minority Leader of the House of Representatives.

(4) VOTE ON FINAL PASSAGE.—If a committee to which an implementation bill is referred has not reported such bill by the end of the first session of the House in which the report is submitted to Congress under section 232, a single implementation bill shall be introduced (by request).

(A) in the House by the Majority Leader of the House of Representatives, as determined by the Speaker and Minority Leader of the House of Representatives.

(B) in the House of Representatives by the Speaker of the House of Representatives, as determined by the Speaker and Minority Leader of the House of Representatives.

(C) in the Senate by the Majority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate.

(D) in the Senate by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate, or by Members of the House of Representatives designated by the Speaker and Minority Leader of the House of Representatives.

(2) IMPLEMENTATION BILLS.—An implementation bill introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the House of Representatives.

(3) REPORT OR DISCHARGE.—If a committee to which an implementation bill is referred has not reported such bill by the end of the first session of the House in which the report is submitted to Congress under section 232, a single implementation bill shall be introduced (by request).

(A) in the House by the Majority Leader of the House of Representatives, as determined by the Speaker and Minority Leader of the House of Representatives.

(B) in the House of Representatives by the Speaker of the House of Representatives, as determined by the Speaker and Minority Leader of the House of Representatives.

(C) in the Senate by the Majority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate.

(D) in the Senate by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate, or by Members of the House of Representatives designated by the Speaker and Minority Leader of the House of Representatives.

(4) VOTE ON FINAL PASSAGE.—If a committee to which an implementation bill is referred has not reported such bill by the end of the first session of the House in which the report is submitted to Congress under section 232, a single implementation bill shall be introduced (by request).

(A) in the House by the Majority Leader of the House of Representatives, as determined by the Speaker and Minority Leader of the House of Representatives.

(B) in the House of Representatives by the Speaker of the House of Representatives, as determined by the Speaker and Minority Leader of the House of Representatives.

(C) in the Senate by the Majority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate.

(D) in the Senate by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate, or by Members of the House of Representatives designated by the Speaker and Minority Leader of the House of Representatives.

(2) IMPLEMENTATION BILLS.—An implementation bill introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the House of Representatives.

(3) REPORT OR DISCHARGE.—If a committee to which an implementation bill is referred has not reported such bill by the end of the first session of the House in which the report is submitted to Congress under section 232, a single implementation bill shall be introduced (by request).

(A) in the House by the Majority Leader of the House of Representatives, as determined by the Speaker and Minority Leader of the House of Representatives.

(B) in the House of Representatives by the Speaker of the House of Representatives, as determined by the Speaker and Minority Leader of the House of Representatives.

(C) in the Senate by the Majority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate.

(D) in the Senate by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate, or by Members of the House of Representatives designated by the Speaker and Minority Leader of the House of Representatives.
of the Civil Service Retirement System.

At the beginning of each fiscal year, beginning on October 1, 2005, the Office shall notify the Secretary of the Treasury of the amount of the first installment under the amortization schedule established under paragraph (1). The Secretary shall credit that amount to the Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated.

For the purpose of carrying out paragraph (1) with respect to any fiscal year, the Office may:

(A) require the Board of Actuaries of the Civil Service Retirement System to make recommendations, and maintain records in accordance with section 8347(f); and

(B) use the latest actuarial determinations and valuations made by such Board of Actuaries.

In subsection (a)(1)(A) and inserting ‘‘accrued’’ each place it appears; and

(II) amending subparagraph (A) to read as follows:

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

(IV) any other appropriate amount, as determined by the Director in accordance with generally accepted actuarial practices and principles;''.

The actuarial present value of the future benefits payable from the Fund under title II of this Act based on the service of current or former participants, over

(b) the sum of—

(1) the actuarial present value of future benefits payable from the Fund under title II of this Act, as determined by the Actuarial Costs and Liabilities of a Retirement System.

30, 2004, attributable to benefits payable under section 8334(a) of title 5, United States Code, pursuant to determinations of the normal cost percentage of the Central Intelligence Agency Retirement and Disability System by the Director. Contributions under this paragraph shall be paid from amounts available on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2044.

The Director shall determine the unfunded liability of the Fund as of the close of the fiscal year for each fiscal year beginning after September 30, 2039, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability over a period of not more than 30 years.

The amortization schedule established under subsection (c) shall be set in accordance with generally accepted actuarial practices and principles, with interest computed at the rate used in the most recent valuation of the Civil Service Retirement System.

The term ‘‘actuarial present value of all future benefits payable from the Fund under title II of this Act, as determined by the Actuarial Costs and Liabilities of a Retirement System.’’

(2) In paragraph (5), to read as follows:

‘‘The amount of the contribution under subsection (a)(1)(B) shall be the amount which would have been contributed under such subsection if such subsection had not been enacted.’’

(II) amending subsection (g) to read as follows:

(g)(1) Not later than June 30, 2005, the Office of the Actuary shall determine the unfunded liability of the Fund, and as of September 30, 2004, attributable to benefits payable under section 8334(a) of title 5, United States Code, and make recommendations regarding its liquidation. After considering such recommendations, the Office shall establish an amortization schedule, including a series of annual installments commencing on October 1, 2005, which provides for the liquidation of such liability by October 1, 2044.

‘‘The Office shall determine the unfunded liability of the Fund as of the close of the fiscal year for each fiscal year beginning after September 30, 2004, through the fiscal year ending September 30, 2039, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1, 2005, which provides for the liquidation of such liability by October 1, 2044.

(C) In subsection (a)(1)(C), by replacing subsection (f):

(II) by amending subparagraph (f) to read as follows:

(f)(1) By repealing subsection (f); and

(II) amending subsection (g) to read as follows:

(g)(1) Not later than June 30, 2005, the Office of the Actuary shall determine the unfunded liability of the Fund, and as of September 30, 2004, attributable to benefits payable under section 8334(a) of title 5, United States Code, and make recommendations regarding its liquidation. After considering such recommendations, the Office shall establish an amortization schedule, including a series of annual installments commencing on October 1, 2005, which provides for the liquidation of such liability by October 1, 2044.

The Office shall determine the unfunded liability of the Fund as of the close of the fiscal year for each fiscal year beginning after September 30, 2004, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability over a period of not more than 30 years.

The amortization schedule established under this subsection shall be set in accordance with generally accepted actuarial practices and principles, with interest computed at the rate used in the most recent valuation of the Civil Service Retirement and Disability System.

At the beginning of each fiscal year, beginning on October 1, 2005, the Director shall notify the Secretary of the Treasury of the amount of the first installment under the most recent amortization schedule established under subsection (c). The Secretary shall credit that amount to the Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated. For the purposes of Section 504 of the National Security Act of 1947, this amount shall be considered authorized.

(e)(1) Title III of such Act (50 U.S.C. 2515 et seq.) is amended by adding at the end the following new subsection:

‘‘SEC. 308. FULL FUNDING OF RETIREE COSTS FOR EMPLOYEES DESIGNATED UNDER SECTION 302.

(a) In addition to other government contributions required by law, the Agency shall
contribute to the Civil Service Retirement and Disability fund (hereinafter in this section referred to as the ‘Fund’) amounts calculated in accordance with section 8334(a) of title 5, United States Code, based on the projected number of employees to be designated pursuant to section 302 of this Act. In addition, the Agency, in a manner similar to that described in paragraph (1), shall contribute to the Fund by section 8422 of title 5, United States Code, and such deductions shall be contributed to the Fund.

(b) (1) of the Office of Personnel Management, in consultation with the Director, shall determine the total amount of unpaid contributions (government and employee contributions) and interest attributable to the number of individuals employed with the Agency on September 30, 2005, who are projected to be designated under section 302 of this Act, but are not yet designated under that section as of that date. The amount shall be referred to as the section 302 unfunded liability.

(2) Prior to September 30, 2006, the Director of the Office of Personnel Management, in consultation with the Director, shall establish an amortization schedule, setting forth a series of annual installments commencing September 30, 2006, which provides for the liquidation of the section 302 unfunded liability by September 30, 2013.

(3) In any fiscal year beginning on September 30, 2006, the Director shall notify the Secretary of the Treasury of the amount of the annual installment under the amortization schedule established under paragraph (2) of this subsection. Before closing the accounts for that fiscal year, the Secretary shall credit that amount to the accounts for that fiscal year, the Secretary shall cause to be made actuarial valuations of the Fund that determine the unfunded liability of the Fund, as of September 30, each fiscal year beginning after September 30, 2004, through the fiscal year ending September 30, 2009, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2014.

(4) The Secretary of State shall cause to be made actuarial valuations of the Fund that determine the unfunded liability of the Fund, as of the beginning of the fiscal year beginning after September 30, 2004, through the fiscal year ending September 30, 2009, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2014.

(5) The Secretary of State shall cause to be made actuarial valuations of the Fund that determine the unfunded liability of the Fund, as of the beginning of the fiscal year beginning after September 30, 2004, through the fiscal year ending September 30, 2009, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2014.

(6) In any fiscal year beginning after September 30, 2004, through the fiscal year ending September 30, 2009, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2014.

(7) In any fiscal year beginning after September 30, 2004, through the fiscal year ending September 30, 2009, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2014.

(8) The Secretary of State shall cause to be made actuarial valuations of the Fund that determine the unfunded liability of the Fund, as of the beginning of the fiscal year beginning after September 30, 2004, through the fiscal year ending September 30, 2009, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2014.

(9) In any fiscal year beginning after September 30, 2004, through the fiscal year ending September 30, 2009, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2014.

(10) In any fiscal year beginning after September 30, 2004, through the fiscal year ending September 30, 2009, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2014.
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HOMELAND SECURITY RESOURCES

SEC. 404. PUBLIC HEALTH SERVICE COMMISSIONED CORPS RETIREMENT SYSTEM.—

""Establishment and purpose of fund.""—Sec. 251. There is established on the books of the Treasury a fund to be known as the Public Health Service Commissioned Corps Retirement System (hereinafter in this part referred to as the 'Fund'), which shall be administered by the Secretary. The Fund shall be used for the accumulation of funds in order to finance on an actuarially sound basis liabilities of the Department of Health and Human Services for benefits payable on account of retirement, disability, or death to commissioned officers of the Public Health Service and to their survivors pursuant to part A of this title.

""Assets of the fund.""—Sec. 252. There shall be deposited into the Fund and funds which shall constitute the assets of the Fund:—

(1) Amounts paid into the Fund under section 255.
(2) Any return on investment of the assets of the Fund.
(3) Amounts transferred into the Fund pursuant to section 24(c) of the Family Budget Protection Act of 2000.

""Payment from the fund.""—Sec. 253. There shall be paid from the Fund benefits payable on account of retirement, disability, or death to commissioned officers of the Public Health Service and to their survivors pursuant to part A of this title.

""Determination of contributions to the fund.""—Sec. 254. (a)(1) Not later than June 30, 2005, the Secretary shall determine the unfunded liability of the Fund attributable to service performed as of September 30, 2004, which is 'actuarial service' for the purpose of section 212. The Secretary shall establish an amortization schedule, including a series of annual installments commencing October 1, 2005, and ending September 30, 2039, for the liquidation of such liability by October 1, 2044.

(2) The Secretary shall redetermine the unfunded liability of the Fund as of the close of the fiscal year, for each fiscal year beginning after September 30, 2004, through the fiscal year ending September 30, 2039, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2044.

(3) The Secretary shall redetermine the unfunded liability of the Fund as of the close of the fiscal year, for each fiscal year beginning after September 30, 2039, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability over 5 years.

(b) The Secretary shall determine each fiscal year's total amount of Such retirement, or disability, or death benefit payments attributable to a commissioned officer for the fiscal year under section 254(a). That amount shall be the sum of—

""the product of—

(A) the current estimate of the value of the single level percentage of basic pay to be determined under subsection (c)(1) at the time of the most recent actuarial valuation under subsection (c); and
(2) the total amount of basic pay expected to be paid during that fiscal year to commissioned officers of the Public Health Service on active duty (other than active duty for training); and

(2) the product of—

(A) the current estimate of the value of the single level percentage of basic pay and of compensation (paid pursuant to section 206 of title 37, United States Code) to be determined under subsection (c)(2) at the time of the most recent actuarial valuation under subsection (c); and
(2) the total amount of basic pay and of compensation (paid pursuant to section 206 of title 37, United States Code) expected to be paid during the fiscal year to commissioned officers of the Reserve Corps of the Public Health Service (other than officers on full-time duty other than for training).

At the beginning of each fiscal year, beginning on October 1, 2005, the Secretary shall certify to the Secretary of the Treasury the amount that is the first installment under the most recent amortization schedule established under section 254(a). The Secretary of the Treasury shall pay into the Fund the amount so certified. Such payment shall be the contribution to the Fund for that fiscal year.

""Investments of assets of fund.""—Sec. 256. The Secretary may request the Secretary of the Treasury to invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet the current needs of the Fund. Such investments shall be made by the Secretary of the Treasury in public debt securities with maturities sufficiently short of the need for all maturities such investments are determined by the Secretary, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of the Fund.

""Implementation year exceptions.""—Sec. 257. (a) To avoid funding shortfalls in the first year should formal actuarial determinations not be available at budget preparation, the amounts used in the first year in sections 254(a)(1)(A) and 254(a)(2)(A) shall be set equal to those estimates in sections 254(b)(1)(A) and 254(b)(2)(A) if formal actuarial determinations are not available. The original unfunded liability as defined in section 254(a) shall include an adjustment to correct for this difference between the formal actuarial determinations and the estimates in sections 254(b)(1)(A) and 254(b)(2)(A).

(b) ""Conforming amendments."

(1) Condition of detail.—Section 214 of the Public Health Service Act (42 U.S.C. 215) is amended by adding at the end the following new subsection:

""The Secretary shall condition any detail under subsection (a), (b), or (c) upon the payment to the Department, State, subdivision, Committee of the Congress, or institution concerned to pay to the Department of Health and Human Services, in advance or by way of reimbursement, for the full cost of the detail including that portion of the contributions under section 255(a) that is attributable to the detailed personnel cost."

(2) Sequestration rule.—Section 256(f) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(f)) is amended—

(1) by inserting after the item relating to ""payment to the foreign service retirement
and disability fund” the following item: “Payment to the Public Health Service Commissioned Corps Retirement Fund (75–0380–0–1–551)”;

(b) Funding the following item after the item relating to the “Pensions for former Presidents” the following item: “Public Health Service Commissioned Corps Retirement Fund (75–8274–0–7–002)”.

(3) Transfer of Appropriations.—There shall be transferred on October 1, 2006, into the fund established under section 251 of the Public Health Service Act, as added by subsection (a), any obligated or unobligated balances of appropriations made to the Department of Commerce under military retirement and survivor benefit programs to commissioned officers of the Public Health Service and to their survivors, pursuant to part A of title II of the Public Health Service Act, and amounts so transferred shall be part of the assets of the Fund.

SEC. 405. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS RETIREMENT FUND.—(a) In General.—The National Oceanic and Atmospheric Administration Commissioned Officer Corps Retirement Fund (hereinafter in this section referred to as the “Fund”), shall be administered by the Secretary. The Fund shall be used for the accumulation of funds in order to finance on an actuarially sound basis the Department of Commerce under military retirement and survivor benefit programs for the commission officers corps.

(1) The term “military retirement and survivor benefit program” means—

(A) the provisions of this title and title 10, United States Code, creating entitlement to, or determining, the amount of retired pay;

(B) the programs under the jurisdiction of the Department of Defense providing annuities for members and veterans of the Armed Forces, including chapter 73 of title 10, section 4 of Public Law 92–425, and section 5 of Public Law 96–202, as made applicable to the commissioned officer corps by section 261.

(2) The amounts transferred into the Fund following, which shall constitute the assets of the Fund:

(1) Amounts paid into the Fund under subsection (e).

(2) Any return on investment of the assets of the Fund.

(3) Amounts transferred to the Fund pursuant to section 405(c) of the Family Budget Protection Act of 2000.

(4) Payments from the Fund.—There shall be paid from the Fund benefits payable on account of military retirement and survivor benefit programs to commissioned officers of the commissioned officer corps and their survivors.

(d) Determination of Contributions to the Fund.—(1A) Not later than June 30, 2004, the Secretary shall determine the unfunded liability of the Fund attributable to service performed as of September 30, 2004, which is ‘active service’ for the purpose of this title. The Secretary shall establish an actuarial schedule, including a series of annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2044.

(1A) The Secretary shall determine the unfunded liability of the Fund as of the close of the fiscal year, for each fiscal year beginning after September 30, 2004, through the fiscal year 2048, and shall establish a new amortization schedule, including a series of annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2044.

(1A) The Secretary shall determine the unfunded liability of the Fund as of the close of the fiscal year, for each fiscal year beginning after September 30, 2004, and shall establish a new authorization schedule, including a series of annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2044.

(1) The Secretary shall determine the unfunded liability of the Fund as of the close of the fiscal year, for each fiscal year beginning after September 30, 2004, and shall establish a new authorization schedule, including a series of annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2044.

(1) The Secretary shall determine the unfunded liability of the Fund as of the close of the fiscal year, for each fiscal year beginning after September 30, 2004, and shall establish a new amortization schedule, including a series of annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2044.

(ii) the amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary for the amortization of any cumulative actuarial gain or loss to the Fund resulting from changes in actuarial assumptions and from experience different from the assumptions and experience utilized by the Secretary for the amortization or any cumulative actuarial gain or loss to the Fund resulting from changes in actuarial assumptions and from experience different from the assumptions and experience utilized by the Secretary for the amortization.

(iii) the amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary for the amortization of any cumulative actuarial gain or loss to the Fund resulting from changes in actuarial assumptions and from experience different from the assumptions and experience utilized by the Secretary for the amortization.

The Secretary shall promptly certify the amount of the sum to the Secretary of the Treasury.

(3) Upon receiving the certification pursuant to paragraph (1), the Secretary of the Treasury shall promptly pay into the Fund from the General Fund of the Treasury the amount so certified. Such payment shall be the contribution to the Fund for that fiscal year.

(4) Transfer of Appropriations.—There shall be transferred on October 1, 2006, into the fund established under section 251 of the Public Health Service Act, as added by subsection (a), any obligated or unobligated balances of appropriations made to the Department of Commerce that are part of the assets of the Fund as is not, in the judgment of the Secretary, required to meet the current needs of such programs. Such transfer shall be made by the Secretary of the Treasury in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States with comparable maturities. The income of such investments shall be credited to and form a part of the Fund.

(5) Implementation Year Exceptions.—(1) To avoid funding shortfalls in the first year should formal actuarial determinations not be available in time for budget preparation, the amounts used in the first year in subsection (e)(1A) shall be set equal to the estimate in subsection (d)(2)(A) if final determinations are not available. The original unfunded liability calculated under section (d)(1) shall include an adjustment to correct for this difference between the formal actuarial determinations and the estimates in subsection (d)(2)(A).

(b) SEQUESTRATION RULE.—Section 256(f) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(f)) is amended by inserting “National Oceanic and Atmospheric Administration retirement (13–1450–0–1–306)” and “inserting “National Oceanic and Atmospheric Administration Commissioned Officer Corps Retirement Fund”.

(c) TRANSFER OF APPROPRIATIONS.—There shall be transferred on October 1, 2006, into the fund established under section 251(a) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (title II of Public Law 107–372, as added by subsection (a), any obligated and unobligated balances of appropriations made to the Department of Commerce that are available as of the date of enactment of this Act for benefits payable on account of retirement and survivor benefit programs to commissioned officers of the commissioned officer corps and their survivors, and amounts so transferred shall be part of the assets of the Fund, effective October 1, 2006.

(d) EFFECTIVE DATE.—Subsection (c) (relating to payments from the Fund) and (e) (relating to payments into the Fund) of section 256A of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Retirement Fund.
Corps Act of 2002 (title II of Public Law 107–372, as added by subsection (a)), shall take effect on October 1, 2006.

SEC. 406. COAST GUARD MILITARY RETIREMENT SYSTEM.

(a) ACCRUAL FUNDING FOR COAST GUARD RETIREMENT.—

(1) In general.—Chapter 11 of title 14, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER V—COAST GUARD MILITARY RETIREMENT FUND"

§441. Establishment and purpose of Fund; definition—

"(a) ESTABLISHMENT OF FUND; PURPOSE.—There is established on the books of the Treasury a fund to be known as the Coast Guard Military Retirement Fund (hereinafter in this subchapter referred to as the ‘Fund’), which shall be administered by the Secretary. The Fund shall be used for the accumulation of funds in order to finance on an actuarially sound basis liabilities of the Coast Guard under military retirement and survivor benefit programs.

(b) MILITARY RETIREMENT AND SURVIVOR BENEFIT PROGRAMS DEFINED.—In this subchapter, the term ‘military retirement and survivor benefit programs’ means—

(1) the provisions of this title and title 10 creating entitlement to, or determining the date of, or method of determining an annuity payable under chapter 11 of title 14, the term ‘Secretary’ and the term ‘Coast Guard’ as modified by section 5 of Public Law 96–444, and of this title, the term ‘Coast Guard’ as modified by section 4 of Public Law 92–454, and the term ‘Secretary’ as modified by section (a).

(c) SECRETARY DEFINED.—In this subchapter, the term ‘Secretary’ means the Secretary of Homeland Security when the Coast Guard is operating as a service in the Department of Homeland Security, or Department of Defense when the Coast Guard is operating as a service in the Navy.

§442. Assets of the Fund—

The assets shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

(a) Amounts paid into the Fund under section 1048(b)(1) of the Family Budget Protection Act of 2004.

(b) Amounts transferred into the Fund pursuant to section 1048(d) of the Family Budget Protection Act of 2004.

(c) Benefits payable under programs that provide annuities for survivors of members and former members of the armed forces, including: chapter 73 of title 10, section 4 of Public Law 92–425, and section 5 of Public Law 96–462; and

(d) The authority provided in section 1048(b)(1) of title 10.

§443. Payments from the Fund—

(a) General.—There shall be paid from the Fund the following:

(1) Amounts paid into the Fund under section 1048(b)(1) of this title.

(2) Any return on investment of the assets of the Fund.

(3) Amounts transferred into the Fund pursuant to section 1048(d) of the Family Budget Protection Act of 2004.

§444. Determination of contributions to the Fund—

(a) Initial Unfunded Liability.—(1) Not later than June 30, 2005, the Secretary shall determine the liability of the Fund attributable to service performed as of September 30, 2004, which is ‘active service’ for the purposes of section 212. The Secretary shall establish an amortization schedule, including a series of annual installments commencing on October 1, 2005, which provides for the liquidation of such liability by October 1, 2044.

(2) The Secretary shall redefine the unfunded liability as of the close of the fiscal year, for each beginning after September 30, 2004, through the fiscal year ending September 30, 2009, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability over five years.

(b) Annual Contributions for Current Services.—(1) The Secretary shall determine each fiscal year, in sufficient time for inclusion in the budget request for the following fiscal year, the total amount of Department of Homeland Security, or Department of Defense contributions to be made to the Fund during that fiscal year under section 445(a) of this title. That amount shall be the sum of the following:

(A) The product of—

(i) the current estimate of the value of the single level percentage of basic pay to be determined under subparagraph (c)(1)(A) at the time of the most recent actuarial valuation under subsection (c) and

(ii) the total amount of basic pay expected to be earned by members of the Coast Guard under active duty (other than active duty for training).

(B) The product of—

(i) the current estimate of the value of the single level percentage of basic pay and of compensation (paid pursuant to section 206 of title 37) to be determined under subparagraph (c)(1)(A) at the time of the most recent actuarial valuation under subsection (c) and

(ii) the total amount of basic pay and compensation (paid pursuant to section 206 of title 37) expected to be paid during that fiscal year to members of the Coast Guard Ready Reserve (other than members on full-time Reserve duty other than for training) who are not otherwise described in subparagraph (A)(ii).

(c) Availability of Assets of the Fund.—The assets of the Fund are hereby made available for payments under section 1048(b) of title 10.

(d) Annual Payment for Unfunded Liabilities.—(1) Not less often than every four years (or before the effective date of any statutory change affecting benefits payable on account of retirement, disability, or death to members of the Coast Guard or their survivors), the Secretary shall carry out an actuarial valuation of the Coast Guard military retirement and survivor benefit programs. Each actuarial valuation of such programs shall be signed by an enrolled actuary and shall include—

(A) a determination (using the aggregate entry-age normal cost method) of a single level percentage of basic pay for members of the Coast Guard on active duty (other than active duty for training); and

(B) a determination (using the aggregate entry-age normal cost method) of a single level percentage of basic pay and of compensation (paid pursuant to section 206 of title 37) for members of the Ready Reserve of the Coast Guard (other than members on full-time Reserve duty other than for training) who are not otherwise described in subparagraph (A).

(2) Such single level percentages shall be used for the purposes of subsection (b) and section 445(a) of this title.

(3) USE OF GENERALLY ACCEPTED ACTUARIAL PRINCIPLES AND METHODS.—All determinations under this section shall be in accordance with generally accepted actuarial principles and practices, and, where applicable, shall follow the generally applicable patterns and assumptions approved by the Actuaries of the Department of Defense Retirement Board of Actuaries.

(4) Records.—The Secretary shall provide for the keeping of such records as are necessary for determining the actuarial status of the Fund.

§445. Payments into the Fund—

(a) Monthly Accrual Charge for Current Services.—From amounts appropriated to the Treasury for the Coast Guard for compensation, the Secretary shall pay into the Fund at the end of each month the Department of Homeland Security, or Department of Defense contribution required for that month the amount that is the sum of the following:

(1) The product of—

(A) the single level percentage of basic pay determined using all the methods and assumptions approved for the most recent (as of the first day of the current fiscal year) actuarial valuation under subsection (c) of this title (except that any statutory change in the military retirement and survivor benefit systems that is effective after the date of the current fiscal year shall be used in such determination); and

(B) the total amount of basic pay accrued for that month by members of the Coast Guard on active duty (other than active duty for training).

(2) The product of—

(A) the level percentage of basic pay determined using all the methods and assumptions approved for the most recent (as of the first day of the current fiscal year) actuarial valuation under subsection (c) of this title (except that any statutory change in the military retirement and survivor benefit systems that is effective after the date of the current fiscal year shall be used in such determination); and

(B) the total amount of basic pay accrued for that month by members of the Coast Guard on active duty (other than active duty for training).

§446. Investment of assets of the Fund—

The Secretary may request the Secretary of the Treasury to invest such portion of the
Fund as is not, in the judgment of the Secretary, required to meet the current needs of the Fund. Such investments shall be made by the Secretary of the Treasury in public debt securities or other investments suitable to the needs of the Fund, as determined by the Secretary, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of the Fund.

(2) TECHNICAL AMENDMENTS.—Such chapter is further amended—

(A) by amending the heading after section 373 to read as follows:

"SUBCHAPTER I—OFFICERS":

(B) by amending the heading after section 336 to read as follows:

"SUBCHAPTER II—ENLISTED MEMBERS":

(C) by amending the heading after section 373 to read as follows:

"SUBCHAPTER III—GENERAL PROVISIONS":

and

(D) by amending the heading after section 425 to read as follows:

"SUBCHAPTER IV—SPECIAL PROVISIONS":

(3) CLERICAL AMENDMENTS.—The table of sections at the beginning of this chapter is amended—

(A) by striking "officers" at the beginning of the table and inserting "SUBCHAPTER I—OFFICERS":

(B) by striking "enlisted members" after the item relating to section 336 and inserting "SUBCHAPTER II—ENLISTED MEMBERS":

(C) by striking "special provisions" after the item relating to section 373 and inserting "SUBCHAPTER III—GENERAL PROVISIONS":

(D) by striking "special provisions" after the item relating to section 425 and inserting "SUBCHAPTER IV—SPECIAL PROVISIONS":

and

(E) by adding at the end the following:

"SUBCHAPTER V—COAST GUARD MILITARY RETIREMENT FUND":

"441. Establishment and purpose of Fund; definitions.

"442. Assets of the Fund.

"443. Borrowing powers of the Fund.

"444. Determination of contributions to the Fund.

"445. Payment into the Fund.

"446. Investment of assets of the Fund.

"(b) IMPLEMENTATION YEAR EXCEPTIONS.—To avoid funding shortfalls in the first year of implementation of subsection V of chapter 11 of title 14, United States Code, as added by subsection (a), if formal actuarial determinations are not available in time for budget preparation, the amounts used in the first year under sections 446(a)(1)(A) and 445(a)(2)(A) of such title shall be set equal to the estimates in sections 444(b)(1)(A) and 444(b)(1)(C), respectively, of each of the first 5 years of such title if final determinations are not available. The original unfunded liability, as defined in section 444(a) of such title, shall include an adjustment to correct for this difference between the formal actuarial determinations and the estimates in sections 444(b)(1)(A) and 444(b)(1)(C), respectively, of such title."

"(c) CONFORMING AMENDMENT.—Section 256(f) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(f)) is amended by striking "Retired Payment Office, Coast Guard (69–241–0–1–403)" and inserting "Coast Guard Military Retirement Fund (69–241–0–1–403)."

"(d) TRANSFER OF EXISTING BALANCES.—

(1) Transfer.—There shall be transferred into the Fund on October 1, 2005, any obligation and unobligated balances of appropriations made to the Department of Homeland Security that are currently available for retired pay, and amounts so transferred shall be part of the Fund.

(2) FUND DEFINED.—For purposes of paragraph (1), the term "Fund" means the Coast Guard Military Retirement Fund established under section 443(a) of title 14, United States Code, as added by subsection (a).

(e) EFFECTIVE DATE.—Sections 443 (relating to payments from the Fund) and 445 (relating to payment of amounts into the Fund), as added by subsection (a), shall take effect on October 1, 2005.

Subtitle B—Accrual Funding of Post-Retirement Health Benefits Costs for Federal Employees

SEC. 411. FEDERAL EMPLOYEES HEALTH BENEFITS FUND.

(a) Section 8906 of title 5, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (c)(1) and by adding at the end the following new paragraph:

"(2) In addition to Government contributions required by subsection (b) and paragraph (1), each employing agency shall contribute to the Fund by the Secretary of the Treasury to be necessary to prefund the accruing actuarial cost of post-retirement health benefits for each of the agency's current employees who are retired, suspended, or who would be entitled to Government contributions under this section. Amounts under this paragraph shall be paid by the employing agency separate from other contributions under this section. 

(f) EFFECTIVE DATE.—Sections 443 (relating to payments from the Fund) and 445 (relating to payment of amounts into the Fund), as added by subsection (a), shall take effect on October 1, 2005.

Subtitle B—Accrual Funding of Post-Retirement Health Benefits Costs for Federal Employees

SEC. 411. FEDERAL EMPLOYEES HEALTH BENEFITS FUND.

(a) Section 8906 of title 5, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (c)(1) and by adding at the end the following new paragraph:

"(2) In addition to Government contributions required by subsection (b) and paragraph (1), each employing agency shall contribute to the Fund by the Secretary of the Treasury to be necessary to prefund the accruing actuarial cost of post-retirement health benefits for each of the agency's current employees who are retired, suspended, or who would be entitled to Government contributions under this section. Amounts under this paragraph shall be paid by the employing agency separate from other contributions under this section. 

(f) EFFECTIVE DATE.—Sections 443 (relating to payments from the Fund) and 445 (relating to payment of amounts into the Fund), as added by subsection (a), shall take effect on October 1, 2005.

Subsection (b), the amounts deposited into the Fund pursuant to this subsection and section 8906(c)(2) to prefund post-retirement health benefits costs shall be segregated within the Fund so that such amounts, as well as earnings and proceeds under subsection (c) attributable to them, may be used exclusively for the purpose of paying Government contributions for post-retirement health benefits costs. When such amounts are used in combination with amounts withheld from annuitants to pay for health benefits, a portion of the contributions shall then be set aside in the Fund as described in subsection (b)."

"(4) Under this subsection, 'supplemental liability' means—

"(A) the actuarial present value for future post-retirement health benefits that are the liability of the Fund, less—

"(B) the sum of—

"(i) the actuarial present value of all future contributions by agencies and annuitants toward those benefits pursuant to section 8906;

"(ii) the present value of all scheduled amortization payments to the Fund pursuant to paragraphs (1) and (2);

"(iii) the Fund balance as of the date the supplemental liability is determined, to the extent that such balance is attributable to post-retirement benefits; and

"(iv) any other appropriate amount, as determined by the Office in accordance with generally accepted actuarial practices and principles."

SEC. 412. FUNDING UNIFORMED SERVICES HEALTH BENEFITS FOR ALL RETIRERS.

Title 10, United States Code, is amended—

(1) in the title of chapter 56, by striking "DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE" and inserting "UNIFORMED SERVICES";

(2) in section 1111:

(A) in subsection (a), by striking "Department of Defense Medicare-Eligible" and inserting "Uniformed Services";

(i) by striking "Department of Defense under this Act and (ii) by striking "for medicare-eligible beneficiaries";

(B) in subsection (c), by striking "The Secretary of Defense may and inserting "The Secretary of Defense shall";

(ii) by striking "with any other" and inserting "with each";

(iii) by striking "Any such agreement" and inserting "Such agreements"; and

(iv) by striking "administering Secretary shall, and inserting "administrative Secretary shall";

(3) in section 1113:

(A) in subsection (a), by striking "and are medicare eligible";

(ii) by striking "who are medicare eligible";

and
(11) by adding at the end the following new sentence: “For the fiscal year starting October 1, 2004, only, the payments will be solely for the costs of members or former members of a uniformed service who are entitled to receive benefits under the military retirement system and are medicare-eligible; and shall be recalculated thereafter to reflect the cost of benefits for Medicare-eligible beneficiaries, who are medicare-eligible, and shall be recalculated thereafter to reflect the cost of benefits for Medicare-eligible beneficiaries.”

(2) In subsection (d), by striking “who are medicare-eligible”; and

(3) in subsection (d), by striking “who are medicare-eligible”; and

(4) in subsection (d), by striking “(f) For the fiscal year starting October 1, 2004, only, the payments will be solely for the costs of members or former members of a uniformed service who are entitled to receive benefits under the military retirement system and are medicare-eligible; and shall be recalculated thereafter to reflect the cost of benefits for Medicare-eligible beneficiaries, who are medicare-eligible, and shall be recalculated thereafter to reflect the cost of benefits for Medicare-eligible beneficiaries.”

It is the purpose of this subtitle to properly define the public debt to exclude intragovernment obligations.

SEC. 423. LIMIT ON THE PUBLIC DEBT.

Section 3101 of title 31, United States Code, is amended to read as follows:

"§ 3101. Public debt limit

(a) In this section, the current redemp-
tion value of an obligation issued on a dis-
count basis is the redemption value at the option of the holder is deemed to be the face amount of the obligation.

(b) The face amount of obligations issued under this section is the face amount of obligations whose principal and interest are guaranteed by the United States Government except guaranteed obligations held by the Secretary of the Treasury and intragovernmental holdings may not be more than $1,385,000,000,000 outstanding at one time, subject to changes periodically made in that limit by law.

(c) For purposes of this section, the face amount, for any obligation issued on a discount basis, that is not deemed to be redeemable before maturity at the option of the holder is the obligation is an amount equal to the sum of—

(i) the original issue price of the obligation, plus

(ii) the portion of the discount on the obligation attributable to periods before the beginning of such month (as defined under the principles of section 1727(a) of the Internal Revenue Code of 1986 without regard to any exceptions contained in paragraph (2) of such section).

(d) For purposes of this section, the term ‘intragovernmental holding’ is any obligation issued by the Secretary of the Treasury to any Federal trust fund or Government account, whether in respect of public money, money otherwise required to be deposited in the Treasury, or amounts appropriated.

Subtitle D—Risk-assumed Budgeting

SEC. 431. FEDERAL INSURANCE PROGRAMS.

(a) In GENERAL.—The Congressional Budget Act of 1974 is amended by adding after title V the following new title:

"TITLE VI—BUDGETARY TREATMENT OF FEDERAL INSURANCE PROGRAMS

"SEC. 602. BUDGETARY TREATMENT.

(a) PRESIDENT’S BUDGET.—Beginning with fiscal year 2011, the budget of the Government pursuant to section 1105(a) of title 31, United States Code, shall be based on the risk-assumed cost of Federal insurance programs.

(b) BUDGET ACCOUNTING.—For any Federal insurance program—

(1) the program account shall—

(A) pay the risk-assumed cost borne by the taxpayers or the program account, and

(B) pay actual insurance program administrative costs;

(2) the financing account shall—

(A) receive premiums and other income, (B) pay all claims for insurance and receive all recoveries, (C) transfer to the program account on not less than an annual basis amounts necessary to pay insurance program administrative costs;

(3) a negative risk-assumed cost shall be transferred from the program account to the financing account, and shall be transferred from the program account to the general fund; and

(4) all payments by or receipts of the financing accounts shall be treated in the budget as a means of financing.

(c) APPROPRIATIONS REQUIRED.—(1) Notwithstanding any other provision of law, insurance commitments may be made for fiscal year 2011 and thereafter only to the extent that new budget authority to cover their risk-assumed cost is provided in advance in an appropriation Act.

(2) No outstanding insurance commitment shall not be modified in a manner that increases their risk-assumed cost unless budget authority for the additional cost has been provided in advance.

(3) Paragraph (1) shall not apply to Federal insurance programs that constitute entitlements.

(4) REESTIMATES.—The risk-assumed cost for a fiscal year shall be reestimated in each succeeding year. Such reestimate can equal zero. In the case of a negative reestimate, the amount of the reestimate shall be paid from the program account to the program account, and shall be transferred from the program account to the general fund. Reestimates shall be displayed as a distinct and separately identified subaccount in the program account.

(5) ADMINISTRATIVE EXPENSES.—All funding for an agency’s administration of a Federal insurance program shall be displayed as a distinct and separately identified subaccount in the program account.

(6) TIMELABLE FOR IMPLEMENTATION OF ACCRUAL BUDGETING FOR FEDERAL INSURANCE PROGRAMS.

(a) AGENCY REQUIREMENTS.—Agencies with responsibility for Federal insurance programs shall develop models to estimate their risk-assumed cost in each year with the budget horizon and shall submit those models, all relevant data, a justification for critical assumptions, and the risk-assumed costs to OMB with their budget requests each year starting with the request for fiscal year 2007. Agencies will provide OMB with annual estimates of modifications, if any, and reestimates of program costs.

(b) DISCLOSURE.—When the President submits a budget of the Government pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2007, OMB shall publish in the Federal Register advising interested persons of the availability of information describing the models, data (including sources), and critical assumptions (including explicit or implicit discount rate assumptions) that it or other executive branch entities would use to estimate the risk-assumed cost of Federal insurance programs. Agencies shall provide interested parties the opportunity to submit comments. At the same time, the chairman of the Committee on the Budget shall publish a notice for CBO in the Federal Register advising interested persons of the availability of information describing the models, data (including sources), and critical assumptions (including explicit or implicit discount rate assumptions) that it or other executive branch entities would use to estimate the risk-assumed cost of Federal insurance programs and giving such interested persons an opportunity to submit comments.

(c) REVISED.—(1) After consideration of comments pursuant to subsection (b), and in consultation with the Committees on the Budget of the House of Representatives and the Senate, OMB and CBO shall review the models, data, and assumptions and subsequently they would use to estimate the risk-assumed cost of Federal insurance programs.

(2) The President submits a budget of the Government pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2008, OMB shall publish a notice in the Federal Register advising interested persons of the availability of information describing the models, data (including
sources, and critical assumptions (including explicit or implicit discount rate assumptions) that it or other executive branch entities used to estimate the risk-assumed cost of Federal insurance programs.

"(d) DISPLAY.—

"(1) In general.—For fiscal years 2008, 2009, and 2010 the budget submissions of the President pursuant to section 1105 of title 31, United States Code, and CBO’s reports on the economic and budget outlook pursuant to section 202(e)(1) of the President’s budget, shall include:

(A) a presentation for each Federal insurance program in budget-account level detail of estimates of risk-assumed cost; and
(B) a summary table of the risk-assumed costs of Federal insurance programs; and
(C) an alternate summary table of budget functions and aggregates using risk-assumed rather than cash-based cost estimates for Federal insurance programs.

(3) CBO.—In the second session of the 109th Congress and the 110th Congress, CBO shall in its estimates under section 308, for display purposes only, estimate the risk-assumed cost of existing Federal insurance programs, that CBO in consultation with the Committees on the Budget of the House of Representatives and the Senate, determines would create a new Federal insurance program.

"(e) OMB, CBO, and GAO EVALUATIONS.—

(1) Not later than 6 months after the budget submission of the President pursuant to section 1105 of title 31, United States Code, for fiscal year 2010, OMB, CBO, and GAO shall each submit to the Committees on the Budget of the House of Representatives and the Senate evaluations of the availability and reliability of appropriate implementation of this title.

(2) Each report made pursuant to paragraph (1) shall address the following:

(A) The adequacy of risk-assumed estimation models used and alternative modeling methods;
(B) The availability and reliability of data or information necessary to carry out this title;
(C) The appropriateness of the explicit or implicit discount rate used in the various risk-assumed estimation models;
(D) The advisability of specifying a statutory discount rate (such as the Treasury rate) for use in risk-assumed estimation models;
(E) The ability of OMB, CBO, or GAO, as applicable, to secure any data or information directly from any Federal agency necessary to enable it to carry out this title;

(4) What Federal budgeting is improved by the inclusion of risk-assumed cost estimates for Federal insurance programs.

(5) The advisability of including each of the present value estimates on a risk-assumed cost basis in the Federal budget on that basis.

SEC. 604. DEFINITIONS.

"For purposes of this title:

(1) The term ‘Federal insurance program’ means a program that makes insurance commitments and includes the list of such programs included in the joint explanatory statement accompanying the conference report on the Comprehensive Budget Process Reform Act of 1999.

(2) The term ‘insurance commitment’ means an agreement in advance by a Federal agency to indemnify a nonfederal entity against specified losses. This term does not include commitments that are included in the title loan or benefit programs such as social security, medicare, and similar existing social insurance programs.

(3)(A) The term ‘risk-assumed cost’ means the net present value of the estimated cash flows to and from the Government resulting from an insurance commitment or modification thereof.

(B) The cash flows associated with an insurance commitment include—

(i) expected premiums inherent in the Government’s commitment; and
(ii) net premiums (expected premium collections received from or on behalf of the insured less expected administrative expenses); and
(iii) expected recoveries; and
(iv) expected changes in claims, premiums, or recoveries resulting from the exercise by the insured of any option included in the insurance commitment.

(C) The cost of a modification is the difference between the current estimate of the net present value of the estimated cash flows under the terms of the insurance commitment, and the current estimate of the net present value of the remaining cash flows under the terms of the insurance commitment as modified.

(D) The cost of a reestimate is the difference between the net present value of the amount currently required by the financing account to pay estimated claims and other expenditures and the amount currently available in the financing account. The cost of a reestimate shall be accounted for in the current year in the budget of the Government pursuant to section 1105 of title 31, United States Code.

(E) For purposes of this definition, expected administrative expenses shall be construed as the amount estimated to be necessary for the proper administration of the insurance program. This amount may differ from amounts actually appropriated or otherwise made available for the administration of the program.

(F) The term ‘program account’ means the budget account for the risk-assumed cost, and for paying all costs of administering the insurance commitment from funds associated with which the risk-assumed cost is disbursed to the financing account.

(G) A ‘nongovernmental financing account’ means the nongovernmental account that is associated with each program account which receives payments from or makes payments to the program account, all premiums and other payments from the public, pays insurance claims, and holds balances.

(H) The term ‘modification’ means any Government action that changes the risk-assumed cost of an existing insurance commitment from the current estimate of cash flows. This includes any action resulting from the exercise of administrative discretion under existing law, that directly or indirectly alters the estimated cost of existing insurance commitments.

(I) The term ‘model’ means any actuarial, financial, econometric, probabilistic, or other methodology used to estimate the expected initial and future cycle of loss-producing events, expected premiums or collections from or on behalf of the insured, expected recoveries, and administrative expenses.

(2) The term ‘current’ has the same meaning as in section 256(c)(9) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(3) The term ‘OMB’ means the Director of the Office of Management and Budget.

(4) The term ‘CBO’ means the Director of the Congressional Budget Office.

(5) The term ‘GAO’ means the Comptroller General of the United States.

SEC. 605. AUTHORIZATIONS TO ENTER INTO CONTRACTS; ACTUARIAL COST ACCOUNT.

(1) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated $600,000 for each of fiscal years 2005 through 2010 to the Director of the Office of Management and Budget and the Treasury agency responsible for administering a Federal program to carry out this title.

(2) TREASURY TRANSACTIONS WITH THE FINANCING ACCOUNTS.—The Secretary of the Treasury shall borrow from, receive from, lend to, or pay the insurance financing accounts such amounts as may be appropriate. The Secretary of the Treasury may prescribe forms and denominations, maturities, and terms and conditions for the transactions described above. The authorities described above shall not be construed to supersedes or override the authority of the head of a Federal agency to administer and operate an insurance program. All the transactions provided for in this section shall be subject to the provisions of subchapter II of chapter 15 of title 31, United States Code. Cash balances of the financing accounts in excess of current requirements shall be maintained in a form of uninvested funds, and the Secretary of the Treasury shall pay interest on these funds.

(3) APPROPRIATION OF AMOUNT NECESSARY TO COVER RISK-ASSUMED COST OF INSURANCE COMMITMENTS AT TRANSITION DATE.—(1) A financing account is established on September 30, 2010, for each Federal insurance program.

(2) There is appropriated to each financing account the amount of the risk-assumed cost of Federal insurance commitments outstanding for that program as of the close of September 30, 2010.

(3) These financing accounts shall be used in implementing the budget accounting required by this title.

SEC. 606. EFFECTIVE DATE.

(1) IN GENERAL.—This title shall take effect immediately and shall expire on September 30, 2012.

(2) SPECIAL RULE.—If this title is not reauthorized by September 30, 2012, then the accounting structure and statutory treatment of Federal insurance programs shall revert to the accounting structure and statutory treatment as in effect on the date of enactment of this title.

(3) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 507 the following new items:

TITLE VI—BUDGETARY TREATMENT OF FEDERAL INSURANCE PROGRAMS

Sec. 601. Short title.


Sec. 603. Table of implementation of accrual budgeting for Federal insurance programs.

Sec. 604. Definitions.

Sec. 605. Authorizations to enter into contracts; actuarial cost account.

Sec. 606. Effective date.

SEC. 607. TITLE V—MAINTENANCE OF ACCURACY IN BUDGETARY BUDGET

Subtitle A—Further Enforcement Amendments

SEC. 501. SUPER-Majority POINTS OF ORDER IN THE HOUSE OF REPRESENTATIVES AND THE SENATE.

(a) Section 904 of the Congressional Budget Act of 1974 is amended as follows:

(1) by inserting before subsection ‘‘(g)’’ the following: ‘‘(f) A series of related amendments shall consist of no more than twenty-five amendments submitted by any one Member on the same issue in each chamber during the 100 days prior to the first day of a session;’’;

(2) in subsection ‘‘(j)’’ after ‘‘135,’’ insert ‘‘251(2),’’ and insert ‘‘135, 251(2),’’ before ‘‘135, 251(2),’’
(2) In subsection (c) strike “three-fifths” each place it appears and insert “two-thirds”.

(3)(A) In subsection (d)(2), insert “312(g),”.

(b), (i), and (j),” before “313,” and insert “316, 318, before “904(c),”.

(B) In subsection (d), strike “three-fifths” each place it appears and insert “two-thirds”.

(4)(A) In subsections (c)(2) and (d)(3), strike “311(a),”.

(B) In subsections (c)(1) and (d)(2) insert “311a, after “309, “.

(5) In subsections (c)(1), (c)(2), (d)(2), and (d)(3) by inserting “or the House of Representatives” after “Senate” each place it appears.

In subsection (e), strike “2002” and insert “2010”.

SEC. 502. BUDGET RESOLUTION ENFORCEMENT POINT OF ORDEAL.

(a) Entitlement Point of Order.—Section 312 of the Congressional Budget Act of 1974 (as amended by section 231(d)) is further amended by adding at the end the following new subsection:

“(g) BUDGET RESOLUTION ENFORCEMENT POINT OF ORDEAL.—It shall not be in order in the House of Representatives or the Senate to consider any joint resolution on the budget for a fiscal year, or amendment thereto or conference report thereon, that appropriates funds for any program, project, or activity that is not within the subject-matter jurisdiction of any subcommittee of the Committee on Appropriations of the House of Representatives or Senate, as applicable, with jurisdiction over any regular appropriation bill contained in such measure.

(2) DEFINITIONS.—As used in this section:

“(i) The term ‘regular appropriation bill’ means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of projects and activities:

“(A) Agriculture, rural development, Food and Drug Administration, and related agencies programs.

“(B) The Departments of Commerce, Justice, and State, the Judiciary, and related agencies.

“(C) The Department of Defense.

“(D) The government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the District.

“(E) Energy and water development.

“(F) Foreign operations, export financing, and related programs.


“(H) The Department of the Interior and related agencies.

“(J) The Legislative Branch.

“(K) Military construction, family housing, and base realignment and closure for the Department of Defense.

“(L) The Departments of Transportation and Housing, and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.

“(m) The Departments of Veterans Affairs and Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.

“(n) Conforming Amendment.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the item relating to section 318 the following new item:

“Sec. 319. Treatment of extraneous appropriations in omnibus appropriation measures.

“Sec. 313. General Rule.

“Sec. 319. Treatment of extraneous appropriations in omnibus appropriation measures.

“Sec. 319. Treatment of extraneous appropriations in omnibus appropriation measures.

The CHAIRMAN pro tempore. Pursuant to House Resolution 692, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Texas (Mr. HENSARLING). Mr. HENSARLING. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, how much government is enough? Can we ever have enough? It seems many Members in this Chamber would say no. They seem to believe there should be no limit to the size, to the power, to the expense of the Federal Government.

Mr. Chairman, the Founding Fathers disagreed. They believed in limited government. They warned us of the pitfalls of allowing government to grow out of control. James Madison wrote in the Federalist Papers: “There will be little avail to the people that laws are made by men of their own choice if the laws be so voluminous that they cannot be read or so incoherent that they cannot be understood.

Thomas Jefferson wrote that the natural progress of things is for liberty to yield and for government to gain ground.

Well, Mr. Chairman, just how much ground has government gained? Since I came to the Floor in 1995, the Federal Government has grown seven times faster than the family budget, as you can see from the attached chart. For only the fourth time in the history of our Nation, the Federal Government is now spending over $250,000 per household. This figure is up by $16,000 per household just 5 years ago. This represents the largest expansion of the Federal Government in 50 years.

Last year what we call mandatory spending reached 11 percent of our economy for the first time ever. Nondefense discretionary spending is now almost 4 percent of the economy for the first time in 20 years.

In fact, almost every major department of the government has grown precipitously way beyond the rate of inflation. By any reasonable measure, spending is out of control. And when we get more government, we get less freedom, fewer opportunities, fewer opportunities for Americans to choose the best health care for their families, to choose the best educational opportunities for their children, or to find the best job in a competitive market economy. You cannot have unlimited government and unlimited liberty.

What else do we get for all this government spending? Unfortunately, we get a lot of waste, fraud, abuse, and duplication.

Until recently, Medicare had routinely paid as much as five times for a wheelchair as the VA had, simply because one would bid competitively and the other did not. In the last year of the Clinton administration, HUD wasted over 10 percent of their budget, $3 billion just losing improper payments to people who did not qualify. We have spent almost $800,000 on an outhouse in one national park, and it did not even work. We have over 342...
Mr. SPRATT. Mr. Chairman, I yield myself 2 minutes.

For those who have voted against the previous amendments dealing with automatic extension of continuing resolutions, dealing with expedited rescission, for various other reasons they should understand that the budget incorporates all of those other provisions which they found onerous and objectionable in the past and would instate them in a bigger bill.

The chief feature of this bill which is objectionable is the effort it makes to put a cap on entitlement spending. According to the Center on Budget and Policy Priorities, if enacted, this particular provision would trigger the most severe budget cuts in modern history. The cap will be set at 2005 spending levels, requiring entitlement cuts of $1.8 trillion over the next 10 years.

There are a couple of things to be aware of. When they say they are capping entitlements, they are not only entitlements like Medicare, Medicaid; they are also capping interest on the national debt. So one can have a result that certain Members would seek to have a large tax cut and succeed, which would increase the deficit and, therefore, increase the national debt and result in higher interest payments. And those interest payments would then have to be accommodated within the cap that will be imposed on entitlement spending.

Take also the level at which the cap is set and how it treats the Medicare program. The cost of the new Medicare drug benefit enacted last year to real spending occurs until the year 2006. The cap will be set at this spending levels. So there will be a substantial amount of additional spending for Medicare which will have to be recouped from cuts in entitlements like Medicaid.

This bill is full of anomalies that could have disastrous effect upon the programs in this country upon which people depend. I will come back and explain further why this bill should be defeated soundly.

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

Mr. HENSARLING. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I would like to address a few of the things that the gentleman from South Carolina said. As far as the estimate that the $1.8 trillion cut, that is not accurate for this bill. Number one, this bill addresses those issues that were raised in that estimate. Number two, entitlement spending will go up. It will go up by the number of beneficiaries coming to these programs, it will go up by the medical inflation in Medicare’s instance. And we do take care of putting into the baseline the new prescription drug benefit.

I would like to just quickly go through the summary of what this legislation actually accomplishes in a very, very quick order. Number one, what this budget does is it raises the budget to the point of law by making a budget resolution. It does not have these stalemates at the end of Congress every year like we do.

It also has a one-page budget so it is easier for the Congress, the House, the Senate, and the President to agree on a budget at the beginning of the session. It also abolishes the practice of designating everything as emergencies. One of the problems we have is we can designate just about anything an emergency. The census was designated an emergency. We knew that one was coming.

So what we are trying to do is tighten up that definition so true emergencies are designated emergencies. We will pass a budget we do our budgeting in the first year of our cycle, and then in the second year we conduct oversight. We think that Congress does not do nearly enough government oversight into how our taxpayers’ dollars are being spent.

We also have government shut-down protection so that, for some reason we have this brinkmanship which has been common around here, we do not hold hostage government workers and the American people in the government. We keep things going with an automatic continuing resolution.

We also have very important spending caps which we have been talking about on discretionary and entitlement spending. It will take two-thirds of a vote in Congress to break those spending caps. This is the real heart of this bill so that we do not violate our spending caps. Because all too often, we set these spending caps, lo and behold, a couple months go by, we break the spending caps.

In this bill, it takes two-thirds of the vote in the House and Senate to break those spending caps and protect ourselves from the point of order so we here in this body, unlike those in the other body who can have this power, we can raise points of order if they try to waive points of the Budget Act so that House Members can also play a role in enforcing the budget act. We also make sure we amend the Byrd Rule so we do not have temporary tax cuts. That was an arcane rule that occurred that is now giving us the largest tax increase we will ever see if we fail to make these tax cuts permanent.

We also try and clean up this omnibus appropriation problem so we do not bundle all these big bills that we have at the end of the fiscal year. For instance, last year 7 appropriations bills bundled into one bill. Each of us on the floor had one vote up or down on half of the discretionary spending in the Federal Government.

We also have very important spending control provisions. We talked about some of these. Discretionary caps, having the ability to save money when you
bring amendments to the floor to stop wasteful spending. Having the ability to make sure that we can give the President the power to take bad, wasteful spending out of the budget.

We also have an amendment that did pass already which is a commission to look at Federal programs with respect to our earned entitlements, but also have a sunset in law of our programs on a rotating basis so that Congress actually does its oversight to see if the programs we have in our Federal government are really meeting the spirit of the original intent of the law or whether they are really serving our constituents and serving our taxpayers so that we can make sure that no wasteful spending continues in this government.

The problem we have basically is that our budget process is not a clean process. It is not a functional process. It is not honest. It is not transparent, and we want to make it so.

We want to pass a budget and stick to a budget. We want to make sure that the American people really see how we are spending their money. We want to make sure that those of us who want to see wasteful spending go away have the tools in which we can do that.

That is what we are trying to accomplish with this bill.

What we are trying to do is to treat our constituents’ money like it ought to be treated. It is their money. That is what we are trying to do. It is a very big bill and project. We have 102 cosponsors. I urge passage of this substitute amendment.

Mr. SPRATT. Mr. Chairman, I yield ½ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I do not know what is happening to the $4.5 trillion deficit. We work a couple of days a week. We cannot even get a budget resolution passed. It is overdue by months, and then we get these amendments that are really designed to eliminate the appropriations process, as though we have no capacity to apply judgment to the decisions that we have to make.

Would it not be nice if the world was as simple as this? Let us just impose entitlement caps. Let us give it all over to the President, for example. We cite waste and abuse as though that is the problem. The Republican party controls the White House. They control the Senate. They control the House. Eliminate waste, fraud and abuse if that is the problem.

The real problem is that we are not willing to make the tough decisions that have to be made, and now they are suggesting an entitlement cap.

We have done an analysis of this entitlement cap. Over the next decade it would take $674 billion out of Medicare, $322 billion out of Medicaid, $100 billion out of Federal civilian retirement, $60 billion out of unemployment comp, $56 billion out of military retirement. I could go on and on. $45 billion out of veterans benefits, $11 billion out of TRICARE For Life, and on and on.

This is not the way to run a government. These are important programs. Make the tough decisions. To put in an amendment like this is supposedly to do entitlement programs. We are going to all of the sudden solve the budget crisis, we have a budget crisis because we are not willing to balance our responsibilities to limit tax cuts and to limit spending at the same time. We are not going to do that, but now we are in a budget crisis. We are going to have $4.5 trillion of debt, and the answer is not to make it worse by putting in an entitlement cap.

This is one of the worst amendments that we have had presented all night in a long string of simplistic, irresponsible amendments that consume our time. We will have another opportunity to take another shot at this.

Mr. HENSARLING. Mr. Chairman, I yield myself.

I am not sure which bill the gentleman was reading. He appears not to have read this one. Every single government program grows some by a factor of inflation. No government program can cut the rate of growth. However, the gentleman and other gentlemen and ladies on that side of the aisle in the last budget resolution voted for an extra trillion dollars in spending.

Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. CHOCOLA), a coauthor.

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

Mr. Chairman, I came to Congress from the business world, and my first impression when I got here is that Congress, as a whole, is a lot like 535 general managers with no CEO. With all due respect to the Speaker and our leadership, a business leader who can set spending priorities in the face of limited resources. We do not have a leadership problem here. We have a process problem.

When we take the facts, combined together that our budget process does not contain any of the realities that every family and every business in America faces; combined with the fact that our process is not enforceable; combined with the fact that our process only measures success by how much money we spend, never by how well we spend it; combined with the fact that people in this Chamber will come down here with a straight face and say that smaller increases are actually cuts; if we combine those facts with human nature, what we have is a lack of fiscal discipline and runaway spending.

I used to be a chairman of a publicly traded company, and if I accounted for and budgeted for my business the way government accounts and budgets for Washington is that what has to be done. I would, at best, be bankrupt and fired. I would more than likely be in jail. I find it very ironic when Members of Congress lecture business executives about truth in accounting and the importance of integrity in financial disclosure.

Mr. Chairman, what we need is a budget process that provides a framework of discipline. It simply fixes the process. It strengthens our enforcement tools. It requirestruth in accounting, increases accountability and combats waste, fraud and abuse, and this is exactly what this amendment does. I encourage all of my colleagues to support it.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, we have a lot of energetic young legislators earnestly talking about budgets. I have got some advice for them. We do not have a budget this year. Their party, Republican party, controls the White House. They are part of the House majority. Their party controls the Senate. All these high-falutin’ ideas you bundled in this bill are not going to go anywhere. You ought to put your energies where it might matter, getting a budget this year, getting a budget this year. The majority cannot produce a budget this year, and yet they run us out on a day-long adventure full of ill-founded ideas.

The gentleman from Texas speaks movingly about a budget, but in reality what he is proposing is very close scruffy. I do not think I have seen a more irresponsible budget plan proposed in this House. He would propose excruciating cuts on essential programs while allowing any tax cut that might ever be passed irrespective of consequences to the deficit to go without check.

What are the spending cuts proposed? The Center For Budget Priorities analyzes that over 10 years, $874 billion in Medicare reduction. At time when we are in the military conflict, they come after veterans with a vengeance: military retirement, $56 billion in cuts; veterans benefits, $45 billion in cuts; TRICARE For Life, $11 billion for cuts. These are calculated proportional reductions that you have to make across mandatory spending programs that I know do not stop there. Nutrition programs for the little children of this country, reduced $19 billion in the gentleman’s proposal. Cutting food for children.

Beyond that, student loans. At a time when our college tuitions are soaring, as our families know all across the country, proportional reductions would be $9 billion in student loan funding.

I believe this is a mean-spirited, ill-advised amendment. I urge my colleagues to vote “no.”

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

Let me just take a minute to respond briefly to one of the comments from the gentleman, and we can have an honest disagreement about substitute amendments and all sorts of things on
the floor today, but we do have a conference report on the budget. That conference report on the budget was passed by the House of Representatives. That conference report on the budget was deemed to be the budget for the fiscal year 2005. The chairman of the Committee on Appropriations is operating under that budget that was passed by the House of Representatives. We have a budget.

What we are not sure we have is the other body. They have not acted. They have not even brought it to a vote. I do not know what they are doing. I can understand the gentleman’s frustration. I share that frustration. We hear that a certain party may be in the majority over there, but from time to time that does not always manifest itself.

But we have a budget. We will operate under that budget. It is a budget that ensures we will operate under our economy and keep it growing so that we can protect our country; and that we can make sure that our important priorities are funded. We have a budget. Those who continue to say we do not have a budget, it is simply not correct.

The fact that the other body has not yet voted on a budget is for them to answer, not for us to answer here tonight, and be that as it may, let me just make one other point.

They are not arguing over the spending levels. The arguments are over technical amendments that the other body put on to control their own process because they were having a difficult time managing it, not anything that binds the House. We are not bound by that particular challenge that the other body is wrestling with.

We have a budget. It has been deemed the budget that we will operate under that budget, and so I just wanted to correct the record and remind all of us that we will continue to operate under the rules of that budget.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. WALDEN of Oregon). Members are reminded to refrain from improper references to the Senate.

Mr. NUSSLE. Mr. Chairman, I need a refresher. I keep referring to it as the Senate. What am I saying wrong? I want to know. When they do not pass the budget, I guess I have been trying to be as polite as possible.

The gentleman is reminded not to refer to Senate action or inaction, whether he calls it the Senate or the other body.

Who yields time?

Mr. SPRATT. Mr. Chairman, I yield 15 seconds to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I have no malice at my friends on the other side, but this is no laughing matter. They do not have a budget under the Budget Act without the House and the Senate passing versions, coming to agreement in conference committee and passing the final budget.

Mr. HENSARLING. Mr. Chairman, can I inquire as to the time I have remaining?

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. HENSARLING) has 4 minutes remaining.

Mr. HENSARLING. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. COX), a coauthor of the amendment.

Mr. COX. Mr. Chairman, the House voted today to recognize and commemorate the 40th anniversary of the Civil Rights Act of 1964, a law that was approved with broad bipartisan support and that has proven its worth in enforcing the principles of freedom and individual rights that undergird our Nation.

We commemorate a much sadder anniversary today, the 30th anniversary of the Budget Act of 1974. Unlike the Civil Rights Act, which was a bipartisan agreement, the 1974 Budget Act was approved over the strong objections of Republicans. The results of that act have been precisely what Republicans predicted.

The House Policy Committee, which I chair, criticized the current budget process even before it took effect in 1973 and predicted precisely the runaway spending it would enable.

In 1973, policy chairman John Rhodes issued a statement of the official position of House Republicans that said, “Any limitation on expenditures should cover not only budgetary outlays handled through the Appropriations Committee, but also programs funded separately from the annual appropriations process.” The 1974 Budget Act decided to ignore that advice, and in every year since, we have suffered from runaway government spending.

In 1975, after the first year, the Policy Committee issued another statement reflecting on what a miserable failure the new Budget Act had been in organizing the process. “Legislative efforts are needed,” the Policy Committee said at that time, “to rein in ‘uncontrollable’ items and to establish a new pattern of legislative authorizations and appropriations.” The Congress has never yet fixed this problem, and in every year since 1974, we have suffered from runaway government spending.

This legislation is about protecting the right of Americans to see their tax dollars handled through the Appropriations Committee. It is about getting rid of a legislative contraption that has proved over 30 years it is utterly incapable of producing the budget that the minority wishes we had between the House and Senate. It is about getting rid of the one-way leftward ratchet we euphemistically refer to as the budget process.

It is time to junk this contraption whose design does not work. It is time to protect the family budget. It is time to make the tough choices between government and the people and bring fiscal sanity and honest accounting back to Washington.

It is time to vote “aye” on the Hensarling amendment.

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

Mr. Chairman, I want to correct the record. Earlier I said that the Center on Budget and Policy Priorities had done an analysis of this proposal and found that it would cut entitlement programs like Medicare and Medicaid and TRICARE for Life by $1.8 trillion over the next 10 years. They have done a revised study. It was correct. They revised that study and their revised study shows that the cut will only be $1.55 trillion. That is in entitlement programs. It comes out of child nutrition, it comes out of TRICARE for Life, it comes out of veterans benefits. Across the board people will be hurt.

I did not mention earlier the discretionary spending. Discretionary spending in the Hensarling proposal would increase each year at 2.1 percent a year at the end of the period of time, because they take it out of the full 10-year time frame, this substitute would limit discretionary spending to $220 billion below what the President has recommended. And one of the reasons we do not have a budget right now is we are still struggling with the numbers the President has prepared, trying to bring it within the framework of what he has recommended.

So this would have severe consequences, and it would have severe consequences upon, in the words of the AARP, the health and economic security of millions of vulnerable Americans.

Finally, to remind everyone, if you voted against the automatic continuing resolution, if you voted against the joint budget resolution making the budget resolution a law signed by the President, if you are opposed to bipartisan budgeting, if you voted against expedited rescission, this bill reinstates all of those, and it is an additional reason to oppose it.

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG), even though I claimed the time in opposition.

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for yielding me this time so graciously, and I want to compliment him on his service as the Committee on the Budget chairman. I think he has done an exemplary job in a very, very difficult position.

I want to point out that in my tenure here in the Congress, and I am in my
ninth year, I have worked very, very hard to honor the budget and support the budget we adopt. Indeed, early in my tenure in Congress, I served on that Committee on the Budget under John Kasich, and the current chairman of the committee retains on the committee at this time. We labored long and hard to produce a workable budget. But the sad truth is, and I doubt if all of our colleagues here in Congress, much less the people across America, understand that this budget, while it is always a product that entails a lot of work, is almost never honored.

In 1995 and 1996 we honored the budget that we adopted. But from 1996 to this year, we dishonor that budget. We outspend that budget year after year. And that is why I rise in strong support of the Family Budget Protection Act, because the reality is that the hard work that the gentleman from Iowa (Mr. Nussle) and the members of his committee put in to write a budget and to craft it and to have it work becomes meaningless, or at least near meaningless as we go through the process. Because, quite frankly, it is not law. It is only the resolution, hopefully, of the two bodies. And so its goes out the door.

That is why my colleague, the gentleman from Texas (Mr. Hensarling), is proposing that we make the budget resolution not a resolution but a law, so that all the work that Chairman Nussle and members of his committee put into it, and so that we can tell the American people that we are going to live within a budget.

But how do we break that budget? We break that budget year after year after year by trick and game. One of those has been talked about here tonight, and that is emergency spending. We called the census, which is compulsory, the decennial census; we called that emergency spending.

The American people, I think, get it. They think we should have a budget that we live within, a budget that we honor and that we should not spend at two or three times the rate of growth of the family budget. So I rise in strong support of the Family Budget Protection Act.

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

Mr. Chairman, if people will read this legislation, this puts a cap on the growth of the government. Every single government program will grow under this legislation.

After 6 hours of debate, we have heard much angst, anxiety, and grave concern over the deficit, over explosive spending, over a broken budget process. But, unfortunately, we have also heard that we just cannot do anything about it; there are committee jurisdiction issues, there are complexity issues, there are powerful issues. When do we address family budget issues?

This debate before the House boils down to two simple questions. Number one, does this body believe once a budget is passed it should be enforced? Yes or no. Number two, does this body believe that the Federal budget should not be allowed to grow faster than the family budget? In other words, should there be any limit whatsoever placed on the government?

For the sake of the family budget, for the sake of personal freedom, for the sake of America’s future, I hope the answer is yes and people support the Family Budget Protection amendment. Mr. NUSSELLE, Mr. Chairman, I yield myself such time as I may consume to close, and I first want to commend the gentleman from Texas for his work, and all of the Members who have helped him and labored through so many of these provisions. They should have done a good job. They have done an excellent job.

I heard someone refer to it as the gold standard of budget process reform. It may very well be. It is not perfect, there is no such thing as perfect. My job tonight is to defend the committee product, which is the underlying bill; so I gently oppose the gentleman’s amendment because so many of these things look very familiar to me. I voted in favor of them earlier tonight. And I think a couple of them I might even have had an opportunity to write at an earlier time. But I gently oppose them.

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

The CHAIRMAN pro tempore (Mr. WALDEN of Oregon). The question is on the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. HENSARLING).

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. HENSARLING) will be postponed. It is now in order to consider amendment No. 17 printed in House Report 108-566.

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 17 OFFERED BY MR. KIRK

Mr. KIRK. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute No. 17 offered by Mr. Kirk

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Debt Ceiling Act of 2004”.

(b) Table of Contents.—Sec. 1. Short title; table of contents. Sec. 2. Effective date.

Sec. 3. Protection of social security and Medicare benefits.
Sec. 101. PURPOSE.

The purposes of this subtitle are to—

(1) develop budgetary and fiscal procedures for emergencies;

(2) subject spending for emergencies to budgetary procedures and controls; and

(3) establish criteria for determining compliance with emergency requirements.

SEC. 102. REPEAL OF ADJUSTMENTS FOR EMERGENCIES.

(a) Elimination of Emergency Designation.—Sections 252(c) and 252(d)(4)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 are repealed.

(b) Elimination of Adjustments.—Section 314 of the Congressional Budget Act of 1974 is repealed.

(c) Conforming Amendment.—Clause 2 of rule XXI of the Rules of the House of Representatives is amended by repealing paragraph (e) and by redesignating paragraph (f) as paragraph (e).

SEC. 103. OMB EMERGENCY CRITERIA.

(a) Definition of Emergency.—Section 3 of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end the following new paragraph:

"(11) 'The term 'emergency' means a situation that—"

(i) requires new budget authority and outlays (or new budget authority and the outlays flowing therefrom) for an emergency within the meaning of section 3(11) of the Congressional Budget Act of 1974.

"(12) 'The term 'unanticipated' means that the situation is—"

(i) sudden, which means quickly coming into being or not building up over time;

(ii) urgent, which means a pressing and compelling need requiring immediate action;

(iii) unforeseen, which means not predicted or anticipated as an emergency need; and

(iv) temporary, which means not of a permanent duration."

(b) Conforming Amendment.—Section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new paragraph:

"(20) 'The term 'emergency' has the meaning given to such term in section 3 of the Congressional Budget and Impoundment Control Act of 1974.'"

SEC. 104. DEVELOPMENT OF GUIDELINES FOR APPLICATION OF EMERGENCY DEFINITION AND BENEFITS.

Not later than 5 months after the date of enactment of this Act, the chairman of the Committees on the Budget (in consultation with the President) shall, after consulting with the chairmen of the Committees on Appropriations and applicable authorizing committees of their respective Houses and the Director of the Congressional Budget Office and the Office of Management and Budget, jointly publish in the Congressional Record guidelines for application of the definition of emergency in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974.

SEC. 105. RESERVE FUND FOR EMERGENCIES IN TITLE I.

Notwithstanding any other provision in law, nothing in title I through V shall be construed to reduce benefits entitled to Americans through social security and Medicare.

TITHE I—A SIMPLIFIED BUDGET

Subtitle A—Rainy Day Fund for Emergencies

SEC. 106. ADJUSTMENTS AND RESERVE FUND FOR EMERGENCIES IN CONGRESSIONAL BUDGET RESOLUTIONS.

(a) Emergencies.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"Sec. 316. (a) Adjustments and Reserve Fund for Emergencies.

(1) In General.—After the reporting of a bill or joint resolution the submission of a conference report thereon that provides budget authority for any emergency as identified pursuant to subsection (d) that is not covered by subsection (c)—

(A) the chairman of the committee on the Budget of the House of Representatives or the Senate shall determine and certify, pursuant to subsection (a) of section 104 of the Deficit Control Act of 2004, the portion (if any) of the amount so specified that is for such emergency, the report accompanying such bill or joint resolution shall identify all provisions that provide budget authority and the outlays flowing therefrom for such emergency and include a statement of the reasons why such budget authority meets the definition of an emergency pursuant to the guidelines referred to in section 104 of the Deficit Control Act of 2004.

(B) such chairman shall make the adjustment set forth in paragraph (2) for the amount of new budget authority (or outlays) in that measure and the outlays flowing from that budget authority.

(2) Matters to be Adjusted.—The adjustments referred to in paragraph (1) are to be made to the allocations made pursuant to the appropriate concurrent resolution on the budget in such amount (if any) and shall be in an amount not to exceed the amount reserved for emergencies pursuant to the requirements of subsection (b).

(3) Reserve Fund for Emergencies.—

(A) Amounts.—The amount set forth in the reserve fund for emergencies (other than those covered by subsection (c)) for budget authority pursuant to section 301(a)(4) shall equal—

(A) the average of the enacted levels of budget authority for emergencies (other than those covered by subsection (c)) in the 5 fiscal years preceding the current year; and

(B) the average of the levels of outlays for emergencies in the 5 fiscal years preceding the current year from the budget authority referred to in subparagraph (A), but only in the fiscal year for which such budget authority first becomes available for obligation for each of such 5 fiscal years, which shall be determined by the Committees on the Budget of the House of Representatives and the Senate after receipt of a report on such a bill or joint resolution from such committees by the Director of the Congressional Budget Office 6 months after the date of enactment of this section and thereafter in February of each year after the first year.

"(c) Treatment of Emergencies To Fund Certain Military Operations and Other Extraordinary and Critical Needs.—When the Committees on Appropriations reports any bill or joint resolution that provides budget authority for any emergency that is a threat to national security and the funding of which carries out a military operation authorized by a declaration of war or a joint resolution authorizing the use of military force, or for any other emergency designated by the President and the Congress as relating to extraordinary and critical needs, and the report accompanying that bill or joint resolution, pursuant to subsection (d), identifies any provision that increases outlays or provides budget authority (and the outlays flowing therefrom) for such emergency, the enactment of which would result in an amount of budget authority or outlays provided for emergencies for the budget year in the concurrent resolution on the budget (pursuant to section 301(a)(4)) to be greater than the such bill or joint resolution may be considered in the House or the Senate, as the case may be.

(b) Conforming Amendment.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

"Sec. 316. Emergencies."

SEC. 107. UP-TO-DATE TABULATIONS.

Section 308(b)(2) of the Congressional Budget Act of 1974 is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting "and," and by adding at the end the following new subparagraph:

"(D) shall include an up-to-date tabulation of amounts remaining in the reserve fund for emergencies."
1974 is amended by inserting “305(e)" after “305(c)(4)".

(2) Section 304(d)(2) of the Congressional Budget Act of 1974 is amended by inserting “305(c)(4)" after “305(c)(4)".

SEC. 109. CONTENT OF BUDGET RESOLUTIONS.

Section 301(a)(4) of the Congressional Budget Act of 1974 is amended by inserting before the semicolon at the end the following:

“... and for emergencies (for the reserve fund in section 316(b) and for military operations in section 316(c)’’.

Subtitle B—The Baseline

SEC. 111. ELIMINATION OF INFLATION ADJUSTMENT.

Section 257(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended:

(1) in paragraph (1) by striking “for inflation as specified in paragraph (5)’’; and

(2) by striking paragraph (5) and redesignating paragraph (6) as paragraph (5).

SEC. 112. THE PRESIDENT’S BUDGET.

(a) Paragraph (5) of section 1105(a) of title 31, United States Code, is amended to read as follows:

“... except as provided in subsection (b) of this section, estimated expenditures and appropriations for the current year and estimated expenditures and proposed appropriations for estimated expenditures and for appropriations for the current year; and the fiscal year for which the budget is submitted and the 4 fiscal years following that year, and, except for detailed budget estimates, the percentage change (in the case of each fiscal year, as determined pursuant to section 304(a)) between the current year and the percentage change attributable to the following:

(1) The Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by section 111) is further amended by adding at the end the following new paragraph:

“(4) On or before February 15 of each year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate, a report for the fiscal year ending on September 30 of the preceding year, with respect to entitlement spending, including (A) a comparison of levels of spending for entitlements, on an account by account basis, with projected spending for such entitlements assumed in the concurrent resolution on the budget for that fiscal year and (B) an identification of those entitlements for which the actual spending exceeded the projected spending.

SEC. 115. TREATMENT OF EMERGENCIES.

Section 257(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by section 111) is further amended by adding at the end the following new paragraph:

“... and for emergencies (for the reserve fund for emergencies for that fiscal year pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1974’’.

TITLE II—IMPLEMENTING FEDERAL SPENDING DISCIPLINE

Subtitle A—Spending Safeguards on the Growth of Entitlements and Mandatories

SEC. 201. SPENDING CAPS ON GROWTH OF ENTITLEMENTS AND MANDATORIES.

(a) CONTROL OF ENTITLEMENTS AND MANDATORIES.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding after section 252 the following new section:

“SEC. 252A. ENFORCING CONTROLS ON DIRECT SPENDING.

“(a) CAP ON GROWTH OF ENTITLEMENTS.—Effective for fiscal year 2006 and for each ensuing fiscal year, the total level of direct spending for all direct spending programs, projects, and activities (excluding social security, medicare, and net interest spending) for such fiscal year shall not exceed the total level of direct spending for the prior fiscal year, with respect to entitlement spending, as a sequestration (if any) under section 251, and shall include a comparison of those levels for the current fiscal year for which such levels were in effect; and

“(b) SEQUESTRATION.—Within 15 days after Congress adjourns to end a session other than of the second session of the One Hundred Eighth Congress, and on the same day as a sequestration (if any) under section 251.

“(c) UNIFORM REDUCTIONS; LIMITATIONS.—The amount required to be sequestered for the fiscal year under subsection (a) shall be obtained from nonexempt direct spending accounts by actions taken in the following order:

“(1) First.—The reductions in the programs specified in section 256(a) (National Wool Act and special milk), section 256(b) (Special student loan insurance), and section 256(c) (foster care and adoption assistance) shall be made.

“and shall include a comparison of those levels for the current fiscal year for which such levels were in effect; and

“(d) Section 202(e)(4) of the Congressional Budget Act of 1974 is amended by inserting at the end the following new paragraph:

“(35) a comparison of levels of estimated expenditures and proposed appropriations for each function and subfunction in the current fiscal year and the fiscal year for which the budget is submitted; and (B) the proposed increase or decrease of spending in percentage terms for each function and subfunction.

“(36) a table on sources of growth in total direct spending under current law and as proposed in this budget submission for the fiscal year and the ensuing 9 fiscal years, which shall include changes in outlays attributable to the following:

1965 Spending Safeguards on the Growth of Entitlements and Mandatories

(a) The first sentence of section 202(e)(1) of the Congressional Budget Act of 1974 is amended by inserting “—and for emergencies (for the reserve fund for emergencies for that fiscal year pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1974’’.

(b) Section 202(e)(4) of the Congressional Budget Act of 1974 is amended by inserting at the end the following new paragraph: “and shall include a comparison of those levels for the current fiscal year for which such levels were in effect; and

“(c) Section 308(a)(1) of the Congressional Budget Act of 1974 is amended by inserting...
“(2) SECOND.—Any additional reductions that may be required shall be achieved by reducing each remaining nonexempt direct spending account by the uniform percentage necessary to achieve those additional reductions, except that—

(A) the low-income programs specified in section 256(d) shall not be reduced by more than 25 percent and thereafter

(B) the retirement and veterans benefits specified in sections 256(f), (g), and (h) shall not be reduced by more than 2 percent in the manner specified in that section.

The limitations set forth in subparagraphs (A) and (B) shall be applied iteratively, and after each iteration the uniform percentage shall be increased by 0.25 percent, subject to the limitations specified in sections 256(f), (g), and (h) shall be reduced by more than 2 percent in the manner specified in that section.

The table of contents set forth in section 256(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding after the item relating to section 252 the following new item:

Sec. 252A. Enforcing controls on direct spending.

SEC. 290. EXEMPT PROGRAMS AND ACTIVITIES.
Section 255 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding after the item relating to section 252 the following new item:

(a) Social Security Benefits; Thr I Railroad Retirement Benefits; and Medicare Benefits.—(1) Benefits payable under the Old-Age, Survivors, and Disability Insurance program established under title II of the Social Security Act, and benefits payable under section 3(c)(3), 4(c), or 4(f) of the Railroad Retirement Act of 1974, shall be exempt from reduction under any order issued under this part.

(2) Payments made under title XVIII (relating to Medicare of the Social Security Act) shall be exempt from reduction under any order issued under this part.

(b) Descriptions and Lists.—The following budget accounts or activities shall be exempt from sequestration:

(1) net interest;

(2) all payments to trust funds from excise taxes or other receipts or collections properly creditable to those trust funds;

(3) amounts made to a State, on behalf of the Federal Government, in connection with any program, project, activity, or account, and regardless of whether the program, project, activity, or account is self-supporting and does not receive appropriations;

(4) payments made by the Government to reduce or match administrative costs incurred by a State or political subdivision under or in connection with any program, project, activity, or account, and regardless of whether the program, project, activity, or account is self-supporting and does not receive appropriations;

(5) payments from any revolving fund or trust-revolving fund (or similar activity) that provides deposit insurance or other Government insurance, Government guarantees, or any other form of contingent liability, to the extent those payments result from contractual or other legal binding commitments of the Government at the time of any sequestration;

(6) credit liquidating and financing accounts;

(7) the following accounts, which largely fulfill requirements of the Constitution or otherwise make payments to which the Government is committed:

(A) smoke control of the Territories, Northern Mariana Islands Covenant grants (14–0120–0–1–006);

(B) Armed Forces Retirement Home Trust Fund, of the payment of claims (84–8890–0–7–705);

(C) Bureau of Indian Affairs, miscellaneous payments to Indians (14–2303–0–1–452);

(D) Civil service retirement and disability service fund (20–8130–0–7–602);

(E) Black Lung Disability Trust Fund (20–814–0–7–601);

(F) General Post Funds (36–806–0–7–602);

(G) Employees Life Insurance Fund (24–8424–0–7–602);

(7) FEDERAL ADMINISTRATIVE EXPENSES.—

(A) Notwithstanding any provision of law other than paragraph (3), administrative expenses incurred by the departments and agencies, including independent agencies, of the Government in connection with any program, project, activity, or account shall be subject to reduction pursuant to any sequestration order, without exception, limitation, or special rule otherwise applicable with respect to such program, project, activity, or account, and regardless of whether the program, project, activity, or account is self-supporting and does not receive appropriations;

(8) Payments made by the Government to reduce or match administrative costs incurred by a State or political subdivision under or in connection with any program, project, activity, or account shall be subject to reduction pursuant to any sequestration order, without exception, limitation, or special rule otherwise applicable with respect to such program, project, activity, or account, and regardless of whether the program, project, activity, or account is self-supporting and does not receive appropriations.

(9) Thrift Savings Fund;

(10) appropriations for the District of Columbia to the extent they are appropriations of locally raised funds;

(11)(A) any amount as paid regular unemployment compensation by a State from its account in the Unemployment Trust Fund (established by section 904(a) of the Social Security Act);

(B) any advance made to a State from the Federal unemployment account (established by section 904(g) of such Act) under title XII of such Act and any advance appropriated to the Federal unemployment account pursuant to section 1203 of such Act; and

(C) any payment made from the Federal Employees Compensation Account (as established under section 909 of such Act) for the purpose of carrying out chapter 85 of title 5, United States Code, or any amounts appropriated or transferred to or otherwise deposited in such Account;

(D) FDIC, Savings Association Insurance Fund (51–4066–0–3–373); and

(E) Food Stamp Programs (12–3506–0–1–655).
Veterans Reopened Insurance Fund (36-4010-0-3-701).

‘‘Servicemembers’ Group Life Insurance Fund (36-4009-0-3-701).

Postal Service, Veterans Education Account (36-8133-0-7-702).

National Service Life Fund (36-8132-0-7-701).

Uniform Rate Government Life Insurance Fund (36-8150-0-7-701).

Veterans Special Life Insurance Fund (36-4055-0-8-701).

(f) TEMPORAL EXEMPTION OF DEFENSE AND HOMELAND SECURITY ACCOUNTS.—

(1) IN GENERAL.—The President may, with respect to any defense or homeland security account, enter an order for a temporary exemption from sequestration or provide for a lower uniform percentage reduction than would otherwise apply.

(2) LIMITATION.—The President may not use the authority provided by paragraph (1) unless the President notifies the Congress of the manner in which such authority will be exercised or explains the date specified in section 254(a) for the budget year.

SEC. 250. EXCEPTIONS, LIMITATIONS, AND SPECIAL RULES.

(a) IN GENERAL.—Section 256 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

SEC. 256. EXCEPTIONS, LIMITATIONS, AND SPECIAL RULES.

(a) NATIONAL WOOL ACT AND THE SPECIAL MILK PROGRAM.—Automatic spending increases are increases in outlays due to changes in indexes in the following programs:

(1) National Wool Act; and

(2) Special milk program.

In those programs all amounts other than the automatic increases shall be exempt from reduction under any sequestration order.

(b) THE GUARANTEED STUDENT LOAN PROGRAM.—(1) Any reductions which are required to be achieved from the guaranteed student loan programs operated pursuant to part B of title IV of the Higher Education Act of 1965 under any sequestration order shall be achieved only from loans described in paragraphs (2) and (3) of the application of the measures described in such paragraphs.

(2) For any loan made during the period beginning on the date that a sequestration order takes effect with respect to a fiscal year, the amount of the special allowance payment pursuant to section 438(b)(2)(A)(iii) of such Act for each of the first four special allowance payments for such loan shall be adjusted by reducing such rate by the lesser of—

(A) 0.40 percent, or

(B) the percentage by which the rate specified in such section exceeds 5 percent.

(3) For any loan made during the period beginning on the date that a sequestration order takes effect with respect to a fiscal year, the amount of the special allowance payment pursuant to section 438(b)(2)(A)(ii) of such Act shall be increased by 0.50 percent.

(c) FOSTER CARE AND ADOPTION ASSISTANCE PROGAMS.—Any sequestration order shall make the reduction otherwise required under the foster care and adoption assistance programs (established by part E of title IV of the Social Security Act) only with respect to payments and expenditures made by States in which increases in foster care maintenance payment rates or adoption assistance payment rates (or both) are to take effect during the fiscal year involved, and only to the extent that the required reduction can be accomplished by reducing a uniform percentage reduction to the Federal matching payments that each such State would otherwise receive under section 474 of that Act (for such fiscal year) for that portion of the State’s payments attributable to the increases taking effect during that year. No State for which the Government for foster care maintenance payments or for adoption assistance maintenance payments may be reduced by a percentage exceeding the applicable domestic policy percentage may reduce such percentage. No State may, after the date of enactment of this Act, make any change in the timetable for making payments under a State plan approved under part E of title IV of the Social Security Act which has the effect of changing the fiscal year in which expenditures under such part are made.

(d) LOW-INCOME PROGRAMS.—(1) Benefit payments or payments to States or other entities for the programs listed in paragraph (2) shall not be reduced by more than 2 percent under any sequestration order. When reduced under an end-of-session sequestration order, those benefit reductions shall occur starting with the payment made at the start of January. When reduced under a within-session sequestration order, those benefit reductions shall occur starting with the next periodic payment.

(2) The programs referred to in paragraph (1) are the following:

(A) Child Nutrition (12-3359-0-1-655).

(B) Grants to States for Medicaid (75-0512-0-1-551).

(C) State Children’s Health Insurance Fund (75-0515-0-1-551).

(D) Supplemental Security Income Program (75-0406-0-1-609).

(E) Temporary Assistance for Needy Families (75-1552-0-1-609).

(F) Special supplemental nutrition program for women, infants, and children (WIC) (12-3351-0-1-625).

(G) Veterans’ Medical Care.—The maximum permissible reduction in budget authority for Veterans’ medical care (36-0160-0-1-703) for any fiscal year, pursuant to an order issued under section 254, shall be 2 percent.

(h) FEDERAL RETIREMENT PROGRAMS.—

(1) For each of the programs listed in paragraph (2) except as provided in paragraph (3), (monthly or other periodic) benefit payments shall be reduced by a uniform percentage applicable to direct spending sequestrations for such programs, which shall in no case exceed 2 percent under any sequestration order. When reduced under an end-of-session sequestration order, those benefit reductions shall occur starting with the payment made at the start of January or 7 weeks later, whichever is later. When reduced under a within-session sequestration order, those benefit reductions shall occur starting with the next periodic payment.

(2) The programs subject to paragraph (1) are:

(A) Central Intelligence Agency Retirement and Disability Fund (56-3400-0-1-054).

(B) Comptrollers General Retirement System (55-0107-0-1-801).

(C) Judicial Officers’ Retirement Fund (10-8132-0-7-662).

(D) Claims Judges’ Retirement Fund (10-6124-0-7-702).

(E) Pensions for former Presidents (47-0105-0-1-802).

(F) National Oceanic and Atmospheric Administration Retirement (13-1540-0-1-306).

(G) Railroad Industry Pension Fund (60-8011-0-7-701).

(H) Retired pay, Coast Guard (70-0602-0-1-403).

(I) Retirement pay and medical benefits for commissioned officers, Public Health Service (75-0579-0-1-703).

(J) Payments to Civil Service Retirement and Disability Fund (24-0620-0-1-805).

(k) MILITARY RETIREMENT.—(1) A State may reduce each weekly

(5) Payments to the Foreign Service Retirement and Disability Fund (72-1036-0-1-153).

(6) Payments to Judiciary Trust Funds (10-0941-0-1-752).

(7) Veterans Programs.—To achieve the total percentage reduction required by any order issued under this part, the percentage reduction that shall apply to payments under the following programs shall in no event exceed 2 percent:

(A) Canteen Service Revolving Fund (36-4014-0-3-705).

(B) Medical Center Research Organizations (36-4026-0-3-703).

(C) Disability Compensation Benefits (36-0192-0-1-701).

(D) Education Benefits (36-0137-0-1-702).

(E) Vocational Rehabilitation and Employment Benefits (36-0135-0-1-702).

(F) Summer Benefits (36-0134-0-1-701).

(G) Burial Benefits (36-0138-0-1-701).

(H) Guaranteed Transitional Housing Loans For Homeless Veterans Program Account (36-1119-0-1-704).

(I) Housing Direct Loan Financing Account (36-4127-0-3-704).

(J) Guaranteed Loan Financing Account (36-4129-0-3-704).

(k) MILITARY RETIREMENT.—To achieve the total percentage reduction in military retirement required by any order issued under this part, the reduction that shall apply to payments under the military retirement fund (97-0907-0-7-602) and payments to the military retirement fund (97-0906-0-1-654) shall in no event exceed 2 percent.

(l) FEDERAL PAY.—

(1) IN GENERAL.—For purposes of any order issued under section 254, no budget authority to pay Federal personnel shall be reduced by the applicable uniform percentage, but no sequestration order may reduce or have the effect of reducing the rate of pay to which any individual is entitled under any statutory pay system (as increased by any amount payable under section 5304 of title 5, United States Code, or section 302 of the Federal Employees Pay Comparability Act of 1993) or the rate of any element of military pay to which any individual is entitled under title 37, United States Code, or any increase in rates of pay which is scheduled to take effect under section 302 of title 37, United States Code, section 1009 of title 37, United States Code, or any other provision of law.

(2) DEFINITIONS.—For purposes of this subsection:

(A) ‘‘The term ‘statutory pay system’ shall have the meaning given that term in section 5302(1) of title 5, United States Code.

(B) The term ‘elements of military pay’ means—

(i) the elements of compensation of members of the uniformed services specified in section 1009 of title 37, United States Code,

(ii) allowances provided members of the uniformed services under sections 403a and 403c of title 10, and

(iii) cadet pay and midshipman pay under section 203(c) of such title.

(C) The term ‘uniformed services’ shall have the meaning given that term in section 101(3) of title 37, United States Code.

(1) CHILD SUPPORT ENFORCEMENT PROGRAM.—Any sequestration order shall accomplish a full amount of the reduction in expenditures under sections 455 and 458 of the Social Security Act by reducing the Federal matching rate for State administration costs under such program, as specified (for the fiscal year involved) in section 456(a) of such Act, to the extent necessary to reach such expenditure.

(k) EXTENDED UNEMPLOYMENT COMPENSATION.—(1) A State may reduce each weekly
(1) any instability in market prices for agricultural commodities resulting from the reduction is minimized; and

(ii) normal production and marketing relationships among agricultural commodities (including both contract and non-contract commodities) are not distorted.

In meeting the criterion set out in clause (iii) of subparagraph (B) of the preceding sentence, the failure to comply with the requirements of that provision shall not be treated as producing a lower total appropriation.

(b) Certain authority not to be limited.—Nothing in this title shall limit or reduce in any way any appropriation that provides the Commodity Credit Corporation with funds to cover the Corporation's net realized losses.

(c) Postal Service Fund.—Notwithstanding any other provision of law, any sequestration of the Postal Service Fund shall be accomplished by a payment from that fund to the General Fund of the Treasury, and the Postmaster General of the United States shall be authorized to make the payment during the fiscal year to which the presidential sequestration order applies.

(d) Effects of Sequestration.—The effects of sequestration shall be as follows:

(1) Budget sequestered from any account other than an entitlement trust, special, or revolving fund account shall revert to the Treasury and be permanently canceled.

(2) Except as otherwise provided, the same percentage sequestration shall apply to all programs, projects, and activities within budget accounts, projects, agencies, and activities as delineated in the appropriation Act or accompanying report for the relevant fiscal year covering that account, or for accounts not included in appropriation Acts, as delineated in the most recently submitted President's budget.

(3) Administrative regulations or similar actions implementing sequestration shall be made within 120 days of the sequestration order. To the extent that formula allocations are affected, new appropriation resources shall be delineated as though it had been the pre-sequestration appropriation and no sequestration had occurred.

(4) Except as otherwise provided, obligations in sequestered direct spending accounts shall be reduced in the fiscal year in which a sequestration occurs and in all succeeding fiscal years.

(b) Discretionary Spending Limits

Sec. 211. ENFORCING DISCRETIONARY SPENDING LIMITS.

(a) Discretionary Spending Limits.—Sections 251(b) and (c) of the Balanced Budget and Emergency Deficit Control Act of 1985 are amended to read as follows:

(1) RATE OF DISCRETIONARY SPENDING LIMIT.—As used in this section, the term 'discretionary spending limit' means the limits effective for fiscal year 2005:

(b) Discretionary Spending Limit Point of Order.—Section 312 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

(c) Discretionary Spending Limit Point of Order.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that—

(i) increases the discretionary spending limits for any ensuing fiscal year after the budget year; or

(ii) any insta...
“(2) would cause the discretionary spending limits for the budget year to be breached.”.

SEC. 212. ANNUAL JOINT RESOLUTION ESTABLISHING DISCRETIONARY SPENDING LIMITS.

(a) In general.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

“ANNUAL JOINT RESOLUTION ESTABLISHING DISCRETIONARY SPENDING LIMITS.

“Sec. 317. (a) Introduction.—Before the close of the second legislative day of the House of Representatives after the date of House passage of a concurrent resolution on the budget, the chairman of the Committee on the Budget of the House shall introduce a joint resolution of the House of Representatives (or in a Committee of the Whole) of the Balanced Budget and Emergency Deficit Control Act of 1985 to establish a discretionary spending limit for the fiscal year of the concurrent resolution.

“(b) Expedited Consideration.—For purposes of the consideration of a joint resolution introduced pursuant to subsection (a), the provisions of subsections (c) and (d) of section 1013 (other than subsection (c)(1)(A)) shall be applied by substituting ‘joint resolution’ for ‘Committee on the Budget’ for bill and ‘Committee on Appropriations’, respectively.”.

(b) Conforming Amendment.—The table of contents on page 10 of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 316 the following new item:

“Sec. 317. Annual joint resolution establishing discretionary spending limits.”

TITLE III—COMBATING WASTE, FRAUD, AND ABUSE

Subtitle A—Enhanced Rescissions of Budget Authority Identified by the President as Wasteful Spending

SEC. 201. ENHANCED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS.

(a) In general.—Part B of title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661 et seq.) is amended by adding at the end the following new section:

“ENHANCED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS.

“Sec. 1013. (a) Proposed rescission of budget authority identified as wasteful spending.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriation Act that he identifies as wasteful spending. If the President proposes a rescission of budget authority, he may also propose to reduce the appropriate discretionary spending limits for new budget authority and outlays flowing therefrom, set forth in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 by an amount that does not exceed the amount of the proposed rescission.

“(b) Transmittal of special message.—(1) The President may transmit to Congress a special message proposing to rescind amounts of budget authority and include with that special message a draft bill that, if enacted, would only rescind that budget authority unless the President also proposes a reduction in the appropriate discretionary spending limits set forth in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985. That bill shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates.

“(2) In the case of an appropriation Act that includes a rescission of budget authority pursuant to the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall ensure separate special message and accompanying draft bill for accounts within the jurisdiction of each subcommittee.

“(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the following:

“(A) The amount of budget authority which he proposes to be rescinded.

“(B) Any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved.

“(C) The reasons why the budget authority should be rescinded, including why he considers it to be wasteful spending.

“(D) To the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year of the proposed rescission.

“(E) All facts, circumstances, and considerations relating to or bearing upon the proposed rescission and the decision to effect the proposed rescission, and to the maximum extent practicable, the estimated effect of the proposed rescission on the budget functions involved.

“(F) A reduction in the appropriate discretionary spending limits set forth in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, if proposed by the President.

“(g) Procedures for expedited consideration.

“(1) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce such a bill.

“(2) The bill shall be reported to the Committee on Appropriations. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of the special message unless the time is extended by a vote of the House of Representatives.

“(3) If the bill is introduced, the bill shall be placed upon the calendar.

“(4) A vote on final passage of the bill shall be taken not later than the fiftieth legislative day of that House after the date of receipt of that special message unless the time is extended by a vote of the House of Representatives.

“(c) Requirement to make available for obligation.

“(1) Any amount of budget authority proposed to be rescinded shall be divided equally between those favoring and those opposing the bill. A motion to further limit debate shall not be debatable. It shall not be in order to move to reconsider the vote on this section or to move to reconsider the vote on which the bill is agreed to or disagreed to.

“(2) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. A bill introduced pursuant to the provisions of this section shall be placed upon the calendar of the House of Representatives.

“(3) A bill transmitted to the Senate pursuant to paragraph (1)(D) shall be referred to its Committee on Appropriations. The committee shall report the bill without substantive revision and with or without recommendation. The bill shall not be reported not later than the seventh legislative day of the House after the date it receives the bill. If the committee fails to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

“(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

“(B) Debate in the Senate on a bill under this section, and all debating motions and appeals in connection therewith, including debate pursuant to subparagraph (C), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

“(C) Debate in the Senate on any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that the time the manager of the bill and any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or any of them, may, under their control of the passage of a bill, allow additional time to any Senator during the consideration of any debatable motion or appeal.

“(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

“(4) Amendment and divisions prohibited.—No amendment to a bill considered under this section shall be in order in either House of Congress after the third legislative day of the House of Representatives. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) in the Senate.

“(5) Requirement to make available for obligation.—Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation, but only for the period of time after the day on which either House rejects the bill transmitted with that special message."
TITLE II—The Commission on Eliminating Waste, Fraud, and Abuse

SEC. 211. ESTABLISHMENT OF THE COMMISSION.

(a) ESTABLISHMENT.—There is established the Commission to Eliminate Waste, Fraud, and Abuse (hereafter in this subtitle referred to as the “Commission”).

(b) MEMBERSHIP.—(1) In general.—The Commission shall consist of 12 members, all of whom shall be appointed by the President not later than 90 days after the date of enactment of this Act. 

(A) Chairperson.—The President shall designate a chairperson as provided under the same special message, and by striking “—”:

(B) Vice chairperson.—The President shall designate a vice chairperson from among the members of the Commission.

(2) recessed.—

(c) CRITERIA.—The Commission shall consider the elimination of any agency or program that has wasted Federal funds by—

(1) DUPLICATE.

(2) INACCURATE.

(3) IRRELEVANT.

(4) FAILED.

(5) ADOPTED.

(6) OTHER.

(7) OF APPROPRIATIONS ACT.

(d) MEETINGS.—The Commission shall hold its first meeting at a time that is designated by the chairperson for that purpose.

(e) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

SEC. 212. DUTIES OF THE COMMISSION.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) AGENCY.—The term “agency” means an agency, commission, board, bureau, or other Federal entity, including an independent regulatory agency, established under section 105 of title 5, United States Code.

(2) PROGRAM.—The term “program” means any activity or function of an agency.

(b) IN GENERAL.—The Commission shall—

(1) evaluate all agencies and programs within those agencies, using the criteria under subsection (c); and

(2) submit to Congress a plan with recommendations of the agencies and programs that should be realigned or eliminated.

(c) CRITERIA.

(1) DETERMINATION OF CRITERIA.—The Commission, in consultation with the heads of Federal agencies, shall determine the criteria to be used in evaluating programs within agencies.

(2) DESIGNATION OF CRITERIA.—The Commission shall submit to Congress, not later than 1 year after the date of enactment of this Act, the criteria determined under paragraph (1).

(d) COMMON PERFORMANCE MEASURES.—The Commission shall consider assessments submitted under this subsection when evaluating programs under subsection (b)(1).

(e) REPORT.—The Commission shall submit a report to Congress that describes the criteria and common performance measures described under subsection (b)(2), with supporting documentation for all recommendations made under that subsection.

SEC. 213. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this subtitle—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as any member of the Commission considers advisable;

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses as any member of the Commission considers advisable; and

(3) require, by subpoena or otherwise, the production of such books, records, correspondence, memoranda, papers, documents, tapes, and other evidentiary materials relating to any matter under investigation by the Commission.

(b) SUBPOEONA—

(1) ISSUANCE.—Subpoenas issued under subsection (a) shall bear the signature of the chairman of the Commission and shall be served by any person or class of persons designated by the chairperson for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure direct or indirect information from Federal agencies or any person, including the furnishing of such information as the Commission considers necessary to carry out this Act. Upon request of the Commission, in its capacity as such, any Federal department or agency shall furnish such information to the Commission.

(d) POSTAL SERVICES.—The Commission may use, and dispose of gifts or donations of services or property.
SEC. 314. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL MEMBERS.—Except as provided under subsection (b), each member of the Commission who is not an officer or employee of the Government shall not be compensated.

(2) FEDERAL OFFICERS OR EMPLOYEES.—All members of the Commission who are officers or employees of the United States shall serve without reimbursement, and such detail shall be without interruption to the Commission without reimbursement, under section 5332 of such title.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, for travel by any member of the Commission on official business, as authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) EXPENSES.—Upon the approval of the chairperson, the executive director may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the maximum rate payable for a position at GS-15 of the General Schedule under section 5332 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5313 of such title.

SEC. 315. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its report.

SEC. 316. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for carrying out this subtitle for each of the fiscal years 2006 through 2008.

TITLE IV—TRUTH IN ACCOUNTING

Subtitle A—Accrual Funding of Pensions and Retirement Pay for Federal Employees and Uniformed Services Personnel

SEC. 401. CIVIL SERVICE RETIREMENT SYSTEM.

(a) CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEM; FUND.—This chapter applies to Federal employees, as authorized under chapter 83 of title 5, United States Code, as amended—

(1) in section 8331—

(A) in paragraph (17)—

(i) by striking “normal cost” and inserting “normal cost percentage”; and

(ii) by inserting “and standards (using dynamic assumptions)" after “practice”;

(B) by amending paragraph (18) to read as follows:

‘‘(18) ‘‘Fund balance’ means the current net assets available for the payment of benefits, as determined by the Office in accordance with appropriate accounting standards, but does not include any amount attributable to—

‘‘(A) the Federal Employees’ Retirement System; or

‘‘(B) contributions made under the Federal Employee Retirement System. Temporary Adjustment Act of 1988 by or on behalf of any individual who became subject to the Federal Employees’ Retirement System.

(C) by amending paragraph (19) to read as follows:

‘‘(19) ‘‘Accrued liability’ means the estimated excess of the present value of all benefits payable from the fund to employees and Members, and former employees and Members, subject to this subchapter, and their survivors, over the present value of deductions to be withheld from the future basic pay of employees and Members currently subject to this subchapter and of future agency contributions to be made in their behalf.

(D) in paragraph (27) by striking “and” at the end;

(E) in paragraph (28) by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following paragraphs:

‘‘(29) ‘‘Dynamic assumptions’ means economic assumptions that are used in determining actuarial costs and liabilities of a retirement system and in anticipating the effects of long-term future—

‘‘(A) Investment yields;

‘‘(B) increases in rates of basic pay; and

‘‘(C) rates of price inflation; and

‘‘(30) ‘‘Unfunded liability’ means the estimated excess of—

‘‘(A) the actuarial present value of all future benefits payable from the Fund under this subchapter based on the service of current or former employees and Members, over—

‘‘(B) the sum of—

‘‘(I) the actuarial present value of the service contributions to be made pursuant to section 8334; and

‘‘(II) the actuarial present value of the future contributions to be made pursuant to section 8334 with respect to employees and Members currently subject to this subchapter;

‘‘(iii) the Fund balance, as defined in paragraph (18), as of the date the unfunded liability is determined; and

‘‘(iv) any other appropriate amount, as determined by the Office of Personnel Management in accordance with generally accepted actuarial practices and principles.’’;

(2) in section 8334—

(A) in subsection (a)(1)—

(i) by striking the last two sentences;

(ii) by redesignating that subsection, as so amended, as subsection (a)(2); and

(iii) by adding at the end the following new subparagraphs:

‘‘(B) Except as provided in subparagraph (B), each employing agency having any employee or Members subject to subparagraph (A) shall contribute from amounts available for salaries and expenses an amount equal to the sum of—

‘‘(i) the product of—

‘‘(ii) the aggregate amount of basic pay payable by the agency during the current fiscal year, or a fiscal year in which the employee is involved, to employees (under clause (1)(I) who are within such agency; and

‘‘(iii) the product of—

‘‘(D) Contributions under this paragraph shall be paid—

‘‘(I) in the case of law enforcement officers, firefighters, air traffic controllers, bankruptcy judges, Court of Federal Claims judges, United States magistrates, judges of the United States Court of Appeals for the Armed Forces, members of the Capitol Police, nuclear materials couriers of the Supreme Court Police, and members of the House of Representatives, from the contingent fund of the House; and

‘‘(II) in the case of elected officials, from an appropriation or fund available for payment of other salaries of the same office or establishment; and

‘‘(III) in the case of employees of the legislative branch paid by the Clerk of the House of Representatives, from the contingent fund of the House.

‘‘(E) In the case of the United States Postal Service, the Metropolitan Washington Airports Authority, and the government of the District of Columbia, an amount equal to that withheld under subparagraph (A) shall be contributed from the appropriation or fund to pay the employee.’’; and

(B) in subsection (k) (i) in paragraph (1)—

(I) in subparagraph (A) by striking “the first sentence of subsection (a)(1) of this section” and inserting “subsection (a)(1)(A)’’; and

(II) by amending subparagraph (B) to read as follows:

‘‘(B) The amount of the contribution under subsection (a)(1)(B) shall be the amount which would have been contributed under such subsection if this subsection had not been enacted;’’; and

(ii) in paragraph (2)(C)(i) by striking “the first sentence of subsection (a)(1)(B)” and inserting “subsection (a)(1)(A)”;

(3) in section 8348—

(A) by repealing subsection (f);

(B) by amending subsection (g) to read as follows:

‘‘(g)(1) Not later than June 30, 2005, the Office of the Actuary shall determine the unfunded liability of the Fund, as of September 30, 2004, attributable to benefits payable by Federal agencies and recommendations regarding its liquidation. After considering such recommendations, the Office shall
establish an amortization schedule, including a series of annual installments commencing October 1, 2005, which provides for the liquidation of such liability over five years.

(D) Amortization schedules established under this paragraph shall be set in accordance with generally accepted actuarial practices and principles, with interest computed at the rate used in the most recent valuation of the retirement system fund and in anticipating the effects of long-term fluctuations in the actuarial costs and liabilities of a retirement system.

(2) At the beginning of each fiscal year, beginning on October 1, 2005, the Office shall notify the Secretary of the Treasury of the amount of the first installment under the most recent amortization schedule established under subsection (c). The Secretary shall cause to be made out of any money in the Treasury of the United States not otherwise appropriated.

(B) The Office shall redetermine the unfunded liability of the Fund as of the close of the fiscal year beginning after September 30, 2004, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability over five years.

(4) Amortization schedules established under this subsection shall be set in accordance with generally accepted actuarial practices and principles, with interest computed at the rate used in the most recent valuation of the Civil Service Retirement and Disability System to make recommendations, and maintain actuarial determinations and valuations, pursuant to determinations of the Secretary of the Treasury of the amount of the first installment under the most recent amortization schedule established under subsection (c). The Secretary shall cause to be made out of any money in the Treasury of the United States not otherwise appropriated. For the purposes of Section 302 of the National Defense Authorization Act for Fiscal Year 1947, this amount shall be considered authorized.

(1) Title III of such Act (50 U.S.C. 2151 et seq.) is amended by adding at the end the following new section:

"SEC. 308. FULL FUNDING OF RETIREE COSTS FOR EMPLOYEES DESIGNATED UNDER SECTION 302.

(a) In addition to other government contributions required by law, the Agency shall contribute to the Civil Service Retirement and Disability fund (hereinafter in this section referred to as the ‘Fund’) amounts calculated in accordance with section 8423 of title 5, United States Code, pursuant to determinations of the projected number of employees to be designated pursuant to section 302 of this Act. In addition, the Agency, in a manner similar to that established for employee contributions to the Fund by section 8422 of title 5, United States Code, will contribute an amount equal to the difference between that which would have been contributed by an equivalent number of employees projected to be designated under section 302 and the amounts that are actually being deducted and contributed from the basic pay of an equal number of employees pursuant to section 8422. The amounts of the Agency’s contributions under this subsection shall be determined by the Director of the Office of Personnel Management, in consultation with the Director, and shall be paid by the Agency from funds available for salaries and expenses. Agency employees designated pursuant to said Act shall, commencing with such designation, have deducted from their basic pay the full amount required by section 8422 of title 5, United States Code, and the amounts that are actually contributed shall be contributed to the Fund.

(b)(1) The Director of the Office of Personnel Management, in consultation with the Director, shall determine the total amount of unpaid contributions (government and employee contributions) and interest attributable to the number of individuals employed with the Agency on September 30, 2005, who are projected to be designated under section 302 of this Act, but are not yet designated under that section as of that date. The amount so determined is referred to as the section 302 unfunded liability.

(2) Not later than June 30, 2006, the Director of the Office of Personnel Management, in consultation with the Director, shall establish an amortization schedule, setting forth a series of annual installations commencing on October 1, 2006, which provides for the liquidation of the section 302 unfunded liability.

(3) At the end of each fiscal year, beginning on September 30, 2006, the Director shall notify the Secretary of the Treasury of the amount of the annual installment under the amortization schedule established under paragraph (2) of this section, and shall cause to be made a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability over five years.

(4) The ‘Director’ in this section shall mean the Director of the Office of Personnel Management of the Central Intelligence Agency.
Fund, out of any money in the Treasury of the United States not otherwise appropriated.

(c) Amounts paid by the Agency pursuant to this subsection shall be specifically authorized by the Congress for the purposes of section 504 of the National Security Act of 1947.

(2) The table of contents of such Act is amended by inserting after the item relating to section 803 the following new item:

“Sec. 308. Full funding of retiree costs for employees designated under section 302.”

SEC. 403. FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

Chapter 8 of Title II of the Foreign Service Act of 1980, Public Law 96–465 (22 U.S.C. 4041 et seq.) 94 Stat. 2071, as amended, is further amended—

(1) in section 804 (22 U.S.C. 4044)—

(A) by amending paragraph (5) to read as follows:

“(5) ‘normal cost percentage’ means the entry-age normal cost computed in accordance with generally accepted actuarial practice and standards (using dynamic assumptions) and expressed as a level percentage of aggregate basic pay;”;

(B) by amending paragraph (14) to read as follows:

“(14) ‘unfunded liability’ means the estimated present value of all future benefits payable from the Fund under this part based on the service of current or former participants, over

“(ii) the actuarial present value of the future contributions to be made pursuant to section 805 with respect to participants currently subject to this part;

“(iii) the Fund balance, as defined in paragraph (7), as of the date the unfunded liability is determined, excluding any amount attributable to the Foreign Service Pension System, or contributions made under the Federal Employees’ Retirement Contributions Act of 1963 or in connection with the Secretary of State’s retirement system and in anticipating the effects of long-term future—

“(A) investment yields;

“(B) increases in rates of basic pay; and

“(C) rates of price inflation.”;

(2) in section 805 (22 U.S.C. 4045) by adding the following new subparagraph:

“(E) in subsection (b)(2) by striking ‘an equal annual amount shall be contributed by the Department’ and inserting in its place ‘Each employing agency having participants shall contribute to the Fund the amount computed in a manner similar to that used under section 833(a) of title 5, United States Code, pursuant to determinations of the normal cost percentage and the amount computed in a manner similar to that used under section 833(a) of title 5, United States Code, pursuant to determinations of the normal cost percentage of the Foreign Service Retirement and Disability System’; and

(3) in section 806 (22 U.S.C. 4046) by adding the following new subparagraph:

“(E) in subsection (b)(2) by striking ‘an equal amount computed by the Department’ and inserting in its place ‘Each employing agency having participants shall contribute to the Fund the amount computed in a manner similar to that used under section 833(a) of title 5, United States Code, pursuant to determinations of the normal cost percentage of the Foreign Service Retirement and Disability System’; and

(4) by repealing sections 821 and 822 (22 U.S.C. 4061–4062) and by adding the following new section:

“Sec. 821. UNFUNDED LIABILITY.—(a) Not later than June 30, 2005, the Secretary of State shall establish actuarial valuations of the Fund that determine the unfunded liability of the Fund, as of September 30, 2004, attributable to benefits payable under this subchapter and make recommendations regarding its liquidation. After considering such recommendations, the Secretary of State shall establish an amortization schedule, including a series of annual installments commencing October 1, 2004, which provides for the liquidation of such liability Oct 1, 2044.

(b) The Secretary of State shall restructure the Code, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability over five years.

(4) Amortization schedules established under this subsection shall be set in accordance with generally accepted actuarial practices and principles, with interest computed at the rate used in the most recent valuation of the Foreign Service Retirement and Disability System.

(b) At the beginning of each fiscal year, beginning on October 1, 2005, the Secretary of State shall notify the Secretary of the Treasury of the amount of the first installment under the most recent amortization schedule established under paragraph (1). The Secretary of the Treasury shall credit to the Fund the amount of any installments paid and the credit amount to the Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated.”;

(5) in section 837 (22 U.S.C. 4071f) by adding “‘annual installments’” and inserting “‘annual installments set in accordance with generally accepted actuarial practices and principles’”; and

(6) in section 839 (22 U.S.C. 4071h) by adding “‘percentage’ after ‘normal cost’”.

(7) in section 852 (22 U.S.C. 4072) by adding “the sum of

(1) amounts paid into the Fund under section 857 (22 U.S.C. 4071); and

(2) any return on investment of the assets of the Fund.

(8) in section 859 (22 U.S.C. 4071h) by adding“‘system’ and inserting ‘Systems under this subchapter’.

SEC. 404. PUBLIC HEALTH SERVICE COMMISSIONED CORPS RETIREMENT SYSTEM

(a) In General.—Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding the following new part:

“PART C—PUBLIC HEALTH SERVICE COMMISSIONED CORPS RETIREMENT SYSTEM

“ESTABLISHMENT AND PURPOSE OF FUND

“Sec. 251. There is established on the books of the Treasury a fund to be known as the Public Health Service Commissioned Corps Retirement Fund (hereinafter in this part referred to as the ‘Fund’), which shall be administered by the Secretary. The Fund shall be used for the accumulation of funds in order to finance in an actuarially sound basis the benefits under the Public Health Service Commissioned Corps Retirement System to their survivors pursuant to part A of this title.

“ASSETS OF THE FUND

“Sec. 252. There shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

“(1) Amounts paid into the Fund under section 255.

“(2) Any return on investment of the assets of the Fund.

“(3) Amounts transferred into the Fund pursuant to section 404(c) of the Deficit Control Act of 2004.

“PAYMENT FROM THE FUND

“Sec. 253. There shall be paid out of the Fund benefits payable on account of retirement, disability, or death to commissioned officers of the Public Health Service who are survivors of the Fund attributable to service performed as of September 30, 2004, which is ‘active service’ for the purpose of
section 212. The Secretary shall establish an amortization schedule, including a series of annual installments commencing October 1, 2005, which provides for the liquidation of such liability by October 1, 2024.

(2) The Secretary shall determine the unfunded liability of the Fund as of the close of the fiscal year ending September 30, 2004, through the fiscal year ending September 30, 2009, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2014.

(3) The Secretary shall determine the unfunded liability of the Fund as of the close of the fiscal year ending September 30, 2009, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability over 5 years.

(b) The Secretary shall determine each fiscal year, in sufficient time for inclusion in the budget request for the following fiscal year, the total amount of Health and Human Services contributions to be made to the Fund during the fiscal year under section 258(a). That amount shall be the sum of—

(1) the product of—

(A) the current estimate of the value of the single level percentage of basic pay to be determined under subsection (c)(1) at the time of the most recent actuarial valuation under subsection (c); and

(B) the total amount of basic pay and of compensation (paid pursuant to section 206 of title 37, United States Code) to be determined under subsection (c)(2) at the time of the most recent actuarial valuation under subsection (c); and

(2) the product of—

(A) the current estimate of the value of the single level percentage of basic pay and of compensation (paid pursuant to section 206 of title 37, United States Code) to be determined under subsection (c)(1) at the time of the most recent actuarial valuation under subsection (c); and

(B) the total amount of basic pay and of compensation (paid pursuant to section 206 of title 37, United States Code) to be determined under subsection (c)(2) at the time of the most recent actuarial valuation under subsection (c); and

(c) Not less often than every four years thereafter (or by the fiscal year end prior to the effective date of any statutory change affecting benefits payable on account of retirement, disability, or death to commissioned officers or their survivors), the Secretary shall conduct an actuarial valuation of benefits payable on account of retirement, disability, or death to commissioned officers of the Public Health Service and to their survivors pursuant to part A of this title. Each such actuarial valuation shall be signed by an enrolled Actuary and shall include—

(1) a determination (using the aggregate entry-age normal cost method) of a single level percentage of basic pay for commissioned officers of the Public Health Service on active duty (other than active duty for training); and

(2) a determination (using the aggregate entry-age normal cost method) of a single level percentage of basic pay and of compensation (paid pursuant to section 206 of title 37, United States Code) of commissioned officers of the Reserve Corps of the Public Health Service and to their survivors pursuant to part A of this title.

(3) The Secretary shall provide for the keeping of such records as are necessary for determining the actuarial status of the Fund.

(a) PAYMENTS INTO THE FUND

SEC. 258. (a) From amounts available to the Department of Health and Human Services for salaries and expenses, the Secretary shall pay into the Fund at the end of each month the amount at the sum of—

(1) the product of—

(A) the level percentage of basic pay determined using all the methods and assumptions approved for the most recent (as of the first day of the current fiscal year) actuarial valuation under sections 254(c)(1) (except that any statutory change affecting benefits payable on account of retirement, disability, or death to commissioned officers or their survivors that is effective after the date of that valuation and on or before the first day of the current fiscal year shall be used in such determination); and

(B) the total amount of basic pay accrued for that month by commissioned officers of the Public Health Service on full-time duty other than active duty for training; and

(2) the product of—

(A) the level percentage of basic pay and of compensation (paid pursuant to section 206 of title 37, United States Code) determined using all the methods and assumptions approved for the most recent (as of the first day of the current fiscal year) actuarial valuation under section 254(c)(2) (except that any statutory change affecting benefits payable on account of retirement, disability, or death to commissioned officers or their survivors that is effective after the date of that valuation and on or before the first day of the current fiscal year shall be used in such determination); and

(B) the total amount of basic pay and of compensation (paid pursuant to section 206 of title 37, United States Code) accrued for that month by commissioned officers of the Reserve Corps of the Public Health Service (other than officers on full-time duty other than for training) who are not otherwise described in subparagraph (A).

(b) The Secretary shall provide for the accumulation of earnings of the Fund in such marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of the Fund.

(c) IMPLEMENTATION YEAR EXCEPTIONS

SEC. 257. (a) To avoid funding shortfalls in the first year should formal actuarial determinations not be available in time for budget preparation, the amounts used in the first year in sections 258(a)(1)(A) and 258(a)(2)(A) shall be set equal to those estimates in sections 258(a)(1)(A) and 258(a)(2)(A) if final determinations are not available. The original unfunded liability as defined in section 254(a) shall include an adjustment to correct for the difference between actuarial determinations and the estimates in sections 254(b)(1)(A) and 254(b)(2)(A).

(b) CONFORMING AMENDMENTS

SEC. 214 of the Public Health Service Act (42 U.S.C. 215) is amended by adding at the end the following new subsection:

(6) The Secretary shall condition any detail under subsection (a), (b), or (c) upon the agreement of the executive department, State, subdivision, or political appointee to pay to the Department of Health and Human Services, in advance or by way of reimbursement, for the full cost of the detail including that portion of the contributions under section 255(a) that is attributable to the detailed personnel.

(2) EXEMPTION FROM SEQUESTRATION.—Section 254(c)(1) of the National Defense Authorization Act for Fiscal Year 1992 and the Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)) is amended—

(A) in subparagraph (A), by inserting after the term "service retirement and disability fund" the following item: "Payment to the Public Health Service Commissioned Corps Retirement Fund (75-8274-0-7-602);" and

(B) in subparagraph (B), by inserting after the item relating to "the Pensons for former Presidents" the following item: "Payment to the Public Health Service Commissioned Corps Retirement Fund (75-8274-0-7-602)."

(c) TRANSFER OF APPROPRIATIONS.—There shall be transferred on October 1, 2006, into the Fund established under section 251 of the Public Health Service Act, as added by subsection (a), any obligated or unobligated balances of appropriations made to the Department of Health and Human Services that are currently available for benefits payable on account of retirement, disability, or death to commissioned officers of the Public Health Service. The Secretary shall be in accordance with generally accepted accounting principles, prepare a schedule of amounts to be transferred pursuant to part A of title II of the Public Health Service Act, and amounts so transferred shall be part of the assets of the Fund.

SEC. 455. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS RETIREMENT FUND

(a) IN GENERAL.—The National Oceanic and Atmospheric Administration Commissioned Corps Act of 2002 (title II of Public Law 107-32) is amended by inserting after section 246 (35 U.S.C. 906) the following new section:

"SEC. 246A. (a) ESTABLISHMENT AND PURPOSE OF NOAA COMMISSIONED OFFICER CORPS RETIREMENT FUND.—There shall be established on the books of the Treasury a fund to be known as the National Oceanic and Atmospheric Administration Commissioned Officer Corps Retirement Fund (hereinafter in this section referred to as the 'Fund'), which shall be administered by the Secretary. The Fund shall be used for the accumulation of earnings of the Fund in marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of the Fund.

(b) The term 'military retirement and survivor benefit program' means—

(1) the provisions of this title and title 10 of title 32 of the United States Code (other than section 1051); or, determining, the amount of retired pay;
(d)(1) shall include an adjustment to correct for this difference between the formal actuarial determinations and the estimates in subsection (d)(2)(A).

(b) Emergency Deficit Control Act.—Section 256(g)(1)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(B)) is amended by striking "National Oceanic and Atmospheric Administration Commissioned Officer Corps" and inserting "National Oceanic and Atmospheric Administration Commissioned Officer Corps Retirement System."
“(2) Any return on investment of the assets of the Fund;”

“(3) Amounts transferred into the Fund pursuant to section 466(d) of the Deficit Control Act of 1995.

“§ 443. Payments from the Fund

“(a) In General.—There shall be paid from the Fund the following:

“(1) Retired pay payable to persons on the retired list of the Coast Guard.

“(2) Retired pay payable under chapter 1223 of title 10 to former members of the Coast Guard and the former United States Light-house Service.

“(3) Benefits payable under programs that provide annuities for survivors of members and former members of the armed forces, including programs under chapter 61 of title 10, section 38 of Public Law 92-425, and section 5 of Public Law 96-402.

“(4) Amounts payable under section 108(b) of title 10.

“(b) Availability of Assets of the Fund.—The assets of the Fund are hereby made available for payments under subsection (a).

“§ 444. Determination of contributions to the Fund

“(a) Initial Unfunded Liability.—(1) Not later than September 30, 2004, the Secretary shall determine the unfunded liability of the Fund attributable to service performed as of September 30, 2003, which is ‘active service’ for the purposes of section 212. The Secretary shall establish an amortization schedule, including a series of annual installments commencing on October 1, 2005, which provides for the liquidation of such liability by October 1, 2044.

“(2) The Secretary shall determine the unfunded liability of the Fund as of the close of the fiscal year, for each beginning after September 30, 2004, through the fiscal year ending September 30, 2039, which shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability by October 1, 2044.

“(3) The Secretary shall determine the unfunded liability of the Fund as of the close of the fiscal year for each fiscal year beginning after September 30, 2039, and shall establish a new amortization schedule, including a series of annual installments commencing on October 1 of the second subsequent fiscal year, which provides for the liquidation of such liability over five years.

“(b) Contributions for Current Services.—(1) The Secretary shall determine each fiscal year, in sufficient time for inclusion in the budget request for the following fiscal year, the total amount of Department of Homeland Security, or Department of Defense, contributions to be made to the Fund during that fiscal year under section 454(a) of this title. That amount shall be the sum of the following:

“(A) The product of—

“(i) the current estimate of the value of the single level percentage of basic pay to be determined under subsection (c)(1)(A) at the time of the most recent actuarial valuation under subsection (c);

“(ii) the total amount of basic pay expected to be paid during that fiscal year to members of the Coast Guard on active duty (other than active duty for training).

“(B) The product of—

“(i) the current estimate of the value of the single level percentage of basic pay and of compensation (paid pursuant to section 206 of title 37) expected to be paid during that fiscal year to members of the Coast Guard Ready Reserve (other than members on full-time Reserve duty other than for training) and

“(ii) the total amount of basic pay and compensation (accrued pursuant to section 206 of title 37) determined using all the methods and assumptions approved for the most recent (as of the first day of the current fiscal year) actuarial valuation under section 444(c)(1)(A) of this title (except that any actuarial change in the military retirement and survivor benefit systems that is effective after the date of that valuation and on or before the first day of the current fiscal year shall be used in such determination); and

“(C) the liquidation of such liability by October 1, 2044.

“(2) The amount determined under paragraph (1) for any fiscal year is the amount of the benefit attributable to the Department of Homeland Security for that fiscal year for payments to be made to the Fund during that year under section 454(a) of this title.

“(3) The Secretary shall certify to the President that the full amount so determined in the budget transmitted to Congress for that fiscal year under section 1105 of title 31. The President may comment and make recommendations concerning any such amount.

“(c) Periodic Actuarial Valuations.—(1) Not less often than every four years (or before the effective date of any statutory change affecting benefits payable on account of retirement, disability, or death to members of the Coast Guard or their survivors), the Secretary shall carry out an actuarial valuation of the Coast Guard military retirement and survivor benefit programs. Each actuarial valuation of such programs shall be signed by an enrolled actuary and shall include—

“(A) a determination (using the aggregate entry-age normal cost method) of a single level percentage of basic pay for members of the Coast Guard on active duty (other than active duty for training); and

“(B) a determination (using the aggregate entry-age normal cost method) of a single level percentage of basic pay and of compensation (paid pursuant to section 206 of title 37) for members of the Fund the following:

“(1) retired pay payable to persons on the retired list of the Coast Guard;

“(2) retired pay payable under chapter 1223 of title 10 to former members of the Coast Guard and the former United States Light-House Service;

“(3) benefits payable under programs that provide annuities for survivors of members and former members of the armed forces, including programs under chapter 61 of title 10, section 38 of Public Law 92-425, and section 5 of Public Law 96-402;

“(4) amounts payable under section 108(b) of title 10;

“(5) availability of assets of the fund.—the assets of the fund are hereby made available for payments under subsection (a).

“(b) availability of assets of the fund.—the assets of the fund are hereby made available for payments under subsection (a).

“§ 445. Payments into the Fund

“(a) Monthly Accrual Charge for Current Services.—From amounts appropriated to the Coast Guard for salaries and expenses, the Secretary shall pay into the Fund at the end of each month as the Department of Homeland Security, or Department of Defense, contribution to the Fund for that month the amount that is the sum of the following:

“(1) The product of—

“(A) the level percentage of basic pay determined using the methods and assumptions approved for the most recent (as of the first day of the current fiscal year) actuarial valuation under section 444(c)(1)(A) of this title (except that any actuarial change in the military retirement and survivor benefit systems that is effective after the date of that valuation and on or before the first day of the current fiscal year shall be used in such determination); and

“(B) the total amount of basic pay accrued for that month by members of the Coast Guard on active duty (other than active duty for training).

“(2) the product of—

“(A) the level percentage of basic pay and compensation (accrued pursuant to section 206 of title 37) determined using all the methods and assumptions approved for the most recent (as of the first day of the current fiscal year) actuarial valuation under section 444(c)(1)(B) of this title (except that any actuarial change in the military retirement and survivor benefit systems that is effective after the date of that valuation and on or before the first day of the current fiscal year shall be used in such determination); and

“(B) the total amount of basic pay and compensation (paid pursuant to section 206 of title 37) accrued for that month by members of the Coast Guard Ready Reserve (other than active duty for training) who are not otherwise described in paragraph (1)(B).

“(b) Annual Payment for Unfunded Liabilities.—(1) At the beginning of each fiscal year, beginning on October 1, 2005, the Secretary shall certify to the Secretary of the Treasury the amount of the first installment under the most recent amortization schedule established under section 254(a). The Secretary of the Treasury shall promptly pay into the Fund from the General Fund of the Treasury the amount so certified. Such payment shall be the contribution to the Fund for the current fiscal year.

“(2) Technical Amendments.—Such chapter is further amended—

“(A) by amending the center heading after the table of sections to read as follows:—

“SUBCHAPTER I—OFFICERS:

“SUBCHAPTER II—ENLISTED MEMBERS:

“SUBCHAPTER III—GENERAL PROVISIONS:

“(B) by amending the center heading after section 450 to read as follows:

“SUBCHAPTER IV—SPECIAL PROVISIONS:

“(C) by amending the center heading after section 373 to read as follows:

“SUBCHAPTER III—GENERAL PROVISIONS:

“(D) by striking ‘enlisted members’ after the item relating to section 336 and inserting ‘enlisted members’

“(E) by striking ‘‘general provisions’’ after the item relating to section 336 and inserting ‘‘special provisions’’

“(F) by striking ‘‘special provisions’’ after the item relating to section 425 and inserting ‘‘special provisions’’ and

“(G) by amending the center heading after section 425 to read as follows:

“SUBCHAPTER IV—SPECIAL PROVISIONS:

“(3) Clerical Amendments.—The table of sections at the beginning of such chapter is amended—

“(A) by striking ‘‘officers’’ at the beginning of the table and inserting ‘‘subchapter I—officers’’;

“(B) by striking ‘‘enlisted members’’ after the item relating to section 336 and inserting ‘‘subchapter II—enlisted members’’;

“(C) by striking ‘‘general provisions’’ after the item relating to section 336 and inserting ‘‘special provisions’’;

“(D) by amending the center heading after section 425 and inserting ‘‘special provisions’’; and

“(E) by adding at the end following:—

“SUBCHAPTER V—COAST GUARD MILITARY RETIREMENT FUND

“§ 441. Establishment and purpose of Fund.

“§ 442. Expenditures of the Fund.

“§ 445. Payments into the Fund.

“§ 446. Investment of assets of the Fund.

“§ 447. General provisions,
 Sec. 411. FEDERAL EMPLOYEES HEALTH BENEFITS FOR ALL RETIRED MEDICARE-ELIGIBLE \nand inserting “UNIFORMED SERVICES”; \n(b) in subsection (a)— \n(i) by striking “Department of Defense Medicare-Eligible” and inserting “Uniformed Services”; \n(ii) by striking “Defense Department under” and \n(1) (i) the actuarial present value of all future post-retirement health benefits that are the liability of the Fund, less \n(ii) the present value of all accumulated amortization payments to the Fund pursuant to paragraphs (1) and (2). \n(iii) the Fund balance as of the date the supplemental liability is determined, to the extent that such balance is attributable to post-retirement health benefits. \n(iv) any other amount, as determined by the Office in accordance with generally accepted actuarial practices and principles.”. 
Sec. 412. FUNDING UNIFORMED SERVICES HEALTH BENEFITS FOR ALL RETIRED MEDICARE-ELIGIBLE 
Title 10, United States Code, is amended— \n(i) in the title of chapter 56, by striking “Department of Defense Medicare-Eligible” and \n(ii) by striking “with any other” and inserting “with each”; \n(iii) by striking “Any such agreement” and inserting “Such agreements”; and \n(iv) by striking “administering Secretary may” and inserting “administrative Secretary shall”. 
(3) in section 1113— 
(A) in subsection (a), by striking “are medicare eligible”; \n(B) in subsection (c)(1), by striking “who are medicare eligible”; \n(C) in subsection (d), by striking “who are medicare eligible”; and \n(D) in subsection (f), by striking “I” and inserting “When”; 
(4) in section 1114, in subsection (a)(1), by striking “Department of Defense Medicare-Eligible” and inserting “Uniformed Services”; 
(5) in section 1115— 
(A) in subsection (b)(2), by striking “The amount determined under paragraph (1) for any fiscal year is the amount needed to be appropriated to the Department of Defense (or any other executive department or agency exercising jurisdiction over the participating uniformed service) and inserting “The amount determined under paragraph (1), or the amount determined under section 1111(c) for a participating uniformed service, for any fiscal year, is the amount needed to be appropriated to the Department of Defense (or any other executive department or agency exercising jurisdiction over a participating uniformed service);” \n(B) in subsection (c)(2), by striking “for medicare eligible beneficiaries” and inserting “Uniformed Services beneficiaries” and “
(C) by adding at the end the following new sentence: “For the fiscal year starting October 1, 2004, only, the payments will be solely for the costs of members or former members of a uniformed service who are entitled to retired or retain pay and are medicare-eligible and eligible dependents or survivors who are medicare-eligible”; .
SEC. 411. FEDERAL EMPLOYEES HEALTH BENEFITS FUND. 
(a) Section 8906 of title 5, United States Code, is amended— 
(1) by redesignating subsection (c) as subsection (d) and inserting after that subsection the following new paragraphs: 
“3. In addition to Government contributions by agencies and other contributions authorized by this section for health benefits for a beneficiary or group of beneficiaries, the amounts deposited into the Fund pursuant to this subsection and section 8906(c)(2) to pre-fund the costs of medicare-eligible benefits shall be segregated within the Fund so that such amounts, as well as earnings and proceeds under subsection (c) attributable to them, shall be used exclusively for the purpose of paying Government contributions for post-retirement health benefits. When such amounts are used in combination with amounts deposited into the Fund, the portion of the contributions shall be set aside in the Fund as described in subsection (b).” 
“4. Under this subsection, ‘supplemental liability’ means— 
(i) the actuarial present value of all future post-retirement health benefits that are the liability of the Fund, less 
(ii) the present value of all accumulated amortization payments to the Fund pursuant to paragraphs (1) and (2).” 
(2) in subsection (f), by striking “I” and inserting “When”; 
(3) in section 1114, in subsection (a)(1), by striking “Department of Defense Medicare-Eligible” and inserting “Uniformed Services”; 
(4) in section 1115— 
(A) in subsection (b)(2), by striking “The amount determined under paragraph (1) for any fiscal year is the amount needed to be appropriated to the Department of Defense (or any other executive department or agency exercising jurisdiction over the participating uniformed service) and inserting “The amount determined under paragraph (1), or the amount determined under section 1111(c) for a participating uniformed service, for any fiscal year, is the amount needed to be appropriated to the Department of Defense (or any other executive department or agency exercising jurisdiction over a participating uniformed service);” 
(B) in subsection (c)(2), by striking “for medicare eligible beneficiaries” and inserting “Uniformed Services beneficiaries” and “
(C) by adding at the end the following new sentence: “For the fiscal year starting October 1, 2004, only, the payments will be solely for the costs of members or former members of a uniformed service who are entitled to retired or retain pay and are medicare-eligible and eligible dependents or survivors who are medicare-eligible”; .

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**Title 10, United States Code, is amended—**

1. In the title of chapter 56, by striking “Department of Defense Medicare-Eligible” and inserting “Uniformed Services”;
2. In subsection (a)—
   1. (i) by striking “Department of Defense Medicare-Eligible” and inserting “Uniformed Services”;
   2. (ii) by striking “Defense Department under” and inserting “administrating Secretary may” and inserting “administrative Secretary shall”;
3. In subsection 1113—
   1. (a) in subsection (a), by striking “are medicare eligible”;
   2. (b) in subsection (c)(1), by striking “who are medicare eligible”;
   3. (c) in subsection (d), by striking “who are medicare eligible”;
   4. (f) in subsection (f), by striking “I” and inserting “When”;
4. In section 1114, in subsection (a)(1), by striking “Department of Defense Medicare-Eligible” and inserting “Uniformed Services”;
5. In section 1115—
   1. (a) in subsection (b)(2), by striking “The amount determined under paragraph (1) for any fiscal year is the amount needed to be appropriated to the Department of Defense (or any other executive department or agency exercising jurisdiction over the participating uniformed service) and inserting “The amount determined under paragraph (1), or the amount determined under section 1111(c) for a participating uniformed service, for any fiscal year, is the amount needed to be appropriated to the Department of Defense (or any other executive department or agency exercising jurisdiction over a participating uniformed service);”
   2. (b) in subsection (c)(2), by striking “for medicare eligible beneficiaries” and inserting “Uniformed Services beneficiaries” and “
   3. by adding at the end the following new sentence: “For the fiscal year starting October 1, 2004, only, the payments will be solely for the costs of members or former members of a uniformed service who are entitled to retired or retain pay and are medicare-eligible and eligible dependents or survivors who are medicare-eligible”: .
for the health care programs" and inserting “subsection (a) and section 1111(c) shall be paid from funds available for the pay of members of the participating uniformed services and the jurisdiction of the respective administering secretaries”.

SEC. 413. EFFECTIVE DATE.
Except as otherwise provided, this title shall take effect upon enactment. Implementing regulations shall be made in respect to fiscal years beginning after 2005.

Sec. 601. Short title.
Sec. 603. Implementation of accrual budgeting for Federal insurance programs.
Sec. 604. Definitions.
Sec. 605. Authorization to enter into contracts; actuarial cost account.
Sec. 606. Effective date.

Subtitle C—Limit on the Public Debt

SEC. 501. LIMIT ON PUBLIC DEBT.
Section 3101 of title 31, United States Code, is amended to read as follows:

"§ 3101. Public debt limit
(a) In this section, the current redemption value of an obligation issued on a discount basis and redeemable before maturity at the option of its holder is deemed to be the face amount of the obligation.
(b) In obligations issued under this chapter and the face amount of obligations whose principal and interest are guaranteed by the United States Government or guaranteed by the United States from the Treasury the face amount of the obligation.
(c) For purposes of this section, the face amount, for any month, of any obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of:
1) the original issue price of the obligation, plus
2) the portion of the discount on the obligation attributable to periods before the beginning of such month (as determined under the principles of section 1272(a) of the Internal Revenue Code of 1986 without regard to any exceptions contained in paragraph (2) of such section).
(d) For purposes of this section, the term "intragovernment holding" is any obligation issued on a discount basis or held in intragovernment holdings (as defined by the Secretary of the Treasury and intragovernmental holdings) may not be more than $4,393,000,000,000 outstanding at one time, subject to changes periodically made in that amount as provided by law.
(e) The Secretary shall establish limitations on the total amount of obligations issued under this chapter, taking into account the ability of the United States Government to issue obligations within the limitations under this section. The Secretary may amend such limitations from time to time, subject to changes periodically made in such limitations as provided by law.

The CHAIRMAN pro tempore. Pursuant to House Resolution 692, the gentleman from Illinois (Mr. Krik) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Illinois (Mr. Krik).
Mr. KIRK. Mr. Chairman, I yield myself such time as I may consume.
Mr. Chairman, I urge support for the Republican Consensus Budget Substitute. In sum, the consensus substitute saves $445 billion to help protect Social Security and Medicare.

This substitute includes 10 consensus principles that help restrain spending and make it difficult to create new government programs. It represents the work of the House Republican Study Committee and the Moderate Republican Tuesday Group to put spending restraint as a core value of this Congress.

We know that Medicare’s unfunded liability is in the red $21 trillion. We know that Social Security’s unfunded liability is in the red $10 trillion. In just 5 years, the first baby boomers will start collecting Social Security checks. The number of people collecting Social Security checks will then climb from 40 million Americans to 80 million Americans. To honor our commitment to Social Security and Medicare, we must restrain spending on other programs.

This substitute would cut the growth of other entitlement programs by $945 billion, saving that to meet our Social Security and Medicare commitments.

Now, the Federal Government has made two important promises to the American people: one, to provide for the common defense; and, two, to ensure life, liberty, and security. To honor those expensive financial commitments, we must hold back spending on other programs to keep those promises. In this substitute, we do some things, and we do not do other things. We do not cut Social Security and Medicare. We do honor our commitment to America’s retirement security.

And we have other reforms. Ten reforms that they are a day late and for emergencies, so that we stop our process of emergency appropriations outside the budget.

We have baselines without automatic spending increases or deficit increases, so that we stop our process of emergency appropriations outside the budget.

We have annual caps to make sure that we can keep track of the actual budget targets we set.

We have spending controls, automatic reductions, in non-Social Security, non-Medicare accounts to make sure that a budget we pass is one that we actually keep.

We keep promises to seniors by ensuring that Social Security and Medicare are not cut and have additional resources at the government’s command to make sure that those programs are strengthened.

We have enhanced rescission protections to make sure that the President would be able to eliminate pork barrel spending projects, like greenhouses in Iowa.

We would be able to also focus on government inefficiencies with a new bipartisan commission.

We would be able to have proper accounting of long-term liability through accrual accounting.

We also have a clear showing of the Federal debt through more transparent reforms.

And, lastly, we maintain our fiscal discipline by making sure pay-as-you-go rules apply to entitlement spending.

Now, many criticize this effort, because while we do not touch Social Security or Medicare, we do hold other spending to the rating agencies. Some say we must allow government spending to grow much faster than inflation. But if spending grows faster than taxes, we will run out of money; and everyone knows that.

Even Senator KERRY does not agree with the Center on Budget and Policy Priorities. They say that we cannot slow health care costs. But Senator KERRY disagrees. And in his latest TV ad he says the following, and I quote: “We spend about $1.5 trillion every year on health care in America. $350 billion of that has nothing to do with care. It is all paperwork. We will literal billions of dollars in health care costs in America by becoming more streamlined and more efficient.” And he could not be more right.

Ask your seniors a question: Should we cut other entitlement programs so that $445 billion can go to protect Social Security and Medicare? Our seniors are savvy citizens. They know that spending in other programs threatens the long-term future of Social Security and Medicare, and they know that the recession and the baby boom means that we will need to cut other programs to protect Social Security and Medicare.
Mr. Chairman, I urge adoption of the substitute.

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

Mr. NUSSLE. Mr. Chairman, I claim the time in opposition, and I ask unanimous consent that half of that time be yielded to the gentleman from South Carolina (Mr. SPRATT).

The CHAIRMAN pro tempore. Without objection, the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Illinois (Mr. KIRK) each will control 7½ minutes.

There was no objection.

Mr. KIRK. Mr. Chairman, I just quoted the gentleman from Iowa (Mr. NUSSLE).

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

Mr. SPRATT. Mr. Chairman, I yield myself 2 minutes.

Mr. Con motion of the Kirk substitute is Hensarling light, just as objectionable for most of the same reasons, only less so.

He just put up his sign over there which said it would save $445 billion and which could be spent on Medicare and the Kirk substitute included.

But as we all know, the existence of process is not enough. It must be enforced. I believe we can all agree on that. At the Federal Government level, we see a great deal of unenforced process. That's when it comes to budgets and appropriate process.

Finally, any measure of reforming the budget process should improve the transparency, our procedure should empower Americans to hold us accountable for our choices. Eliminating structural impediments and obvious loopholes in the process would be a great step in this direction and could improve our ability to pass a budget resolution and individual appropriations bills.

Months ago, the gentleman from Illinois and I got together in an attempt to develop a package that represented no inflation. That means again just what they indicated they would do.

Mr. CASTLE. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the Kirk substitute and encourage my colleagues to support this compromise approach. I know this is ancient history, but in the state of Delaware we were justly so. I know it is a small State, but we were not balancing budgets, we were borrowing money and had the highest state tax rate in the United States of America, a 19.8 percent personal income tax rate. In an effort to rectify the situation, the business community got together with then Governor Pete DuPont and decided they had to make procedural changes. These changes included rainy day funds, other set-asides, estimates of revenues, and procedures.

These have been in place, and enforced, since then, resulting in a balanced budget every year. In my opinion, the fact that Delaware has a strongly enforced process has led us to have one of the best economic reports of any State in the country. I am particularly pleased that this substitute includes some of the specific provisions that made such a difference in the State of Delaware.

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Mr. KIRK. Mr. Chairman, I yield 4 minutes to the gentleman from Delaware (Mr. CASTLE), the chairman of the moderate Republican Tuesday Group.

Mr. CASTLE. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the Kirk substitute and encourage my colleagues to support this compromise approach. I know this is ancient history, but in the state of Delaware we were justly so. I know it is a small State, but we were not balancing budgets, we were borrowing money and had the highest state tax rate in the United States of America, a 19.8 percent personal income tax rate. In an effort to rectify the situation, the business community got together with then Governor Pete DuPont and decided they had to make procedural changes. These changes included rainy day funds, other set-asides, estimates of revenues, and procedures.

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Mr. POMEROY. Mr. Chairman, I have a lot of respect for the sponsor of this amendment and the gentleman who just spoke, but let me make it very clear. There is nothing moderate about this proposal. Not to be too graphic, but imagine going to the deli. The person puts that little ham or turkey up there and an automatic slicer starts going. Just imagine further that the slicer keeps going until the hand goes into the slicer, up to the wrist, up to the forearm. Not a pretty picture.

This is the budget equivalent that is created in this bill. It puts automatic cuts in place by a process and then those cuts cut and they cut. They cut the fat, they cut the skin, they cut the meat, they cut the bone. They cut and they cut and they cut.

Entitlement caps under this proposal would devastate so many programs: Medicaid, medical assistance to the poor, estimated cut at $175 billion. The President of the American Legion has written to express his profound concern about entitlement caps, as well he should because the projected cuts of the Kirk proposal, $28 billion military retirement and disability, $22 billion veterans' benefits, TRICARE for life, $6 billion.

We also see student loans once again taking a hit. The large loan programs, direct student loans, no inflation. That means again put the automatic slicer in place and the cuts start happening. The cuts
under that proposal alone on discretionary programs would take, as a proportion of the Federal Government discretionary program, spending down to a level not seen since Herbert Hoover was President. Herbert Hoover was a Republican. And it was the last Republican other than the existing President to have a job loss under their administration.

It appears that this is no accident. Herbert Hoover seems to be someone that they aspire to, because this economic downturn is being judged by significant expenditure to the days of Herbert Hoover.

Mr. KIRK. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. HART).

Ms. HART. Mr. Chairman, I thank the gentleman from Illinois for his time. The facts are simple. When we look at the facts, we see that our spending here in the Federal Government has been growing by significantly more year to year in the last 4 years than has the family budget. If we are spending more from year to year than families are earning from year to year, I think it is obvious that we are taking too much money from the general public. It is important for us to live within our means like they have to do.

This amendment that the gentleman from Illinois has offered will help us do that. It sets caps. It forces us to keep within the budget that we state that we will keep within. It is that simple. It is an enforcement mechanism. It forces us to identify waste. It forces us to eliminate waste. Clearly we have not done that if we look at the chart.

What is also important about this amendment is that it protects Social Security and Medicare, so our seniors will not lose. It is important for us to live within a budget. It is important for us to protect our seniors. I urge support of the Kirk amendment.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, how nice it would be if we could come up with a magic bullet to all of a sudden fix our fiscal crisis, but it is not that easy. It certainly is not going to be fixed by radical proposals like this. I say radical because this would cut spending in domestic discretionary programs, including defense. In fact, defense would be cut by $1.1 trillion, it is estimated, over the next decade. We could go down a long list of programs that would be deeply cut, but really what is at stake here is a fundamental philosophy. The proposal diminishes the rest of the proposals, in fact, I think all of the amendments and substitutes tonight, would exempt tax cuts. We exempt tax cuts because we do not want to hurt the most affluent people in this country.

The richer you are, the more benefit you get from tax cuts. But the poorer you are, the more dependent you are upon entitlement programs, Medicare, Medicaid, food stamps, child nutrition, foster care, disability payments, veterans' benefits. Those go to people who need help, to enable us to have a civil society in this country, not a survival of the fittest.

Some people are not born into wealth. Some people have disabilities. Some people suffer all their lives through the accident of birth. Yet what we would do with these proposals to try to balance the budget is to afford the tax cuts away from the people who need it the most. We will take it from Medicaid, we will take it from student loans, we will take it from child nutrition, from food stamps. To heck with them. Veterans. They are out there risking their lives for us and most of them are not the children of affluent and middle-class families.

This is a perverse budget amendment as have been the other substitutes. It is immoral that ought to be soundly defeated. I urge defeat of this substitute amendment.

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

My good friend, the gentleman from Illinois, when he stood and he acknowledged, he touts this amendment as requiring cuts that equal $445 billion over the next 10 years in entitlement programs, except for Social Security and Medicare, but the money goes out of Medicare and higher Federal civil service retirement and military retirement and family support and TRICARE for life.

The list goes on and on. He acknowledges that these programs will be cut by $45 billion. But he holds up the sign and says, but look, this money can be used to shore up Medicare and Social Security. But I defy you to read this substitute and find in it one line, one word, anything that will say that these savings must go to Social Security or Medicare, or any of these. Rather, than not, they will be used to offset tax cuts, maybe to offset the deficit but unlikely they will go to Social Security and Medicare. So what we have here is an across-the-board entitlement cap proposal that by the author's own acknowledgment will cut key programs by a substantial amount. It does protect some, limiting the cuts to 2 percent. But by limiting the cuts in some to 2 percent, the Center on Budget and Policy Priorities makes it clear that this proposal means that other programs, child care payments, farm price supports, crop insurance, TRICARE military benefits, face unlimited cuts that could reach 43 percent by 2014.

Unless you want to vote for this kind of Draconian and budget, vote against the Kirk amendment.

Mr. KIRK. Mr. Chairman, I yield myself such time as I may consume. We have an argument here. One side urges spending restraint and the other side urges growing toward Social Security. I say first to my friend from Illinois, great job. He and the gentleman from Delaware (Mr. CASTLE) have probably done something here tonight that none of the other amendments or substitutes even attempted to do, and that was to bridge the many varied ideas within our conference into one document, one amendment, one substitute.

It is going to have some opposition because it is imperfect. This entire day, one could argue, was an imperfect day. Some may have a different way of putting it but today was about controlling spending. And as far as I am concerned, any day we can debate how to control spending is a good day. At the end of this day, and we are getting close to the end of the day, it is possible nothing will pass and there will be a stalemate. But as I am driving home, wondering why did we go through this then, if, in fact, absolutely nothing passes?
That is not going to be easy to necessarily understand for everybody that is listening except that we have got to start this discussion. We really do. I mean, there are too many situations out there that are going unchecked. They are going unchecked in the appropriation process. They are going unchecked in the way we spend money on the discretionary side. They are going unchecked in the way we spend money on the mandatory side. It is today a discussion about how we can finally bring that into a system to put it into some modicum of check and balance.

It is not going to be easy to figure out. We saw a lot of different votes today from Members who oppose some things, they support others. The bottom line is we had to have this discussion. We had to have this debate. We had to have it out here on the floor in the light of day because nothing was working behind the scenes either. But we knew that we had to have this debate in order to begin the discussion about how we are going to control spending.

This is not about tax increases. I know the other side wants to have a tax increase. In fact, we had one of those debates earlier today on an Obey amendment No. 16 offered by the gentleman from Illinois (Mr. KIRK). The question is on the amendment in the nature of a substitution offered by the gentleman from Illinois (Mr. KIRK). The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

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

The Clerk redesignated the amendment.

The Chair will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded. A recorded vote was ordered.

The vote was taken by electronic device, and there were—aes 88, noes 326, not voting 19, as follows:

[Roll No. 315]

AYES—88

Akin
Ballegen
Barrett (NC)
Barrett (MD)
Beauprez
Bilirakis
Bilirakis (FL)
Blackburn
Boehner
Bonner
Booher
Braun
Brady (TX)
Broun
Broun
Cannon
Cantor
Carter
Chabot
Chabot
Chao
Chen
Cline
Cochran
DeMint
Diaz-Balart, M.
Diller
Dodd
English
Fennoy

NOES—326

Abramchic
Ackerman
Aderholt
Meadows
Allen
Andrews
Bachus
Baier
Baldwin
Bass
Beccera
Berman
Berkeley
Berry
Bishop (GA)
Bishop (NY)
Bilirakis
Bonito
Bono
Boozman
Bowser
Boscher
Boyd
Bradley (NE)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Witha,
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Capito
Capps
Capposono
Cardin
Cardona
Cardozo (OK)
Case
Cassidy
Chandler
Clay

Plake
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Goode
Gutknecht
Harris
Hart
Bonner
Hayworth
Hefley
Hensarling
Hogsa
Hogsa
Hensarling
Cochran
Mann
McCready
McKeon
Miller (FL)
Miller, Gary
Morgan (KS)
Mouser

Akereraman
Adler
Adenauder
Allen
Andrews
Bachus
Baier
Baldwin
Bass
Beccera
Berman
Berkeley
Berry
Bishop (GA)
Bishop (NY)
Bilirakis
Bonito
Bono
Boozman
Bowser
Boscher
Boyd
Bradley (NE)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Witha,
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Capito
Capps
Capposono
Cardin
Cardona
Cardozo (OK)
Case
Cassidy
Chandler
Clay

Frost
Galgally
Cooper
Gelcher
Gilchrest
Gilmore
Gonzalez
Goudielate
Goss
Graves
Greene (TX)
Greenwood
Grijalva
Guiterrez
Hall
Harman
Henshaw
Herseh
Hill
Hinchey
Hinojosa
Hobson
Hostefil
Holden
Holt
Honda
Houle (OR)
Hooyer
Horn
Hunter
Huyser
Inseel
Israel
Issa
Jackson (IL)
Jackson-Lee
Coles
Jefferson
Rams
Rector
Parr
Pattah
Penn
Perry
Perdue
Perry (NY)
Kennedy (RI)
Kilpatrick
Kim
Kinkadr
Kilpatrick
Kind

Kirk) will be postponed.

It is going to be focused on spending, on controlling spending; and that is why we have we will have, as our last vote today, an opportunity on the bal—up or down. Whether or not we want to have 2 years of caps for discretionary spending and pay-as-you-go for mandatory spending. That is what the vote will be about, and we will have the opportunity to support that or oppose that.

But let me remind us why we are doing it. We are doing it because these are the only two measures of spending control and budget enforcement that have proven to work anytime in the last 2 years, the only two, short of our own personal restraint and ability to vote.

And that is the last thing I would remind Members. Even if this does not pass tonight, even if nothing passes tonight, we are going to go back into the appropriations process. We will go back into the authorization process. And in that process, Members cannot just say let us turn this over to somebody else to do or another process to enforce. They have got to enforce spending control and budget enforcement single vote cast on this floor throughout the year. This cannot be the only time we discuss this in a process or try to blame someone else. We have got to start doing it on a day-to-day basis in the oversight we do and the votes that we cast on the floor.

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

Mr. NUSSLE. I yield to the gentleman from Illinois.

Mr. KIRK. Mr. Chairman, I do want to commend the gentleman for a very trying and difficult debate. But this was one of the few times in the Congress where we did not have a scripted debate. This was one of the few times where we did not know how the votes would turn out. And the American people have seen that we are now wrestling with a very difficult problem of how to bring spending under control so that we meet the commitments to Social Security, to Medicare, to the Nation’s defense that we have already made.

Mr. NUSSLE. Mr. Chairman, reclaiming my time, the good news is it is working. The deficit this year will be reduced by almost $100 billion, we are hearing reports already, over what was predicted just 6 months ago, $100 billion. Because of the work that we are doing reducing the deficit, which helps keep that economy moving. That is good news. We have got to do more. We have got to continue the debate. This is the first step in controlling spending.

Unfortunately, I do not think we are going to pass much today, but we need-ed to begin that debate today.

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

The CHAIRMAN pro tempore (Mr. WALDEN of Oregon). The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. KIRK).

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

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

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

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment No. 16 offered by the gentleman from Texas (Mr. HENSARLING), amendment No. 17 offered by the gentleman from Illinois (Mr. KIRK).

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

AMENDMENT NO. 16 OFFERED BY MR. HENSARLING

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk redesignated the amendment.
on the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. Kink) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of a substitute.

The Clerk redesignated the amendment in the nature of a substitute.

RECORDED VOTE

The CHAIRMAN pro tempore. A record vote has been demanded.

A record vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 120, noes 296, not voting 17, as follows:

[Roll No. 316]

AYES—120

Noes—296

The CHAIRMAN pro tempore (Mr. WALDEN of Oregon) (during the vote). Members are advised there are 2 minutes remaining in this vote.

2333

Ms. WOOLSEY, Ms. GINNY BROWN-WAITE of Florida, and Messrs. FORBES, WEINER, and BOEHLERT changed their vote from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

2330

AMENDMENT NO. 17 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. KIRK

The CHAIRMAN pro tempore (Mr. WALDEN of Oregon). The pending business is the demand for a recorded vote

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. The Chair is advised that amendment No. 19 is not to be offered.

Under the rule, the Committee rises.
Accordingly, the Committee rose; and the Speaker pro tempore (Mr. Shimkus) having assumed the chair, Mr. Walden of Oregon, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported the bill that the Committee of the Whole House had under consideration, the bill (H.R. 4663) to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to establish discretionary spending limits and a pay-as-you-go requirement for mandatory spending, pursuant to the resolution (H. Con. Res. 692) by the Committee on Appropriations, the Chairwoman, Mr. Thompson of Ohio; and the Committee reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The motion would leave in place the balanced budget agreement in 1997.

A motion to recommit.

The motion to recommit agreed to.

The Speaker pro tempore. The motion to recommit offered by Mr. Stenholm.

Mr. Stenholm moves to recommit the bill H.R. 4663 to the Committee on the Budget with instructions to report the same back to the House forthwith with the following amendments:

Amend section 6 to read as follows:

**SEC. 6. EXTENSION OF PAY-AS-YOU-GO REQUIREMENTS.**

Section 202 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended "202" both places it appears and inserting "2009".

Strike section 9 and redesignate the succeeding sections accordingly.

The SPEAKER pro tempore (Mr. Shimkus). The gentleman from Texas (Mr. Stenholm) is recognized for 5 minutes.

Mr. Stenholm. Mr. Speaker, my motion will make one simple change to the base bill. It will reinstate the original pay-as-you-go rules for all legislation which would increase the deficit. The motion would leave in place the discretionary spending limits and other provisions of the base bill in the 1993 Budget Reconciliation Act, the 1995 budget resolution, and the bipartisan balanced budget agreement in 1997.

The pay-as-you-go rules enacted in 1990 have been tested and they worked. They were instrumental in going from large deficits in the early 1980s and early 1990s to budget surpluses in the late 1990s.

The Concord Coalition, Federal Reserve Chairman Alan Greenspan, the Committee for a Responsible Federal Budget, the AARP and a bipartisan majority in the other body and a bipartisan majority in this body, for more than 20 minutes, when the gentleman from Ohio (Mr. Thompson) offered this the first time, have all expressed support for reinstating balanced and effective PAYGO rules that applies to all legislation that would increase the deficit.

These rules are based on a simple concept that all families understand, and we have heard so much of this today. If we want to reduce our revenues or increase spending, we need to say how we would pay for these changes.

If we are truly serious about restoring fiscal discipline, budget enforcement rules must apply to all legislation which would increase the deficit through increased spending or reductions in revenues.

All parts of the budget must be on the table. It is irresponsible and politically unrealistic to propose budget rules that apply to one part of the budget but not to others.

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All parts of the budget must be on the table. It is irresponsible and politically unrealistic to propose budget rules that apply to one part of the budget but not to others.

Applying pay-as-you-go rules to tax cuts do not prevent Congress from passing more tax cuts or increasing spending. All it says is that if we are going to reduce our revenues we need to reduce our spending by the same amount, and if we want to increase spending, we need to make room in the budget for the increased spending by cutting other spending or raising revenues.

Enacting meaningful budget enforcement legislation will require bipartisan support. This recommittal will bring bipartisan support.

I conclude by saying again, and listen carefully, applying pay-as-you-go rules to tax cuts do not prevent Congress from passing more tax cuts. All it says is that if we are going to reduce our revenues we need to reduce our spending by the same amount.

If my friends on the other side of the aisle actually mean what they have said over and over about controlling spending, if all of those that have just offered the last two substitutes really mean what they say about controlling spending, they should have no problem with applying pay-as-you-go to tax cuts. California (Mr. Thompson) offered this the first time, have all expressed support for reinstating balanced and effective PAYGO rules that applies to all legislation that would increase the deficit.

These rules are based on a simple concept that all families understand, and we have heard so much of this today. If we want to reduce our revenues or increase spending, we need to say how we would pay for these changes.

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Applying pay-as-you-go rules to tax cuts do not prevent Congress from passing more tax cuts or increasing spending. All it says is that if we are going to reduce our revenues we need to reduce our spending by the same amount, and if we want to increase spending, we need to make room in the budget for the increased spending by cutting other spending or raising revenues.

Enacting meaningful budget enforcement legislation will require bipartisan support. This recommittal will bring bipartisan support.

I conclude by saying again, and listen carefully, applying pay-as-you-go rules to tax cuts do not prevent Congress from passing more tax cuts. All it says is that if we are going to reduce our revenues we need to reduce our spending by the same amount.
Speaker pro tempore announced that question is on the motion to recommit. There was no objection. The Speaker pro tempore (Mr. SHIMKUS) (during the vote). Two minutes will be available for each side, and there were—ayes 146, noes 268, as above recorded. The result of the vote was announced as above recorded.

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.
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

So the bill was not passed. The result of the vote was announced as above recorded.

CONGRATULATING THE INTERIM GOVERNMENT OF IRAQ ON ITS FORTHCOMING ASSUMPTION OF SOVEREIGN AUTHORITY IN IRAQ

The SPEAKER pro tempore. The pending business is the question agreeing to the resolution, House Resolution 691, on which further proceedings were postponed earlier today. The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 352, nays 57, not voting 24, as follows:

[Roll No. 319]

YEAS—352

ABSENTEES—38

NAYS—57

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CONGRESSIONAL RECORD—HOUSE

June 24, 2004
NOT VOTING—24
Ballenger
Barton (TX)
Berreuter
Berman
Carson (IN)
Collins
Deutsch
Gephardt

Gordon
Granger
Hastings (FL)
Hastings (WA)
Hefley
H lone
Houghton
Jones (OH)

McDermott
Mollohan
Murtha
Rothman
Schrock
Sessions
Smith (MI)
Tausin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (Mr. Shimkus) (during the vote). Members are advised 2 minutes remain in this vote.

X 0023

Mr. WEXLER and Mr. DELAHUNT changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4614, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2005

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108-694) providing for consideration of the bill (H.R. 4614) making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE
Mr. SESSIONS. 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 record.

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

There was no objection.

APPOINTMENT AS MEMBER OF ELECTION ASSISTANCE COMMISSION BOARD OF ADVISORS
The SPEAKER pro tempore. Pursuant to Section 214(a) of the Help America Vote Act of 2002 (42 USC 15941), and the order of the House of December 8, 2003, the Chair announces the Speaker’s appointment of the following member on the part of the House to the Election Assistance Commission Board of Advisors for a term of two years:

Mr. J.C. Watts, Jr., Norman, Oklahoma.

PATRIOTIC EMPLOYERS OF GUARD AND RESERVISTS ACT OF 2004

(Mr. McGovern asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. McGovern. Mr. Speaker, currently over 170,000 National Guard and Reservists are on active duty serving in Afghanistan, Iraq, and elsewhere. President Bush just activated an additional 47,000 Reservists. Most are serving extended tours of duty, deployed for longer periods than their families—or their employers—expected. Seventy percent of these Guard and Reservists work in small or medium-size businesses. When called to active duty, their civilian job and salary is put on hold.

They begin receiving military pay, which is often less than their civilian salary, placing undue hardship on families already suffering the absence of a loved one.

Yesterday, I introduced H.R. 4655, the Patriotic Employers of Guard and Reservists Act. The bill provides tax relief to those employers who lose the pay gap of Guardsmen and Reservists serving overseas and tax credits to deploy the necessary workers to fill these temporary vacancies.

H.R. 4655 helps our troops and their families and encourages more companies to keep their employees on payroll when serving our Nation. I urge my colleagues to join H.R. 4655. And I urge that it move rapidly through this House.

BASIC FACTS AND BACKGROUND INFORMATION

Since September 11th, more than 350,000 members of the National Guard and Reservists have been called to active duty, and the Pentagon increasingly relies on the Army, Navy and Air Force Reserves and our National Guard to achieve its missions. Currently, over 170,000 are serving on active duty in Iraq, Afghanistan and elsewhere. President Bush recently activated an additional 47,000 Reservists. Not since World War II have so many National Guard members been called to serve abroad.

The U.S. Chamber of Commerce estimates that 70 percent of military Reservists called to active duty work in small- or medium-size companies.

Most Guard and Reservists are serving extended tours of duty and have been deployed for longer periods than they, their families, or their employers expected. The continuing, extended activation of Guard and Reserve members has imposed a tremendous burden on many companies, small businesses and manufacturers, as well as placing an undue financial burden on families already suffering the absence of a loved one. Currently, more than 41 percent of military Reservists and Guardsmen have experienced a pay cut when they are called to active duty.

In January, the Commander of the Army Reserve, Lt. General James R. Helmly, warned of a recruiting-retention crisis in the future for the National Guard and Reservists. A recent U.S. military questionnaire of returning Army National Guard soldiers projected a resignation rate of double what it was in November 2001. From October to December 2003, almost one-quarter of National Guard members who have had the opportunity to do so have chosen to leave. Recently, the U.S. Army developed a plan to pay Reservists up to $10,000 to re-enlist in order to stop a recruiting problem. H.R. 4655 would provide tax credits to employers, especially small businesses, to pay their reservist employees when they face a reduction in salary due to their military activation. Employers who continue to pay their reservist all or part of their civilian salary will be eligible to receive a tax credit up to $15,000 of the wages they pay to reservists who have been called up to active duty by the National Guard or Reserves for as long as the Reservist is on active duty status (up to a maximum of two years).

Additionally, many small employers currently have a difficult time hiring and training temporary workers to fill the temporary gaps caused by employers called to active duty. H.R. 4655 provides a tax credit of 50 percent up to $6,000 to help companies defray the costs of hiring and training a replacement worker, and up to $10,000 for small manufacturers.

The Joint Committee on Taxation estimates this measure would cost $2 billion through FY 2014, or approximately $200 million annually: $1.2 billion of those costs would occur in FY 2005 through FY 2009, given the current unusually large-scale and extended deployments of National Guard and Reserve forces.

The proposal to provide tax credits to employers and close the pay-gap for Guardsmen and Reservists serving overseas and tax credits to deploy the necessary workers to fill these temporary vacancies. H.R. 4655 provides a tax credit of 50 percent up to $6,000 to help companies defray the costs of hiring and training a replacement worker, and up to $10,000 for small manufacturers.

We invite you to join us as cosponsors to H.R. 4655, the Patriotic Employers of Guard and Reservists Act.

DEAR COLLEAGUES. When a national Guardsman or Reservist is called up to active duty, their civilian job—and salary—is put on hold, and they begin receiving military pay, which is often less than their civilian salary. This places undue hardship on many families who are already suffering the absence of a loved one. The military increasingly relies on our Reserve and National Guard forces to achieve its missions. Currently, over 170,000 National Guard and Reservists are on active duty, with many serving in Iraq, Afghanistan or elsewhere on the front lines of the war against terror. Furthermore, most are serving extended tours of duty, deployed for longer periods than they, their families, or their employers expected.

We invite you to join us as cosponsors to H.R. 4655, the Patriotic Employers of Guard and Reservists Act of 2004. This bill provides tax credits to those employers who continue to pay the salary of National Guard and Reservists serving overseas and tax credits to help these employers defray the costs of hiring and training new temporary workers to fill these temporary vacancies. H.R. 4655 will do a lot to help our troops’ families and encourage more companies to keep their employees on salary while serving our nation.

Specifically, H.R. 4655 will:

Provide a 50% tax credit to employers continuing to pay activated Guard and Reserve soldiers, with a cap of $30,000 (i.e. $15,000 credit) per employee;

Cover salaries paid on days when the employee is activated for up to 2 years to cover the entirety of the deployment;

Provide a 50% tax credit to employers up to $12,000 in costs (i.e. $6,000 tax credit) to help companies, especially small businesses and manufacturers, hire and retain temporary workers to fill-in for activated employees.

We all know the continuing activation of our Guard and Reservists has imposed a tremendous burden on our country’s companies, small businesses, and manufacturers. The U.S. Chamber of Congress estimates that 70 percent of military reservists called to active duty work in small- or medium-sized businesses. The proposal to provide tax credits to employers and close the
pay-gap for Reservists and National Guard is supported by the U.S. Conference of Mayors, the National Guard Association of the United States (NGAUS), and the Reserve Officers Association of the United States.

Please join us in helping businesses weather the loss of an employee to active duty and protecting employees and their families from suffering financial hardship when serving our nation in uniform. to cosponsor H.R. 4555, please feel free to contact us or Cindy Buhl at 5-6161 (cindy.buhl@mail.house.gov).

Sincerely,

JAMES P. MCGOVERN,
Member of Congress.

TOM LANTOS, 
Member of Congress.

EXECUTIVE COMMUNICATIONS.

ETC.

Under clause 8 of rule XII, executive communications, transmitting the Department’s final rule — Suspension of Community Eligibility [Docket No. FEMA-7833] received June 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


8781. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department’s final rule — National Institute on Disability and Rehabilitation Research [RIN: 1830-ZA37] received June 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8782. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department’s final rule — National Institute on Disability and Rehabilitation Research [RIN: 1830-ZA37] received May 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8783. A letter from the Deputy Under Secretary, Department of Education, transmitting the Department’s final rule — National Institute on Disability and Rehabilitation Research [RIN: 1830-ZA37] received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8784. A letter from the Assistant Secretary for Employee Benefits Security Administration, Department of Labor, transmitting the Department’s final rule — National Institute on Disability and Rehabilitation Research [RIN: 1830-ZA37] received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8785. A letter from the Director, OSHA Standards and Guidance, Department of Labor, transmitting the Department’s final rule — Mechanical Power Transmission Apparatus; Mechanical Power Transmission Apparatus; Telecommunications; Hydrogen — received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8786. A letter from the Assistant Secretary for Employee Benefits Security Administration, Department of Labor, transmitting the Department’s final rule — National Institute on Disability and Rehabilitation Research [RIN: 1830-ZA37] received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


8789. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department’s final rule — Requirements for Liquid Medicated Animal Feed and Free-Choice Medicated Animal Feed [Docket No. 9531P-0174] received June 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8790. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department’s final rule — Requirements for Liquid Medicated Animal Feed and Free-Choice Medicated Animal Feed — Review of 15 other Final Rules Pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


CONGRESSIONAL RECORD — HOUSE

GHZ Band) [WT Docket No. 01-90] Amendment of Parts 2 and 90 of the Commission’s Rules to Allocate the 5,830-5,925 GHz Band to the Mobile Service for Dedicated Short Range Communications and Intelligent Transport Services [ET Docket No. 98-95; RM-9096] received June 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8797. A letter from the General Counsel, Office of Personnel Management, transmitting the Office’s final rule — Physicians’ Comparability Allowances (RIN: 3206-A906) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.


8807. A letter from the Acting Attorney Advisor, Federal Commission, transmitting the Commission’s final rule — Amendments to Parts 1, 2, 27, and 90 of the Commission’s Rules to License Services in the 216-220 MHz, 1392-1429 MHz, 1429-1452 MHz, 1432-1435 MHz, 1670-1675 MHz, and 2385-2390 MHz Government Transfer Bands (WT Docket No. 02-8; RM-9287, RM-9397, RM-9854, RM-9862) received June 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8885. A letter from the Deputy Assistant Administrator for Operations, National Oceanic and Atmospheric Administration, transmitting the Department’s final rule — Endangered and Threatened Wildlife; Sea Turtle Conservation Requirements [Docket No. 04011213-1152-01; I.D. 04011149] (RIN: 0648-AJ59) received June 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.


8815. A letter from the Acting Under Secretary and Acting Director, U.S. Patent and Trademark Office, Department of Commerce, transmitting the Department’s final rule — Procedures for Designating Classes of Employees as Members of the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000; Final Rule (RIN: 0920-AA07) received May 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8817. A letter from the Deputy Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration’s final rule — Representations and Certifications—Other Than Commercial Items (RIN: 2700-AC97) received April 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.


8820. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service’s final rule — Compensation for Injuries or Sickness (Also Amounts received Under Accident and Health Plans) (Rev. Rul. 2004-55) received June 14, 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. OXLEY: Committee on Financial Services. H.R. 3916. A bill to improvecircumstances

June 24, 2004
of the $1 coin, create a new bullion coin, and for other purposes; with an amendment (Rept. 108-568). Referred to the Committee of the Whole House on the State of the Union. 

( Filed late Tuesday, June 22, 2004)

By Mr. SESSIONS: Committee on Rules.

House Resolution 694. Resolution providing for consideration of the bill (H.R. 4644) making appropriations for energy and water development for the fiscal year ending September 30, 2005; and for other purposes; to the Committee on Resources.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JONES of North Carolina: H.R. 4677. A bill to name the lake known as Falls Lake in North Carolina after United States Senator Jesse Helms; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Florida: H.R. 4678. A bill to bar certain additional restrictions on travel and remittances to Cuba; to the Committee on International Relations.

By Mr. FRANK of Massachusetts (for himself, Mr. KANJORSKI, Mr. WATERS, Mr. SANDERS, Mrs. MALONEY, Mr. GUTIERREZ, Ms. VELAZQUEZ, Mr. WATT, Ms. CARSON of Indiana, Ms. LUCAS, Mr. CROWLEY, Ms. CLAY, Mr. ISAAC, Ms. MCCARTHY of New York, Mr. BACA, Mr. LYNCH, Mr. EMANUEL, Mr. SCOTT of Georgia, and Mr. MILLER of California): H.R. 4679. A bill to authorize the Secretary of Housing and Urban Development to provide assistance for privately owned low- and moderate-income housing with expiring Federal subsidies to prevent displacement of moderate-income housing with expiring Federal subsidies to prevent displacement of moderate-income housing with expiring Federal subsidies to prevent displacement of moderate-income housing.

By Mr. HAYWOOD: H.R. 4680. A bill to amend the National Labor Relations Act to ensure that Indian tribes and any organizations owned, controlled, or operated by Indian tribes are not considered employers for purposes of such Act; to the Committee on Education and the Workforce.

By Mr. CARDIN (for himself, Mr. PALLONE, and Mr. MCNULTY): H.R. 4681. A bill to require the Secretary of Health and Human Services to establish and maintain an Internet website that is designed to allow consumers to compare the usual and customary prices for covered outpatient drugs sold by retail pharmacies that participate in the Medicaid Program for each postal Zip Code, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CASTLE (for himself, Ms. DEGETTE, Mr. DOOLEY of California, Mr. BASS, Mrs. BIGGERT, Mr. GIBSON, Mr. GILLAM, Mr. GREENWOOD, Mr. HOUCHTON, Mrs. JOHNSON of Connecticut, Mr. KIRK, Mr. KOLBE, Mr. LEACH, Mr. RAMSTAD, Mr. SHAYS, Ms. BALDWIN, Mr. BROWN of Ohio, Mr. EVANS, Mr. LANGEVIN, Mrs. MALONEY, Mr. WAXMAN, Mr. STARK, Mr. MOORE, Mrs. CAPPS, Mr. HOYER, and Ms. SMITH of New Mexico): H.R. 4682. A bill to amend the Public Health Service Act to provide for human embryonic stem cell research; to the Committee on Energy and Commerce.

By Mr. CLYBURN (for himself, Mr. BROWN of South Carolina, and Mrs. CHRISTENSEN): H.R. 4683. A bill to enhance the preservation and interpretation of the Gullah/Geechee cultural heritage, and for other purposes; to the Committee on Resources.

By Mr. ENGLISH: H.R. 4684. A bill to extend the Temporary Extended Unemployment Compensation Act of 2002, and for other purposes; to the Committee on Ways and Means.

By Mr. ROTH of New York, Mr. PICKERING, Mr. THOMPSON of California, Mr. WELDON of Pennsylvania, Mr. BERRY, Mr. BOSWELL, Mr. BOHRERT, Mr. KAPLAN of New York, Mr. MALONEY of Minnesota): H.R. 4685. A bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic identification cards for hunting stamets; to the Committee on Resources.

By Mr. KIND (for himself and Ms. McCOLLUM): H.R. 4686. A bill to authorize the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic identification badges for hunting stamets; to the Committee on Resources.

By Mr. KIND (for himself and Mr. OSBORNE): H.R. 4687. A bill to amend part C of title XVIII of the Social Security Act to require Medicare Advantage (MA) organizations to pay for critical access hospital services and rural hospitals with a rural health care rating of one or less that is at least 10 percent of the payment rate otherwise applicable under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILCHREST (for himself, Mr. SCOTT of Virginia, Mr. SCHROCK, Mr. CARINO, Mr. ADKINS, Mr. RUPPERSBERGER, Mr. VAN HOLLEN, Mr. CASTLE, Mr. WELDON of Pennsylvania, Mr. BORKERT, Mr. PLATTS, Mr. ENGLISH, Mr. CUMMINGS, Mr. WYNN, Mr. MURTHA, Mr. HOYER, and Mr. BARTLETT of Maryland): H.R. 4688. A bill to amend the Federal Water Pollution Control Act to reauthorize the Chesapeake Bay Program; to the Committee on Transportation and Infrastructure.

By Mr. GREEN of Texas (for himself, Mr. HINCHY, Mr. RANGEL, Mr. FROST, Mr. GUTIERREZ, and Mr. ENOCH): H.R. 4689. A bill to support certain provisions of title XXI of the Social Security Act to provide Medicare beneficiaries with access to geriatric assessments and chronic care management, and for other purposes; 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. HEPFELT (for himself, Mr. BEAUPRE, and Mr. TANCREDO): H.R. 4691. A bill to authorize the Secretary of the Interior to conduct a feasibility study relating to long-term water needs for the area served by the Fryingpan-Arkansas Project, Colorado, and for other purposes; to the Committee on Resources.

By Mr. INSLEE (for himself, Mrs. WILSON of New Mexico, Mr. SMITH of Washington, Mr. DICKS, Mr. LARSEN of Washington, Mr. MCDERMOTT, Mr. UDALL of New Mexico, Mr. PEARCE, and Mr. BAIRD): H.R. 4692. A bill to amend title XXI of the Social Security Act to permit qualifying States to use a portion of their allotments under such title to construct and maintain a demonstration program for any fiscal year for certain Medicaid expenditures, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KENNEDY of Rhode Island (for himself and Ms. ROS-LEHTINEN): H.R. 4693. A bill to require persons who seek to retain seed harvested from the planting of patented seeds to register with the Secretary of Agriculture and pay fees set by the Secretary for retaining such seed, and for other purposes; to the Committee on Agriculture, 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. MCDERMOTT: H.R. 4694. A bill to amend the Older Americans Act of 1965 to provide for mental health screening and treatment services, to amend the Public Health Service Act to provide for integration of mental health and mental health treatment outreach teams, and for other purposes; to the Committee on Education and the Workforce, 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. MCHUGH: H.R. 4695. A bill to amend the Older Americans Act of 1965 to provide for mental health screening and treatment services, to amend the Public Health Service Act to provide for integration of mental health and mental health treatment outreach teams, and for other purposes; to the Committee on Education and the Workforce, 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. MCHUGH: H.R. 4696. A bill to amend the Older Americans Act of 1965 to provide for mental health screening and treatment services, to amend the Public Health Service Act to provide for integration of mental health and mental health treatment outreach teams, and for other purposes; to the Committee on Education and the Workforce, 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. MCHUGH: H.R. 4697. A bill to amend the Internal Revenue Code of 1986 to provide for a permanent extension of the credit for producing electric power from wind; to the Committee on Ways and Means.

By Mr. MCHUGH: H.R. 4698. A bill to establish a grant program to support broadband-based economic development efforts; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, 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. MCHUGH: H.R. 4699. A bill to establish a grant program to support broadband-based economic development efforts; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, 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. McINNIS: H.R. 4700. A bill to provide special authority to the Secretary of Agriculture to convey certain Forest Service administrative sites in the White River National Forest in Colorado, to reserve the proceeds from such conveyance to help resource needs of that national forest, and for other purposes; to the Committee on Resources.
By Mr. RAHALL (for himself, Mr. GONZALEZ of California, and Mr. RYAN of Ohio): H.R. 4701. A bill to allow workers certified in the Commonwealth of Kentucky by a labor dispute; to the Committee on Ways and Means.

By Mr. OSBORNE (for himself, Mr. HORNSTRA, and Mr. FORD): H.R. 4702. A bill to require farmers to be offered supplemental crop insurance based on an area yield and loss plan of insurance; to the Committee on Agriculture.

By Mr. OSE (for himself, Mr. DOOLITTLE, Mr. CARSON of Oklahoma, and Mr. MURDOCH): H.R. 4703. A bill to amend the Internal Revenue Code of 1986 to establish tax credits for climate neutral combustion technologies; to the Committee on Ways and Means.

By Mr. POMEROY: H.R. 4704. A bill to amend the Internal Revenue Code of 1986 to establish tax credits for climate neutral combustion technologies; to the Committee on Energy and Commerce.

By Mr. RAHALL (for himself, Mr. PARK, Mr. JACKSON of Illinois, Ms. PELLEGRIN, Mrs. CAPFY, Mr. GEORGE MILLER of California, Mr. WEXLER, Mr. GRIJALVA, Mr. GOTTLIEB, Mr. CASE, Mr. MORAN of Virginia, Mr. RUSH, Mr. KUNCINICH, Mr. VAN HOLLEN, and Mr. SCHIFF): H.R. 4706. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to provide for stewardship of fishery resources for the American public, and for other purposes; to the Committee on Resources.

By Mr. RANGEL (for himself and Mr. HOUGHTON): H.R. 4707. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage diversity of ownership of telecommunications businesses, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Small Business, 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. RYAN of Ohio: H.R. 4708. A bill to allow workers certified to receive trade adjustment assistance under the Trade Act of 1974 who are rehired by the same employer to continue to receive such assistance if they are subsequently unable to work because of a lock-out in the course of a labor dispute; to the Committee on Ways and Means.

By Ms. LORETTA SANCHEZ of California: H.R. 4709. A bill to amend the Uniform Code of Military Justice to bring sexual assault crimes under Federal law, and for other purposes; to the Committee on Armed Services.

By Ms. SLAUGHTER (for herself, Mr. HINCHHEY, and Mr. GRIJALVA): H.R. 4710. A bill to clarify the congresional intent concerning, and to codify certain requirements of the Communications Act of 1934 that ensure that broadcasters afford reasonable opportunity for the discussion of issuers and lower prescription drug prices under the Medicare Program; to the Committee on Rules.

By Mr. SYNDER (for himself and Mr. BOOZMAN): H.R. 4711. A bill to amend title 38, United States Code, to eliminate reductions of basic pay for hardship or additional allowance for dependents under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, 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. TIAHRT (for himself, Mr. BALLENGER, Mr. NORWOOD, and Mr. !NALLOH): H.R. 4712. A bill to amend the Occupational Safety and Health Act of 1970 with respect to enforcement provisions; to the Committee on Education and the Workforce.

By Mr. MCGOVERN (for himself, Ms. SCHAKOWSKY, and Mr. HONDA): H.Con. Res. 465. Concurrent resolution commending the efforts of women in the Republic of Colombia to promote peace; to the Committee on International Relations.

By Mr. HOLT (for himself, Mr. WOLF, Mr. GEORGE MILLER of California, and Mr. LANTOS): H.Con. Res. 466. Concurrent resolution urging the Government of India to conduct a thorough and transparent investigation of the scope of abusive child labor in circuses throughout India and to pursue immediate and effective remedies to end such abuse, and to provide immediate and continuous police protection to secure the personal safety of Kailash Satyarthi, his family, and his colleagues in the South Asian Coalition Against Child Servitude; to the Committee on International Relations.

By Mr. PAYNE (for himself, Mr. CUMMINGS, Mr. JEFFERSON, Mr. WYNN, Ms. LEE, Ms. MAIJETTE, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Ms. WATERS, Mr. JACKSON of Illinois, Ms. NORTON, Mr. SCOTT of Georgia, Ms. MILLINDER-McDONALD, Mr. DAVIS of Alabama, Mr. RUSH, Mr. TOWNS, Ms. SCHAKOWSKY, Mr. FATTAH, Mr. OWENS, Mr. RANGEL, Mr. THOMPSON of Mississippi, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WATT, Mr. MEEEKS of New York, Ms. CORRINE BROWN of Florida, Ms. WATSON, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. CLYBURN, Mr. CONEYERS, Mr. SCOTT of Virginia, Mr. FORD, Ms. KILIPACKA, Mr. TASCHEKRO, and Mr. BISHOP of Georgia): H.Con. Res. 467. Concurrent resolution declaring genocide in Darfur, Sudan; to the Committee on International Relations.

By Mr. CARDIN (for himself, Mr. GLYNN, Mr. HOGAN, Mr. HARKIN, Mr. BURTON of Indiana, Ms. McCARTHY of Mississippi, Mr. MORA of Virginia, Mr. HARRISON, Mr. JACKSON-LEE of Texas, and Mr. MATSU): H.Res. 685. A resolution expressing the condolences of the House of Representatives to the family and friends of Mattie Stepanek on his passing, and honoring the life of Mattie Stepanek for his bravness, generosity of spirit, and efforts to raise awareness of muscular dystrophy; to the Committee on Government Reform.

H.Res. 696. A resolution providing for consideration of the bill (H.R. 3767) to amend title XVIII of the Social Security Act to decrease the interest rate and lower prescription drug prices under the Medicare Program; to the Committee on Rules.

By Mr. Ryan of Ohio (for himself and Mr. MANZULLO): H.Res. 697. A resolution urging the Government of the People’s Republic of China to halt all activities regarding exports of coke; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, Mr. MILLER of Florida introduced A bill (H.R. 4713) for the relief of Christine L. Barrott; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 99: Mr. BARTLETT of Maryland.
H.R. 173: Mr. McCOTTER.
H.R. 284: Mr. HASTINGS of Washington.
H.R. 303: Ms. HERSETH.
H.R. 344: Mr. OTTER.
H.R. 594: Ms. HERSETH.
H.R. 792: Mr. GALLEGA.
H.R. 792: Ms. ACKERMAN, Mr. NEUGEBAUER, Ms. DELAURO, and Mr. NEAL of Massachusetts.
H.R. 983: Ms. HERSETH.
H.R. 982: Mr. WU.
H.R. 1080: Mr. SHAWS.
H.R. 1355: Mr. STARK.
H.R. 1466: Mr. HOFIEF.
H.R. 1501: Mr. RANGEL, Mr. LYNCH, Mr. NEAL of Massachusetts, Mr. McGOVERN, Mr. FRANK of Massachusetts, Ms. BORDALLO, and Mr. CASE.
H.R. 1563: Mr. RENZI.
H.R. 1684: Mr. DOUGGERT and Mr. SKELTON.
H.R. 1746: Mr. POMEROY.
H.R. 1824: Mr. CRANE.
H.R. 2079: Mr. KLICKIZKA.
H.R. 2176: Mr. LARSEN of Washington and Mr. PICKERING.
H.R. 2239: Mr. KANJORSKI.
H.R. 2262: Mr. GUTIERREZ.
H.R. 2318: Mr. FATTAH.
H.R. 2387: Mr. FRANK of Massachusetts.
H.R. 2536: Mr. CROWLEY, Mr. BOHLEITZ, and Mr. BAIRD.
H.R. 2568: Mr. SOUDER, Mr. WINTER, Mr. LARSON of Connecticut, and Mr. BACA.
H.R. 2595: Mr. ISRAEL and Mr. PORTER.
H.R. 3009: Ms. Harris and Mr. SHIMKUS.
H.R. 3148: Mr. ALEXANDER, Mr. ROSS, Mr. JAYBERGER, Mr. MAJETTE, Mr. DICKS, and Mr. LARSON of Connecticut.
H.R. 3180: Mr. WIXMAN.
H.R. 3192: Mr. FRANK of Massachusetts, Mr. DAVIS of Florida, Mr. KILDER, and Mr. REYES.
H.R. 3194: Mr. ESCH.
H.R. 3315: Mr. SIMPSON and Mr. OTTER.
H.R. 3327: Mr. CASE.
H.R. 3424: Mr. CONYERS.
H.R. 3425: Mr. CONYERS.
H.R. 3558: Mr. DEAL of Georgia, Mr. NORWOOD of Georgia, Mr. ROGERS of Michigan, Mr. SMITH of New Jersey, and Mr. GIBBONS.
H.R. 3574: Ms. DUNN.
H.R. 3579: Mr. CUMMINGS and Mr. LANTOS.
H.R. 3619: Ms. HERSETH.
H.R. 3642: Mrs. TAUSCHER.
H.R. 3672: Ms. HERSETH.
H.R. 3676: Ms. THIERNEY.
H.R. 3844: Mr. PAYNE and Mr. KLINE.
H.R. 3728: Mr. FRANK of Massachusetts.
H.R. 3767: Mr. BROWN of Ohio and Mr. FROST.
H.R. 3884: Mr. BISHOP of New York.
H.R. 3810: Mr. Berman, Mr. MKEES of New York, and Mr. PASTOR.
H.R. 3831: Mr. Case, Mr. Langevin, Mr. Ruppersberger, Mr. Delahunt, Mr. Markley, Mr. Evans, Ms. Slaughter, Mr. Farr, Mr. Lewis of Georgia, Mrs. Kilpatrick, Ms. Waters, Mr. Van Hollen, Mr. Sabo, Ms. Eshoo, Mr. Gonzalez, Mr. Becerra, Mr. Honda, Mr. Menendez, Mr. Pallone, Mr. Matsui, Mr. Crowley, Mr. McDermott, Mrs. Cappas, and Mr. Capuano.

H.R. 3858: Mr. Beauprez, Ms. Hooley of Oregon, Mr. McCotter, and Mr. Boehner.

H.R. 3968: Mr. Neal of Massachusetts.

H.R. 4026: Mr. Neal of Massachusetts.

H.R. 4046: Mr. Bishop of New York, Mr. Meeks of New York, Mr. Frost, Mr. Weiner, Mr. Towns, Mr. Israel, Mrs. Maloney, Mr. McGiugh, Mrs. McCarthy of New York, Mr. Serrano, Ms. Slaughter, Mr. Owens, Ms. Hinchey, Mr. Borenstein, and Mrs. Lowey.

H.R. 4067: Mr. Langevin and Ms. Eshoo.

H.R. 4093: Mr. Grijalva.

H.R. 4097: Ms. Kaptur.

H.R. 4100: Mr. Doigott, Mr. Falكوم瓦基拉, Mrs. Christensen, Mr. Ackrvedo-Vilca, Mr. Holt, Mr. Green of Texas, Mr. Frank of Massachusetts, Mr. Kildeer, Mr. McIntyre, Mr. Boucher, Ms. Baldwin, Ms. Eddie Bernice Johnson of Texas, Mr. McNulty, Mr. McDermott, Ms. Lee, Mr. Stark, Ms. Woolsey, Mr. Liepinsky, Mr. Clay, Mr. Meek, Mr. Tierney, Ms. McCarthy of Missouri, Mr. Sanders, Mr. Kucinich, Mr. Berman, Mr. Inslee, Mrs. Davis of California, Ms. Calsam of Indiana, Mr. Ford, Ms. Scharowsky, and Ms. Slaughter.

H.R. 4110: Mr. Smith of New Jersey and Ms. Lek.

H.R. 4119: Mr. Ensign, Mr. Isakson, Mr. Souder, Mr. Marshall, and Mr. Green of Texas.

H.R. 4124: Mr. Bishop of Georgia.

H.R. 4131: Mr. Ose and Mr. Fossella.

H.R. 4130: Mr. Simmons.

H.R. 4136: Mr. Miller of Florida, Mr. Hastings of Washington, and Mr. Jones of North Carolina.

H.R. 4137: Mr. Lincoln Diaz-Balart of Florida, Mr. Mario Diaz-Balart of Florida, Ms. Ros-Lehtinen, and Mr. Sessions.

H.R. 4206: Mr. Frost, Mr. McNulty, and Mr. Van Hollen.

H.R. 4207: Mr. Waxman.

H.R. 4232: Mr. Reyes.

H.R. 4261: Mr. Meek of Florida.

H.R. 4263: Mrs. Napolitano, Mr. Bishop of New York, Mr. Serrano, Mr. Green of Texas, Mrs. Tauscher, Mr. Weiner, Ms. Slaughter, Mr. Filner, Mr. Holt, and Mrs. Solis.

H.R. 4269: Mr. Fatman.

H.R. 4294: Mr. Sullivan, Mr. Duncan, Mr. Paul, and Mr. Deal of Georgia.

H.R. 4303: Mr. McNulty, Mr. Greenwood, Mr. Crowley, Mr. Davis of Florida, and Mr. McCotter.

H.R. 4306: Mr. Rogers of Michigan.

H.R. 4343: Mr. Culterburn.

H.R. 4354: Mr. Doyle.

H.R. 4415: Mr. Lantos, Mr. Ackerman, and Ms. DeLauro.

H.R. 4420: Mr. Stenholm, Ms. Sessions, and Ms. Mustzavara.

H.R. 4432: Mr. Bonilla, Mr. Miller of Florida, Mr. Kingston, and Mr. Brady of Texas.

H.R. 4433: Mrs. Miller of Michigan.

H.R. 4440: Mr. Carter and Mr. Jenkins.

H.R. 4449: Ms. Honda.

H.R. 4472: Mr. Frost, Ms. Harman, Mr. McNulty, Mr. John, Mr. Sanders, and Mr. Brady of Pennsylvania.

H.R. 4502: Ms. Norton, Mr. McInnis, and Mr. Saxton.

H.R. 4511: Mrs. Maloney, Mr. Payne, Mr. Grijalva, and Mr. Bishop of Georgia.

H.R. 4521: Mr. Bachu.

H.R. 4530: Mr. English.

H.R. 4533: Mr. Nunez.

H.R. 4555: Mr. Souder.

H.R. 4576: Mr. Hinojosa, Mr. McInnis, Mr. Kline, Mr. Pence, Mr. Young of Alaska, Mr. Oxley, Mr. Bradner of New Hampshire, Mr. Moran of Virginia, Mr. Blunt, Mr. Pethri, and Mr. Renzi.

H.R. 4584: Mr. Renzi.

H.R. 4600: Mrs. McCarthy of Missouri, Mr. Whitfield, and Mr. Davis of Tennessee.

H.R. 4606: Mr. Smith of New Jersey.

H.R. 4619: Mr. Neithorcut, Mr. Thompson of Mississippi, Mrs. Linda T. Sanguez of California, Mrs. Capps, Ms. Pelosi, Ms. Harman, Mr. Honda, Mr. Filner, Mrs. Tauscher, Ms. Lowrey, Mr. Cardoza, Ms. Solis, Mr. McNulty, and Mr. Becerra.

H.R. 4622: Mr. Snyder, Mr. Capuano, Mr. Bishop of Georgia, and Mr. Isakson.

H.R. 4634: Mr. Tiahrt, Mr. Marshall, Mr. Sandlin, Mr. Green of Texas, Mr. Ryun of Kansas, Mr. Ferguson, and Mr. Wilson of South Carolina.

H.R. 4636: Mr. Matheson, Mr. McIntyre, Mr. Davis of Tennessee, Mr. Jenkins, Mr. English, Mr. Costello, Mr. Cooper, and Mr. Cardoza.

H.R. 4655: Mr. Hoefferl, Mr. Brown of Ohio, Mr. Rodriguez, Mr. Sandlin, Mr. Blumennaur, and Ms. Norton.

H.R. 4671: Mr. Towns, Ms. Jackson-Lee of Texas, Mrs. Jones of Ohio, Mr. McNulty, Mr. Grijalva, and Mr. McNulty.

H.Con. Res. 339: Mr. Rangel and Mr. Gutierrez.

H.Con. Res. 375: Mr. Matsui, Ms. Lee, and Mr. Deutsch.

H.Con. Res. 418: Ms. McCollum and Mr. Davis.


H.Con. Res. 442: Mr. Simpson, Mr. Davis of Illinois, Ms. Scharowsky, Mr. Gutknecht, Ms. Inslee, Mr. Baldwin, and Mr. Klecza.

H.Con. Res. 495: Mr. Oberstar, Mr. Rogers of Kentucky, and Mr. Shimkus.

H.Con. Res. 462: Mr. Chat, Mr. Leach, Ms. Ros-Lehtinen, Mr. Wexler, Mr. Berman, Mr. Meeks of New York, Mr. McCotter, Mrs. Davis of California, Mr. Smith of New Jersey, Mr. Rohrabacher, Mr. Chandler, Mr. Gonzalez, Mr. McNulty, Mr. Souder, Ms. Berkley, Mr. Ackerman, Mr. Tancredo, Mr. Shimkus, Mr. Wu, Mr. Kirk, Mr. Hoefferl, Mr. Schiff, Mr. Deutsch, and Mr. King of New York.

H.Res. 69: Mr. Shao.

H.Res. 666: Mr. Udall of Colorado.

H.Res. 485: Mr. Colks and Mr. Rodriguez.

H.Res. 566: Mr. Greenwood.

H.Res. 570: Mr. Ruppersberger.

H.Res. 667: Mr. Evans and Mrs. Myrick.

H.Res. 687: Mr. Jones of Ohio, Mr. McNulty, Ms. Jackson-Lee of Texas, and Mr. Sabo.

H.Res. 688: Mr. Wellers and Mr. Bartlett of Maryland.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4614

OFFERED BY: Mr. King of Iowa

AMENDMENT No. 3. At the end of the bill (before the short title), insert the following:

SEC. None of the funds made available in this Act that are provided to the United States Fish and Wildlife Service or a State department of natural resources for the purpose of carrying out habitat restoration measures for endangered species pursuant to the Corps of Engineers Missouri River Master Water Control Manual may be used for any other purpose.

H.R. 4614

OFFERED BY: Ms. Norton

AMENDMENT No. 4. Page 3, line 17, after the dollar amount insert the following: (increased by $20,000,000) (reduced by $20,000,000)".

H.R. 4614

OFFERED BY: Mr. Sanders

AMENDMENT No. 5. Page 19, line 14, after the dollar amount, insert the following: (increased by $30,000,000)".

Page 23, line 5, after the dollar amount, insert the following: (reduced by $30,000,000)".

H.Con. Res. 495: Mr. Oberstar, Mr. Rogers of Kentucky, and Mr. Shimkus.

H.Con. Res. 462: Mr. Chat, Mr. Leach, Ms. Ros-Lehtinen, Mr. Wexler, Mr. Berman, Mr. Meeks of New York, Mr. McCotter, Mrs. Davis of California, Mr. Smith of New Jersey, Mr. Rohrabacher, Mr. Chandler, Mr. Gonzalez, Mr. McNulty, Mr. Souder, Ms. Berkley, Mr. Ackerman, Mr. Tancredo, Mr. Shimkus, Mr. Wu, Mr. Kirk, Mr. Hoefferl, Mr. Schiff, Mr. Deutsch, and Mr. King of New York.

H.Res. 69: Mr. Shao.

H.Res. 666: Mr. Udall of Colorado.

H.Res. 485: Mr. Colks and Mr. Rodriguez.

H.Res. 566: Mr. Greenwood.

H.Res. 570: Mr. Ruppersberger.

H.Res. 667: Mr. Evans and Mrs. Myrick.

H.Res. 687: Mr. Jones of Ohio, Mr. McNulty, Ms. Jackson-Lee of Texas, and Mr. Sabo.

H.Res. 688: Mr. Wellers and Mr. Bartlett of Maryland.
Mr. HATCH. Mr. President, I rise today to express my strong support for the confirmation of Mr. W. Hall, who has been nominated to the U.S. Court of Appeals for the Second Circuit.

Mr. Hall is an exceptional nominee and well-prepared for the Federal bench. A graduate of the University of North Carolina at Chapel Hill and a cum laude graduate from Cornell Law School, he served as a law clerk for United States District Court Judge Albert W. Coffrin in the District of Vermont. He then served in the United States Attorney’s Office for the District of Vermont, first as an assistant U.S. Attorney, then as first assistant U.S. Attorney. From 1986 to 2001, Mr. Hall was a partner in the law firm of Reiber, Kenlan, Schwiebert, Hall & Facey, P.C. He then returned to the U.S. Attorney’s Office—this time unanimously confirmed by the Senate—to be the United States Attorney for the District of Vermont, a position he holds today.

Mr. Hall has been very active in his community. He served as President of the Vermont Bar Association from 1995-96, on the Federal District Court Advisory Committee for the United States District Court in Vermont as a Citizen Board Member of the Vermont Criminal Justice Training Council, and on the Board of the Vermont Karelia Rule of Law Project. From 1989–1994, he was a nonpartisan elected member of the select board for the town of Chittenden, VT, and in 1995, he was the elected Justice of the Peace for Chittenden. He has also been involved in the lay leadership of his church.

Mr. Hall has overwhelming bipartisan support, including both of his home State Senators, Patrick Leahy and Jim Jeffords. The ABA unanimously rated him “well qualified.” He is an outstanding candidate who has been nominated to fill a vacancy that has been designated by the National Judicial Conference as a judicial emergency. I urge my colleagues to join me in supporting his nomination.

Mr. BOND. Mr. President, it is a pleasure to speak in support of a distinguished nominee of the President—the only CPA serving on any supreme court in the United States. Judge Benton was Missouri’s chief tax expert, serving as director of the Missouri Department of Revenue. Judge Benton was member of the United States Navy, serving as a judge advocate for a number of years. Judge Benton earned his degree at Northwestern University; his law degree at Yale University School of Law, where he also served as editor of the Yale Law Journal; a Masters of Business Administration at Memphis State University and a Masters of Law at the University of Virginia.

Judge Benton has also found time to be active in the communities in which he has lived. While his activities are too numerous to name, he has given his time from coaching baseball to serving on the Board of Regents for Central Missouri State University. He retired from the U.S. Naval Reserve as a captain, after 30 years of active and reserve duty. He is a Vietnam veteran, a member of the Veterans of Foreign Wars, the American Legion, the Navy League, the Vietnam Veterans of America and the Missouri Military Advisory Committee.

The U.S. Court of Appeals is truly a second most important court in the land. Nearly every Federal case ends up before the court in some manner. Its decisions impact every aspect of society. To these positions, I believe it is imperative that the President nominate people of distinguished intellect and character with a breadth of legal
Mr. HATCH. Mr. President, I rise today to express my strong support for the confirmation of William Duane Benton, who has been nominated to the U.S. Court of Appeals for the Eighth Circuit.

Judge William Benton is an ideal nominee and is well suited for the Federal bench. He is currently a judge on the Supreme Court of Missouri, where he has served for 13 years, including two years as chief justice of the court. He is highly respected by his peers, has broad bipartisan support, and received a unanimous "Well Qualified" rating from the American Bar Association.

Both of Judge Benton’s home State senators, Senators BOND and TALENT, enthusiastically support his nomination to the Eighth Circuit. Before I go on, I want to note here that Judge Benton is the only certified public accountant serving on any State supreme court in the United States.

I would also note Judge Benton’s military career. From 1975 to 1979, he served with the U.S. Navy as a judge advocate. A Vietnam veteran, Judge Benton retired from the U.S. Naval Reserve at the rank of Captain following 30 years of active and reserve service.

Judge Benton has an outstanding academic record and I want to list a few of his accomplishments: He graduated summa cum laude from Northwestern University, where he became a member of Phi Beta Kappa. He then attended Yale Law School, where he distinguished himself as both an editor and managing editor of the Yale Law Review. While on active duty in the Navy, he attended business school at night at the University of Memphis and received a degree in business administration—with honors. And in 1995, he received an L.L.M. from the University of Virginia.

Judge Benton has been a dedicated public servant throughout most of his career, serving in all three branches of the Government at the State or Federal level. He was confirmed by the Missouri Senate for many of those positions: Director of Revenue for the Missouri Department of Revenue; the Chair of the Board of Trustees for the Missouri State Employees’ Retirement, and Member of the Board of Regents for Central Missouri State University. Additionally, the governor of Missouri appointed Judge Benton to the Multistate Tax Commission prior to his service on the bench. The Missouri Senate also confirmed him for that position, and members from 32 other states elected him chair of the commission. Judge Benton also served as chief of staff to Missouri Congressman Wendell Ford in the U.S. House of Representatives.

In addition to his many years as a public servant, Judge Benton maintained a law practice. During the 1980s, he had a general civil practice representing clients such as statewide associations and groups, small businesses, and local governments. He also represented several Federal inmates on a pro bono basis.

Judge Benton has the support of both home State senators. Furthermore, he has wide support from members of the Missouri bar, as well as community organizations such as the Jefferson City Branch of the N.A.A.C.P.

Judge Benton also commands a widely respected reputation for possessing a high level of integrity, and for being personable and engaging. I’m sure that my colleagues will agree that Judge Benton brings unmatched expertise, as well as experience to the Federal bench.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, a little more than a month ago we were able to obtain a firm commitment from the White House to not make any further judicial recess appointments for the remainder of this presidential term. That undertaking led immediately and directly to the Senate vitiating a cloture vote and proceeding to confirm a district court nominee from Florida. Since that time I have been urging the Republican leadership to schedule consideration and votes on the other two dozen nominees to be considered. They started slowly but last week we were able to confirm nine of the judicial nominees. Today we will act on several more.

It is unfortunate that the Republican leadership did not schedule the debate that they know will be required before a vote on the Holmes nomination. There remains no Democratic hold on that nomination. The problem has been the failure of the Republican leadership to schedule consideration and votes on the other two dozen nominees to be considered. They started slowly but last week we were able to confirm nine of the judicial nominees. Today we will act on several more.

The facts are that Senate Democrats have been much more cooperative with this President than Republicans were when President Clinton was in the White House. Democrats in this Senate have shown great restraint and extensive bipartisan cooperation to fill 12 judicial vacancies. That is in sharp contrast with the Republicans in the years 1995 through 2001. We have already reduced from 229 to 151 the Federal court vacancies to the lowest level since the Republican Senate leadership irresponsibly doubled those vacancies in the years 1995 through 2001. We have already reduced from 112 to 74 the number of Federal court vacancies to the lowest levels in 14 years, and after today we may hit a level of vacancies achieved only once in the last 20 years with less than 30.

Today, Senator Hatch and I will confirm two judicial nominees to a circuit court. One of these will be a Court of Appeals for the Eighth Circuit. The second will be a Circuit Judge on the U.S. Court of Appeals for the Thirteenth Circuit. Today we will confirm these two judicial nominees to a circuit court. We will have confirmed this year. This should be compared with the number of circuit court nominees confirmed in the 1996 session, the last year of President Clinton’s first term. That session not a single circuit court nominee was permitted by the Republican majority to proceed to confirmation, not one. That year only 17 judges were allowed to be confirmed, and all were to district court vacancies.

Judge Benton, who currently serves on the Supreme Court of Missouri, is an example of the sort of nominee that President Bush ought to send for the appellate court. Judge Benton has a reputation as a conservative, but fair-minded judge. As an attorney he had experience in a variety of areas of law, and on the State Supreme Court he has handled complex criminal and civil cases. He has written a number of excellent opinions, laying out the facts and the law with no hint of any personal bias. Judge Benton shows a willingness to listen to all litigants and to be fair.

I was especially struck by his fairness in death penalty cases. Far too often, other judges, especially Republican judges, yield to the pressure of the those who would sacrifice important constitutional principles in capital cases. As I look at his record, I see that of the 21 published opinions Judge Benton has written in death penalty cases, he has affirmed 12 and reversed nine. I think it is telling that he is willing to see beyond what are always terrible facts in these cases to ensure that justice and important constitutional safeguards are preserved.

I hope that my praise for his work in death penalty cases will not hurt Judge Benton’s chances for confirmation. I remember not so long ago when another judge on the Supreme Court of Missouri, now-Chief Justice Ronnie White, was before the Senate as a nominee to a seat on the Federal bench. Sadly, Judge White’s willingness to uphold the Constitution and ensure fair process in death penalty cases led to his being defeated by an unprecendented party-line vote of Republican Senators. His record was twisted and distorted for purposes of partisan politics.

Judge White was twice nominated by President Clinton to fill a seat on the U.S. District Court. The Judiciary Committee held two hearings on his nomination. Judge White was introduced enthusiastically by Senator BOND, and after each of these hearings the committee voted favorably to report his nomination to the full Senate. Despite this bipartisan support, however, his nomination was delayed for months and then years. When the time finally came for a vote on the Senate floor, Judge White was ambushed, and he was rejected in a party-line vote during which Republicans who had supported his nomination reversed position to scuttle it before the Senate.

The biggest distortions of Judge White’s record were in death penalty...
case. His record on the whole compares favorably to Judge Benton’s. According to testimony at Attorney General Ashcroft’s confirmation hearing, Judge White voted to affirm the death penalty in 69 percent of the cases he heard. Looking just at the cases Judge Benton has authored, we see him writing to affirm the death penalty 58 percent of the time. If we factor in cases in which he did not write the opinion but voted to affirm a capital sentence, I am sure the percentage is higher, and approaches Judge White’s record.

For opposing a capital sentence in dissent in a small minority of the cases he heard, Judge White was vilified. Then-Senator Ashcroft took to the Senate floor and pointed to Judge White’s record in death penalty cases as evidence that he was “pro-crime,” further describing Ronnie White as a judge, “with a tremendous bent toward criminal activity or with a bent toward criminal activity providing second chances or opportunities for those who have been accused in those situations.” These were outrageous things to say about a man who had devoted his life to the law, who had served many years on the trial bench, and who had voted to reverse a small number of death sentences in order to preserve the integrity of the Constitution. When Judge White came to testify at Attorney General Ashcroft’s confirmation hearing, Senator Specter offered him an apology for the way in which he was treated.

I mention all of this, as I said, because it provides such a stark contrast to the treatment that Judge Benton has gotten throughout his confirmation process. I doubt anyone will look at the nine cases in which he wrote to reverse a death penalty—50 percent more cases than those Judge White voted to reverse—and accuse him of being “pro-crime.” I will be surprised if, because he has found reversible error in the imposition of nine different death sentences, each one involving terrible crimes and horrific facts, any Member of this Senate will accuse him of having a “tremendous bent toward criminal activity.” I will be shocked if, because he exercised his best judgment and followed the law as he understood it, he will be vilified and humiliated in a sneak attack in the manner that Judge Ronnie White was treated.

Of course, none of that should happen to Judge Benton, just as none of that should have happened to Judge White. I hope that one day Judge White’s name can come back before the Senate and that he can be treated with the integrity and respect he deserves, just as we treat Judge Benton. I will vote in favor of Judge Benton’s confirmation.

The PRESIDING OFFICER. The question is, Shall the Senate advise and consent to the nomination of William Duane Benton, of Missouri, to be United States Circuit Judge for the Eighth Circuit?

The nomination was confirmed.

**NOMINATION OF DORA L. IRIZARRY TO BE UNITED STATES DISTRICT JUDGE**

**NOMINATION OF ROBERT BRYAN HARWELL TO BE UNITED STATES DISTRICT JUDGE**

**THE PRESIDING OFFICER.** The clerk will state the next set of nominations, en bloc.

The legislative clerk read the nominations of Dora L. Irizarry, of New York, to be United States District Judge for the Eastern District of New York; George P. Schiavelli, of California, to be United States District Judge for the Central District of California; Robert Bryan Harwell, of South Carolina, to be United States District Judge for the District of South Carolina.

Mr. HATCH. Mr. President, I rise today to express my support for the confirmation of Dora Irizarry, who has been nominated to the U.S. District Court for the Eastern District of New York.

Judge Irizarry has an impressive record of academic achievement and public service. She is a summa cum laude graduate of Yale University and a graduate of Columbia University School of Law. She has spent the great bulk of her career in public service, including 16 years as an assistant district attorney prosecuting complex narcotics cases. In 1995, then-Mayor Rudolph Giuliani appointed her to the New York City Criminal Court. Two years later, she was elevated by Governor George Pataki to the New York Court of Claims, where she served as an acting justice on the New York Supreme Court. After seven years of service as a judge, she left the bench in 2002 to campaign as the Republican candidate for State Attorney General. She is currently in private practice with the New York law firm of Hoguet Newman & Regal.

In acknowledging the questions that some of my colleagues have about Judge Irizarry, let me just say I have done my best to ensure her nomination is treated with fairness and respect, and I believe we’ve succeeded. During the confirmation hearing for Judge Irizarry, we heard from the ABA and we also heard from three distinguished members of the New York legal community. We heard from New York Supreme Court Justice Michael Pesce, the presiding justice, and New York Supreme Court Justice Lewis Douglas, who will become Chief Justice after the retirement of Judge Jonathan Lippman. They praised her legal aptitude and experience, her integrity, and, most notably, her judicial temperament.

Furthermore, the Committee received a number of letters in support of Judge Irizarry’s nomination from those who were unable to attend her hearing, as well as a strong letter in support from the Congressional Hispanic Caucus.

When I look at the full record in this case, including the impressive testimony on behalf of Judge Irizarry, I no longer regard her judicial colleagues and former associates, the endorsements of the Brooklyn, Asian American and Puerto Rican Bar associations, and her own answers to the questions that have been raised, I am persuaded that she is prepared to be a fine Federal judge. I support her confirmation, and I ask my colleagues to do the same.

Mr. President. I yield the floor to Mr. LEAHY. Mr. President, today, we are asked to record the nomination of Dora Irizarry to the United States District Court for the Eastern District of New York. There was some controversy with her nomination stemming from interviews by the American Bar Association. A majority of the ABA Standing Committee members concluded that Judge Irizarry was not qualified for the Federal bench. I believe we must give considerable weight to such peer reviews.

Unfortunately, Judge Irizarry is one of 28 judicial nominees of this President to receive a partial or majority rating of “not qualified” from the ABA committee that conducts a peer evaluation of judicial nominees. When the ABA advises us that even a minority of the members of its review committee consider a nominee to be “not qualified,” that is cause for concern. I know that the ABA representatives take their work very seriously.

Last October, the Judiciary Committee held a hearing on the nomination of Judge Irizarry, with the consent of both of the Senators from her home state of New York. The Senator from New York, Senator SCHUMER, served as the ranking member at the hearing. On behalf of the Democratic minority, I worked with Chairman HATCH to allow that hearing to be scheduled on shorter notice than would normally be required under Senate rules. That was one of a series of accommodations Democrats have made to the Republican majority and to this administration without receiving adequate accommodation of our own. Unfortunately, the committee explored the nomination and the unfavorable recommendation of the ABA. We heard from the nominee, Judge Dora Irizarry, ABA representatives, and the witnesses speaking in support of her qualifications.

The Democratic members of the Judiciary Committee look very closely at the peer review ratings provided by the ABA. Nevertheless, we consider the views of the ABA to be just one part of a dispositive piece of information as part of our evaluation. We may not always agree with the recommendation.
The Senate proceeded to confirm nominees with majority ‘Not Qualified’ ratings from the ABA, and during the course of this administration the Senate has confirmed a number of nominees with partial ‘Not Qualified’ ratings.

There are other factors that are critical considerations for these lifetime positions in the Federal judiciary beyond a favorable ABA rating. For example, in the judgment of some Members of the Senate, some of this President’s judicial nominees do not have records that demonstrate that they will be fair judges and, instead, their backgrounds suggest precisely the opposite: that they were chosen with the hope that they would pre-judge areas of constitutional law in order to move the law in a certain direction in tune with the political views of the right wing of the Republican party.

I have no concerns about the impartiality of the ABA’s member, Pat Hynes, who conducted the interviews in connection with the nomination of Judge Irizarry. Ms. Hynes, who is of counsel at Milberg Weiss, chaired the ABA standing committee during the beginning of the Bush administration and alsochaired the ABA’s Second Circuit representative from 1995 to 2000. She is currently Chair of the Merit Selection Panel for Magistrate Judges for the Southern District of New York and serves on the Appellate Rules Committee. She was chosen as a Fellow of the American College of Trial Lawyers and has been named one of the Top 50 Women Litigators in the United States and one of the 50 Most Influential Women Lawyers in America.

The Senate Judiciary Committee’s practice has been to invite the ABA’s testimony in connection with a nomination when a circuit or district court nominee has earned a majority or unanimous rating of ‘not qualified.’ In providing such testimony, I know that the ABA takes pains to preserve the confidentiality of the attorneys and judges they interview as part of their review. I do wish the ABA would provide similar information, informally or formally, about other ratings they provide. Before President Bush ejected the ABA from the process of providing an informal rating before a nomination was made, the fact that temperament or ethics charges were raised was declassified, and sometimes past White Houses chose not to proceed after making further inquiry into such concerns. Additionally, when the ABA was involved in the process before nomination, I am confident that members of the legal community were more candid before a judicial candidate was given the imprimatur of the President.

I understand that in connection with the nomination of Judge Irizarry, the ABA heard a number of candid assessments from the lawyers and judges who interviewed, some very positive and some troubling in the area of judicial temperament.

Judge Irizarry, who was born in Puerto Rico, is an attorney with the New York firm of Hoguet, Newman & Regali. A 1979 graduate of Columbia Law School, she was appointed to the Bronx County Criminal Court in 1996, and then to the New York County Criminal Court, on the New York Supreme Court, which, despite its name, is a trial level court, in New York County and Kings County, and on the New York Court of Claims. She served as a judge until May 2002, when she ran an unsuccessful campaign for State Attorney General against Elliot Spitzer. As I mentioned, based on concerns about temperament, a majority of the ABA committee found her to be ‘not qualified’ for a Federal judgeship and a minority voted to find her ‘qualified.’ The New York City Bar Association’s Judiciary Committee also found Judge Irizarry to be unqualified for a position on the Federal bench, citing a lack of Federal experience and complaints about her judicial temperament.

I have concerns about the serious temperament allegations that were made to the ABA standing committee but I trust the judgment of the senior Senators from the State of New York and I am prepared to support Judge Irizarry’s confirmation to this lifetime position. I trust that she will conduct herself on the Federal bench in a way that is above reproach.

NOMINATION OF GEORGE SCHIAVELLI

Mr. HATCH. Mr. President, I am pleased today to speak in support of George P. Schiavelli to be United States District Judge for the Central District of California.

Judge Schiavelli has exceptional qualifications for the Federal bench. After graduating first in his class from UCLA Law School in 1974 he joined the law firm of O’Melveny & Myers LLP as an associate where he worked on litigation, labor, corporate and entertainment matters. He also engaged in commercial litigation. In 1976, Judge Schiavelli joined the litigation department of Ervin, Cohen & Jessup LLP. Ten years later, he was hired as a partner at Horvitz & Levy, LLP, an appellate law firm.

Judge Schiavelli began his distinguished career in public service by joining the Los Angeles Superior Court in 1994 where he served until 2000. Since that time, he has practiced principally in the area of alternative dispute resolution, ADR, acting as a mediator, arbitrator, referee, and special master. In addition to his ADR activities, Judge Schiavelli has been Of Counsel to the Appellate Group of Reed Smith LLP.

Judge Schiavelli’s impressive credentials are reflected in his unanimous American Bar Association rating of Well Qualified. I urge my colleagues to join me in supporting his nomination.

Mr. LEAHY. Mr. President, today the Senate considers the nomination of George Schiavelli to the U.S. District Court for the Central District of California. He is currently of counsel at Reed Smith LLP in Los Angeles, where he has worked since 2000. Prior to joining Reed Smith, he served as a judge on the Los Angeles Superior Court from 1994-2000. He has significant litigation and judicial experience and I support his nomination.

Mr. Schiavelli’s nomination is the product of a bipartisan judicial nominating commission maintained with the White House by Senators Feinstein and Boxer. The Senate is well-served by its bipartisan judicial nominating commission, which recommends qualified, moderate nominees on whom members of both parties can agree. It is difficult to understand why President Bush has opposed similar bipartisan selections commissions since they clearly help Democrats and Republicans work together to staff an independent judiciary.

I thank Senators Feinstein and Boxer for their steadfast efforts in maintaining the commission. It is a testament to their diligence that we have such well-qualified nominees heading to California’s Federal courts. With this confirmation, the Senate will have confirmed 15 circuit judges to the district courts in California.

The Senate will now have confirmed more than 20 judicial nominees of President Bush this year alone. Only 17 judges were confirmed under Republican leadership in the entire 1996 session and no circuit court nominees were confirmed that entire time. That was the last year in which a President was seeking reelection. We have far exceeded the number of judges confirmed, including circuit judges, that year.

With today’s votes, the Senate will have confirmed nearly 200 judicial nominees of President Bush. In this Congress alone, the Senate has confirmed more Federal judges than were confirmed during the full 2 years of 1995 and 1996 when Republicans first controlled the Senate and President Clinton was in the White House. We have far exceeded the 2-year total at the end of the Clinton administration, when Republicans held the Senate majority in 1999 and 2000. I would note, however, that the Republican-controlled Senate has not confirmed in 25 months quite as many as the 100 the Democratic-led Senate confirmed in our 17 months in the majority in 2001 and 2002.

With nearly 200 confirmation of President Bush’s judicial nominees, the Senate has confirmed the appointees for this President than were allowed to be confirmed in the most recent four-year presidential term—that of President Clinton from 1997 through 2000. We have confirmed more judicial nominees than the first President Bush appointed in his presidency and more than during President Reagan appointed during his entire term from 1981 through 1984.

I congratulate Mr. Schiavelli and his family on his confirmation today.

NOMINATION OF ROBERT B. HARWELL

Mr. HOLLINGS. Mr. President. I join LINDSEY GRAHAM in supporting Bryan
Harwell to be a Federal judge in the Low Country. I support nominees from both parties no matter who is President, but I don’t believe this Nation’s courts should be filled with judges who are advancing a political agenda. We need judges who are not politicking the courts for short-term political gain. I have been disturbed by a few of the President’s nominees, who have been outside the judicial mainstream, or are only marginally qualified, or are tainted by conflicts or their past political work for Kenneth Starr. We should not use the Federal bench to reward our political operatives.

Bryan Harwell has distinguished himself as a trial lawyer with a law firm in Florence and Marion, representing individuals and small businesses in general civil, criminal, workers compensation and family court matters. In particular, he has developed expertise in torts and insurance, product liability, malpractice and other civil cases. His Martindale-Hubbell Rating is AV, the highest possible rating. As a veteran, I appreciate Mr. Harwell’s service for a number of years in South Carolina’s Army National Guard, during which he rose to the rank of captain. He has also contributed to his community as a Trustee of the Florence Darlington Technical College and as a business law professor there. Bryan Harwell will be a fine Federal judge.

Mr. GRAHAM of South Carolina. Mr. President, I have had the pleasure of knowing Bryan Harwell for a very long time. I have always respected his character as well as his legal abilities. Upon hearing of Judge Houch’s intention to take Senior Status, I immediately thought of Bryan. He has distinguished himself in private practice since 1984, serving as a pillar of the Florence, SC legal community. Everyone I’ve talked to about his nomination has been unanimous in their admiration for him and his family.

As most of you know, I have based my judicial recommendations to the President on character, ability, and temperament. Bryan Harwell fulfills all of these criteria with a large measure to spare. Indeed, he has displayed excellence in all of these categories for as long as I have known him. Upon graduation from the University of South Carolina School of Law, where he finished in just over 2 years, Bryan clerked for one of our most respected state Circuit Judges, Rodney Peebles. Finishing his clerkship with Judge Peebles, he then went on to clerk for one of our most accomplished Federal judges, U.S. District Judge G. Ross Anderson. Both have had high praise for Bryan’s time in their service.

After his clerkships, Bryan entered private practice with the law firm of Harwell, Ballenger, Barth & DeBerry, where he currently practices. His practice involves the complete spectrum of South Carolina’s laws and he has argued cases before our State Supreme Court as well as the Fourth Circuit Court of Appeals. He has augmented his litigation practice with a thriving mediation and arbitration practice, an area I personally believe has great promise for addressing a number of our legal system’s problems. Last, he has served his country as a Judge Advocate General officer in the South Carolina National Guard.

In short, like many lawyers in South Carolina, he has represented the working man and the small businessman and he has served his country as well. I have a tremendous amount of respect for that type of lawyer, having been one myself.

While he has excelled in private practice, Mr. Harwell has also shown his deep commitment to his community. He has opened his practice to those who are less fortunate and who need a helping hand by serving as a referral attorney for Carolina Regional Legal Services. He is also an Adjunct business law instructor at Francis Marion University. Bryan has participated in the South Carolina Bar’s Ask-a-Lawyer project, an important link between our legal community and our citizens, providing them with the only opportunity many of our citizens have for knowledgeable advice regarding some of life’s most important matters. And, reflecting his varied interests, he has also served on the Board of Trustees at Florence Darlington Technical College.

Bryan Harwell has gone out of his way to serve South Carolina’s legal community. He has served as a lecturer on arbitration and mediation law on a number of occasions for our South Carolina Bar.

In recognition of his accomplishments and service, I am proud that Mr. Harwell received a unanimous “Qualified” rating from the American Bar Association. I am certain that he will be an excellent addition to the Federal bench.

I am pleased that the Senate has voted to confirm Mr. Harwell today.

Mr. HATCH. Mr. President, I rise today to express my strong support for the confirmation of Robert Harwell, who has been nominated to the U.S. District Court for the District of South Carolina.

Mr. Harwell is an exceptional nominee. A graduate of the University of South Carolina School of Law, he brings more than 20 years of legal experience to the Federal bench. After graduation, he clerked consecutively for South Carolina Circuit Judge Rodney A. Peebles and U.S. District Court, South Carolina, Judge G. Ross Anderson, Jr.

Let me just say that Mr. Harwell, like my distinguished colleague from South Carolina, Senator Lindsey Graham, has served as judge advocate general in the South Carolina Army National Guard. I note that Senator Graham served in the Air National Guard.

After his clerkships, Mr. Harwell entered private practice with the law firm of Harwell, Ballenger & DeBerry, now known as Harwell, Ballenger, Barth & Hoefer, LLP, where he currently practices. In addition to practicing law, he often serves as a mediator or arbitrator, skills that will undoubtedly serve him well on the bench. I think my colleagues will agree that Mr. Harwell is a well-qualified nominee and will make a fine jurist.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, today we vote on the nomination of Robert Harwell to the U.S. District Court for the District of South Carolina. Mr. Harwell is the name partner of a litigation firm in South Carolina, Harwell, Ballenger, Barth & Hoefer, LLP, where he has practiced law since 1984. He has significant litigation experience, and I support his nomination.

The Senate will now have confirmed more than two dozen judicial nominees of President Bush. Only 17 judges were confirmed under Republican leadership in the entire 1996 session and no court circuit nominees were confirmed that entire time. That last year was the only year in which the Senate was seeking reelection. We have far exceeded the number of judges confirmed, including circuit judges, that year.

With today’s votes, the Senate will have confirmed nearly 200 judicial nominees of President Bush. In this Congress alone, the Senate has confirmed more Federal judges than were confirmed during the 2 full years of 1995 and 1996 when Republicans first controlled the Senate and President Clinton was in the White House. We have also exceeded the 2-year total at the end of the Clinton administration, when Republicans held the Senate majority in 1999 and 2000. I would note, however, that the Republican-controlled Senate confirmed as many as the 100 the Democratic-led Senate confirmed in our 17 months in the majority in 2001 and 2002.

With nearly 200 confirmation of President Bush’s judicial nominees, the Senate has confirmed more lifetime appointees for this President than were allowed to be confirmed in the most recent four-year presidential term—that of President Clinton from 1997 through 2000. We have confirmed more judicial nominees than his father got confirmed and than during President Reagan’s entire term from 1981 through 1984. Republicans should stop their false claims of obstructionism given these broken records.

With this confirmation, we have filled every vacant seat in South Carolina. It is a pleasure working with both of the Senators from South Carolina. I congratulate Mr. Harwell on his confirmation.
LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, does the Senator from Kentucky want to be recognized?

Mr. MCCONNELL. Yes. If I could get in the queue here, I know the Senator from West Virginia is going to speak, followed by the Senator from North Carolina, who will be very succinct this morning, the war on terror.

I ask unanimous consent that I be recognized after the Senator from North Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE EXPLANATION

Mr. BYRD. Mr. President, I voted against the Frist-Daschle resolution on the Middle East. My constituents are entitled to an explanation. I opposed the resolution, and I know the leaders, and indeed all of the Members of this body, are genuinely committed to advancing the cause of peace in the Middle East. We should be honest enough to think this resolution will move the process forward one centimeter. If anything, the lopsided pro-Israel slant of this resolution will serve to fuel the fire of the political flames that are working to destroy our credibility as honest brokers in the Middle East. If we are to regain our credibility, we must take steps toward upholding the United States.

The resolution contains language that could easily be construed to be in support of the controversial, and some claim illegal, practice of the targeted assassinations carried out by the Israeli Armed Forces. The United States is completely right to condemn the violence carried out by Palestinian terrorists, but we cannot turn a blind eye to the unwarranted excesses of the Israeli government under Mr. Sharon. If our country truly wants to push both parties toward the negotiating table, we should condemn all violence arising from the Israeli-Palestinian conflict, including that which has claimed the lives of innocent Palestinians. There is blame to be shouldered by both sides. If we are to regain our credibility—let me say that again. If we are to regain our credibility as honest brokers in the Middle East, we need to acknowledge that fact. Progress will only be made in resolution. The American people, the citizens of the United States, want the United States to be a fair broker in the Middle East Peace Process.

Resolutions such as this one are a far cry from being fair, objective, or even-handed.

Besides the specific provisions of this resolution, I oppose the thrust of the resolution, which is intended to express ‘‘the Senate of the Congress in Support of a United States Perspective on the Middle East Peace Process.’’ The United States has been completely disengaged from the Israeli-Palestinian peace process for far too long, and the number of victims on both sides is growing far too fast. There is a very real concern that a resolution that boils down to a benign neglect of the violence in the Middle East.

Resolutions such as the one the Senate has taken up today may serve as a useful platform for a press release or a stump speech, but they do nothing to advance the cause of peace in the Middle East. I would jump at the chance to vote for a meaningful resolution that articulated the Senate’s support of a viable policy to resolve the conflict between the Palestinians and the Israelis, and One al-Qaeda. But this administration has abandoned any pretense of promoting such a policy. To vote the Senate’s support for what amounts to a set of empty promises and incendiary rhetoric is a foolish exercise of which I want no part.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

IRAQ AND AL-QAIDA

Mrs. DOLE. Mr. President, I find it troubling that the war in Iraq is not being equated to the overall war on terror. Polls have shown evidence that Americans do not make the connection. So the question at hand is, Was removing Saddam’s government a positive step in the overall war on terror? Our ability to turn over control to a peaceful and sovereign Iraq government is an integral part of the overall war on terror. I cannot support a policy that undermines a free and democratic Iraq is a serious blow to their interests.

I want our men and women in uniform to know that this Senator understands and appreciates the importance and the magnitude of the great work they are doing in Iraq. As my colleague, Senator LIEBERMAN, stated very succinctly this morning, the war in Iraq is the central battleground in the war on terror. Because of the efforts and eventual success of many brave men and women, the American people and the world are much safer.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Kentucky is recognized.

RENEWAL OF SANCTIONS AGAINST BURMA

Mr. McCONNELL. Mr. President, a few moments ago, the Senate voted to renew sanctions against one of the worst regimes in the world, the regime...
that runs Burma. The situation in Burma is dire. Suu Kyi and the other NLD prodemocracy leaders remain in prison; a crackdown on democracy activists continues; and the SPDC’s— that is the name the military thugs who run the country have given themselves—human rights policies of child and forced labor, rape as a weapon of war, narcotics, human trafficking, and the use of child soldiers remain unchanged.

The swift passage of this resolution, which we did a few moments ago, matches words of support for freedom in Burma with concrete actions. It is past time to judge the military regime in Burma not by what it says but by what it does. The junta misled governments throughout the region into thinking that the May 17 constitutional convention would be a step forward in the reconciliation process, but it was not. The convention was nothing more than a summer camp for the synchophants of the military regime.

I am pleased our allies are increasing pressure on the junta. The European Union recently cancelled the Asia-Europe meeting because of Burma. It is an important step in the right direction. Sanctions should contain additional sanctions against the military regime.

More must be done. The U.N. Security Council should take up Burma for a discussion and for sanction and ASEAN should abandon the outdated policy of noninterference in member states’ affairs.

One common subject must remain and that is the full and unfettered participation of Suu Kyi and the NLD, her political party, and ethnic minorities in a meaningful reconciliation process. I have two words for the regional neighbors of Burma: ASEAN 2006. That is the year Burma takes over chairmanship. That is 2 short years from now. We would result in a tremendous loss of face for that association.

Despite their worst efforts over the past 14 years, the SPDC has failed to smother the flames of freedom in Burma. I continue to be inspired by reports of activists who bravely and nonviolently defy the junta’s illegitimate rule, like the handful arrested last month for distributing pamphlets in several Burmese townships marking the 1-year anniversary of the Depayin massacre.

It would be wise for the SPDC to accept the time-tested fact that Suu Kyi and the NLD are not going anywhere. They, and the ethnic minorities, are an integral part of the solution to the Burmese problem.

To wit, the NLD and their supporters made the courageous and correct decision to boycott the sham SPDC-orchestrated constitutional convention last month. I am pleased that international condemnation by the United States, United Nations, European Union and regional neighbors of the hollow convention was rightly aimed at the SPDC. The generals in Rangoon made any number of assurances to foreign diplomats that the process would be inclusive. It clearly was not.

This only underscores the imperative to judge the SPDC not by what it says but by what it does.

The convention turned out to be nothing more than a summer camp for SPDC synchophants. According to the Washington Times, the junta required their handpicked delegates to “bathe at reasonable times, avoid junk food and live in self-contained camps where they can enjoy karaoke, movies and golf.”

Import sanctions by the United States alone will not help facilitate a meaningful reconciliation process in Burma. We need the U.N., E.U., and regional neighbors to fully commit to the cause. This was made clear by the NLD in a recent plea to U.N. General-Secretary Kofi Annan to “take this matter to the Security Council”.

The U.N. should help the NLD and the people of Burma by examining the clear and present danger Burma poses to the region. This must include narcotics production and trafficking, the spread of HIV/AIDS throughout the region, the gross human rights violations of the junta’s Burmese refugees and IDPs, and alarming reports of the junta’s interests in North Korean missiles and Russian nuclear technology.

The E.U. should help the NLD and the Burmese people by examining its sanctions regime and imposing further punitive measures against the junta. I am pleased that our allies in the E.U. recently canceled the upcoming Asia-Europe Meeting, ASEM, dialogue in Brussels over the attendance of the SPDC. The junta has no place at this multilateral table.

Regional neighbors should help the Burmese people buy reconsidering the Association of Southeast Asian Nations’ ASEN, outdated policy of noninterference in the internal affairs of member states.

Asian leaders must recognize the regime for what it is, wholly illegitimate to the people of Burma, the international community and the region. The SPDC’s export of illicit drugs and HIV/AIDS is, literally, burying the roar of its many waters.

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The SPDC’s export of illicit drugs and HIV/AIDS is, literally, burying the roar of its many waters.
Iraq to self-rule on June 30. Mr. Douglass’ words which rang true in 1957 continue to do so through 2004. As one dark chapter closes and a new, brighter one is set to open in Iraq, we recall his words that the freedom of man has not yet been fully attained, nor is it freely conceded. The price to freedom’s struggle that tragically includes loss.

In short, freedom is not free. As Iraq struggles to transition from dictatorship to democracy, we all suffer with the loss of each soldier. We all bear the pain of families and children suffering from terrorist attacks and Hussein holdovers. But not all shrink back from freedom’s struggle upon hearing, feeling, and understanding its price.

The risks and travails of securing freedom are too easily forgotten by a complacent humanity. Yet, we do not need to leap back centuries to comprehend the expense of freedom’s attainment. Just a few years ago, we understand that freedom has a price.

In 1983, the head of Solidarity in Poland, Lech Walesa, spoke of freedom’s price when receiving his Nobel Prize: With deep sorrow I think of those who paid with their lives for the loyalty to Solidarity and freedom, the devout prisoners, and who are victims of repressions. I think of all those with whom I have traveled the same road and with whom I shared the trials and tribulations of our time.

Nor did the struggle for freedom end with the cold war. In his 1999 address to NATO, Vaclav Havel of Czechoslovakia stated: The fact that a former powerful strategic adversary has disappeared from the scene does not, however, mean that in the world of today, human lives, human rights, human dignity, and the freedom of nations are no longer in danger. They are, unfortunately, still being threatened, and collective defence of the democratic states of the Euro-Atlantic sphere of civilization, therefore, still remains a valid concept.

History did not end with the end of the cold war. Yet, despite the attack of 9/11, some want to believe that history has ended, or that struggling for freedom is unnecessary or obsolete. They believe either that mankind enjoys all the freedom that it is due, or that freedom cannot be preserved or expanded by means of force or combat.

In either case, any would-be leader of the Free World cannot both profess such beliefs and still claim the determination to protect freedom in the post-9/11 world.

Not for this Nation, not for this time, and not for this struggle.

President Bush believes otherwise. He understands what Frederick Douglass meant when he said: Power concedes nothing without a demand. It never did and it never will...

While we have not yet witnessed the conclusion of this most recent struggle for freedom, we have seen the trials and tribulations this President faces.

I believe President Bush is trying to wage the War on Terrorism against unprecedented and incredible words and deeds of disunity here at home. Every citizen is ensured the right to dissent. Every President who volunteers to serve in that high office understands and is sworn to uphold that right to dissent. While this Nation has had great leaders who have stood at the helm through many challenges to our nation’s future, if they could have been successful without the support of those who put the best for their Nation ahead of the best for their party. For such is the unique challenge to victory this President confronts.

Consider a historical comparison of the risks and travails of securing America less safe as he failed to consider for most critics of the war effort.

I defy anyone to show me where these critics devote even one sentence to this Holocaust in the paragraphs and pages attacking this war as wrong, unnecessary, immoral, and unjust.

When did life become so cheap as to be irrelevant?

Thankfully, Roosevelt ignored his few misguided critics and this President should follow his lead. America needs the will of Churchill, not the wafting of Chamberlain. America needs leaders like Roosevelt and Reagan who recognized evil and were willing to call it by its name. They knew the time to talk was over and the time to act was now, rather than never. Upon such will, such resolve, and such simple honesty lies the strength and endurance of our Nation and its precious freedoms. President Bush is a man of such mettle.

No one here or abroad doubts this President will act. He does not waffle, he does not double-talk, and he does not hide behind the timidity of others. Nor is he guided by his critics and their partisan agenda. He is a man for this time. Now, because of his leadership, on this June 30, the time has come for liberty to emerge from struggle and strife, and to again stride forward.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceed to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.
The PRESIDING OFFICER. Without objection, it is so ordered.

60TH ANNIVERSARY OF D-DAY

Mr. PISTR, Mr. President, the hour is late, and I know we will be wrapping up in about 30 minutes or so. There is a lot of business with the recess tomorrow—and we will be in tomorrow—and we will be wrapping up tonight. It will take a while to wrap up. We will be doing that about 30 minutes or so.

Thus, I would like to take a few minutes to come to the floor and take advantage of the time to talk about the fascinating trip I had the opportunity and the privilege to take about 3 weeks ago. I had the privilege of traveling to Normandy, France, to celebrate the 60th anniversary of the D-day landings.

That same week, as my colleagues know, we suspended business on the floor of the Senate to pay tribute to President Ronald Reagan—a truly extraordinary experience. We spent the previous 2 days in Baghdad, Iraq, and in Kuwait, and then flew from Baghdad to the U.S.-French binational ceremony at Omaha Beach.

Back in 1944, in the thick of war, Fortress Europe was the strongest at this time in their life when they were very young, at a time they had to be uncertain about their bravery, their boldness at a time in their life when they were very young, to be uncertain; they were far away from home, fighting a ruthless enemy. Each cross and each star, obviously, represents a young man, a young woman who died on June 6th, 1944, defending his country.

The crowds would gather as we were there. A lot of people had come in. There was a lot of security at the gathering to hear President Bush and President Chirac. As the crowd gathered, we were seated amidst the sea of veterans. Usually they put the officials in one or two rows, separated, but, no, you would sit in the audience surrounded by scores and scores of veterans.

We have all read about what went on at that beach, but to have that opportunity to hear firsthand, as we walked along the ridge above that beach, from people who were there. Many of them had not talked a lot—at least they said they had not talked a lot about their experiences. They seemed to open up as we were there. Many of them were there at the age of 16, 17, 18, or 19 years of age. And they all described the battle raging. Body counts swelled, and many expressed doubt that they would succeed—and such the second seemed like an eternity.

It was clear that in spite of all this, soldiers, through boldness and through courage, persevered.

Further down the beach, the U.S. Army Rangers had scaled the cliffs at Pointe du Hoc and knocked out the German artillery positions that were there to disrupt any invasion force. By the end of that blood-soaked day, our American boys had pierced that Atlantic wall. They seized their objectives. And, as history would prove, because we had the opportunity to celebrate, they launched the liberation of Europe.

Thousands of American soldiers perished in those few hours. Their heroism today is marked by the familiar pictures today with television and C-SPAN and video—the familiar pictures of all of those white crosses against the blue sky, the names of those heroes, such as David, all in very neat rows. Wherever you stand, you see them lined up parallel, horizontally and vertically, or diagonally. Wherever you stand, the symmetry jumps out at you. It goes on for acres and acres. I have no idea how big it is. But these crosses go on for acres.

There is a little path where the beach is right below. You can walk along these winding paths of the cemetery. And on a small square, as I think on this day, when the sky was bright blue, the white crosses, the green grass—there were veterans by the hundreds and, indeed, by the thousands with their family members, with, obviously, their daughters, sons, grandchildren, and great-grandchildren huddling around them as they walked along those paths. One could not help but admire their bravery, their boldness at a time in their life when they were very young. To be uncertain; they were far away from home, fighting a ruthless enemy. Each cross and each star, obviously, represents a young man, a young woman who died on June 6th, 1944, defending his country.

The crowds would gather as we were there. A lot of people had come in. There was a lot of security at the gathering to hear President Bush and President Chirac. As the crowd gathered, we were seated amidst the sea of veterans. Usually they put the officials in one or two rows, separated, but, no, you would sit in the audience surrounded by scores and scores of veterans.
jump itself. The mission was specifically to jump behind enemy lines to distract the Nazis and seize important strategic or key terrain and to disrupt the Nazi reinforcements. Their heroism and success were ultimately crucial to the Allied victories at Omaha Beach, at Juno, Sword, and Gold.

When we arrived in Bayeux, we were greeted by the President of the French Senate. We had the opportunity to have lunch there with 33 members of their Senate. We also met with the town mayor, and many of the town citizens came out to speak of this. I don’t speak French, but as I went over to the side and shook hands and introduced myself to an interpreter, immediately a smile came on their faces with an expression of appreciation and thanks.

Among the people we had the opportunity to meet were many survivors of war who had been young at the time of the occupation. They did recall D-day and the American GIs who liberated their villages.

They treated us to a wonderful luncheon that day and, once again, represented us as officials. Senators from America, we were showered with praise and thanks, as well as a promise of continued friendship and alliance. This was a group of French Senators, so I did not expect that at the time, but that is what we received.

Our final event for the day was also very special. It was the multinational ceremony at Arromanches. We were joined by hundreds of heads of state from around the world, senior officials from countries around the world, and a number of our allied nations. We watched a whole range of demonstrations by various multinational military forces. It was a wonderful opportunity to see where a number of these nations demonstrated the very best of their aircraft in precision flights overhead. They had a wonderful multimedia presentation that combined the best of dance, video and audio to recount that history of World War II with a very special focus on Normandy.

During the final ceremony of the day, in which President Chirac delivered remarks, we did have the opportunity to reflect on those larger contours of the war and how America and her allies united to defeat tyranny and oppression.

As we sat among the survivors of D-day and as we listened to America’s veterans recount their fears and exploits, I could not help but draw comparisons between the veterans of World War II and our proud troops serving abroad today, the very same troops who were my colleagues and I had the opportunity to visit in Baghdad and in Kuwait. The parallel is there, not just because of the temporal relationship, but because of both groups’ commitment to freedom and democracy and to a better life for others.

America was blessed in World War II on that June 6th, so long ago, yet so close, as it is now, to have the very same soldiers who have that strong character, who have that courage, that boldness, and that determination. Young patriots, then, as now, answered the call of duty, and through their bravery and through their sense of determination, they found that they won the battle for freedom and security.

It was these traits that inspired a whole succession of American Presidents, including the late President Reagan to whom we paid tribute 2 weeks ago in Europe and a world whole and free of the shadow of communism. The “greatest generation” threat involved nazism and fascism. For nearly 50 years, America confronted another hegemonic ideology, that being communism. Under the leadership and vision of President Reagan, we emerged from the cold war victorious and, as Margaret Thatcher rightly reminds us, without firing a single shot.

Today, we do fight a different enemy, but one that is no less ruthless, no less determined, no less uncompromising than our enemies of those wars past.

Once again, we must stay the course. Once again, we must have faith in our own resolve, we must hold tightly to the belief that freedom will prevail. That is our challenge. That is our calling. And I truly believe, like generations before us, we will look evil squarely in the eye, and we will not flinch, we will not run. We will gather up our courage, we will gather up our courage to press forward and defeat the forces of terror and secure the blessings of democracy.

AFRICAN GROWTH AND OPPORTUNITY ACT

Mr. FRIST. Mr. President, on a separate issue, I want to comment on an issue I mentioned this morning in opening the U.S. Senate. It is an issue that centers on something very close to my heart, and that is the continent of Africa.

I have had the opportunity to travel to Africa this year, to a number of African countries, and the year before that, and the year before that, and the year before that. Indeed, I have had the opportunity to travel to the continent of Africa yearly for the last several years.

In each case, with maybe one or two exceptions where I went as an official, I have had the opportunity to travel to Africa as part of a medical mission group, where I have the very special privilege of being able to interact with the peoples of Africa—whether it is in Kenya, or Tanzania, or Uganda, or the Sudan; the Sudan is where I usually go—by delivering health care and medicine, and performing surgery, which is what I happen to do when I visit with peoples who might not otherwise have access to that health care.

I mention that only because it allows me to be able to talk to real people, not just as an official or a VIP coming

in, not as somebody wearing a suit from the United States of America, but to have the opportunity to interact with real people in that doctor-patient relationship. I say doctor-patient relationship; really it is a friend-to-friend relationship. You have to try, and you have to really cut through superfluous aspects of people’s lives and go right to the heart of what affects them in their lives.

It really comes down to how they can provide for their families, how they can get a job, how they can earn an income, and how they can, in a very primitive way but a very real way, make the lives of their children better than theirs—the same desires we all have, we Americans.

I am talking about people in the bush, people in the heart of Africa, people 1,000 miles south of Khartoum and 500 miles west of the Nile River, way in the north. When you talk to people, you realize they struggle with the exact same things we do, and that is, dignity; that is, a concept of self-worth.

Also, I had the opportunity to travel to Uganda and Kenya and throughout Central Africa, and people will tell you is that policy in the United States makes a difference in their lives; this is, policy over the last several years. You may ask them: How do you know what we do? They know that a bill that was passed on the floor of the Senate and the House of Representatives not too many years ago, signed by President Clinton, called the Africa Growth and Opportunity Act, has made a difference in their lives.

Indeed, that particular act, passed by the Senate, has created at least 150,000 jobs. When President Museveni from Uganda was here, he said, no, it is more than that. It is 300,000 jobs. But the point is, thousands and thousands of jobs have been created in Africa because of legislation that passed on this floor. And a little bit later tonight, hopefully in a few minutes, it will be passed on this floor once again.

I mentioned a few minutes ago I called Congressman CHARLIE RANGEL. I did that to congratulate him because he has spearheaded, along with many of his colleagues in the House of Representatives, this particular bill, a bill that is called H.R. 4103, the AGOA Acceleration Act of 2004. AGOA simply stands for African Growth and Opportunity Act.

The bill we will be addressing here tonight extends the AGOA preference by 7 years, from 2008 to 2015, and, more importantly, it extends the third country fabric provisions that were due to expire this year for another 3 years.

The African Growth and Opportunity Act authorizes the President to provide duty-free treatment for certain articles imported from sub-Saharan African countries. It also provides duty- and quota-free access to the U.S. market for apparel made from U.S. fabric, yarn, and thread.

The program has been a huge success for U.S. policy toward sub-Saharan Africa. AGOA has helped expand African
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trade. It has created jobs, as I mentioned. It has brought about improvements in economic conditions that will be realized in a very sustained way throughout Africa. Expanded trade, as we all know, not only helps sub-Saharan African countries develop this sustainable economic base, but it also leads to efficient government practices, to transparency, and to political stability.

U.S. exports to sub-Saharan Africa increased 13 percent from 2002 to 2003. It has created jobs. The United States, today, is sub-Saharan Africa’s largest single export market, accounting for 26 percent of the region’s total exports in 2001 alone. U.S. imports under AGOA have doubled between 2001 and 2003—up to the 2003 level of over $13 billion.

One African leader described the program as “the greatest friendship act” by the U.S. Government towards Africa. In 2001, the program has been so well received and effective in Africa that the European Union is now reexamining its preference program for Africa in light of AGOA’s success.

So, Mr. President, I am pleased that we are going to address this legislation tonight. Again, having spent so much time in Africa, it is with great pride that I congratulate my colleagues for addressing this important issue tonight.

THIS WEEK IN THE SENATE

Mr. FRIST. Mr. President, it will still be a few minutes before we close tonight, and I do want to take the opportunity to thank my colleagues for all the tremendous work they have done over the course of this week. It has been a very busy week. But tomorrow we will be leaving on a recess for several days, the Fourth of July, and we can look back over the course of the past week with the satisfaction that we accomplished passage of a number of bills I will mention in a few minutes.

But two very significant pieces of legislation that address where the focus of the United States is and should be—and that is, the defense of our country, and the support of our troops overseas and the support of our troops here—are the Defense authorization bill, with passage yesterday, and the Defense appropriations bill, with passage today.

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. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

POLITICS OF COMMON GROUND

Mr. DASCHLE. Mr. President, I want to talk, if I can, about another matter to which I have given a great deal of thought. I would like to share some thoughts with my colleagues on it this afternoon.

I would like to begin by referencing a trip I took last weekend. I traveled to Kuwait with Senators JOHN BIDEN and LINDSEY GRAHAM. We went to Baghdad to talk with coalition and Iraqi leaders as they prepare for the historic transfer of sovereignty to Iraq 6 days from today. We went to thank our troops who are making enormous sacrifices, bravely running the serious risks of the day every minute of the day. We wanted to assure them they have the support and respect of every Member of the Senate and all Americans.

Our trip was especially productive because of the experiences and insights of the Senators with whom I traveled. Senator Joe Biden, the ranking member of the Senate Foreign Relations Committee, has been a leading voice in the Senate on foreign policy issues for now almost a quarter century.

Senator Lindsey Graham has quickly established himself as one of the most authoritative and independent voices on the Senate Armed Services Committee. Senator Graham, as we all know, is our judge advocate general in the Air Force Court of Criminal Appeals. He and I have been working together for more than a year to improve health care benefits to National Guard members and their families. I know from working with him on the TRICARE bill that he is fiercely committed to American troops and American veterans.

Lindsey Graham is a proud Republican. Joe Biden and I are proud Democrats. But we are all, first and foremost, proud Americans. We are all committed to the safety of our troops. We all want the Iraqi people to succeed in building a stable, free, and pluralistic Iraq. It is in their interest, but it is also in America’s interest, and I would argue, the world’s interest.

Our trip to Iraq reminded me again how much this Senate and the American people benefit when we are able to focus on the problems that unite us.

No one who saw it will ever forget the cloudless, deep blue sky on the morning of September 11. Pilots have a term for visibility conditions on days like that—they call it “severe clear.” We all saw it clearly that day. We saw horrific cruelty, but we also saw, with equal clarity, countless acts of nobility and compassion. We saw beyond the labels of race, income, gender, and the other distinctions that too often divide us.

We are more alike than we are different. All Americans want to live in a world that is safe and secure and just. Whether we’re Republicans or Democrats, or don’t care one whit about politics, all Americans want to be able to earn enough to care for our families’ basic needs. After a lifetime of working hard, all Americans want to be able to retire with dignity and security. All Americans need affordable health care. All Americans want to be able to send their children to good schools; that is not simply a Democratic or Republican aspiration, it is a necessity for our children’s future and the economic, political, and social well-being of our Nation.

These are dangerous and challenging times, but Americans have faced danger and challenges before, and we must always remember that we have emerged stronger when we have faced those challenges together. We are stronger together than separately.

This afternoon, I want to talk about how I believe the Members of the Senate can work together more constructively to solve the big challenges facing our country today.

The result of all-or-nothing politics is too often nothing. We owe the American people better than that.

I believe in what I like to call the Politics of Common Ground. Practicing the Politics of Common Ground does not mean giving in to our opponents. We can bend on details without abandoning our basic beliefs. The Politics of Common Ground is pragmatic, not dogmatic. It recognizes there can be different ways to reach the same goal. It puts our common interests ahead of personal or partisan interests. Instead of narrow ideological victories, the politics of common ground seeks broad, principled compromise.

I recognize some people may think this whole thing is strange, to talk about searching for common ground in the midst of campaign season. But I actually believe it is exactly the right time.

The truth is, no one knows which party will control the Senate next year, or the House, or the White House, so neither party can be accused of embracing these ideas for partisan advantage.

The Politics of Common Ground rests on four fundamental commitments. Obviously it takes at least two to seek common ground. Neither party can make these principles work alone. If Democrats hold the majority in the next Senate, these are the four fundamental principles by which we would seek to govern:

First, deal in good faith with the executive branch, regardless of which party holds the majority.

Second, preserve and fulfill the historical role of the Senate regarding treaty responsibilities, oversight, and advice and consent on nominees, regardless of which party holds the majority.

Third, respect the rights of the minority and seek to work in good faith with them.

Fourth, end the cycle of partisan retaliation.

This week marks the 40th anniversary of the passage of the 1964 Civil Rights Act, one of the greatest common ground victories in our Nation’s history.

It was a Democratic President, Lyndon Johnson, who signed the Civil
Rights Act, but it was a courageous Republican leader, Senator Everett Dirksen, who provided the political leadership that finally ended the years of opposition and put the civil rights bill on the President’s desk.

There are some who say the only way to move America forward is to ignore or change the rules of the Senate. What their arguments fail to recognize is the Founding Fathers deliberately designed this Senate to protect the rights of the minority. They did so because they understood that the only way to make just and lasting change in a democracy is to first build broad support for it. They also understood, as Everett Dirksen said in calling for the vote on the Civil Rights Act, that nothing can stop an idea whose time has come.

Finding common ground requires that we follow the rules of the Senate, not ignore or rewrite them.

It requires that all Senators—whether the majority or minority—be treated fairly. That means safeguarding the rights of every Senator. It means establishing fair representation on all Senate committees. And it means observing the traditional procedures of committee conferences concerning the appointment of conferees, and the right of all conferees to participate fully in all meetings. A closed meeting that is a conference committee in name only is no place to look for common ground.

Finding common ground also means listening to each other.

Someone who was a good friend to many of us, Senator Pat Moynihan, used to blame television for what he saw as a decline in cross-party cooperation in the Senate. Before TV, he said, Senators from both parties used to spend their evenings talking to each other. It helped to see things from the other person’s perspective.

I would like to see the Senate create more opportunities to increase cross-party understanding.

Next year, I would like to see the Senate hold bipartisan leadership meetings every 2 months at least, and bipartisan joint caucus meetings at least every quarter.

I would like to see us hold periodic, bipartisan policy forums for all Senators in the Old Senate Chamber, where the Missouri Compromise and other historic agreements were reached.

When Senator Lott was majority leader, he established the Leaders Lecture Series to draw on the wisdom of former Senate leaders, from Mike Mansfield and Senator Byrd to Robert Dole and George Herbert Walker Bush.

The Leaders Lecture Series represents one of the most insightful seminars ever taught on common ground politics.

I would like to see us build on that success next year by inviting former Senate leaders to a summit where they can share their ideas with us, and with each other.

Senators Dorgan and Kyl had a good idea recently to hold occasional, thoughtful, Lincoln-Douglas style debates here on the Senate floor on the most important issues of the day. Let us build on those debates next year.

President Reagan was as ideological a President as we have ever seen. But he understood that political adversaries don’t have to be enemies.

He and Tip O'Neill had a rule: after 6 o’clock, they were always friends.

Something as simple as just getting our families together once in a while for a barbecue or a potluck supper—or even choosing an annual charity to which all Senators could contribute—could help Senators find common ground. I think, and may strengthen the bonds of friendship and trust between our two parties.

In addition, I would like to see the Senate reward the search for common ground solutions by giving special consideration to bills with strong bipartisan co-sponsorship.

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working with for months: the members of the South Dakota National Guard’s 740th Transportation Unit.

Two months ago, the members of the 740th had already packed their bags when they got word that their tour was being extended. It was their second extension.

They have now been deployed for 14 months—2 months longer than they were told was the longest they would be gone when they left South Dakota. When I spoke to the lone soldier at super if they had been given a new date to return home, he told me “the second.” I thought he meant their tour was ending on July 2nd. Then he explained, they will know when they are coming home the second they step on the plane.

Even these soldiers were not complaining—just trying to find a little humor in a tough situation.

Pride in one’s party and the principle of governing by majority may sometimes be admirable. But there are causes that matter more than political parties.

There the values and hopes that transcend party labels and unite us all as Americans—so eloquently again related to in conversations I had with those soldiers.

During campaigns, candidates and parties should be clear about where we stand on the issues and how we differ with our opponents so that voters can make a choice. That is part of the campaign. That is an essential part of democracy.

But we also have a responsibility to work together constructively, where we can, to find common ground.

Making the principle of compromise necessary to make democracy work takes effort. It takes patience and trust and, often, a little humility.

It requires that we listen to others and disagree in a way that is not a personal attack, but that might have a better idea sometimes.

It’s not simple or easy. But if our troops can give the extra measure of devotion and risk their lives because our Nation is at war, surely, we can make the extra effort to find solutions to the problems facing these soldiers’ families, and all Americans—both in times of peace and war.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Arkansas.

Mr. PRYOR. Mr. President, I echo the sentiment and the words of the minority leader today. I applaud him for bringing up this initiative, the politics of common ground. When I think about bringing up this initiative, the politics of common ground, I think about the concept of compromise. When I think about compromise, we know that means finding common ground without sacrificing your principles.

One thing the distinguished Senator from South Dakota is talking about is that we all have our differences. Lord knows, we have a lot of differences just on this side of the aisle. Trying to get on one page a lot of times is nearly impossible.

Certainly we have our differences in this body. That is OK. If you think about it, that is exactly the way the Founding Fathers intended it to be. They wanted Members to come here and do battle in the Senate and talk about ideas and concepts and policies that we all believe are good for our Nation. We may have different approaches and certainly different views, but certainly at the end of the day we should all work together, shake hands, and move on to the next issue.

When I was running for the Senate, one thing I heard from people all over my State, the State of Arkansas, was: There is too much partisan bickering in Washington. In fact, they would tell me when I traveled around the State, it looks a lot like trench warfare in Washington. The two sides are dug in, shooting at each other, but at the end of the process not a lot gets done, although there are a lot of casualties. People all over the country sense that.

They know that.

As a Democrat in this Senate, I felt aggrieved sometimes when some things the other side has done. I have no doubt they feel aggrieved about some of the things we have done. It is incumbent upon Senators to put the past behind us, put all that aside, move forward, do what is right and do what is best for this Nation.

I hope this Senate will return to the best traditions of our democracy. I hope we will find it within ourselves to wipe the slate clean and accept today as a new beginning, the politics of common ground as our guiding principle.

One thing I love about the statement by the minority leader, he used words such as “good faith” and “respect.” words that we need to take to heart as Senators. He talks about ending the cycle of partisan retaliation. Is there ever a time in our history more than today that we should do that? I don’t think so. We need to end that cycle of partisan retaliation.

We do not only owe it to our Founding Fathers who founded this democracy—and we occupy the seats they established—we not only owe it to the history of this Nation; we owe it to our children and our grandchildren. We also owe it to the people we work for, the people who sent us to Washington, to do their work for them.

There are many core principles in our democracy, principles that are indispensable. One of those principles is the idea of representation. Like it or not, the people of Arkansas sent me to Washington to represent them in this great body. Like it or not, people sent all 100 of us to represent them in this great body. I certainly hope each and every Senator will commit in their heart, find it in their mind to respect the will of the people from other States and respect the office each Senator has and the responsibility he or she has to represent his or her people to the best of his ability.

To make things better in this Senate and in this Congress and in this Government, quite frankly, it has to start with the majority party. We do not know in 7 months which will be the majority party in the Senate or in the House. We do not know who will be in the White House. But it is incumbent upon us that whoever is in the majority party should lead by example. They should demonstrate their leadership by demonstrating for the issues, be prepared to say no to the politics of revenge. We need to return to our first principles, turn back to the things that make this country great.

We talk about respecting the rights of the minority in the politics of common ground. This body definitely, certainly, absolutely should respect majority rule but also we should respect minority rights. In fact, this body was created at the foundations of this country. This body was created to protect the minority. That is why small States such as Delaware and New Hampshire get equal representation in the Senate, as much as much larger States such as New York and Virginia. We are all equal in this body, all 100 of us, all 50 States.

I hope we will follow this politics of common ground. In essence, it can be summarized by one thing, and that is to do right. That is what we need to see more of around here.

One thing I like about the minority leader’s proposal is that we acknowledge we cannot change the world. We know that. We cannot raise a magic wand and make it better. My grandmother, Susie Pryor, said you cannot clean up the whole world but you can clean up your little corner.

I hope today Democrats, Republicans, and Independents will take the responsibility to clean up our little corner. Let’s clean up the Senate and return to politics of common ground.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I thank the distinguished Senator from Arkansas for his eloquent statement for being part of the inspiration for this proposal creating the Politics of Common Ground.

I will tell my colleagues, as I began thinking through many of these particular ideas and the suggestions we have now made, it was the Senator from Arkansas who was extraordinarily helpful and who had many creative ideas and thoughts on how we might discuss this matter and make these proposals.

I acknowledge the Senator’s important contribution and thank him for his statement and appreciate the tone he has helped create virtually since he has arrived in the Senate. He believes in the Politics of Common Ground—but for him it is more than just words; it is deeds. He has again demonstrated that this afternoon. I am grateful.
DEBT BURDENS AND PREDATORY LENDING

Mr. AKAKA. Mr. President, I rise today to focus on the challenges facing America’s working families. Rising health care costs, increases in gasoline prices, and the lack of affordable housing have contributed to making the lives of working families more difficult as they strain to meet their day-to-day needs. The ability of these families to meet their increasing financial obligations is hampered by their significant debt burdens, particularly credit card debt, that lenders employ practices such as refund anticipation loans.

Mr. President, too many families are becoming overwhelmed by their debts. In 2003, consumer debt increased for the first time to more than $2 trillion, and continued to increase in March, 2004, for the 12th straight month according to the Federal Reserve. A key component of household debt can be attributed to the use of credit cards. Revolving credit comprised of credit card debt, has more than doubled from $313 billion in January 1994 to $756 billion in March 2004. These debt burdens will increase as interest rates rise. Bankruptcy filings have surged to record levels, with more than 1.6 million consumers filing for bankruptcy, increasing by 2.8 percent in the 12 months ending on March 30, 2004. Many of these are middle class Americans who continue to work hard to make ends meet. It is imperative that we make consumers more aware of the long-term effects of their financial decisions, particularly in managing their credit card debt. Obtaining credit has become easier. Students are offered credit cards at earlier ages, particularly since credit card companies have been successful with aggressive campaigns targeted towards college students. Universities and colleges across the country have entered into marketing agreements with credit card companies. For example, the University of Oklahoma will receive $13 million over 10 years in exchange for the exclusive ability to market credit cards to students, alumni, and employees, and to issue cards with the university’s name. In this agreement, the school also receives 0.4 percent of every credit purchase. More than 1,000 universities and colleges have affinity cards which are marketed as “all inclusive” as possible through the opportunity to earn various benefits and discounts. College students make up a very ripe market for such credit and to boot are considered by some very good customers for lenders based on their payment patterns. Nina Prikazsky, Nellie Mae’s Vice President of Operations, was quoted in the Chronicles of Higher Education as saying, “Banks will take risks on young people the way they never would a decade ago, because they’ve discovered that students have become their best customers because they tend to make the minimum payments.”

Thus, college students, many already burdened with educational loans, are accumulating credit card debt. Forty-five percent of college students carry credit card debt, with the average debt over $3,000. While it is relatively easy to obtain credit, especially on college campuses, not enough is done to ensure that credit is properly managed. Currently, credit card statements fail to include all of the information necessary to allow individuals to make fully informed financial decisions. Mr. President, in December 26, 2003, the Credit Card Minimum Payment Warning Act, along with Senators DURBIN, LEAHY, and SCHUMER. Our legislation will make it very clear what costs consumers incur if they make only the minimum payments on their credit cards. The personalized information consumers will receive for each of their credit card accounts will help them to make informed choices about the payments that they choose to make towards their balance.

The bill also requires that credit card companies provide useful information so that people can develop strategies to free themselves of credit card debt and have access to a toll-free number so that consumers can contact credit counselors. My bill represents sound legislation that aims to protect middle income and other families in this country.

Mr. President, the ability of families to survive financially is also hampered by predatory lending. Earned income tax credit, EITC, benefits intended for working families are increasingly being reduced by the growing use of refund anticipation loans, which typically carry triple digit interest rates. According to the Brookings Institution, an estimated $1.9 billion intended to assist low-income families was received by commercial tax preparers and affiliated national banks to pay for these high cost services.

The First Accounts program has been helpful to low- and moderate-income individuals and families to mainstream financial services. The program helps to offset the costs financial institutions incur in offering low-cost, electronic banking accounts. In addition, the program supports financial institution and nonprofit initiatives providing education and counseling to low-income households. The First Accounts program has the potential for developing research into the financial services needs of low-income individuals and financial products designed to meet these needs. While the need is great, the President proposed in his fiscal year 2005 budget request to rescind the $4 million for the First Accounts program that had been previously appropriated in fiscal year 2002 and fiscal year 2003. I will continue to work with my colleagues to help preserve these funds for their intended purpose and bring people into the financial mainstream.

Mr. President, I look forward to continuing to work with my colleagues to help provide additional meaningful disclosure to consumers about their use of credit cards. The needs of low-income and unbanked are unable to save securely to prepare for the loss of a job, a family illness, or a down payment on a first home or education expenses.

Mr. President, a Federal program, the First Accounts program, is intended to increase access for unbanked low- and moderate-income individuals to mainstream financial services. The program helps to offset the costs financial institutions incur in offering low-cost, electronic banking accounts. In addition, the program supports financial institution and nonprofit initiatives providing education and counseling to low-income households. The First Accounts program has the potential for developing research into the financial services needs of low-income individuals and financial products designed to meet these needs. While the need is great, the President proposed in his fiscal year 2005 budget request to rescind the $4 million for the First Accounts program that had been previously appropriated in fiscal year 2002 and fiscal year 2003. I will continue to work with my colleagues to help preserve these funds for their intended purpose and bring people into the financial mainstream.

Mr. President, I look forward to continuing to work with my colleagues to help provide additional meaningful disclosure to consumers about their use of credit cards. The needs of low-income and unbanked are unable to save securely to prepare for the loss of a job, a family illness, or a down payment on a first home or education expenses.

The ability of these families to meet their increasing financial obligations is hampered by their significant debt burdens, particularly credit card debt, that lenders employ practices such as refund anticipation loans.

Mr. President, too many families are becoming overwhelmed by their debts. In 2003, consumer debt increased for the first time to more than $2 trillion, and continued to increase in March, 2004, for the 12th straight month according to the Federal Reserve. A key component of household debt can be attributed to the use of credit cards. Revolving credit comprised of credit card debt, has more than doubled from $313 billion in January 1994 to $756 billion in March 2004. These debt burdens will increase as interest rates rise. Bankruptcy filings have surged to record levels, with more than 1.6 million consumers filing for bankruptcy, increasing by 2.8 percent in the 12 months ending on March 30, 2004. Many of these are middle class Americans who continue to work hard to make ends meet. It is imperative that we make consumers more aware of the long-term effects of their financial decisions, particularly in managing their credit card debt. Obtaining credit has become easier. Students are offered credit cards at earlier ages, particularly since credit card companies have been successful with aggressive campaigns targeted towards college students. Universities and colleges across the country have entered into marketing agreements with credit card companies. For example, the University of Oklahoma will receive $13 million over 10 years in exchange for the exclusive ability to market credit cards to students, alumni, and employees, and to issue cards with the university’s name. In this agreement, the school also receives 0.4 percent of every credit purchase. More than 1,000 universities and colleges have affinity cards which are marketed as “all inclusive” as possible through the opportunity to earn various benefits and discounts. College students make up a very ripe market for such credit and to boot are considered by some very good customers for lenders based on their payment patterns. Nina Prikazsky, Nellie Mae’s Vice President of Operations, was quoted in the Chronicles of Higher Education as saying, “Banks will take risks on young people the way they never would a decade ago, because they’ve discovered that students have become their best customers because they tend to make the minimum payments.” Thus, college students, many already burdened with educational loans, are accumulating credit card debt. Forty-five percent of college students carry credit card debt, with the average debt over $3,000. While it is relatively easy to obtain credit, especially on college campuses, not enough is done to ensure that credit is properly managed. Currently, credit card statements fail to include all of the information necessary to allow individuals to make fully informed financial decisions. Mr. President, in December 26, 2003, the Credit Card Minimum Payment Warning Act, along with Senators DURBIN, LEAHY, and SCHUMER. Our legislation will make it very clear what costs consumers incur if they make only the minimum payments on their credit cards. The personalized information consumers will receive for each of their credit card accounts will help them to make informed choices about the payments that they choose to make towards their balance.

The bill also requires that credit card companies provide useful information so that people can develop strategies to free themselves of credit card debt and have access to a toll-free number so that consumers can contact credit counselors. My bill represents sound legislation that aims to protect middle income and other families in this country.

Mr. President, the ability of families to survive financially is also hampered by predatory lending. Earned income tax credit, EITC, benefits intended for working families are increasingly being reduced by the growing use of refund anticipation loans, which typically carry triple digit interest rates. According to the Brookings Institution, an estimated $1.9 billion intended to assist low-income families was received by commercial tax preparers and affiliated national banks to pay for these high cost services.

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TRIBUTE TO MANNY CORTEZ

Mr. REID. Mr. President, I rise to pay tribute to a man who has had a tremendous impact on southern Nevada, my good friend, Manny Cortez.

I haven’t known Manny for years; I have known him for decades. In the 1970s, when I was in State government in Nevada, I was appointed to the Clark County Commission. Since those days our paths have crossed many times. He has served on the board of governors of the University Medical Center, the Las Vegas Valley Water District, and other local agencies.

For the past 21 years, he has been the driving force behind the Las Vegas Convention and Visitors Authority—first as a member of the board of directors, and for the last 13 years as President.

It is no exaggeration to say that Manny Cortez is one of the visionaries who made Las Vegas what it is today—the convention and entertainment capital of the world.

In 1991, the year he assumed the leadership of the Convention and Visitors Authority, we had about 21 million visitors in southern Nevada. This year we are on track to almost double that number, with more than 37 million visitors. This is due in no small part to the brilliant promotional campaigns of the Convention and Visitors Authority.

Under Manny’s watch at the LVCVA, our town has seen amazing changes. When he took the helm in 1991, the first three major convention centers, The Mirage, the Mandalay Bay, and the New South Hall of the Convention and Visitors Authority, were under construction. Today, we are on track to almost double that number, with more than 37 million visitors in southern Nevada. This year, we are on track to almost double that number, with more than 37 million visitors. This is due in no small part to the brilliant promotional campaigns of the Convention and Visitors Authority.

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It is true, though, Manny is leaving the LVCCB, but he is leaving it in good hands. He recently said that his biggest challenge over the last few years has been to stay out of the way of the great team he has assembled, so they could do their jobs. That is the kind of attitude that has made Manny Cortez such a beloved figure in our community. I salute my old friend on his retirement, and I look forward to our paths crossing for many more years.

THE DONALD W. REYNOLDS FOUNDATION

Mr. REID. Mr. President, I rise today to recognize the Donald W. Reynolds Foundation for its strong commitment to ensuring quality and access to cancer care.

Three years ago, as a gift to the Nation, the Donald W. Reynolds Foundation generously made possible the acquisition of Gilbert Stuart’s iconic portrait of George Washington for the Smithsonian’s National Portrait Gallery, which will reopen on July 4, 2006. In doing so, the Reynolds Foundation not only saved a national treasure but also provided a permanent home where future generations can appreciate this American masterpiece.

The Reynolds Foundation also made possible a 3-year, 8-city tour of the painting. This tour, which visited Las Vegas 2 years ago and is currently in Little Rock, has allowed millions of Americans to personally view a painting that is part of our national heritage.

By providing guides for teachers, newspapers for students, reproductions, reenactors, and history lessons about George Washington, the Foundation ensured an enriching educational experience for young people.

The exhibition of this painting at the Las Vegas Art Museum was not the first time that the generosity of the Reynolds Foundation enriched the lives of Nevadans. The Foundation has given millions of dollars to create the Donald W. Reynolds School of Journalism and Center for Advanced Media Studies at the University of Nevada, Reno, and the Donald W. Reynolds Student Services Center at the University of Nevada, Las Vegas. It has also supported medical research and health and human services programs.

It is my honor to recognize the Donald W. Reynolds Foundation’s many charitable actions. Please join me in thanking the foundation for its generous gift to our Nation.

CONGRATULATIONS TO STAN COLTON

Mr. REID. Mr. President, I rise today to pay tribute to Stan Colton, a man who has dedicated his life to serving the people of Nevada.

Stan hails from my hometown of Searchlight. In fact, he lives there today, on the same property that his grandfather and father owned. He runs a little grocery store and he owns the town’s original gold claim, the Duplex.

Stan has served the people of Nevada in many different capacities. He was administrative coordinator in the Clark County District Attorney’s office, the Voter Registrar of Clark County, and the Nevada State Treasurer.

After he left the Treasurer’s office, Stan worked with the Las Vegas—Clark County library district, where he managed the capital construction program that built 21 new libraries. He retired from that job but came out of retirement a few years ago to help lead the city of Henderson build a new library.

Stan has also been active in many civic groups, most recently as the President of the Henderson Rotary Club. He is stepping aside on Friday evening, and the members of the club will gather at that time to give him a good sendoff and share their stories about Stan.

I join in thanking Stan Colton for his service to the people of Nevada and the Henderson Rotary Club.

CINDY REID BIRTHDAY WISHES

Mr. REID. Mr. President, families are important to each of us. When you have children, one thing you wish for is that they will marry someone who will fit comfortably into your family.

My daughter-in-law Cindy is celebrating her 40th birthday this year. She has become such an important part of the close-knit Reid family that I can’t imagine what our lives would be like if my son hadn’t married her.

Cindy has been a loving and thoughtful partner to my son Rory, a wonderful mother to my grandchildren, Ryan, Savannah and Mason.

She is an excellent teacher for her children, and a professional college teacher as well. She is a perfectionist in her work, and when she sees a problem, she doesn’t complain . . . she solves the problem.

Cindy’s appreciation of literature is a goal I seek. And her opinions about food, music, movies and politics are always insightful.

One of the great blessings of having Cindy in our family has been the opportunity to become friends with her unique and wonderful mother, Helen, and her thoughtful and considerate father, Dean.

On this the celebration of two-score years, Landra and I wish Cindy a world of health and happiness, and the knowledge that she has our support and never-ending love.

ENSURING QUALITY AND ACCESS TO CANCER CARE ACT OF 2004

Mrs. HUTCHISON. Mr. President, I rise today to bring attention to concerns related to cancer care reimbursement.

Today, many oncology services are paid for through drug administration reimbursement because most are not
covered by Medicare. These services include specially-trained oncology nurses and supportive care services important to performing first rate cancer care. Although the new Medicare law increases reimbursements to physicians and provides much needed compensation to oncology nurses, it raises how much Medicare will reimburse for chemotherapy beginning in 2005. While I support the sound and innovative advancements the Medicare law provides, it is important not to jeopardize cancer care through decreases in reimbursements.

Congress understood the impact the Medicare law would have on patient access and included a temporary one-year increase in physicians’ practice expenses. However, this provision will expire in 2005 and could reduce access to care.

The “Ensuring Quality and Access to Cancer Care Act of 2004” would extend the one-year transitional period already required by the law for an additional year. It allows a compromise so Congress has the time it needs to further debate this issue, ask important questions regarding the impact of payment reductions and better understand how Medicare should reimburse for services provided to cancer patients.

U.S. COMMISSION ON OCEAN POLICY

Mr. HOLLINGS. Mr. President, I rise today to again acknowledge the important work and contributions of the U.S. Commission on Ocean Policy. The Ocean Commission, consisting of 16 distinguished individuals, was established by the President pursuant to the Oceans Act of 2000, legislation I sponsored to bring special attention to the problems facing our oceans and coasts, and to lead to recommendations for a new comprehensive ocean policy. The Oceans Act directed the Ocean Commission to submit a report to Congress and the President of its findings and recommendations regarding national ocean policy. Exactly one month from now, the Ocean Commission will release its final report, which reflects the deliberations, findings, and comments generated by 15 public meetings, 17 site visits, 37 State Governors and over 700 stakeholders.

The last time an oceans report of this magnitude was issued was over thirty years ago. The report of the Stratton Commission led to the creation of the National Oceanic and Atmospheric Administration and passage of landmark legislation protecting our fisheries and coasts. I have read the preliminary report of this Ocean Commission, and I can tell you it is very balanced and comprehensive. The final report, when it is issued, will no doubt influence ocean policy for years to come, and has already influenced legislation which my colleagues and I have introduced in the House and Senate. I am also currently developing legislation that will set out a national vision for ocean policy, conservation, research, and education, building upon the commission’s recommendations.

Reports do not write themselves, and today I am taking a moment to acknowledge the efforts of Admiral James Watkins, USN (Ret.), Chairman of the Ocean Commission, the Commissioners, and their staff. Admiral Watkins deserves to be commended for leading this monumental task and generating the attention it so wisely deserves. Dr. Tom Buono, as Executive Director, should also be recognized for bringing a well balanced report to completion. Each of the Commissioners should be applauded for lending their valuable expertise and a considerable amount of their own time to this task: Dr. Robert Ballard, Ted Beattie, Lillian Borrone, Dr. James Coleman, Ann D’Amato, Lawrence Dickerson, Vice Admiral Paul Gaffney, USN (Ret.), Marc Hershman, Paul Kelly, Christopher Koch, Dr. Frank Muller-Karger, Edward Rasmussen, Dr. Andrew Rosenberg, William Ruckelshaus, and Dr. Paul Sandifer.

I know Admiral Watkins, Dr. Kitsoa and my colleagues share my appreciation that the commission staff, who worked many hats and put in countless hours to craft a fine report, the commissioners and Dr. Kitsoa obtained invaluable advice and support from Terry Schaff and editorial expertise and advice from Morgan Gopnik. At the heart of the effort was the staff who lent their considerable talents to developing the major themes in each of the working groups and in actually drafting the recommendations. Laura Conrail, Aimee David, and Gerhard Kuska contributed their expertise to the discussions on governance. The stewardship working group was ably assisted by Captain Malcolm Williams, USCG (Ret.), Brooks Bowen, Angela Corridore, and Frank Lockhart. Recommendations, and marine operations issues were developed with the skilled support of Ken Turgeon, Captain George White, NOAA, Roxanne Nikolais, and Chris Blackburn.

A report of this weight depends on careful execution of a public relations strategy. Kate Naughten, Peter Hill, and Michael Watkins are to be commended for their liaison work with the government and press. And we all know that every office would not function without a solid administrative support team. Lee Benner, Macy Moy, Polin Cohanne, Sylvia Boone, Robyn Scraford, Stacy Pickstock and Nekesha Hamilton are to be congratulated for managing the day-to-day operations of the commission.

My heartfelt thanks go to everyone on the commission for a job well done.

ABUSE OF CONTRACT FUNDS IN IRAQ

Mr. AKAKA. Mr. President, I rise today to discuss the alarming incidence of U.S. contract funds being abused in Iraq. These violations range from the abandonment of vehicles, each worth $85,000, to significant project overruns involving tens of millions of tax dollars. The scope of these wasteful and fraudulent activities is both disturbing and unacceptable.

At this critical juncture in Iraq’s re-habilitation, contractors and their administrators should be providing contracted services and goods with maximum efficiency.

As an American, I am proud of and thankful of the men and women who have traveled to Iraq to help restore this country. They risk their lives and, sadly, some have given their lives. However, stories of outright waste and fraud involving contract funds are deeply disturbing.

Three themes have emerged from the abuse of U.S. contracts in Iraq: task order violations, the absence of cost controls, and insufficient oversight.

Numerous contract officers have used existing procurement or task orders to obtain services and goods beyond the scope of approved contracts. For instance, during December 2003, the Army acquired interrogators for Iraqi prisons via a contract marked for the Department of Interior information technology purchases. Interior contract officers negotiated interrogation services through an open-ended agreement laden with tenuous connections to technology. In such circumstances, new procurement items should only be obtained under open and fair competition.

The absence of consistent cost controls has also attributed to the misuse of contract funds. The General Accounting Office reports that a significant portion of task orders, associated with defense logistical support contracts in Iraq, have been granted without concrete specifications, deadlines, and prices. The prevalence of open-ended contracts have fueled inefficiency and numerous project overruns exceeding 100 percent. The absence of a well-trained procurement workforce in Iraq has impeded efforts to counter these adverse outcomes.

In the presence of fragmented oversight, the misuse of contract funds has further escalated. Currently, the Coalition Provisional Authority, CPA, only has oversight of contracts associated with reconstruction and Task Order 44 of the U.S. Army’s Logistical Operations and Combat Application Program, LOGCAP, which provides CPA logistical support, yet all other contractors in Iraq are audited by agency inspector General, IG, offices. It is anticipated that the challenges of fostering accountability will substantially increase after the handover of Iraq on June 30, 2004. The CPA IG reports that 60 days after the handover, CPA audit activities will be merged into the State Department’s IG Office. Reckless waste will continue. U.S. contractors in Iraq including those managed by the Department of Defense. Government officials forecast that this change
UNSOLVED MURDER OF UKRAINIAN JOURNALIST HEORHIY GONGADZE

Mr. CAMPBELL. Mr. President, for nearly 4 years the case of murdered Ukrainian investigative journalist Heorhiy Gongadze has gone unsolved, despite repeated calls by the Helsinki Commission, the State Department, and the international community for a fair and impartial investigation into this case. As cochairman of the Helsinki Commission, I have met with Gongadze's widow and their young twin daughters. Besides the human tragedy of the case, the Gongadze murder is a case study of the Ukrainian authority's utter contempt for the rule of law.

Gongadze, who was editor of the Ukrainian Internet news publication Ukrainska Pravda, which was critical of high-level corruption in Ukraine, disappeared in September 2000. His headless body was found in November of that year. That same month, audio recordings by a former member of the presidential security services surfaced that included excerpts of earlier conversations between Ukrainian President Kuchma and other senior officials discussing the desirability of Gongadze's elimination.

Earlier this week, Ukraine's Prosecutor General's office announced that Ihor Honcharov, a high-ranking police officer who claimed to have information on how Ministry of Internal Affairs officials carried out orders to abduct Gongadze, died of "spinal trauma" while in police custody last year. This announcement followed the release of an article in the British newspaper The Independent, which obtained leaked confidential documents from Ukraine indicating repeated obstruction into the Gongadze case at the highest levels. Furthermore, just yesterday, Ukraine's President announced that investigators are questioning a suspect who has allegedly admitted to killing Gongadze.

Many close observers of the Ukrainian authorities' mishandling, obstruction, and cover-up of this case from the outset are suspicious with respect to this announcement. Just one of numerous examples of the Ukrainian authorities' obstruction of the case was the blocking of FBI experts from examining evidence gathered during the initial investigation in April 2002, after the Bureau had been invited by these authorities to advise and assist in the case and earlier had helped in identifying Gongadze's remains.

The Ukrainian parliament's committee investigating the murder has recommended criminal proceedings against President Kuchma. This committee was appointed at the very beginning of its mission and every year since by the top-ranking Ukrainian authorities.

A serious and credible investigation of this case is long overdue—one which brings to justice not only the perpetrators of this crime, but all those complicit in Gongadze's disappearance and murder, including President Kuchma.

Kuchma faces critically important presidential elections this October. Last month, I introduced a bipartisan resolution urging the Ukrainian Government to ensure a democratic, transparent and fair election process. Unfortunately, there have been serious problems in Ukraine's pre-election environment.

Ukraine can do much to demonstrate its commitment to democracy and the rule of law by conducting free and fair elections and fully and honestly investigating those who were behind the death of Heorhiy Gongadze. The Ukrainian people deserve no less.

CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004

Mr. LEAHY. Mr. President, I am pleased to speak in support of the Child Nutrition and WIC Reauthorization Act of 2004 as passed by the Senate. In the best tradition of the Senate, Members from both sides of the aisle have worked together over the past year to renew and improve the School Lunch and Breakfast Programs, the Summer Food Service Program, the Child and Adult Care Food program, and the Special Supplemental Nutrition Program for Women, Infants and Children, WIC.

I commend the chairman and ranking member of the Agriculture Committee, Senator COCHRAN and Senator HARKIN, as well as their staffs, for their hard work. The committee has come together over the past year to renew and improve the School Lunch and Breakfast Programs, the Summer Food Service Program, the Child and Adult Care Food program, and the Special Supplemental Nutrition Program for Women, Infants and Children, WIC. I commend the chairman and ranking member of the Agriculture Committee, Senator COCHRAN and Senator HARKIN, as well as their staffs, for their hard work. The committee has come together over the past year to renew and improve the School Lunch and Breakfast Programs, the Summer Food Service Program, the Child and Adult Care Food program, and the Special Supplemental Nutrition Program for Women, Infants and Children, WIC.

At the start of the 108th Congress, when we began the process of renewing the child nutrition programs, many of us had high hopes for improvements that might be made. I proposed legislation to provide financial incentives to schools that want to improve their nutritional environment, to renew Federal support for nutrition education in schools, to enhance and stabilize spending at both the WIC and the WIC Farmer's Market Nutrition Programs. With my friend from Pennsylvania, Senator SPECTER, I proposed the creation of a farm-to-cafeteria program that would bring fresh foods from local farms into the cafeteria, and with my friend from Indiana, Senator LUGAR, I proposed giving the Secretary of Agriculture greater authority to address soft drinks and junk foods in schools. Other proposals were made to eliminate the reduced price category for school meals, thereby providing free lunches to all children living in families with incomes below 185 percent of poverty. Unfortunately, the tight budget with which we had to work did not enable us to enact all of these worthy ideas. I am pleased, however, that the bill before us does include many of them and that at the same time it substantially improves program access and integrity.

Working together, we were able to ensure access to the programs for needy children through direct certification, targeted verification, and technical assistance to reduce administrative burden, rather than imposing across-the-board increased verification that would have potentially caused eligible children to be erroneously and unacceptable kicked off the program.

We also maintained the historic role of milk in our school meals program, while granting parents the flexibility to help their children get a nutritionally equivalent beverage with lunch if they cannot drink milk. This legislation will also allow schools to have more flexibility on what to serve on the school lunch line. While the school lunch program currently restricts schools to offering only milk varieties that most students chose in the previous school year, this legislation would allow schools to expand choices based on what they believe are the best offerings for the student body, including flavored milk, lactose-free milk and milk of varying fat levels. In particular, we welcome the creation of a lactose-free milk to the school lunch line, believing it will expand milk's appeal to those with special dietary needs.

We are also taking an important first step in beginning to conquer the problem of soda in our schools. Twenty years ago children consumed more than twice as much milk as soda; now they drink twice as much soda as milk. This is a huge problem for our children. Thus I am pleased this bill gives the authority to schools to serve milk at anytime and anywhere on school premises or at school events. This will prevent restrictions on milk sales that are sometimes inserted in soft drink vending contracts with schools.

This legislation ensures that small States will receive an inflationary increase in their administrative expense grant—the money that they receive to administer and ensure the integrity of the Federal child nutrition programs. This provision is particularly important to Vermont as well as to other small and rural States that have not seen an increase in their grant in over 20 years despite inflation.
Mr. SMITH. Mr. President, today I rise to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On September 19, 1999, a group of men shouting anti-homosexual slurs assaulted five gay men. I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

OREGON VETERAN HERO

Mr. SMITH. Mr. President, today I rise to honor a WWII veteran who has gone above and beyond the call of duty in his service to the United States and to the State of Oregon. Bob Maxwell was born in Boise, ID on October 26, 1920. Before joining the U.S. Army, Bob worked as a logger in Colorado. In the summer of 1942, he was shipped to Camp Roberts, CA for training.

In 1943. Together with the 3rd Rangers, his Division landed in Licata on the south-central coast of Sicily in July of 1943. Fighting their way inland, Bob Maxwell's division successfully captured the city of Agrigento after seven intense days of battle.

Bob's dedication to the war effort was a valiant one. After landing near the town of Netuno, Italy on January 22, 1944, he was struck by shrapnel from a German artillery shell, severely injuring his leg. Maxwell returned to his duty repairing phone wires and working the switchboard after bandaging his wound.
his leg. He did not go to the hospital until the next morning when his plato- 
on leader forced him to go. He was later awarded the Silver Star for his ef- 
forts.

A few months later, stationed near Besançon, France, Maxwell and three 
other soldiers, armed only with .45 caliber automatic pistols, defended their 
battalion observation post against a nearly overwhelming attack by enemy 
infantrymen. Despite fire from auto- 
matic and grenade launchers, the men 
aggressively fought off ad- 
vancing enemy troops and, with 
their calmness, tenacity, and fortitude, 
Maxwell inspired his fellows to continue 
the struggle. When an enemy hand 
grenade was thrown in the midst of his 
squad, Maxwell unhesitatingly threw 
himself squarely upon it, using his 
blanket and his unprotected body to 
absorb the full force of the explosion.

For this action, Maxwell was award- 
ed the Medal of Honor, the nation's 
highest military award. In addition, 
while serving with the 3rd Battalion, 
7th Infantry of the United States 
Army, he was awarded two Purple 
Hearts, two Silver Stars, and a Bronze 
Star. Maxwell was honorably dis- 
charged from military service at Ft. 
Star. Maxwell married his wife Beatrice 
July 24, 1942, and they 
were later married on August 12, 1951. He and Bea 
had two children, a daughter and a son, and two grandchildren, and a great-grandchild.

Corporal Daniel Dimaso, of Junction, 
NY, stripped off his own t-shirt and 
made a tourniquet to control the bleeding 
from the gunshot wound on the enemy 
fighter's lower left leg, while Pvt. 1st Class Daniel Fondonella, of 
Mt. Vernon, NY, provided security. 
Two hours earlier, the enemy, 
while hunting him down and now they were 
hurrying to save his life.

The Marines knew that the Taliban 
fighter would die if they did not get 
him off the mountain. They gathered 
the injured man and signaled for the 
corpman at the vehicles in the canyon 
to prepare for his arrival. Sergeant 
Trackwell carried the enemy soldier 
down the mountain.

The wounded man was then taken to 
the battalion's command post, where 
the surgeon, Navy Lt. Brendon Drew, 
determined that he needed surgery 
soon. The Marines were instructed 
to keep an eye on the patient to ensure 
that he did not fall asleep while the 
wound was worked on. As the 
surgeons worked on the patient, the 
Marines took turns holding the man's 
IV bag and blocking the bright Afghan 
sun from his eyes.

After the patient was stabilized he 
was taken to nearby military medical 
facility for recovery. Lt. Drew deter- 
mined that it was the immediate med- 
ical attention and the quick interven- 
tion from the corpsman that saved the 
man's life.

This story shows us that our Marines 
not only follow the rules of combat, 
they display a deep respect for human-
ity. For his selfless services to others, 
and to the United States in time of war, I salute Sergeant Dan Trackwell.

ABSENCE EXPLANATION

Mr. BROWNBACK. Mr. President, I regret that I was unable to participate 
in many of the important votes that took place on Wednesday, June 23, 2004. I was necessarily absent from the Sen- 
ate yesterday as I was attending the 
funeral of a family member. Neverthe- 
less, I believe it is important for my 
constituents in Kansas to know how I 
would have voted had I been here; thus, I 
indicated to the Majority Leader my 
position for each of the votes through- 
out the day.

TRIBUTE TO MATTIE STEPANEK

Mr. HARKIN. Mr. President, I ask 
the United States Senate to join me in 
tribute to Mattie Stepanek, a young 
man who accomplished so much, and 
sadly, was taken from us this past 
Tuesday, June 22 at the age of 13 years. 
Like his three older siblings, Mattie 
died from complications of a rare form 
of muscular dystrophy.

As anyone can testify who has seen 
Mattie on television, he was one bril- 
liant person, and he had a big heart to 
match his intelligence. He was an 
author and poet and used his 
writing to cope with the death of his 
brother, writing messages of 
hope and inspiration, and selling mil-

lions of books. Mattie quickly became 
one of the most widely read poets in re-
cent memory, and three of his volumes 
were on the New York Times' best-sell- 
er list.

I would like to share one of Mattie’s 
most inspirational poems. It is titled, 
"On Being a Champion."

"A champion is a winner. 
A hero . . .
Someone who never gives up 
Even when the going gets rough. 
A champion is a member of 
A winning team . . .
Someone who overcomes challenges 
Even when it requires creative solutions 
A champion is an optimist, 
A hopeful spirit . . .
Someone who plays the game.
Even when the game is called life . . .
"Especially when the game is called life. 
There can be a champion in each of us. 
If we live as a winner, 
If we live as a member of the team. 
If we live with a hopeful spirit, 
For life."

Mattie was a champion in every 
word of the poem and his poetry won 
the hearts of many admirers, from 
Oprah Winfrey to former President 
Carter. But famous or not, it seemed to 
matter little to Mattie, who said, "It's 
our inner beauty, our message, the 
songs in our hearts."

Mattie embodied the unlimited po- 
tential within all of us, and I hope that 
Mattie’s mother, Judi Stepanek, will 
find some strength in knowing that 
Mattie inspired and touched so many 
people. We offer Judi a special place in 
our hearts, knowing there is nothing 
harder than losing a child. And we pray 
that she be given the strength, courage 
and wisdom needed to get through this 
difficult time.

Mattie believed his mission in life 
was to "spread peace in the world." 
And, today, I say to Mattie and to all 
who loved him: Mission accomplished.

AGRICULTURAL ASSISTANCE ACT 
OF 2004

Mr. DORGAN. Mr. President, I am 
pleased to join my colleague, Senator 
CONRAD, in introducing legislation that 
provides much needed relief to farmers 
and ranchers who have been devastated 
by weather conditions.

Farmers and ranchers from my state 
began the year with great optimism. 
Producers were eager to get their crop 
in the ground so they could get a good 
return on their investments and their 
hard work.

But, harsh weather conditions have 
plagued our state. In some regions 
of North Dakota, late snow followed by 
unusually high rainfall left much of 
our fields under water and unfit to 
plant. Preliminary reports estimate 
that as much as two million acres of 
crops were unable to be planted or had 
crops that were destroyed after plant- 
ing. This has placed the livelihood of 
North Dakota producers in seri- 
ous jeopardy. 

In the southwest portion of the state, 
the drought conditions have crippled
livestock producers. Southwest North Dakota is terribly dry and has been for nearly two years. They have received almost no rain, making haying and grazing land very hard to come by, and causing feed expenses to soar.

These family farmers and ranchers ought to be bearing this burden alone. I am very pleased to join Senator Conrad in introducing disaster legislation to help ease the financial burden of producers in their time of need. We need quick action on this legislation because producers need help, and they need it now.

The legislation being introduced today is very straightforward and almost identical to disaster legislation enacted in previous years, including last year.

Farmers experiencing crop loss of higher than 35 percent would be eligible for disaster assistance. Folks who bought crop insurance would be eligible for payments equal to 50 percent of the crop loss, and those who did not purchase crop insurance would be eligible for payments equal to 40 percent of the crop price. Under this legislation, the uninsured producers will be required to purchase crop insurance for the following two years in order to receive any disaster assistance.

Also, ranchers suffering grazing losses will be eligible for assistance to help pay for the cost of feed. To be eligible, they must have suffered 40 percent loss during three consecutive months.

The weather conditions, beyond human control, have placed the livelihood of our farmers and ranchers at risk and I urge Congress to act quickly.

20 LEGISLATIVE DAYS AND COUNTING DOWN

Mr. LEVIN. Mr. President, as of today there are 20 legislative days left before the Federal ban on assault weapons ban expires. And as we get closer and closer to September 13, there are reports that gun manufacturers across the country are gearing up to flood the market with previously banned assault weapons. These weapons, according to the law enforcement community, were the weapons of choice for criminals before the ban and they have no place on our streets. The assault weapons ban is straightforward, commonsense public safety legislation that needs to be extended.

In addition to banning 19 specific weapons, the ban makes it illegal to “manufacture, transfer, or possess a semiautomatic firearm that can accept a detachable magazine and has more than one of several specific military features, such as folding/telescoping stocks, protruding pistol grips, bayonet mounts, threaded muzzles or flash suppressors, barrel shrouds, or grenade launchers. These weapons are dangerous and they should not be on America’s streets.

In response to Congress’ inaction, some State legislatures have begun taking action of their own. In Massachusetts, State legislators voted Wednesday to bar the sale of the same 19 specific weapons mentioned in the Federal ban. According to the Coalition to Stop Gun Violence, Massachusetts is now one of six States with its own ban. Seven other States are considering enacting their own bans.

The National Rifle Association has said that the ban is ineffectual and unnecessary. The association asserts that assault weapons are rarely used in violent crimes, and that many people use them for hunting and target shooting. But this assertion is not supported by the facts. According to statistics reported by the Brady Campaign to Prevent Gun Violence, from 1990 to 1994, assault weapons named in the ban constituted 4.82 percent of guns traced in criminal investigations. However, since the ban’s enactment, these assault weapons have made up only 0.18 percent of the crime-related guns traced.

Unfortunately, despite Senate passage of a bipartisan amendment that would have extended the ban, it appears that this important gun safety law will be allowed to expire. The House Republican leadership opposes reauthorizing the law and President Bush, though he has said he supports the legislation, did not try to prevent its expiration.

This Memorial Day was also an opportunity to reflect for those of us too old to serve in Vietnam, and to see the long awaited memorial on the Mall to honor them and the more than 10 million American veterans of that war who are no longer living.

This Memorial Day was also an opportunity to reflect for those of us too young to remember that war, but old enough to have parents or friends who fought, died, or in so many other ways sacrificed and labored together to defeat enemies that threatened the survival of the free world.

For me, it was a day of mixed emotions. It was uplifting for Marcelle and me to be on the Mall and to see so many World War II veterans and their families together, many of them reuniting with members of their divisions or regiments for the first time in over half a century. It was extraordinarily moving to hear their stories of the days they served and the harrowing stories of bone chilling fear, incredible suffering, and awe inspiring bravery.

It was also a somber occasion. I think each of us was reminded of how much we, and so many millions of people in countries around the world, owe to that generation of Americans.

There was much talk of D-Day, and the thousands of Americans who died on the beaches that first day of the invasion of Normandy. Having returned from Normandy for the 60th anniversary of D-Day, I can say that the feeling is similar to what one experiences when visiting Gettysburg or any of the great Civil War battlefields. It is difficult to fathom that so many men so young could face death with such undaunted courage.

It was my second visit to Normandy. I was last there for the 50th anniversary of D-Day, and my vehicle was hit by an improvised explosive device. He was the eleventh Vermont voter to die in Iraq.

Then on June 7, another Vermonter, Sgt. Jamie Gray, was killed and two members of his Battalion were injured when their vehicle was hit by an improvised explosive device. He was the eleventh Vermont voter to die in Iraq.

As of today, 844 Americans have died in Iraq since the start of the war, and there are thousands more who we rarely hear of who have been wounded. They have lost legs, arms, their eyesight, or suffered other grievous injuries that will plague them for the rest of their lives.

And there are the tens of thousands of Iraqis, including many thousands of civilians caught in the crossfire, who have been killed or injured. Their numbers are not even reported.

When I am in Vermont, and I am there most weekends, there is one thing that I always come back to and over. “What are you doing to bring our troops home?” It is a question that I found myself asking this Memorial Day weekend, and in Vermont during those funerals, and then again at Normandy. It arises from a fundamental disagreement with President Bush’s decision to go to war in Iraq, and his rationale for continuing to keep tens of thousands of our troops there in harm’s way indefinitely.

The early attacks of 9/11 were unlike anything our Nation had experienced since that infamous day at Pearl Harbor over a half century ago. I supported the President’s decision to use military force against al-Qaida and the Taliban, but not the invasion of Iraq. I supported the President’s decision to attack Saddam Hussein, but not the invasion of Afghanistan.

It was the right response and the whole world was behind us.

But as so many people warned, the decision to launch a unilateral, preemptive war against Iraq, even though Saddam Hussein had nothing to do with 9/11 and had no plan or ability to attack us, was a fateful diversion from the real threat of terrorism.
The President's most recent justification for the war—previous justifications having been proven false—is that the Iraqi people are better off without Saddam Hussein. They are. But that is not the measure of a policy that led us into a war based on false premises, faulty, distorted intelligence, and an astounding lack of understanding or concern for the huge costs and liabilities.

Those of us who have to vote to spend the billions of dollars that are necessary for the war should ask whether the President's decision to "stay the course," apparently indefinitely, justifies the continued deaths of Americans—soldiers and civilians—at the dawn of their lives, often by the very people they were sent to liberate or to help recover.

No one questions that we were unforgivably vulnerable on 9/11. Our borders were porous. Several of the highjackers were living openly, and illegally, in this country. Simply securing the doors on airline cockpits might have prevented those attacks. Our law enforcement and intelligence agencies were barely speaking to each other. Communication between the White House, the Strategic Command, the FAA and the Pentagon was hopelessly confused. Countless warnings were ignored.

No one questions that we need to do far more to protect ourselves from terrorists. Every American is a potential target again, last week with the sickening execution style murder of Paul Johnson in Saudi Arabia.

The question is how best to protect ourselves at home, and how best to build the alliances we need to combat terrorism around the world.

Imagine if instead of spending $150 billion, soon to be more than $200 billion, to invade and occupy Iraq, we had used that money differently.

Imagine if we had used it to increase fiftyfold the number of police officers in this country.

Imagine if we had used it to put two air marshals on every airplane in or entering American airspace.

Imagine if we had used it to tighten our border controls, so rather than inspecting 10 percent of the shipping containers and trucks entering this country, we inspected 100 percent.

Imagine if we had used it to increase fiftyfold the number of immigration officers at our ports of entry, and to increase fiftyfold the number of investigators to track down people who are here illegally.

Imagine if we had used it to increase fiftyfold our surveillance capabilities along the Canadian and Mexican borders.

Imagine if we had used it to increase tenfold the amount we spend to protect nuclear materials, reactors, and weapons sites from sabotage or theft by terrorists.

Imagine if we had used it to teach Arabic to 10,000 new intelligence officers, and stationed them around the world. Think of the schools we could build, the hospitals, the medical breakthroughs funded, and on and on.

Imagine how much safer we would be if we had done those things. Instead, we spent that money and we will spend another $50 billion in Iraq next year. Yet even the Secretary of Defense testified that, after spending $150 billion, he does not know if we are winning the war against terrorism. I think it is safe to say that if he believed we were, he would be the first to say so.

When President Bush announced his decision to invade Iraq he said all the things he was expected to say. He said he made his decision only as a last resort, after exhausting every other option. He said it was the hardest decision of his presidency.

In fact, other options were far from exhausted, and the intelligence he relied on was manipulated, misinterpreted, and wrong.

In fact, we now know that it was a decision the President made after minimal debate and with little difficulty. He consulted only his closest political advisors who for years, despite their awareness of themselves, had called for the use of force to overthrow Saddam Hussein. Those outside the President's inner circle who had reservations were ignored. Those who understood the history and the culture and religious and ethnic rivalries of that part of the world, whom he might have listened to, were ignored.

Over 200,000 young Americans were sent to Iraq, and over 135,000 remain there. They were sent into war despite the absence of any tangible threat to the United States. They were sent to invade a country that had nothing to do with 9/11.

Many were sent without body armor, without adequate water, and without the proper armor for their vehicles. They were sent in insufficient numbers to prevent the chaos that has caused twice the casualties since the collapse of the Iraqi Government, when the President declared Mission Accomplished. Many of our most severely wounded have come home to inadequate medical care, or foreclosures on their homes.

The Pentagon's leaders always insist that the safety and welfare of our soldiers is their top priority, but history is replete with examples to the contrary and today we are seeing history repeating itself.

Even worse, as hundreds of Americans die and thousands suffer terrible wounds, the rest of the country goes about its daily business, packing for their summer vacations, as if the war is someone else's problem.

Our soldiers do not have the luxury of refusing to fight if they disagree with the President. That is why a decision by the nation's leaders to send America's sons and daughters into harm's way, and to keep them where they are being killed and wounded every day, should be made only if the security of the United States depends on it.

Aside from the usual patriotic clichés, the President has not explained why the security of the United States depends on keeping tens of thousands of Americans deployed in Iraq's cities where they are being blown up by roadside bombs and shot by snipers. What are they doing there that is worth the loss of lives?

There are encouraging steps as a new Iraqi government takes shape. But they do nothing—nothing—to obscure the grim reality that virtually every day more young American lives are lost. How long will this continue? The President says our troops will be there until they "finish the job." What job? It is more than a year since the fall of Baghdad, yet we still do not know what the mission is.

Do we make Iraq a democracy? Is it, as our troops are told, to kill and capture "bad guys?" Is it to protect the oil wells and refineries and Halliburton's other investments there? Is it to remake the Middle East?

Even the President concedes that other countries are not going to donate significant numbers of their own troops.

The hard truth, which no one in this administration is willing to admit, is that regardless of almost anything else that happens in Iraq in the coming year, hundreds perhaps thousands more of America's sons and daughters are likely to be killed or wounded.

There are times when it is unavoidable, as it was when Germany invaded Europe, when Japan bombed Pearl Harbor, and when al-Qaida attacked New York and Washington. And when that happens, when the security of the country depends on it, the country unites and great sacrifices of life and limb are willingly made.

It is those sacrifices that we honor on Memorial Day, and which those of us who were just in Normandy were reminded of so vividly there.

But the war against terrorism is a different kind of war.

It will not be won by invading and occupying countries.

It will not be won by alienating our friends and allies, nor by inciting the anger of Muslims around the world who now believe the United States is at war with Islam itself.

It will not be won by arresting people, calling them terrorists, torturing and humiliating them, and releasing them only after it becomes a public relations disaster. Why, if they were innocent, were they detained so long in the first place? It makes a mockery of the very idea of freedom.

The war against terrorism will not be won by publicly claiming to respect the law when you are secretly declaring law obsolete, breaking the law, and then refusing to disclose what was done.

It will not be won when half the American people do not believe the war in Iraq is making them safer.
It will not be won with self-serving rhetoric that distorts history and bears little resemblance to reality.

The war against terrorism will be best fought by using our military selectively, as we are by tracking down al-Qaeda in Afghanistan.

It will be best fought by building alliances, by working closely and cooperatively with the law enforcement and intelligence agencies of other countries to infiltrate terrorist networks, capture their leaders, and seize their assets.

It will be best fought by doing far more to help create economic opportunities for the hundreds of millions of impoverished people, particularly in Muslim countries, who have little more than their faith and their anger, who are the terrorist recruiters’ greatest hope.

And it will be best fought by giving far higher priority to strengthening our defenses here at home.

ADDITIONAL STATEMENTS

TRIBUTE TO KEN ROBINSON

Mr. HARKIN. Mr. President, today I want to remember Ken Robinson, a long time friend and community leader. Ken passed away on Friday, April 30, 2004 at the age of 89 years. I would like to pay tribute to the many contributions he has made to his community, to his profession, and to this country.

I have known Ken and his wife Mary Louise, both as personal friends and as the owners of the Bayard News, the Bagley Gazette, as well as several other Iowa newspapers. In 1940, he was one of the founders of the Bayard News which merged with the Bagley Gazette in 1973 to become the Bayard News Gazette. They received many awards over the years for their publishing including the National Newspaper Association’s Amos Award which is given to a person who is considered to have done the most for the newspaper industry as well as for his own community.

When it came to being an advocate for publishers of newspapers in rural areas, Ken was the best. He was fearless, and nothing deterred him from approaching public officials, including the Post Master General or the President of the United States, to bring to their attention problems experienced by his newspaper readers due to delayed rural delivery service or postage price increases. He was a crusader in the best sense of the word when there was a cause that needed to be fixed.

He came to Washington, DC every year to participate in the annual conference sponsored by the National Newspaper Association. Ken was the one to ask the hard questions of the officials who would speak at the conference, holding their feet to the fire, and follow up on commitments. At one association conference session at the White House, Iowa Newspaper Association Director Bill Monroe remembers worrying about Ken and why he had not shown up in time for the meeting. Just before the meeting began, Ken came out of the Oval Office just before President Reagan came out to meet the group. He had been in the office proposing Bayard’s First Class mail classification and had sold President Reagan a raffle ticket.

Ken also served as mayor of Bayard for 24 years, as a State representative, and was active in many organizations, including the League of Iowa Municipalities, the Democratic Party, the Iowa Civil Rights Commission, and the board of Iowa Public Television. He was an active and loyal alumnus of Drake University from where he graduated with a major in economics. During his college years, he was managing editor of the Drake Times Delphic where he primarily wrote sports articles.

Ken was born near Panora, IA in 1914. In his junior year of high school, he was stricken with polio. As a person with a disability, long before the ADA was passed, Ken found ways to overcome barriers to achieve his long-time dream of owning and publishing a newspaper. He not only achieved his dream, but with his passion for justice and his impatience with inaction, he became a strong voice for common sense and fairness. As a civic leader, he had the kind of “can-do” attitude that motivates others to get involved to get things done. Who knows what Ken might have achieved if the ADA had been implemented while he was involved in so many aspects of community life. In this spirit, Ken was the first recipient of the Easter Seals of America Award to honor a person with a disability who had provided outstanding service to government and to community.

Ken and Mary Louise have been great friends to me and I will never forget their kindness. People such as Ken and Mary are an inspiration to us all. They are among the leaders who are the fabric that gives shape and color to our rural communities. They have spent their life making their community, State, and Nation better places to live, work and raise families. And for that, we are forever grateful.

NATIONAL HOMEOWNERSHIP MONTH—JUNE 2004

Mr. SMITH. Mr. President, realizing the dream of homeownership is one of the greatest moments in a lifetime. I am pleased that June has been designated as National Homeownership Month and I have enjoyed working with my colleagues to increase the number of Americans who are able to own their own homes. Homeownership provides more than just a shelter. It is a symbol of security that more Americans generally prize and value. Owning a home enhances our lives and contributes to thriving communities. Where homeownership flourishes, communities are more secure, residents are more civic-minded, schools are better and crime rates decline.

Today, the national homeownership rate stands at 68 percent. I am proud of the growth in the number of households in order to raise it to the highest rate ever. But if you take a close look at that statistic, you’ll see that there is still much work to be done. The fact is that homeownership rates have risen the among young groups who have always had the highest ownership, while they’ve actually fallen for households with children and those headed by someone under the age of 55. In addition, African American and Hispanic householders are the terrorist recruiters who are the fabric of economies for the hundreds of millions of impoverished people, particularly in Muslim countries, who have little more than their faith and their anger, who are the terrorist recruiters’ greatest hope.

And it will be best fought by giving far higher priority to strengthening our defenses here at home.

HONORING STEPHAN KATHMAN AND DAVID SHEETS

Mr. BUNNING. Mr. President, I pay tribute and congratulate both Stephan Kathman of Covington, KY, and David Sheets of Lexington, KY, on being named two of the seventy-eight outstanding U.S. high school students to attend the 21st annual Research Science Institute (RSI). The Institute, sponsored by the Center for Excellence in Education at the Massachusetts Institute of Technology and the California Institute of Technology, will provide more than just a shelter. It is a symbol of security that more Americans generally prize and value. Owning a home enhances our lives and contributes to thriving communities. Where homeownership flourishes, communities are more secure, residents are more civic-minded, schools are better and crime rates decline.

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I support President Bush in his goal of expanding the number of minority home owners by 5.5 million by 2010. As the lead sponsor of S. 198, the New Homestead Economic Opportunity Act, I am confident this legislation would go a long way toward increasing the number of American home owners particularly first-time and minority home buyers. S. 198 will provide a tax credit for single-family homeownership. Modeled after the successful low-income rental housing tax credit, this proposal would allow States to allocate Federal tax credits to developers and investors who provide single-family homes for purchase by qualified buyers in qualified areas.

The legislation is sound public policy and makes good economic sense. It would foster revitalization rates both urban and rural areas and help working Americans currently priced out of the market to buy their first home. It is estimated that each year the credit would produce some 50,000 new and rehabilitated homes valued at $1 billion in wages and $2 billion in taxes and fees.

President Bush has stated that a home is: a foundation for families and a source of stability for communities. Part of economic security is owning your own home. Part of being a secure America is to encourage homeownership.

Today, in the midst of National Homeownership Month, those words ring even more loud and true. I ask that my colleagues show their support for homeownership by cosponsoring S. 198.
June 24, 2004

CONGRESSIONAL RECORD — SENATE

S7425

take place this summer. Students in this program represent the upper one percent of those in the United States who took the PSAT exam.

Science and technology is extremely important for the economic growth of this country, and we need to encourage young people to pursue excellence and leadership in the field. These two young men and the others involved in this program are the future leaders of this country and deserve our recognition. These students are competitively selected to attend and, subsequently, are provided with assistance for the eight to ten years of their undergraduate and graduate studies.

So often we hear of failures of the U.S. educational system; however, students chosen for RSI are proof that good things are happening in our schools. Kentucky is doing its job to nurture some of the country’s finest talent. I join my fellow Kentuckians to congratulate Stephan Kathman and David Sheets on their achievements and wish them luck this summer at the Research Science Institute.

WVEMS

• Mr. LIEBERMAN. Mr. President, I am pleased to extend my congratulations and gratitude to the Westport Volunteer Emergency Medical Service, WVEMS, of Westport, CT, which is celebrating a quarter century of unparalleled dedication to public safety and public service.

Volunteerism is part of the American way, and the volunteer emergency personnel of WVEMS take on a particularly demanding and challenging form of community service. These men and women take time out of their busy lives and careers, or from well-earned retirement, to provide life-saving services 24 hours a day, 7 days a week. They work in close cooperation with police and fire departments, using state-of-the-art skills, in pre-hospital situations. WVEMS volunteers also perform other important community services, including teaching first aid and CPR classes.

The men and women of WVEMS have established a remarkable legacy. During their 25 years of service, they have logged over half a million volunteer hours and cared for over 45,000 ill or injured men, women, and children.

Pictured are original founders who still serve with a selfless commitment to their cause, and each has been designated an American Red Cross Unsung Hero. These exceptional men and women are Edward and Elizabeth Audley, Patricia Audley, Sharon Barnett, Russel M. Blair, Susan DeWitt, Michael Felgin, Richard Frazier, Neil Harding, Thomas M. Keenan, Kathleen Todd, Alan Yoder, Isabel Blair, Alan Stolz, Nettie Skinner, and Pasquale Salvo. I would also like to commend David Pratetzky and April Anne Yoder, who have also been with the WVEMS for a quarter century.

All of the other active members of the WVEMS certainly deserve our recognition, as well: William Puterbaugh, Norman Coltin, Sandra McPherson, Jeffrey T. Lea, Andrew Dinitz, Loretta S. Harsche, Marge Costa, Christine A. Evans, Todd M. Smith, Mark A. Blake, Lorraine Dow, Dona Patchen, Robert Redman, Olivia Weeks, Courtenay Quinn, Joseph Devermann, Linda Gale, Jean Marie Wiesen, Nancy Strong, Gregory Coghlan, Paul Resnick, Barb Utting, Adam Sappern, Nancy Fusaro, Wendy Hill, Megan Watson, Kristin Ancona, Kathleen Min, William Min, Susan Parks, Jamie Talbot, Michael Rickard, Marc Hartog, Michael Engelskirger, Craig Kupson, Elizabeth Jennings, Glenn Eisen, Angela Chichila, Anna Dowdle, Ashley Hawley, Andrew Hubert, Jackie Kamins, Kaitlyn Mello, Eliza Stenson, Carol Boas, Yannick Passemart, Kerr Volmar, Michael Wilmot, Danielle Faul, David Bodach, Christin Giordano, Zack Klomberg, Jordan Kunkes, Alma Loya, Whitney Riggio, Kimber Roberts, Alicia Wong, Karen Bizzak, Margaret Russell, Richard Arrigga, Carol Dixon, Gabrielle O’Halloran, Daniel Rappaport, Dora Sweet, Lois Benfield, Adele Donohue, Susan Shewchuk, Nancy Toll, Pamela Newhauser, Nari Narayanan, Richard Celotto, John Sommers, Caroline Andrew, James Gray, Stephanie Howson, Rebecca Kamins, Kaitlyn Mello, Elizabeth Parks, Christian Renne, Rob Stewart, Emma Trucks, Christina Voonasis, Maryanne Boyle, Robert Dowling, Yashasvi Jhangiani, Maribeth Nixon and Steve Brothers.

To the men and women of WVEMS, thank you for going above and beyond the call of duty to serve those in need. Well done.

JUNE IS DAIRY MONTH

• Mr. FEINGOLD. Mr. President, June is National Dairy Month, the country’s oldest and largest celebration of dairy products and the people who have made the industry the success it is today. During June, Wisconsinites will hold nearly 100 dairy celebrations across our State, including dairy breakfasts, ice cream socials, cooking demonstrations, festivals and other events. Every State in the Union has dairy farms, which together produce over 170 billion pounds of milk annually. In my home State of Wisconsin, dairy farmers produce approximately 22 billion pounds of milk and 25 percent of the country’s butter a year. Some of the world’s finest cheeses are produced within Wisconsin’s borders, in addition to other outstanding dairy products for people to enjoy.

The nutritional benefits of milk, yogurt, cottage cheese, and other dairy products are important to keeping Americans healthy and strong. Strong scientific evidence published in the Journal of the American Medical Association and JAMA indicates that dairy foods may play a role in reducing the risk of nine common diseases and conditions: obesity, hypertension, type 2 diabetes, coronary artery disease, stroke, kidney stones, osteoporosis, colorectal cancer, and pregnancy-related complications. Research continues to demonstrate the health benefits of consuming dairy products, particularly for children.

Throughout my time in the Senate, I have worked to keep my State’s dairy industry healthy and strong. I have fought attempts to create and perpetuate regional disparities in dairy pricing, and I have acted as a champion of many Wisconsinites about the impact of milk protein concentrates on the Wisconsin dairy industry. I have advocated on behalf of the Wisconsin dairy industry to trade negotiators. I will continue to work to keep Wisconsin a leader in the dairy industry.

So here’s to good health, a strong agricultural economy, and the pride of America’s dairyland as we enjoy Wisconsin dairy products during the National Dairy Month and throughout the rest of the year.

TRIBUTE TO CHUCK VEST

• Mr. KENNEDY. Mr. President, this month marks the end of a distinguished 14-year tenure for Chuck Vest as president of the Massachusetts Institute of Technology. He has been an excellent leader for this outstanding institution in our State. He has attracted and retained a world class faculty, including Nobel Prize winners. He’s maintained an impressive balance between consistency and change to meet the changing needs of the university in the modern high-tech world. He has developed the research capacity of the institution far beyond its abilities when he took the helm.

His commitment to diversity has also been impressive. In 1990, the undergraduate student body was 34 percent women and 14 percent underrepresented minorities. Today, the student body is 42 percent women and 20 percent underrepresented minorities—the result of a conscientious effort by President Vest and the community he cared about so much.

His leadership is marked by many innovative reforms. He decided to publish all course material online so that it is freely available to anyone in the
world. He brought the unequal treatment of senior female faculty to the attention of the community, and held an open dialogue on how to correct the situation. He offered health benefits to same-sex partners. His leadership on financial aid methodologies laid the groundwork for the provisions that are now part of the Higher Education Act.

Chuck has worked skillfully as well to obtain increased support for scientific research—especially in the physical sciences, and he was a familiar figure in corporate boardrooms familiar to many of us in Congress. His cooperative work with Lincoln Labs, with Harvard and with the Broad Foundation and his commitment to the Cambridge and Boston Public Schools are important parts of all he has brought to MIT. When he was named in February to the President’s Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, he said, “I will concentrate on two priorities, MIT and the Commission.”

There is so much to be said about Chuck Vest—his intelligence, his appealing personality, his modesty about his own high accomplishments, and his tireless pursuit of excellence in everything he does. All of us who know him wish him well in the years ahead, confident that we will continue to think and act boldly about the role of science and scientific education in our changing world and its fundamental importance to the future of our Nation and its best ideals.

CONGRATULATIONS TO CARLOS BOOZER

Ms. MURKOWSKI. Mr. President, I am pleased to honor a fellow Alaskan. Though the sacrifices these inact one fellow Alaskan who is about to receive his degree from Duke in 3 years, Carlos was drafted in the second round of the 2002 NBA Draft by the Cleveland Cavaliers. With his workman-like mentality, he is becoming a model for those who dedicate themselves to perfection and team work, and not perceiving this as a hindrance. Chuck has thee opportunity to represent this country in a quest for the Gold Medal in the Summer Olympic Games. I congratulate Carlos, not only for his recent achievement, but for his unselfish dedication to his home town, Alaska his home state, Duke University, the Cleveland Cavaliers, and now the United States. This kind of continuous dedication is rare, and Carlos embodies it. In a time when professional athletes are opting out of the Olympic Games, Carlos has risen to the occasion and accepted a bid to represent his town, his State, his university, his team, and more importantly, his country. Again I congratulate Mr. Boozer and the rest of the men who will represent this great Nation in Athens this summer.

IN RECOGNITION OF MR. WILLIAM GREENBLATT

Mr. BOND. Mr. President, today I would like to recognize Mr. William Greenblatt, a man whose accomplishments are a true testament to what a business and community leader should be. Today is his fiftieth birthday.

Mr. Greenblatt began his career providing photography services for commercial, industrial, public relations and non-profit organizations including the City of St. Louis, Make-A-Wish Foundation, United Way, and American Heart Association. He also serves as the St. Louis Fire Department’s photographer recreating fire scene construction and investigations as well as documenting training and incidents...

During Mr. Greenblatt’s career, he has had the honor of being the official photographer for many of Missouri’s most prominent Federal, State, and local politicians, as well as St. Louis artists Nelly and Toya. In addition to his services at United Press International, he has contributed to numerous publications such as the Chicago Tribune, Los Angeles Times, Newsweek Magazine, New York Times, and the Washington Post. Mr. Greenblatt has dedicated both his professional and personal life to the betterment of his community. He has served on several non-profit boards as well as being a member of several professional organizations including the St. Louis Regional Chamber and Growth Association, St. Louis Journalism Review Board of Editorial Advisors, Urban League of Metropolitan St. Louis, and the James S. McDonnell Board of Directors.

Throughout his service, Mr. Greenblatt has been honored with several achievements including placing in the Baseball Hall of Fame Photo Contest. Certificate of Appreciation from the City of St. Louis Emergency Management Agency, Outstanding Citizen Award.

Mr. Greenblatt has a distinguished record of service in his public and private life. I would like to thank him for his contributions to the St. Louis Community. On behalf of Missouri, I wish him a happy 50th birthday.

THE U.S.-AUSTRALIA FREE TRADE AGREEMENT AND THE AFRICAN GROWTH AND OPPORTUNITY ACT

Mr. KERRY. Mr. President, I am pleased to announce today my support for the U.S.-Australia Free Trade Agreement. The United States has a trade surplus with Australia and this agreement will boost our exports still further by eliminating Australian tariffs on our manufactured goods and on several key agricultural exports. Not only does the agreement promote our economic interests and job creation here in America, but Australia is also an important ally, and we must do all we can to ensure a healthy and vibrant relationship between our two nations.

I am, however, disappointed that the Bush administration did not build on the model of the U.S.-Jordan agreement by including strong and enforceable labor standards in the core of the agreement. Although Australia already has very strong labor rights and an effective enforcement regime, the agreement represents a missed opportunity to set a higher benchmark for future trade agreements by cementing the principle that labor and environmental standards are in the core of all new agreements.

In addition, I am disappointed that the Bush administration did not do a better job negotiating an agreement that would protect our important beef and dairy industries. I was happy to support an amendment in the Finance Committee that helps ensure a level playing field for our domestic beef industry.

I am also pleased to announce today my intention to cosponsor the Milk Import Tariff Equity Act, S. 560, a bill to impose tariff-rate quotas on certain dairy products and milk protein concentrates and help ensure fair competition for our nation’s dairy farmers.

As we look ahead I want to reiterate that this agreement and others I have supported should not be viewed as models for all future bilateral agreements under negotiation. In particular, it is important to have strong ties with our Central American neighbors. However, the lack of strong and enforceable labor and environmental standards are more serious in the CAPTA agreement between the United States and Central American countries have with labor issues. I oppose the current CAPTA agreement, and I hope that over time it.
can be improved to strengthen labor rights and our ties to our neighbors. The goal is to make sure that trade lifts all people up, that it creates growth with equity. I also understand that last night Majority Leader and Minority Leader discussed the possibility that the Senate will soon pass an extension of the African Growth and Opportunity Act. While some Senators have concerns with AGOA III that must be addressed, and we should provide adequate time to address those concerns, I would like the record to show that I support this important legislation and would like to see it enacted.

Today, the countries of sub-Saharan Africa face some of the world’s greatest challenges to export growth, including insufficient domestic markets, lack of investment capital, and poor transportation and power infrastructure. Perhaps most important, the region continues to be ravaged by the growing HIV/AIDS pandemic. AGOA provides a door to a brighter future for these nations. By enhancing and enabling economic, legal, and political reform, AGOA lifts all people up, that it creates markets, and helps lift up the lives of the people of Africa.

Through our trading relationships, the United States can help spread effective political, economic and legal institutions to regions of the world that are vulnerable to political instability, civil war and global terrorism. Ensuring sub-Saharan African economic integration is one of the surest ways to cultivate new and powerful allies in the war on terror.

AGOA is an integral part of a broader partnership with Africa that must also include progress on debt relief and stepped-up efforts to fight the scourge of HIV/AIDS. Given the importance of AGOA to the future we share with Africa, I hope the remaining concerns of my colleagues can be addressed to ensure that AGOA III will pass. Passing this critical extension of AGOA will send a powerful signal to Africa and the world that the United States is committed to extending the benefits of the global economy to all those willing to make the necessary economic, legal and political reforms.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the President’s Office laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS—PM 89)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report: which were referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to its declaration date, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Western Balkans emergency is to continue in effect beyond June 26, 2004, to the Federal Register for publication. The most recent notice continuing this emergency was published in the Federal Register on June 24, 2003, 68 Fed. Reg. 37389. The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting, (i) extremist violence in the former Yugoslav Republic of Macedonia, and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, has not been resolved. Subsequent to the declaration of the national emergency, acts obstructing implementation of the Ohrid Framework Agreement of 2001 in the former Yugoslav Republic of Macedonia have been a concern.

All of these actions are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH


MESSAGES FROM THE HOUSE

At 12:19 p.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. 218. An act to amend title 18, United States Code, to provide current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

H.R. 1731. An act to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes.

H.R. 4053. An act to improve the workings of international organizations and multilateral institutions, and for other purposes.

H.R. 4345. An act to amend title 38, United States Code, to increase the maximum amount of home loan guaranty available under the home loan guaranty program of the Department of Veterans Affairs, and for other purposes.

H.R. 4548. An act to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 460. Concurrent resolution regarding the security of Israel and the principles of peace in the Middle East.

At 3:21 p.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 bill, without amendment:

S. 2507. An act to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 2017. An act to designate the United States courthouse and post office building located at 93 Atocha Street in Ponce, Puerto Rico, as the “Luis A. Ferré United States Courthouse and Post Office Building”.

H.R. 6593. 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 authorizing the Transportation Equity Act for the 21st Century.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4053. An act to improve the workings of international organizations and multilateral institutions, and for other purposes; to the Committee on Foreign Relations.

H.R. 4345. An act to amend title 38, United States Code, to increase the maximum amount of home loan guaranty available under the home loan guaranty program of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans’ Affairs.

H.R. 4548. An act to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence.

The following concurrent resolution was read the first and the second times.
MEASURES READ THE FIRST TIME

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8126. A communication from the Para-
legal Specialist, Federal Aviation Adminis-
tration, Department Transportation, trans-
mitting, pursuant to law, the report of a rule
entitled “Airworthiness Directives: BAAE
System ‘Jetstream’ (RIN 2120-AA64) Model
4101 Airplanes Doc. No. 2002-NM-58” (RIN2120-AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8129. A communication from the Para-
legal Specialist, Federal Aviation Adminis-
tration, Department Transportation, trans-
mitting, pursuant to law, the report of a rule
entitled “Airworthiness Directives: Boeing
Model 727–100 and 200, 737–100 and 200; 737–100, 200, 200C, 300, 400, and 500 and 747 Airplanes Doc.
2003–NM–40” (RIN2120-AA64) received on
June 22, 2004; to the Committee on Com-
merce, Science, and Transportation.

EC-8131. A communication from the Para-
legal Specialist, Federal Aviation Adminis-
tration, Department Transportation, trans-
mitting, pursuant to law, the report of a rule
entitled “Airworthiness Directives: Airbus
Model A300 B4–600, 600R, and F600R (Col-
lectively Called A300 and 600) A310, A319,
A320, A321, A330, and A340–200 and 300 Airplanes Doc. No. 2003–NM–19” (RIN2120-AA64) received on June 22, 2004; to the Committee on Com-
merce, Science, and Transportation.

EC-8132. A communication from the Para-
legal Specialist, Federal Aviation Adminis-
tration, Department Transportation, trans-
mitting, pursuant to law, the report of a rule
entitled “Airworthiness Directives: Boeing
Model 747–400, 500, 600, 700, and 800 Air-
planes Doc. No. 2003–NM–47” (RIN2120-AA64) received on June 22, 2004; to the Committee on Com-
merce, Science, and Transportation.

EC-8133. A communication from the Para-
legal Specialist, Federal Aviation Adminis-
tration, Department Transportation, trans-
mitting, pursuant to law, the report of a rule
entitled “Airworthiness Directives: Gulf-
stream Aerospace L’P Model Galaxy and
Gulfstream 200 Airplanes Doc. No. 2004–NM–
70” (RIN2120-AA64) received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8134. A communication from the Acting
Under Secretary of Defense for Acquisition,

Technology, and Logistics, Department of
Defense, transmitting, pursuant to law, the
Department’s Defense, Chemical, Biological,
and Nuclear (CBRN) Defense Program An-
nual Report for the Department of Defense’s
CBRN Defense Program Performance Plan for Fiscal Years 2003–2005; to the Com-
mitee on Armed Services.

EC-8135. A communication from the Chief
Counsel, Office of Foreign Assets Control,
Department of the Treasury, transmitting,
pursuant to law, the report of a rule entitled “IF CPF” (RIN2120-AA64) received on June 22, 2004; to the Committee on Banking,
Housing, and Urban Affairs.

EC-8136. A communication from the Direc-
tor, Office of Personnel Policy, Department
of the Interior, transmitting, pursuant to

law, a report of the discontinuation of serv-
ices in acting roles for the position of Solic-
itor, Department of the Interior, received on
June 21, 2004; to the Committee on Energy
and Natural Resources.

EC-8137. A communication from the Direc-
tor, Office of Personnel Policy, Department
of the Interior, transmitting, pursuant to

law, a report of the discontinuation of serv-
ices in acting roles for the position of Solic-
itor, Department of the Interior, received on
June 21, 2004; to the Committee on Energy
and Natural Resources.

EC-8138. A communication from the Exec-
utive Director for Operations, Nuclear Regu-
lation Commission, transmitting, pursuant
to law, a report entitled “Performance of Commercial Activities of the Committee on
Environmental and Public Works.”

EC-8139. A communication from the Com-
missioner, Social Security Administration,
transmitting, pursuant to law, a report of
the Administration’s commercial and inher-
ently governmental activities; to the Com-
mitee on Finance.

EC-8140. A communication from the Acting
Chief, Publications and Regulations Branch,
Internal Revenue Service, transmitting,
pursuant to law, the report of a rule entitled
“Section 420—Waiver of Post-Retirement
Health Benefits” (Rev. Rul. 2004–65) received on June 22, 2004; to the Committee on
Finance.

EC-8141. A communication from the Acting
Chief, Publications and Regulations Branch,
Internal Revenue Service, transmitting,
pursuant to law, the report of a rule entitled
“TD 9310—Required Distributions from
Retirement Plans” (RIN1545–BA60) received on June 22, 2004; to the Committee on
Finance.

EC-8142. A communication from the Acting
Chief, Publications and Regulations Branch,
Internal Revenue Service, transmitting,
pursuant to law, the report of a rule entitled
“TD 9225—Minimum Distribution Require-
ments for In-Kind Distributions of
Qualified Plan Investments” (Rev. Rul. 2004–46) received on June 22, 2004; to the Committee on
Finance.

EC-8143. A communication from the Acting
Chief, Publications and Regulations Branch,
Internal Revenue Service, transmitting,
pursuant to law, the report of a rule entitled
“Administrative Simplification of Section
481(a) Adjustment Periods in Various Regu-
lations” (RIN1545–BB47) received on June 22, 2004; to the Committee on Finance.

EC-8144. A communication from the Acting
Chief, Publications and Regulations Branch,
Internal Revenue Service, transmitting,
pursuant to law, the report of a rule entitled
“Section 481(a) Adjustment Periods in Various Regu-
lations” (RIN1545–BB47) received on June 22, 2004; to the Committee on Finance.

EXECUTIVE AND OTHER
COMMUNICATIONS

The following communications were
received on June 22, 2004; to the Committee on Commerce, Science, and Transportation.

EC-8145. A communication from the Chair-
man, Medicare Payment Advisory Com-
mission, transmitting, pursuant to law, the
Commission’s report entitled “Sources of Fi-
mation on Medicare Providers” to the Com-
mitee on Finance.

EC-8146. A communication from the Chair-
man, International Trade Commission,
pursuant to law, the report of the Office of
Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC-8147. A communication from the Chair-
man, Department of Energy, transmitting,
pursuant to law, the report of a rule entitled “Overtime Compensation and Premium Pay for
Custodial Workers” (RIN2120-AA64) received
on July 22, 2004; to the Committee on Finance.

EC-8148. A communication from the Assistant
Legal Adviser for Treaty Affairs, Depart-
ment of State, transmitting, pursuant to

law, the texts and background statements of international agreements, other than treat-
mie, to the Committee on Foreign Relations.

EC-8149. A commentary from the Chair-
manship of the Board, Pension Benefit Guaranty
Corporation, transmitting, pursuant to law, the
report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC-8150. A communication from the Chairman,
International Trade Commission, pursu-
ant to law, the report of the Office of In-
specor General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC-8151. A communication from the Chair-
man, National Labor Relations Board, trans-
mitting, pursuant to law, the report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC-8152. A communication from the Chair-
man, National Science Board, transmitting,
pursuant to law, the report of the Office of Inspector General for the period from Octo-
ber 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC-8153. A communication from the Chair-
man, Department of Commerce, transmitting,
pursuant to law, the report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC-8154. A communication from the Atty-
orney General of the United States, transmit-
ing, pursuant to law, the report of the Of-
lice of Inspector General for the Department of Justice for the period from October 1, 2003 through March 31, 2004.

EC-8155. A communication from the Ad-
ministrator, National Aeronautics and Space
Administration, transmitting, pursuant to

law, the report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC-8156. A communication from the Direc-
tor, Peace Corps, transmitting, pursuant to

law, the report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-8157. A communication from the Gen-
eral Counsel, National Labor Relations
Board, transmitting, pursuant to law, the
report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC-8158. A communication from the Chair-
manship of the Board, Pension Benefit Guaranty
Corporation, transmitting, pursuant to law, the
report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC-8159. A communication from the Chair-
manship of the Board, Pension Benefit Guaranty
Corporation, transmitting, pursuant to law, the
report of the Office of Inspector General for the period from October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.
EC-8160. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled, "National Finance Center's Health Benefits Program: Removal of Two Option Limitation for Health Benefits Plans and Continuation of Coverage for Annuitants Whose Plan Terminates an Option," received on June 22, 2004, to the Committee on Governmental Affairs.

EC-8161. A communication from the Director, National Gallery of Art, transmitting, pursuant to law, the report of the National Finance Center in New Orleans, Louisiana; to the Senate of the Legislature of the State of Louisiana relative to legislation to establish English as the official language of the State of Louisiana; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

POM-463. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the National Finance Center in New Orleans in connection with the Senate of the Legislature of the State of Louisiana relative to legislation to establish English as the official language of the State of Louisiana; to the Committee on Governmental Affairs.

SENATE CONCURRENT RESOLUTION NO. 47

Whereas, the U.S. Department of Agriculture (USDA) has been the forerunner in the application of computer technology in management of public functions for the United States.

Whereas, in 1973, the USDA established the National Finance Center in New Orleans to provide consolidated payroll, personnel, and voucher issuance services, payment systems, and support services to numerous government agencies; and

Whereas, today the National Finance Center in New Orleans also provides systems and support services for several government-wide processes, including the Federal Retirement Thrift Savings Plan; and

Whereas, the National Finance Center in New Orleans has recently been criticized by the Federal Retirement Thrift Investment Board (FRTIB), which oversees the Thrift Savings Plan; and

Whereas, the National Finance Center in New Orleans has dedicated over four hundred federal employees to the Thrift Savings Plan, who are responsible for answering phone calls, providing loan information, processing loans, sending out statements, and maintaining the computer information system; and

Whereas, at the request of the FRTIB, the National Finance Center in New Orleans installed a new and untested mainframe computer in order to manage the more than three million one hundred thousand Louisiana plan participants accounts; and

Whereas, due to the flawed computer system, a problem that exceeded the scope of work of the National Finance Center’s employees, numerous problems were encountered by the Thrift Savings Plan participants; and

Whereas, the problems were so serious that the National Finance Center became the subject of congressional hearing which questioned the center’s ability to effectively manage the Thrift Savings Plan; and

Whereas, as a result of these inquiries, more than four hundred federal employees of the National Finance Center are experiencing a profound loss of moral as they face a future of increasing job uncertainty due to the recent press attacks which have reflected poorly upon their personal work performances; and

Whereas, prior to the installation of this new, untested, and flawed mainframe computer by the FRTIB, the National Finance Center in New Orleans had enjoyed a long history of exemplary service and a solid reputation for its ability to effectively serve the needs of its customers; Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to support and expand the operations of the National Finance Center in New Orleans, including the renewal of its contract with the Federal Retirement Thrift Investment Board, Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.


HOUSE RESOLUTION NO. 242

Whereas, the United States of America is composed of individuals from diverse ethnic, cultural, religious, and geographical origins, and continues to benefit from its rich diversity; and

Whereas, U.S. immigrants would be encouraged to learn English in order to use government services and to participate in the democratic process; and

Whereas, learning English would be beneficial to immigrants who become United States Citizens because studies of Census data show that an immigrant’s income rises about 30 percent as a result of learning English, leading to the realization of the American dream of increased economic opportunity and the ability to be a productive member of society; and

Whereas, in New York City schools, 51 percent of students who entered English as a Second Language program were kindergarteners, scored above the 50th percentile in reading when they reached the 7th grade, compared with under 40 percent for students who entered bilingual education at the same time; and in mathematics, the gap was even greater, 70 percent versus 51 percent; and

Whereas, the 2000 U.S. Census revealed that 4.5 million, or 0.2 percent, of the population, are classified as “limited English proficient,” a 52 percent increase from 1990, and more than double the 1980 total; and

Whereas, the United States Government's efforts make it easy for immigrants to function in their native languages has not only proven to be expensive for American taxpayers, it has served to keep immigrants linguistically isolated, excluding them from the American “melting pot” which truly unites us as a people and abet to be a productive member of society; and

Whereas, in 1983 the late Senator S. I. Hayakawa, an immigrant himself, founded U.S. English, Incorporated, a group dedicated to providing a common English, the official language of the United States; and

Whereas, the United States Government’s efforts make it easy for immigrants to function in their native languages; and

Whereas, in 2003, Hawai’i Attorney General joined thirty-seven other attorneys general in a letter to Congress, seeking relief from the “importing” of prescriptions and pointing out that the high cost of many brand-name prescription drugs makes lifesaving medications out of reach for many individuals; and

Whereas, the federal Food and Drug Administration has refused to certify as safe for reimportation prescription medication from Canada and other foreign countries, which would allow United States citizens, state and county governments, and businesses access to prescription drugs at much lower prices; and

Whereas, to justify its refusal, the Food and Drug Administration contends that reimportation from other countries would jeopardize consumer safety because pharmaceuticals from other countries will not be subjected to the same requirements imposed by the United States; and

Whereas, a number of governors and mayors already are taking steps to provide prescription drugs from Canada and other countries that meet United States standards, including those access to prescription drugs at much lower prices; and

Whereas, the Congress of the United States of America has an obligation to protect the health of all United States citizens; and

Resolved, That the Congress of the United States of America urges the Congress of the United States of America to enact legislation establishing English as the official language of the United States of America to enact legislation establishing English as the official language of the United States of America; and

Whereas, it is likely, however, that the practice of reimportation will remain illegal;
for example, Secretary Thompson quickly denied Illinois Governor Rod Blagojevich’s request for an exemption, declaring that he would waive federal regulations only if he could ensure worker safety of prescription drugs from Canada; and

Whereas, recent research indicates that Canada’s drug approval system is as stringent as that of the United States and that Canadian pharmaceutical manufacturers are subject to the same federal regulations as U.S. manufacturers; and

Whereas, a worker’s fundamental right to choose a union is a public issue that requires public policy solutions, including legislative remedies; and

Whereas, the Employee Free Choice Act (S. 1925 and H.R. 3619) has been introduced in the United States Congress in order to restore workers’ freedom to join a union; and

Whereas, the Employee Free Choice Act has received broad bipartisan support with over two hundred congressional members as cosponsors; and

Whereas, at its March 17 meeting, the Hawaii State AFL-CIO Executive Board unananimously endorsed the Employee Free Choice Act; Now, therefore, be it

Resolved by the House of Representatives of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2004, That members of Congress, including Hawaii’s congressional delegation, are urged to establish as an immediate priority the passage of legislation that makes safe, affordable prescription drugs from Canada and other nations that can meet regulatory requirements to ensure that consumers and government agencies have access to safe prescription drugs at reasonable costs. Now be it

Resolved by the House of Representatives of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2004, That certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii’s delegation to the United States Congress.

POM-466. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Hawaii relative to the Employee Free Choice Act; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION No. 195

Whereas, in 1935, the United States established, by law, that workers must be free to form unions; and

Whereas, the freedom of freedom to form or join a union is internationally recognized as a fundamental human right; and

Whereas, in Hawaii, membership in a union provides workers better wages and benefits, and protection from discrimination and unsafe workplaces; and

Whereas, unions benefit communities by strengthening tax bases, promoting equal treatment, and enhancing civic participation; and

Whereas, workers want to organize, but are unable to, since more than forty million United States workers say they would join a union now if they had the opportunity; and

Whereas, even though, on paper, America’s workers have the freedom to choose for themselves whether to have a union, in reality, workers across the nation are routinely denied that right; and

Whereas, when the right of workers to form a union is violated, wages fall, race and gender pay gaps widen, workplace discrimination increases, and job safety standards disappear; and

Whereas, many thousands of America’s workers are routinely threatened, coerced, or fired, each year because they attempt to form a union; and

Whereas, most violations of workers’ freedom to choose a union occur behind closed doors, each year millions of dollars are spent to frustrate workers’ efforts to form unions; and

Whereas, identifying an entire school as underperforming based solely on the ninety-five per cent participation requirement for testing is inappropriate and will cause major inaccuracies in school comparisons; and

Whereas, requiring all teachers and para-professionals to meet a “highly qualified” definition is inappropriate and threatens as remote as Hawaii and threatens to exacerbate current teacher shortages; and

Whereas, Hawaii is not in the proximity of other states that would allow the State to recruit “highly qualified” teachers from other areas; and

Whereas, each state is required to expand the frequency and scope of student testing to include testing of all students in reading or language arts and mathematics each year in grades three through eight, beginning in the 2005–2006 school year, and to adopt standards for the teaching of science and develop and administer science assessments by the 2007–2008 school year; and

Whereas, if a Title I (federally funded compensatory education program for low-income and at-risk students) school fails to make ‘adequate yearly progress’ in a certain number of years, and if a school district has one Title I school that fails to make ‘adequate yearly progress’ for three consecutive years, the district is deemed to be in ‘noncompliance’ with the United States Congress under No Child Left Behind; and

Whereas, many aspects of this law, how-
having to spend its own money in order to meet the mandates of the law: Now, therefore, be it

Resolved by the House of Representatives of the State of Hawaii, Regular Session of 2004, That this body requests Congress to amend the No Child Left Behind Act of 2001 to include waivers to help states meet the requirements of this law. Specifically, this body requests a waiver from deeming a school as failing solely on participation rates; and be it further

Resolved, That the State requests the President and Congress to provide the State with sufficient funding necessary to meet the mandate to leave no child behind; and be it further

Resolved, That certified copies of this Resolution be transmitted to President George W. Bush, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of Hawaii’s congressional delegation, the Chairperson of the Board of Education and the Superintendent of Education.

POM-468. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to the No Child Left Behind Act; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION No. 13

Whereas, on January 8, 2002, President George W. Bush signed into law the “No Child Left Behind Act” of 2001 (NCLB), which requires the development of state educational standards, tests to measure against those standards, and collection and reporting of testing data; and

Whereas, NCLB contains several very expensive mandates for which Congress has not provided funding to the states, and

Whereas, costs to individual states associated with NCLB mandates result from implementing assessment and accountability systems, data collection, teacher quality requirements, and new standards for paraprofessionals, among additional factors; and

Whereas, many of the mandates inherent in NCLB inflict costs of the states above what they receive in federal money, and unfunded mandates included in NCLB represent a serious imposition on individual states; and

Whereas, any federal mandate for which there are insufficient funds provided is sure to divert resources away from other laudable objectives of individual states; and

Whereas, adequate federal funding is a necessity if states are to fully meet the goals of NCLB. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby urge and request the United States Congress to provide sufficient funding for full implementation of the “No Child Left Behind Act” of 2001. Be it further

Resolved, That a suitable copy of this Resolution be transmitted to the Speaker of the United States House of Representatives, the president of the United States Senate, and each member of Louisiana’s congressional delegation.

POM-469. A resolution adopted by the Board of Commissioners of the County of Cook, the State of Illinois relative to the renewal of the federal ban on military-style assault weapons; to the Committee on the Judiciary.

POM-471. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Hawaii relative to visa processing capacity in the consular section of the Embassy in Seoul, Republic of Korea; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION

Whereas, Hawaii remains one of the premier visitor destinations in the world and tourism remains the backbone of Hawaii’s economy; and

Whereas, the United States and the Republic of Korea have a long history of friendly relations; and

Whereas, the Republic of Korea has been a trusted ally for over fifty years, is a major trading partner of the United States, and is the thirteenth largest economy in the world; and

Whereas, January 13, 2003 marked the centennial of the first arrival of Koreans in the United States; and

Whereas, in the past, the number of visitors from the Republic of Korea had reached as high as 100,000 annually; and

Whereas, however, this number has dramatically decreased, in part, due to new security requirements prompted by the terrorist acts of September 11, 2001, and the fact that the Republic of Korea is not among the Asian countries currently included in the Visa Waiver Program for visitor entry into the United States; and

Whereas, in fact, among the Asian countries, only Thailand, which is a non-Western country benefit from the Visa Waiver Program through which citizens from those countries may enter the United States without needing to obtain visas; and

Whereas, due to increased security it has become much more difficult for citizens of the Republic of Korea, especially those living outside the capital city of Seoul, to obtain visitor visas that allow travel to the United States; and

Whereas, as a result of the required security measures, the Republic of Korea is in the process of installing the equipment needed to enable passports to be machine-readable; and

Whereas, while the Republic of Korea is doing its part in facilitating the processing of travel requirements for its citizens, the United States should do its part in facilitating visitors from the Republic of Korea to travel to this country: Now, therefore, be it

Resolved by the House of Representatives of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2004, of the Senate concurrenct, That the Legislature urges the members of Hawaii’s congressional delegation to introduce federal legislation to provide additional resources to expand visa processing capacity in the Consular Section of the United States Embassy in Seoul in the Republic of Korea, and to include the Republic of Korea in the Visa Waiver Program; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the members of Hawaii’s congressional delegation, the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the United States Senate, the Secretary of State, the Secretary for Homeland Security, and the Governor.

POM-471. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the Jennings CARES Commission; to the Committee on Veterans’ Affairs.

SENATE CONCURRENT RESOLUTION No. 60

Whereas, the United States Department of Veterans Affairs conducted a Capital Asset Realignment for Enhanced Services (CARES) Commission Report to enhance the health care services for veterans dated February 2004; and

Whereas, the goal of CARES is to make a recommendation to the Secretary of Veterans Affairs on realignment and reallocation of Veterans Affairs health care facilities over the next twenty years, focused on accessibility and cost effectiveness, and involved input from veteran advisory councils; and

Whereas, the CARES Commission did not recommend the closure of the Jennings CARES Community Based Outpatient Clinic (CBOC) to Lake Charles, Louisiana, in order to reduce veteran travel; and

Whereas, the Jennings CBOC facility was constructed by the Jennings American Legion Hospital and leased by the Veterans Affairs Medical Center (VAMC) Alexandria for ten years with two renewable options. It is a special use facility by the Veterans Affairs utilizing Veterans Affairs specifications; and

Whereas, the Jennings CBOC has become a centrally located Veterans Affairs clinic with easy access off of Interstate 10 to provide health care services to veterans of southwest Louisiana; and

Whereas, Louisiana Reserve military forces and National Guard have been activated to preserve freedom, combat terrorist and enforce human rights in Iraq and Afghanistan; and

Whereas, the proposed closure of Jennings CBOC is a negative signal to our loyal, dedicated, Louisiana military forces in combat who will need community health care in the future; and

Whereas, the United States Department of Veterans Affairs has entered into a twenty year cooperative agreement with the state of Louisiana to construct a veterans nursing home in Jennings, Louisiana, located between the only two American Legion Hospitals in the United States within a few miles of Jennings CBOC; and

Whereas, veterans in southwest Louisiana and in the nursing home would benefit from the proximity of a clinic in Jennings that would provide specialized health care in addition to primary care, instead of requiring those disabled World War II, Korean, Vietnam, and Gulf War veterans to travel over a four hour round trip for specialized health care services at VAMC Alexandria; and

Whereas, veterans in the Lake Charles area use the Jennings CBOC and due to the high volume of southwest Louisiana veterans using the Jennings CBOC, another CBOC is requested in Lake Charles proposed by the Director of VAMC Alexandria to the CARES Commission; and

Whereas, the Jereax CBOC is approxinately halfway between the Lafayet CBOC and the proposed Lake Charles CBOC, by enhancing the Jennings CBOC to include specialized health care for $619,000; and

Whereas, veterans in southwest Louisiana who would otherwise spend over four hours traveling to the middle of Louisiana at VAMC Alexandria. Therefore, be it

Resolved, That the Legislature of Louisiana hereby memorializes the United States Congress to continue the operation of the Jennings CBOC by providing primary health care, and expand Veterans Affairs health care services to offer specialized health care at the centrally located Jennings CBOC, between Lafayette and Lake Charles, Louisiana, to reduce the travel of disabled southwest Louisiana veterans. Be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives to and to each member of the Louisiana delegation to the United States Congress.
of Hawaii relative to Filipino World War II Veterans and their families; to the Committee on Veterans’ Affairs.

**SENATE CONCURRENT RESOLUTION NO. 97**

Whereas, in recognition of the courage and loyalty of the Filipino soldiers who fought alongside our armed forces in the Philippines during World War II, the United States Congress enacted legislation in 1990 that provided for the revision of immigration and naturalization requirements for those Filipino veterans; and

Whereas, as a result of that legislation, many Filipino veterans have become proud citizens and residents of this country; and

Whereas, because the 1990 legislation did not go far enough in extending those immigration and naturalization benefits to the children of those veterans, the result has been years long separations between the veterans and their children remaining in the Philippines awaiting the issuance of immigrant visas; and

Whereas, on November 21, 2003, H.R. 3587 was introduced in the United States House of Representatives to amend the Immigration and Naturalization Act to give priority in the issuance of immigration visas to the sons and daughters of Filipino World War II veterans who are or were naturalized citizens of the United States: Now, therefore, be it

**RESOLVED** That the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, the House of Representatives, concurs, That the President of the United States and the United States Congress are urged to support the passage of H.R. 3587 into law; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii’s congressional delegation.

**POG 473.** A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Hawaii relative to benefits for Filipino veterans of World War II; to the Committee on Veterans’ Affairs.

**HUMAN RESOLUTION NO. 258**

Whereas, on December 8, 1941, thousands of Filipino men and women responded to President Roosevelt’s call for help to preserve peace and democracy in the Philippines; and

Whereas, the dark days of World War II, nearly 100,000 soldiers of the Philippine Commonwealth Army provided a ray of hope in the Pacific as they fought alongside United States and Allied forces for four long years to defend and reclaim the Philippine Islands from Japanese aggression; and

Whereas, thousands more Filipinos joined U.S. Armed Forces immediately after the war and served in occupational duty throughout the Pacific Theater; and

Whereas, Filipino soldiers fought, died, and suffered in some of the bloodiest battles of World War II, defending beleaguered Bataan and Corregidor, and thousands of Filipino prisoners of war endured the infamous Bataan Death March and years of captivity; and

Whereas, their many guerrilla actions slowed the Japanese takeover of the Western Pacific region and allowed U.S. forces the time to build and prepare for the allied counterattack on Japan; and

Whereas, Filipino soldiers fought side-by-side with U.S. forces to secure their island nation as the strategic base from which the final effort to defeat Japan was launched; and

Whereas, President William J. Clinton proclaimed October 20, 1996, as a day honoring the Filipino Veterans of World War II, recalling the courage, sacrifice, and loyalty of Filipino veterans of World War II in defense of democracy and liberty; and

Whereas, for their nation and for their country, those Filipinos who served during World War II, paid the ultimate sacrifice, and the surviving veterans have endured years of separation from their families, friends, and colleagues in the United States; and

Whereas, for their nation and for their country, those Filipinos who served during World War II, paid the ultimate sacrifice, and the surviving veterans have endured years of separation from their families, friends, and colleagues in the United States; and

Whereas, the Rescission Act of 1946 withdrew the U.S. veteran status of Filipino World War II soldiers, thereby denying them the benefits and compensation received by their American counterparts and soldiers of more than sixty-six other U.S. allied countries, who were similarly inducted into the U.S. military; and

Whereas, the Rescission Act discriminated against Filipinos, making them the only national group singled out for denial of full U.S. veterans status and benefits; and

Whereas, the passage of S. 68, now pending in the United States Senate, would extend full and equitable benefits, particularly health benefits, to Filipino veterans, considering their advanced age and poor health; and

Whereas, S. 68 proposes to amend Title 38 of the United States Code, to improve benefits for Filipino veterans of World War II and for the surviving spouses of those veterans; and

Whereas, S. 68 would increase the rate of payment of compensation benefits to certain Filipino veterans, designated in Title 38 United States Code section 107(b) and referred to as New Philippine Scouts, who reside in the United States and are United States citizens or lawful permanent resident aliens; and

Whereas, S. 68 would further increase the rate of payment of dependency and indemnity compensation of surviving spouses of certain Filipino veterans; and

Whereas, S. 68 would further make eligible for full disability pensions certain Filipino veterans who reside in the United States and are United States citizens or lawful permanent resident aliens; and

Whereas, S. 68 would further mandate the Secretary of Veterans Affairs to provide hospital and nursing home care and medical services for service-connected disabilities for any Filipino World War II veteran who resides in the United States and is a United States citizen or lawful permanent resident alien; and

Whereas, S. 68 would further require the Secretary of Veterans Affairs to furnish care for non-service-connected disabilities residing in the Republic of the Philippines on an outpatient basis at the Manila VA Outpatient Clinic; Now, therefore, be it

Resolved by the House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, the Senate concurring, That the United States Congress is respectfully urged to support the passage of S. 68 to improve benefits for certain Filipino veterans of World War II; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, of the Hawaii Congressional delegation, and the Secretary of Veterans Affairs.

**REPORTS OF COMMITTEES**

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Report to accompany S. 2559, an original bill making appropriations for the Department of Veteran Affairs and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. No. 108-284).

By Mr. INHOFE, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1572. To designate the United States courthouse located at 100 North Palafox Street in Pensacola, Florida, as the “Winston E. Arnow United States Courthouse”.

S. 2385. A bill to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the “Santiago E. Campos United States Courthouse”.

S. 2396. A bill to designate the Federal building located at 324 Twenty-Fifth Street in Green, Utah, as the James V. Hansen Federal Building.

**EXECUTIVE REPORTS OF COMMITTEES**

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.


Air Force nominations beginning Col. Melissa A. Rank and ending Col. Thomas W. Travis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 23, 2004.


Army nomination of George W. Casey, Jr.


Army nomination of Lt. Gen. Colby M. Brock Jr.


Army nomination of Col. Gale S. Pollock.


Army nomination of Brig. Gen. William E. Ingram, Jr.

Army nomination of Colonel James G. Champion.

Army nomination of Col. Frank R. Carlini.

Army nomination of Col. Carla G. Hawley-Bowland.


Army nomination of Col. Thomas T. Galkowski.


Marine Corps nominations beginning Brig. Gen. Robert C. Dickerson, Jr. and ending Brig. Gen. Richard P. Natonek, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 11, 2004.
Navy nomination of Adm. Michael G. Mullen.
Navy nomination of Rear Adm. Donald C. Arthur, Jr.
Navy nomination of Rear Adm. Justin D. McCarthy.
Navy nomination of Rear Adm. Kevin J. Cosgriff.
Navy nomination of Rear Adm. James M. Stavridis.
Navy nomination of Rear Adm. John G. Morey.
Navy nomination of Rear Adm. Ronald A. Route.
Navy nominations beginning Rear Adm. (lb) John M. Mateczun and ending Rear Adm. (hb) Dennis D. Wooter, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 8, 2003.
Navy nominations beginning Rear Adm. (hb) William V. Alford, Jr. and ending Rear Adm. (lb) Stephen S. Oswald, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2003.
Navy nominations beginning Rear Adm. (hb) Larry Orlando III and ending Rear Adm. (lb) Elizabeth M. Morris, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 15, 2003.
Navy nomination of Capt. Carol J. B. Turner.
Navy nomination of Capt. Thomas R. Cullison.
Navy nomination of Capt. Jeffrey A. Wieringa.
Navy nomination of Capt. David J. Dorsott.
Navy nomination of Capt. Wayne G. Shear, Jr.
Navy nomination of Capt. Sharon H. Redpath.
Navy nominations beginning Capt. James A. Barnett, Jr. and ending Capt. Robin M. Watters, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 22, 2004.
Navy nomination of Capt. Adam M. Robinson, Jr.
Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar I report favorably these nominations lie at the Secretary’s desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning Edward Acevedo and ending Scott J. Zobrist, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 2, 2004.
Air Force nominations beginning Mark L. Allred and ending Barr D. Younker, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 10, 2004.
Air Force nominations beginning Brenda R. Bullard and ending Thomas E. Yingst, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 2, 2004.
Air Force nominations beginning Jeffrey P. Bowser and ending Gregory W. Johnson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.
Air Force nominations beginning Bradley D. Bartels and ending William L. Stallings III, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.
Air Force nominations beginning Charles J. Law and ending David A. Weas, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.
Air Force nominations beginning Lozano Noemi Algarin and ending Barbara L. Wright, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 10, 2004.
Army nominations beginning Christian F. Achleithner and ending Richard J. Windhorst, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 22, 2004.
Army nominations beginning Kevin C. Abbott and ending Maia A. Schmit, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 22, 2004.
Army nominations beginning Larry P. Adamsthompson and ending Timothy N. Willoughby, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 5, 2004.
Army nominations beginning Gerald V. Howard and ending David L. Weber, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 26, 2004.
Army nomination of John J. Seabastyn.
Army nomination of Elizabeth J. Barnsdale.
Army nominations beginning Raul Gonzalez and ending James F. King, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.
Army nominations beginning Richard J. Gallaher and ending James E. Grudman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.
Army nomination of Randall W. Cowell.
Army nomination of James C. Johnson.
Army nominations beginning Shannon D. Beckett and ending Leonard A. Cromer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.
Army nominations beginning Donald W. Myers and ending Terry W. Swan, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 10, 2004.
Army nominations beginning Edward L. Alexisnoksh and ending Edward M. Zoeller, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 10, 2004.
Army nominations beginning Scott R. Sherretz.
Army nominations beginning Robert P. Setlik.
Army nominations of Paul R. Disney, Jr.
Army nominations of Eric R. Rhodes.
Army nominations beginning Edwin E. Ahl and ending Mark A. Zerg, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 20, 2004.
Army nomination of Robert J. Blok.
TYE CORPS nomination of Scott P. Haney.
Marine Corps nomination of Michael J. Colburn.
Marine Corps nomination of Michelle A. Rakers.
Navy nominations beginning James K. Colton.
Navy nominations beginning Kevin S. Lerette and ending Kathleen M. Lindemayer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.
Navy nominations beginning Victor M. Beck and ending Elizabeth A. Jones, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.
Navy nominations beginning Edmund F. Cataldo III and ending Gary S. Petti, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.
Navy nominations beginning Elizabeth A. Carlos and ending Philip C. Wheeler, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.
Navy nominations beginning Paul L. Albin and ending Mark E. Svensningsen, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.
Navy nominations beginning John L. Brown and ending Joseph A. Schmit, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.
Navy nominations beginning Richard A. Colonna and ending Timothy J. Werre, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.
Navy nominations beginning Dan D. Ashcroft and ending John E. Vastardis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.
Navy nominations beginning Rodman P. Abbott and ending Steven Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.
Navy nominations beginning Dan D. Ashcroft and ending John E. Vastardis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.
Navy nominations beginning James S. Bailey and ending Jeffrey B. Wilson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 29, 2004.
Navy nominations beginning Aaron L. Bowman and ending Maude E. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 20, 2004.
Navy nominations beginning Susan C. Farrar.
Navy nominations beginning William J. Alderson and ending Harold E. Pittman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 20, 2004.
Navy nominations beginning Aaron L. Bowman and ending Maude E. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 20, 2004.
Navy nominations beginning Thomas J. Brown and ending Mark R. Whitney, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 20, 2004.
Navy nominations beginning Kent R. Aitcheson and ending Kevin S. Zumber, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 20, 2004.
Navy nominations beginning Richard L. Archey and ending Fred C. Smith, which
nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 20, 2004.

Navy nominations beginning Thomas H. Bond and ending Pamela J. Wynfield, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 20, 2004.

Navy nominations beginning Kenneth R. Campitelli and ending Timothy S. Matthews, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 20, 2004.

Navy nominations beginning Jeffrey J. Burtch and ending Jan E. Tughe, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 20, 2004.

Navy nominations beginning Edwin J. Burdick and ending Stephen K. Tibbits, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 20, 2004.

Navy nominations beginning Andrew Brown III and ending Jonathan W. White, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 20, 2004.

Navy nominations beginning Jerry R. Anderson and ending James E. Knapp, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 20, 2004.

Navy nominations beginning Joseph P. Costello and ending Ralph W. Corey III and ending Edward S. White, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 1, 2004.

Navy nominations beginning Tobias J. Bacaner and ending Scott W. Zachowski, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Charlene M. Auld and ending Scott M. Smith, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Michael J. Arnold and ending Dana S. Weiner, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Stephen S. Bell and ending James A. Worcester, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning William D. Devine and ending Paul R. Wrigley, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Edward L. Austin and ending David H. Waterman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Carla C. Blair and ending Cynthia M. Womble, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Nora A. Burghardt and ending Craig J. Washington, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Terry S. Barrett and ending Dean A. Wilson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Danielle M. Barrett and ending Michael L. Thrall, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Michael D. Boleski and ending Kevin D. Ziomek, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning William H. Anderson and ending Frank D. Whitworth, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Thomas W. Armstrong and ending Richard A. Thiel, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Joseph R. Brenner, Jr. and ending Greg A. Ulses, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Todd S. Bockwoldt and ending Forrest Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning Louis E. Georgas and ending Steven W. Antcliff, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 8, 2004.

Navy nominations beginning James O. Cravens and ending Ronald J. Wells, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 14, 2004.

Navy nominations beginning Stephen W. Bailey and ending Gary F. Woerz, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 14, 2004.

Navy nominations beginning Joseph L. Curbello and ending Louis E. Georgas, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 14, 2004.

Navy nominations beginning James O. Cravens and ending Ronald J. Wells, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 14, 2004.

Navy nominations beginning Benjamin M. Abalos and ending Glenn T. Ware, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 14, 2004.

Navy nominations beginning Patrick S. Agnew and ending Douglas R. Toothman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 14, 2004.

Navy nominations beginning Michael D. Baul and ending Robert A. Little, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 14, 2004.
energy and improve environmental quality; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. CLINTON:
S. 2591. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for farmers' investments in value-added agriculture; to the Committee on Finance.

By Mr. BAYH (for himself, Mr. Levin, and Mr. BINGAMAN):
S. 2588. A bill to authorize appropriations for fiscal year 2005 and succeeding fiscal years for the Manufacturing Extension Partnership Program of the National Institute of Standards and Technology; to the Committee on Commerce, Science, and Transportation.

By Mr. Bunning (for himself, Mr. Kent Conrad, and Mr. HATCH):
S. 2589. A bill to clarify the status of certain retirement plans and the organizations which maintain the plans; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Ms. LANDRIEU):
S. 2590. A bill to provide a conservation royalty from Outer Continental Shelf revenues to establish the Coastal Impact Assistance Program; to provide assistance to States under the Land and Water Conservation Fund Act of 1965, to ensure adequate funding for conserving and restoring wildlife, to assist local governments in improving local park and recreation systems, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. CLINTON:
S. 2591. A bill to provide for business incubator tax incentives; to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. LEVIN, Mr. DODD, Mr. NELSON of Florida, Mrs. BOXER, Mr. LEHMAN, Ms. MIKULSKI, Ms. LANDRIEU, Mr. CORZINE, Mr. LAUTenberg, and Mr. Voinovich):
S. 2592. A bill to provide for a circulating library at the National Museum of American History; to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. LEVIN, Mr. DODD, Mr. NELSON of Florida, Mrs. BOXER, Mr. LEHMAN, Ms. MIKULSKI, Ms. LANDRIEU, Mr. CORZINE, Mr. LAUTenberg, and Mr. Voinovich):
S. 2593. A bill to provide for business incubator tax incentives; to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. LEVIN, Mr. DODD, Mr. NELSON of Florida, Mrs. BOXER, Mr. LEHMAN, Ms. MIKULSKI, Ms. LANDRIEU, Mr. CORZINE, Mr. LAUTenberg, and Mr. Voinovich):
S. 2594. A bill to reduce health care disparities and to improve health care quality, to improve access of racial, ethnic, primary language, and socio-economic determination data for use by healthcare researchers and policymakers, to provide performance incentives for high performing hospitals and community health centers, and to expand current Federal programs seeking to eliminate health disparities; to the Committee on Finance.

By Mr. GREGG (for himself, Mr. Harkin, Mr. Roberts, Mr. Kennedy, Mr. Reed, Mr. Breaux, Mr. Jeffords, Mr. Enzi, and Mr. Dodd):
S. 2595. A bill to establish State grant programs to assist in safe technology and protection and advocacy services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself and Mr. FITZGERALD):
S. 2596. A bill to name the Department of Veterans Affairs outpatient clinic located in Peoria, Illinois, as the "Rob Michel Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mr. SCHUMER (for himself, Mr. Mikulski, Mr. CORZINE, Mrs. CLINTON, Mr. LEARY, Ms. STABENOW, Mr. SARBAZEN, and Mr. NELson of Florida):
S. 2597. A bill to require the Secretary of Health and Human Services to establish and maintain an Internet website that is designed to allow consumers to compare the usual and customary prices charged for outpatient drugs sold by retail pharmacies that participate in the mail-in drug program for postal Zip Code, and for other purposes; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. LAUTenberg, Mr. LEVIN, Mrs. FEinstein, Mr. HATCH, Mr. NELSON of Florida, Mrs. BOXER, Mr. LEHMAN, Ms. MIKULSKI, Ms. LANDRIEU, Mr. CORZINE, Mr. LAUTenberg, and Mr. Voinovich):
S. 2598. A bill to protect, conserve, and restore public land administered by the Department of the Interior or the Forest Service and adjacent land through cooperative cost-shared grants to control and mitigate the spread of invasive species, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CHAMBLISS (for himself and Mr. KYL):
S. 2599. A bill to strengthen anti-terrorism investigative tools, to enhance prevention and prosecution of terrorist crimes, to combat terrorism financing, to improve border and transportation security, and for other purposes; to the Committee on the Judiciary.

By Mrs. CLINTON (for herself, Mr. LEVIN, Mr. DODD, Ms. CANTWELL, Mr. SARBAZEN, Mr. SCHUMER, Ms. LANDRIEU, Mr. SANTORUM, Mr. LIEBERMAN, Mrs. BOXER, Mr. SPECTER, Mr. ALEXANDER, Ms. STABENOW, Mrs. FEinstein, Mrs. Hutchison, Ms. MIKULSKI, Ms. Collins, Mr. CORZINE, and Mr. Pryor):
S. 2600. A bill to authorize the Architect of the Capitol to enter into a contract to revise the statue commemorating women's suffrage located in the rotunda of the United States Capitol to include a likeness of Sojourner Truth; to the Committee on Rules and Administration.

By Mr. BAYH (for himself, Mr. HATCH, Mr. BINGAMAN, and Mr. BENNETT):
S. 2601. A bill to amend title XVIII of the Social Security Act to provide a premium tax credit for low-income enrollees in Medicare Part B; to the Committee on Finance.

By Mr. BINGAMAN:
S. 2602. A bill to provide for a circulating dollar coin program to honor the state of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands; to the Committee on Commerce, Science, and Transportation.

By Mr. SMITH (for himself, Mr. ALLEN, Mr. HUTCHISON, and Mr. SENS):
S. 2603. A bill to amend section 101 of the Excise Tax Act of 1987 to extend the prohibition on junk fax transmissions; to the Committee on Finance.

By Mr. SMITH (for himself and Mr. DODD):
S. 2604. A bill to amend the Internal Revenue Code of 1986 to reduce the recognition period for qualified small business stock held by S corporations; to the Committee on Finance.

By Mr. CRAIG (for himself and Mr. CRapo):
S. 2605. A bill to direct the Secretary of the Interior and the heads of other Federal agencies to carry out an agreement resolving major issues relating to the adjudication of water rights in the Snake River Basin, Idaho, and for other purposes; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

S. Res. 391. A resolution designating the second week of December 2004 as "Conversations Before the Crisis Week"; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Mrs. Hutchison, and Ms. Landrieu):
S. Res. 392. A resolution to recognize and honor the sympathy of the Senate to the families of the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes; to the Committee on Foreign Relations.

By Mr. FRIST (for himself, Mr. Daschle, Mr. Levin, Mr. Nelson of Florida, Mrs. Boxer, Mr. Lieberman, Mr. Mikulski, Ms. Landrieu, Mr. Corzine, Mr. Lautenberg, and Mr. Voinovich):
S. Res. 393. A resolution expressing the sense of the Senate in support of United States policy for a Middle East peace process; considered and agreed to.

By Mr. FRIST (for himself and Mr. Daschle):
S. Res. 394. A resolution to authorize testimony and representation in United States v. Daniel Bayly, et al; considered and agreed to.

By Mr. FRIST (for himself and Mr. Daschle):
S. Res. 395. A resolution to authorize testimony, document production, and legal representation in United States v. John M. Ward v. Dep't of the Army; considered and agreed to.

By Mr. Santorum (for himself and Mr. Specter):
S. Res. 396. A resolution commemorating the 150th anniversary of the founding of The Pennsylvania State University; considered and agreed to.

By Mr. FRIST (for himself and Mr. Daschle):
S. Res. 397. A resolution expressing the sense of the Senate on the transition of Iraq to a constitutionally elected government; considered and agreed to.

By Mr. Frist:
S. Con. Res. 120. A concurrent resolution providing for a conditional adjournment or recess of the Senate and the House of Representatives; considered and agreed to.

ADDITIONAL COSPONSORS
S. 339
At the request of Mr. Thomas, the names of the Senator from North Dakota (Mr. Conrad) and the Senator...
from Illinois (Mr. DURBIN) were added as cosponsors of S. 310, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 344
At the request of Mr. AKAKA, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 344, a bill expressing the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes.

S. 488
At the request of Mr. DORGAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 488, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for electricity produced from wind.

S. 556
At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 556, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act.

S. 617
At the request of Mr. LIEBERMAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 617, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

S. 738
At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 738, a bill to designate certain public lands in Humboldt, Del Norte, Mendocino, Lake, Napa, and Yolo Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes.

S. 875
At the request of Mr. SPECTER, his name was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 1010
At the request of Mr. SARBANES, his name was added as a cosponsor of S. 1010, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities.

S. 1129
At the request of Mrs. FEINSTEIN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1129, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 1765
At the request of Mr. CAMPBELL, his name was withdrawn as a cosponsor of S. 1765, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 1945
At the request of Mr. MCCAIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1945, a bill to add a section to the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

S. 2062
At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2062, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 2138
At the request of Mr. GRAHAM of South Carolina, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Georgia (Mr. MILLER), the Senator from California (Mrs. FEINSTEIN) and the Senator from Minnesota (Mr. Dayton) were added as cosponsors of S. 2138, a bill to protect the rights of American consumers to diagnose, service, and repair motor vehicles purchased in the United States, and for other purposes.

S. 2278
At the request of Mr. ENSIGN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2278, a bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 3 circuits, and for other purposes.

S. 2328
At the request of Mr. DORGAN, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2328, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 2363
At the request of Mr. COLEMAN, his name was added as a cosponsor of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America Crime Prevention Program.

S. 2417
At the request of Mr. COLEMAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2417, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish care for newborn children of women veterans receiving maternity care, and for other purposes.

S. 2422
At the request of Mr. SMITH, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2422, a bill to amend the Internal Revenue Code of 1986 to allow certain modifications to be made to qualified mortgages held by a REMIC or a grantor trust.

S. 2433
At the request of Mr. THOMAS, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2433, a bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes.

S. 2447
At the request of Mr. LIEBERMAN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2447, a bill to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the National Institute of Child Health and Human Development to study the role and impact of electronic media in the development of children.

S. 2522
At the request of Mr. CORZINE, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2522, a bill to amend title 38, United States Code, to increase the maximum amount of home loan guaranty available under the home loan guaranty program of the Department of Veterans Affairs, and for other purposes.

S. 2529
At the request of Mr. GRASSLEY, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 2529, a bill to extend and modify the trade benefits under the African Growth and Opportunity Act.

S. 2533
At the request of Ms. MIKULSKI, the names of the Senator from Kansas (Mr. BROWNSACK), the Senator from Alabama (Mr. SHELBY) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 2533, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer’s disease research while providing more help to caregivers and increasing public education about prevention.

S. 2535
At the request of Mr. GRAHAM of Florida, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2535, a bill to amend title XVIII of the Social Security Act to modernize the Medicare program by ensuring that appropriate preventive services are covered under such program.
At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2566, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

At the request of Ms. SNOWE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2569, a bill to amend section 227 of the Communications Act of 1934 to clarify the prohibition on junk fax transmissions.

At the request of Mr. LIEBERMAN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. Con. Res. 78, a concurrent resolution condemning the repression of the Bahá’í community and calling for the emancipation of Iranian Bahá’ís.

At the request of Mr. CAMPBELL, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Con. Res. 78, a concurrent resolution expressing the sense of Congress in support of the ongoing work of the Organization for Security and Co-operation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence.

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 119, a concurrent resolution recognizing that prevention of suicide is a compelling national priority.

At the request of Mr. BROWNBACK, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 311, a resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thadeus Nguyen Van Ly, and for other purposes.

**STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS**

By Mrs. CLINTON (for herself, Ms. COLLINS, and Mr. BREAUX):

S. 2572. A bill to amend the Older Americans Act of 1965 to provide for mental health screening and treatment services, to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, today, I rise to introduce the Positive Aging Act of 2004 to improve the accessibility and quality of mental health services for our rapidly growing population of older Americans with our colleagues Senators BREAUX and COLLINS. Representatives PATRICK KENNEDY and ILEANA ROS-LEHTINEN are also introducing a companion bill in the House this afternoon.

My colleagues JOHN BREAUX and PATRICK KENNEDY introduced this bill initially to focus on mental health problems and with considerable input we decided to broaden it to involve the aging community as well. I want to acknowledge our partners from both the mental health and aging organizations who have collaborated with us and been working hard on these issues for a long time.

Our significant success in extending the life span of older adults has created a set of challenges related to the quality of life for American’s senior citizens. It is critically important now to focus on many years of life as productive and healthy as possible. This legislation is designed to do just that. It puts mental health services on a par with other primary care services in community settings that are easily accessible to the elderly. I firmly believe we must integrate mental health services with other essential primary care.

The Surgeon General’s report on mental health in 1999 told us that disability due to mental illness in the elderly population is fast becoming a major public health problem. Depression, dementia, anxiety, and substance abuse are growing problems among older Americans that result in functional dependence, long-term institutional care and reduced quality of life. Nearly 20 percent of those over age 55 experience mental illnesses that are not a part of “normal aging,” and are all too frequently undetected and untreated. The issue is that we can effectively treat many of these conditions, but in far too many instances we are not making such treatments available. Unrecognized and untreated mental illness among elderly adults can be traced to gaps in training of health professionals, and in our failure to fully integrate mental health screening and treatment with other health services. Far too often physicians and other health professionals fail to recognize the signs and symptoms of mental illness. More troubling, the knowledge about effective interventions is simply not accessible to many primary care practitioners.

Research has shown that treatment of mental illnesses can reduce the need for other health services and can improve health outcomes for those with other chronic diseases. These missed opportunities to diagnose and treat mental diseases are taking a huge toll on the elderly and increasing the burden on their families and our health care system.

I know there are a number of reasons for our failure to meet the mental health needs of our seniors. Regrettably, acknowledging and seeking mental health care can be impeded by the stigma associated with mental illness. In addition, Medicare benefit discrimination related to coverage of mental health services continues to be a barrier to appropriate care for the elderly.

Finally, the lack of coverage for prescription drugs in Medicare has until now imposed significant financial burdens on many older Americans. Notwithstanding the addition of a limited Medicare drug benefit, there remains the potential that drugs needed for the treatment of mental illness will be treated unfairly through formulary restrictions, prior authorization, and higher out-of-pocket expenses. We must be especially vigilant in our oversight of this benefit to prevent such discrimination on behalf of the millions of older Americans with mental illnesses.

The bill we are introducing today provides new authorities and resources to the Administration on Aging (AOA) and the Substance Abuse and Mental Health Services Administration (SAMHSA) in the Department of Health and Human Services. For over 35 years, the AOA has provided home and community-based services to millions of older persons through the programs funded under the Older Americans Act. SAMHSA provides block grants to the States and other financial support to develop and apply best practices in the identification and treatment of mental diseases at the community level. Whether these agencies have the potential for strengthening and extending the delivery of mental health services to older Americans.

This legislation focuses on getting mental health services to community sites where primary care and other social services are provided. It will promote the integration of mental health services and the use of evidence-based practice protocols. This approach has the advantage of building on existing structures and programs, and “mainstreaming” mental health care for these vulnerable populations.

The bill authorizes AOA to make formula grants to the states for the development and operation of systems for providing mental health screening and treatment services to older Americans. These funds may also be used for outreach programs to increase public awareness of the availability and effectiveness of mental health assessments and treatment. Priority will be given to areas that are medically underserved and include significant numbers of older adults. States will be required to coordinate projects with existing community agencies and voluntary organizations offering services to the targeted populations.

This legislation also establishes new grant authorities at AOA to support development and operation of projects for screening and treating mental illness among seniors in rural and urban areas.
Multidisciplinary teams of mental health professionals relying on evidence-based intervention and treatment protocols are required to deliver these services. To the maximum extent possible, the grants will be coordinated with activities in senior centers, adult day care centers, and naturally occurring retirement centers (NORCs).

This legislation also authorizes two new grant programs at SAMHSA to provide new resources to support mental health screening and treatment services and settings. Primary care sites serving a geriatric patient population such as public or private nonprofit community health centers or private practices would be eligible for one of these new grant programs. The other program will provide support for geriatric mental health outreach teams to foster collaboration between clinical sites and senior centers, assisted living facilities, and other social or residential service centers.

Since the programs supported by these new grant programs are based in clinical settings, these funds will help to inform primary care practitioners and increase their capabilities in screening and treatment for mental illness. These programs target existing behavioral health care delivery systems and extend their reach to low-income seniors in the community.

I expect these demonstrations will be a catalyst for breaking down the barriers to connected access to mental health services and retarded the dissemination of evidence-based protocols in the primary care setting. I have specifically set a priority for projects to serve a variety of populations, including racial and ethnic minorities and low-income populations, in both rural and urban areas.

Finally, we have included in this bill several administrative provisions to raise the profile of mental health services for older adults at AOA and SAMHSA. A new Office of Older Adult Mental Health Services is established at AOA to provide a senior level focus for initiatives to improve the access of seniors to appropriate mental health screening and treatment services. At SAMHSA, the bill creates a new deputy director for geriatric mental health services within the Center for Mental Health Services to develop and implement targeted programs for older adults.

There are practical and immediate opportunities to improve mental health care for older Americans. This legislation can help to target our resources on identifying and treating a population at high risk for disability and death.

We have an obligation to take what is known about effective treatments and improve the quality of life and overall health of millions of seniors. It’s not only the right thing to do; it’s also imperative that that will return enormous dividends in terms of more economical use of health resources, improved patient outcomes, and a better quality of life for older Americans. 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:

SEC. 101. DEFINITIONS.

(4) MENTAL HEALTH SCREENING AND TREATMENT SERVICES. The term ‘mental health screening and treatment services’ means patient screening, diagnostic services, care planning and oversight, therapeutic interventions, and referrals that are—

(a) provided in accordance with evidence-based intervention and treatment protocols (to the extent such protocols are available) for mental disorders prevalent in older individuals (including, but not limited to, mood and anxiety disorders, dementias of all kinds, psychotic disorders, and substances and alcohol abuse), relying to the greatest extent feasible on protocols that have been developed—

(i) by or under the auspices of the Secretary; or

(ii) by academicians with expertise in mental health and aging; and

(b) coordinated and integrated with the services of social service, mental health, and health care providers in an area in order to—

(i) improve on patient outcomes; and

(ii) assure, to the maximum extent feasible, the continuing independence of older individuals who are residing in the area.

SEC. 102. OFFICE OF OLDER ADULT MENTAL HEALTH SERVICES.

Section 301(b) of the Older Americans Act of 1965 (42 U.S.C. 3021(b)) is amended by adding, at the end of the section:

‘‘(3) The Assistant Secretary shall establish within the Administration an Office of Older Adult Mental Health Services, which shall—

(a) direct the development and implementation of initiatives to address the mental health needs of older individuals;’’.

SEC. 103. GRANTS TO STATES FOR THE DEVELOPMENT AND OPERATION OF SYSTEMS FOR PROVIDING MENTAL HEALTH SCREENING AND TREATMENT SERVICES TO OLDER INDIVIDUALS LACKING ACCESS TO SUCH SERVICES.

Title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.) is amended—

(1) in section 303 (42 U.S.C. 3023), by adding, at the end of the section:

‘‘(f) There are authorized to be appropriated to carry out section F (relating to grants for programs providing mental health screening and treatment services) such sums as may be necessary for fiscal year 2005 and each of the 5 succeeding years.”

(2) in section 304(a)(1) (42 U.S.C. 3024a(1)), by inserting “and subsection (f)” after “through (d)” and adding at the end of the section:

‘‘PART F—MENTAL HEALTH SCREENING AND TREATMENT SERVICES FOR OLDER INDIVIDUALS

SEC. 381. GRANTS TO STATES FOR PROGRAMS PROVIDING MENTAL HEALTH SCREENING AND TREATMENT SERVICES FOR OLDER INDIVIDUALS.

(a) PROGRAMS.—The Assistant Secretary shall carry out a program for making grants to States under State plans approved under section 307 for the development and operation of—

(1) systems for the delivery of mental health screening and treatment services for older individuals who lack access to such services; and

(2) programs to—

(A) increase public awareness regarding the benefits of prevention and treatment of mental disorders; and

(B) reduce the stigma associated with mental disorders and other barriers to the diagnosis and treatment of the disorders.

(b) STATE ALLOCATION AND PRIORITIES.—A State agency that receives funds through a grant made under this section shall allocate the funds—

(1) first to area agencies on aging to carry out this part in planning and service areas in the State. In allocating the funds, the State agency shall give priority to planning and service areas in the State—

(i) that are medically underserved; and

(ii) in which there are a large number of older individuals;

(c) AREA COORDINATION OF SERVICES WITH OTHER PROVIDERS.—In carrying out this part, to more efficiently and effectively deliver services to older individuals, each area agency on aging shall—

(i) coordinate services described in subsection (a) with other community agencies, local and state government organizations, providing similar or related services; and

(ii) to the greatest extent practicable, integrate outreach and educational activities with programs (as of the integration) health care and social service providers serving older individuals in the planning and service area involved.

(d) RELATIONSHIP TO OTHER FUNDING SOURCES.—Funds made available under this part shall supplement, and not supplant, any Federal, State, and local funds expended by a State or unit of general purpose local government (including an area agency on aging) to provide the services described in subsection (a).

SEC. 104. DEMONSTRATION PROJECTS PROVIDING MENTAL HEALTH SCREENING AND TREATMENT SERVICES TO OLDER INDIVIDUALS LIVING IN RURAL AREAS.

The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended—

(1) by inserting before section 401 (42 U.S.C. 3031) the following:

‘‘TITLE IV—GRANTS FOR EDUCATION, TRAINING, AND RESEARCH;’’

and

(2) in part A of title IV (42 U.S.C. 3032 et seq.), by adding, at the end of the section:

‘‘SEC. 422. DEMONSTRATION PROJECTS PROVIDING MENTAL HEALTH SCREENING AND TREATMENT SERVICES TO OLDER INDIVIDUALS LIVING IN RURAL AREAS.

‘‘(a) DEFINITION.—In this section, the term ‘rural area’ means—

(i) any area that is outside a metropolita

(ii) any area that is outside a metropolitan statistical area (as defined by the Directors of the Office of Management and Budget); or

(2) such similar area as the Secretary specifies in a regulation issued under section 1986(d)(2)(D) of the Social Security Act (42 U.S.C. 1396ww(d)(2)(D)).

(b) AUTHORITY.—The Assistant Secretary shall make grants to eligible public agencies and nonprofit private organizations to purchase or all of the cost of developing or operating model health care service projects involving the provision of mental health screening and treatment services to older individuals residing in rural areas.

(c) DURATION.—Grants made under this section shall be made for the duration of 1 fiscal year.

(d) APPLICATION.—To be eligible to receive a grant under this section, a public
agency or nonprofit private organization shall submit to the Assistant Secretary an application containing such information and assurances as the Secretary may require, including—

(1) information describing—

(A) the geographic area and target population (including the racial and ethnic composition of the target population) to be served by the project; and

(B) the nature and extent of the applicant's experience in providing mental health screening and treatment services of the type to be provided in the project; and

(2) assurances that the applicant will carry out the project—

(A) through a multidisciplinary team of licensed mental health professionals; and

(B) using evidence-based intervention and treatment protocols to the extent such protocols are available.

(3) using telecommunications technologies as appropriate and available; and

(D) in coordination with other providers of health care and social services (such as senior centers and adult day care providers) serving the area; and

(3) assurances that the applicant will conduct a needs assessment and that the Assistant Secretary shall specify, in the application, such information and assurances as the Secretary may require.

(4) The Assistant Secretary shall prepare and submit to the appropriate committees of Congress a report that includes summaries of the evaluations and reports required under subsection (d)(5).

(e) COORDINATION.—The Assistant Secretary shall provide for appropriate coordination of programs and activities receiving funds pursuant to grants under sections 381 and 422, subsection (a) of section 503K and 520L of the Public Health Service Act. [129 STAT. 4987 (42 U.S.C. 290bb)]

SEC. 105. DEMONSTRATION PROJECTS PROVIDING MENTAL HEALTH SCREENING AND TREATMENT SERVICES TO OLDER INDIVIDUALS LIVING IN NATURALLY OCCURRING RETIREMENT COMMUNITIES IN URBAN AREAS.

Part A of title IV of the Older Americans Act of 1965 (42 U.S.C. 3022 et seq.), as amended by section 104, is further amended by adding at the end the following:

SEC. 423. DEMONSTRATION PROJECTS PROVIDING MENTAL HEALTH SCREENING AND TREATMENT SERVICES TO OLDER INDIVIDUALS LIVING IN NATURALLY OCCURRING RETIREMENT COMMUNITIES IN URBAN AREAS.

(a) DEFINITIONS.—In this section:

(1) NATURALLY OCCURRING RETIREMENT COMMUNITY.—The term ‘naturally occurring retirement community’ means a residential area (such as an apartment building, housing complex or development, or neighborhood) not originally built for older individuals but in which a substantial number of individuals have aged in place (and become older individuals) while residing in such area.

(2) URBAN AREA.—The term ‘urban area’ means—

(A) a metropolitan statistical area (as defined by the Director of the Office of Management and Budget); or

(B) in a similar area as the Secretary specifies in a regulation issued under section 1888(d)(2)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(2)(D)).

(b) AUTHORITY.—The Assistant Secretary shall make grants to eligible public agencies and nonprofit private organizations to pay part or all of the cost of developing or operating model health care service projects involving the provision of mental health screening and treatment services to older individuals residing in naturally occurring retirement communities located in urban areas.

(c) DURATION.—Grants made under this section shall be made for 3-year periods.

(d) APPLICATION.—To be eligible to receive a grant under this section, a public or nonprofit private entity shall submit to the Assistant Secretary an application containing such information and assurances as the Secretary may require, including—

(1) information describing—

(A) the naturally occurring retirement community and target population (including the racial and ethnic composition of the target population) to be served by the project; and

(B) the nature and extent of the applicant's experience in providing mental health screening and treatment services of the type to be provided in the project; and

(2) assurances that the applicant will carry out the project—

(A) through a multidisciplinary team of licensed mental health professionals; and

(B) using evidence-based intervention and treatment protocols to the extent such protocols are available; and

(C) in coordination with other providers of health care and social services serving the retirement community; and

(3) assurances that the applicant will conduct and submit to the Assistant Secretary such evaluations and reports as the Assistant Secretary shall require.

(e) REPORTS.—The Assistant Secretary shall prepare and submit to the appropriate committees of Congress a report that includes summaries of the evaluations and reports required under subsection (d)(5).

(f) COORDINATION.—The Assistant Secretary shall provide for appropriate coordination of programs and activities receiving funds pursuant to grants made under this section with programs and activities receiving funds pursuant to grants made under sections 381 and 422, subsection (a) of section 503K and 520L of the Public Health Service Act. [129 STAT. 4987 (42 U.S.C. 290bb)]

TITLE II—PUBLIC HEALTH SERVICE ACT AMENDMENTS

SEC. 201. DEMONSTRATION PROJECTS TO SUPPORT INTEGRATION OF MENTAL HEALTH SERVICES IN PRIMARY CARE SETTINGS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290b-31 et seq.) is amended—

(1) in subsection (b) of section 520b(2) (42 U.S.C. 290b-31(b)), by striking—

(A) by striking “and” at the end of paragraph (14);

(B) by striking the period at the end of paragraph (15) and inserting in lieu thereof “; and”;

(C) by adding at the end the following—

(16) conduct the demonstration projects specified in section 520K; and 

(2) by adding at the end the following—

SEC. 520K. PROJECTS TO DEMONSTRATE INTEGRATION OF MENTAL HEALTH SERVICES IN PRIMARY CARE SETTINGS.

(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, shall award grants to public and private nonprofit entities for projects to demonstrate ways of integrating mental health services for older patients into primary care settings, such as health centers receiving a grant under section 330 (or determined by the Secretary to meet the requirements for receiving such a grant), other Federally qualified health centers, primary care clinics, and private practice sites.

(b) REQUIREMENTS.—In order to be eligible for a grant under this section, the project to be carried out by the entity shall provide for the following—

(1) collaborative arrangements, including the involvement of primary care settings, involving psychiatrists, psychologists, and other licensed mental health professionals (such as social workers and advanced practice nurses) with appropriate training and experience in the treatment of older adults, in which screening, assessment, and intervention services are combined into an integrated service delivery model, including—

(A) screening services by a mental health professional with at least a masters degree in an appropriate field of training;

(B) referrals for necessary prevention, intervention, follow-up care, consultations, and other licensed mental health and other service needs, as indicated; and

(C) adoption and implementation of evidence-based protocols, to the extent available, for prevalent mental health disorders, including depression, anxiety, behavioral and psychological symptoms of dementia, psychosis, and misuse of, or dependence on, alcohol or medication.

(c) CONSIDERATIONS IN AWARDED AWARDS.—In awarding grants under this section the Secretary, to the extent feasible, shall ensure that—

(1) projects are funded in a variety of geographic areas, including urban and rural areas; and

(2) a variety of populations, including racial and ethnic minorities and low-income groups, are served by projects funded under this section.

(d) DURATION.—A project may receive funding pursuant to a grant made under this section for a period of up to 3 years, with an extension period of 2 additional years at the discretion of the Secretary.

(e) APPLICATION.—To be eligible to receive a grant under this section, a public or private nonprofit entity shall—

(1) submit an application to the Secretary (in such form, containing such information, and at such time as the Secretary may specify); and

(2) agree to report to the Secretary standardized clinical and behavioral data necessary to evaluate patient outcomes and to facilitate evaluations across participating projects.

(f) EVALUATION.—Not later than July 31 of each calendar year, the Secretary shall submit to Congress a report evaluating the projects receiving awards under this section for such year.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2005 and each fiscal year thereafter.

SEC. 202. GRANTS FOR COMMUNITY-BASED MENTAL HEALTH TREATMENT OUTREACH TEAMS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290b-31 et seq.), as amended by section 201, is further amended by adding at the end the following:

SEC. 520L. GRANTS FOR COMMUNITY-BASED MENTAL HEALTH TREATMENT OUTREACH TEAMS.

(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, shall award grants to public or private nonprofit entities that are community-based providers of geriatric mental health services, to support the establishment and maintenance by such entities of multi-disciplinary geriatric mental health outreach teams in community settings where older adults reside or receive social services. Entities eligible for such grants include—

(1) mental health service providers of a State or local government;

(2) outpatient programs of private, non-profit hospitals;

(3) community mental health centers meeting the criteria specified in section 1913(c); and
"(4) other community-based providers of mental health services.

"(b) REQUIREMENTS.—To be eligible to receive a grant under this section, an entity shall—

"(1) adopt and implement, for use by its mental health outreach team, evidence-based intervention and treatment protocols (to the extent such protocols are available) for mental disorders prevalent in older individuals (including, but not limited to, mood and anxiety disorders, dementias of all kinds, psychotic disorders, and substance and alcohol abuse), relying to the greatest extent feasible on protocols that have been developed—

"(A) by or under the auspices of the Secretary; or

"(B) by academicians with expertise in mental health and aging;

"(2) provide screening for mental disorders, diagnostic services, referrals for treatment, and case management and coordination through such teams; and

"(3) coordinate and integrate the services provided by such team with the services of social service, mental health, and medical providers at the site or sites where the team is based.

"(A) IMPROVE PATIENT OUTCOMES; and

"(B) TO ASSURE, TO THE MAXIMUM EXTENT FEASIBLE, THE CONTINUING INDEPENDENCE OF OLDER ADULTS WHO ARE RESIDING IN THE COMMUNITY.

"(c) COOPERATIVE ARRANGEMENTS WITH SITES SERVING AS BASES FOR OUTREACH.—An entity receiving a grant under this section may enter into an agreement with a person operating a site at which a geriatric mental health outreach team of the entity is based, including—

"(1) senior centers;

"(2) adult day care programs;

"(3) assisted living facilities; and

"(4) recipients of grants to provide services to senior citizens under the Older Americans Act of 1965,

under which such person provides (and is reimbursed by the entity, out of funds received under the grant, for any supportive services, such as transportation and administrative support, that such person provides to an outreach team of such entity.

"(d) CONSIDERATION IN AWARING GRANTS.—In awarding grants under this section the Secretary, to the extent feasible, shall ensure that—

"(1) projects are funded in a variety of geographic areas, including urban and rural areas; and

"(2) a variety of populations, including racial and ethnic minorities and low-income populations, are served by projects funded under this section.

"(e) APPLICATION.—To be eligible to receive a grant under this section, an entity shall—

"(1) submit an application to the Secretary (in such form, containing such information, at such time as the Secretary may specify); and

"(2) agree to report to the Secretary standardized clinical and behavioral data necessary to evaluate patient outcomes and to facilitate evaluations across participating projects.

"(f) COORDINATION.—The Secretary shall provide for appropriate coordination of programs and activities receiving funds pursuant to a grant under this section with programs and activities receiving funds pursuant to grants under section 520K and sections 311, 321, and 423 of the Older Americans Act of 1965.

"(g) EVALUATION.—Not later than July 31 of each calendar year, the Secretary shall submit to Congress a report evaluating the projects receiving awards under this section for such year.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2005 and each fiscal year thereafter.

SEC. 203. DESIGNATION OF DEPUTY DIRECTOR FOR OLDER ADULT MENTAL HEALTH SERVICES IN CENTER FOR MENTAL HEALTH SERVICES.

Section 520 of the Public Health Service Act (42 U.S.C. 290b-31) is amended by—

(1) redesignating subsection (a) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) DEPUTY DIRECTOR FOR OLDER ADULT MENTAL HEALTH SERVICES IN CENTER FOR MENTAL HEALTH SERVICES.—The Director, after consultation with the Administrator, shall designate a Deputy Director for Older Adult Mental Health Services, who shall be responsible for the development and implementation of the Center to address the mental health needs of older adults. Such initiatives shall include—

"(1) research on prevention and identification of mental disorders in the geriatric population;

"(2) innovative demonstration projects for the delivery of mental health services for older Americans;

"(3) support for the development and dissemination of evidence-based practice models, including models to address dependence on, and misuse of, alcohol and medication in older adults; and

"(4) development of model training programs for mental health professionals and care givers serving older adults.

"SEC. 204. MEMBERSHIP OF ADVISORY COUNCIL FOR THE CENTER FOR MENTAL HEALTH SERVICES.

Section 502(b)(3) of the Public Health Service Act (42 U.S.C. 290aa-1(b)(3)) is amended by adding at the end the following:

"(c) MEMBERSHIP OF ADVISORY COUNCIL FOR THE CENTER FOR MENTAL HEALTH SERVICES.—In the case of the advisory council for the Center for Mental Health Services, the members appointed pursuant to subparagraphs (A) and (B) shall include representatives of older Americans, their families, and geriatric mental health specialists.

"SEC. 205. PROJECTS OF NATIONAL SIGNIFICANCE TARGETING SUBSTANCE ABUSE IN OLDER ADULTS.

Section 509(b)(2) of the Public Health Service Act (42 U.S.C. 290b-32(b)(2)) is amended by adding at the end the following:

"(B) TO PROVIDE TREATMENT FOR OLDER ADULTS WITH SUBSTANCE ABUSE OR ADDICTION, INCLUDING MEDICATION MISUSE OR DEPENDENCE.

SEC. 206. CRITERIA FOR STATE PLANS UNDER COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANTS.

(a) IN GENERAL.—Section 1915(c)(3)(B) of the Social Security Act (42 U.S.C. 1396n(c)(3)(B)) is amended by inserting the following:

"(4) TARGETED SERVICES TO OLDER INDIVIDUALS, INDIVIDUALS WHO ARE HOMELESS, AND INDIVIDUALS LIVING IN RURAL AREAS.—The plan described in paragraph (1) shall include outreach to and services for older individuals, individuals who are homeless, and individuals living in rural areas, and community-based services designed to engage these individuals.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to State plans submitted on or after the date that is 180 days after the date of enactment of this Act.

Ms. COLLINS. Mr. President, I am pleased to join with my colleague from New York in introducing the Positive Aging Act, which will help to increase awareness of the importance of quality mental health screening and treatment services in community-based care settings.

The legislation we are introducing today is particularly important for States, like Maine, that have a disproportionate number of elderly persons. Maine currently is our Nation's seventh 'oldest' State. Moreover, our older population will continue to grow at a rate faster than the national average. More than 44 million Americans with severe, disabling mental disorders that can devastate their lives and the lives of the people around them.

What is often overlooked, however, is the prevalence of mental illness among our Nation's elderly. Studies have shown that more than one in five Americans aged 65 and older—including more than 32,000 Mainers—experience mental illness, and that as many as 80 percent of elderly persons in nursing homes suffer from some kind of mental impairment.

Particularly disturbing is that fact that the mental health needs of older Americans are often overlooked or not recognized because of the mistaken belief that they are a normal part of aging and therefore cannot be treated.

While older Americans experience the full range of mental disorders, the most prevalent mental illness affecting older people is depression. Ironically, while recent advances have made depression an eminently treatable disorder, only a minority of elderly depressed persons are receiving adequate treatment. Unfortunately, the vast majority of depressed elderly don't seek help. Many simply accept their feelings of profound sadness and do not realize that they are clinically depressed.

Those who do seek help are often underdiagnosed or misdiagnosed, leading the National Institute of Mental Health to estimate that 60 percent of older Americans with depression are not receiving the mental health care that they need. Failure to treat this kind of disorder leads to poorer health outcomes for other medical conditions, higher rates of institutionalization, and increased health care costs.

Untreated depression can even lead to suicide. The sad fact is that Americans over 65 are more likely to commit suicide than any other age group. Among those over 85, the suicide rate is twice the national average. What is particularly disturbing about these statistics is that studies have shown that 40 percent of older people who commit suicide had a visit with their primary care provider within one week of their death. Seventy percent of these elderly suicide victims had a primary care visit within 30 days of their death.

Unfortunately, important research is being done that is helping to develop innovative approaches to improve the delivery of mental health care for older
By Ms. MIKULSKI (for herself and Mr. SARBANES):
S. 2574. A bill to provide for the establishment of the National Institutes of Health, Police, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MIKULSKI. Mr. President, I rise today to introduce the NIH Security Act. The National Institutes of Health (NIH) is one of America’s most successful investments. NIH saves lives and helps Americans to live longer and live better. Research funded by NIH has made breakthroughs on many different fronts, from cutting edge bioterrorism research to mapping the human genome. Much of the research depends on experts working with hazardous chemicals or biological substances. We must make sure NIH is safe and secure—both to protect important research that may save future lives, and to make sure hazardous materials don’t fall into the wrong hands.

The main NIH campus and its satellite facilities contain approximately 3,000 research laboratories—2,500 of which are approved for the use of radioisotopes. NIH has 21 high-containment laboratories and two high-containment animal facilities. And NIH is developing 53 high-containment laboratories in order to tackle the challenging issue of defending the country against bioterrorism.

We count on the NIH Police to protect this national treasure. Yet NIH Police officers are overworked and underpaid. Security at NIH facilities may be at risk because NIH is having trouble recruiting and retraining qualified police officers, and because the Police Department is not authorized to protect all of NIH’s campuses.

That’s why I am introducing this bill to improve security at NIH by giving the NIH Police the authority they need to do their job and the pay and benefits they deserve for a job well done. This legislation does three things. It establishes a permanent police force at NIH. It expands their jurisdiction to cover all of NIH’s campuses. And it gives NIH Police officers the same pay and retirement benefits that other Federal law enforcement officers enjoy.

Historically, NIH Police salaries have been among the lowest for law enforcement officers in the Washington Metropolitan area. From 1998-2002, the NIH Police had a 70 percent attrition rate. Most officers left for positions in other Federal and local law enforcement agencies that offered better pay and benefits. The constant turnover is having a devastating effect on morale, and it’s costing taxpayers hundreds of thousands of dollars in overtime pay each year. That’s because NIH invests in specialized training to make sure their officers are prepared to respond to potential biological, chemical, and nuclear disasters. But other agencies are able to lure these officers away. After spending the money to give their officers the training they need, NIH isn’t able to give them the pay and benefits they deserve. My bill would help ensure that NIH officers are getting the same pay and retirement benefits as other Federal law enforcement officers.

My bill also gives NIH Police officers the authority to carry firearms, serve warrants, and conduct investigations on all properties under the custody and control of the NIH. Currently, the NIH Police’s jurisdiction is limited to the main campus in Bethesda, leaving thousands of employees and numerous laboratories without their protection. NIH currently employs unarmed security guards at its satellite facilities in Maryland and across the country. These security guards do the best they can, but they don’t have the authority to enforce laws, and they aren’t as highly trained as the NIH Police.

NIH is serious about security. Dr. Zerhouni, the Director of NIH, fully recognizes the need for a highly quality police force to protect NIH and its surrounding community, and fully supports this legislation. Let’s give the NIH Police the resources they need to make sure NIH is safe and secure. This is an important issue that must be addressed. I urge my colleagues to pass this important bill quickly, and I ask unanimous consent that the full text of this important bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

SEC. 1. SHORT TITLE.
This Act may be cited as the “NIH Security Act”.

SEC. 2. NATIONAL INSTITUTES OF HEALTH POLICE.
(a) Establishment.—The Director of the National Institutes of Health (in this section referred to as the “Director”) shall establish a permanent police force, to be known as the National Institutes of Health Police (in this section referred to as the “NIH Police”), for the purpose of performing law enforcement, security, and investigative functions for property under the jurisdiction, custody, and control of, or occupied by, the National Institutes of Health.

(b) Appointment of Officers.—
(1) IN GENERAL.—The Director of NIH shall appoint the Chief, a Deputy Chief, and such other officers as may be necessary to carry out the purpose of the NIH Police.

(2) OFFICERS ABOVE MAXIMUM AGE.—The Director of NIH may appoint officers of the NIH Police without regard to standard maximum limits of age prescribed under section 3307 of title 5, United States Code. Officers appointed under this paragraph—
(A) may include the Chief and Deputy Chief of the NIH Police;
(B) shall have the same authorities and perform the same other functions of the NIH Police; and
(C) shall receive the same pay and benefits as other officers of the NIH Police; and
(D) shall not be treated as law enforcement officers for purposes of credits

(c) POWERS.—Each officer of the NIH Police may—

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(1) carry firearms, serve warrants and subpoenas issued under the authority of the United States, and make arrests without warrant for any offense against the United States committed in the officer's presence, or for any felony cognizable under the laws of the United States, if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing such a felony;
(2) conduct investigations within the United States and its territories for offenses that may be committed on property described in paragraph (1) or (2) of subsection (d); and
(3) protect in any area of the United States or its territories, any principal of the United States, or other officials, as authorized by the Director of NIH.

(d) JURISDICTION.—Officers of the NIH Police may exercise their powers—
(1) on all properties under the custody and control of the National Institutes of Health;
(2) on other properties occupied by the National Institutes of Health, as determined by the Director of NIH; and
(3) as authorized under paragraphs (2) and (3) of subsection (c).

(e) PAY, BENEFITS, RETIREMENT.—
(1) In general.—Subject to subsection (b)(2)(D) and paragraph (2)(A), all officers of the NIH Police appointed under subsection (b) are—
(A) law enforcement officers as that term is used in title 5, United States Code, without regard to any requirements prescribed by law; and
(B) eligible for all pay and benefits prescribed by law for such law enforcement officers.

(2) PAY; RANKS.—
(A) Pay.—The officers of the NIH Police shall receive the same pay and benefits, as determined by the Director of NIH, as officers who hold comparable positions in the United States Park Police. For purposes of this subparagraph, the Chief of the NIH Police is deemed comparable to the Assistant Chief in the United States Park Police, and the Deputy Chief of the NIH Police is deemed comparable to the Deputy Chief in the United States Park Police.
(B) Rank.—The Chief and Deputy Chief of the NIH Police shall have ranks not lower than a colonel and a lieutenant colonel, respectively, and such ranks and equivalents shall be determined by the Director of NIH or the Director’s designee.

By Mrs. BOXER (for herself and Mr. SMITH):

S. 2575. A bill to direct the Secretary of Agriculture to conduct research, monitoring, management, treatment, and outreach activities relating to sudden oak death syndrome and to convene regular meetings of, or conduct regular consultations with, Federal, State, tribal and local government officials, to prepare recommendations on how to carry out those activities; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. BOXER. Mr. President, I am introducing today with my colleague, Senator SMITH, a bill that addresses an ecological crisis in California and Oregon that quite literally threatens to change the face of our States, as well as others. The beloved oak trees are in grave peril. Thousands of black oak, coastal live oak, tan, and Shreve’s oak trees—among the most familiar and best loved features of California’s landscape—are dying from a disease known as Sudden Oak Death Syndrome (SODS).

Caused by an exotic species of the Phytophthora fungus—the fungus responsible for the Irish potato famine—SODS first struck a small number of oak trees in 1995. Now it appears that the disease has spread to other oak species from Big Sur in the south to Humboldt County in the north. The loss of trees is approaching epidemic proportions, with tens of thousands of dead trees annually. With acres of forests, parks, and gardens. As the trees die, enormous expanses of forest, some adjacent to residential areas, are subject to extreme fire hazards. Dead oak trees near homes significantly increase fire hazards, so residents who built their homes around or among oak trees are in particular danger.

Yet, the spread of the fungus-like pathogen that causes SODS is not limited to oak trees. It has also been found on rhododendron plants in California and the bill would ban buckeye plants and other nursery stock and small fruit trees. Due to genetic similarities, this pathogen potentially endangers Red and Pin oak trees on the East Coast, as well as the Northeast’s lucrative blueberry and cranberry industries.

SODS has already spread to California and Oregon. After the initial discovery of the Sudden Oak Death Syndrome in the U.S. Department of Agriculture (USDA) granted a quarantine on oak products and some nursery stock in 10 counties in Northern California and Curry County, Oregon. Subsequently, other counties in Northern California were also put under quarantine. The discovery of the pathogen that causes SODS in two Southern California nurseries in March 2004 led the USDA to impose restrictions on the interstate movement of host and potential host plants—as well as nursery stock as plants—of all these plants—from all nurseries in California. To date, 17 States and Canada have placed their own restrictions on the importation of California’s nursery stock, and some States have banned plants from California altogether.

If left unchecked, SODS could cause major damage to our commercial nurseries, as well as the health, productivity and biodiversity of our forests. California is the nursery industry's lead producer of horticultural plants, valued at $2 billion a year. The State's oak woodlands provide shelter, habitat, and food to over 300 wildlife species. They also reduce soil erosion and help moderate extremes in temperature. Not only does SODS put all these benefits at risk, but dead and infected trees from this disease increase the threat of wildfire, threatening our communities.

More needs to be known about the pathogen that causes SODS. Scientists are struggling to better understand SODS, how the disease is transmitted, and what the best treatment options might be. In 2000, the U.S. Forest Service, the University of California, the State Departments of Forestry and Fire Protection, and County Agricultural Commissioners created an Oak Mortality Task Force to help coordinate research, management, monitoring, education, and public policies related to addressing SODS. Although we have learned a great deal about SODS since the, adequate Federal support is needed if we are to stop the spread of this disease before it is too late.

That is why I am introducing the Sudden Oak Death Syndrome Control Act of 2004, which is based on legislation I introduced in 2001 and which passed the Senate in 2002. The Sudden Oak Death Syndrome Control Act of 2004 would authorize $44.2 million annually over the next five years for creation of a Sudden Oak Death research and monitoring program, management and treatment activities, fire prevention activities, and education and outreach. This bill would also provide funding for a comprehensive national survey of the fungus-like pathogen that causes SODS and a risk assessment of the threat posed by this pathogen to natural and managed plant resources. Co-sponsored with the Senator SMITH and local officials, this legislation will help to prevent the dire predictions from becoming a terrible reality.

This bill is endorsed by the American Nursery & Landscape Association, the California Association of Nurseries and Garden Centers, the Nursery Growers Association of California, the state, local and private members of the California Oak Mortality Task Force, and the Marin County Board of Supervisors.

I thank Senator SMITH for working with me on this bill and for joining me in introducing it. I urge my colleagues to join us in this effort to help ensure the protection of our nation’s commercial nursery industry and precious woodlands.

I ask unanimous consent that letters from these organizations be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:


Hon. GORDON SMITH, Hon. BARBARA BOXER, U.S. Senate, Washington, DC.

DEAR SENATORS BOXER AND SMITH: The American Nursery & Landscape Association is the national trade organization representing nursery growers, landscape professionals, and retail garden centers in the U.S. On behalf of our industry and our many families, we wish to thank you for your work to prepare and introduce legislation to address the current and expected challenges associated with the serious plant pathogen Phytophthora ramorum.

We know well how the potential risks posed by P. ramorum to American forests, landscape, nurseries, and other agricultural producers necessitate strong federal leadership in such areas as survey and detection, risk mitigation, and research. Your legislative efforts will help to ensure the focus and...
funding necessary for a cohesive federal and state cooperative response.

We would like to commend the performance of your staff contacts, Laura Cimo and Matt Hahn. Both have been professional, accessible, and open to suggestions toward improving the legislative language in preparation for its introduction.

ANL also appreciates your impending legislation, as a critical step toward solving the P. ramorum crisis. Please let us know how ANLA can be of further assistance.

Sincerely,

CRAIG J. RIEGER-HURGER
Senior Director of Government Relations.

CALIFORNIA ASSOCIATION
OF NURSERIES AND GARDEN CENTERS.

Sacramento, CA 95834.

Re Sudden Oak Death Syndrome Control Act of 2004.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: We thank you for all of your efforts on the issue of Sudden Oak Death and especially your legislation, the Sudden Oak Death Syndrome Control Act of 2004, which we strongly endorse and support.

As you well know, many states closed their borders to all nursery plants in California after Sudden Oak Death was discovered in a southern California nursery. These blockades have included all plants, even those without the ability to transmit the pathogen, and they have included nurseries that the U.S. Department of agriculture has certified are free of Sudden Oak Death.

Quite clearly, there is much that needs to be learned about Sudden Oak Death so that regulations are based on risk and not on fear. Your much-needed legislation will improve both the research into the pathogen, its role relating to Sudden Oak Death, and the management and treatment of the disease. Significantly, your legislation will compel a “comprehensive and biologically sound national survey.” Only by such a rigorous survey can policymakers understand the risk posed by the pathogen. After all, states that have barred California nursery plants may already harbor Sudden Oak Death but without a national survey they have every incentive to avoid even looking for the pathogen.

As such, I urge you to draft this important legislation.

Very truly yours,

ROBERT H. FALCONER, Executive Vice President.

CALIFORNIA OAK MORTALITY TASK FORCE.


Re Sudden Oak Death Syndrome Control Act of 2004.

Hon. BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: The California Oak Mortality Task Force applauds your efforts to secure federal funding for research, monitoring, regulations, management and educational activities necessitated by Sudden Oak Death (Phytophthora ramorum). Resources are urgently needed to address this aggressive exotic pathogen in California and Oregon and protect other parts of the United States and other countries from becoming infected.

The California Oak Mortality Task Force represents over 75 organizations cooperating to limit the spread of the pathogen that causes Sudden Oak Death, a disease that has killed tens of thousands of tanoak, coast live oak, and black oak in coastal California. The pathogen also infects rhododendron, camellia and huckleberry, important nursery and agricultural plants.

There is much that urgently needs to be done to prevent further damage and protect our commerce and natural resources. Some of the highest priorities:

- Research to understand how the pathogen spreads, assess the potential for ecological, horticultural and agricultural damage, and improve diagnostic tools and treatments
- Regulation measures to limit pathogen spread via commodities
- Management that includes eradication protocols for new areas, fire prevention treatments for high risk areas, and diagnostic services
- Monitoring/surveys to determine extent of damage, distribution and spread
- Educational programs for professionals, land managers and homeowners to recognize the problem and determine what can be done about it, including information and explanation of quarantine measures.

The state, local, and private members of the task force support your efforts to address Sudden Oak Death and protect the oak woodlands of the United States. Please contact Lucia Briggs, Coordinator of the CA Oak Mortality Task Force (lbriggs@nature.berkeley.edu) if we can assist you.

Sincerely,

MARK R. STANLEY, Chairperson, California Oak Mortality Task Force.

THE BOARD OF SUPERVISORS OF MARIN COUNTY.

Re “Sudden Oak Death Syndrome Control Act of 2004”—SUPPORT.

Hon. BARBARA BOXER,
Hart Senate Office Building.
Washington, DC.

DEAR SENATOR BOXER: As President of the Marin County California Board of Supervisors, I write to indicate our strong support of your efforts with regard to the “Sudden Oak Death Syndrome Control Act of 2004,” which would authorize $44.2 million for FY2005 through FY2009, as compared to the $14.25 million already authorized for FY2003 through FY2007.

The legislation addresses the ever expanding need for resources for local, state and federal agencies to deal with the economic, environmental and policy impacts created by the infestation of this destructive plant disease. Marin County has lost tens of thousands of trees and has been at the center of this problem for several years as one of the original 12 California Counties placed under state and federal quarantine.

The recent documentation of Sudden Oak Death (SOD) infestation in commercial nurseries in Southern California has elevated the problem. The transmission of the disease across state lines, carried on nursery stock, to a fruit-bearing state in the southern and eastern United States has triggered multiple state SOD quarantines against California and created enforcement and communication problems nationwide.

Funding increases proposed in the bill would provide much needed improvements in communication and intergovernmental coordination. The California State Plant Quarantine Officials, California Agricultural Commissioners and Nursery Stock Producers. It would fund a national risk assessment to determine the possible biological and economic impacts of the disease. The bill would also address the need to strengthen domestic quarantine inspections to determine if the disease has entered into the United States on nursery stock originating from Europe.

The Marin County Board of Supervisors strongly supports your proposed “Sudden Oak Death Syndrome Control Act of 2004” and thank you for your continued support in dealing with this critical issue.

Sincerely,

STEVE KINSEY,
President.

By Mr. FEINGOLD:
S. 2576. A bill to establish an expedited procedure for congressional consideration of health care reform legislation; to the Committee on Rules and Administration.

Mr. FEINGOLD. Mr. President, today I introduce the Health Care Reform Expedited Procedures Act of 2004, legislation that requires Congress to act on what may be the most pressing domestic policy issue of our time, namely health care reform.

I travel to each of Wisconsin’s 72 counties every year to talk town hall meetings. Year after year, the number one issue raised at these Listening Sessions is the same—health care. The failure of our health care system brings people to these meetings in droves. The frustration I hear, the anger and the desperation, have convinced me that we must change the system.

So many people now come to tell me that they used to think government involvement was a terrible idea, but not anymore. Now they tell me that their businesses are being destroyed by health care costs, and they want the government to step in. These costs are crippling our economy just as the Nation is struggling to rebound from the loss of millions of jobs.

Our health care system has failed to keep costs in check. Costs are skyrocketing, and there is simply no way we can expect businesses to keep up. So in all of these ways, employers are left to offer sub-par benefits or to wonder whether they can offer any benefits at all. Employers cannot be the sole provider of health care when these costs are rising faster than inflation. One option that could help employers, especially small businesses, reduce their health care costs is to have them form health care cooperatives, where employers lower costs by purchasing care as a group. I have introduced a bill in the Senate to make it easier for business to create these cooperatives.

But this legislation certainly isn’t the magic bullet that can address the whole problem. We need to come up with a more comprehensive way to address rising costs. In most cases, costs are still passed on to employees, who then face enormous premiums that demand more and more of their monthly income. People tell me that they don’t understand how anyone can afford these astronomical premiums, and what can you say to that?

We can say that it’s time to move toward universal coverage. I believe we can find a way to make universal coverage work in this country. Universal coverage doesn’t mean that we have to copy a system already in place in another country. We can harness our Nation’s creativity and entrepreneurial
spirit to design a system that is uniquely American. Universal coverage doesn’t have to be defined by what’s been attempted in the past. What universal coverage does mean is ending a system where nearly 44 million Americans are uninsured, and where those who are insured are struggling to pay their premiums, struggling to pay for prescription drugs, and struggling to find long term care.

We can’t tolerate a system that strands so many Americans without the coverage they need. This system costs us dearly: Even though almost 44 million Americans are uninsured, the United States devotes more of its economy to health care than other industrial countries.

Leaving this many Americans uninsured affects all of us. Those who are insured pay more because the uninsured can’t afford to pay their bills. And those bills nationalize, politically, because the uninsured wait so long to see a doctor. The uninsured often live sicker, and die earlier, than other Americans, so they also need a disproportionate amount of acute care.

In any health care providers provided $35 billion worth of uncompensated care. While providers absorb some of those costs, inevitably some of the burden is shifted to other patients. And of course the process of cost-shifting itself generates additional costs.

We are all paying the price for our broken health care system, and it is time to bring about change.

Over the years I have heard many different proposals for how we should change the health care system in this country. Some propose using tax incentives as a way to expand access to health care. Others think the best approach is to expand public programs. Some think the health care system is the only way to go.

I don’t think we can ignore any of these proposals. We need to consider all of them as we address our broken health care system.

As a former State legislator, I come to this debate knowing that States are coming up with some very innovative solutions to the health care problem. So in addition to the approaches already mentioned, I think we really need to look at what our States are doing, and add to the menu of possibilities an approach under which each State decides the best way to cover its residents.

I favor an American-style health care reform, where we encourage creative solutions to the health care problems facing our country, without using a one-size-fits-all approach. I believe that States have a better idea about what the health care needs of their residents are, and that they understand what types of reform will work best for their state. So I am in favor of a state-based, universal health care system, where States, with the Federal Government’s help, come up with a plan to make sure that all of their residents have health care coverage.

This approach would achieve universal health care, without the Federal Government dictating to all of the states exactly how to do it. The federal government would provide states with the financial help, technical assistance and incentives they need to accomplish this goal. In return, a State would have to make sure that every resident has coverage at least as good as that offered in the Federal Employee Health Benefits Program, FEHBP—in other words, that the health insurance members of Congress have. States would have the flexibility to expand coverage in phases, and would be offered a number of Federal “tools” to choose from in order to help them achieve universal coverage.

States could use any number of these tools, or none of them, instead opting for a Federal contribution for a state-based “single-payer” system. In addition to these implementation of these plans. The Federal Government would approve each State plan, and would conduct oversight of theFederal tools that States could choose from to help expand health coverage could include an enhanced Medicaid and SCHIP federal match for expanding coverage to currently uninsured individuals; refundable, and advanceable tax credits for the purchase of health insurance for individuals and/or businesses; the establishment of a community-rated health pool, similar to FEHBP, to provide affordable health coverage and expanded choices for those who enroll; and assistance with catastrophic care costs.

States could be creative in the state resources they use to expand health coverage. For example, a State could use personal and/or employer mandates for coverage, use state tax incentives, create a single-payer system or even join with neighboring states to offer a regional health care plan.

The approach I have set forth would guarantee universal health care, but still leave room for the flexibility and creativity that I believe is necessary to ensure that everyone has access to affordable, quality health care.

As I have noted, there have been a number of interesting proposals to move us to universal health care coverage. While I will be advocating the State-based approach that I have just outlined, others have proposed alternative approaches that certainly merit consideration and debate.

And this brings us to the legislation I am introducing today, because the reason that we have an uninsured health care system isn’t because of a lack of good ideas. The problem is that Congress and the White House refuse to take this issue up. Despite the outcry from businesses, from health care providers, and from the millions who are uninsured, Washington refuses to address the problem in a comprehensive way.

That is why I am introducing this bill. My legislation will force Congress to finally address this issue. It requires the Majority and Minority Leaders of the Senate, as well as the Chairs of the Health, Education, Labor, and Pensions Committee and the Finance Committee to each introduce a health care reform bill in the first 30 days of the next Congress. If a committee chair fails to introduce a bill within the first month, then the ranking minority party member of the respective committees may introduce a measure that qualifies for the expedited treatment outlined in my bill.

The measures introduced by the Majority Leader and Minority Leader will be placed directly on the Senate Calendar. The measures introduced by the two committee chairs, or ranking minority members, will be referred to their respective committees.

The committees have 60 calendar days not including recesses of 3 days or more to review the legislation. At the end of that time, if either committee fails to report a measure, the bills will be placed directly on the legislative calendar.

If the Majority Leader fails to move to one of the bills, any Member may move to proceed to any qualifying health care reform measure. The motion is not debatable or amendable. If the motion to proceed is adopted, the chamber will immediately proceed to the consideration of a measure without intervening motion, order, or other business, and the measure remains the unfinished business of the Senate until the body disposes of the bill.

Similar procedures are established for House consideration.

I want to emphasize, my bill does not preclude what particular health care reform measure should be reiated. There are many worthy proposals that would qualify for consideration, and this bill does not dictate which proposal, or combination of proposals, should be considered.

But what my bill does do is to require Congress to act.

It has been 10 years since the last serious debate over health care reform was killed by special interests and the soft money contributions they used to corrupt the legislative process. The legislative landscape is now much different. Soft money can no longer be used to set the agenda, and businesses and workers are crying out as never before for Congress to do something about the country’s health care crisis.

It has been 10 years since we’ve had any debate on comprehensive health care reform. We cannot afford any further delay. I urge my colleagues to support the Health Care Reform Expedited Procedures Act of 2004.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:
S. 2576

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 known as the “Health Care Reform Expedited Procedures Act of 2004.”

SEC. 2. SENATE CONSIDERATION OF HEALTH CARE REFORM LEGISLATION.

(a) INTRODUCTION.—

(1) IN GENERAL.—Not later than 30 calendar days after the commencement of the first session of a Congress, the chair of the Committee on Health, Education, Labor, and Pensions, the Chair of the Senate Committee on Finance, the Majority Leader of the Senate, and the Minority Leader of the Senate shall produce a bill to provide universal health care coverage for the people of the United States.

(2) MINORITY PARTY.—These bills may be introduced by request and only 1 qualified bill may be introduced by each individual referred to in paragraph (1) within a Congress. If either committee chair fails to introduce the bill within the 30-day period, the ranking minority party member of the respective committee may instead introduce a bill that will qualify for the expedited procedure provided in this section.

(3) QUALIFIED BILL.—

(A) IN GENERAL.—In order to qualify as a qualified bill—

(i) the bill shall be “To reform the system of the United States and to provide insurance coverage for all Americans.”;

(ii) the bill shall reach the goal of providing health care coverage to 95 percent of Americans within 10 years.

(B) DETERMINATION.—Whether or not a bill meets the criteria in subparagraph (A) shall be determined by the Chair of the Senate Budget Committee, relying on estimates of the Congressional Budget Office, subject to the final approval of the Senate.

(b) REFERRAL.—

(1) COMMITTEE BILLS.—Upon introduction, the bill authored by the Chair of the Senate Committee on Finance shall be referred to that committee and the bill introduced by the Chair of the Senate Committee on Health, Education, Labor, and Pensions shall be referred to that committee. If either committee has not reported the bill referred to it (or another qualified bill) by the end of a 60 calendar day period on the date of referral, the committee is, as of that date, automatically discharged from further consideration of the bill, and the bill is placed directly on the chamber’s legislative calendar. In calculating the 60-day period, adjournments for more than 3 days are not counted.

(2) LEADER BILLS.—The bills introduced by the Senate Majority Leader and the Senate Minority Leader shall, on introduction, be placed directly on the Senate Calendar of Business.

(c) MOTION TO PROCEED.—

(1) IN GENERAL.—On or after the third day following the committee report or discharge or upon the expiration of the calendar under subsection (b)(2), it shall be in order for any Member, after consultation with the Majority Leader, to move to proceed to the consideration of a qualified bill. Notice must be given before the Motion is given. This motion to proceed to the consideration of a bill may be offered by a Member only on the day after the calendar day on which the Member announces his or her intention to offer it.

(2) CONSIDERATION.—The motion to proceed to a qualified bill may be made only on the day after a calendar day on which the Member has previously rejected no more than 3 such motions may be made, however, in any 1 congressional session.

(d) PRIVILEGED AND NONDEBATABLE.—The motion to proceed is privileged, and all points of order against the motion to proceed to the consideration of a qualified bill and its amendments are waived. The motion is not debatable, is not amendable, and is not subject to a motion to postpone.

(e) OTHER BUSINESS OR RECONSIDERATION.—The motion to proceed is privileged, and all points of order against the motion to proceed to the consideration of a qualified bill and its amendments are waived. The motion is not debatable, is not amendable, and is not subject to a motion to postpone.

(f) CONSIDERATION OF A QUALIFIED BILL.—

(1) IN GENERAL.—If the motion to proceed is adopted, the chamber shall immediately proceed to the consideration of a qualified bill without intervening motion, order, or other business, and the bill remains the unfinished business of the Senate until disposed of. A motion to limit debate is in order and is not debatable.

(2) ONLY BUSINESS.—The qualified bill is not subject to a motion to postpone or a motion to proceed to the consideration of other business before the bill is disposed of.

(g) RELEVANT AMENDMENTS.—Only relevant amendments may be offered to the bill.

SEC. 3. HOUSE CONSIDERATION OF HEALTH CARE REFORM LEGISLATION.

(a) INTRODUCTION.—

(1) IN GENERAL.—Not later than 30 calendar days after the commencement of the first session of a Congress, the chair of the House Committee on Energy and Commerce, the chair of the House Committee on Ways and Means, the Majority Leader of the House, and the Minority Leader of the House shall each introduce a bill to provide universal health care coverage for the people of the United States.

(2) MINORITY PARTY.—These bills may be introduced by request and only 1 qualified bill may be introduced by each individual referred to in paragraph (1) within a Congress. If either committee chair fails to introduce the bill within the 30-day period, the ranking minority party member of the respective committee may, within the following 30 days, instead introduce a bill that will qualify for the expedited procedure provided in this section.

(b) QUALIFIED BILL.—

(A) IN GENERAL.—To qualify for the expedited procedure under this section as a qualified bill, the bill shall reach the goal of providing health care to 95 percent of Americans within 10 years.

(B) DETERMINATION.—Whether or not a bill meets the criteria in subparagraph (A) shall be determined by the Speaker’s ruling on a point of order based on a Congressional Budget Office estimate of the bill.

(b) REFERRAL.—

(1) COMMITTEE BILLS.—Upon introduction, the bill authored by the Chair of the House Committee on Energy and Commerce shall be referred to that committee and the bill introduced by the Chair of the House Committee on Ways and Means shall be referred to that committee. If either committee has not reported the bill referred to it (or another qualified bill) by the end of 60 days of consideration beginning on the date of referral, the committee shall be automatically discharged from further consideration of the bill, and the bill shall be placed directly on the Calendar of the Whole House on the State of the Union. In calculating the 60-day period, adjournments for more than 3 days are not counted.

(2) LEADER BILLS.—The bills introduced by the House Majority Leader and House Minority Leader shall, on introduction, be placed directly on the Calendar of the Whole House on the State of the Union.

(c) MOTION TO PROCEED.—

(1) IN GENERAL.—On or after the third day following the committee report or discharge or upon a bill being placed on the calendar under subsection (b)(2), it shall be in order for any Member, after consultation with the Majority Leader, to move to proceed to the consideration of any qualified bill. Notice must be given before the Motion is given. This motion to proceed to the consideration of a bill may be offered by a Member only on the day after the calendar day on which the Member announces his or her intention to offer it.

(2) CONSIDERATION.—The motion to proceed to a qualified bill may be made only on the day after a calendar day on which the Member has previously rejected no more than 3 such motions may be made, however, in any 1 congressional session.

(d) PRIVILEGED AND NONDEBATABLE.—The motion to proceed is privileged, and all points of order against the motion to proceed to the consideration of other business before the bill is disposed of.

(e) OTHER BUSINESS OR RECONSIDERATION.—The motion to proceed is privileged, and all points of order against the motion to proceed to the consideration of other business before the bill is disposed of.

(f) CONSIDERATION OF A QUALIFIED BILL.—

(1) IN GENERAL.—If the motion to proceed is adopted, the chamber shall immediately proceed to the consideration of a qualified bill without intervening motion, order, or other business, and the bill remains the unfinished business of the House until disposed of.

(2) COMMITTEE OF THE WHOLE.—The bill will be considered in the Committee of the Whole under the 5-minute rule, and the bill shall be considered as read and open for amendment at any time.

(g) LIMIT DEBATE.—A motion to further limit debate is in order and is not debatable.

(h) RELEVANT AMENDMENTS.—Only relevant amendments may be offered to the bill.

By Ms. STABENOW (for herself and Mrs. Hutchison):

S. 257. A bill to amend title XVIII of the Social Security Act to adjust the amount of payment under the physician fee schedule for drug administration services furnished to Medicare beneficiaries; to the Committee on Finance.

Ms. STABENOW. Mr. President, I rise today to introduce the Ensuring Quality and Access to Cancer Care Act of 2004. I want to thank my colleague, Senator Hutchinson, for working with me on this critical issue. Regardless of how we feel about the new Medicare law, I believe we all agree that there are legitimate concerns about changes in Medicare reimbursement for critical services that help patients and their families may be in jeopardy because Medicare reimbursement is scheduled to be drastically cut in 2005.

I believe that these changes will be disruptive to patients’ care. It is especially urgent in Michigan, which is ranked fourth in the Nation in number of residents with cancer.

Doctors administer more than 70 percent of all cancer chemotherapy in the United States, but the new law drastically cuts doctors’ reimbursement for drug administration. Changes in the reimbursement system will
mean that doctors will likely be paid dramatically less for chemotherapy. Preliminary estimates indicate that roughly $4.2 billion will be taken out of cancer care in the United States over the next 10 years.

Many critical services are paid for through drug administration reimbursement because they are not covered by Medicare. These include specially-trained oncology nurses and related staff; the handling, storage, and preparation of the toxic chemotherapy agents; nutrition, and support care services that are important indices of quality cancer care.

The result could be fewer and fewer doctors will treat cancer patients, leaving them without access to the best care possible. Furthermore, patients may lose access to vital support services.

Congress clearly recognized that questions related to the impact of the Medicare law on patient access needed to be answered. That’s why the Medicare law included a temporary one-year increase in physicians’ practice expenses. But access problems will likely emerge in 2005 when the temporary aid expires. And it will ensure that doctors will likely be paid dramatically less for chemotherapy.

Therefore, it will be necessary to provide a fair compromise so that we help oncologists and patients will not suffer a permanent access problem. Preliminary estimates indicate that roughly $4.2 billion will be taken out of cancer care in the United States over the next 10 years.

SEC. 2. TRANSITIONAL ADJUSTMENT TO PHYSICIAN PRACTICE EXPENSES.

(a) IN GENERAL.—Section 330A(a)(4)(B)(ii) of the Medicare Prescription Drug Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2237) is amended by striking “3 percent” and inserting “32 percent.”

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of section 330A(a) of the Medicare Prescription Drug Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2237).

By Mr. ALEXANDER (for himself and Ms. LANDRIEU):

S. 2590. A bill to provide a conservation royalty from Outer Continental Shelf revenues to establish the Coastal Impact Assistance Program, to provide assistance to States under the Land and Water Conservation Fund Act of 1965, to ensure adequate funding for conserving and restoring wildlife, to assist local governments in improving local park and recreation systems, and for other purposes, to be known as the Americans Outdoors Act of 2004.

...
that by listening to our colleagues and developing more flexibility among states in how these dollars might be spent, we can develop legislation that will pass the Senate.

We are glad to see that Congressmen Young, Miller, and others have introduced a similar piece of legislation in the House of Representatives. We look forward to working with them.

We are pleased that already more than two dozen organizations representing millions of Americans have expressed their support for the American outdoors Act of 2004. These organizations range from the U.S. Conference of Mayors, to the National Wildlife Federation, to Ducks Unlimited, and the City Parks Alliance. We invite all Americans and our colleagues of both political parties, to join with us in providing a legacy for the next generation to enjoy the great American outdoors.

Someone once said that Italy has its art, England its history, and the United States has the great American outdoors. Our magnificent land, as much of our love of liberty, is at the core of our character. It has inspired our pioneer spirit, our resourcefulness and our generosity. Its greatness has fueled our individualism and optimism, and made us believe that anything is possible. It has influenced our music, literature, science and language. It has served as the training ground of our athletes and philosophers, of poets and defenders of American ideals.

That is why there is a conservation majority—a large conservation majority—in the United States of America. That is why, I believe, that when this bill comes to the floor, there will be a large conservation majority in the U.S. Senate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

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

SECTION 1. SHORT TITLE. TABLE OF CONTENTS.
(a) Short Title.—This Act may be cited as the “Americans Outdoors Act of 2004”.
(b) Table of Contents.—The table of contents of this Act is as follows:

TITLES I—DISSOLUTION OF OUTER CONTINENTAL SHELF REVENUES

SEC. 101. Disposition.
SEC. 102. Definitions.
SEC. 104. Apportionment to Indian tribes.
SEC. 105. Recovery action programs.
SEC. 106. State action incentives.
SEC. 107. Conversion of recreation property.
SEC. 108. Treatment of transferred amounts.
SEC. 109. Repeal.

TITLES II—LAND AND WATER CONSERVATION FUND

SEC. 301. Apportionment of amounts available for State purposes.
SEC. 302. State planning.
SEC. 303. Assistance to States for other projects.
SEC. 304. Conversion of property to other use.
SEC. 305. Waste disposal.

TITLES III—CONSERVATION AND RESTORATION OF WILDLIFE

SEC. 401. Purposes.
SEC. 402. Definitions.
SEC. 404. Apportionment to Indian tribes.
SEC. 405. No effect on prior appropriations.

TITLES IV—URBAN PARK AND RECREATION RECOVERY PROGRAM

SEC. 501. Expansion of purpose of Urban Park and Recreation Recovery Act of 1978 to include development of urban areas and facilities.
SEC. 502. Definitions.
SEC. 503. Eligibility.
SEC. 504. Grants.
SEC. 505. Recovery action programs.
SEC. 506. State action incentives.
SEC. 507. Conversion of recreation property.
SEC. 508. Treatment of transferred amounts.
SEC. 509. Repeal.
"(9) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

(A) IN GENERAL.—The term ‘qualified Outer Continental Shelf revenues’ means all amounts received from leases or other authorities of the United States after January 1, 2003, from each leased tract or portion of a leased tract—

(i) lying—

(a) seaward of the zone covered by section 3(g); or

(b) within that zone, but to which section 3(g) does not apply; and

(ii) for a geographic center of which lies within a distance of 200 miles from any part of the coastline of any coastal State.

(B) INCLUSIONS.—The term ‘qualified Outer Continental Shelf revenues’ includes—

(i) bonus bids, rents, royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases issued under this Act;

(ii) the coastal population of the coastal political subdivision; bears to

(III) 75 percent shall be allocated to the producing State; bears to

(iii) an amount in an escrow account with the Secretary, pending a Good Faith Determination (as defined in subsection (b)(2) of section 8) that a plan has been approved.

(C) EXCLUSION.—The term ‘qualified Outer Continental Shelf revenues’ does not include any amounts received from a leased tract or portion of a leased tract that is located—

(i) in a geographic area subject to a leasing moratorium, or

(ii) in a portion of a leased tract that, as determined by the Secretary, is consistent with the uses described in subsection (d); and

(iii) the coastal political subdivision that receives an amount under this section—

(aa) the name of a contact person; and

(bb) a description of how the coastal political subdivision will use amounts provided under this section;

(iv) a certification by the Governor that ample opportunity has been provided for public participation in the development and revision of the plan; and

(V) a description of measures that will be taken to ensure that such information is consistent with the uses described in the Act.

(D) IMPLEMENTATION.—The Secretary shall implement the plan that describes how the amounts provided under this section will be used in consultation with the Governor of the State in which the producing State is located.

(E) EXCLUSION OF CERTAIN LEASED TRACTS—

(I) the coastal population of all coastal political subdivisions in the State; bears to

(II) the coastal population of the State; bears to

(V) a coastal political subdivision in the proportion that—

(i) the Secretary determines that the plan is consistent with the uses described in subsection (d); and

(ii) the plan contains—

(a) the name of the State agency that will have the authority to represent and act on behalf of the producing State in dealing with the Secretary for purposes of this section; and

(b) a description of how the coastal political subdivision will use amounts provided under this section.

(TITLE III—LAND AND WATER CONSERVATION FUND

SEC. 301. APPORTIONMENT OF AMOUNTS AVAILABLE FOR STATE PURPOSES.

(1) in the second sentence of subsection (a), by inserting ‘‘(including facility rehabilitation, but excluding facility maintenance)’’ after ‘‘(3) development’’; and

(2) striking subsection (b) and inserting the following:

‘‘(b) APPORTIONMENT AMONG THE STATES.—

‘‘(1) DEFINITION OF STATE.—

‘‘(A) IN GENERAL.—Except as provided in subparagraph (B), in this subsection, the term ‘State’ means—

‘‘(i) each of the States of the United States;

‘‘(ii) the District of Columbia;

‘‘(iii) the Commonwealth of Puerto Rico;

‘‘(iv) the Commonwealth of the Northern Mariana Islands;

‘‘(v) the United States Virgin Islands;

‘‘(vi) Guam; and

‘‘(vii) American Samoa.

‘‘(B) LIMITATION.—For the purposes of the purposes of paragraph (3), the States referred to in clauses (iii) through (vii) of subparagraph (A)—

‘‘(i) shall be treated collectively as 1 State; and

‘‘(ii) shall each receive an apportionment under that paragraph based on the ratio that—

‘‘(I) the population of the State; bears to

‘‘(II) the population of all the States referred to in clauses (iii) through (vii) of subparagraph (A) for fiscal year under this Act.

‘‘(3) APPORTIONMENT.—

‘‘(A) IN GENERAL.—Not later than 60 days after the end of the fiscal year, the Secretary shall apportion among the States the amounts remaining after making the deduction under paragraph (2).

‘‘(B) FORMULA.—Subject to paragraph (5), of the amounts described in subparagraph (A) for each fiscal year—

‘‘(i) 60 percent shall be apportioned equally among the States; and

‘‘(ii) 40 percent shall be apportioned among the States based on the ratio that—

‘‘(I) the population of each State (as reported in the most recent decennial census); bears to

‘‘(II) the population of all of the States (as reported in the most recent decennial census).

‘‘(4) LIMITATION.—For any fiscal year, the total apportionment to any 1 State under paragraph (3) shall not exceed 10 percent of the total amount apportioned to all States for the fiscal year under this Act.

‘‘(5) STATE NOTIFICATION.—The Secretary shall notify each State of the amount apportioned to the State under paragraph (3).

‘‘(6) USE OF FUNDS.—

‘‘(A) IN GENERAL.—Amounts apportioned to a State under paragraph (3) may be used for planning, acquisition, or development projects that are in accordance with this Act.

‘‘(B) LIMITATION.—Amounts apportioned to a State under paragraph (3) shall not be used for condemnation of land.

‘‘(C) APPOINTMENT.—

‘‘(A) IN GENERAL.—Any portion of an apportionment to a State under this subsection that has not been paid or obligated by the Secretary by the end of the second fiscal year that begins after the date on which notification is provided to the State under paragraph (3) shall be reapportioned by the Secretary in accordance with paragraph (3).

‘‘(B) LIMITATION.—A reapportionment under this paragraph shall be made without regard to the limitation described in paragraph (4).

‘‘(8) APPORTIONMENT TO INDIAN TRIBES.—

‘‘(A) DEFINITION.—In this paragraph, the term ‘Indian tribe’ means—

‘‘(I) in the case of the State of Alaska, means a Native corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1600)); and

‘‘(ii) in the case of any other State, has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

‘‘(B) APPORTIONMENT.—For the purposes of paragraph (3), each Indian tribe shall be eligible to receive a share of the amount available, with other eligible entities, for a competitive grant program established by the Secretary.

‘‘(C) TOTAL APPORTIONMENT.—The total apportionment available to Indian tribes under subparagraph (B) shall be equal to the amount available to a single State under paragraph (3).

‘‘(D) AMOUNT OF GRANT.—For any fiscal year, the grant to any 1 Indian tribe under this paragraph shall not exceed 10 percent of the total amount made available to Indian tribes under paragraph (3).

‘‘(E) USE OF FUNDS.—Funds received by an Indian tribe under this paragraph may be used for the purposes specified in paragraphs (1) and (3) of subsection (a).

‘‘(9) LOCAL ALLOCATION.—Unless the State demonstrates on an annual basis to the satisfaction of the Secretary that there is a compelling reason not to provide grants under this paragraph, each State (other than the District of Columbia) shall make available, as grants to political subdivisions of the State that is less than 25 percent of the annual State apportionment under this subsection, or an equivalent amount made available from other sources.

SEC. 302. STATE ACTION AGENDA.

(a) IN GENERAL.—Section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8) is amended by striking subsection (d) and inserting the following:

‘‘(d) SELECTION CRITERIA; STATE ACTION AGENDA.—

‘‘(1) SELECTION CRITERIA.—Each State may develop and certification for selection of outdoor recreation and conservation acquisition and development projects eligible for grants under this Act, if—

‘‘(A) the criteria developed by the State are consistent with this Act;

‘‘(B) the State provides for public participation in the development of the priorities and criteria established under this paragraph;

‘‘(C) the State develops a State action agenda (referred to in this section as a ‘State action agenda’) that includes the priorities and criteria established under this paragraph.

‘‘(2) STATE ACTION AGENDA.—

‘‘(A) IN GENERAL.—Not later than 5 years after the date of enactment of this subparagraph, the State, in partnership with political subdivisions of the State and Federal agencies and in consultation with the public, shall develop a State action agenda.

‘‘(B) REQUIRED ELEMENTS.—A State action agenda shall—

‘‘(i) include strategies to address broad-based and long-term needs while focusing on actions that can be funded during the 5-year period covered by the State action agenda;

‘‘(ii) take into account all providers of conservation and recreation services in the State, including Federal, regional, and local government resources;

‘‘(iii) include the name of the State agency that is responsible for Act; and

‘‘(iv) describe the priorities and criteria for selection of outdoor recreation and conservation acquisition and development projects; and

‘‘(B) CERTIFICATION.—Each State action agenda shall be updated at least once every 5 years.

‘‘(C) COORDINATION WITH OTHER PLANS.—

‘‘(1) IN GENERAL.—The State action agenda shall be coordinated, to the maximum extent practicable, with applicable statewide recreation plans, including Federal, regional, and local plans for recreation, open space, fish and wildlife, and wetland and other habitat conservation.

‘‘(2) LOCAL ALLOCATION.—

‘‘(A) IN GENERAL.—The State shall use recovery action programs developed by urban local governments under section 1087 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2506) as a guide to the conclusions, priorities, and action schedules contained in the State action agenda.

‘‘(B) CONFORMING AMENDMENTS.—

‘‘(1) Section 8(e) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(e)) is amended—

‘‘(A) in the matter preceding paragraph (1), by inserting ‘‘or State action agenda’’ after ‘‘State comprehensive plan’’; and

‘‘(B) in paragraph (1), by inserting ‘‘or State action agenda’’ after ‘‘comprehensive plan’’.

‘‘(2) Section 32(e) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 101(e)) is amended in the last proviso of the first paragraph by striking ‘‘existing comprehensive state outdoor recreation plan’’ and inserting ‘‘comprehensive state outdoor recreation plan’’.

‘‘(3) Section 325(a) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) is amended by striking ‘‘comprehensive state outdoor recreation plan’’ and inserting ‘‘comprehensive state outdoor recreation plan or State action agenda required by section 6 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)”.

‘‘(4) Section 6(a) of the National Historic Preservation Act (16 U.S.C. 470a–2(a)) is amended by striking ‘‘State comprehensive plan’’ and inserting ‘‘comprehensive statewide outdoor recreation plan or State action agenda required by section 6 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897)”.

‘‘(D) CONFORMING AMENDMENTS.—

‘‘(1) Section 8(e) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(e)) is amended—

‘‘(A) in the matter preceding paragraph (1), by inserting ‘‘or State action agenda’’ after ‘‘State comprehensive plan’’; and

‘‘(B) in paragraph (1), by inserting ‘‘or State action agenda’’ after ‘‘comprehensive plan’’.
by section 6 of the Land and Water Conservation  
Foundation Act of 1965 (16 U.S.C. 460–8)).

Section 8(a) of the National Trails System  
Act (16 U.S.C. 1247(a)) is amended in the  
first sentence—

(A) by inserting “or State action agendas”  
after “comprehensive statewide outdoor  
recreation plans”; and

(B) by striking the following—

“(4) Alt us (relating to the development of  
Statewide Comprehensive Outdoor  
Recreation Plans)” and inserting “(16 U.S.C. 460–8)”.

Section 11(a)(2) of the National Trails System  
Act (16 U.S.C. 1250(a)(2)) is amended by  
striking “(relating to the development of  
Statewide Comprehensive Outdoor Recreation  
Plans)” and inserting “(16 U.S.C. 460–8)”.

Section 11 of the Wild and Scenic Rivers  
Act (16 U.S.C. 1282) is amended—

(A) in subsection (a)—

(i) by inserting “or State action agendas”  
after “comprehensive statewide outdoor  
recreation plans”; and

(ii) by striking “(78 Stat. 987)” and  
inserting “(16 U.S.C. 460–4 et seq.)”; and

(B) in subsection (b)(2)(B), by striking “(re-  
lating to the development of statewide  
comprehensive outdoor recreation plans)” and  
inserting “(16 U.S.C. 460–8)”.

Section 202(c)(9) of the Federal Land Policy  
and Management Act of 1976 (43 U.S.C. 1712(c)  
(9)) is amended by striking “(i) of at least  
equal fair market value;” and inserting  
“(i) that the property must be abandoned  
before the end of the fiscal year;”.

Section 206(d) of title 23, United States  
Code (23 U.S.C. 409–118), is amended—

(B) in subsection (b)(2)(B), by striking “(re-  
lating to the development of statewide  
comprehensive outdoor recreation plans)” and  
inserting “(16 U.S.C. 460–8)”.

(B) in the case of any other State, has the  
ability to exercise any Federal right to the  
property or State action agenda.

(TITLE IV—CONSERVATION AND  
RESTORATION OF WILDLIFE)

SEC. 401. PURPOSES.

The purposes of this title are—

(1) to ensure adequate funding of the pro- 
gram established under the amendments to  
the Pittman-Robertson Wildlife Restoration  
Act (16 U.S.C. 669a et seq.) enacted by title  
IX of H.R. 5548 of the 106th Congress, as enacted  
by section 102(a)(2) of Public Law 106–553 (114  
Stat. 2790–2802); and

(2) to ensure the conservation and sustain- 
ability of fish and wildlife to provide and  
promote greater hunting, angling, and wild- 
life viewing activities.

SEC. 402. DEFINITIONS.

Section 2 of the Pittman-Robertson Wild- 
life Restoration Act (16 U.S.C. 668a) is  
amended—

(1) by redesignating paragraphs (1), (2), (3),  
(4), (5), (6), (7), and (8) as paragraphs (2), (4),  
(5), (6), (7), (8), (9), and (10), respectively;

(2) by inserting after paragraph (2) (as  
redesignated by paragraph (1)) the following—

“(1) ACCOUNT.—The term ‘Account’ means  
the Wildlife Conservation and Restoration  
Account established by section 3(a)(2).”

(3) by inserting after paragraph (2) (as  
redesignated by paragraph (1)) the following—

“(3) INDIAN TRIBES.—The term ‘Indian  
tribe’—

“A. In the case of the State of Alaska,  
means a Native corporation (as defined in  
section 3 of the Alaska Native Claims Settle- 
mens public health or safety.”

“(B) in the case of any other State, has the  
meaning given the term ‘Indian tribe’ in  

“(B) REQUIREMENTS FOR APPROVAL.—The  
Secretary shall approve a conversion under  
subparagraph (A) if

“(1) the State demonstrates that there is  
no other prudent or feasible alternative;

“(ii) the property no longer meets the cri- 
eteria in the comprehensive statewide out- 
door recreation plan or State action agenda  
for an outdoor conservation and recreation  
facility because of changes in demographics; or

“(iii) the property must be abandoned  
before the end of the fiscal year;”.

“(D) EFFECTS.—A conversion under sub- 
paragraph (A) shall satisfy any conditions  
that the Secretary determines to be nec- 
essary to ensure the substitution of another  
conservation or recreation property that is—

“(i) of at least equal fair market value;”;

“(ii) of reasonably equivalent usefulness  
and location; and

“(iii) consistent with the comprehensive  
statewide outdoor recreation plan or State  
action agenda.”.

SEC. 403. WILDLIFE CONSERVATION AND RE- 
STORATION ACCOUNT.

Section 3 of the Pittman-Robertson Wild- 
life Restoration Act (16 U.S.C. 669b) is  
amended—

(1) by striking “Sec. 3. (a)(1) ‘An’” and  
inserting “Sec. 3. (a)(1) ‘An’”;

(2) by adding subsection (c)—

“SEC. 3. FEDERAL AID TO WILDLIFE RESTORA- 
TION FUND.

“(a) IN GENERAL.—

“(1) FUND.—The Federal Aid to Wildlife Restora- 
tion Fund shall be added to the Wildlife  
Conservation and Restoration Account.

“(2) AMOUNT.—Amounts transferred to the  
fund shall be deposited in the Account; and

“(3) USE.—Amounts transferred to the fund  
shall be available, without further ap- 
portionment, to carry out wildlife con- 
servation and restoration programs under  
section 4(d).

SEC. 404. APPORTIONMENT TO INDIAN TRIBES.

(a) IN GENERAL.—Section 4 of the Pittman-  
Robertson Wildlife Restoration Act (16 U.S.C. 669c) is  
amended—

(1) by redesignating the first subsection (c)  
and (d) and inserting “subsection (c)”; and

(2) in subsection (c), by striking paragraph  
(1) and inserting the following—

“(1) APPORTIONMENT TO DISTRICT OF COU- 
lumbia, Puerto Rico, Territories, and Indian  
Tribes. —

“(A) IN GENERAL.—Subject to subparagraph  
(B), for each fiscal year, the Secretary shall  
apportion from amounts available in the  
Account for the fiscal year—

“(i) to each of the District of Columbia and  
the Commonwealth of Puerto Rico, an amount  
equal to not more than 25 percent of one  
percent of amounts available in the Account;  

“(ii) to each of Guam, American Samoa,  
the Commonwealth of the Northern Mariana  
Islands, and the Trust Territories of the  
United States, a sum equal to not more than  
25 percent of amounts available in the Account;  

“(iii) to Indian tribes, an amount equal to  
not more than 25 percent of amounts avail- 
able in the Account, of which—

“(1) 5% shall be apportioned based on the  
ratio that the trust land area of each Indian  
tribe bears to the total trust land area of all  
Indian tribes; and

“(2) 5% shall be apportioned based on the  
ratio that the population of each Indian  
tribe bears to the total population of all  
Indian tribes.

“(B) MAXIMUM APPORTIONMENT TO INDIAN  
TRIBES.—For each fiscal year, the amounts  
apportioned under subparagraph (A)(iii) shall  
be adjusted proportionately so that no Indian  
tribe is apportioned a sum that is more  
than 5 percent of the amount available for  
apportionment under subparagraph (A)(iii)  
for the fiscal year.

“(c) CONFORMING AMENDMENTS.—

“(1) Section 3(c)(3) of the Pittman-Robert- 
son Wildlife Restoration Act (16 U.S.C. 669c(c)(3))  
is amended by striking “sections 4(d) and (e) of this Act” and inserting “sub- 
sections (a), (c), and (d) of section 4”.

“(2) Section 4(b) of the Pittman-Robertson  
Wildlife Restoration Act (16 U.S.C. 669c(b)) is
amended by striking “subsection (c)" and inserting “subsection (e).”
(3) Section 4(d) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(d)) is amended—
(A) in paragraph (1)—
(i) in subparagraph (A), by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively, and inserting the subclauses appropriately;
(ii) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting the clauses appropriately;
(iii) by striking “(I) Any State” and inserting the following:
“(1) REQUIREMENTS.—
“(A) IN GENERAL.—Any State;”
(iv) by striking “To apply” and inserting the following:
“(B) PLAN.—To apply;”
(v) in subparagraph (A) (as designated by clause (iii))—
(I) by inserting “or Indian tribe” before “may apply”; and
(II) by striking “develop a program” and inserting the following:—
“develop a program for the protection and restoration of species of wildlife identified by the State;”
(vi) in subparagraph (B) (as designated by clause (ii))—
(I) in the matter preceding clause (i) as redesignated by clause (ii), by inserting “or Indian tribe” before “shall submit;” and
(II) by clause (i) (as redesignated by clause (ii)), by inserting “or Indian tribe” after “State;”
(vii) by redesignating subparagraph (D) as subparagraph (C); and
(viii) in subparagraph (C) (as redesignated by clause (iv))—
(I) in the matter preceding clause (i), by inserting “or Indian tribe shall” before “develop and begin;”
(II) in clause (i), by inserting “or Indian tribe” before “deems appropriate;”
(III) in clauses (ii), (iii), (iv), and (vii), by striking “paragraph (1)” and inserting “paragraph (A);”
(IV) in clause (v),—
(aa) by striking “State wildlife conservation strategy” and inserting “wildlife conservation strategy of the State or Indian tribe;” and
(bb) by striking the semicolon at the end and inserting “;” and
(V) in clause (vii), by inserting “by” after “feasible;”;
(B) in paragraph (2), by inserting “or Indian tribe” after “State;”
(C) in paragraph (3), by inserting “or Indian tribe” after “State” each place it appears; and
(D) in paragraph (4)—
(i) in subparagraph (A), by striking “State wildlife conservation and restoration program” each place it appears and inserting “wildlife conservation and restoration program of a State or Indian tribe;” and
(ii) in subparagraph (B)—
(I) by inserting “or Indian tribe” after “each State;” and
(II) by striking “State’s wildlife conservation and restoration program” and inserting “wildlife conservation and restoration program of a State or Indian tribe”.
(4) Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended by striking “section 4(e)” and inserting “section 4(e).”
(5) Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c-1) is amended—
(A) in subsection (a)—
(i) in subparagraph (A), by inserting “or obligor” after “used;” and
(ii) in subparagraph (B), by inserting “or obligated” after “used;” and
(B) by striking “section 4(c)” each place it appears and inserting “section 4(e)”;
SEC. 405. NO EFFECT ON PRIOR APPROPRIATIONS.
Notwithstanding any title or any amendment made by this title applies to or otherwise affects the availability of any amounts appropriated before the date of enactment of this Act.

TITLE V—URBAN PARK AND RECREATION RECOVERY ACT OF 1978 TO INCLUDE DEVELOPMENT OF NEW AREAS AND FACILITIES
SEC. 501. EXPANSION OF PURPOSE OF URBAN PARK AND RECREATION RECOVERY ACT OF 1978 TO INCLUDE DEVELOPMENT OF NEW AREAS AND FACILITIES.
Section 1003 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2503) is amended in the first sentence by striking “recreation areas, facilities,” and inserting “recreation areas and facilities, the development of new recreation areas and facilities (including acquisition of land for that development),”.

SEC. 502. DEFINITIONS.
Section 1004 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2503) is amended—
(1) by striking “When used in this title the term ‘subsection (d) as redesignated by paragraph (3) of subsection (d) as subparagraphs (A), (B), and (C), respectively, and indenting appropriately;”
(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (9), (10), (4), (1), (8), (6), (3), (12), (7), (13), and (5), respectively, and moving the paragraphs to appear in numerical order;
(3) in each of paragraphs (1), (3), (4), (5), (6), (7), (8), (9), (10), and (12), and (13) as redesignated by paragraph (3)—
(A) by inserting “—The term ‘before the first quotation mark;” and
(B) by inserting the blank the term that is in quotations in each paragraph, respectively; and
(4) in paragraph (1), (3), (4), (6), (8), (9), (10), and (12) (as redesignated by paragraph (3))—
(I) by striking (A)(ii);
(II) by striking the semicolon at the end and inserting “;” and
(III) by inserting “by” after “feasible;”;
(5) in paragraphs (7), (8), (9), and (12) (as redesignated by paragraph (3))—
(I) by striking paragraph (3), by striking “;” and “at the end and inserting a period;
(II) by inserting after paragraph (1) (as redesignated by paragraph (3)) the following:
“(2) DEVELOPMENT GRANT.—
“(A) IN GENERAL.—The term ‘development grant’ means a matching capital grant made to a unit of local government to cover costs of development, land acquisition, and construction at 1 or more existing or new neighborhood recreation sites (including indoor and outdoor recreational areas and facilities, support facilities, and landscaping).
“(B) EXCLUSIONS.—The term ‘development grant’ does not include a grant made to pay the costs of routine maintenance or upkeep activities.”;
(6) in paragraph (5) (as redesignated by paragraph (3)), by inserting the “commonwealth of” before “Northern Mariana Islands;” and
(7) by inserting after paragraph (10) (as redesignated by paragraph (3)) the following:
“(11) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.”.
SEC. 503. ELIGIBILITY.
Section 1005 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2504) is amended by striking subsection (a) and inserting the following:
“(a) ELIGIBILITY FOR ASSISTANCE.—
“(1) DEFINITION OF GENERAL PURPOSE LOCAL GOVERNMENT.—For the purpose of determining eligibility for assistance under this title, the term ‘general purpose local government’ includes—
“(A) any political subdivision of a metropolitan, municipal, or consolidated statistical area, as determined by the most recent decennial census;”
“(B) any other city, town, or group of 1 or more localities or towns within a metropolitan statistical area described in subparagraph (A) that has a total population of at least 50,000, as determined by the most recent decennial census; and
“(C) any other county, parish, or township with a total population of at least 250,000, as determined by the most recent decennial census.”;

SEC. 504. GRANTS.
Section 1006(a) of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2505(a)) is amended—
(1) in the first sentence, by striking “rehabilitation and innovative;” and
(2) in paragraph (1), by striking “rehabilitation and innovative;” and

SEC. 505. RECOVERY ACTION PROGRAMS.
Section 1007(a) of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2506(a)) is amended—
(1) in the first sentence, by inserting “—before “The Secretary authorize;” and
(2) in paragraph (2), by inserting “development” and after “adequate planning”;

SEC. 506. STATE ACTION INCENTIVES.
Section 1008 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2507) is amended—
(1) in the first sentence, by inserting “(a) IN GENERAL.—before “The Secretary authorize;” and
(2) by striking the last sentence of subsection (a) (as designated by paragraph (1)) and inserting the following:
“(b) COORDINATION WITH LAND AND WATER CONSERVATION FUND ACTIVITIES.—
“(1) IN GENERAL.—The Secretary and general purpose local governments are encouraged to coordinate the preparation of recovery action programs required by this title with comprehensive statewide outdoor recreation plans or State action agendas required by section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8) (including by allowing flexibility in preparation of recovery action programs so that those programs may be used to meet State and local qualifications for local receipt of grants under that Act or State grants for similar purposes or for other conservation or recreation purposes).
“(2) COORDINATION.—The Secretary shall encourage States to consider the findings, priorities, strategies, and schedules included in the recovery action programs of the urban localities of the States in preparation and updating of comprehensive statewide outdoor recreation plans or State action agendas in accordance with the public participation and citizen consultation requirements of section 6(d) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8(d)).”;}

SEC. 507. CONVERSION OF RECREATION PROPERTY.
Section 1010 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2509) is amended to read as follows:
SEC. 1010. CONVERSION OF RECREATION PROPERTY.

"(a) IN GENERAL.—Except as provided in subsection (b), no property developed, acquired, or rehabilitated using funds from a grant under this title shall, without the approval of the Secretary, be converted to any purpose other than a public recreation purpose.

"(b) APPROVAL.—

"(1) IN GENERAL.—The Secretary shall approve the conversion of property under subsection (a) to a purpose other than a public recreation purpose only if the grant recipient demonstrates that no prudent or feasible alternative exists.

"(2) APPLICABILITY.—Paragraph (1) applies to property that—

"(A) is no longer viable for use as a recreation facility because of changes in demographics; or

"(B) must be abandoned because of environmental contamination or any other condition that endangers public health or safety.

"(c) CONDITIONS.—Any conversion of property under this section shall satisfy such conditions as the Secretary may prescribe to ensure the substitution for the property of other recreation property that is—

"(1) at a minimum, equivalent in fair market value, usefulness, and location; and

"(2) subject to the recreation recovery action program of the grant recipient that is in effect as of the date of the conversion of the property.

SEC. 508. TRANSFERRED OF TREATED AMOUNTS.

Section 1013 of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2512) is amended to read as follows:

SEC. 1013. FUNDING.

"(a) TREATMENT OF AMOUNTS TRANSFERRED FROM OUTDOORS ACT FUND.—

"(1) IN GENERAL.—Amounts transferred to the Secretary under section 9(b)(4) of the Outer Continental Shelf Lands Act (43 U.S.C. 1335(b)(4)) for a fiscal year shall be available to the Secretary, without further appropriation, to carry out this title.

"(2) UNPAID AND UNOBLIGATED AMOUNTS.—Any amount not paid or obligated by the Secretary before the end of the second fiscal year beginning after the first fiscal year in which the amount made available under paragraph (1) shall be reapportioned by the Secretary among grant recipients under this title.

"(b) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—For each fiscal year, the Secretary may deduct, for payment of administrative expenses incurred by the Secretary in carrying out this section, not more than 4 percent of the amounts made available to the Secretary for the fiscal year under subsection (a).

"(c) LIMITATIONS ON ANNUAL GRANTS.—After making the deduction under paragraphs (a) and (b), of the amounts made available for a fiscal year under subsection (a)—

"(1) not more than 10 percent may be used for innovation grants under section 1006;

"(2) not more than 3 percent may be used for grants for the development of local park and recreation recovery action programs under subsections (a) and (c) of section 1007; and

"(3) not more than 15 percent, in the aggregate, may be provided in the form of grants for purposes other than a state

"(d) LIMITATION ON USE FOR GRANT ADMINISTRATION.—The Secretary shall establish a limit on the percentage, not to exceed 25 percent, of the amounts under this title that may be used for grant and program administration.

SEC. 509. REPEAL.


Ms. LANDRIEU. Mr. President, I am pleased to introduce Senator Alexander as we introduce this very significant conservation legislation. The junior Senator from Tennessee has been a long-time effective advocate for the environment and for conservation, not only in his own State of Tennessee but for our Nation.

The legislation we introduce today is a new, enhanced version of a piece of legislation that was introduced several years ago. We believe it is a very promising approach to launch one of the most significant conservation efforts ever considered by Congress. The American Outdoors Act is a landmark multyear commitment to conservation programs directly benefitting all 50 States and hundreds of local communities. It creates a conservation royalty derived from the production of oil and gas on the Outer Continental Shelf and directs it toward the restoration of coastal wetlands, preservation of wildlife habitat, and it helps build and maintain State and local parks for our children, our children’s children, for generations to come.

By enacting this legislation, we will make the most significant commitment of Federal resources to conservation ever to ensure a positive legacy of protecting and enhancing critical wildlife habitat, estuaries, marshlands, mountain ranges, open green spaces, and expanded recreational opportunity for Americans today and generations to come. The legislation builds on a great and notable effort made during the 106th Congress that was supported by Governors, mayors, and a coalition of over 5,000 organizations throughout the country. Unfortunately, despite our bipartisan and very deep and widespread support efforts were cut short before a final bill could be signed into law. Instead, a commitment was made by those who opposed the legislation last time to guarantee funding for these programs. And unfortunately, we all know the story and the outcome of those promises.

As we have painfully witnessed since then, these programs have not only been reduced, some of them have been eliminated completely, and are terribly understaffed to meet critical needs that are presented to us today.

What has happened is exactly what those of us who initiated the effort always anticipated. Each of these significant programs has been shortchanged and a number of them have been left out altogether or forced to compete with each other for Federal resources.

The legislation we are introducing today provides reliable, significant, and steady funding for the urgent and worthy conservation and outdoor recreation needs of our states and rapidly growing urban areas. What makes more sense than to take a portion of revenues from a depleting capital asset of the Nation—offshore Federal oil and gas resources—and reinvest them into sustaining the natural resources of our Nation: wetlands; parks and recreation areas, and wildlife.

The Americans Outdoors Act dedicates assured funding for four distinct programs and honors promises made long ago to the American people. The four programs include:

Coastal impact assistance—$500 million to oil and gas producing coastal States to mitigate the various impacts of States that serve as the “platform” for the crucial development of Federal offshore energy resources from the Outer Continental Shelf as well as provide for wetland restoration. This program merely acknowledges the impacts to and contribution of States that are providing the energy to run our country’s economy. The Outer Continental Shelf supplies 25 percent of our Nation’s oil consumption, more than any other country including Saudi Arabia, with the promise of more, expected to reach 40 percent by 2008. Since this frontier was officially opened to significant oil and gas exploration in 1953, no single region has contributed as much to the nation’s energy production as the OCS. The OCS accounts for more than 25 percent of our Nation’s natural gas and oil production. With annual returns to the Federal Government averaging $5 billion annually, no other region has contributed as much to the Federal Treasury as the OCS. In fact, since 1953, the OCS has contributed $140 billion to the U.S. Treasury. Allocation to States would be based on their proximity to production. Thirty-five percent of the State’s allocation would be shared with coastal political subdivisions based on a formula of 50 percent proximity to production, 25 percent miles of coastline and 25 percent coastal population.

$450 million for the State side of the Land and Water Conservation Fund, LWC, to provide stable funding to States for the planning and development of State and local parks and recreation facilities. The allocation to States would be 60 percent equally among all 50 States and 40 percent based on relative population. This program provides greater revenue certainty for State and local governments to help them meet their recreational needs through recreational facility development and resource protection—all under the discretion of State and local authorities while protecting the rights of private property owners;

Wildlife conservation, education and restoration—$350 million is allocated to all 50 States through the successful program of Pittman-Robertson for the conservation of nongame and game species, with the principal goal of preventing species from becoming endangered or listed under the Endangered Species Act. By taking steps now to prevent species from becoming endangered we are able to not only conserve the significant cultural heritage of wildlife enjoyment for the people of

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this country, but also avoid the substantial costs associated with recovery for endangered species. Allocations to States would be based on a formula of ½ relative population and ½ relative land area; and

The Urban Parks and Recreation Recovery Program, UPARR—$125 million in the form of matching grants, 70 percent to provide direct assistance to our cities and towns so that they can focus on the needs of their populations within their jurisdiction and around the country where there are fewer green-spaces, playgrounds and soccer fields for our youth.

I would also like to acknowledge our interest in several programs that are not part of this initial package but will be considered as the bill moves through the process. For example, the Federal side of the Land and Water Conservation Fund which focuses primarily on Federal land acquisition. The goal of the Federal side of the LWCF was to share a portion of revenues from offshore development with States to provide for protection and public use of the natural environment. It is our intention to discuss this program with our colleagues on the Senate Energy and Natural Resources Committeethat will be considering legislation in Lieu of Taxes, PILT, and the Forest Legacy program.

While we confront a time of war, budget deficits and a struggling economy, setting aside a portion of oil and gas royalties to our states and localities for initiatives such as outdoor spaces or recreation facilities for our children to play could not be more crucial. Programs such as the State side of the Land and Water Conservation Fund are in fact the economic stimulus that our States and cities need in these times. The time has come to take the proceeds from a non-renewable resource for the purpose of reinvesting a portion of these revenues in the conservation and enhancement of our renewable resources. To continue to do otherwise, as we have over the last 50 years, is fiscally irresponsible.

As I said, the legislation we introduce today but ideally would be part of a larger, more comprehensive effort include Historic Preservation, Payment in Lieu of Taxes, PILT, and the Forest Legacy program.

What makes more sense than taking a portion of the offshore oil and gas revenues that have generated almost $130 billion once the first well was drilled off of our shore on the Continental Shelf almost 100 years ago? What would make more sense than taking a small portion of that money and giving it back to the environment, back to our mountain ranges, to our marshes, to our coastal areas, protecting and preserving our great land for generations to come? The American Outdoors Act does exactly that.

It dedicates funding for four distinct programs: Coastal impact assistance, of which Louisiana and other coastal States would benefit. Of course, we are proud to serve as oil and gas producers, helping us secure our energy independence from foreign sources, providing much critical feedstock, if you will, for our energy industry in the State, and expanding our economic opportunities. Because we produce so much oil and gas, we would deserve help with our vanishing coastline.

In addition, the other segment of this bill would fund the Land and Water Conservation Fund State side. As the Senator from Texas, and I are firmly committed to also providing support and full funding for the Federal side of land and water, as this bill moves through the process.

Wildlife conservation, recreation, and restoration would be fully funded. That helps all of our States. The Urban Parks and Recreation Program, which has been so critical for quality-of-life issues and economic development in our cities. Of course, our urban centers, would also be funded.

Time is not on our side. While other issues might be able to wait and other issues could maybe be funded gradually over time, for every month we delay, for every year we delay, we lose acres and acres, miles and miles of land we will never be able to recover. Louisiana itself is literally washing away. We have lost the size of the State of Rhode Island off our coast in the last 100 years. If some foreign country attacked our country and tried to take a portion of land away from us, we would fight with every strength and every tool and every resource available. But we literally in some ways twiddling our thumbs while this land is washed away into the Gulf of Mexico. And not just any land but very productive land and very necessary land, not just for Louisiana but for the entire United States.

I close with a quote from Teddy Roosevelt because it is appropriate. He was a great conservation President. Over 100 years ago he started many programs. I love taking my children to Theodore Roosevelt Island. We ride our bikes over there. I love telling them the story of Teddy Roosevelt.

I explain many stories about what he did, hunting in Louisiana, the history of the black bear, and he is able to do so because of the Land and Water Conservation Fund.

In his autobiography he wrote of his experiences in Coastal Louisiana:

And to lose the chance to see frigate birds soaring in circles above the storm or, a file of pelicans winging their way south across the crimson afterglow of the sunset, or a myriad of terns flashing in the bright light of midday as they hover in a shifting maze above the water is like the loss of a gallery of masterpieces of the artists of old time.

This is what he said when he recalled his trip to Breton Island Sound, the second of over 540 national wildlife heritage areas designated in the last 100 years. The land in this picture is gone. It no longer exists because we have twiddled our thumbs for almost 100 years, to stop losses.

Today we introduce a bill to stop us from twiddling our thumbs, direct our resources, get serious about conservation, serious about the taxpayer money, and do so in such a way that the overwhelming majority of the taxpayers would stand up and cheer, if they had the chance to vote on it.

I thank the Chair. It will be a pleasure working with the Senator from Tennessee as we lead this great effort.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 2392. A bill to provide crop and livestock disaster assistance; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CONRAD. Mr. President, today I am joined by my colleague from North Dakota, Senator DORGAN, in introducing legislation to address the twin natural disasters that are threatening the livelihoods of farmers and ranchers across our State.

For much of North Dakota, the year began with great promise. Record high crop and livestock prices offered the potential for much needed improvement in farm income for producers throughout the State. The stage was set for increased returns from the marketplace, and a corresponding reduction in current costs under the 2002 Farm Bill.

Then Mother Nature intervened. In early May, just as fieldwork was set to begin in earnest, many farmers in the northern part of the State were hit with a late snowfall and continued, unseasonably cool weather. That was followed by weeks of repeated rains, sometime several inches at a time. The deluge, and continued low temperatures, left fields soggy or underwater, and delayed and even prevented the planting of crops across huge swaths of the northern and northwestern part of the state, generating numerous reports of farmers being forced to abandon one-third, one-half, and even more of their crop ground.

As one hard struck farmer described the situation to me:

Our 2004 crop is late again, due to cold wet ground since May 10. Heavy snow on May 11 and continued and continuous rain is delaying all field work. If we don’t get some help we will be forced to sell out. Input costs—fuel, fertilizer, and repairs never end. We haven’t had enough rain or snow all winter. It’s the drier of grain yet for 2004 due to too much water.

In the southwestern corner of North Dakota, the problem faced by livestock producers is just the opposite. Conditions are bone dry, and even though it’s relatively early in the season, the land is tinder dry. There is no moisture since the start of the year and the lingering effect of a drought that has robbed the land of subsoil
moisture and that, for many producers, goes back two years or more.

Here’s how one rancher explained what he’s up against:

“I am a registered Angus Producer in SW North Dakota. Our moisture situation is bad. We have little or no hay available. If you count all the little showers together, the cool weather is the only thing that has saved what little forage there is in the pasture. There will be no hay crop and that includes trying to hay the ditches.

Another one wrote me:

I live in rural Sioux County North Dakota. I am a rancher. The drought situation is getting very serious. I am looking for options as far as feed for my cattle that haven’t found any yet. I have sold nearly half of my cattle since the dry conditions started in 2002. We appreciate any and all help that you can give us. This is cow country & I think we need to retain as much of our cattle numbers as we can.

These producers need real help and they need it urgently. That’s why the bill I am introducing today follows closely the outline of disaster assistance that has saved what little forage there is in spring if you count all the little showers to-date.

We have had approximately 1 million dollars in federal disaster assistance that includes trying to hay the ditches.

Another one wrote me:

The essential provisions of the “Agricultural Assistance Act of 2004” are as follows:

First, in the case of crop losses, eligibility for assistance would be triggered by production losses exceeding 35 percent on normal yields. Under the bill, producers who had purchased crop insurance—which under the best of options covers only a portion of normal yields—would receive a payment equal to 50 percent of the “established price” for the crop. Those who did not purchase crop insurance would receive a payment equal to 40 percent of the established price, and would be required to purchase crop insurance for each of the following two crop years. Assistance to individual producers would be limited as provided in previously-enacted disaster bills.

In the case of ranchers suffering grazing losses of 40 percent or more during three consecutive months, they would be eligible for payments to help defray the cost of purchasing feed. Payments under this program would similarly be limited as provided in past legislation.

Finally, I think it is important that in providing this assistance, we reinforce crop insurance as the foundation for agricultural risk management. This bill would do that. First, by not penalizing—as previous legislation did—those who had purchased crop insurance at higher coverage levels, and second, by decreasing the payment to those who purchased no crop insurance at all.

The natural disasters facing our farmers and ranchers demand immediate attention, and I urge the Congress, and the President, to act.

By Mr. LIEBERMAN:

S. 2594. A bill to reduce health care disparities and improve health care quality, to improve the collection of racial, ethnic, primary language, and socio-economic determination data for use by healthcare researchers and policymakers, to provide performance incentives for high performing hospitals and community health centers, and to live in a world that expands its national agenda seeking to eliminate health disparities; to the Committee on Finance.

Mr. LIEBERMAN. Mr. President, our Nation wrestles with a medical mystery that affects the health and very lives of millions of Americans every year: Why do patients with similar ailments have such disparate outcomes?

Albert Einstein once said: “I cannot believe that God plays dice with the world.” I would never quibble with Einstein. And besides, I strongly believe that myself.

I also believe we should aspire to that ideal in the earthly institutions we create, like our health care system. Medical outcomes should not be a matter of chance; they should be as predictable and equal as possible within the bounds of science and human fallibility.

But that is not the system we have today. Study after study shows that we have a two-tier medical care system where the quality of care seems to have as much to do with the luck of the dice as anything else.

In America, good medical care for all should be a given—not a gamble.

The heat is on. This year producing legislation I call FairCare. FairCare will give us the tools we need to begin eliminating these across-the-board problems of medical disparities among patients with identical ailments.

In the broadest sense, we know we have two problems—quality of care and disparity of care. While these problems are distinct and separate—solving either will help solve both.

Let me dramatize the kind of odds we are talking about when a patient enters the healthcare system. I would ask my colleagues to imagine for a moment that they are in a casino, rolling dice and need a five or a nine to win. The odds of you winning with either of those numbers is about 50 percent. Of course, that means you have a 40 percent chance of losing.

Now, if you enjoy gambling—and are not betting a lot of money—maybe that’s fun. But would you bet your house, your children’s house, or your children’s college fund? Or your health—or your life?

Well, the odds in our imaginary dice game are the precise odds we send people into the health care system every day.

A recent study reported in the New England Journal of Medicine said that about 40 percent of patients reported medical errors in the care of either themselves or a loved one. The cost of these mistakes is staggering. Between $210 billion and $440 billion each year because of those medical mistakes.

To put those shocking numbers in perspective, imagine if you will that our nation experienced a day like September the 11th, at least twice a month, every month—for a year.

Overall, the cost of not getting it right the first time represents a yearly loss to the national economy of $17 to $22 billion. This is due largely to the medical complications that must be treated down the line because of the initial medical errors, as well as lost wages and productivity.

Now, while most Americans have problems finding high-quality health care at a reasonable cost, racial and ethnic minorities fare the worst.

Medical studies also show that: When actors portrayed patients with identical complaints of chest pain, women and African Americans were 40 percent less likely to have their complaints taken seriously and be referred for further diagnostic tests.

Hispanics with asthma are almost twice as likely as white patients to face largely-avoidable emergency room visits or have the illness limit their daily activities.

Infants born to American Indians and Alaskan Natives are twenty-five percent more likely than the national average to die in the first year of life.

Medical studies also show that: Besides, solving this medical mystery is critical because the loss of an American life is a one-way ticket to heaven. When actors portrayed patients with identical complaints of breast cancer, African American women were 20 percent less likely to get life-saving screening exams for cervical cancer than white women.

And many of these disparities persist, even when factors like income and neighborhood are taken into account. Why is this? The answer is: We don’t exactly know. But it is clear that we do not have a color blind healthcare system. And unequal treatment is Un-American. We cannot tolerate it. Rather, we must understand it, confront it, and fix it.

Besides, solving this medical mystery for the most severely affected minority groups will improve healthcare for everyone else as well. In other words, if we can dramatically increase the quality of medical care, unfair disparities will decline and all will benefit.

The clues to solving the problems of both medical quality and healthcare disparities are there. We just have to go find them. That will require gathering crucial information that will help us clearly identify the problems. Then we can help finance the solutions that will cure them.

That’s why we need FairCare. To begin, we need data—we need to see where we have quality problems and where we have disparities in care.

FairCare will bring the medical and patient communities together to help us better measure healthcare quality in a scientific way that will give us our first comprehensive glimpse of where the problems lie.

Once glimpsed, FairCare can begin to fund improvement efforts developed by local hospitals and community health centers that fit the needs of their local neighborhoods. FairCare will utilize the reach and resources of Medicare to reward hospitals that improve quality and reduce disparities.
In recent testimony before the House Ways and Means Subcommittee on Health Care, Glenn Hackbart, Chairman of Medicare Payment Advisory Commission, said he agreed with this approach. “It is time for Medicare to take the next step in quality improvement and make financial incentives for quality directly into its payment systems,” he said.

Under FairCare, community health centers not part of the Medicare system will be eligible for grants and bonuses for achieving health care goals. FairCare is a carrots program, not a sticks program—it rewards hospitals and health centers that perform—that make progress in implementing quality healthcare and reducing healthcare disparities.

We will also provide tax relief to help FairCare providers cover the cost of their malpractice insurance. Taken together, FairCare will give our most overburdened and financially strapped healthcare providers—that act to deliver quality medicine—the help they need to give their communities the help they need. And when they succeed, we will win. When they succeed, good medical care for all will be a reality—not a gamble.

Just as God does not play dice with the world, we will no longer play dice with the lives of our most vulnerable—the sick and the ailing.

Mr. President, I ask unanimous consent that the text of the bill and statements of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 1. Short title; table of contents.

(a) Short title—This Act may be cited as the “FairCare Act”.

(b) Table of contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—DEMOGRAPHIC DATA COLLECTION

Sec. 101. Data on race, ethnicity, highest education level attained, and primary language.
Sec. 102. Revision of HIPAA claims standards.

TITLE II—IMPROVED COLLECTION OF QUALITY DATA

Sec. 201. Authority of Agency for Healthcare Research and Quality.

“PART C—IMPROVED COLLECTION OF QUALITY DATA

“Sec. 201. Authority of Agency for Healthcare Research and Quality.


TITLE III—FAIRCARE HOSPITAL PROGRAM

Sec. 301. Faircare hospital program.
Sec. 302. Technical assistance grants.

TITLE IV—COMMUNITY HEALTH CENTERS.

Sec. 401. Authority of Bureau of Primary Health Care to develop new reporting standards.
Sec. 402. Faircare designation for health centers.
Sec. 403. Grants for technical assistance.
Sec. 404. Health disparity collaboratives.

TITLE V—REACH 2010


TITLE VI—MALPRACTICE INSURANCE RELIEF

Sec. 601. Refundable tax credit for the cost of malpractice insurance for certain providers.
Sec. 602. Grants to non-profit hospitals.
Sec. 603. Grants for research into quality of care and medical errors.
Sec. 604. Authorization of appropriations.

(4) About 1 in 5 elderly Americans are prescribed inappropriate medications.

(5) Only 21 percent of Americans with diabetes get all recommended checkups.

Sec. 921. General authority of the Agency to determine measures.
Sec. 922. Use of hospital-specific measures.
Sec. 923. Outpatient-specific measures.
Sec. 924. Ranking of measures.
Sec. 925. Advisory Committee on Quality.
Sec. 926. Updates of conditions.
Sec. 927. Reporting of measures.
Sec. 928. Voluntary submission of data.
Sec. 929. Authorization of appropriations.

(7) In the United States, over 1/4 of infants and toddlers of all races and ethnicities do not receive all recommended vaccines.

(8) Breakthroughs in treatments have enabled many patients to survive and live better. Yet, many of these treatments are not being administered to all those who can benefit from them.

In this Act:

(1) HEALTH DISPARITY POPULATIONS.—The term “health disparity populations” has the meaning given that term in section 485(d) of the Public Health Service Act (42 U.S.C. 287c-3(d)).

(2) RACIAL AND ETHNIC MINORITY.—The term “racial and ethnic minority” has the meaning given that term in “minority group” in section 1703(e)(1) of the Public Health Service Act (42 U.S.C. 300a-6(g)(1)).

TITLE I—DEMOGRAPHIC DATA COLLECTION

Sec. 101. DATA ON RACE, ETHNICITY, HIGHEST EDUCATION LEVEL ATTAINED, AND PRIMARY LANGUAGE.

(a) PURPOSE.—It is the purpose of this section to promote data collection and reporting by race, ethnicity, highest education level attained, and primary language among federally supported health programs.

(b) REQUIREMENTS.—

(i) such data be collected from the parent of the information, including the data on race, ethnicity, highest education level attained, and primary language of each applicant for and recipient of health-related assistance under such program.

(ii) using, at a minimum, the categories for race and ethnicity described in the 1997 Office of Management and Budget Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity;

(iii) where practicable, through self-reporting.

(iii) where practicable, through self-reporting.

(iv) where practicable, through self-reporting.

(B) with respect to the collection of the data described in subparagraph (A) for applicants and recipients who are minors or otherwise legally incapacitated, requires that—

(iv) such data be collected from the parent or legal guardian of such an applicant or recipient; and

(v) with respect to the collection of the data described in subparagraph (A) for applicants and recipients who are otherwise legally incapacitated, requires that—

(vi) such data be collected from the parent or legal guardian of such an applicant or recipient; and

The term “minority group” has the meaning given that term in section 1703(e)(1) of the Public Health Service Act (42 U.S.C. 300a-6(g)(1)).
“(C) ensure that the provision of assistance to an applicant or recipient of assistance is not denied or otherwise adversely affected because of the failure of the applicant or recipient to provide for medical, behavioral, ethnic, highest education level attained, and primary language data.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to permit the use of information collected under this subsection in a manner that would adversely affect any individual providing any such information.

“(b) PROTECTION OF DATA.—The Secretary shall ensure (through the promulgation of regulations or otherwise) that all data collected pursuant to subsection (a) is protected—

“(1) under the same privacy protections as the data collected pursuant to other health data regulations promulgated under section 226(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191; 110 Stat. 2053) relating to the privacy of individually identifiable health information and other protections; and

“(2) from all inappropriate internal use by any entity, state, or local government, or receives the data, including use of such data in determinations of eligibility (or continued eligibility) for such programs and from other inappropriate uses, as defined by the Secretary.

“(c) COMPLIANCE WITH STANDARDS.—Data collected under subsection (a) shall be obtained and presented in accordance with, at a minimum, the 1997 Office of Management and Budget standards for maintaining, collecting, and presenting Federal data on race and ethnicity.

“(d) LANGUAGE COLLECTION STANDARDS.—Not later than 1 year after the date of enactment of this section, the Director of the Office of Minority Health, in consultation with the Office for Civil Rights of the Department of Health and Human Services, shall revise the regulations promulgated for maintaining, collecting, and presenting Federal data on race and ethnicity.

“(e) SCHEDULE OF COMPLIANCE.—Data collection under subsection (a) shall be required within the following time periods:

“(1) With respect to medicare-related data (under title XVIII of the Social Security Act), such data shall be collected not later than 2 years after the date of enactment of this section.

“(2) With respect to data that is not currently mandated or collected by the medicare and medicaid services abstraction or reporting tools (referred to in this section as ‘CAMPT’),

“(3) With respect to data relating to biomed and behavioral health research that is described in subsection (a), such data shall be collected not later than 3 years after the date of enactment of this section.

“(4) With respect to data relating to other programs described in subsection (a), such data shall be collected not later than 3 years after the date of enactment of this section.

“(f) TECHNICAL ASSISTANCE FOR THE COLLECTION AND REPORTING OF DATA.—

“(1) IN GENERAL.—The Secretary may, either directly or through grant or contract, provide technical assistance to enable a healthcare program or an entity operating under such program to comply with the requirements of this section.

“(2) DEVELOPMENT OF QUALITY AND IMPROVEMENT SYSTEMS.—The Secretary shall develop quality and improvement systems designed to track disparities and quality improvement systems designed to eliminate disparities.

SECTION 102. REVISION OF HIPAA STANDARDS.

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(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall revise the regulations promulgated under part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.), as added by the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191), relating to the collection of data on race, ethnicity, highest education level attained, and primary language in a health-related transaction to require—

“(1) at a minimum, of the categories for race and ethnicity described in the 1997 Office of Management and Budget Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity;

“(2) the establishment of new data code sets for highest education level attained and primary language and their use to ensure that all data collection processes comply with such standards.

“(b) DISSEMINATION.—The Secretary of Health and Human Services shall disseminate the new standards developed under subsection (a) to all health entities that are subject to the regulations described in such subsection and provide technical assistance with respect to the development and implementation of such standards.

“(c) COMPLIANCE.—Not later than 1 year after the final promulgation of the regulations developed under subsection (a), the Secretary of Health and Human Services shall require that health entities comply with such standards.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2005 through 2015.”.
SEC. 920. RANKING MEASURES.

(a) The Agency shall—

(1) determine which of the quality measures developed under this part have the greatest potential to remedy healthcare disparities; 

(2) rank such quality measures according to such potential; and 

(3) rank such quality measures separately as applicable to hospitals and outpatient settings.

(b) The Advisory Committee shall be composed of not less than 10 members, including—

(1) the Director; 

(2) the Administrator of the Centers for Medicare & Medicaid Services; 

(3) the Director of the Centers for Disease Control and Prevention; 

(4) the Administrator of the Health Resources and Services Administration; 

(5) the Director of the Office of Minority Health of the Department of Health and Human Services; 

(6) the Director of the Office for Civil Rights of the Department of Health and Human Services; 

(7) the Director of the Indian Health Service; 

(8) the chairperson of the Institute of Medicine National Roundtable on Healthcare Quality or other representatives of the Institute of Medicine; 

(9) the chairperson of the National Quality Forum; 

(10) the Director of the Joint Commission on Accreditation of Healthcare Organizations; 

(11) a representative of the Quality Initiative; and 

(12) other members to be appointed by the Secretary to represent other private, public, and non-profit stakeholders from medicine, healthcare, patient groups, and academia, who shall serve for a term of 3 years, and shall include representatives of health professions and broad geographic and culturally diverse representation.

(c) Duties.—The Advisory Committee shall—

(1) for each 3 year period beginning with fiscal year 2005, report to the Agency recommendations of quality indicators for all quality data sets developed under this part; 

(2) in making the recommendations described in paragraph (1), focus on best practices identified by the Institute of Medicine, the National Roundtable on Healthcare Quality, or measures developed by other healthcare disparity or healthcare quality organizations established by the Secretary, and not addressed by the quality reporting initiatives administered by the Secretary on the date of enactment of this part that require such recommendations shall apply until there are measures for all Institute of Medicine priority areas.

SEC. 922. USE OF HOSPITAL-SPECIFIC MEASURES.

(a) Development.—

(1) In general.—The Agency, in consultation with the Centers for Medicare & Medicaid Services, the Health Resources and Services Administration, the Office for Civil Rights of the Department of Health and Human Services, and the Office of Minority Health, shall have the authority to develop a set of quality measures for each of the most common treatment settings. Such settings shall include, but not be limited to, hospitals, outpatient facilities, community health centers, long term care facilities and other independent health care facilities.

(2) Requirements.—The quality measures developed under this subsection (a) shall—

(I) as closely as possible reflect the healthcare priority areas determined by the Institute of Medicine, the National Quality Forum, the National Roundtable on Healthcare Quality and other healthcare quality and health care disparity organizations as determined by the Secretary; 

(II) reflect the Institute of Medicine's goal of inclusiveness, improvability, and impact, addressing pervasive health and healthcare problems that produce a high level of morbidity and mortality, and disproportionately affect health disparity populations, and that have the potential for improvement with the consistent application of proven medical interventions; and 

(III) where practical, employ process measures of care.

(b) Submission.—The information required under the measures developed under subsection (a) shall be submitted in accordance with section 1886(b)(ix)(A) and (ix)(B), except that any reference to '2007' shall be deemed to be a reference to the year of fiscal year 2007.

SEC. 923. OUTPATIENT-SPECIFIC MEASURES.

(a) In general.—The Agency, in consultation with the Bureau of Primary Healthcare and the Health Resources and Services Administration, shall develop a set of outpatient quality measures. Such measures may be used as a supplement to existing demographic or other reporting instruments or other quality reporting instruments utilized by the Health Resources and Services Administration.

(b) Voluntary submission.—Submission of the supplementary information required under the measures developed under subsection (a) shall—

(1) be voluntary; 

(2) be submitted in accordance with section 1886(b)(ix)(A) and (ix)(B), except that any reference to '2007' shall be deemed to be a reference to the year of fiscal year 2007; 

(3) be submitted no later than 3 years after the date of enactment of the Faircare Act; and 

(4) comply with any other applicable Federal requirements.

(c) Discretionary use.—The measures developed under subsection (a) may be used as appropriate by the Hospital Quality Initiative and the Robust Project Measures and other Centers for Medicare & Medicaid Services-directed quality initiatives.
INDEX—FAIRCARE HOSPITAL PROGRAM

SEC. 301. FAIRCARE HOSPITAL PROGRAM

(a) PURPOSES.—The purposes of this section are to—

(1) require the Administrator of the Center for Medicare & Medicaid Services to—

(A) determine that financial savings have successfully reduced healthcare disparities between health disparity populations and other patients and improved healthcare quality based on the Quality Initiative measures established by the Agency for Healthcare Research and Quality under part C of title I of the Public Health Service Act, as added by title II; and

(B) verify the accuracy of the data submitted by such hospitals for purposes of being designated as a Faircare Hospital; and

(2) provide such hospitals with increased payments under the medicare program.

(b) PROGRAM.—For purposes of this section, the term ‘‘program’’ means the Quality Initiative established by the Agency for Healthcare Research and Quality under part C of title I of the Public Health Service Act.

(c) DESIGNATION OF FAIRCARE HOSPITALS.—

(1) IN GENERAL.—For each of fiscal years 2006 through 2014, the Secretary shall designate a subsection (d) hospital as follows:

(A) LEVEL III FAIRCARE HOSPITAL.—The Secretary shall designate a subsection (d) hospital as a Level III Faircare Hospital if the following requirements are met:

(I) the majority of the applicable measures, as ranked for their importance for healthcare disparity populations, are at least 10 percentage points greater than the national average for the frequency of appropriate care for each applicable measure.

(II) the Secretary determines that the subsection (d) hospital, during the 24-month period preceding such determination, had no significant disparity in the treatment of such health disparity populations relative to other patients for all of the 75 percent highest ranked applicable measures, as ranked for their importance for healthcare disparity populations, by the Agency for Healthcare Research and Quality under section 925 of the Public Health Service Act.

(B) LEVEL II FAIRCARE HOSPITAL.—The Secretary shall designate a subsection (d) hospital as a Level II Faircare Hospital if the following requirements are met:

(I) the requirements described in clauses (i) and (ii) of subparagraph (A) are met; and

(ii) the Secretary determines that the subsection (d) hospital, during the 24-month period preceding such determination, had no significant disparity in the treatment of such health disparity populations relative to other patients for all of the 25 percent highest ranked applicable measures, as ranked for their importance for healthcare disparity populations, by the Agency for Healthcare Research and Quality under section 925 of the Public Health Service Act.

(C) LEVEL I FAIRCARE HOSPITAL.—The Secretary shall designate a subsection (d) hospital as a Level I Faircare Hospital if all of the requirements described in paragraph (A)(i) are met.

(d) FINANCIAL INCENTIVE PAYMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), payments under the medicare program to subsection (d) hospitals shall be increased by 4 percentage points (or 4 percentage points in the case of such a hospital who is also described in subparagraph (A) of section 1886(d)(1)(B)), for each of fiscal years 2006 through 2014, if the following requirements are met:

(I) the Secretary determines that the subsection (d) hospital had no significant disparity in the treatment of such health disparity populations relative to other patients during the 24-month period preceding such determination, as ranked for their importance for healthcare disparity populations, by the Agency for Healthcare Research and Quality under section 925 of the Public Health Service Act.

(II) all of the 25 percent highest ranked applicable measures, as ranked for their importance for healthcare disparity populations, by the Agency for Healthcare Research and Quality under section 925 of the Public Health Service Act, are at least 10 percentage points greater than the national average for the frequency of appropriate care for each applicable measure.

(2) LIMITATIONS.—The reports under paragraph (1) shall not identify individual hospitals or healthcare providers but shall include such data as is practicable, including the following requirements are met:

(I) the Secretary determines that the subsection (d) hospital, during the 24-month period preceding such determination, had no significant disparity in the treatment of such health disparity populations relative to other patients for all of the 75 percent highest ranked applicable measures, as ranked for their importance for healthcare disparity populations, by the Agency for Healthcare Research and Quality under section 925 of the Public Health Service Act.

(II) the Secretary determines that the subsection (d) hospital, during the 24-month period preceding such determination, had no significant disparity in the treatment of such health disparity populations relative to other patients for all of the 25 percent highest ranked applicable measures, as ranked for their importance for healthcare disparity populations, by the Agency for Healthcare Research and Quality under section 925 of the Public Health Service Act.

(III) the Secretary determines that the subsection (d) hospital, during the 24-month period preceding such determination, had no significant disparity in the treatment of such health disparity populations relative to other patients for the percentage points described in subparagraph (A) of section 1886(d)(1)(B).
take into account any such increased payment in computing the applicable percentage increase under clause (i) of section 410(a) of the Faircare Act.

"(d) Designation of Faircare Health Centers.—

Part P of title III of the Public Health Service Act (42 U.S.C. 328g et seq.) is amended by adding at the end the following:

"(a) Designation of Faircare Health Centers.—

"(i) In general.—For each of fiscal years 2006 through 2014, the Secretary shall designate health centers that receive Federal assistance as follows:

(A) Level III Faircare Health Center.—The Secretary shall designate a health center as a Level III Faircare health center if the following requirements are met:

(i) The health center submitted data described in section 249 and part C of title IX to the Secretary in such form and manner and at such time specified by the Secretary under such section and part and all such data submitted relating to patient quality includes data on the race, ethnicity, highest education level attained, and primary language of such patients.

(ii) The Secretary determines that the health center has increased the rate of delivery of high quality care during the 24-month period preceding such determination. A health center shall meet the requirement in the preceding sentence if the Secretary determines that the health center has increased the frequency of appropriate care for the majority of the applicable measures during such 24-month period by at least 5 percentage points within each such measure.

(B) Level II Faircare Health Center.—The Secretary shall designate a health center as a Level II Faircare health center if the following requirements are met:

(i) The requirements described in clauses (i) and (ii) of subparagraph (A) are met.

(ii) The Secretary determines that the health center, during the 24-month period preceding such determination, has made a significant reduction in the disparities in the treatment of health disparity populations relative to other patients for—

(I) the majority of the applicable measures; or

(II) all of the 25 percent highest ranked applicable measures, as ranked for their importance for healthcare quality by the Agency for Healthcare Research and Quality during such 24-month period by at least 10 percentage points greater than the national rate of delivery of appropriate care for each applicable measure.

(C) Level I Faircare Health Center.—The Secretary shall designate a health center as a Level I Faircare health center if the following requirements are met:

(i) The requirements described subparagraph (A)(ii) are met.

(ii) The Secretary determines that the health center, during the 24-month period preceding such determination, has had no significant disparity in the treatment of health disparity populations relative to other patients for all of the 75 percent highest ranked applicable measures for the fiscal year, the Secretary shall proportionately reduce the amount of the bonus payments described in paragraphs (1), (2), and (3) of section 402 in order to eliminate any excesses.

"(d) Definition.—For purposes of this section, the term ‘health center’ means a Federally qualified health center as defined in section 330P(a)(1)(A) of the Social Security Act.

"(e) Authorization of Appropriations.—

There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2007 through 2015.".

SEC. 403. GRANTS FOR TECHNICAL ASSISTANCE.

Part P of title III of the Public Health Service Act (42 U.S.C. 328g et seq.), as amended by section 402, is further amended by adding at the end the following:

"SEC. 399Q. GRANTS FOR TECHNICAL ASSISTANCE.—

(a) In General.—If a health center reporting data described in section 330P(a)(1)(A) for 3 or more years has demonstrated no improvement in its performance in healthcare quality on at least 30 percent of all quality measures as designated under section 401(a) of the Faircare Act, such health center shall be given priority to receive technical assistance from the Bureau of Primary Health Care within the Health Resources and Services Administration.

"(b) Type of Assistance.—The type of technical assistance that may be provided under subsection (a) shall be determined by the Bureau of Primary Health Care and may include competitively awarded grants and other forms of assistance.

"(c) Use of Assistance.—Assistance provided under this section shall be used by the health center to improve healthcare quality or reduce healthcare disparities.

"(d) Definition.—For purposes of this section, the term ‘health center’ means a Federally qualified health center as defined in section 330P(a)(1)(A) of the Social Security Act.

"(e) Authorization of Appropriations.—

There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2007 through 2015.".
SEC. 401. HEALTH DISPARITY COLLABORATIVES.
(a) IN GENERAL.—The Bureau of Primary Health Care within the Health Resources and Services Administration shall:
(1) provide technical assistance and funding to the Health Disparity Collaboratives; and
(2) expand the provision of technical assistance and funding, at the discretion of the Bureau, to priority areas designated by the Agency for Healthcare Research and Quality in consultation with the Advisory Committee established under section 925 of the Public Health Service Act.
(b) FUNDING.—The Bureau of Primary Health Care within the Health Resources and Services Administration shall continue to fund collaboratives with a goal of adding at least 50 new health centers each year.
(c) DEFINITION.—For purposes of this section, the term ‘health center’ means a Federally qualified health center as defined in section 381(a)(4) of the Social Security Act.
(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to fund collaboratives with a goal of adding at least 50 new health centers each year.

TITLE V—REACH 2010

SEC. 501. EXPANSION OF REACH 2010
(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall award grants and carry out other activities to expand the Racial and Ethnic Approaches to Community Health Program (REACH 2010) program to support coalitions in all 50 States and territories.
(b) ELIGIBILITY.—To be eligible to receive a grant under this section an entity shall—
(1) be a coalition that is comprised of—
(A) at least one governmental community-based organization and at least 3 other organizations, one of which is either a State or local health department or a university or research organization;
(2) prepare and submit to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.
(c) USE OF GRANTS.—Amounts provided under subsection (a) of this section shall be used to support community coalitions in designing, implementing, and evaluating community-driven strategies to eliminate health disparities, with an emphasis on African Americans, American Indians, Alaska Natives, Asian Americans, Hispanic Americans, and Pacific Islanders.
(d) USE OF FUNDS.—In carrying out the Racial and Ethnic Approaches to Community Health Program (REACH 2010) program, the Director of the Centers for Disease Control and Prevention shall include the following priority areas:
(1) Cardiovascular disease.
(2) Immunizations.
(3) Cancer and cervical screening and management.
(4) Diabetes.
(5) HIV/AIDS.
(6) Infant mortality.
(7) Asthma.
(8) Obesity.
(9) At the discretion of the Director of the Centers for Disease Control and Prevention, any additional priority areas determined appropriate by the Agency for Healthcare Research and Quality in consultation with the Advisory Committee established under section 925 of the Public Health Service Act.
(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the Racial and Ethnic Approaches to Community Health Program (REACH 2010) program, $200,000,000 for each of fiscal years 2005 to 2007, and such sums as may be necessary for each of fiscal years 2008 through 2015.

TITLE VI—MALPRACTICE INSURANCE REFORM

SEC. 601. REFUNDABLE TAX CREDIT FOR THE COST OF MALPRACTICE INSURANCE FOR CERTAIN PROVIDERS.
(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:
"SEC. 36. CERTAIN MALPRACTICE INSURANCE COSTS.
(a) IN GENERAL.—In the case of an eligible health care provider, an insurance expense shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the applicable percentage of qualified malpractice insurance expenditures paid or incurred during the taxable year.
(b) APPLICABLE PERCENTAGE.—For purposes of this section—
(1) IN GENERAL.—The applicable percentage shall be—
(A) 10 percent for any taxable year for which the person claiming the credit is an eligible health care provider;
(B) 5 percent for each consecutive prior taxable year ending after the date of enactment of this section for which such person was an eligible health care provider; and
(C) 2 percent for each subsequent year thereafter.
(2) LIMITATION.—The applicable percentage shall not exceed 25 percent.
(c) ELIGIBLE HEALTH CARE PROVIDER.—For purposes of this section, the term ‘eligible health care provider’ means—
(1) a public or private nonprofit hospital which is—
(A) located in a medically underserved area (as defined in section 1302(7) of the Public Health Service Act) or in a health professional shortage area (as designated under section 332 of the Public Health Service Act), and
(B) designated as a Level I Faircare Hospital under section 3596 of the Public Health Service Act or section 1886 of the Social Security Act for the year in which such hospital’s taxable year ends, and
(2) a physician for whom not less than 66 percent of such physician’s qualified medical malpractice insurance expenditure is at a facility described in paragraph (1).
(d) QUALIFIED MEDICAL MALPRACTICE INSURANCE EXPENSES.—For purposes of this section, the term ‘qualified medical malpractice insurance expenditure’ means so much of any professional insurance premium, surcharge, payment or other cost or expense required as a condition of State licensure which is incurred by an eligible health care provider in a taxable year for the sole purpose of providing or furnishing general medical malpractice liability insurance for such eligible health care provider.
(e) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—
(1) be a Faircare Level 1 non-profit hospital (as determined under section 1898(b) of the Social Security Act) in the preceding fiscal year;
(2) not be eligible to claim the tax credit under section 36 of the Internal Revenue Code of 1986; and
(3) prepare and submit to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.
(f) AMOUNT OF GRANT.—The amount of a grant awarded to an eligible entity under this section shall be—
(1) with respect to the first year of the grant, an amount equal to 10 percent of the qualified medical malpractice insurance expenditures of the entity for the year; and
(2) with respect to the second year of the grant, an amount equal to 15 percent of the qualified medical malpractice insurance expenditures of the entity for the year.
(g) GRANT PERIOD.—The grants authorized by this section shall be for the taxable years ending after the date of enactment of this section and shall expire on December 31, 2005.
(h) AVAILABILITY OF CREDIT FOR TAX EXEMPT ORGANIZATIONS.—The Secretary of the Treasury shall administer the credit allowable under section 35 of the Internal Revenue Code of 1986 as added by this section in such a manner as to minimize to the largest extent possible the administrative burden on tax exempt organizations claiming the credit.

SEC. 602. GRANTS TO NON-PROFIT HOSPITALS.
(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, shall award grants to eligible entities to study the relationship between medical errors and fair care hospitals under section 1898(b) of the Social Security Act.
(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—
(1) be a Faircare Level I non-profit hospital (as determined under section 1898(b) of the Social Security Act) in the preceding fiscal year;
(2) not be eligible to claim the tax credit under section 36 of the Internal Revenue Code of 1986; and
(3) prepare and submit to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.
(c) AMOUNT OF GRANT.—The amount of a grant awarded to an eligible entity under this section shall be—
(1) with respect to the first year of the grant, an amount equal to 10 percent of the qualified medical malpractice insurance expenditures of the entity for the year; and
(2) with respect to the second year of the grant, an amount equal to 15 percent of the qualified medical malpractice insurance expenditures of the entity for the year.
(d) GRANT PERIOD.—The grants authorized by this section shall be for the taxable years ending after the date of enactment of this section and shall expire on December 31, 2005.
(e) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—
(1) be an eligible entity; and
(2) carry out this section and the Racial and Ethnic Approaches to Community Health Program (REACH 2010) program, the term ‘health center’ means a Federally qualified health center as defined in section 381(a)(4) of the Social Security Act.

SEC. 603. GRANTS FOR RESEARCH INTO QUALITY OF CARE AND MEDICAL ERRORS.
(a) IN GENERAL.—The Secretary of Health and Human Services shall award grants to eligible entities to study the relationship between medical errors and fair care hospitals under section 1898(b) of the Social Security Act and medical errors on the outcomes of claims of

SEC.

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41(f)(1)(B), this subsection shall be applied under rules prescribed by the Secretary similar to the rules applicable under subparagraphs (A) and (B) of section 41(f)(1)."
prepare and submit to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may prescribe.

SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title, such sums as may be necessary for each of fiscal years 2005 through 2015.

STATEMENTS OF SUPPORT FOR THE LIEBERMAN FAIRCARE BILL

THE NATIONAL HEALTH LAW PROGRAM

“The National Health Law Program (NHeLP) commends the announcement of The Faircare Act. Recognizing that comprehensive health care data is necessary for each of fiscal years 2005 through 2015.

By Mr. GREGG (for himself, Mr. HARKIN, Mr. ROBERTS, Mr. KENNY, Mr. REED, Mrs. MURRAY, Mr. JEFFORDS, Mr. ENZI, and Mr. DODD):

S. 2955. To establish State grant programs related to assistive technology and protection and advocacy services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. GREGG. Mr. President, today, I join my esteemed colleague, the Senator from Iowa, Senator HARKIN, and other members, in introducing the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004.

For the past 6 months we have been working in a bipartisan fashion on the reauthorization of the Assistive Technology Act. Our proposed legislation is designed to remove barriers that people with disabilities encounter when attempting to access and use assistive technology. Working with the disability, business, and research and development communities, the Department of Education, Labor, and Commerce, and the Small Business Administration, we have completely rewritten the Act to accomplish this goal. More specifically, our efforts focused on three fundamental changes: improving access by reducing bureaucracy; fostering private/public sector relationships; and stabilizing the State projects funding stream.

In a March 1993 report to the President and the Congress on the “Study on the Financing of Assistive Technology Devices and Services for Individuals with Disabilities,” the National Council on Disability heard repeatedly from witnesses at public forums about the abandonment of equipment by persons with disabilities who had no opportunity prior to purchase to try it out or see it demonstrated. Current law authorizes State projects to conduct system change activities and provide information and referral services to people with disabilities and their families. Although these are necessary and important duties, they do not immediately impact and help a person with a disability obtain assistive technology that he or she may need today.

This bill modifies the current list of authorized activities by expanding the authority of the State assistive technology program to increase the ability of persons with disabilities to experience or obtain assistive technology. Our bill, written by members of the Committee on Health Education, Labor and Pensions, provides the State program flexibility in developing and financing programs, and yet at the same time provides State flexibility to address emerging State needs. Therefore, the new functions require States to provide citizens with access to device loan, reutilization, and financing programs, and equipment demonstration centers directly by developing such programs, or partnering with another entity in the State currently conducting these programs. The purpose of these programs is to provide individuals with disabilities the opportunity to receive proper assessments and evaluations for assistive technology, and obtain information about various devices, equipment, and funding before it is purchased, and to be able to access low interest loans to purchase needed technology. Each of these new requirements will help make the most of limited public resources in an environment that emphasizes consumer choice in and control of assistive technology services and funding. Further, they demonstrate the benefits and costs of assistive technology.

Additionally, our bill intensifies outreach efforts to employers, providers of employment and adult services, school systems, and health care providers that have contact with persons with disabilities to inform them about the beneficial aspects of assistive technology. Finally, we authorize States to create an advisory board to provide enhanced flexibility, guide the actions of the State programs, and establish State priorities to meet the specific assistive technology needs of State residents.

The Committee on Health Education, Labor and Pensions learned through several public forums held this last year that employers are frequently confused by the vast array of assistive technology devices available to employees, the costs associated with purchasing assistive technology, and how or where to purchase assistive technology to meet the needs of potential employees or employees acquiring disabilities due to age, accidents and other causes. However, various studies paint a different picture. The Office of Disability Employment Policy of the Department of Labor funds the Job Accommodation Network (JAN), a free consulting service to increase the employability of people with disabilities. According to an ongoing JAN evaluation, 71 percent of the businesses
that used JAN for assistance on providing specific accommodation information for employees with disabilities found that the accommodation that the employee needed cost between $0.00 and $500.00.

The sent up a red flag, indicating that there is a disconnect or gap between the knowledge base as it currently exists and how that information reaches not only employers, but schools, school districts, hospitals and other entities. I imagine at schools and school officials in Berlin, NH, Clearmont, WY, Tribune, KS, or any other rural community would have a difficult time determining the assistive technology needs of a student with a disability without some type of assistance.

I am also sure that the same is true for small businesses. The Disability Business and Technical Assistance Centers (DBTACs), funded by the National Institute on Disability Rehabilitation and Research (IDRR) Office of Special Education and Rehabilitative Services (OSERS) at the Department of Education, are regional Centers that provide training, information, and technical assistance on the Americans with Disabilities Act (ADA) to business owners, consumers, schools and State and local governments. The DBTACs do wonderful work; however, a small business owner usually does not know where to go or where to send an employee with an assistive assessment need or knowledge of various assistive devices so the small business can provide the necessary and appropriate assistive device.

According to statistics from the Small Business Administration office of Advocacy, small businesses pay 44.3 percent of the total private payroll in the United States, and have generated anywhere from 60 to 80 percent of net new jobs annually over the past decade. As a result, high school student with disabilities graduates and looks for a job, there is a good chance that this young person will work for a small business. That being said, if the student has accommodation or technology needs, will the business know where to go for assistance?

There are quite a few a State Assistive Technology Act projects that are currently conducting outreach and public awareness activities, providing technical assistance to the business community, but it is not occurring unilaterally across the Nation. While current law authorizes such activities it does not specifically state that public awareness activities should be focused on the business community.

This bill aggressively engages businesses, especially small businesses, by providing them with greater access to technical assistance so that they can accommodate employees with disabilities. Additionally, in an effort to improve access to assistive technology and to lower costs, the bill enhances competition and forges incentives for researchers and developers.

The bill accomplishes these goals by improving the utilization of federal dollars and collaborative efforts between the agency administering the Assistive Technology Act projects and other Federal departments and initiatives. The Small Business Administration’s (SBA) and Department of Labor’s (DOL) interagency initiative to improve employment opportunities for people with disabilities in small businesses.

This bill also strengthens relationships between federally funded programs, such as the Assistive Technology Act projects with, private sector employers and researchers, by directing the Office of Special Education and Rehabilitation Services at the Department of Education to make grants available to for-profit and non-profit entities to enhance public/private partnerships. These grant opportunities include creating grants to support the development of public service announcements which can be modified for regional use, to reach out to small businesses, the aging population, and people with disabilities about the benefits of assistive technology. Grants can also fund a technical assistance program to develop and disseminate the needs of aging workers that are acquiring disabilities and may need assistive technology to maintain their current level of productivity.

When Congress passed the original Assistive Technology Act in 1988, Congressional intent was to provide States with time-limited Federal seed money to assist them in developing and implementing their own assistive technology programs. This Federal-State partnership has provided an important service to individuals with disabilities by strengthening the capacity of each State to assist individuals with disabilities of all ages with their assistive technology needs. However, thousands of people with disabilities could lose access to this infrastructure if the Federal contribution comes to an end. Additionally, the bill drafters have recognized that for-profit and non-profit entities have not put the necessary time and energy into fostering relationships with the State programs, fearing that the Federal contribution would end, and the State programs would no longer exist.

Three years ago, with the introduction of the Freedom Initiative in the winter of 2001, the Administration launched new comprehensive programs to tell America that individuals with disabilities are valued citizens. Traditionally, individuals with disabilities have been outcasts of society—seen as burdensome and institutionalized—and have not been permitted to contribute to society or expected to pursue the American Dream that so many of us take for granted.

This Administration recognizes and believes in the full participation of people with disabilities in all areas of society. This belief has been put into action by increasing access to assistive and universally designed technologies, expanding educational and employment opportunities, promoting increased access into daily community life, and helping members of this misunderstood and underutilized group of citizens achieve and succeed. Compassionate Conservatism is what I believe our President calls it.

As the New Freedom Initiative states, “Assistive and universally designed technologies are a powerful tool for millions of Americans with disabilities, dramatically improving one’s quality of life and ability to engage in productive work. New technologies are opening opportunities for even those with the most severe disabilities.” This new-found sense of purpose and urgency, occurring shortly after the Olmstead decision, has re-ignited the interest and support for a Federal-State partnership to provide comprehensive assistive technology services to individuals with disabilities.

Consequently, Congress must stabilize funding for the State programs by supporting the Administration to improve the provision of assistive technology for individuals with disabilities. Congress must also ensure that the Federal commitment to independent living, and the full participation of individuals with disabilities is guaranteed through the President’s “New Freedom Initiative.”

In this instance, that translates into providing States with the necessary funding to maintain the comprehensive Statewide programs of technologies and assistive devices for individuals with disabilities of all ages. However, the drafters of this legislation also expect States to take ownership of and expand upon the comprehensive Statewide programs of technology-related assistance.

Therefore, this bill removes the sunset provision in the 1998 Act and creates a typical reauthorization cycle, while slightly increasing the State minimum allotment to offset some of the costs for the additional requirements.

I would like to thank Senator HARKIN, and his staff, particularly Mary Giliberti, for their hard work and dedication in putting together a bi-partisan bill that will assist thousands of individuals with disabilities access services and devices that they so desperately need. I would also like to thank Senators ROBERTS, DEWINE, WARNER, ENZI, KIN, and his staff, particularly Mary Swenson, Mary Beth Luna, John (J)K) Lindsay, Lovrien, Kent Mitchell, Connie Garner, Elyse Wasch, and Erica Swansons as they were on board and helped make this a bipartisan process from the beginning.

Senator HARKIN and I were determined to make this a bipartisan process from the beginning. We have crafted a bill that we are confident will be overwhelmingly supported by both Republicans and Democrats—and must importantly by the disability community, providers of disability related
services, States, employers and busi-
nesses, and the educational commu-
nity.

I ask unanimous consent that the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2595

Be it enacted by the Senate and House of Rep-
resentatives of the United States of America in Con-
gress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the ‘‘Improving Access to Assistive Technology for Individ-
uals with Disabilities Act of 2004’’.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the fol-
lowing:

(1) Over 54,000,000 individuals in the United
States have disabilities, with almost half ex-
periencing severe disabilities that affect their ability to see, hear, communicate, rea-
son, walk, or perform other basic life func-
tions.

(2) Disability is a natural part of the human ex-
perience and in no way diminishes the
right of individuals to—

(A) live independently;

(B) enjoy self-determination and make
choices;

(C) benefit from an education;

(D) pursue meaningful careers; and

(E) enjoy full inclusion and integration in
the economic, political, social, cultural, and
educational mainstream of society in the
United States.

(3) Too many individuals with disabilities are
outside the economic and social main-
stream of society in the United States.
For example, individuals with disabilities are
less likely than their non-disabled peers to
graduate from high school, participate in postsecondary education, work, own a home,
participate fully in their community, vote, or
use the computer and the Internet.

(4) As President Bush’s New Freedom Ini-
tiative states, ‘‘Accessible and universally de-
signed technologies can be a powerful tool
for millions of Americans with disabilities,
dramatically improving one’s quality of life
and making it easier to participate in produc-
tive work and community life. New technologies are opening opportunities for
even those with the most severe disabil-
ities. For example, some individuals with
eye disabilities are now able to operate computers by the glance of an eye’’.

(5) According to the National Council on
Disability, ‘‘For Americans without disabili-
ties, technology makes things easier. For
Americans with disabilities, technology makes things possible’’.

(6) Substantial progress has been made in
the development of assistive technology de-
vices, universally designed products, and ac-
cessible information technology and tele-
communications systems. Those devices, pro-
cuts, and systems can facilitate commu-
nication, ensure independent functioning,
enable early childhood development, support
educational achievement, provide and en-
hance employment options, and enable full
participation in community living. Access to
such devices, products, and systems can also
reduce expenditures associated with early
childhood intervention, education, rehabili-
tation and training, health care, employ-
ment, residential living, independent living,
recreation opportunities, and other aspects of
daily life.

(7) Over the last 15 years, the Federal Gov-
ernment has invested in the development of
statewide comprehensive systems of assist-
tive technology that have proven effective
in assisting individuals with disabilities in
accessing assistive technology devices and

assistive technology services. Federal dollars
fund statewide infrastructures that support
equipment demonstration programs, short-
term device loan programs, financial loan
programs that exchange and recycling pro-
germs, training programs, advocacy ser-
dices, and information and referral services.

(b) Despite the success of the programs and
services described in paragraph (7), individ-
uals with disabilities who need assistive
technology and accessible information tech-
nology continue to have a great need to
know what technology is available, to deter-
mine what technology is most appropriate,
and to obtain and utilize that technology to
ensure their maximum independence and
participation in society.

(c) The 2000 decennial Census indicates
that over 21,000,000 individuals in the United
States, more than 8 percent of the United
States population, have a disability that
limits their basic physical abilities such as
walking, climbing stairs, reaching, lifting, or
furniture. Nearly 12 percent of working-age
individuals in the United States, or 21,300,000
of those individuals, have a disability that
affects their ability to work.

(d) Other organizations or vendors licensed
or registered by the designated State agency,
as defined in section 101 of the Rehabilitation

(3) Capacity Building and Advocacy AC-

tivities.—The term ‘‘capacity building and
advocacy activities’’ means efforts that—

(A) result in laws, regulations, policies, pro-
ces, or other administrative action;

(B) require Federal investment in State assist-
ive technology systems to ensure that indi-
iduals with disabilities reap the benefits of
the technological revolution and participate
fully in life to the maximum extent possible;

(C) assistive technology services; and

(D) improve interagency and public-private
interactions leading to increased availability of
assistive technology devices and assistive technology services; and

(2) to provide States with financial assist-
ance to undertake activities that assist each
State in maintaining and strengthening
cross-disability, full-lifespan State assistive
technology programs, consistent with the
Federal commitment to full participation and
independent living of individuals with disabili-

SEC. 3. DEFINITIONS.

In this Act:

(1) ACCESSIBLE INFORMATION TECHNOLOGY
AND TELECOMMUNICATIONS.—The term ‘‘acces-
sible information technology and tele-
communications’’ means information tech-
nology or electronic and information tech-
nology as defined by section 1194.4 of title 36,
Code of Federal Regulations (or any cor-
responding regulations or ruling) that con-
forms to the applicable technical stand-
ards set forth in sections 1191.21 through
1194.26 of such title or any corresponding
similar regulations or rulings.

(2) ADULT SERVICE PROVIDER.—The term
‘‘adult service provider’’ means a public or
private entity that provides services to, or is
otherwise substantially involved with the
major life functions of, individuals with disab-
ilities. Such term includes—

(A) entities and organizations providing
residential, supportive, employment serv-
dices, or employment-related services to
individuals with disabilities;

(B) centers for independent living, such as
the centers described in paragraph (7) of
title VII of the Rehabilitation Act of 1973
(29 U.S.C. 796f et seq.);

(C) employment support agencies con-
ected to adult vocational rehabilitation,
including on-stop partners, as defined in sec-
section 101 of the Rehabilitation Act of 1998
(29 U.S.C. 791;)

(E) other organizations or vendors licensed
or registered by the designated State agency,
as defined in section 101 of the Rehabilitation

(2) The purposes of this Act are—

(1) to enhance the ability of the Federal
Government to provide States with financial
assistance that supports statewide—

(A) activities to increase access to, and
funding of, assistive technology and
assistance and Bill of Rights Act of 2000
(42 U.S.C. 15301 et seq.);

(American Indian Consortium.
(2) The term ‘‘assistive technology device’’
means any item, piece of equipment, or product
system, system, or service that is designed
and modified, or customized, that is used to
increase, maintain, or improve functional capabilities of individuals with disabilities.

(6) ASSISTIVE TECHNOLOGY SERVICE.—The
term ‘‘assistive technology service’’ means any
service that directly assists an individ-
al with a disability to access the education,
acquisition, or use of an assistive technology
device. Such term includes—

(A) the evaluation of the assistive tech-
nology needs of an individual with a dis-
ability, including a functional evaluation of
the impact of the provision of appropriate
assistive technology and appropriate serv-
ces to the individual in the customary envi-
ronment of the individual;

(B) a service consisting of purchasing,
leasing, or otherwise providing for the acquisi-
tion of assistive technology devices by indi-
viduals with disabilities;

(C) a service consisting of selecting, de-
termining, installing, and applying assist-
technology devices, including one-stop partners, as defined in section

(D) coordination and use of necessary
services and programs with assist-
technology devices, such as therapies,
terminations, or services associated with
education and rehabilitation plans and pro-
grams;

(E) training or technical assistance for
an individual with a disability or, where appro-
priate, the family members, guardians, advo-
cates, or authorized representatives of such
an individual; and

(F) training or technical assistance for pro-
fessionals (including individuals providing
education and rehabilitation services and en-
tries that manufacture or sell assistive

techology devices), employers, providers of
employment and training services, or other
individuals who provide services to, employ
or are otherwise substantially involved in
the major life functions of individuals with disabili-

sions.

SEC. 1. SHORT TITLE.

This Act may be cited as the ‘‘Improving Access to Assistive Technology for Individ-
uals with Disabilities Act of 2004’’.
(B) facilitate and increase access to, provision of, and funding for, assistive technology devices and assistive technology services, in order to empower individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the workforce.

(8) Comprehensive statewide program of technology-related assistance.—The term “comprehensive statewide program of technology-related assistance” means a consumer-responsive program of technology-related assistance for individuals with disabilities, implemented by a State, and equally available to all individuals with disabilities residing in the State, regardless of their type of disability, age, income level, or location of residence, or the type of assistive technology device or assistive technology service required.

(9) Consumer-responsive.—The term “consumer-responsive” means a condition of an individual that is related to assistive technology-related assistance, including decisions that increase access to assistive technology and accessible information technology and telecommunications, for individuals with disabilities across the human lifespan and across the wide array of disabilities, on a statewide basis.

(10) Period of Grant.—The Secretary shall provide assistance through such a grant to a State for not more than 5 years.

(11) Amount of Financial Assistance.—(B) From funds appropriated under subsection (a), the Secretary shall award a grant to each eligible State and eligible outlying area based on the corresponding allotment determined under paragraph (2).

(12) Allocations.—(A) In general.—Except as provided in subparagraph (b), to States to support activities that increase access to assistive technology and accessible information technology and telecommunications, for individuals with disabilities across the human lifespan and across the wide array of disabilities, on a statewide basis.

(13)的技术专家 (including web designers and procurement officials);

(14) health, allied health, and rehabilitation professionals and hospital employees (including physical therapists for independent living described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796 et seq.), insurers, or managed care providers) that have contact with individuals with disabilities;

(15) educators at all levels (including providers of early intervention services, elementary schools, secondary schools, community colleges, and vocational and other institutions of higher education) and related services personnel;

(16) 技术专家 (including web designers and procurement officials);

(17) health, allied health, and rehabilitation professionals and hospital employees (including physical therapists for independent living described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796 et seq.), insurers, or managed care providers) that have contact with individuals with disabilities;

(18) educators at all levels (including providers of early intervention services, elementary schools, secondary schools, community colleges, and vocational and other institutions of higher education) and related services personnel;

(19) 技术专家 (including web designers and procurement officials);

(20) health, allied health, and rehabilitation professionals and hospital employees (including physical therapists for independent living described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796 et seq.), insurers, or managed care providers) that have contact with individuals with disabilities;

(21) educators at all levels (including providers of early intervention services, elementary schools, secondary schools, community colleges, and vocational and other institutions of higher education) and related services personnel;

(22) 技术专家 (including web designers and procurement officials).

(23) health, allied health, and rehabilitation professionals and hospital employees (including physical therapists for independent living described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796 et seq.), insurers, or managed care providers) that have contact with individuals with disabilities;

(24) educators at all levels (including providers of early intervention services, elementary schools, secondary schools, community colleges, and vocational and other institutions of higher education) and related services personnel;
(ii) from any funds remaining after the Secretary makes the allotments described in clause (i), shall allot to each outlying area an additional amount, so that each outlying area’s allotment of not less than $150,000 under this paragraph; and

(iii) from any funds remaining after the Secretary makes the allotments described in clauses (i) and (ii)—

(I) shall allot to each State an amount that bears the same relationship to 80 percent of the remainder as the population of the State bears to the population of all States; and

(II) from 20 percent of the remainder, shall allot an equal amount.

(c) Carryover.—Any amount paid to a State program for a fiscal year under this section shall remain available to such program for obligation until the end of the next fiscal year for the purposes for which such amount was originally provided, except that program income generated from such amount shall not be available to such program until expended.

(d) Lead Agency, Implementing Entity, and Advisory Council.

(I) Lead Agency and Implementing Entity.—

(A) In general.—The Governor shall designate an agency, office, or other entity to control and administer the funds made available through the grant awarded to the State under this section.

(B) Composition and representation.—(i) Individuals with Disabilities.—A majority, not less than 51 percent, of the members of the advisory council shall be individuals with disabilities that use assistive technology, or family members or guardians of such individuals.

(ii) Involvement of Public and Private Entities.—The advisory council shall receive no compensation for services it performs in representing the interests of entities described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.).

(C) Expenses.—The application for the grant and amendments thereto, to the extent practicable, shall not be construed to affect State statutes, rules, and regulations, or the powers of any State governmental body, or decisionmaking by any State governmental body.

(D) Period.—The members of the advisory council shall serve terms of not more than 3 years, except that, if the Governor determines that it is necessary to ensure proper disbursement of and accounting for the funds received through the grant; and

(E) Use of Funds.—(1) In general.—Any State that desires to receive a grant under this section shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.

(2) Lead Agency and Implementing Entity.—The application shall contain information identifying and describing the lead agency referred to in subsection (c)(1)(A). The application shall contain information identifying and describing the implementing entity referred to in subsection (c)(1)(B).

(3) Advisory Council.—The application shall contain an assurance that an advisory council will be established in accordance with subsection (c)(2).

(4) Involvement of Public and Private Entities.—The application shall contain an assurance that, to the extent practicable, various public and private entities were involved in the development of the application and will be involved in the implementation of the activities to be carried out through the grant, including—

(A) in cases determined to be appropriate by the State or the State advisory council, a description of the nature and extent of resources that will be committed by public and private collaborators to assist in accomplishing identified goals; and

(B) the means by which mechanisms established to ensure coordination of activities and collaboration between the implementing entity and a State or entity that receives a grant under this section.

(5) Implementation.—The application shall include a description of—

(A) how the State will implement each of the required activities described in subsection (e), except as provided in subparagraph (A) or (B) of subsection (e)(1); and

(B) how the State will allocate and utilize grant funds to implement the activities.

(6) Assurances.—The application shall include assurances that—

(A) the State will annually collect data related to the required activities in order to prepare the progress reports required under subsection (f);

(B) funds received through the grant—

(i) will be expended in accordance with this section, on initiatives identified by the advisory council described in subsection (c)(2);

(ii) will be used to supplement, and not supplant, funds available from other sources that will be committed by public and private entities to assist in accomplishing identified goals; and

(iii) will not be used to pay a financial obligation for technology-related assistance (including the provision of assistive technology devices and assistive technology services; the funding of technology-related assistance programs; or the funding of technology-related assistance programs by the Federal Government).

(C) Change in Agency or Entity.—On obligations of the Secretary, the Governor may redesignate the lead agency, or the implementing entity, if the Governor shows to the Secretary good cause why the entity designated as the lead agency, or the implementing entity, respectively, should not serve as that agency or entity, respectively. The Governor shall make the showing in the application described in subsection (d) or other documentation requested by the Secretary.

(2) Advisory Council.—(A) In general.—There shall be established an advisory council to provide consumer-responsive, consumer-driven decisionmaking, planning, and evaluation of the activities carried out through the grant.

(B) Composition and representation.—(i) Individuals with Disabilities.—A majority, not less than 51 percent, of the members of the advisory council shall be individuals with disabilities that use assistive technology, or family members or guardians of such individuals.

(ii) Involvement of Public and Private Entities.—The advisory council shall receive no compensation for services it performs in representing the interests of entities described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.).

(iii) Expenses.—The application for the grant and amendments thereto, to the extent practicable, shall not be construed to affect State statutes, rules, and regulations, or the powers of any State governmental body, or decisionmaking by any State governmental body.

(D) Period.—The members of the advisory council shall serve terms of not more than 3 years, except that, if the Governor determines that it is necessary to ensure proper disbursement of and accounting for the funds received through the grant; and

(E) Use of Funds.—(1) In general.—Any State that receives a grant under this section shall make use of the funds made available through the grant to carry out the activities described in paragraph (2),
except that the State shall not be required to carry out an activity if—

(A) another entity in the State is providing the same or a similar activity; or

(B) the activity is described in subparagraph (c)(2) of section 3(18) and determined through a needs assessment that the residents of the State consider the activity to be unnecessary.

(2) Required activities.

(A) State financing systems.—The State shall provide for the development of systems for the purchase, lease, or other acquisition of, or payment for, assistive technology devices and assistive technology services; or

(B) for the development of State-financed or privately financed alternative financing mechanisms provided for in subparagraph (A) that may include

(i) support for the development of systems for the purchase, lease, or other acquisition of, or payment for, assistive technology devices and assistive technology services for individuals with disabilities;

(ii) support for the development and implementation of assistance provided to individuals with disabilities to obtain assistive technology devices and assistive technology services, including the application and use of assistive technology devices and any education, health, discharge, Olmstead, home care, other public awareness activities designed to encourage the implementation of assistance provided to individuals with disabilities to obtain assistive technology devices and assistive technology services.

(iii) Statewide information and referral system.

(B) public- and private-sector activities relating to the availability and benefits of assistive technology devices and assistive technology services.

(ii) Collaboration.—The State shall collaborate with the training and technical assistance provider described in section 7(b) to carry out any public-awareness activities focusing on infants, toddlers, children, transition-age youth, employment-age adults, seniors, and employers.

(iii) Statewide information and referral system.

(B) general.—The State shall directly, or in collaboration with public or private entities, provide information to targeted individuals and entities (other than individuals and entities described in section 3(18)(A)) if the State advisory council described in subparagraph (A) determines through a needs assessment to meet the needs of individuals with disabilities.

(ii) content.—The system shall deliver information regarding

(aa) assistive technology devices and accessible information and telecommunications products, with specific data regarding provider availability within the State; and

(bb) the availability of resources, including funding sources, that individuals may use to obtain assistive technology devices, accessible information and telecommunications products, and assistive technology services.

(iii) interagency coordination and collaboration.—The State shall promote improved coordination of activities and collaboration among public and private entities that are responsible for policies, procedures, and funding for the provision of assistive technology devices and assistive technology services to individuals with disabilities, service providers, and others.

(i) targeted population activity.—

(A) in general.—The State shall directly, or in collaboration with public or private entities, carry out coordinated activities to improve access to assistive technology devices and assistive technology services for 1 State-chosen targeted population, consisting of—

(i) elementary and secondary school students, elementary and secondary education personnel, and related personnel; or

(ii) employees, employment providers, and related personnel.

(2) training and technical assistance described in subparagraph (A) if the Secretary determines that references in those subparagraphs to a grant shall be considered to be references to funds for an alternative financing mechanism under—

(A) the number and dollar amount of financial assistance provided; and

(B) the number and type of assistive technology device demonstrations provided;
(iii) the number and type of assistive technology devices loaned through device loan programs;
(iv) the number and estimated value of assistive technology devices reconditioned, repaired, recycled, or reutilized (including re-distributed through device sales, loans, rentals, or donations) through device re-utilization programs.

(v) the number and general characteristics of individuals who participated in training (such as individuals with disabilities, parents, employers, providers of employment services, health care workers, counselors, other service providers, or vendors) in such training; and
(vi) the amount and nature of technical assistance provided to State and local agencies and other entities; and
(vii) the number of individuals assisted through the public-awareness activities and statewide information and reference system; and
(viii) the outcomes of any improvement initiatives carried out by the State as a result of activities funded under this section, including a description of any written policies, practices, and procedures that the State has developed and implemented regarding access to, provision of, and funding for, assistive technology devices, accessible information technology and telecommunications, and assistive services. In the context of education, health care, employment, community living, and information technology and telecommunications, including e-government;
(ix) the outcomes of interagency coordination and collaboration activities carried out by the State to access assistive technology, including documenting—
(I) the type of, purpose for, and source of leveraged funding or other contributed resources from public and private entities, and the number of individuals served with those resources for which information is not reported under clauses (i) through (viii) or clause (x), and other outcomes accomplished as a result of such activities carried out with those resources; and
(II) the type of, purpose for, and amount of funding provided, subgrants or other collaborative resource-sharing agreements with public and private entities, including community-based nonprofit organizations, for other collaborative resource-sharing agreements for which information is not reported under clauses (i) through (viii) or clause (x), and other outcomes accomplished as a result of such activities carried out through those agreements for which information is not reported under clauses (i) through (viii) or clause (x), and other outcomes accomplished as a result of such activities carried out through those agreements;
(x) measured outcomes of activities undertaken to improve access to assistive technology devices and assistive technology services for targeted populations; and
(xi) the level of customer satisfaction with, or the quality of services provided.

SEC. 5. STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES RELATED TO ASSISTIVE TECHNOLOGY.

(a) Grants.—

(1) IN GENERAL.—The Secretary shall make grants under subsection (b) to protection and advocacy systems in each State for the purpose of enabling such systems to assist in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services for individuals with disabilities.

(2) GENERAL AUTHORITIES.—In providing such services, protection and advocacy systems shall work with other service providers and individuals with disabilities as the systems are afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15641 et seq.), as determined by the Secretary.

(b) GRANTS.—

(1) RESERVATION.—For each fiscal year, the Secretary shall reserve such sums as may be necessary to carry out paragraph (4).

(2) POPULATION.—On October 1 of each year, from the funds appropriated under section 10(b) and remaining after the reservations required by paragraph (1) have been made, the Secretary shall make a grant to a protection and advocacy system within each State in an amount bearing the same ratio to the remaining funds as the population of the State bears to the population of all States.

(3) MINIMUMS.—Subject to the availability of appropriations, the amount of a grant to a protection and advocacy system for a fiscal year shall—
(A) in the case of a protection and advocacy system located in American Samoa, Guam, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands, not be less than $30,000; and
(B) in the case of a protection and advocacy system described in subparagraph (A), not be less than $50,000.

(4) PAYMENT TO THE SYSTEM SERVING THE AMERICAN INDIAN CONSORTIUM.—(A) In the case of the Secretary shall make grants to the protection and advocacy system serving the American Indian Consortium to provide services in accordance with this section.

(B) AMOUNT OF GRANTS.—The amount of such grants shall be the same as provided under paragraph (3)(A), as increased under paragraph (5).

(5) MINIMUM GRANT INCREASE.—For each fiscal year for which the total amount appropriated under this section is not less than $41,419,000, and, therefore, and such appropriated amount exceeds the total amount appropriated under such section (or a predecessor authority) for the preceding fiscal year, the Secretary shall increase each of the minimum grant amounts described in subparagraphs (A) and (B) of paragraph (3) by a percentage equal to the percentage increase (if any) in the total amount appropriated under section 10(b) or (a predecessor authority) to carry out this section between the preceding fiscal year and the fiscal year involved.

(6) DIRECT PAYMENT.—Notwithstanding any other provision of law, the Secretary shall pay directly to any protection and advocacy system for a fiscal year the total amount of the grant made for such system under this section, unless the system provides otherwise for payment of the grant amount.

(c) DIRECTION TO LEAD AGENCY.—

(1) GRANT TO LEAD AGENCY.—Notwithstanding any other provision of this section, with respect to a State that, on November 12, 1998, was described in section 102(f)(1) of the Technology-Related Assistance Act of 1988, the Secretary shall pay the amount of the grant described in subsection (a), and made under subsection (b), to the lead agency designated under section 4(c)(1) for the State.

(2) DISTRIBUTION OF FUNDS.—A lead agency to which a grant is awarded under paragraph (1) shall determine the manner in which such funds shall be available through the grant and will allocate among the entities that were providing protection and advocacy services in that State on the date described in such paragraph or among the entities described in such paragraph to such entities. In distributing such funds, the lead agency shall not establish any additional eligibility or procedural requirements for an entity to receive protection and advocacy services through a protection and advocacy system. Such an entity shall comply with the same requirements (including reporting and enforcement requirements) as any other entity that receives funding under this section.

(d) INCLUSION OF PROVISIONS.—Except as provided in this subsection, the provisions of this section shall apply to the grant in the same manner, and to the same extent, as the provisions apply to grants made under this Act.

(e) CARRYOVER.—Any amount paid to a protection and advocacy system for a fiscal year under this section shall remain available to such system for obligation until the end of the next fiscal year for the purposes for which such amount was paid, except that program income generated from such amount shall remain available to such system until expended.

(f) ANNUAL REPORT.—Each protection and advocacy system that receives a grant under this section shall submit an annual report to the Secretary concerning the services provided and outcomes of services provided under this section to individuals with disabilities for the purposes of assisting in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services.

SEC. 6. SUPPLEMENTARY GRANTS AND PROJECTS OF NATIONAL SIGNIFICANCE.

(a) SUPPLEMENTARY GRANTS.—

(1) GRANTS.—

(A) IN GENERAL.—The Secretary shall award supplementary grants, on a competitive basis, to States or other entities to carry out or more of the activities described in paragraph (6), either directly or through subgrants to or other collaborative mechanisms with public or private entities, to allow individuals with disabilities and their family members, guardians, advocates, and authorized representatives to purchase or have increased access to assistive technology devices and assistive technology services. The Secretary shall award such a grant to not more than 1 entity in each State.

(B) PERIOD OF GRANTS.—The Secretary shall award grants under this subsection for periods of 12 months.

(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection, a State shall have received a grant under section 4 or under section 101 of the Assistive Technology Act of 1998, as in effect on the day before the date of enactment of this Act.

(3) APPLICATIONS.—A State or entity that desires to receive a grant under this subsection shall submit to the Secretary a description of the technology devices and assistance provided in this subsection, the provisions of which information as the Secretary may require, including the following:

(A) A description of—
(I) the goals the State or entity has identified for the supplementary grant; and
(II) the activities the State or entity will carry out to achieve such goals, in accordance with the requirements of paragraphs (5) and (6).

(B) A description of how the State or entity will measure whether the goals identified by the State or entity have been achieved by the end of the grant period.

(C) A description of the proposed use of funds provided under the supplementary grant program.

(D) If the application is submitted by an entity other than the implementing entity for the State assistive technology program, a description of the amount and mechanisms established to ensure coordination of activities and collaboration with the implementing entity.

(E) In the case of an application for a grant for an alternative financing loan program described in paragraph (5)(A), information identifying and describing—
(i) a consumer-based organization that has individuals with disabilities involved in organizational decisionmaking at all organizational levels, that will administer the alternative financing loan program; and
(ii) a commercial lending institution, State financing agency, or other qualified entity who will facilitate implementation of the program.

(E) A description of resources that have been committed for the activities to be carried out under the grant and assurances that—

(1) the State or entity will provide any required non-Federal contributions toward the cost of the activities;
(2) the State will make every effort to continue the activities on a permanent basis;
(3) if the funds made available through the grant to support the activities will supplement and not supplant other funds available to provide such activities;
(iv) in the case of a grant for an alternative financing loan program described in paragraph (6)(A)—

(A) all funds that support the alternative financing loan program, including the grant funds, funds provided for the non-Federal contributions described in clause (i), funds repaid during the life of the program, and any interest or investment income resulting from the program, will be placed in a permanent separate account and identified and accounted for separately from any other funds; and
(B) used only to support the alternative financing program;

(bb) administered by an organization that has individuals with disabilities involved in organizational decisionmaking at all organizational levels; and

(cc) used with the same judgment and care that a person of prudence, discretion, and intelligence would exercise in the management of the financial affairs of such person; and

(iii) if the funds in the account are invested, the funds will be invested in low-risk securities in which a regulated insurance company may invest under the law of the State.

(4) PREFERENCES.—

(A) EXPERIENCE.—In awarding grants under this subsection for activities described in subparagraph (A) or (B) of paragraph (6), the Secretary shall give preference to a State or entity that—

(i) has experience carrying out similar activities; or
(ii) received a grant under title III of the Assistive Technology Act of 1998, in effect on the day before the date of enactment of this Act, or a predecessor authority.

(B) NO PRIOR GRANT OR LOW GRANT TOTAL.—In awarding grants under this subsection for activities described in subparagraph (A) or (B) of paragraph (6), the Secretary shall give preference to a State or entity that—

(i) has not received a grant under subsection (A) or (B) of section 4 in an amount greater than $1,000,000; or
(ii) has received a grant under this subsection for indirect costs.

(C) LIMITATIONS.—A State may invest under the law of the State financing agency, or other qualified entity who will facilitate implementation of the program.

(5) CONDITIONS ON SUPPLEMENTARY GRANTS.—

(A) PAYMENTS TO STATES OR OTHER ENTITIES.—Until the conditions specified in this subsection are met, the Secretary shall not make payments to the States or entities that are selected to receive supplementary grants awarded under this paragraph.

(B) OBLIGATION AND EXPENDITURE.—A State or entity that receives a grant under this subsection shall expend the funds made available through the grant during the period of the grant.

(C) MATCHING REQUIREMENT.—With respect to the amount that a State or entity that receives a grant under this subsection to carry out activities described in paragraph (6), a State or entity that receives such a grant in an amount of more than $500,000 shall make available non-Federal contributions in an amount not less than $1 for every $5 of Federal funds provided under the grant.

(D) INDIRECT COSTS.—No State or entity shall use more than 10 percent of the funds made available through a grant awarded under this subsection for indirect costs.

(6) ACTIVITIES.—The State or entity may use funds made available through a grant awarded under this subsection to carry out 1 or more of the following activities:

(A) ALTERNATIVE FINANCING LOAN PROGRAMS CAPITAL INFUSION GRANTS.—The establishment or expansion, and administration, of an alternative financing loan program to allow targeted individuals and entities described in section 3(18)(A) to purchase assistive technology services, accessible information technology services, accessible telecommunications, and related goods and services required for the independence and productivity of an individual with a disability. The program may include—

(i) a low-interest loan fund program;
(ii) an interest buy-down program;

(B) DEVICE LOAN PROGRAMS CAPITAL INFUSION GRANTS.—The establishment or expansion, and administration, of a device loan program to meet unique or comprehensive State needs, such as the expansion and administration of the program to—

(i) joint funding agreements between the implementing entity for the State assistive technology program and educational agencies, entities providing medical assistance, or other public or private entities who pay for assistive technology devices; or

(ii) a system that allocates State-specific funding stream or pool for the purchase of assistive technology to be loaned.

(C) STATE FUNDs.—A State may use State funds to carry out activities described in subparagraph (A) for additional targeted individuals and entities described in section 3(18)(A) if the State advisory council described in section 4(c)(2) and the consumer-based organization described in paragraph (3)(D) approve the additional targeted individuals and entities.

(7) PROGRESS REPORTS.—

(A) IN GENERAL.—Each State or entity that receives a grant under this subsection shall submit a progress report not later than 18 months after the date on which the State or entity receives the grant and a final report not later than 18 months after the date on which the State or entity receives the grant. Each report shall document the progress of the State or entity in meeting the goals described in paragraph (3)(A)(i)(I).

(B) ALTERNATIVE FINANCING LOAN PROGRAM DATA REQUIRED.—A State or entity that receives a grant for an alternative financing loan program described in paragraph (6)(A) shall include in each report loan data with respect to the program for the period of the grant award, including—

(i) the number and dollar amount of loans made under that paragraph for—

(I) loan applications received; (II) loan applications approved and (III) loan applications not approved;
(ii) the default rate of the loans;
(iii) the range of interest rates and average interest rate for the loans;
(iv) the range of income and average income of approved loan applicants for the loans;
(v) the types and dollar amounts of assistive technology financed through the loans; and

(vi) the outcomes of the loan program, including information relevant to the benefits to individuals utilizing the program.

(C) DEVICE LOAN PROGRAMS DATA REQUIRED.—A State that receives a grant for an alternative financing device loan program described in paragraph (6)(B) shall include in each report loan data with respect to the program for the period of the grant award, including—

(i) the number and type of assistive technology devices loaned under that paragraph;
(ii) the general characteristics of borrowers (such as individuals with disabilities, parents, educators, employers, providers of employment services, health care workers, counselors, other service providers, or vendors);
(iii) the purposes for which the loans were made; and

(iv) the outcomes of the loans, including information relevant to the benefits to individuals utilizing the program.

(8) CONSTRUCTION.—Nothing in this subsection shall be construed as affecting the authority of a State to establish an alternative financing system under section 4.

(b) PROJECTS OF NATIONAL SIGNIFICANCE.—

(1) COMPETITIVE GRANT FOR DEVELOPMENT OF A NATIONAL PUBLIC-AWARENESS TOOLKIT.—The Secretary may make a grant to an eligible partnership, to enable the partnership, to develop a national public-awareness toolkit for disseminating information relevant to the benefits to individuals utilizing the program.

(b) COMPETITIVE TECHNICAL ASSISTANCE GRANT AUTHORIZED.—The Secretary may award a grant on a competitive basis to an eligible partnership, to enable the partnership to carry out the activities described in subparagraph (A).

(C) ELIGIBLE PARTNERSHIP.—To be eligible to receive the grant, the partnership—

(i) shall consist of—

(I) an implementing entity for a State assistive technology program or an organization or association that represents implementing entities for State assistive technology programs;

(II) a private or public entity from the media industry; and

(III) a private entity from the assistive technology industry; and

(iv) a private employer or an organization or association that represents private employers;

(ii) may include another entity determined by the Secretary to be appropriate.
technology devices.

(4) USE OF FUNDS.—A partnership that receives a grant under this paragraph shall use the funds made available through the grant to develop a national public-awareness toolkit, which shall contain appropriate multimedia materials to reach targeted individuals, as defined in subparagraphs (A), (B), (D), (F), (G), and (I) of section 3(18), for dissemination to State assistive technology programs.

(2) RESEARCH, DEVELOPMENT, AND EVALUATION.—

(A) COMPETITIVE RESEARCH, DEVELOPMENT, AND EVALUATION GRANTS AUTHORIZED.—The Secretary may award grants to eligible entities to carry out research, development, and evaluation of assistive technology.

(B) ELIGIBLE ENTITIES.—Entities eligible to receive a grant under this paragraph shall include—

(i) providers of assistive technology services and assistive technology devices;

(ii) public and private educational agencies serving students in kindergarten, elementary school, or secondary school;

(iii) institutions of higher education, including University Centers for Excellence in Developmental Disabilities Education, Research, and Service authorized under subtitle D of title IX of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15661 et seq.), or such institutions offering rehabilitation engineering programs, computer science programs, or information technology programs;

(iv) manufacturers of assistive technology and subsistence information technology and telecommunications;

(v) consumer organizations concerned with assistive technology;

(vi) professionals, organizations, and agencies, providing services to individuals with disabilities; and

(vii) persons, individuals, and organizations, providing employment services to individuals with disabilities.

(C) PRIORITY ACTIVITIES.—In awarding such grants, the Secretary shall give priority to fund projects that address one or more of the following:

(i) Developing standards for reliability and accessibility and interoperability standards, and standards for interoperability (including open standards) of assistive technology with information technology, telecommunication products, and other assistive technology.

(ii) Developing and implementing measurements and tools that evaluate assistive technology.

(iii) Conformity with accessibility, accessibility and interoperability standards developed under clause (1);

(iv) Participants with disabilities to meet functional needs; or

(v) Other characteristics that support increased functional performance of assistive technology.

(B) PERSONNEL PREPARATION CENTERS.—

(1) IN GENERAL.—The Secretary shall award grants to eligible entities to carry out such activities as the Secretary may require.

(ii) knowledge and skills to assist consumers in the selection and acquisition of the devices and services; and

(iii) knowledge and skills to assist consumers in the selection and acquisition of the devices and services.

(C) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this paragraph, an entity shall have—

(i) knowledge and skills to assess and evaluate the need for assistive technology and assistive technology services;

(ii) knowledge and skills to assist consumers in the selection and acquisition of the devices and services; and

(iii) a description of the manner in which the entity will carry out financial and programmatic responsibilities, including any shared responsibilities, in implementing the activities carried out under the grant.

(IV) a description of the relationship between the entity and school personnel, early intervention service personnel, and adult service provider personnel who will carry out the activities described in paragraph (B).

(2) OBLIGATION AND EXPENDITURE.—

(A) GRANTS.—At a minimum, the funds made available through the grant to carry out the activities described in paragraph (B).

(B) ADVISORY COMMITTEE.—

(i) IN GENERAL.—A council (which may be a State council established under section 4(c)(2)) shall be designated to serve as an advisory committee, or an advisory committee shall be established, to make recommendations to the Secretary, and to perform such other duties as the Secretary may designate.

(ii) S TATE PROJECTS TRAINING AND TECHNICAL ASSISTANCE EFFORTS.

SEC. 7. TRAINING, TECHNICAL ASSISTANCE, DATA-COLLECTION, REPORTING, AND INTERNET PROGRAMS.

(A) IN GENERAL.—In order to strengthen and support State assistive technology programs, and protection and advocacy systems authorized under section 5, the Secretary may award 1 or more grants, contracts, or cooperative agreements on a competitive basis under sections (b) and (c) to provide training and technical assistance, and conduct data collection and reporting, about and for the State assistive technology program and protection and advocacy systems.

(B) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this paragraph, an entity shall have personnel with—

(i) documented experience and expertise in administering State assistive technology programs, including developing, implementing, and administering the required and
training and technical assistance program, and (iv) sharing best practice and evidence-based practices among State assistive technology programs; (V) maintaining an accessible website that includes information about new programs or programs that are not making progress in achieving the objectives of the programs; (E) REQUIRED INPUT AND COLLABORATION.—In providing training and technical assistance under this paragraph, a recipient of a grant, contract, or cooperative agreement under this paragraph shall meet the following requirements: (i) INPUT.—The recipient shall, in the planning and identification of priority issues and needs, the directors of State assistive technology programs and other individuals the Secretary determines to be appropriate, especially— (I) individuals with the disabilities who use, and understand the barriers to the acquisition of, assistive technology and accessible information technology and telecommunications; (II) family members, guardians, advocates, and authorized representatives of such individuals; (III) relevant employees from other Federal departments and agencies; (IV) businesses; and (V) vendors and public and private researchers and related entities. (II) COLLABORATION.—The recipient shall collaborate, in developing and implementing assistive technology and technical assistance activities identified as priorities, with other organizations, in particular— (I) national organizations representing State assistive technology programs; (II) organizations representing State officials and agencies engaged in the delivery of assistive technology and accessible information technology programs; (III) the data-collection and reporting providers described in paragraph (2); and (IV) other providers of national programs or programs of national significance funded under this Act. (2) STATE PROJECTS DATA-COLLECTION AND REPORTING PROGRAM.—(A) IN GENERAL.—The Secretary shall award grants, contracts, and cooperative agreements to conduct data collection and reporting concerning State assistive technology programs. (B) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under this paragraph, an entity shall have— (i) documented experience in administering State assistive technology programs; (ii) experience in collecting and analyzing data associated with implementing required and discretionary activities; (iii) expertise necessary to identify additional data elements needed to provide comprehensive reporting of State activities and outcomes; and (iv) experience in utilizing data to provide annual reports to State policymakers. (C) APPLICATION.—To be eligible to receive a grant, contract, or cooperative agreement under this paragraph, an entity shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require. (D) TRAINING AND TECHNICAL ASSISTANCE EFFECTS.—In awarding the grant, contract, or cooperative agreement, the Secretary shall ensure that the recipient conducts a training and technical assistance program, taking into account the required input and collaboration described in subparagraph (E), through which the recipient— (I) addresses State-specific information requests concerning assistive technology and accessibility needs; (II) requests for information on effective approaches to developing, implementing, evaluating, and financing loan programs under section 6(a), and reducing duplication of activities among State assistive technology programs; and (III) provides access to experts in the areas of funding, micro-lending, and finance, for implementing entities for State assistive technology programs and other entities funded under this Act to administer alternative financing loan programs, through site visits, teleconferences, and other means, to ensure access to information for entities that are not making progress in achieving the objectives of the programs. (E) REQUIRED DATA ELEMENTS.—The core set of data elements shall, at a minimum, include— (i) the number and dollar amount of financial loans made; (ii) the number and type of assistive technology devices demonstrated; (iii) the number and type of assistive technology devices loaned through device loan programs; (iv) the number and estimated value of assistive technology devices exchanged, repaired, recycled, or re-utilized (including repairs or reutilization through device rental or donations) through device reutilization programs; (v) the number and general characteristics of individuals who participated in training or technical assistance activities; (vi) the amount and nature of technical assistance activities; (vii) the number of individuals assisted through the public-awareness activities and statewide information and reference system; (viii) the outcomes of any improvement initiatives carried out by the State as a result of activities funded under section 4; (ix) the outcomes of interagency coordination and collaboration activities carried out by the State that support access to assistive technology; (x) the outcomes of activities undertaken to improve access to assistive technology devices and assistive technology services for targeted populations; and (xi) the level of customer satisfaction with, or the outcomes of, the services provided; and (F) REQUIRED INPUT AND COLLABORATION.—In conducting data-collection and reporting activities under this paragraph, a recipient of a grant, contract, or cooperative agreement under this paragraph shall meet the following requirements: (i) INPUT.—The recipient shall actively involve, in the development and implementation of the data collection and reporting system, the directors of State assistive technology programs and...
other individuals the Secretary determines to be appropriate, especially—
(I) individuals with disabilities who use, and understand the barriers to the acquisition of assistive technology and accessible information technology and telecommunications;
(II) family members, guardians, advocates, and authorized representatives of such individuals;
(III) relevant employees from other Federal departments and agencies;
(IV) foundations;
(V) venders and public and private researchers and developers.
(ii) COLLABORATION.—The recipient shall actively seek to collaborate, in developing and implementing the system, with other organizations, in particular—
(I) national organizations representing State assistive technology programs;
(II) the training and technical assistance providers described in paragraph (1); and
(III) entities carrying out projects of national significance funded under section 6(b), as appropriate.

(3) STATE PROTECTION AND ADVOCACY SERVICE TRAINING AND TECHNICAL ASSISTANCE EFFORTS.—
(A) GENERAL AUTHORITY.—The Secretary shall award grants, contracts, and cooperative agreements to provide training and technical assistance concerning protection and advocacy services.
(B) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under this paragraph, an eligible applicant shall—
(i) have personnel with documented expertise in—
(A) establishing programs that educate and inform the public about the rights of individuals with disabilities;
(B) conducting research and analysis; and
(C) reaching diverse populations;
(ii) maintain updated information on legal, legislative, and regulatory developments affecting individuals with disabilities;
(iii) provide training and technical assistance on the availability of assistive technology devices; and
(iv) have personnel with expertise in developing written and oral materials, and curriculum objectives and assessment.
(C) APPLICATION.—To be eligible to receive a grant, contract, or cooperative agreement under this paragraph, an eligible applicant shall—
(i) submit to the Secretary an application through the National Public Internet Site;
(ii) include a narrative that describes the activities to be conducted as a result of the grant, contract, or cooperative agreement, including the method that will be used to accommodate individuals with disabilities in the delivery of training and technical assistance services; and
(iii) include a plan that describes how the funds received will be used to provide, enhance, or maintain such training and technical assistance services.

(4) NATIONAL INFORMATION INTERNET SYSTEM.—
(I) IN GENERAL.—In order to provide information nationally on the availability of assistive technology, the Secretary may award 1 grant, contract, or cooperative agreement to a consortium, renewable once, to develop, and maintain, and update the National Public Internet Site established under section 104(c)(1) of the Assistive Technology Act of 1998 (29 U.S.C. 3014(c)(1)), as in effect on the date of enactment of this Act.

(2) ELIGIBLE ENTITY.—To be eligible to receive a grant, contract, or cooperative agreement under this paragraph, an entity shall be a nonprofit organization, for-profit organization, or institution of higher education, that—
(A) emphasizes research and engineering;
(B) has a multidisciplinary research center; and
(C) has demonstrated expertise in—
(i) working with assistive technology, accessible information technology and telecommunications, and Intelligent agent Inter- active information systems;
(ii) making libraries of assistive technology, accessible information technology and telecommunications, and disability-related resources;
(iii) training professionals in the field of assistive technology; and
(iv) delivering to individuals with disabilities education, information, and referral services, including technology-based curriculum-development and services for adults with low-level reading skills;
(iv) developing cooperative partnerships with the private sector, particularly with private-sector computer software, hardware, and Internet services entities; and
(v) designing and developing advanced Internet sites.

(3) APPLICATION.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an eligible applicant shall—
(i) submit an application to the Secretary to develop, maintain, and update the National Public Internet Site;
(ii) describe in detail the activities to be conducted as a result of the grant, contract, or cooperative agreement, including the method that will be used to accommodate individuals with disabilities in the delivery of training and technical assistance services; and
(iii) include a plan that describes how the funds received under this section will be used to provide, enhance, or maintain such training and technical assistance services.

B. M INIMUM LIBRARY COMPONENTS.—At a minimum, the National Public Internet Site shall maintain updated information on—
(I) State assistive technology program demonstration sites where individuals may try out assistive technology devices;
(II) State assistive technology program device loan program sites where individuals may borrow assistive technology devices;
(III) State assistive technology program device re-utilization program sites;
(IV) alternative financing programs or systems operated through, or independently of, State assistive technology programs, and other sources of funding for assistive technology devices; and
(V) various tax credits available to employers for hiring or accommodating employees who are individuals with disabilities.

C. N ATIONAL PUBLIC INTERNET SITE.—
(I) FEATURES OF INTERNET SITE.—The National Public Internet Site shall contain the following features:

(A) AVAILABILITY OF INFORMATION AT ANY TIME.—The site shall be designed so that any member of the public may obtain information posted on the site at any time.
(B) INTELLIGENT AGENT.—The site shall be constructed with an innovative automated intelligent agent that is a diagnostic tool for assisting users in problem definition and the selection of appropriate assistive technology devices and assistive technology services resources and accessible information technology and telecommunications.
(C) RESOURCES.—

(I) LIBRARY ON ASSISTIVE TECHNOLOGY.—The site shall include access to a comprehensive working library on assistive technology and accessible information technology and telecommunications for all environments, including home, workplace, transportation, and other environments.

(II) INFORMATION ON ACCOMMODATING INDIVIDUALS WITH DISABILITIES.—The site shall include access to information about accommodation for use of assistive technology and accessible information technology and telecommunications for all environments, including home, workplace, transportation, and other environments.

II. TO THE EXTENT FEASIBLE, THE SITE SHALL INCLUDE LINKS TO OTHER WEB-BASED RESOURCES AND INFORMATION, SUCH AS THE Internet sites of the Office of Special Education and Rehabilitation Services of the Department of Education, the Office of Disability Employment Policy of the Department of Labor, the Small Business Administration, the Architectural and Transportation Barriers Compliance Board, and the Technology Administration of the Department of Commerce, the accessible website described in subdivision (b)(4)(A) of section 508 of Title II of the Rehabilitation Act of 1973 (42 U.S.C. 12134(a)), as amended.

D. MINIMUM LIBRARY COMPONENTS.—At a minimum, the National Public Internet Site shall maintain updated information on—
(I) State assistive technology program demonstration sites where individuals may try out assistive technology devices;
(II) State assistive technology program device loan program sites where individuals may borrow assistive technology devices;
(III) State assistive technology program device re-utilization program sites;
(IV) alternative financing programs or systems operated through, or independently of, State assistive technology programs, and other sources of funding for assistive technology devices; and
(V) various tax credits available to employers for hiring or accommodating employees who are individuals with disabilities.

E. M INIMUM LIBRARY COMPONENTS.—At a minimum, the National Public Internet Site shall maintain updated information on—
(I) State assistive technology program demonstration sites where individuals may try out assistive technology devices;
(II) State assistive technology program device loan program sites where individuals may borrow assistive technology devices;
(III) State assistive technology program device re-utilization program sites;
(IV) alternative financing programs or systems operated through, or independently of, State assistive technology programs, and other sources of funding for assistive technology devices; and
(V) various tax credits available to employers for hiring or accommodating employees who are individuals with disabilities.

F. MINIMUM LIBRARY COMPONENTS.—At a minimum, the National Public Internet Site shall maintain updated information on—
(I) State assistive technology program demonstration sites where individuals may try out assistive technology devices;
(II) State assistive technology program device loan program sites where individuals may borrow assistive technology devices;
(III) State assistive technology program device re-utilization program sites;
(IV) alternative financing programs or systems operated through, or independently of, State assistive technology programs, and other sources of funding for assistive technology devices; and
(V) various tax credits available to employers for hiring or accommodating employees who are individuals with disabilities.

G. MINIMUM LIBRARY COMPONENTS.—At a minimum, the National Public Internet Site shall maintain updated information on—
(I) State assistive technology program demonstration sites where individuals may try out assistive technology devices;
(II) State assistive technology program device loan program sites where individuals may borrow assistive technology devices;
(III) State assistive technology program device re-utilization program sites;
(IV) alternative financing programs or systems operated through, or independently of, State assistive technology programs, and other sources of funding for assistive technology devices; and
(V) various tax credits available to employers for hiring or accommodating employees who are individuals with disabilities.

H. MINIMUM LIBRARY COMPONENTS.—At a minimum, the National Public Internet Site shall maintain updated information on—
(I) State assistive technology program demonstration sites where individuals may try out assistive technology devices;
(II) State assistive technology program device loan program sites where individuals may borrow assistive technology devices;
(III) State assistive technology program device re-utilization program sites;
(IV) alternative financing programs or systems operated through, or independently of, State assistive technology programs, and other sources of funding for assistive technology devices; and
(V) various tax credits available to employers for hiring or accommodating employees who are individuals with disabilities.

II. TO THE EXTENT FEASIBLE, THE SITE SHALL INCLUDE LINKS TO OTHER WEB-BASED RESOURCES AND INFORMATION, SUCH AS THE Internet sites of the Office of Special Education and Rehabilitation Services of the Department of Education, the Office of Disability Employment Policy of the Department of Labor, the Small Business Administration, the Architectural and Transportation Barriers Compliance Board, and the Technology Administration of the Department of Commerce, the accessible website described in subdivision (b)(4)(A) of section 508 of Title II of the Rehabilitation Act of 1973 (42 U.S.C. 12134(a)), as amended.

III. TO THE EXTENT FEASIBLE, THE SITE SHALL INCLUDE LINKS TO OTHER WEB-BASED RESOURCES AND INFORMATION, SUCH AS THE Internet sites of the Office of Special Education and Rehabilitation Services of the Department of Education, the Office of Disability Employment Policy of the Department of Labor, the Small Business Administration, the Architectural and Transportation Barriers Compliance Board, and the Technology Administration of the Department of Commerce, the accessible website described in subdivision (b)(4)(A) of section 508 of Title II of the Rehabilitation Act of 1973 (42 U.S.C. 12134(a)), as amended.

IV. TO THE EXTENT FEASIBLE, THE SITE SHALL INCLUDE LINKS TO OTHER WEB-BASED RESOURCES AND INFORMATION, SUCH AS THE Internet sites of the Office of Special Education and Rehabilitation Services of the Department of Education, the Office of Disability Employment Policy of the Department of Labor, the Small Business Administration, the Architectural and Transportation Barriers Compliance Board, and the Technology Administration of the Department of Commerce, the accessible website described in subdivision (b)(4)(A) of section 508 of Title II of the Rehabilitation Act of 1973 (42 U.S.C. 12134(a)), as amended.

V. TO THE EXTENT FEASIBLE, THE SITE SHALL INCLUDE LINKS TO OTHER WEB-BASED RESOURCES AND INFORMATION, SUCH AS THE Internet sites of the Office of Special Education and Rehabilitation Services of the Department of Education, the Office of Disability Employment Policy of the Department of Labor, the Small Business Administration, the Architectural and Transportation Barriers Compliance Board, and the Technology Administration of the Department of Commerce, the accessible website described in subdivision (b)(4)(A) of section 508 of Title II of the Rehabilitation Act of 1973 (42 U.S.C. 12134(a)), as amended.

SEC. 8. TECHNOLOGY INDUSTRY ASSESSMENT.

(a) IN GENERAL.—To better promote and serve the United States assistive technology industry, the Secretary may conduct a detailed assessment of the industry. Such assessment shall provide data and analysis
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S7472

June 24, 2004

Mr. HARKIN. Mr. President, today I join with my colleague from New Hampshire, Senator GREGG, and others to introduce the Assistive Technology Act of 2004.

Assistive technology and accessible information technology and telecommunication are so critical to the lives of people with disabilities. An NOD/Harris poll released today shows that 35 percent of individuals with disabilities surveyed indicated that they would not be able to take care of themselves at home without assistive technology. Over a quarter of individuals with disabilities reported that they would not be able to leave their homes. Assistive technology and accessible information technology and telecommunication also provide opportunities in education, employment, and civic and social participation that would not otherwise be available to some individuals with disabilities.

To quote the National Council on Disability—"For Americans without disabilities, technology makes things easier. For Americans with disabilities, technology makes things possible."

The Assistive Technology Act that we introduce today builds upon the successes of this law dating back to 1988. The state Assistive Technology programs have been very effective in providing information, training, and technical assistance to a wide array of individuals in their states, including people with disabilities, their families, educators, health care professionals and others. The Assistive Technology Act has also authorized alternate financial programs that have offered low interest loans and other financing to people with disabilities who otherwise could not access the funds needed to buy their assistive technology.

The most recent data available, FY 02, indicates that the programs are making a substantial difference in their states. In that year, there were 92,000 equipment demonstrations provided, 36,000 devices loaned to individuals with disabilities and over 6,000 devices exchanged or recycled. Also over 6 million dollars was loaned to individuals with disabilities so they could purchase assistive technology, ranging from a hearing device to an accessible vehicle. The AT programs also provided needed information to a wide array of individuals, answering 151,000 requests for assistance and training over 172,000 people.

In this reauthorization, we strengthen this successful program and provide authorization for increased appropriated funds to carry out activities that are needed in the states. We emphasize programs that will improve access to assistive technology devices and also increase attention to some federal priorities, including improving educational, employment, and civic participation, and increasing employment opportunities for individuals with disabilities.

While there are many important initiatives in this bill, I will highlight a few of the most significant.

First, the bill authorizes a minimum of $500,000 for each state program and includes an authorization of 36 million dollars in 2005 which would allow each state to receive that minimum. These funds will be used to support all of the activities specified in the law.

The bill also strengthens some of the core functions of the state assistive technology programs, focusing training and technical assistance to ensure statewide accessibility information and an emphasis on skills development and technical training to improve service planning for individuals with disabilities.
It further requires States focus their efforts on one of three target populations. These populations include 1. elementary and secondary school students, providers and related personnel; 2. adult service provider clients, providers and related personnel; and 3. employees, employment providers, and related personnel.

States will be required to focus their energies on service planning for one of these populations so we can ensure that assistive technology is getting out to where it is needed most—in the schools, on the job and in the community. The Senate has recently passed the Individuals with Disabilities Act and the Workforce Investment Act and we continue to be concerned about implementation of the ADA and the Olmstead decision. This targeted effort aligns the Assistive Technology Act with these other initiatives.

The bill includes provisions designed to increase access to assistive technology, telecommunication, information technology and telecommunications by requiring that assistive technology programs operate equipment loan, device reutilization, device demonstration, and financing systems. The bill also seeks to improve information about service providers and vendors of assistive technology and accessible information technology.

Because individuals with disabilities still experience significantly fewer employment opportunities than individuals without disabilities, the bill places an emphasis on educating and targeting employers and employees. One of the projects of national significance authorized in the bill includes development of public service announcements and other means of reaching employers and others with information regarding assistive technology.

For the first time, the bill addresses the need to coordinate state service activities with the businesses that develop and produce much of the assistive technology and accessible information technology. The bill authorizes a project of national significance in research and development and authorizes the Secretary to conduct a detailed assessment of the assistive technology industry.

The bill also recognizes the ongoing contribution of protection and advocacy services in making assistive technology available to individuals with disabilities and increases minimum authorization levels for this important function. Iowa has had a very successful advocacy program, which will be continued under this bill.

These are just a few of the many significant issues addressed in this bill. It is a very comprehensive effort due to the hard work of the many stakeholders that participated.

I would like to thank my colleague, Senator Gregg, and his staff, particularly Aaron Bishop and Annie White, for their work on this bipartisan initiative. I also want to recognize the work of Senators Kennedy, Roberts, Reed and Warner and their staff members, Kent Mitchell, Connie Garner, Jennifer Swenson, Elyse Wasch, Erica Swanson, and John Robinson because this has truly been a collaborative and bipartisan effort to reauthorize this important legislation.

As part of this reauthorization process, committee staff have had extensive bipartisan briefings and met with a very wide array of stakeholders. Stakeholders also participated in work groups on many of the issues addressed in this bill. As a result, I believe we have a very strong bill. I want to thank the many individuals with disabilities, family members, assistive technology programs, vendors, members of the information technology industry, the financial and business community, service providers, advocates, educators and others who gave generously of their time and worked so hard on this bill.

This bill continues the tradition of bipartisan cooperation that has marked significant disability legislation. Just as the ADA, IDEA and other bills have been bipartisan, so is this Assistive Technology Act of 2004. I look forward to moving this bill ahead and getting it enacted into law.

Mr. KENNEDY. Mr. President, I am proud to join Senators Gregg and Harkin in the introduction of the Assistive Technology Act of 2004, which will continue our commitment to improve access to assistive technology for individuals in every State and territory.

In the Senate we are dedicated to breaking down barriers to equal education, to employment opportunities and to quality and affordable health care. Assistive technology enables people with disabilities to break down the physical and other barriers which prevent them from reaching their full potential.

For an individual with difficulty communicating, a hand-writing aid or a communication board can open up a whole new world of relationships. A wheelchair or scooter can give them the freedom to engage in activities otherwise impossible. And switches and other devices can transform their home into an accessible environment and allow them to perform daily household tasks essential to independent living.

Since 1990, the Technology Act has funded projects in every State and territory to raise awareness about the enormous potential of assistive technology, give individuals an opportunity to test products, and connect them with low-cost options for purchasing technology. Each project has a different focus, but all are providing these core services, and providing them well.

In Massachusetts, the Massachusetts Assistive Technology Project trains individuals with disabilities to be self-advocates. They monitor implementation of State and Federal laws. And they operate an Equipment Exchange Trading Post for individuals to exchange or sell assistive technology products. This is just a small sample of what they are doing. They deserve great credit, and so do the other projects across the nation.

The Assistive Technology Act of 2004 makes a commitment to continue these projects. It asks them to perform device demonstrations, equipment loans, device refurbishment, and provide financing systems such as low-cost loan programs. It mandates new training for State and local personnel who work every day with people with disabilities in adult service provider settings, in schools, and in employment settings. It gives States the flexibility to which populations to focus on, but asks that they make the promise of the Individuals with Disabilities Education Act, the Workforce Investment Act, and the Olmstead decision a reality.

I know they are up to the challenge, and I will work to ensure they have the resources to make it happen. To that end, the act authorizes additional resources and sets a lower minimum appropriation of $500,000 for each State project. It is vital that any final legislation includes this recognition that these life-changing services need real resources.

I commend Senators Gregg, Harkin, and Reed for their hard work on this legislation. I also commend all of the advocates, organizations and project directors who informed this legislation. I look forward to working with them and my colleagues in the House of Representatives to get a bill signed into law this year.

Mr. REED. Mr. President, I rise as an original cosponsor of the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004. This important legislation reauthorizes the Assistive Technology, AT, Act, which helps States expand their capacity to address the assistive technology needs of individuals with disabilities and supports loan and device demonstration programs, for six years.

This legislation improves current law in several ways which will help individuals with disabilities gain access to the assistive technology devices and services that will help them lead full and productive lives. Importantly, the legislation removes the sunset provision in the last reauthorization and increases the minimum State allotment to $500,000, ensuring that all States can continue this vital work.

Assistive technology devices and services are increasingly necessary, particularly as our population ages and for some of them carry the injuries that used to be life ending.

I am particularly pleased that this legislation contains language I sought to address areas of need that I heard from assistive technology users, providers, advocates, and administrators in my State of Rhode Island. First, the bill enhances training activities to improve the capacity of local education,
early intervention, adult providers, and employers to assess, implement, and integrate AT devices. Secondly, funding is authorized for inventing and developing new AT devices and adapting, maintaining, servicing, and improving existing AT devices. Finally, the bill makes many strides to promote interagency coordination and collaboration to effectively deliver assistive technology devices and services.

I want to thank Senators GREGG, KENNEDY, and HARKIN for working so closely with me and my staff on this bill. It is my hope that we will be able to maintain this same cooperative, bipartisan spirit in which this bill was drafted as the reauthorization process moves forward.

By Mr. SCHUMER (for himself, Mrs. MIKULSKI, Mr. CORZINE, Mrs. CLINTON, Mr. LEAHY, Ms. STABENOW, Mr. SARBANES, and Mr. FLINT of Florida)

S. 2597. A bill to require the Secretary of Health and Human Services to establish and maintain an Internet website that is designed to allow consumers to compare the usual and customary prices of covered outpatient drugs sold by retail pharmacies that participate in the Medicaid program; to require each retail pharmacy which participates in the Medicaid program for each postal Zip Code to report the usual and customary price to the State concurrent with the filling of a prescription for a covered outpatient drug; to require the States to maintain, service, and improve the Internet website so that a national, interactive Internet website may be established and maintained to allow an individual to compare the usual and customary prices for a range of covered outpatient drugs sold under the Medicaid program; and for other purposes; to the Committee on Finance.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2597

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 “Prescription Drug Price Comparison for Savings Act of 2004”.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Access to prescription drugs is important to all Americans.

(2) Many individuals cannot afford to purchase the drugs prescribed by their doctors. Others skip doses or split pills contrary to their doctors’ orders because they cannot afford to refill their prescriptions.

(3) Individuals who use their limited financial resources to obtain needed drugs may do so by foregoing other expenditures important to their health and well-being.

(4) The objectives of the Medicaid program set forth in section 1902(a)(19) of the Social Security Act (42 U.S.C. 1396a(a)) is the objective to enable each State to furnish services to help low-income families and aged, blind, or disabled individuals “attain or retain capability for independence or self-care”.

(5) Some States, like Maryland, have established interactive Internet websites that use the usual and customary price information reported by pharmacies participating in the State’s Medicaid program to allow all residents of the State to comparison shop for prescription drugs.

(6) Requiring all States to collect from pharmacies that participate in the Medicaid program for each postal Zip Code the usual and customary prices for prescription drugs sold by the pharmacies and to report that information to the Secretary of Health and Human Services in order that a national, interactive Internet website may be established and maintained for individuals to use to comparison shop for prescription drugs is consistent with the objectives of the Medicaid program.

SEC. 3. STATE PLAN REQUIREMENT TO COLLECT USUAL AND CUSTOMARY PRICES FOR COVERED OUTPATIENT DRUGS SOLD UNDER THE MEDICAID PROGRAM.

Section 1902(a)(19) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (66), by striking “and” and inserting “; and” at the end;

(2) in paragraph (67), by striking the period and inserting “; and”;

(3) by inserting after paragraph (67), the following:

“(B) submit the information reported under subparagraph (A) to the Secretary on such frequent basis as the Secretary shall require so as to allow for monthly updates of the information posted on the Internet website required to be established under section 5 of the Prescription Drug Price Comparison for Savings Act of 2004.”.

SEC. 4. USUAL AND CUSTOMARY PRICES FOR COVERED OUTPATIENT DRUGS.

(a) DEFINITION.—Section 1927(k) of the Social Security Act (42 U.S.C. 1396o-8(k)) is amended by adding at the end the following:

“(10) USUAL AND CUSTOMARY PRICE.—The term ‘usual and customary price’ means the price a retail pharmacy would charge an individual who does not have health insurance coverage for purchasing a specific strength, quantity, and dosage form of a covered outpatient drug.”

(b) INCLUSION OF INFORMATION IN ANNUAL REPORT TO CONGRESS.—Section 1927(c)(2)(E) of the Social Security Act (42 U.S.C. 1396o-8(2)(E)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D), the following:

“(E) the range of usual and customary prices for specific strengths, quantities, and dosage forms of covered outpatient drugs, disaggregated by postal Zip Code;”.

SEC. 5. REQUIREMENT TO ESTABLISH AND MAINTAIN PRESCRIPTION DRUG PRICE COMPARISON WEBSITE.

(a) AUTHORITY.—Not later than 6 months after the date of enactment of this Act, the Secretary shall establish and arrange for the maintenance of an Internet website that is designed to allow an individual to compare the usual and customary prices for a range of strengths and quantities of covered outpatient drugs sold by retail pharmacies that receive payment under the Medicaid program for each postal Zip Code that corresponds to an area of a State.

(b) REQUIREMENTS.—The Internet website established under this section shall consist of—

(1) the information submitted to the Secretary in accordance with section 3(a)(10); and

(2) such other information as the Secretary determines is appropriate.

(c) DEFINITIONS.—In this section:

(1) COVERED OUTPATIENT DRUG.—The term “covered outpatient drug” has the meaning given that term in section 1927(k)(2) of the Social Security Act (42 U.S.C. 1396o-8(k)(2)).

(2) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(3) STATE.—The term “State” has the meaning given that term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

By Mr. AKAKA (for himself, Mr. LAUTENBERG, Mr. LEVIN, Mrs. FEINSTEIN, Mr. WYDEN, and Mr. INOUYE):

S.2598. A bill to protect, conserve, and restore public land administered by the Department of the Interior or the Forest Service and adjacent land through cooperative cost-shared grants to control and mitigate the spread of invasive species, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. AKAKA, Mr. President, I rise today to introduce the Public Land Protection and Conservation Act of 2004. I am pleased to have my esteemed colleagues Senator FRANK LAUTENBERG, Senator DANIEL INOUYE, Senator DIANNE FEINSTEIN, Senator DANIEL INOUYE, and Senator RON WYDEN co-sponsoring the bill with me. This legislation encourages Federal, State, and local agencies, non-governmental entities, and Indian tribes to work together through a cost-shared, cooperative grant program to control the spread of terrestrial invasive species. The bill authorizes the Secretary of the Interior to provide state assessment grants to inventory and prioritize invasive species problems. It provides additional grants to control invasive species on Federal land or adjacent areas. And most importantly, it provides rapid response funds for states to eradicate serious new outbreaks.

Invasive species cause devastating environmental, human health, and economic consequences throughout the Nation and world. They are responsible for damage to native ecosystems and vital industries, such as agriculture, fisheries, and ranching. The impacts of invasive species are estimated to cost the United States at least $100 billion each year. Invasive species threaten the existence of 42 percent of threatened and endangered species in the United States and this is an issue that must be confronted.

The implications of the nationwide invasive species problem are enormous. Nowhere, however, are the impacts greater than in my home State of Hawaii, which has always been known for its biodiversity. Approximately 11,000 species are believed to have evolved from roughly 20,000 ancestors that successfully colonized at a rate of one every 35,000 years. Today, 20 to 50 new invasive species arrive in Hawaii every year.

In total, unwanted alien pests are entering Hawaii at a rate that is about...
two million times more rapid than the natural rate. Nonnative, invasive species comprise roughly 20 percent of the plants and animals in Hawaii. Invasive species are the number one cause of the decline of Hawaii’s threatened and endangered species. This is a serious concern in Hawaii, given that more than 10,000 species found nowhere else on Earth. Of the 114 endangered species that have become extinct in the first 20 years of the Endangered Species Act, almost one-half were in Hawaii. The fragility of Hawaii’s ecosystems and the unique biodiversity found on the Island are compounded by the fact that most introduced species have no natural predators in the state.

Let me give you just a few examples of invasive species problems in Hawaii. Control efforts for the Formosan ground termite are estimated to cost residents in Hawaii more than $150 million per year. Damage to our agricultural industry and the related control costs of the Mediterranean fruit fly are more than $1 million annually. Na- tive birds in our rainforests are succumbing to malaria spread through introduced mosquitos.

Coqui frogs, accidentally imported on plants to Hawaii, can reach densities of 8,000 frogs per acre. Each one can produce a call at 90 decibels. The noise from 8,000 frogs at 90 decibels is equivalent to listening to a high-pitched jackhammer all night! Infestations of frogs are lowering property values and threatening Hawaii’s export agriculture and nursery industries. Coqui frogs also consume more than 48,000 prey items per acre per night, depleting the food supply for threatened and endangered birds and spiders. Miconia, an invasive tree infesting over 15,000 acres of rainforest in Hawaii, eliminates the habitat of endangered plants and animals and causes serious erosion problems that threaten the water supply.

Miconia has overwhelmed all other species on these mountainsides. Miconia, like many invasives, is a major threat to native biodiversity.

The brown tree snake has invaded Guam and devastated native bird populations there. If it were to become established in Hawaii, economic costs have been estimated to exceed hundreds of millions of dollars.

Agriculture in Hawaii is threatened by the spread of the red imported fire ant, a serious problem in 14 southern states causing over $2 billion in annual damage. As you can see, the time to address the issue of invasive species is now, before there are even more serious problems.

My bill, the Public Land Protection and Conservation Act, authorizes the Secretary of the Interior to provide grants to states, nonprofit, and tribal entities to assess, control, and eradicate invasive species. There are three types of grants in this bill, one of which requires matching funds.

First, the Department provides grants to states for assessment projects to identify, quantify, and prioritize invasive species threats. This step is a critical underpinning for invasive programs, but many states do not have the resources to carry out this assessment.

Second, the control grants supply appropriate public or private entities with funding to carry out projects that eradicate, contain, manage, or control invasive species. This can be a Federal agency, an eradication, containment, or management project on Federal land or adjacent land. Control projects would receive a higher ranking for funding based on shared priorities in state and Federal plans, to assess the severity of the invasive species impacts in a state, and whether the project fosters results through public-private partnerships, among other criteria.

Control grants are cost-shared with States. A maximum of 75 percent of funding shall be federally provided for control projects on adjacent land, with the exception of pilot or demonstration projects, or projects that conserve species, which shall receive 85 percent federal funding. The Federal share of control projects carried out on Federal land shall be 100 percent.

Finally, rapid response funds, designated for the response to new outbreaks of invasive species, will provide timely resources to eradicate these organisms before they gain a foothold. Rapid response funds are critical to States in order to combat newly identified invasive species. These impacts of invasive species are already costing the United States an estimated $100 billion each year. The Department of the Interior, in its FY 2005 budget request, has acknowledged that invasive species pose an enormous threat to the ecological and economic health of the Nation. The Department states that the economic costs associated with invasive species are enormous already, and increasing. The Department of the Interior and U.S. Forest Service together received approximately $126 million in FY 2004, and the combined FY 2005 request is identical. Although I applaud the current efforts of the Department of the Interior and the U.S. Forest Service, we need a more coordinated attack on invasive species. The attack must have robust funding if we are to work in partnership with the States.

An estimated 5,000 to 6,000 invasive species are established in the United States. With 73 percent of the continental United States held in private lands, our Federal lands will not be adequately protected without public-private partnerships because invasive species know no boundaries.

My bill requires coordination between the National Invasive Species Council, the Department of the Interior, the Department of Agriculture, and state invasive species councils and plans. It provides the support necessary for agencies, organizations, and individuals to implement cooperative projects to address new threats and long-standing invasive species problems.

I am particularly pleased that the State of Hawaii is taking a leadership role in addressing invasive species problems as our State is intimately familiar with the serious impacts. Hawaii’s Department of Land and Natural Resources, the State government, and each county’s Invasive Species Councils are committed to a proactive approach that preserves our natural heritage and economic security of our communities for generations to come. Each of these Councils now coordinates their activities on the State level through the formation of the Hawaii Invasive Species Council in 2003.

In addition to the Council, many public and private partnerships have been formed to protect our common natural resources. The East Maui Watershed Partnership brings together multiple public and private landowners and the County of Maui to control invasive species and protect 100,000 acres of our prime watershed areas. This is just one example of many highly successful and dedicated partnerships in Hawaii working to preserve our invaluable resources.

This legislation is supported by the State of Hawaii’s Department of Land and Natural Resources, which has primary responsibility for land use, for- ests, wildlife and oceans. In his letter of support, the Chairperson of the DLNR, Mr. Peter Young, states that “Increasing success in invasive species projects in Hawaii has come largely from the formation of strong partnerships between State, Federal agencies and private groups.” The intent of this bill is to encourage partnerships like the East Maui Watershed Partnership and the Hawaii Invasives Species Council in their fight against invasives.

Most recently, the Hawaii State Legislature allocated $4 million of the $5 million requested by Governor Linda Lingle to support the Invasive Species Prevention and Control program. This is built on top of the Federal and the private partnerships, bringing together Federal and private partnerships, bringing together land management agencies and partnerships like the East Maui Watershed Partnership and the Hawaii Invasives Species Council in their fight against invasives.

Despite their best efforts to reduce the devastation caused by invasive species, states lack the needed funds to adequately address this issue. The General Accounting Office (GAO) issued a report on September 20th documenting gaps and barriers in Federal invasive species legislation. The number one barrier identified in the report was insufficient Federal funding for state efforts to control invasive species. Another barrier identified was the inadequate amount of general information and research on invasive species. My legislation will provide States the desperately needed funding to start a serious battle against invasive species. The GAO report also recommended adding the National Invasive Species Council as the most effective leadership structure for managing invasive species. I applaud Senators Levin and
DeWINE for addressing this issue in legislation they have introduced during the 108th Congress, the National Aquatic Invasive Species Act of 2003. I am a cosponsor of their bill, S. 525, because aquatic invasives are important in Hawaii, I am also a cosponsor of Senator LARRY CRAIG’s Noxious Weeds and Control Act of 2003, S. 144, that focuses on terrestrial weeds. My bill, the Public Land Protection and Conservation Act of 2004, will fill a needed gap by addressing all invasive organisms, flora and fauna, in and around federal lands through public-private partnerships.

The National Environmental Coalition on Invasive Species, a coalition of representatives from major environmental organizations, has extended its full support for this legislation. Its letter of support calls this bill “one of the best legislative proposals to date to deal with the growing threat that invasive species pose to our nation’s ecological and economic health. The bill is also supported by the Conservation Council of Hawai’i, the National Wildlife Federation affiliate in Hawaii. I greatly appreciate their endorsements.

Lastly, I want to acknowledge my colleague in the House, Representative NICK RAHALL, for recognizing the gaps in national legislation for controlling and eradicating invasive species on Federal and adjacent lands through cooperative grants. He introduced H.R. 2310, the Species Protection and Conservation Act of the Environment Act, on June 3, 2003. His legislation provided a solid blueprint that inspired my bill, and I am eager to join him in the eradication of invasive species on Federal and adjacent lands.

There are increasingly severe problems and economic burdens associated with invasive species in our nation. Federal support to states to combat this problem at the ground level is crucial. If ever there was a time to commit to defending the security of our domesticic resources for the future, it is now.

I ask unanimous consent that 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. 2506

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 “Public Land Protection and Conservation Act of 2004”.

SEC. 2. PURPOSE.

The purpose of this Act is to encourage partnerships among Federal, State, and local agencies, nongovernmental entities, and Indian tribes to protect, enhance, restore, and manage public land and adjacent land through the control of invasive species by—

(1) promoting the development of voluntary State assessments to establish priorities for controlling invasive species;

(2) promoting greater cooperation among Federal, State, and local land and water managers and owners of private land or other interests to implement strategies to control and mitigate the spread of invasive species through a voluntary and incentive-based financial assistance grant program;

(3) establishing a rapid response capability to combat incipient invasive species invasions; and

(4) modifying the requirements applicable to the National Invasive Species Council.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONTROL.—The term “control” means—

(A) eradicating, suppressing, reducing, or managing invasive species in areas in which the species are present;

(B) taking steps to detect early infestations of invasive species on Public land and adjacent land that is at risk of being infected; and

(C) restoring native ecosystems to reverse or reduce the impacts of invasive species.

(2) COUNCIL.—The term “Council” means the National Invasive Species Council established by section 3 of Executive Order No. 13112 (64 Fed. Reg. 6184).

(3) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) INVASIVE SPECIES.—The term “invasive species” means, with respect to a particular ecosystem, any animal, plant, or other organism (including biological material of the animal, plant, or other organism that is capable of propagating the species)—

(A) that is not native to the ecosystem; and

(B) the introduction of which causes or is likely to cause economic harm, environmental harm, or harm to human health.

(5) NATIONAL MANAGEMENT PLAN.—The term “National Management Plan” means the management plan referred to in section 5 of Executive Order No. 13112 (64 Fed. Reg. 6185) and entitled “Meeting the Invasive Species Challenge”.

(6) PUBLIC LAND.—The term “Public land” means all land and water that is—

(A) owned by, or under the jurisdiction of, the United States; and

(B) administered by the Department of the Interior or the Forest Service.

(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(8) STATE.—The term “State” means—

(A) a State of the United States;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico and the Northern Mariana Islands;

(D) the Territories of American Samoa, Guam, and the Virgin Islands;

(E) the Federated States of Micronesia;

(F) the Republic of the Marshall Islands; and

(G) the Republic of Palau.

SEC. 4. NATIVE HERITAGE ASSESSMENT AND CONTROL GRANT PROGRAM.

(a) ASSESSMENT GRANTS.—The Secretary may provide to a State a grant to carry out an assessment consistent with relevant invasive species management plans of the State to—

(1) identify invasive species that occur in the State;

(2) survey the extent of invasive species in the State;

(3) assess the needs to restore, manage, or enhance native ecosystems in the State;

(4) identify priorities for actions to address those needs;

(5) incorporate, as applicable, the guidelines of the National Management Plan; and

(6) identify methods to—

(A) control or detect incipient infestations of invasive species in the State; or

(B) conduct or assess established populations of invasive species in the State.

(b) CONTROL GRANTS.

(1) IN GENERAL.—The Secretary may provide grants to appropriate public or private entities and Indian tribes to carry out, in partnership with a Federal agency, control projects for the management of invasive species on Public land or adjacent land that—

(A) include plans for—(i) controlling project areas; and

(ii) maintaining effective control of invasive species after the completion of the projects, including through the conduct of recreation activities;

(B) in the case of a project on adjacent land, are carried out with the consent of the owner of the adjacent land; and

(C) conduct outreach activities relating to the control projects in, communities in which control projects are carried out.

(2) PRIORITY.—In prioritizing grants for control projects, the Secretary shall consider—

(A) the extent to which a project would address—

(i) the priorities of a State for invasive species control; and

(ii) the priorities for invasive species management on Public land established under subsection (b);

(B) the estimated number of, or extent of, infestations by, invasive species in the State;

(C) whether a project would encourage increased coordination and cooperation among 1 or more Federal agencies and State or local government agencies to control invasive species;

(D) whether a project—

(i) fosters public-private partnerships; and

(ii) uses Federal resources to encourage increased private sector involvement, including the provision of private funds or in-kind contributions;

(E) the extent to which a project would aid the conservation of species included on Federal or State lists of threatened or endangered species;

(F) whether a project includes pilot testing or a demonstration of an innovative technology that has the potential to improve the cost-effectiveness of controlling invasive species; and

(G) the extent to which a project—

(i) considers the potential for unintended consequences of control methods on native species; and

(ii) includes contingency measures to address the unintended consequences.

(c) DUTIES OF THE SECRETARY.—The Secretary shall—

(1) not later than 180 days after the date on which funds are made available to carry out this Act, publish guidelines and solicit applications for grants submitted under this section;

(2) not later than 1 year after the date on which funds are made available to carry out this Act, evaluate and approve or disapprove applications for grants submitted under this section;

(3) consult with the Council on—

(A) any projects proposed for grants under this section, including the priority of proposed projects for the grants; and

(B) providing a definition of the term “adjacent land” for purposes of the control grant program under subsection (b);

(4) consult with the advisory committee established under section 3(b) of Executive Order No. 13112 (64 Fed. Reg. 6184) on projects proposed for grants under this Act, such as including the scientific merit, technical merit, and feasibility of a proposed project; and

(5) if a project is conducted on National Forest System land, consult with the Secretary of Agriculture.

(d) GRANT DURATION.
In General.—Except as provided in paragraph (2), a grant under this section shall provide funding for the Federal share of the cost of a project for not more than 2 fiscal years.

Renewal of Control Projects.—
(A) In General.—If the Secretary, after reviewing the reports submitted under subsection (f), determines that a control project, finds that the project is making satisfactory progress, the Secretary may renew a grant under this section for an additional 3 fiscal years.

(B) Implementation of Monitoring and Maintenance Plan.—The Secretary may renew a grant under this section to implement a monitoring and maintenance plan required for a control project under subsection (b) for not more than 10 years after the project is otherwise complete.

Distribution of Control Grant Awards.—In making grants for control projects under subsection (b), the Secretary shall, to the maximum extent practicable, ensure that—

(1) at least 50 percent of control project funds are spent on land adjacent to Public land; and

(2) there is a balance of smaller and larger control projects conducted with grants under that subsection.

Reporting by Grant Recipient.—
(A) In General.—Not later than 2 years after the date on which a grant is provided under subsection (a), a grant recipient carrying out an assessment project shall submit to the Secretary and the Governor of the State in which the assessment project is carried out a report on the assessment project.

(B) Control Projects.—A grant recipient carrying out a control project under subsection (b) shall submit to the Secretary—

(1) an annual synopsis of the control project and

(B) a report on the control project not later than the earlier of—

(i) at least once every 2 years; or

(ii) the date on which the grant expires.

(3) Contents.—A report submitted under this subsection shall include—

(A) a detailed accounting of—

(i) the funding made available for the project; and

(ii) any expenditures made for the project; and

(B) with respect to a control project—

(i) a chronological list of any progress made with respect to the project;

(ii) specific information on the methods and techniques used to control invasive species in the project area;

(iii) trends in the population size and distribution of invasive species in the project area; and

(iv) the number of acres of the native ecosystem protected or restored.

Cost-Sharing Requirement.—
(1) Project on Adjacent Land.

(A) In General.—Except as provided in subparagraph (B), the Federal share of the cost of a control project carried out on adjacent land shall be not more than 75 percent.

(B) Certain Control Projects.—The Federal share of a control project carried out on adjacent land that uses pilot testing, demonstrates an innovative technology, or provides for the conservation of threatened or endangered species shall be 50 percent.

(2) Projects on Public Land.—The Federal share of the portion of the project that is carried out on Public land shall be 100 percent.

Application of In-Kind Contributions.—If the recipient may apply to the Secretary for Federal share of the costs of a control project the fair market value of services or any other form of in-kind contribution to the project made by a non-Federal entity.

Derivation of Non-Federal Share.—The non-Federal share of the cost of a control project, a grant under this section may not be derived from a Federal grant program or other Federal funds.

Reporting by Secretary.—

(1) In General.—Not later than 3 years after the date of enactment of this Act and every 2 years thereafter, the Secretary shall submit to Congress a report that—

(A) describes the implementation of this section; and

(B) includes a determination whether the grants authorized under subsections (a) and (b) should be expanded to land and water that are owned and administered by Federal agencies other than the Department of the Interior or the Forest Service.

(2) Contents.—A report under paragraph (1) shall include a review of control projects, including—

(A) a list of control projects selected, in progress, and completed;

(B) an assessment of project impacts, including—

(i) areas treated; and

(ii) if feasible, a measurement of invasive species eradicated; or

(II) an estimate of the extent to which invasive species have been reduced or contained;

(C) the success and failure of control techniques used;

(D) an accounting of expenditures by Federal, State, regional, and local government agencies and other entities to carry out the projects;

(E) a review of efforts made to maintain an appropriate database of projects assisted under this section; and

(F) a review of the geographical distribution of Federal funds, matching funds, and in-kind contributions provided for projects.

SEC. 5. RAPID RESPONSE ASSISTANCE.

(A) Assessment Grants.—There are authorized to be appropriated to the Secretary to carry out assessment projects under section 4(a) $25,000,000 for fiscal year 2005; and $25,000,000 for each of fiscal years 2006 through 2009.

(B) Control Grants.—There are authorized to be appropriated to the Secretary to carry out control projects under section 4(b) $175,000,000 for fiscal year 2005; and $175,000,000 for each of fiscal years 2006 through 2009.

(Sec. 6. Relationship to Other Authorities.

Nothing in this Act affects authorities, responsibilities, obligations, or powers of the Secretary under any other statute.

Not later than March 31, 2005, and each year thereafter, the Director of the Office of Management and Budget, in consultation with the Council, shall submit to Congress—

(A) a comprehensive budget analysis and summary of Federal programs relating to invasive species; and

(B) a list of general priorities, ranked in high, medium, and low categories, of Federal efforts and programs in—

(A) prevention;

(B) early detection and rapid response;

(C) eradication, control, management, and restoration;

(D) research and monitoring;

(E) information management; and

(F) public outreach and partnership efforts.

Sec. 8. Authorization of Appropriations.

(A) Assessment Grants.—There are authorized to be appropriated to the Secretary to carry out assessment projects under section 4(a) $25,000,000 for fiscal year 2005; and $25,000,000 for each of fiscal years 2006 through 2009.

(B) Control Grants.—There are authorized to be appropriated to the Secretary to carry out control projects under section 4(b) $175,000,000 for fiscal year 2005; and $175,000,000 for each of fiscal years 2006 through 2009.

Continuing Availability.—Amounts made available under this section shall remain available until expended.

Administrative Expenses of Secretary.—Of amounts made available each fiscal year to carry out this Act, the Secretary may expend not more than 5 percent to pay the administrative expenses necessary to carry out this Act.

By Mr. CHAMBLISS (for himself and Mr. KYL):
S. 2599. A bill to strengthen anti-terrorism investigative tools to enhance prevention and prosecution of terrorist crimes, to combat terrorism financing, to improve border and transportation security, and for other purposes; to the Committee on the Judiciary.

By Mr. CHAMBLISS, Mr. President, I rise today to introduce a bill that will facilitate the sharing of information from Federal law enforcement agencies to State and local law enforcement. Right now, existing Federal law authorizes the FBI to obtain certain records and information, such as telephone records, bank records, and consumer credit records, in investigations of terrorist activities. One of the tools
that the FBI uses for this purpose is the National Security Letter (or NSL), which is, in effect, a limited type of administrative subpoena that is directed to the institutions that have these records. The statutes authorizing the use of electronically required to request the requested information be relevant to an investigation of international terrorism or clandestine intelligence activities, and these statues prohibit investigations based solely on First Amendment protected activities of people known under the law as “United States persons,” which is a group consisting of U.S. citizens and permanent resident aliens.

Unfortunately, when the FBI receives records or information provided to it in response to NSLs, several different statutes govern the circumstances under which the Bureau may disseminate this information to other agencies. The standards differ from statute to statute—complicating the sharing of the information with other agencies that may need it for counterterrorism purposes—and a number of these provisions are more restrictive about information sharing with other Federal agencies than with non-Federal agencies. The Information Sharing Improvement Act of 2004 (ISIA), which I introduce today along with my good friend from Arizona, JOHN KYL, would amend these statutes to allow the dissemination of information obtained through NSLs in conformity with consistent guidelines developed by the Attorney General.

The Information Sharing Improvement Act also amends a statute that authorizes sharing of national security-related investigative information with relevant Federal, State, and local officials, to make it clear that the statute applies regardless of whether the investigation in which the information was obtained is characterized as a “criminal” investigation or a “national security” investigation.

Finally, the Information Sharing Improvement Act also redesigns Homeland Security Act amendments that broaden the sharing of Federal grand jury information concerning threatened terrorist attacks with State and local authorities.

The Information Sharing Improvement Act does not expand the powers of the FBI or Federal prosecutors to acquire records or information, but it will improve their ability to share information obtained under existing authorities—with Federal, State, and local agencies that need it to protect the public from terrorism.

By MRS. CLINTON (for herself, Mr. LEVIN, Mr. DODD, Ms. CANTWELL, Mr. SARBES, Mr. SCHUMER, Ms. LANDRIEU, Mr. SANTORUM, Mr. LIEBERMAN, Ms. BOXER, Mr. SPECTER, Mr. ALEXANDER, Mr. STabenow, Mrs. FRISTEN, Mr. Mrs. HUTCHINSON, Ms. MIKULSKI, Ms. COLLINS, Mr. CORZINE, and Mr. PHYOR):

S. 2600. A bill to direct the Architect of the Capitol to enter into a contract to revise the statue commemorating women’s suffrage located in the rotunda of the United States Capitol to include a likeness of Sojourner Truth; to the Committee on Rules and Administration.

Mrs. CLINTON. Mr. President, I rise today to introduce legislation, with strong bi-partisan support, calling for the women’s suffrage statue located in the Capitol Rotunda to include a likeness of Sojourner Truth. As many of my colleagues know, in the majestic Capitol Rotunda sits a monument honoring three pioneers of the women’s suffrage movement, which led to the women of our great nation being granted the right to vote in 1920.

The monument features the busts of Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony that were sculpted by Adelaide Johnson, who passed away in 1955. As the Architect of the Capitol Rotunda was present at the monument was presented to the Capitol as a gift from the women of the United States by the National Women’s Party and was accepted on behalf of Congress by the Joint Committee on the Library on February 13, 1921. The unveiling ceremony was held in the Rotunda on February 15, 1921, the 101st anniversary of the birth of Susan B. Anthony, and was attended by representatives of over 70 women’s organizations. The Committee authorized the selection of the monument in the Crypt, where it remained until, by act of Congress in 1996, it was relocated to the Capitol Rotunda in May 1997.

In addition to the wonderful busts of Stanton, Mott, and Anthony, one of the interesting features of the monument is the existence of a large slab of stone that was never sculpted. Looking at the monument, it is clear that it was intended for a fourth person—another pioneer of the women’s suffrage movement—to be sculpted. The legislation I am introducing today calls for Sojourner Truth to be that person.

Born into slavery as one of the youngest of thirteen children of James and Elizabeth in Hurley, which is in Ulster County, New York, in approximately 1829, Sojourner Truth’s given name was Isabella Baumfree. Almost all of her brothers and sisters had been sold to other slave owners. Some of her earliest memories were of her parents’ stories of the cruel loss of their other children.

Isabella was sold several times to various slave owners and suffered many hardships under slavery, but throughout her life she maintained a deep and unwavering faith that carried her through many difficult times.

In 1817, the New York State Legislature passed the New York State Emancipation Act, which granted freedom to those enslaved who were born before July 4, 1879. Unfortunately, however, this law declared that many men, women and children could not be freed until July 4, 1827, ten years later.

While still enslaved and at the demand of her then owner, John Dumont, Isabella married an older slave named Thomas, with whom she had at least five children—Diane, Peter, Hannah, Elizabeth, and Sophia.

The date of her release came near—July 4, 1827—she learned that Dumont was plotting to keep her enslaved, even after the Emancipation Act went into effect. For this reason, in 1828, she ran away from the Dumont plantation with her family, leaving behind her husband and other children.

She took refuge with a Quaker family—the family of Isaac Van Wagenen—who performed domestic work for them as well as missionary work among the poor of New York City. While working for the Van Wagenen’s, she discovered that a member of the Dumont family had sold her youngest son Peter to a plantation owner in Alabama. At the time, New York law prohibited the sale of slaves outside New York State and so the sale of Peter was illegal. Isabella sued in court and won his return. In doing so, she became the first black woman in the United States to take a white man to court and win.

Isabella had always been very spiritual, and soon after being emancipated, she had a vision that affected her profoundly, leading her—as she has described it—to develop a “perfect trust in God and prayer.” In 1843, deciding her mission was to preach the word of God, Isabella changed her name to Sojourner Truth—her name for a traveling preacher, one who preaches the truth—and left New York. That summer she traveled throughout New England, calling her own prayer meetings and attending those of others. She preached “God’s truth and plan for salvation.”

After months of travel, she arrived in Northampton, Massachusetts, and joined the Northampton Association for Education and Industry, where she met and worked with abolitionists such as William Lloyd Garrison, Frederick Douglass, and Olive Gilbert.

As we know, during the 1850s, slavery became an especially heated issue in the United States. In 1850, Congress passed the Fugitive Slave Law, which allowed runaway slaves to be arrested and jailed without a jury trial, and in 1857, the Supreme Court ruled in the Dred Scott case that those enslaved had no rights as citizens and that the government could not outlaw slavery in the new territories.

Nevertheless, these extraordinarily difficult times did not stop Sojourner Truth from continuing her mission. Her life story—’The Narrative of Sojourner Truth: A Slave’—written with the help of friend Olive Gilbert, was published in 1850.

While traveling and speaking in states across the country, Sojourner Truth met many women abolitionists and noticed that although women could be part of the leadership in the abolitionist movement, they could neither vote nor hold public office. It was
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. 2600

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

SECTION 1. FINDINGS. Congress finds the following:

(1) Sojourner Truth was a towering figure among the founders of the movement for women’s suffrage in the United States, and any momentously represents this important development in our Nation’s history should include her.

(2) The statue known as the Portrait Monument, originally presented to Congress in 1920 in honor of the passage of the Nineteenth Amendment guaranteeing women the right to vote and presently exhibited in the rotunda of the United States Capitol, does not include the likeness of Sojourner Truth.

SEC. 2. REVISION OF WOMEN’S SUFFRAGE STATUE.

Not later than the final day on which the One Hundred Ninth Congress is in session, the Architect of the Capitol shall enter into a contract to revise the statue commemorating women’s suffrage located in the rotunda of the United States Capitol (commonly known as the “Portrait Monument”) to include a likeness of Sojourner Truth.

Mr. SPECTER. Mr. President, I have sought recognition to co-sponsor legislation to add the likeness of Sojourner Truth to this monument commemorating women’s suffrage located in the rotunda of the United States Capitol.

Sojourner Truth (1797–1883) was the self-appointed name of a woman born into slavery. The year of her birth is uncertain, and is usually taken to be 1797. Originally Isabella Van Wagener, she escaped to Canada in 1827.

After New York State had abolished slavery in 1829, she returned and worked as a domestic servant for over a decade, and joined Elijah Pierson in evangelical preaching on street-corners. Later in life she became a noted speaker for both the Abolitionist movement and the women’s rights movement. Perhaps one of her most famous speeches was Ain’t I A Woman, a short but pointed commentary delivered in 1851 at the Women’s Convention in Akron, Ohio.

During the American Civil War, she organized collection of supplies for the Union. In 1864 she worked with Olive Gilbert to produce a biography, the Narrative of Sojourner Truth.

This was a truly amazing woman who endeavored in her time to change the American experience both for her fellow freed slaves as well as women of all races. A courageous woman, Truth not only spoke out against the racial oppression that she had endured throughout her childhood but acted on her beliefs, inspiring men and women of all races with her strength, wisdom, and social activism.

Through her courage and perseverance, Sojourner Truth, her contem- poraries, and future visionaries have led our nation and the world toward greater freedom and democracy for all. Three of these women—Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony—are already portrayed by the Portrait Monument, presented to Congress in 1920 in honor of the passage of the Nineteenth Amendment guaranteeing women the right to vote. Her recognition, as an African-American would be an appropriate, momentous addition to the statutes.

I am pleased to offer this legislation to finally honor Sojourner Truth in the rotunda of the U.S. Capitol and encourage the retelling of her inspirational story to the American people. This is a long overdue effort and I encourage my colleagues to support this legislation.

By Mr. LAUTENBERG:

2601. A bill to amend title 37, United States Code, to require the payment of monthly special pay for members of the uniformed services whose service on active duty is extended by a stop-loss order or similar mechanism, and for other purposes; to the Committee on Armed Services.

Mr. LAUTENBERG. Mr. President, I rise today to offer a bill that addresses a critical element of our nation’s military planning.

My bill will very simply compensate men and women from all services who will be deployed even after their service agreement has ended.

The so-called “Stop Loss” policy that will keep over 10,000 troops forcefully conscripted is a direct result of perhaps the most dangerous error administration made in its planning for the war in Iraq.

The administration gravely miscalculated the military personnel required in the post-invasion stage of the Iraq campaign. It drastically underestimated the challenges of the so-called Reconstruction Period. Instead, we naively pretended we would be greeted as liberators, with sweets and tea.

The civilian leadership at the Pentagon failed to plan for such a large post-war contingent.

But this wasn’t just failure by commission. This was a deliberate neglect of expert opinion, which warned the administration that hundreds of troops would be needed to secure a country the size of California. In January 2003, three-star General Eric Shinseki told the White House, the Pentagon and the public that 300,000 troops were necessary to execute the war and post-war objectives. Not only was his expert advice ignored, but he was also fired for offering a dissenting view.

In May 2003, the administration was given a second chance to bolster its troops in Iraq; it could have solicited the support of our major allies—such as Turkey, France, India and others—and NATO and urge a truly international coalition to maintain peace in Iraq.

Unfortunately, the opportunity to bolster our troops through a real multinational coalition was squandered and now it is too late.
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. 2601
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MONTHLY SPECIAL PAY FOR ACTIVE DUTY MEMBERS EXTENDED BY STOP-LOSS ORDERS.

(a) In General—(1) Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

§327. Special pay: active duty service extended by stop-loss order

(a) Special Pay.—A member of the uniformed services entitled to basic pay whose enlistment is extended or whose eligibility for retirement is suspended, pursuant to the exercise of an authority referred to in subsection (b) is entitled while on active duty during the period of such extension or suspension to special pay in the amount specified in subsection (c).

(b) Extension Authorities.—An authority referred to in this section is an authority for the extension of an enlistment or period of obligated service, or for suspension of eligibility for retirement of a member of the uniformed services under a provision of law as follows:

(1) Section 123 of title 10.
(2) Section 12305 of title 10.
(3) Any other provision of law (commonly referred to as ‘stop-loss authority’) authorizing the President to extend an enlistment or period of obligated service, or suspend an eligibility for retirement, of a member of the uniformed services in time of war or of national emergency declared by Congress or the President.

(c) Monthly Amount.—The amount of special pay specified in this subsection is $2,000 per month.

(d) Construction with Other Pays.—Special pay payable under this section is in addition to any other pay payable to members of the uniformed services by law.

The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by adding at the end the following new subsection:

‘‘§327. Special pay: active duty service extended by stop-loss order.’’

(b) Effective Date.—The amendments made by subsection (a) shall take effect as of March 20, 2003.

(c) Funding.—Amounts appropriated or otherwise made available for the Department of Defense for operation and maintenance for fiscal year 2003 shall be available for the payment of special pay under section 327 of title 37, United States Code (as added by subsection (a))—

(1) during fiscal year 2005; and
(2) for the period beginning on the effective date specified in subsection (b) and ending on September 30, 2004.

By Mr. DODD (for himself and Mr. BENNETT):

S. 2602. A bill to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, I rise today to introduce the District of Columbia and United States Territories Circulating Quarter Dollar Program Act. I am proud to cosponsor this important legislation with my colleague, Senator ROBERT BENNETT, R-UT.

This legislation will provide the District of Columbia, American Samoa, Guam, Puerto Rico, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands the opportunity to put a design of their choice on the reverse side of a quarter coin. These jurisdictions were inadvertently excluded from the 50 States Quarter Commemorative Coin Program Act, Public Law 105-124, that gave each State the same right in 1997.

As part of the 50 State Quarter Program, over twenty-two billion quarter coins representing 27 states have been minted. All the coins are minted according to the year each State ratified the Constitution of the United States or were admitted into the Union. Although States have appropriate latitude, there are limitations as to what can be used as a design.

According to Public Law 105-124, the Secretary of the Treasury has the final approval of each design. The law gives clear guidance as to what is an acceptable design concept. Suitable design concepts include State landmarks, landscapes, historically significant buildings, symbols of State resources or industries, official State flags, and family State iconic outlines of States. Among the examples of suitable coins already in circulation year New York’s Statue of Liberty, Missouri’s depiction of Lewis and Clark as they paddled down the Missouri River with the Gateway Arch in the background, and North Carolina’s first successful airplane flight.

The District of Columbia has been the unfortunate target of acts of terror, yet citizens of the District have no one who can cast a vote in Congress on issues to protect their security. Citizens of Washington, D.C., pay income taxes just like every other American. In fact on a per capita basis, District residents have the second highest Federal tax obligation. And yet they have absolutely no say in how high those taxes will be or how their tax dollars will be spent.

This legislation is a reminder of the importance of including all Americans in the symbols of American citizenship. The residents of the District are American citizens, despite their lack of voting representation in Congress.

I believe that the least that we can do is allow the residents of the District of Columbia, as citizens of the United States, to commemorate the symbols of their own jurisdiction.

The 50 States Commemorative Coin Program Act of 1997 states that “Congress finds that it is appropriate and fitting to honor the diversity of the United States through the circulation of coins representing all 50 States.”

The District of Columbia has an important legislative history. The 50 States Commemorative Coin Program Act of 1997 states that “Congress finds that it is appropriate and fitting to honor the diversity of the United States through the circulation of coins representing all 50 States.”

The 50 States Commemorative Coin Program Act of 1997 states that “Congress finds that it is appropriate and fitting to honor the diversity of the United States through the circulation of coins representing all 50 States.”
of the United States about the individual states, their history and geography, and the rich diversity of the national heritage” and to encourage “young people and their families to collect memorable tokens of all of the State and the Nation’s value of the coinage.”

I believe that it is of significant importance to America’s youth to better understand and honor the rich, vibrant history of our nation’s capital and territories, as well as that of our states. I urge my colleagues to support this meaningful legislation.

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. 2692

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

(3) SELECTION OF DESIGN.

(a) PROHIBITION ON FAX TRANSMISSIONS CONTAINING UNSOLICITED ADVERTISEMENTS.

(a) Content.—(1) The FCC shall, on its own initiative or in response to a complaint, issue a notice and rulemaking proceeding to consider whether unsolicited fax advertisements and promotions are an unfair or deceptive act or practice under Section 502 of the Communications Act of 1934 (47 U.S.C. 312) and to consider whether such advertisements and promotions should be unlawful.

(b) Review.—The Commission shall review the proceeding established under paragraph (1) and, after notice and opportunity for public hearing, shall issue a final rule.

(c) Final Rule.—The final rule shall include a finding that the Commission’s action is necessary to protect consumers from the threat or harm of unsolicited fax advertisements and promotions, and shall include a demonstration that the rule is consistent with the public interest, convenience, and necessity.

(d) Effective Date.—The rule shall become effective 180 days after its publication in the Federal Register.

(e) Enforcement.—The Commission shall enforce the rule as provided in Section 502 of the Communications Act of 1934 (47 U.S.C. 312).

(f) Good Cause Exception.—The Commission may issue a temporary waiver of the rule for good cause shown, upon a showing of good cause by the complaining party.

(g) Compliance.—(1) The Commission shall provide for a compliance program to ensure that entities subject to the rule are in compliance.

(2) The Commission shall, on its own initiative or in response to a complaint, issue a notice and rulemaking proceeding to consider whether unsolicited fax advertisements and promotions are an unfair or deceptive act or practice under Section 502 of the Communications Act of 1934 (47 U.S.C. 312) and to consider whether such advertisements and promotions should be unlawful.

(3) Review.—The Commission shall review the proceeding established under paragraph (2) and, after notice and opportunity for public hearing, shall issue a final rule.

(4) Final Rule.—The final rule shall include a finding that the Commission’s action is necessary to protect consumers from the threat or harm of unsolicited fax advertisements and promotions, and shall include a demonstration that the rule is consistent with the public interest, convenience, and necessity.

(5) Enforcement.—The Commission shall enforce the rule as provided in Section 502 of the Communications Act of 1934 (47 U.S.C. 312).

(6) Good Cause Exception.—The Commission may issue a temporary waiver of the rule for good cause shown, upon a showing of good cause by the complaining party.

(7) Compliance.—The Commission shall provide for a compliance program to ensure that entities subject to the rule are in compliance.

(8) Reporting.—The Commission shall report to Congress on its implementation of the rule.

(9) Effective Date.—The rule shall become effective 180 days after its publication in the Federal Register.

SEC. 2. PROHIBITION ON FAX TRANSMISSIONS CONTAINING UNSOLICITED ADVERTISEMENTS.

(a) Content.—(1) The FCC shall, on its own initiative or in response to a complaint, issue a notice and rulemaking proceeding to consider whether unsolicited fax advertisements and promotions are an unfair or deceptive act or practice under Section 502 of the Communications Act of 1934 (47 U.S.C. 312) and to consider whether such advertisements and promotions should be unlawful.

(b) Review.—The Commission shall review the proceeding established under paragraph (1) and, after notice and opportunity for public hearing, shall issue a final rule.

(c) Final Rule.—The final rule shall include a finding that the Commission’s action is necessary to protect consumers from the threat or harm of unsolicited fax advertisements and promotions, and shall include a demonstration that the rule is consistent with the public interest, convenience, and necessity.

(d) Effective Date.—The rule shall become effective 180 days after its publication in the Federal Register.

(e) Enforcement.—The Commission shall enforce the rule as provided in Section 502 of the Communications Act of 1934 (47 U.S.C. 312).

(f) Good Cause Exception.—The Commission may issue a temporary waiver of the rule for good cause shown, upon a showing of good cause by the complaining party.

(g) Compliance.—The Commission shall provide for a compliance program to ensure that entities subject to the rule are in compliance.

(h) Reporting.—The Commission shall report to Congress on its implementation of the rule.

(i) Effective Date.—The rule shall become effective 180 days after its publication in the Federal Register.

SEC. 3. PROHIBITION ON FAX TRANSMISSIONS CONTAINING UNSOLICITED ADVERTISEMENTS.

(a) Content.—(1) The FCC shall, on its own initiative or in response to a complaint, issue a notice and rulemaking proceeding to consider whether unsolicited fax advertisements and promotions are an unfair or deceptive act or practice under Section 502 of the Communications Act of 1934 (47 U.S.C. 312) and to consider whether such advertisements and promotions should be unlawful.

(b) Review.—The Commission shall review the proceeding established under paragraph (1) and, after notice and opportunity for public hearing, shall issue a final rule.

(c) Final Rule.—The final rule shall include a finding that the Commission’s action is necessary to protect consumers from the threat or harm of unsolicited fax advertisements and promotions, and shall include a demonstration that the rule is consistent with the public interest, convenience, and necessity.

(d) Effective Date.—The rule shall become effective 180 days after its publication in the Federal Register.

(e) Enforcement.—The Commission shall enforce the rule as provided in Section 502 of the Communications Act of 1934 (47 U.S.C. 312).

(f) Good Cause Exception.—The Commission may issue a temporary waiver of the rule for good cause shown, upon a showing of good cause by the complaining party.

(g) Compliance.—The Commission shall provide for a compliance program to ensure that entities subject to the rule are in compliance.

(h) Reporting.—The Commission shall report to Congress on its implementation of the rule.

(i) Effective Date.—The rule shall become effective 180 days after its publication in the Federal Register.
machine that complies with the requirements under paragraph (2)(E); or.

(b) Definition of Established Business Relationship.—Section 227(a) of the Communications Act of 1994 (47 U.S.C. 227(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) The term ‘established business relationship’ for purposes only of subsection (b)(1)(C)(i), shall have the meaning given the term in section 64.1200 of title 47, Code of Federal Regulations, as in effect on January 1, 2000, except that—

‘‘(A) such term shall include a relationship between a person or entity and a business subscriber subject to the same terms applicable under such section to a relationship between a person or entity and a residential subscriber; and

‘‘(B) an established business relationship shall be subject to any time limitation established pursuant to paragraph (2)(G).’’"

(c) Required Notice of Opt-Out Opportunity.—Section 227(b)(2) of the Communications Act of 1994 (47 U.S.C. 227(b)(2)) is amended—

(1) in subparagraph (B), by striking ‘‘and’’ at the end;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

‘‘(B)(1) shall provide that a notice contained in an unsolicited advertisement complies with the requirements under this subparagraph only if—

‘‘(I) the notice is clear and conspicuous and on the first page of the unsolicited advertisement;

‘‘(II) the notice states that the recipient may request the sender not to send any future unsolicited advertisements to a telephone facsimile machine or machines and that failure to comply, within the shortest reasonable time, as determined by the Commission, with such a request meeting the requirements under subparagraph (E) is unlawful;

‘‘(III) the notice sets forth the requirements for a request under subparagraph (E);

‘‘(IV) the notice includes—

‘‘(i) the name and telephone and facsimile machine number for the recipient to transmit such a request to the sender; and

‘‘(ii) a cost-free mechanism for a recipient to transmit such a request pursuant to such notice to the sender of the unsolicited advertisement; the Commission shall by rule require the sender to provide such a mechanism and may, in the discretion of the Commission and subject to such conditions as the Commission may prescribe, exempt certain classes of small business senders, but only if the Commission determines that the costs to such class of unduly burdensome given the revenues generated by such small businesses;

‘‘(V) the telephone and facsimile machine numbers and the cost-free mechanism set forth pursuant to clause (iv) permit an individual or business to make such a request during regular business hours; and

‘‘(VI) the notice complies with the requirements of subsection (d);’’;

(d) Request to Opt-Out of Future Unsolicited Advertisements.—Section 227(b)(2) of the Communications Act of 1994 (47 U.S.C. 227(b)(2)), as amended by subsection (c), is further amended by adding at the end the following:

‘‘(E) shall provide, by rule, that a request not to send future unsolicited advertisements to a telephone facsimile machine complies with the requirements under this subparagraph only if—

‘‘(i) the request identifies the telephone number or numbers of the telephone facsimile machine or machines to which the request relates;

‘‘(ii) the request is made to the telephone or facsimile number of the sender of such an unsolicited advertisement provided pursuant to subparagraph (D)(iv) or by any other method of communication as determined by the Commission; and

‘‘(III) the person making the request has not, subsequent to such request, provided express invitation or permission to the sender, in writing or otherwise, to send unsolicited advertisements to such person at such telephone facsimile machine;’’;

(e) Authority to Establish Nonprofit Exception.—Section 227(b)(2) of the Communications Act of 1994 (47 U.S.C. 227(b)(2)), as amended by subsections (c) and (d), is further amended by adding at the end the following:

‘‘(F) may, in the discretion of the Commission and subject to such conditions as the Commission may prescribe, allow professional or trade associations that are tax-exempt under section 501(c)(6) of the Internal Revenue Code of 1986 to notify in writing any subscriber to whom such association regularly sends advertisements not to send any future unsolicited advertisements to such subscriber at such telephone facsimile machine;’’;

(f) Authority to Establish Time Limit on Established Business Relationship Exception.—Section 227(b)(2) of the Communications Act of 1994 (47 U.S.C. 227(b)(2)), as amended by subsections (c) and (d), and (e) of this section, is further amended by adding at the end the following:

‘‘(G)(1) Except as provided in clause (i), limit the duration of the existence of an established business relationship to a period not shorter than 5 years and not longer than 10 years, unless the action of the Commission has taken action.

‘‘(2) the person to whom the notice was issued after public notice and opportunity for public comment; and

‘‘(II) if the Commission determines that such notice required by paragraph (1)(C)(ii) is not necessary to protect the ability of the members of such associations to stop such associations from sending any future unsolicited advertisements; and’’;

(g) Junk Fax Enforcement.—The Communications Commission shall issue regulations, or policy relating to sending of unsolicited advertisements to telephone facsimile machines, which report shall include—

‘‘(1) the number of complaints received by the Commission during such year alleging that a consumer received an unsolicited advertising via telephone facsimile machine in violation of the Commission’s rules;

‘‘(2) the number of such complaints received during the year on which the Commission has taken action.

‘‘(3) the number of such complaints that remain pending at the end of the year;

‘‘(4) the number of citations issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

‘‘(5) the number of notices of apparent liability issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

‘‘(6) for each notice referred to in paragraph (5)—

‘‘(A) the amount of the proposed forfeiture penalty involved;

‘‘(B) the person to whom the notice was issued;

‘‘(C) the length of time between the date on which the complaint was filed and the date on which the notice was issued; and

‘‘(D) the status of the proceeding;

‘‘(7) the number of final orders imposing forfeiture penalties issued pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

‘‘(8) for each forfeiture order referred to in paragraph (7)—

‘‘(A) the amount of the penalty imposed by the order;

‘‘(B) the person to whom the order was issued;

‘‘(C) whether the forfeiture penalty has been paid; and

‘‘(D) the amount paid;’’;

(h) Regulations.—Except as provided in subsection (b)(2)(G)(vIII) of the Communications Act of 1994 (as added by subsection (f)), not later than 270 days after the date of enactment of this Act, the Federal Communications Commission shall issue regulations to implement the amendments made by this section.


Section 227 of the Communications Act of 1994 (47 U.S.C. 227) is amended by adding at the end the following:

“(g) Junk Fax Enforcement Report.—The Commission shall submit an annual report to Congress regarding the enforcement during the past year of the Commission’s rules relating to sending of unsolicited advertisements to telephone facsimile machines, which report shall include—

‘‘(1) the number of complaints received by the Commission during such year alleging that a consumer received an unsolicited advertisement via telephone facsimile machine in violation of the Commission’s rules;

‘‘(2) the number of such complaints received during the year on which the Commission has taken action.

‘‘(3) the number of such complaints that remain pending at the end of the year;

‘‘(4) the number of citations issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

‘‘(5) the number of notices of apparent liability issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

‘‘(6) for each notice referred to in paragraph (5)—

‘‘(A) the amount of the proposed forfeiture penalty involved;

‘‘(B) the person to whom the notice was issued;

‘‘(C) the length of time between the date on which the complaint was filed and the date on which the notice was issued; and

‘‘(D) the status of the proceeding;

‘‘(7) the number of final orders imposing forfeiture penalties issued pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

‘‘(8) for each forfeiture order referred to in paragraph (7)—

‘‘(A) the amount of the penalty imposed by the order;

‘‘(B) the person to whom the order was issued;

‘‘(C) whether the forfeiture penalty has been paid; and

‘‘(D) the amount paid;’’;
“(A) the number of days from the date the Commission issued such order to the date of such referral; “(B) whether an action has been commenced to recover, and if so, the number of days from the date the Commission referred such order for recovery to the date of such commencement; and “(C) whether an action resulting in collection of any amount, and if so, the amount collected.”.

SEC. 4. GAO STUDY OF JUNK FAX ENFORCEMENT.

(a) In General.—The Comptroller General of the United States shall conduct a study regarding complaints received by the Federal Communications Commission concerning unsolicited advertisements sent to telephone facsimile machines, which study shall determine—

1. the mechanisms established by the Commission to receive, investigate, and respond to such complaints;
2. the level of enforcement success achieved by the Commission regarding such complaints;
3. whether complainants to the Commission are adequately informed by the Commission of the responses to their complaints; and
4. whether additional enforcement measures are necessary to protect consumers, including recommendations regarding such additional enforcement measures.

(b) ADDITIONAL ENFORCEMENT REMEDIES.—

In conducting the analysis and making the recommendations required under subsection (a)(4), the Comptroller General shall specifically examine—

1. the adequacy of existing statutory enforcement actions available to the Commission;
2. the adequacy of existing statutory enforcement actions and remedies available to consumers;
3. the impact of existing statutory enforcement remedies on senders of facsimiles;
4. whether increasing the amount of financial penalties is warranted to achieve greater deterrent effect; and
5. whether establishing penalties and enforcement actions for repeat violators or abusive violations similar to those established under subsection 502 of title 18, United States Code, would have a greater deterrent effect.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit a report on the results of the study under this section to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

By Mr. SMITH (for himself and Mr. BREAUX):

S. 2604. A bill to amend the Internal Revenue Code of 1986 to reduce the recognition period for built-ins gains for small and family-owned businesses; to the Committee on Finance.

Mr. SMITH. Mr. President, I am very pleased today to introduce the Small Business Growth and Opportunity Act of 2004 along with my Finance Committee colleague, Senator Breaux.

This legislation will allow S corporations to liquidate unproductive assets freeing up capital to be used to grow the business and create new jobs.

There are about 2.9 million of these small and family-owned businesses in all 50 States. Over the past few years, many of these small businesses have been forced to lay off workers and delay capital investment. At the same time, the tax code forces them to hold on to unproductive and inefficient assets or face the double tax period of the corporate “built-in gains” tax.

Under current law, businesses that convert from C corporation to S corporation status are penalized by a double tax burden for a period of 10 years if they sell assets they owned as a C corporation. This tax penalty is imposed at the corporate level on top of normal shareholder-level taxes, making the sale and reinvestment of these assets prohibitively expensive. In some States, this double-tax burden can exceed 70 percent of the built-in gain.

Clearly this tax penalty is neither justifiable nor sustainable as a reasonable business matter. The built-in gains tax 1. limits cash flow and availability, 2. encourages excess borrowing because the S corporation cannot access the locked-in value of its own assets, and 3. prevents these small businesses from growing and creating jobs.

While I would like to see even more generous relaxation of these rules, for revenue considerations this bill will reduce the built-in gains recognition period, the holding period, from 10 years to 7 years. This three-year reduction would start to ease this unproductive tax burden on these small and family-owned businesses.

I look forward to working with my colleagues on the Senate Finance Committee and hope the Committee will consider this proposal this year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 2604

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

SECTION 1. REDUCED RECOGNITION PERIOD FOR BUILT-IN-GAINS.

(a) IN GENERAL.—(Paragraph (7) of section 159(d) (relating to definitions and special rules) is amended to read as follows:

“(7) RECOGNITION PERIOD.—The term ‘recognition period’ means the 5-year period beginning with the 1st day of the 1st taxable year for which the corporation was an S corporation. For purposes of applying this section to any amount includible in income by reason of distributions to shareholders pursuant to section 503(e), the preceding sentence shall be applied without regard to the duration of the recognition period in effect on the date such distribution.”.

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—The amendment made by this section shall apply to any recognition period in effect on or after the date of the enactment of this Act.

(2) SPECIAL APPLICATION TO EXISTING PERIODS.—Any recognition period in effect on the date of the enactment of this Act, the length of which is greater than 7 years, shall end on such date.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 391—DESIGNATING THE SECOND WEEK OF DECEMBER 2004 AS ‘CONVERSATIONS BEFORE THE CRISIS WEEK’

Mr. NELSON of Florida submitted the following resolution; which was referred to the Committee of the Judiciary:

S. RES. 391

Whereas 2,400,000 people in the United States die each year;

Whereas research shows that a majority of people in the United States would prefer to die at home, surrounded by family and other loved ones, free from pain, and with their wishes honored;

Whereas only 30 percent of people in the United States currently have an advance directive, which includes a living will describing the kind of care they would like to receive and the appointment of a health care agent or proxy, for them if they cannot speak for themselves;

Whereas individuals need to have more information and support in order to make informed choices and exercise their end-of-life care wishes with their families, doctors, lawyers, and clergy;

Whereas all people in the United States have the ability to make their end-of-life care wishes clear through the execution of an advance directive, which includes a living will describing the kind of care they would like to receive and the appointment of a health care agent or proxy, for them if they cannot speak for themselves;

Whereas only 15 to 20 percent of people in the United States currently have an advance directive and most do not know that there are options for good pain and symptom management and quality end-of-life care, and thus do not ask for them;

Whereas honoring a dying person’s preferences is a critical element of quality end-of-life care and the right of all people in the United States;

Whereas advance directive documents are valid in all 50 states and are available without charge on the Internet;

Whereas a “Conversations Before the Crisis Week”, and activities planned to support this week, would encourage family members to designate time during the week to talk to their loved ones about their personal end-of-life wishes and to document those wishes formally through the completion of a living will and appointing a medical power of attorney; and

Whereas the Senate believes educating people in the United States about end-of-life care choices and encouraging conversations about these issues before there is a medical crisis is of the utmost importance: Now, therefore, be it

Resolved, That the Senate—

1. designates the second week of December 2004 as ‘Conversations Before the Crisis Week’; and

2. requests that the President issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

Mr. NELSON of Florida. Mr. President. Last week my colleague Senator JAY ROCHEFELLER and I had the privilege of introducing the Advanced Directives Improvement and Education
Act of 2004, which would improve an individual’s understanding of the importance of advance directives and give people the opportunity to discuss their options with their doctor.

The goals of the legislation are important. But as we make advance directives more accessible, we must also reach out to the many Americans who feel uncomfortable discussing serious illness and death and help them learn how to make their end-of-life health care plans.

Accordingly, today I am pleased to introduce a Resolution designating the second week of December 2004 to be “Conversations Before the Crisis Week.” During this week, there will be town hall meetings, television and radio shows, educational events, newspaper articles, legal clinics, and other activities taking place in communities across the country. This coordinated effort will bring the discussion of dying out of the shadows and into the public square. There are difficult questions to ask and the answers are neither simple nor universal. But it is essential that we discuss them and that each of us find the best answer we can for ourselves and our families.

The alternative is unacceptable: once a terminal illness or tragedy strikes, it is infinitely more difficult to sort through the complex and confusing emotional, spiritual, legal, and medical concerns. We must begin having these conversations before the crisis because it is important to plan for end-of-life care without the anger, sadness, fear, and pain that may accompany a terminal diagnosis, and because knowing what you want is the greatest gift you can give to those who love you and may have to make medical decisions for you.

It is my hope that as we talk more, we will learn more; and as we learn more, we will demand more. If we demand better end-of-life care, we will get it. One example: Medicare has an excellent hospice benefit but only 25-30 percent of eligible Medicare beneficiaries use this service. Even people who do use the hospice benefit stay for an average of 28 days—too short to provide maximum benefit. Since Medicare allows people who need it to have over 180 days of hospice care, this is very surprising. By supporting this resolution and creating a “Conversations Before the Crisis Week,” we can generate important public attention—attention that will help explain this mystery, and attention that will be crucial to helping people end their lives in a way that is as peaceful and as meaningful as possible.

SENATE RESOLUTION 392—CONVEYING THE SYMPATHY OF THE SENATE TO THE FAMILIES OF THE YOUNG WOMEN MURDERED IN THE STATE OF CHIHUAHUA, MEXICO, AND ENCOURAGING INCREASED UNITED STATES INVOLEMENT IN BRINGING AN END TO THESE CRIMES

Mr. BINGAMAN (for himself, Mrs. HUTCHISON, and Ms. LANDRIEU) submitted the following resolution; which was referred to the Committee on Foreign Relations:

WHEREAS the Mexican border city of Ciudad Juarez has been plagued with the abduction, sexual assault, and brutal murders of more than 370 young women since 1993;

WHEREAS these abductions and murders have begun to spread south to the city of Chihuahua;

WHEREAS more than 90 of these murders show signs of being connected to 1 or more serial killers;

WHEREAS some of the victims are as young as 13 years old, and many were abducted in broad daylight in broad daylight in broad daylight in broad daylight in broad daylight in broad daylight in broad daylight in broad daylight in broad daylight in broad daylight in broad daylight areas;

WHEREAS these murders have brought pain as the families and friends of the victims on both sides of the border struggle to cope with the loss of their loved ones;

WHEREAS many of the victims have yet to be positively identified;

WHEREAS the perpetrators of most of these heinous acts remain unknown;

WHEREAS the Mexican Federal Government has taken steps to prevent these abductions and murders, including setting up a commission to investigate the crimes and state efforts in Mexico, establishing a 40-point plan, appointing a special commissioner, and appointing a special prosecutor;

WHEREAS in 2003 the El Paso Field Office of the Federal Bureau of Investigation and the El Paso Police Department began providing Mexican authorities with training in investigative techniques and methods;

WHEREAS the government of the State of Chihuahua has jurisdiction over these crimes;

WHEREAS Mexico is a party to the following international treaties that relate to abductions and murders: the Charter of the Organization of American States, the American Convention on Human Rights, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, the United Nations Declaration on Violence Against Women, the Convention on the Rights of the Child, the Convention of Belém do Pará, the American Convention on Punishment and Death Penalty, the United Nations Convention on Forced Disappearance, and the United Nations Declaration on the Protection of All Persons From Enforced Disappearance;

WHEREAS impunity for these crimes is a threat to the ability of Mexico to consolidate its growing democracy; Now, therefore, be it

RESOLVED, That:

(1) recognizes the courageous struggle of the victims’ families in seeking justice for the victims;

(2) urges the President and Secretary of State to continue to express concern over these abductions and murders to the Government of Mexico and to request that the investigative and preventative efforts of the Mexican Government be part of the bilateral agenda between the Governments of Mexico and the United States;

(3) urges the President and Secretary of State to continue to express support for the efforts of the victims’ families to seek justice for the victims, to express concern relating to the continued harassment of these families, and the humanitarians with which they work, and to express concern with respect to impediments in the ability of the families to receive prompt and accurate information in their cases;

(4) supports multilateral efforts to create a DNA database that would allow families to positively identify the remains of the victims and encourages the Secretary of State to facilitate United States participation in such a DNA database;

(5) encourages the Secretary of State to continue to include Mexican Country Report on Human Rights of the Department of State all instances of improper investigative methods, threats against human rights activists, and the use of torture in respect to cases involving the murder and abduction of young women in the State of Chihuahua;

(6) recommends that the United States Ambassador to Mexico visit Ciudad Juarez and the city of Chihuahua to meet with the families of the victims, women’s rights organizations, and Mexican Federal and State officials responsible for investigating these crimes and preventing future such crimes;

(7) condemns the use of torture as a means of investigation into these crimes;

(8) encourages the Secretary of State to urge the Government of Mexico to ensure fair and proper judicial proceedings for the individuals accused of these abductions and murders and to impose appropriate punishment for those individuals subsequently determined to be guilty of such crimes;

(9) condemns all senseless acts of violence in all parts of the world and, in particular, violence against women; and

(10) expresses the solidarity of the people of the United States with the people of Mexico in the face of these tragic and senseless acts.

Mr. BINGAMAN. Mr. President, I rise today with my colleagues Senators HUTCHISON and LANDRIEU to submit a resolution to convey the deepest sympathy of the Senate to the families of the young women who have been tragically murdered in Ciudad Juarez and throughout the State of Chihuahua, and urge the governments of Mexico and the United States to work together to address this issue. This is an issue that has not only affected the people of Mexico, but has long troubled the communities in my home State and across the entire Southwest region. A similar resolution, H. Res. 466, has been introduced by Representative Hilda SOLIS and enjoys the bipartisan support of 125 cosponsors.

In 1993, the bodies of women began appearing in the deserts outside the city of Juarez, Mexico, marking the beginning of a horrendous epidemic that has plagued the United States-Mexico border region for more than 10 years. Since then, more than 370 women have
been killed. Many of the young women were abducted in broad daylight in well-populated areas, held captive for several days and subjected to physical violence, humiliation, and sexual torture, before having their mutilated bodies discovered days, or sometimes years, later in deserted areas.

Unfortunately, these murders have continued into this year. Most recently, on May 28, 14-year old Luisa Rocio Chavez Chavez was found murdered at the city of Chihuahua after disappearing the previous afternoon on her way home from the store. She had been raped and strangled to death, and her body was found partially clothed. And before that, on April 26, a 33-year old factory worker, Teresa Torbellin, was found after being beaten to death and dragged through bushes and desert, eventually being dumped in a deserted area outside the city. Like these deaths, nearly all of the cases remain unsolved. In fact, many of the bodies of victims are positively identified. One can only imagine how much pain and suffering this has caused the families and friends of these young women. I want to make sure that these deaths are never forgotten, and that the great efforts on both sides of the border continue to give this issue the attention that it so rightly deserves.

National and international human rights groups, as well as Mexico’s own special prosecutor, Maria Lopez Urbina, have revealed that many of the bodies were misidentified, evidence was contaminated or lost, key witnesses were not properly interviewed, and autopsies were inadequately performed. Some reports have even suspected that others in the international community, consistent with security needs, its impact on Palestinian communities:"

Whereas in order to promote a lasting peace, all states must oppose terrorism, support the emergence of a peaceful and democratic Palestine, and state clearly that they will live in peace with Israel: Now, therefore,

Resolved. That the Senate—

(1) endorses the above-mentioned principles and practices of United States policy in the Middle East, and ongoing actions to make progress toward realizing the vision of two states living side by side in peace and security, as a real contribution toward peace, and as important steps under the Road Map; and that the Senate—

(2) reaffirms its commitment to a vision of two states, Israel and Palestine, living side by side in peace and security as the key to peace; and that the Senate—

(3) supports efforts to continue working with others in the international community, to build the capacity and will of Palestinian institutions to fight terrorism, dismantle terror organizations, and to prevent violence, humiliation, and sexual torture in Mexico.

WHEREAS the United States remains committed to Israel’s security, and well-being as a Jewish State, including secure, recognized, and defensible borders, and to preserving and strengthening Israel’s capability to deter enemies and defend itself against any threat; and

WHEREAS Israel has the right to defend itself against terrorism, including to take action against terrorist organizations that threaten Israel’s citizens;

WHEREAS, after Israel withdraws from Gaza and parts of the West Bank, existing arrangements regarding control of airspace, territorial waters, and land passages relating to the West Bank and Gaza are planned to continue; and

WHEREAS, as part of a final peace settlement, Israel must have secure and recognized borders, which should emerge from negotiations between the parties in accordance with United Nations Security Council Resolutions 242 and 38;

WHEREAS, in light of realities on the ground, including already existing major Israeli population centers, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1967; it is also unrealistic to expect that any final status agreement will only be achieved on the basis of mutually agreed changes that reflect these realities; and

WHEREAS Israeli Prime Minister Ariel Sharon has stated: “the barrier being erected by Israel is a security rather than political barrier, is temporary rather than permanent, and would therefore solve the final status issues including final borders, and its route should take into account, consistent with security needs, its impact on Palestinian communities”:;

WHEREAS an agreed just, fair, and realistic framework for a solution to the Palestinian issue and a part of any final status agreement will need to be found through the establishment of a Palestinian state, and the settling of Palestinian refugees there, rather than in Israel;

WHEREAS the United States supports the establishment of a Palestinian state that is viable, contiguous, sovereign, and independent, so that the Palestinian people can build their own future;

WHEREAS the United States will join with others in the international community to assist fostering the development of Palestinian democratic political institutions and new leadership committed to those institutions in the roadmap for reconstruction and development, the growth of a free and prosperous economy, and the building of capable security institutions dedicated to maintaining law and order and dismantling terrorist organizations; and

WHEREAS in order to promote a lasting peace, all states must oppose terrorism, support the emergence of a peaceful and democratic Palestine, and state clearly that they will live in peace with Israel: Now, therefore, be it

Resolved. That the Senate—

(1) endorses the above-mentioned principles and practices of United States policy in the Middle East, and ongoing actions to make progress toward realizing the vision of two states living side by side in peace and security, as a real contribution toward peace, and as important steps under the Road Map; and

(2) reaffirms its commitment to a vision of two states, Israel and Palestine, living side by side in peace and security as the key to peace; and

(3) supports efforts to continue working with others in the international community, to build the capacity and will of Palestinian institutions to fight terrorism, dismantle terror organizations, and to prevent violence, humiliation, and sexual torture in Mexico.
SENATE RESOLUTION 394—TO AUTHORIZE TESTIMONY AND REPRESENTATION IN UNITED STATES V. DANIEL BAYLY, ET AL.

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. Res. 394

Whereas, by Senate Resolution 317, 107th Congress, the Senate authorized the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs to produce records from its investigation into the collapse of Enron Corporation to law enforcement and regulatory officials and agencies;

Whereas, in the case of United States v. Daniel Bayly, et al., Cr. No. H–03–363, pending in the United States District Court for the Southern District of Texas, the parties have requested testimony from Tim Henseler, a former employee of, and Jim Pittrizzi, a detaillee to, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. § 703(a) and 286(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate, in its discretion, will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Joshua Thomas is authorized to testify and produce documents in the case of Ulysses J. Ward v. Dep’t of the Army, No. AT 03–0526, to promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Senate commemorates the 150th anniversary of the founding of The Pennsylvania State University and congratulates its faculty, staff, students, alumni, and friends on the occasion.

SENATE RESOLUTION 395—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN ULYSSES J. WARD V. DEPT OF THE ARMY

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. Res. 395

Whereas, in the case of Ulysses J. Ward v. Dep’t of the Army, No. AT–0752–04–6926–1–1, pending before the Merit Systems Protection Board, testimony and documents have been requested from Joshua Thomas, a former employee of the office of Senator Lamar Alexander;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. § 703(a) and 286(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, in the case of United States v. Daniel Bayly, et al., Cr. No. H–03–363, pending in the United States District Court for the Southern District of Texas, the parties have requested testimony from Tim Henseler, a former employee of, and Jim Pittrizzi, a detaillee to, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. § 703(a) and 286(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate, in its discretion, will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Senate commemorates the 150th anniversary of the founding of The Pennsylvania State University and congratulates its faculty, staff, students, alumni, and friends on the occasion.

SENATE RESOLUTION 396—COMMEMORATING THE 150TH ANNIVERSARY OF THE FOUNDING OF THE PENNSYLVANIA STATE UNIVERSITY

Mr. SANTORUM (for himself and Mr. Specter) submitted the following resolution; which was considered and agreed to:

S. Res. 396

Whereas in 1854, the Farmers’ High School was founded in Centre County, Pennsylvania, in response to the State Agricultural Society’s interest in establishing an educational institution to bring general education and modern farming methods to the farmers of the Commonwealth;

Whereas in 1863, the Commonwealth accepted a grant of land provided through such Act for the establishment of an educational institution to bring general education and modern farming methods to the farmers of the Commonwealth;

Whereas in 1855, the Farmers’ High School was granted a permanent charter by the Pennsylvania General Assembly;

Whereas in 1862, the Morrill Act of 1862 provided for the distribution of grants of public lands owned by the Federal Government to the States for establishing and maintaining institutions of higher learning;

Whereas in 1863, the Commonwealth accepted a grant of land provided through such Act, establishing one of the first two land-grant institutions in the United States, and designated the Farmers’ High School, renamed the Agricultural College of Pennsylvania, as the Commonwealth’s sole land-grant institution;

Whereas in 1874, the Agricultural College of Pennsylvania was renamed The Pennsylvania State College and in 1955, such was renamed The Pennsylvania State University;

Whereas with a current enrollment of 83,000, The Pennsylvania State University consists of 11 academic schools, 20 additional campuses located throughout the Commonwealth, the College of Medicine, The Dickinson School of Law, and The Pennsylvania College of Technology;

Whereas in 1984, 8,000 Pennsylvanians with a college degree, 1 in every 270 Americans, 1 in every 50 engineers, and 1 in every 4 meteorologists are alumni of The Pennsylvania State University;

Whereas formed in 1870, The Pennsylvania State University Alumni Association is the largest dues-paying alumni association in the nation;

Whereas The Pennsylvania State University has the largest outreach effort in United States higher education, delivering programs to nearly 30 countries and all 50 States;

Whereas The Pennsylvania State University consistently ranks in the top 3 universities in terms of SAT scores received from high schools annually;

Whereas The Pennsylvania State University annually hosts the largest student-run philanthropic event in the world, which benefits the Four Diamonds Fund for families with children being treated for cancer;

Whereas the missions of instruction, research, outreach and service continue to be the focus of The Pennsylvania State University;

Whereas The Pennsylvania State University is renowned for its research and teaching; the rechargeable heart pacemaker design, the heart-assist pump design, 4 astronauts to have flown in space including the first African-American, and the Pennsylvanian institution to offer an Agriculture degree; and

Whereas The Pennsylvania State University is one of the most highly regarded research universities in the nation, with an outreach extension program that reaches nearly 1 out of 2 Pennsylvanians a year and an undergraduate school of immense scope and popularity: Now, therefore, be it

Resolved, That the Senate commemorates the 150th anniversary of the founding of The Pennsylvania State University and congratulates its faculty, staff, students, alumni, and friends on the occasion.

SENATE RESOLUTION 397—EXPRESSING THE SENSE OF THE SENATE ON THE TRANSITION OF IRAQ TO A CONSTITUTIONALLY ELECTED GOVERNMENT

Mr. FRIST (for himself, Mr. DASCHLE, Mr. LUGAR, Mr. SESSIONS, Mr. LIEBERMAN, Mr. GRAHAM of South Carolina, and Mr. BIDEN) submitted the following resolution; which was considered and agreed to:

S. Res. 397

Whereas June 30, 2004, marks Iraq’s assumption of sovereignty and the beginning of the transition of Iraq to a free and constitutionally elected government, which is to be established by December 31, 2005;

Whereas the Senate congratulates the Iraqi people, expresses its appreciation to the Iraqi Interim Government, and reaffirms the United States desire for the people of Iraq to live in peace and freedom;

Whereas the successful transition of Iraq to self-governance requires a Government that is accountable to civilian leadership, the disbanding of militias, and a fair and efficient judicial system;

Whereas the people of Iraq have a long tradition of cultural and technological achievement and a talented and dedicated population;

Whereas the United States desires peace and prosperity for the citizens of Iraq;

Whereas more than three decades of dictatorial rule have deprived the people of Iraq of the benefits of that tradition and history, and robbed the people of Iraq of the opportunity to reach their full potential;

Whereas establishing security is a prerequisite to the successful transition to democracy and reconstruction of Iraq;

Whereas providing security to the people of Iraq will require a well-trained and well-equipped police force, a professional military accountable to civilian leadership, the disbanding of militias, and a fair and efficient judicial system;

Whereas the current program to train and equip Iraqi security services could benefit from better vetting of candidates, expanded training time, follow-on field training with seasoned police professionals, and the accelerated provision of equipment and resources;
Resolved, That it is the sense of the Senate—

(1) the members of the Armed Forces and their families have performed courageously and nobly and have earned the deep gratitude of the United States Government, contractors, and their counterparts in the coalition to promote Iraq’s security, recovery, and reform;

Whereas the United States and other members of the international community have a profound stake in the success of the transition of Iraq to a constitutionally elected government; Now, therefore, be it Resolved, That it is the sense of the Senate that—

(1) the members of the Armed Forces and their families have performed courageously and nobly and have earned the deep gratitude of the United States Government, contractors, and their counterparts in the coalition to promote Iraq’s security, recovery, and reform; and

Whereas the United States and other members of the international community have a profound stake in the success of the transition of Iraq to a constitutionally elected government; Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the members of the Armed Forces and their families have performed courageously and nobly and have earned the deep gratitude of the United States Government, contractors, and their counterparts in the coalition to promote Iraq’s security, recovery, and reform; and

Whereas the United States and other members of the international community have a profound stake in the success of the transition of Iraq to a constitutionally elected government; Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the members of the Armed Forces and their families have performed courageously and nobly and have earned the deep gratitude of the United States Government, contractors, and their counterparts in the coalition to promote Iraq’s security, recovery, and reform; and

(2) success in Iraq is a global priority and therefore demands cooperation from all states and international organizations; (3) international organizations should fulfill their commitments to contribute what resources and skills they can to the establishment and security of an independent Iraq with a constitutionally elected government;

(4) states and international organizations should fulfill their commitments to contribute what resources and skills they can to the establishment and security of an independent Iraq with a constitutionally elected government;

(5) the international community should establish and secure new police training academies inside and outside of Iraq, contribute additional trainers to those academies, and dedicate experienced police officers to train Iraqi police officers in the field;

(6) the North Atlantic Treaty Organization (NATO) is uniquely qualified to respond to the call for assistance in United Nations Security Council Resolution 1546, member states should contribute additional military and security forces, and other resources as appropriate, to provide security for a United Nations presence in Iraq;

(7) in order to ensure that the United Nations can play the leading role called for by United Nations Security Council Resolution 1546, member states should contribute additional military and security forces, and other resources as appropriate, to provide security for a United Nations presence in Iraq;

(8) countries unable to contribute security personnel to help stabilize Iraq should contribute to the transition of Iraq in other ways, including by assisting in training the Iraqi military, providing security for elections in Iraq, and helping secure the borders of Iraq and should, therefore, respond positively to the request of Interim Iraqi Prime Minister Allawi to provide training, equipment, and other forms of technical assistance that his government determines is appropriate to help Iraq’s security forces defeat terrorism and reduce Iraq’s reliance on foreign forces;

(9) countries with heavy debt incurred under the Saddam Hussein regime should meaningfully reduce amounts of that debt;

(10) the United States is committed to a free and peaceful Iraq; and

(11) it is appropriate to thank coalition partners and other countries that have helped promote stability, reconstruction, and democracy in Iraq.

SENATE CONCURRENT RESOLUTION 120—PROVIDING FOR A CONCLUSIVE ADJOURNMENT OR RECESS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

Mr. FRIST submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 120

Resolved by the Senate (the House of Representatives concurring) on the 24th day of June, 2004, the Senate recesses or adjourns on any day from Thursday, June 24, 2004, through Monday, June 28, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, July 6, 2004, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, June 24, 2004, or Friday, June 25, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, July 6, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3486. Mr. BAYH (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3487. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3488. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3489. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3490. Mr. STEVENS (for Mr. BAUCC) proposed an amendment to the bill H.R. 4613, supra.

SA 3491. Mr. STEVENS (for Mr. CORZINE) proposed an amendment to the bill H.R. 4613, supra.

SA 3492. Mr. STEVENS (for Mr. KENNEDY (for himself, Mr. KERRY, Mr. SCHUMER, and Mrs. CLINTON)) proposed an amendment to the bill H.R. 4613, supra.

SA 3493. Mr. DENZIN (for himself, Mr. LANTZ, Mr. ALEXANDER, Mr. BROWNBACK, Mr. McCAIN, Mr. BIDEN, Mr. CORZINE, Mr. FEINGOLD, Mr. DURBIN, Mrs. DOLE, and Mrs. CLINTON) proposed an amendment to the bill H.R. 4613, supra.

SA 3494. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3495. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3496. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3497. Mr. STEVENS (for Mr. LIAH) proposed an amendment to the bill H.R. 4613, supra.

SA 3498. Mr. STEVENS (for Mr. WARNER (for himself and Mr. ALLEN)) proposed an amendment to the bill H.R. 4613, supra.

SA 3499. Mr. STEVENS (for Mr. ROBERTS) proposed an amendment to the bill H.R. 4613, supra.

SA 3500. Mr. STEVENS (for Mr. SANTORUM) proposed an amendment to the bill H.R. 4613, supra.

SA 3501. Mr. STEVENS (for Mr. SANTORUM) proposed an amendment to the bill H.R. 4613, supra.

SA 3502. Mr. BYRD (for himself and Mr. CORZINE) proposed an amendment to the bill H.R. 4613, supra.

SA 3503. Mr. STEVENS (for Mr. LOTT (for himself and Mr. COCHRAN)) proposed an amendment to the bill H.R. 4613, supra.

SA 3504. Mr. STEVENS (for Mr. REED) proposed an amendment to the bill H.R. 4613, supra.

SA 3505. Mr. STEVENS (for Mr. BAYH (for himself and Mr. LUGAR)) proposed an amendment to the bill H.R. 4613, supra.
SA 3506. Mr. STEVENS (for Mr. REED) proposed an amendment to the bill H.R. 4613, supra.

SA 3507. Mr. STEVENS (for Mr. BURNS) proposed an amendment to the bill H.R. 4613, supra.

SA 3508. Mr. VOINOVICH (for himself and Mr. EVANIS) proposed an amendment to the bill H.R. 4613, supra.

SA 3509. Mr. VOINOVICH (for himself and Mr. DeWINE) submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3510. Mr. ROBERTS (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3511. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3512. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3513. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3514. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3515. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3516. Mr. STEVENS (for Ms. Mikulski) proposed an amendment to the bill H.R. 4613, supra.

SA 3517. Mr. STEVENS (for Mr. NELSON, OF FLORIDA) proposed an amendment to the bill H.R. 4613, supra.

SA 3518. Mr. STEVENS (for Mr. SHELBY) proposed an amendment to the bill H.R. 4613, supra.

SA 3519. Mr. VOINOVICH (for himself and Mr. DeWINE) submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3520. Mr. BIDEN (for himself, Mr. LEAHY, Mr. DODD, Mr. CONEYNE, Mr. LEVIN, and Mr. Feingold) proposed an amendment to the bill H.R. 4613, supra.

SA 3521. Mr. TALENT submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3522. Mr. STEVENS (for Mr. DODD (for himself and Mr. LIEDERMAN)) proposed an amendment to the bill H.R. 4613, supra.

SA 3523. Mr. STEVENS (for Mr. NICKLES) proposed an amendment to the bill H.R. 4613, supra.

SA 3524. Mr. STEVENS (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 4613, supra.

SA 3525. Mr. STEVENS (for Mr. BUNNING) proposed an amendment to the bill H.R. 4613, supra.

SA 3526. Mr. STEVENS (for Mr. VOINOVICH (for himself and Mr. DeWINE)) proposed an amendment to the bill H.R. 4613, supra.

SA 3527. Mr. STEVENS (for Mr. VOINOVICH (for himself and Mr. DeWINE)) proposed an amendment to the bill H.R. 4613, supra.

SA 3528. Mr. STEVENS (for Mrs. BOXER) proposed an amendment to the bill H.R. 4613, supra.

SA 3529. Mr. STEVENS (for Mr. BURNS) proposed an amendment to the bill H.R. 4613, supra.

SA 3530. Mr. STEVENS (for Mr. BURNS) proposed an amendment to the bill H.R. 4613, supra.

SA 3531. Mr. STEVENS (for Mr. ROBERTS) proposed an amendment to the bill H.R. 4613, supra.

SA 3532. Mr. STEVENS (for Mr. KYL) proposed an amendment to the bill H.R. 4613, supra.

SA 3533. Mr. STEVENS (for Mr. KYL) proposed an amendment to the bill H.R. 4613, supra.

SA 3534. Mr. STEVENS (for Mr. KYL) proposed an amendment to the bill H.R. 4613, supra.

SA 3535. Mr. STEVENS (for Mr. TALENT) proposed an amendment to the bill H.R. 4613, supra.

SA 3536. Mr. STEVENS (for Mr. TALENT) proposed an amendment to the bill H.R. 4613, supra.

SA 3537. Mr. STEVENS (for Mr. PRIOR (for himself, Mrs. DOLE, and Mrs. LINCOLN)) proposed an amendment to the bill H.R. 4613, supra.

SA 3538. Mr. STEVENS (for Mr. SUNUNU) proposed an amendment to the bill H.R. 4613, supra.

SA 3539. Mr. STEVENS (for Mr. LEVIN) proposed an amendment to the bill H.R. 4613, supra.

SA 3540. Mr. STEVENS (for Mr. CONRAD) proposed an amendment to the bill H.R. 4613, supra.

SA 3541. Mr. STEVENS (for Mr. KOHL (for himself, Mr. REED, Ms. SNOWE, Ms. COLLINS, and Mr. LEVIN)) proposed an amendment to the bill H.R. 4613, supra.

SA 3542. Mr. STEVENS (for Mr. DeWINE) proposed an amendment to the bill H.R. 4613, supra.

SA 3543. Mr. STEVENS (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 4613, supra.

SA 3544. Mr. INOUYE (for Mr. DORGAN) proposed an amendment to the bill H.R. 4613, supra.

SA 3545. Mr. INOUYE proposed an amendment to the bill H.R. 4613, supra.

SA 3488. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following: SEC. 8211. (a) INCREASE IN AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount appropriated or otherwise made available by title IV of this Act under the heading “Research, Development, Test, and Evaluation, Defense-Wide” is hereby increased by $10,000,000.

(b) AVAILABILITY OF AMOUNT FOR MEDICAL EQUIPMENT AND COMBAT CASUALTY CARE TECHNOLOGIES.—Of the amount appropriated or otherwise made available by title IV of this Act under the heading “Research, Development, Test, and Evaluation, Defense-Wide”, as increased by subsection (a), up to $10,000,000 may be available for medical equipment and combat casualty care technologies.

(c) OFFSET.—The amount appropriated or otherwise made available by title I of this Act under the heading “MILITARY PERSONNEL, AIR FORCE” is hereby reduced by $10,000,000.

SA 3489. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following: SEC. 8211. (a) NOTwithstanding any other provision of law, the Secretary of Defense, with the concurrence of the Secretary of State, may transfer funds to the Secretary of State to provide assistance during fiscal year 2005 to military or security forces in a for- eign country or the military or security forces of such country to participate in an international peacekeeping or peace enforcement operation.

(b) Assistance provided under subsection (a) may be used to provide equipment, supplies, training, or funding.

(c) Assistance provided under subsection (a) may not exceed $100,000,000 in fiscal year 2005 from funds made available to the Department of Defense.

SEC. 8212. The authority to provide assistance under this section is in addition to any other authority to provide assistance to a foreign country or the military or security forces of such country.

SA 3490. Mr. STEVENS (for Mr. BAUCUS) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:
H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a) INCREASE IN AMOUNT FOR PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY.—The amount appropriated or otherwise made available by title III of this Act under the heading ‘‘Procurement of Weapons and Tracked Combat Vehicles, Army’’, as increased by subsection (a), up to $5,000,000 may be available for procurement of M109-based command-and-control vehicles or field artillery ammunition support vehicles.

(c) OFFSET.—The amount appropriated or otherwise made available by title III of this Act under the heading ‘‘Military Personnel, Air Force’’, is hereby reduced by $5,000,000.

SA 3497. Mr. STEVENS (for Mr. LEAHY) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a) INCREASE IN AMOUNT FOR PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY.—The amount appropriated or otherwise made available by title III of this Act under the heading ‘‘Procurement of Weapons and Tracked Combat Vehicles, Army’’, as increased by subsection (a), up to $5,000,000 may be available for procurement of M109-based command-and-control vehicles or field artillery ammunition support vehicles.

(c) OFFSET.—The amount appropriated or otherwise made available by title III of this Act under the heading ‘‘Military Personnel, Air Force’’, is hereby reduced by $5,000,000.

SA 3498. Mr. STEVENS (for Mr. WARNER (for himself and Mr. ALLEN)) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a) Of the amounts appropriated or otherwise made available by title III of this Act under the heading ‘‘Procurement of Weapons and Tracked Combat Vehicles, Army’’, as increased by subsection (a), up to $5,000,000 may be available for the Department of Defense Education Activity for the upgrading of security at Department of Defense schools.

SA 3496. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a) INCREASE IN AMOUNT FOR PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY.—The amount appropriated or otherwise made available by title III of this Act under the heading ‘‘Procurement of Weapons and Tracked Combat Vehicles, Army’’, is hereby increased by $5,000,000.

(c) OFFSET.—The amount appropriated or otherwise made available by title III of this Act under the heading ‘‘Military Personnel, Air Force’’, is hereby reduced by $5,000,000.

SA 3497. Mr. STEVENS (for Mr. LEAHY) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a) INCREASE IN AMOUNT FOR PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY.—The amount appropriated or otherwise made available by title III of this Act under the heading ‘‘Procurement of Weapons and Tracked Combat Vehicles, Army’’, as increased by subsection (a), up to $5,000,000 may be available for procurement of M109-based command-and-control vehicles or field artillery ammunition support vehicles.

(c) OFFSET.—The amount appropriated or otherwise made available by title III of this Act under the heading ‘‘Military Personnel, Air Force’’, is hereby reduced by $5,000,000.

SA 3498. Mr. STEVENS (for Mr. WARNER (for himself and Mr. ALLEN)) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a) Of the amounts appropriated or otherwise made available by title III of this Act under the heading ‘‘Procurement of Weapons and Tracked Combat Vehicles, Army’’, as increased by subsection (a), up to $5,000,000 may be available for the Department of Defense Education Activity for the upgrading of security at Department of Defense schools.

SA 3496. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a) INCREASE IN AMOUNT FOR PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY.—The amount appropriated or otherwise made available by title III of this Act under the heading ‘‘Procurement of Weapons and Tracked Combat Vehicles, Army’’, is hereby increased by $5,000,000.

(c) OFFSET.—The amount appropriated or otherwise made available by title III of this Act under the heading ‘‘Military Personnel, Air Force’’, is hereby reduced by $5,000,000.

SA 3497. Mr. STEVENS (for Mr. LEAHY) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a) INCREASE IN AMOUNT FOR PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY.—The amount appropriated or otherwise made available by title III of this Act under the heading ‘‘Procurement of Weapons and Tracked Combat Vehicles, Army’’, as increased by subsection (a), up to $5,000,000 may be available for procurement of M109-based command-and-control vehicles or field artillery ammunition support vehicles.

(c) OFFSET.—The amount appropriated or otherwise made available by title III of this Act under the heading ‘‘Military Personnel, Air Force’’, is hereby reduced by $5,000,000.

SA 3498. Mr. STEVENS (for Mr. WARNER (for himself and Mr. ALLEN)) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a) Of the amounts appropriated or otherwise made available by title III of this Act under the heading ‘‘Procurement of Weapons and Tracked Combat Vehicles, Army’’, as increased by subsection (a), up to $5,000,000 may be available for the Department of Defense Education Activity for the upgrading of security at Department of Defense schools.

SA 3496. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a) INCREASE IN AMOUNT FOR PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY.—The amount appropriated or otherwise made available by title III of this Act under the heading ‘‘Procurement of Weapons and Tracked Combat Vehicles, Army’’, is hereby increased by $5,000,000.

(c) OFFSET.—The amount appropriated or otherwise made available by title III of this Act under the heading ‘‘Military Personnel, Air Force’’, is hereby reduced by $5,000,000.

SA 3497. Mr. STEVENS (for Mr. LEAHY) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. (a) INCREASE IN AMOUNT FOR PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY.—The amount appropriated or otherwise made available by title III of this Act under the heading ‘‘Procurement of Weapons and Tracked Combat Vehicles, Army’’, as increased by subsection (a), up to $5,000,000 may be available for procurement of M109-based command-and-control vehicles or field artillery ammunition support vehicles.

(c) OFFSET.—The amount appropriated or otherwise made available by title III of this Act under the heading ‘‘Military Personnel, Air Force’’, is hereby reduced by $5,000,000.
(con) No transfer may be made under the authority of this section more than 2 years after the date of the enactment of this Act.

(c) Not later than 30 days before making a transfer under the authority of this section, the President shall transmit a notification of the proposed transfers on Foreign Relations and Armed Services of the Senate and the Committees on International Relations and Armed Services of the House of Representatives. The notification shall identify the items to be transferred and the concessions to be received.

(d) No transfer may be made under the authority of this section more than 2 years after the date of the enactment of this Act.

In the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY”, up to $3,000,000 may be available to conduct a demonstration program for the development of Undersea Warfare Modeling and Simulation (COVE).

SEC. 8120. Of the amount appropriated or otherwise made available by title IV of this Act under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY”, up to $3,000,000 may be available for Medical Advanced Technology for the Intravenous Membrane Oxygenator.

SEC. 8121. Of the amount appropriated or otherwise made available by title II of this Act under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE”, up to $5,000,000 may be available for Department of Defense Education Activity for the upgrading of security at Department of Defense schools.

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY”, up to $3,000,000 may be available for Medical Advanced Technology for the Intravenous Membrane Oxygenator.

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY”, up to $3,000,000 may be available to establish the Consortium of Visualization Excellence for Undersea Warfare Modeling and Simulation (COVE).

SEC. 8120. Of the amount appropriated or otherwise made available by title IV of this Act under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY”, up to $3,000,000 may be available for Medical Advanced Technology for the Intravenous Membrane Oxygenator.

SEC. 8120. Of the amount appropriated or otherwise made available by title IV of this Act under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY”, up to $3,000,000 may be available to conduct a demonstration program for the development of Undersea Warfare Modeling and Simulation (COVE).

SEC. 8120. Of the amount appropriated or otherwise made available by title IV of this Act under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY”, up to $3,000,000 may be available for Medical Advanced Technology for the Intravenous Membrane Oxygenator.
SA 3511. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following:

ISC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ‘Procurement of Weapons and Tracked Combat Vehicles, Army’, up to $5,000,000 may be available for procurement of counterdrone vehicles or field artillery ammunition support vehicles.

SA 3512. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following:

ISC. 8121. It is the sense of the Senate that—

(1) funds appropriated by title IV under the heading ‘Research, Development, Test and Evaluation, Defense-Wide’ for chemical and biological defense programs should be made available for the continued development of an end-to-end point of care clinical diagnostic network to combat terrorism; and

(2) such funds should be distributed to partnerships that combine universities and non-profit organizations with industrial partners to ensure the rapid implementation of such clinical diagnostic network for clinical use.

SA 3513. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following:

ISC. 8121. It is the sense of the Senate that—

(b) The limitation under the heading ‘Research, Development, Test, and Evaluation, Air Force’ up to $5,000,000 may be available for AN/APG-68(V)10 radar development for F-16 aircraft.

SA 3514. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following:

ISC. 8121. Of the amounts appropriated by title IV under the heading ‘Research, Development, Test and Evaluation, Air Force’ and available for aerospace propulsion and technology, up to $3,000,000 may be made available for the Versatile, Advanced Affordable Turbine Engine.

SA 3515. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following:

ISC. 8121. Of the amounts appropriated by title IV under the heading ‘Research, Development, Test and Evaluation, Army’ and available for Defense Research Sciences, up to $3,000,000 may be made available for the Program for Intelligence Validation.

SA 3516. Mr. STEVENS (for Ms. MUKULSKI) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

ISC. 8121. Of the amounts appropriated by title IV under the heading ‘Research, Development, Test, and Evaluation, Army’ and available for electronic warfare technology, up to $3,000,000 may be made available for the Subterranean Target Identification Program.

SA 3517. Mr. STEVENS (for Mr. NELSON of Florida) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

In the appropriate place in the bill insert the following:

(c) Availability of Amount for Research, Development, Test, and Evaluation, Defense-Wide. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ‘Research, Development, Test, and Evaluation, Air Force’, $7,000,000 may be available for AN/APG-68(V)10 radar development for F-16 aircraft.

(b) Constancy of Amount. The amount available under subsection (a) for the purpose specified in that subsection is in addition to any other amounts available in this Act for that purpose.

SA 3518. Mr. STEVENS (for Mr. SHELBY) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 8121. (a) Public Law 109-199 is amended in Division F, Title I, section 110(g) by striking ‘‘Of the’’ and inserting ‘‘Prior to distributing;’’ striking ‘‘each’’ every time it appears and inserting ‘‘each project’’ every time it appears and inserting ‘‘project’’.

(b) The limitation under the heading ‘Federal-aid Highways (Limitation on obligations) (Highway Trust Fund)’ in Public Law 108-199 is increased by such sums as may be necessary to ensure that each State receives an obligation authority equal to what each State would have received under section 110(a)(6) of Public Law 108-199 but for the amendment made to section 110(g) of Public Law 108-199 by subsection (a) of this section: Provided, That such additional authority shall remain available during fiscal years 2004 and 2005.

SA 3519. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ‘Research, Development, Test, and Evaluation, Air Force’, up to $2,000,000 may be available for Composites for Unmanned Vehicles.

SA 3520. Mr. BIDEN (for himself, Mr. LEAHY, Mr. DODD, Mr. CORZINE, Mr. LEVIN, and Mr. FEINSTEIN) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 110, between lines 4 and 5, insert the following:

TITLES

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for ‘‘International Disaster and Famine Assistance’’, $188,000,000, to remain available until expended: Provided, That funds appropriated by this paragraph shall be available to respond to humanitarian needs in the Darfur region of Sudan and in Chad: Provided further, That such amount is designated as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress).

SA 3521. Mr. TALMUD submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8211. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ‘Research, Development, Test, and Evaluation, Air Force’, up to $5,000,000 may be available for X-43C development.

SA 3522. Mr. STEVENS (for Mr. DODD (for himself and Mr. LIEBERMAN)) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8211. Of the amount appropriated or otherwise made available by title IV of this Act under the heading ‘Research, Development, Test, and Evaluation, Army’, up to $15,000,000 may be available for the Broad Area Unmanned Responsive Resupply Operations aircraft program.

SA 3523. Mr. STEVENS (for Mr. NICKLES) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:
On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY”, up to $2,000,000 may be used for Handheld Breath Diagnostics.

SA 3524. Mr. STEVENS (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY”, up to $1,800,000 may be used for the Joint Logistics Information System program for the automated scheduling tool.

SA 3525. Mr. STEVENS (for Mr. BUNNING) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the end of Title VIII, insert the following:

SEC. 8121. Of the amount appropriated in Title IV under the heading “Research, Development, Test and Evaluation, Navy”, up to $4,000,000 may be used for the Anti Sniper Infrared Targeting System.

SA 3526. Mr. STEVENS (for Mr. VOINOVICH (for himself and Mr. DEWINE)) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading “Research, Development, Test and Evaluation, Army” and available for End Item Industrial Preparedness Act, up to $5,000,000 may be available for Laser Peening for Army helicopters.

SA 3527. Mr. STEVENS (for Mr. VOINOVICH (for himself and Mr. DEWINE)) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading “Research, Development, Test and Evaluation, Army” and available for medical equipment and combat casualty care, up to $5,000,000 may be made available for non-profit organizations with industrial partnerships that combine universities and non-profit organizations with industrial partners to ensure the rapid implementation of such clinical diagnostic network for clinical use.

SA 3528. Mr. STEVENS (for Mrs. BOXER) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading “Research, Development, Test and Evaluation, Army” and available for the Subterranean Target Identification Program, up to $2,000,000 may be available for Composites for Unmanned Air Vehicles.

SA 3529. Mr. STEVENS (for Mr. BURNS) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 116 of the Senate report:

“Of the funds available in Research, Development, Test & Evaluation, Navy, up to $3 million may be made available for the ‘Mobile On-Scene Sensor Aircraft Intelligence Command, Control and Computer Center’.”

SA 3530. Mr. STEVENS (for Mr. BURNS) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 116 of the Senate report:

“Of the funds available in Research, Development, Test & Evaluation, Navy, up to $2 million may be made available for ‘Care of Battlefield Wounds’.”

SA 3531. Mr. STEVENS (for Mr. ROBETS) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading “Research, Development, Test, and Evaluation, Army, up to $1,000,000 may be available for redundant systems to ensure continuity of operations and disaster recovery at the United States Army Intelligence and Security Command’s Intelligence Dominance Center.

SA 3532. Mr. STEVENS (for Mr. KYL) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amounts appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY” and available for the Program for Intelligence Validation, $3,000,000 may be available for Defense Research Sciences, and $1,000,000 may be available for Development, Test & Evaluation, Army, up to $1,000,000 may be available for Handheld On-Scene Sensor Aircraft Intelligence Command, Control and Computer Center.”

SEC. 8121. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE” for chemical and biological defense programs should be made available for the continued development of an end-to-end point of care clinical diagnostic network to combat terrorism; and (2) such funds should be distributed to partnerships that combine universities and non-profit organizations with industrial partners to ensure the rapid implementation of such clinical diagnostic network for clinical use.

SA 3533. Mr. STEVENS (for Mr. KYL) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

SEC. 8121. Of the amounts appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE”, up to $3,000,000 may be available for the Portable Electronic Scanning Millimeter Wave Imaging RADAR.

SA 3534. Mr. STEVENS (for Mr. KYL) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the funds appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE” for the Advanced Composites Program may be available for goat anti-biotic development.

SA 3535. Mr. STEVENS (for Mrs. DOLE) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

SEC. 8121. Of the amounts appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE” and available for Handheld On-Scene Sensor Aircraft Intelligence Command, Control and Computer Center”, up to $5,000,000 may be available for Handheld On-Scene Sensor Aircraft Intelligence Command, Control and Computer Center.”

SA 3536. Mr. STEVENS (for Mr. TALENT) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE”, up to $5,000,000 may be available for the Advanced Affordable Turbine Engine.

SA 3537. Mr. STEVENS (for Mr. PRIOR) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or otherwise made available by title IV of this Act under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE”, up to $5,000,000 may be available for medical equipment and combat casualty care technologies.

SA 3538. Mr. STEVENS (for Mr. SUNUNU) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the funds appropriated, up to $2,000,000 may be available for Handheld Breath Diagnostics.

SA 3539. Mr. STEVENS (for Mrs. LINCOLN) proposed an amendment to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:
On page 112, between lines 13 and 14, insert the following:

SEC. 8121. Of the amount appropriated or making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

There is rescinded an amount equal to $795,280 to the Department of Labor, Employment and Training for the Job Corps Fellowship Training Program.

SEC. 8121. Notwithstanding any other provision of law, the Secretary of the Army has implemented the recommendations on mental health services that were made by the Mental Health Advisory Team of the Army on March 25, 2004.

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to meet to conduct a markup on Thursday, June 24, 2004, at 9:30 a.m. in Dirksen Senate Building Room 226.

Tentative Agenda

I. Nominations

Claude A. Allen to be U.S. Circuit Judge for the Fourth Circuit and Michael H. Watson to be U.S. District Judge for the Southern District of Ohio

II. Legislation

S. 1735, Gang Prevention and Effective Deterrence Act of 2003 [Hatch, Feinstein, Grassley, Graham, Chambliss, Cornyn, Schumer, Biden];
S. 1635, L-1 Visa, Intracompany Transferees, Reform Act of 2003 [Chambliss];
S. J. Res. 4, Proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States Act of 2003 [Hatch, Feinstein, Craig, Sessions, DeWine, Grassley, Graham, Cornyn, Chambliss, Specter, Kyl];
S. 1700, Advancing Justice through DNA Technology Act of 2003 [Hatch, Biden, Specter, Leahy, DeWine, Feinstein, Kennedy, Schumer, Durbin, Kohl, Edwards]; and
S. 2386, Federal Courts Improvement Act of 2004 [Hatch, Leahy, Chambliss, Durbin, Schumer]

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Aviation be authorized to meet on Thursday, June 24, 2004, at 9:30 a.m., on Security Screening Options for Airports.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTRY, CONSERVATION, AND RURAL REVITALIZATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Forestry, Conservation and Rural Revitalization of the Committee on Energy and Natural Resources be authorized to conduct a hearing during the session of the Senate on Thursday, June 24, 2004. The purpose of this meeting will be to review the implementation of the Healthy Forests Restoration Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, June 24, 2004, at 2:30 p.m. The purpose of the hearing is to receive testimony on S. 2543, to establish a program and criteria for national heritage areas in the United States, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACEx

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space be authorized to meet on Thursday, June 24, 2004, at 2:30 p.m., on H.R. 2668—National Earthquake Hazards Reduction Program Reauthorization Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that Steven Wackowski, an intern with the Defense Appropriations Subcommittee, Pete McAleen, a Defense fellow in Senator Gregg’s office, and Brian Glackin, a Defense fellow in Senator Cochran’s office, be granted privileges of the floor during the consideration of the fiscal year 2005 Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Paul Thanos, a legislative fellow in the office of Maria Cantwell, be granted the privileges of the floor during consideration of the Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Reb Brownell, a detailer on the Foreign Operations Subcommittee, be granted the privilege of the floor throughout the Senate’s consideration and voting on the resolution renewing sanctions against Burma.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—H.R. 218

Mr. FRIST. Mr. President, I understand that H.R. 218 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 218) to amend title 18 United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

Mr. FRIST. I now ask for its second reading in order to place the bill on the calendar under the provisions of rule XIV and object to further proceedings on this matter.

The PRESIDING OFFICER. Objection is heard.

The bill will be read a second time on the next legislative day.

ESTABLISHING A DEMOCRACY CAUCUS WITHIN THE U.N.

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 83, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 83) providing the establishment of a Democracy Caucus within the United Nations.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BIDEN. Mr. President, I thank my colleagues for their support of S. Con. Res. 83, that I introduced in support of the establishment of a Democracy Caucus within the United Nations. In particular, I thank Senators Lugar, Hagel, Lieberman, and Coleman for their co-sponsorship of this resolution. I also want to thank Chairman Lugar for permitting the resolution to come to the floor today.

I am pleased that the Bush administration also supports the establishment of a U.N. Democracy Caucus, and that significant progress was made on this front in Geneva at this year’s Commission on Human Rights. In particular, Peru, Romania, East Timor, Poland, Chile, South Korea, India and Italy have been very engaged in collaborative efforts to promote democracy initiatives. I am encouraged by such joint efforts. The broader the international support for a caucus, the more effective it will be.

The establishment of a U.N. Democracy Caucus is not merely a project supported by Congress and the State Department. It is also endorsed by a broad-based coalition of U.S.-based organizations and advocacy groups such as Freedom House, Human Rights Watch, the American Jewish Committee, the American Bar Association and the Council for Community of Democracies. I also thank them for their work and advocacy on this issue.

The idea of establishing a Democracy Caucus within the United Nations makes extraordinary good sense. The basic principal is this: democratic nations share common values, and should work together at the United Nations to promote those values. We will be more effective in doing so.

Working together with like-minded nations in the United Nations and other multilateral organizations is a logical and practical way to conduct foreign policy. We build coalitions in American legislatures across the land and here in the Congress. Similarly, we should build coalitions of like-minded states in the United Nations, particularly to bolster global democratic principles, advance human rights, and promote international security and stability.

The administration has recently rediscovered the virtues of working in cooperation with other nations at the United Nations. There we are just one nation, though a very powerful one. We only have one vote, whether in the General Assembly or the Security Council. Other democratic states should be natural allies on many
issues; a caucus of democracies will facilitate such cooperation. Forging a coalition of democracies is not merely a statement that nations have shared values; it is a hard-headed diplomatic approach. By joining forces to make common cause, democracies can be more effective in the U.N. and other world bodies.

The unanimous passage of this resolution demonstrates the strong support of the [United Nations] for the creation of a Democracy Caucus. I hope the Senate’s action gives democracy-building efforts in the [United Nations] an important boost to this idea. I thank my colleagues within and outside the Senate for supporting this resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the preamble be agreed to, the concurrent resolution 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. 83) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. Con. Res. 83

WHEREAS a survey conducted by Freedom House in 2003, entitled “Freedom in the World”, found that of the 192 governments of nations, 121 (or 63 percent) of such governments have an electoral democracy form of government;

WHEREAS, the Community of Democracies, an association of democratic nations committed to promoting democratic principles and practices, held its First Ministerial Conference in Warsaw, Poland, in June 2000;

WHEREAS, in a speech at that Conference, Kofi Annan, the Secretary-General of the United Nations, stated that “when the [United Nations] can truly call itself a community of nations, it must have democratic principles as a unifying force, just as the principles of non-aggression and equal rights have for 60 years been the cornerstones of the [United Nations].” And he added, “We must be able to identify democracies from among the nations that are aligned at the [United Nations].” He said that the [United Nations] Charter’s noble ideals of protecting human rights and promoting “social progress in larger freedoms” will have been brought much closer to reality by each democratic nation—so that even those states that are called “totalitarian” or “authoritarian” by others—will be able to call themselves democratic nations;

WHEREAS, the Community of Democracies, an association of democratic nations committed to promoting democratic principles and practices, held its First Ministerial Conference in Warsaw, Poland, in June 2000;

WHEREAS, in a speech at that Conference, Kofi Annan, the Secretary-General of the United Nations, stated that “when the United Nations can truly call itself a community of nations, it must have democratic principles as a unifying force, just as the principles of non-aggression and equal rights have for 60 years been the cornerstones of the United Nations.” And he added, “We must be able to identify democracies from among the nations that are aligned at the United Nations.” He said that the United Nations Charter’s noble ideals of protecting human rights and promoting “social progress in larger freedoms” will have been brought much closer to reality by each democratic nation—so that even those states that are called “totalitarian” or “authoritarian” by others—will be able to call themselves democratic nations;

WHEREAS, the community of democracies in Seoul, Korea, in November 2002: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring).

SECTION 1. PROMOTION OF A DEMOCRACY CAUCUS WITHIN THE UNITED NATIONS.

Congress urges the President to instruct any representative of the United States to a body of the United Nations to use his voice and vote of the United States to seek to establish a democracy caucus within the United Nations as described in this Resolution.

SEC. 2. PURPOSE OF THE DEMOCRACY CAUCUS.

The purpose of the democracy caucus referred to in section 1 should be to advance the interests of the United States and other nations that share a common commitment to promoting democratic norms and practices by—

(1) supporting common objectives, including bolstering democracy and democratic principles, advancing human rights, and fighting terrorism in accordance with the rule of law;

(2) forging common positions on matters of concern that are brought before the United Nations or any of the bodies of the United Nations;

(3) working within and across regional lines to promote the positions of the democracy caucus;

(4) encouraging democratic states to assume leadership positions in the bodies of the United Nations;

(5) advocating that states that permit gross violations of human rights, sponsor terrorist activities, or that are the subject of sanctions imposed by the United Nations Security Council are not elected to leadership positions in the United Nations General Assembly; or

(A) to leadership positions in the United Nations General Assembly; or

(B) to membership in the Commission on Human Rights, the Security Council, or any other body of the United Nations.

SEC. 3. CRITERIA FOR PARTICIPATION IN THE DEMOCRACY CAUCUS.

Participation in the democracy caucus referred to in section 1 should be limited to countries that—

(1) are qualified to participate in the community of Democracies, an association of democratic nations committed to promoting democratic principles and practices, and

(2) have demonstrated a commitment to—

(A) to the core democratic principles and practices set out in the Final Warsaw Declaration of the Community of Democracies, adopted at Warsaw June 27, 2000; and

(B) to the democratic principles set forth in—

(i) the United Nations Charter;

(ii) the Universal Declaration of Human Rights; and

(iii) the International Covenant on Civil and Political Rights.

SEC. 4. ANNUAL MEETING.

The members of the democracy caucus referred to in section 1 should hold a ministerial-level meeting at least once each year to coordinate policies and positions of the caucus.

WESTERN SHOSHONE CLAIMS DISTRIBUTION ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 592, H.R. 884.

The PRESIDING OFFICER. Mr. Frist is asked to state the title of the bill he seeks to have read.

The legislative clerk read as follows:

A bill (H.R. 884) to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326-A-1, 326-A-3, and 326-K, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this measure be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 884) was read the third time and passed.

Mr. REID. Mr. President, the legislation just passed has been 30 years in the making. It deals with Shoshone Indians in the State of Nevada. It is a fund that has grown to about $150 million. Thousands of Indians will benefit from this fund.

These people live in such desperate straits—many of them. Large numbers are on welfare. The places they live in are very difficult.

I want everyone who reads this RECORD at some subsequent time to know that every entity that is involved with this legislation—thousands of dollars. They should also know that we are ready, willing, and able to meet with each one of them. If they have any problem with their land claims, we will work with them. This does not shut down any of their ability to change in some way, claim anything they had relating to land in the future.

I know the time is late, but I must mention Larry Pifero. He is dead. He was on kidney dialysis and died. But he worked so hard on this legislation. Why? Because he wanted his family to wind up with something. And Larry now should know that his family will wind up with something. The other person is Nancy Stewart. She has spent months and months of her life trying to get this thing out. There were a few dissidents—for lack of a better way to describe them—people who wanted to do anything they could to upset this settlement. They did things that were wrong, but because 95 percent of the Shoshones in the State of Nevada wanted this approval, we had two votes, and they voted for approval.

This is so important. Thousands of Indians have waited. Some, like Larry Pifero, are gone. They will never receive the benefit of this legislation, only their families will. But the Shoshone Indians of Nevada are better off today than they were yesterday. They have the hope of receiving some economic gain from their dealings with the U.S. Federal Government.

I am so happy this has been done. This is a big day for thousands of Nevada Indians.

Mr. FRIST. Mr. President, I very much appreciate the comments of the distinguished assistant minority leader. I know he is able to hear that is meaningful. It reminds me also that each piece of legislation we go to, we tend to go through quickly, especially
at a late hour, has such a huge impact. It reflects the beauty in what we are able to accomplish by having the privilege of serving in this body.

AFRICAN GROWTH AND OPPORTUNITY ACT EXTENSION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4013 at the desk.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4013) to extend and modify the trade benefits under the African Growth and Opportunity Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4013) was read the third time and passed.

RECOGNIZING J. ROBERT OPPENHEIMER

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 531, S. Res. 321.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 321) recognizing the loyal service and outstanding contributions of J. Robert Oppenheimer to the United States and calling on the Secretary of Energy to observe the 100th anniversary of Dr. Oppenheimer’s birth with appropriate programs at the Department of Energy and the Los Alamos Laboratory.

There being no objection, the Senate proceeded to the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, and the motion to reconsider be laid upon the table, that any statements relating to the measure be printed in the RECORD as if read, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 321) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 321

Whereas from March 1943 to October 1945, J. Robert Oppenheimer was the first director of the Los Alamos Laboratory, New Mexico, which was used to design and build the nuclear weapons that ended the Second World War;

Whereas following the end of the Second World War, Dr. Oppenheimer served as a science adviser and consultant to each of the 3 principal committees planning for the post-war control of nuclear energy, including the Secretary of War’s Interim Committee on Atomic Energy, the Secretary of State’s Committee on Atomic Energy, and the United Nations Atomic Energy Committee;

Whereas from 1947 to 1962, Dr. Oppenheimer was the first director of the General Advisory Committee, which advised the Atomic Energy Commission on scientific and technical matters;

Whereas from 1947 to 1954, Dr. Oppenheimer also served on defense policy committees, including the Committee on Atomic Energy of the Joint Research and Development Board, the Science Advisory Committee of the Office of Defense Mobilization, and the Panel on Disarmament of the Department of State;

Whereas in addition to his service to the United States, Dr. Oppenheimer was the director of the Institute for Advanced Study at Princeton University from 1947 to 1965;

Whereas in 1946, President Truman conferred on Dr. Oppenheimer the Medal for Merit ‘‘for exceptionally meritorious conduct in the performance of outstanding service’’ as director of the Los Alamos Laboratory and for development of the atomic bomb;

Whereas in 1963, President Lyndon Johnson conferred on Dr. Oppenheimer the Enrico Fermi Award ‘‘for contributions to theoretical physics as a teacher and originator of ideas and for leadership of the Los Alamos Laboratory and the atomic energy program during critical years’’; and

Whereas April 22, 2004, is the 100th anniversary of Dr. Oppenheimer’s birth: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the loyal service of J. Robert Oppenheimer to the United States and the outstanding contributions he made to theoretical physics, the Los Alamos National Laboratory, the development of nuclear energy, and the common defense and security of the United States; and

(2) calls on the Secretary of Energy to observe the 100th anniversary of the birth of J. Robert Oppenheimer with appropriate ceremonies, activities, or programs at the Department of Energy and the Los Alamos National Laboratory.

AUTHORIZATION AND REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 394, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:


There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, this resolution concerns a request for testimony and representation in a criminal case arising out of the Enron debacle. The Enron Task Force of the U.S. Department of Justice has brought a case in Federal court in Texas against six individuals formerly associated with the Enron Corporation and Merrill Lynch. The indictment alleges criminal conspiracy, false statements, obstruction of justice, and perjury relating to transactions involving electrical-generating power barges moored off the coast of Nigeria. The government is alleging that Enron in essence parked assets with Merrill Lynch to enhance fraudulently Enron’s financial statements. This case is being tried this summer in Houston.

The transactions at the center of this case were the subject of extensive investigation and a hearing by the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs during the last Congress. In the course of the subcommittee’s investigation, subcommittee staff interviewed a Merrill Lynch executive, Robert S. Furst, who is now one of the defendants on trial, about these transactions.

Last Congress the Senate agreed to Senate Resolution 317, authorizing the Permanent Subcommittee on Investigations to cooperate with requests from law enforcement agencies for access to subcommittee records from its Enron Investigation. In response to requests for information an assistance, pursuant to this authority the subcommittee has cooperated with inquiries made by the Justice Department’s Enron Task Force.

The parties have now asked for authorization for a former subcommittee counsel and a subcommittee detailee who interviewed Mr. Furst to testify, if necessary, at this trial. Of the information the witness communicated to the Subcommittee at the interview.

The chairman and ranking member of the subcommittee would like to assure this matter would it prove necessary. According, this resolution would authorize the former subcommittee attorney and the subcommittee detailed to testify at this trial with representation by the Senate Legal Counsel.

Mr. FRIST. 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, and any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 394) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 394

Whereas, by Senate Resolution 317, 107th Congress, the Senate authorized the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs to produce records from its investigation into the collapse of Enron Corporation to law enforcement and regulatory officials and agencies;

Whereas, in the case of United States v. Daniel Bayly, et al., Cr. No. H-03-363, pending in the United States District Court for the Southern District of Texas, the parties have requested testimony from Tim Henseler, a former employee of, and Jim Pitrizzi, a detailee to, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of...
1978, 2 U.S.C. §§288(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities.

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote justice consistently with the privileges of the Senate; Now, therefore, be it

Resolved, That Tim Henseler and Jim Pittrizzi are authorized to testify in the case of United States v. Daniel Bayly, et al., except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Tim Henseler and Jim Pittrizzi in connection with the testimony authorized in section one of this resolution.

AUTHORIZING TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 395, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 395) to authorize testimony, document production, and legal representation in Ulysses J. Ward v. Dep’t of the Army.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, this resolution concerns a request for testimony, documents, and representation in an administrative proceeding before the Merit Systems Protection Board. The appellant in this administrative action is challenging his termination from employment by the U.S. Army Corps of Engineers for, among other things, transmitting to the office of Senator LAMAR ALEXANDER a written communication threatening to appeal his coworker. The Corps has requested testimony at a deposition, and, if necessary, at an administrative hearing, of Joshua Thomas, a former employee of Senator Alexander’s office who received the communication. Senator Alexander would like Mr. Thomas to be able to provide such testimony and any necessary documents.

The enclosed resolution would authorize Mr. Thomas to testify and produce documents in this matter with representation by the Senate Legal Counsel.

Mr. FRIST. 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, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 395) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 395

Whereas, in the case of Ulysses J. Ward v. Dep’t of the Army, No. AT-0752-04-0526-1-1, pending before the Merit Systems Protection Board, testimony and documents have been requested from a former employee of the office of Senator Lamar Alexander;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Merit Systems Protection Act of 1978, 2 U.S.C. §§288(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote justice consistently with the privileges of the Senate; Now, therefore, be it

Resolved that Joshua Thomas is authorized to testify and produce documents in the case of Ulysses J. Ward v. Dep’t of the Army, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Joshua Thomas in connection with the testimony authorized in section one of this resolution.

150TH ANNIVERSARY OF THE FOUNDING OF THE PENNSYLVANIA STATE UNIVERSITY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 396, which was submitted earlier today by Senator SANTORUM.

The PRESIDING OFFICER. The clerk will read the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 396) commemorating the 150th anniversary of the founding of The Pennsylvania State University.

There being no objection, the Senate proceeded to the immediate consideration of S. Res. 396, which was submitted earlier today by Senator SANTORUM.

The PRESIDING OFFICER. The clerk will read the resolution by title.

The resolution (S. Res. 396) was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 396

Whereas, in 1874, the Agricultural College of Pennsylvania was renamed The Pennsylvania State College and in 1953, such was renamed The Pennsylvania State University; whereas The Pennsylvania State University consists of 11 academic schools, 20 additional campuses located throughout Pennsylvania, the College of Medicine, The Dickinson School of Law, and The Pennsylvania College of Technology; whereas 1 in every 8 Pennsylvanians with a college degree, 1 in every 720 Americans, 1 in every 50 engineers, and 1 in every 4 meteorologists are alumni of The Pennsylvania State University; whereas formed in 1878, The Pennsylvania State University Alumni Association is the largest dues-paying alumni association in the nation; whereas The Pennsylvania State University has the largest outreach effort in United States higher education, delivering programs to 200,000 Pennsylvanians and 55,000 students in all 50 States; whereas The Pennsylvania State University consistently ranks in the top 3 universities in terms of SAT scores received from high school seniors; whereas The Pennsylvania State University annually hosts the largest student-run philanthropic event in the world, which benefitted the Four Diamonds Fund for families with children being treated for cancer; whereas the missions of instruction, research, and extension continue to be the focus of The Pennsylvania State University; whereas The Pennsylvania State University is renowned for the following: the rechargeable heart pacemaker design, the heart-assist pump design, 4 astronauts to have flown in space including the first African-American, and the first institution to offer an Agriculture degree; and whereas The Pennsylvania State University is one of the most highly regarded research universities in the nation, with an outreach extension program that reaches nearly 1 out of 2 Pennsylvanians a year and an undergraduate school of immense scope and popularity; Now, therefore, be it

Resolved, That the Senate commemorates the 150th anniversary of the founding of The Pennsylvania State University and congratulates its faculty, staff, students, alumni, and friends on the occasion.

EXPRESSING SENSE OF THE SENATE ON THE TRANSITION OF IRAQ

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate...
proceed to the immediate consideration of S. Res. 397, which was submitted earlier today by Senators FRIST and DASCHEL.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk reads as follows:

A resolution (S. Res. 397) expressing the sense of the Senate on the transition of Iraq to a constitutionally elected government.

Whereas the United States desire for the people of Iraq to live in peace and freedom;

Whereas more than three decades of dictatorship have contributed to the devastation of the people of Iraq of the benefits of that tradition and history, caused extraordinary personal suffering, and robbed the people of Iraq of the opportunity to reach full potential;

Whereas the United States and other members of the international community have a profound stake in the success of the transition of Iraq to a constitutionally elected government.

Resolved, That it is the sense of the Senate—

(1) the members of the Armed Forces and their families have courageously and nobly and have earned the deep gratitude of the people of the United States;

(2) success in Iraq is a global priority and therefore demands cooperation from all states and international organizations;

(3) states and international organizations should fulfill their commitments to contribute what resources and skills they can to the establishment and security of an independent Iraq with a constitutionally elected government;

(4) states and international organizations should fulfill the financial commitments they have already made to the reconstruction of Iraq;

(5) the international community should establish, to the highest standards, additional police training academies inside and outside of Iraq, contribute additional trainers to those academies, and dedicate experienced police to train Iraq police officers in the field.

Whereas the North Atlantic Treaty Organization (NATO) is uniquely qualified to respond to the call for assistance in United Nations Security Council Resolution 1546 (2004) to meet the needs of the Iraqi security and stability, including by assisting in training the Iraqi military, providing security for elections in Iraq, and helping secure the borders of Iraq and neighboring countries, respond positively to the request of Interim Iraqi Prime Minister Allawi to provide training, equipment, and other forms of technical assistance that his government determines is appropriate to help Iraq's security forces defeat terrorism and reduce Iraq's reliance on foreign forces;

(6) it is appropriate to thank coalition partners and other countries that have helped promote security, stability, reconstruction, and democracy in Iraq;

(7) it is the sense of the Senate that the United Nations Security Council Resolution 1546, member states should contribute additional military and security forces, and other resources as appropriate, to provide security for a United Nations presence in Iraq;

(8) countries unable to contribute security personnel to help stabilize Iraq should contribute to the transition of Iraq in other ways, including by providing technical experts, civil engineers, municipal managers, advisors, or other assistance to Iraq.

WHEREAS Prime Minister Allawi has requested assistance from the international community to aid in the rebuilding and security of Iraq, including assistance from the Government of Iraq and international organizations to contribute to a multinational force in Iraq and a dedicated force to provide security for the United Nations presence in Iraq, to help develop its security forces and security institutions, to aid in rebuilding the capacity for governance in Iraq, and to commit additional resources to reconstruct and develop the economy of Iraq;

The legislative clerk reads as follows:

The resolution (S. Res. 397) was agreed to, the preamble was agreed to, the motion to reconsider was laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 397) was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 397

WHEREAS June 30, 2004, marks Iraq's assumption of full sovereignty and the beginning of the transition of Iraq from a free and constitutionally elected government, which is to be established by December 31, 2005;

WHEREAS the Senate congratulates the Iraqi people, expresses its appreciation to the Iraqi interim Government, and reaffirms the United States desire for the people of Iraq to live in peace and freedom;

WHEREAS the successful transition of Iraq to a constitutionally elected government requires that Iraq develop the capacity to provide security to its citizens, defend its borders, deliver essential services, create a transparent and credible political process, and set the conditions for economic prosperity;

WHEREAS the people of Iraq have a long tradition of cultural and technological achievement and a talented and dedicated population;

WHEREAS the United States desires peace and prosperity for the citizens of Iraq;

WHEREAS providing security to the people of Iraq will require a well-trained and well-equipped police force, a professional military accountable to civilian leadership, the discharge of military duties, and a fair and efficient judicial system;

WHEREAS the current program to train and equip Iraq security forces could benefit from better vetting of candidates, expanded training time, follow-on field training with experienced police and military professionals, and the accelerated provision of equipment and resources;

WHEREAS the administration of the institutions of government and the delivery of essential services in Iraq will require technical expertise in combating the still-fully-developed electric infrastructure of Iraq;

WHEREAS Iraq faces a shortage of essential services, including sanitation, safe water, and access to reliable electricity;

WHEREAS economic prosperity in Iraq will require viable financial institutions, conditions that encourage private investment, and the significant reduction of foreign debt incurred by the regime of Saddam Hussein;

WHEREAS the people of Iraq were the victims of three decades of economic mismanagement under the regime of Saddam Hussein, and have inherited $200,000,000,000 in debt incurred by that regime;

WHEREAS Prime Minister Allawi has requested assistance from the international community to aid in the rebuilding and security of Iraq, including assistance from the Government of Iraq and international organizations to contribute to a multinational force in Iraq and a dedicated force to provide security for the United Nations presence in Iraq, to help develop its security forces and security institutions, to aid in rebuilding the capacity for governance in Iraq, and to commit additional resources to reconstruct and develop the economy of Iraq;

WHEREAS since the adoption of United Nations Security Council Resolution 1546, some members of the international community who have long expressed concern for the plight of the people of Iraq, and who voted for the adoption of the Resolution in the Security Council, have failed to respond to the urgent needs of the people of Iraq;

WHEREAS improved security in Iraq and the increased capacity of the people of Iraq to provide essential services will reduce the burdens on United States military personnel in the region;

WHEREAS the United States supports the determination of the Iraqi Interim Government to defeat the loyalists to Saddam Hussein, radical militias, common criminals, and terrorists who make up the insurgency in Iraq;

WHEREAS the United States is committed to assisting Iraq in reasserting its full sovereignty, consistent with United Nations Security Council Resolution 1483;

WHEREAS the Senate acknowledges the efforts and sacrifices of the Armed Forces, other employees of the United States Government, and representatives of international organizations in the coalition to promote Iraq's security, recovery, and transition; and

WHEREAS the United States and other members of the international community have a profound stake in the success of the transition of Iraq to a constitutionally elected government.

That it is the sense of the Senate that—

(1) the members of the Armed Forces and their families have courageously and nobly and have earned the deep gratitude of the people of the United States;

(2) success in Iraq is a global priority and therefore demands cooperation from all states and international organizations;

(3) states and international organizations should fulfill their commitments to contribute what resources and skills they can to the establishment and security of an independent Iraq with a constitutionally elected government;

(4) states and international organizations should fulfill the financial commitments they have already made to the reconstruction of Iraq;

(5) the international community should establish, to the highest standards, additional police training academies inside and outside of Iraq, contribute additional trainers to those academies, and dedicate experienced police to train Iraq police officers in the field.
have joined us in Iraq for their efforts in promoting Iraq’s security, stability, reconstruction, and transition to democracy.

In particular, I also thank Senator Sessions for originating the idea of this resolution and for turning it into an important focus for this colloquium. He initially proposed such a resolution that provided certain language. At that time, he was working in a bipartisan manner with Senator Lieberman and other Members of both sides of the aisle on this bipartisan resolution. He later joined with Senators Lindsey Graham, Joe Biden, Tom Daschle, and myself—most of us have actually been in Iraq recently—to hammer out a resolution that not only celebrates the liberation of Iraq and its transition to full sovereignty but also prescribes a number of steps that should be taken in the coming months to ensure those fruits of our efforts are realized.

I thank Senator Daschle and his colleagues for their help in fine-tuning this resolution so the entire Senate can endorse it. It is a good resolution. The importance of its passage I do not think can be underscored given the fact we are about a week before Iraq’s transition to full sovereignty. It sends a timely message, the right message, of thanks to our coalition partners and our support to the Iraqi interim government and the Iraqi people who are endeavoring to defeat terrorism and secure the blessings of democracy.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If the distinguished majority leader will yield, following the meeting with the President this morning, which I had the good fortune of being able to attend, the one message that came out of the meeting to me is that the hero today in Iraq is the Prime Minister of Iraq. He is a man of great courage who has had number of assassination attempts on his life, even when he did not live in Iraq, because of the people who were trying to get rid of him, and I wish him well. He is a man of courage. To take on this responsibility knowing that the evil forces that are in that country are out to dispense with him says a lot about the kind of man he is.

Speaking personally of the meeting at the White House this morning, I repeat the one thing that came out of that meeting today is the forceful nature of the man who is leading that country as of next Wednesday.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. I ask unanimous consent that the Senate now proceed to immediate consideration of Calendar No. 590, S. 2322.

The PRESIDING OFFICER. The bill (S. 2322) was read the third time and passed.

EMPLOYEES OF THE DISTRICT OF COLUMBIA COURTS AS PARTICIPANTS IN LONG TERM CARE INSURANCE PROGRAMS FOR FEDERAL EMPLOYEES

Mr. FRIST. I ask unanimous consent that the Senate now proceed to immediate consideration of Calendar No. 590, S. 2322.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2322) to amend chapter 90 of title 23, United States Code, is amended—

(1) in subparagraph (C), by striking ‘‘and’’;

(2) in subparagraph (D), by striking the period and inserting a semicolon and ‘‘and’’;

(3) by adding at the end the following: ‘‘(E) an employee of the District of Columbia courts.’’

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 108-277, Section 710, A(3)(ii), appoints the following individual to serve as a member of the Parents Advisory Council on Youth Drug Abuse: Lauren T. Tullock of Tennessee.

ADJOURNMENT OF THE HOUSE AND SENATE

Mr. FRIST. I ask unanimous consent that the Senate now proceed to consideration of S. Con. Res. 120, the adjournment resolution, which is at the desk.

I further ask unanimous consent the concurrent resolution be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 120) was agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Thursday, June 24, 2004, through Monday, June 28, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, July 6, 2004, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, June 24, 2004, or Friday, June 25, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, July 6, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

UNANIMOUS CONSENT AGREEMENT—H.R. 4200, S. 2400, S.2401, S. 2402, S. 2403

Mr. FRIST. Mr. President, with respect to H.R. 4200, which passed the
Senate last night, I ask unanimous consent that the Senate insist on its amendment and request a conference with the House of Representatives on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I further ask unanimous consent with respect to 2400, S. 2401, S. 2402 and S. 2403, as just passed by the Senate, that if the Senate receives a message with respect to any of these bills from the House of Representatives, the Senate disagree with the House and its amendment or amendments to the Senate-passed bill and agree to or request a conference with the House of Representatives on the disagreeing votes of the two Houses, that the Chair be authorized to appoint conferees, and that the foregoing occur without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider all nominations reported out by the Armed Services Committee today. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid on the table, the President be immediately notified of the Senate’s action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

NOMINATIONS IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general
Lt. Gen. Paul V. Hester, 2071

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 601:

To be lieutenant general
Maj. Gen. Jeffrey B. Kohler, 6994

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
Maj. Gen. John F. Regni, 3576

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
Maj. Gen. Michael W. Woolsey, 9379

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
Lt. Gen. Norton A. Schwartz, 7542

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
Brig. Gen. Charles B. Green, 6223

The following named officers for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
Col. Melissa A. Rank, 1159
Col. Thomas W. Travis, 2143

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general
Lt. Gen. Richard A. Cody, 6483

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
Maj. Gen. Carl A. Strock, 1502

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
Lt. Gen. Colby M. Broadwater, III, 6269

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general
George W. Casey, Jr., 1204

The following named officer for appointment as the Chief of Engineers/Commanding General, United States Army Corps of Engineers, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 3036:

To be general
Lt. Gen. Henry P. Osman, 9358

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
Maj. Gen. John F. Sattler, 0580

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general
Brig. Gen. Robert C. Dickerson, Jr., 2270

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
Maj. Gen. John P. M. St爷爷, 9548
The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

**Rear Adm. Donald C. Arthur, Jr., 7104**

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

**Rear Adm. Kevin J. Cochrin, 3968**

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

**Rear Adm. John G. Morgan, Jr., 4027**

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

**Rear Adm. Ronald A. Route, 7031**

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

**Rear Adm. ("h") Stephen S. Oswald, 2861**

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

**To be rear admiral**

Rear Adm. ("h") J. V. Shebalin, 4813

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

**To be rear admiral**

Rear Adm. ("h") Lewis S. Libby, III, 7663

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

**To be rear admiral**

Capt. Marshall E. Cusick, Jr., 4723

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

**To be rear admiral (lower half)**

Capt. Thomas R. Cullison, 0250

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

**To be rear admiral (lower half)**

Capt. Wayne G. Shear, Jr., 3891

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

**To be rear admiral (lower half)**

Capt. Jeffrey A. Lemmons, 2314

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

**To be rear admiral (lower half)**

Capt. Robert A. Wierings, 5245

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

**To be rear admiral (lower half)**

Capt. Adam M. Robinson, Jr., 9660

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

**Rear Adm. Michael G. Mullen, 9508**

The following named officer for appointment as Chief of the Bureau of Medicine and Surgery and Surgeon General and for ap-
and appeared in the Congressional Record of April 29, 2004.

PN1566 ARMY nomination of James C. Johnson, which was received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1567 ARMY nominations (2) beginning SHANNON D. BECKETT, and ending LEONARD A. CROMER, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1568 ARMY nomination of David P. Ferris, which was received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1569 ARMY nominations (2) beginning DONALD W. MYERS, and ending TERRY W. SWAN, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2004.

PN1570 ARMY nominations (191) beginning EDWARD L. ALEXSONSHK, and ending EDWARD M. ZOELLER, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1571 ARMY nominations (5) beginning DONALD W. HANCOX, and ending KEVIN C. WHEELER, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1572 ARMY nominations (5) beginning VICTOR M. BECK, and ending ELIZABETH A. JONES, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1573 ARMY nominations (3) beginning EDMUND F. CATALDO III, and ending GARY S. PETTI, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1574 ARMY nominations (4) beginning ELIZABETH A. CARLOS, and ending PHILIP C. WHEELER, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1575 NAVY nominations (5) beginning PAUL L. ALBIN, and ending MARK E. WESSELS, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1576 NAVY nominations (5) beginning JOHN L. BARTLEY, and ending JOSEPH A. SCHMITT, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1577 NAVY nominations (14) beginning RICHARD A. COLONNA, and ending TIMOTHY J. WERRE, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1578 NAVY nominations (17) beginning JOHN M. BURNS, and ending ROGER W. TURNER JR, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1579 NAVY nominations (17) beginning DAN D. ASHCRAFT, and ending JOHN E. VASTARDIS, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1580 NAVY nominations (185) beginning RODMAN P ABBOTT, and ending SAMUEL R. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1581 NAVY nominations (59) beginning JAMES S. BAILLEY, and ending JEFFREY B. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1582 NAVY nominations (2) beginning RICHARD S MORGAN, and ending TERRY L. M. SWINNEY, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1583 NAVY nominations (6) beginning WILLIAM J. ALDERSDEN, and ending HAROLD E. PITTMAN, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2004.

PN1584 NAVY nominations (6) beginning WILLIAM J. ALDERSDEN, and ending HAROLD E. PITTMAN, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2004.

PN1585 NAVY nominations (14) beginning AARON L. BOWMAN, and ending MAUDE E. KNOX, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2004.

PN1586 NAVY nominations (8) beginning RODMAN P. ABBOTT, and ending SAMUEL R. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2004.

PN1587 NAVY nominations (17) beginning THOMAS J BROVARONE, and ending MARK R WHITNEY, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2004.

PN1588 NAVY nominations (255) beginning KENT R. AITCHESON, and ending KEVIN S. ZUMBAR, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2004.

PN1589 NAVY nominations (19) beginning RICHARD L. ARHEY, and ending FRED C. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2004.

PN1590 NAVY nominations (8) beginning RODMAN P. ABBOTT, and ending SAMUEL R. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2004.

PN1591 NAVY nominations (5) beginning KENNETH R. CAMPITELLI, and ending TIMOTHY S. MATTHEWS, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2004.

PN1592 NAVY nominations (5) beginning KENNETH R. CAMPITELLI, and ending TIMOTHY S. MATTHEWS, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2004.

PN1593 NAVY nominations (11) beginning MICHAEL D. BOSLEY, and ending KEVIN D ZIOMEK, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2004.

PN1594 NAVY nominations (21) beginning DONALD T. BARRATT, and ending KEVIN D ZIOMEK, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2004.
FRANK D WHITWORTH, which nominations were received by the Senate and appeared in the Congressional Record of June 8, 2004.

PN1728 NAVY nominations (12) beginning RICHARD A THIEL JR, which nominations were received by the Senate and appeared in the Congressional Record of June 8, 2004.

PN1729 NAVY nominations (37) beginning TODD S ROCKWOLDT, and ending FORREST YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of June 8, 2004.

PN1730 NAVY nominations (6) beginning JAMES O. CRAVENS, and ending RONALD G WHITWORTH, which nominations were received by the Senate and appeared in the Congressional Record of June 8, 2004.

PN1731 NAVY nominations (10) beginning STEPHEN W BAILEY, and ending GARY P KOEHR, which nominations were received by the Senate and appeared in the Congressional Record of June 8, 2004.

PN1732 NAVY nominations (5) beginning JOSEPH J ALBANESE, and ending ROBERT E TOOTHMAN, which nominations were received by the Senate and appeared in the Congressional Record of June 8, 2004.

PN1733 NAVY nominations (19) beginning PATRICK S AGNEW, and ending DOUGLAS R TOOTHMAN, which nominations were received by the Senate and appeared in the Congressional Record of June 8, 2004.

PN1734 NAVY nominations (19) beginning MARK J BELTON, and ending ROBERT E TOLIN, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2004.

PN1735 NAVY nominations (24) beginning CIVITA M ALLARD, and ending ANN N TESCHER, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2004.

PN1736 NAVY nominations (25) beginning RICHARD D BAERTLEIN, and ending JEFFREY G WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2004.

PN1737 NAVY nominations (27) beginning RICHARD D BAERTLEIN, and ending JEFFREY G WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2004.

PN1738 NAVY nomination of Carlos Varona, which was received by the Senate and appeared in the Congressional Record of June 14, 2004.

APPOINTMENT OF CONFEREES—H.R. 4200

The PRESIDING OFFICER. The Chair appoints the following conferees on H.R. 4200: Senators WARNER, MCCAIN, INHOFE, ROBERTS, ALLARD, SESSIONS, COLLINS, ENSIGN, TALENT, CHAMBLISS, GRAHAM of South Carolina, DOLE, CORNYN, LEVIN, KENNEDY, BYRD, LIEBERMAN, REED, AKAKA, NELSON of Florida, NELSON of Nebraska, DAYTON, BAYH, CLINTON, and PRYOR.

Mr. FRIST. Mr. President, I again congratulate Chairman STEVENS and Senator INOUYE for including today critical funding for humanitarian assistance in the Sudan. We simply can not stand by idly as half a million people are uprooted and forced to flee the Darfur region while also suffering unbelievable starvation, hunger, and murder from Sudan, government-backed Arab militias.

The funding we have provided today will go to USAID to assist these refugees but of course a political solution needs to found also for this part of our world.

Again, I thank Chairman STEVENS and Senator INOUYE for their hard work today.
Thursday, June 24, 2004

Daily Digest

HIGHLIGHTS:

Senate passed H.R. 4613, Department of Defense Appropriations Act.
House Committees ordered reported 13 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S7403–S7505

Measures Introduced: Thirty-four bills and eight resolutions were introduced, as follows: S. 2572–2605, S. Res. 391–397, and S. Con. Res. 120.

Measures Reported:


H.R. 1572, To designate the United States courthouse located at 100 North Palafox Street in Pensacola, Florida, as the “Winston E. Arnow United States Courthouse”.

S. 2385, to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the “Santiago E. Campos United States Courthouse”.

S. 2398, to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the James V. Hansen Federal Building.

Measures Passed:

Department of Defense Appropriations Act: By a unanimous vote of 98 yeas (Vote No. 149), Senate passed H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, striking all after the enacting clause and inserting in lieu thereof the text of S. 2559, Senate companion measure, and the bill as amended be considered as original text for the purpose of further amendment, after taking action on the following amendments proposed thereto:

Adopted:

Stevens (for Baucus) Amendment No. 3490, to set aside an amount for a grant to Rocky Mountain College, Montana, for the purchase of aircraft for support of aviation training.

Pages S7357–59, S7366–92

Stevens (for Corzine) Amendment No. 3491, to make available, from amounts appropriated for “Research, Development, Test, and Evaluation, Navy”, $4,000,000 for Aviation Data Management and Control System, Block II.

Pages S7367

Stevens (for Kennedy) Amendment No. 3492, to make $50,000,000 available under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs.

Pages S7367

Stevens (for Leahy) Amendment No. 3497, to set aside an amount for procurement of aircrew bladder relief (ABRD) kits.

Pages S7370

DeWine Amendment No. 3493, to appropriate funds for the crisis in Darfur and Chad.

Pages S7367, S7370–72

Stevens (for Warner/Allen) Amendment No. 3498, to increase amounts for certain Navy shipbuilding and conversion programs, projects, and activities; and to provide an offset.

Pages S7372

Stevens (for Roberts) Amendment No. 3499, to make available, from amounts appropriated for “Research, Development, Test, and Evaluation, Air Force”, $10,000,000 for the Science, Mathematics, and Research for Transformation (SMART) Pilot Scholarship Program.

Pages S7372–73

Stevens (for Santorum) Amendment No. 3500, to make available, from amounts appropriated for “Operation and Maintenance, Defense-Wide”, $5,000,000 for Department of Defense Education Activity for the upgrading of security at Department of Defense dependents schools.

Pages S7373

Stevens (for Santorum) Amendment No. 3501, to make available from amounts appropriated for “Research, Development, Test, and Evaluation, Army”, $3,000,000 for Medical Advanced Technology for the Intravenous Membrane Oxygenator.

Pages S7373

Stevens (for Lott/Cochran) Amendment No. 3503, to express the sense of Congress on the expansion of the Global Hawk Maritime Demonstration Program to include forward deployed forces of the Navy and
the Marine Corps in the United States Central Command area of operations.  

Stevens (for Reed) Amendment No. 3504, to make available, from amounts appropriated for Research, Development, Test, and Evaluation, Navy, $3,000,000 to establish the Consortium of Visualization Excellence for Undersea Warfare Modeling and Simulation (COVE).  

Stevens (for Bayh/Lugar) Amendment No. 3505, to make available, from amounts appropriated for Research, Development, Test, and Evaluation, Navy, $2,000,000 to conduct a demonstration of a prototype of the Improved Shipboard Combat Information Center.

Stevens (for Biden) Amendment No. 3507, to provide certain authorities related to the transfer of defense articles.

Stevens (for Mikulski/Sarbanes) Amendment No. 3516, to make available, from amounts appropriated for “Research, Development, Test, and Evaluation, Air Force”, $7,000,000 for AN/APG–68(V)10 radar development for F–16 aircraft.

Stevens (for Nelson (FL)) Amendment No. 3517, to make available up to $5,000,000 for the Joint Test and Training Rapid Advanced Capabilities (JTT/RA) Program.

Stevens (for Shelby) Amendment No. 3518, clarifying the availability of highway trust funds.

By 89 yeas to 9 nays (Vote No. 147), Byrd Amendment No. 3502, to express the sense of the Senate on budgeting and funding of ongoing military operations overseas.

Stevens (for Dodd/Lieberman) Amendment No. 3522, to make available, from amounts appropriated for Research, Development, Test, and Evaluation, Army, $10,000,000 for the Broad Area Unmanned Responsive Resupply Operations aircraft program.

Stevens (for Nickles) Amendment No. 3523, to make available from amounts appropriated for “Research, Development, Test, and Evaluation, Navy”, $2,000,000 for Handheld Breath Diagnostics.

Stevens (for Landrieu) Amendment No. 3524, to set aside an amount for the Joint Logistics Information System program for the automated scheduling tool.

Stevens (for Bunning) Amendment No. 3525, to set aside an amount for the Anti-Sniper Infrared Targeting System.

Stevens (for Voinovich/DeWine) Amendment No. 3526, to make available, from amounts appropriated for Research, Development, Test, and Evaluation, Army, $3,500,000 for Laser Peening for Army helicopters.

Stevens (for Voinovich/DeWine) Amendment No. 3527, to make available, from amounts appropriated for Research, Development, Test, and Evaluation, Air Force, $2,000,000 for All Composite Military Vehicles.

Stevens (for Boxer) Amendment No. 3528, to make available, from amounts appropriated for Research, Development, Test, and Evaluation, Defense-wide, $4,500,000 for development of the Suicide Bomber Detection System Using a Portable Electronic Scanning Millimeter-Wave Imaging RADAR.

Stevens (for Burns) Amendment No. 3529, to make available, from amounts appropriated for Research, Development, Test, and Evaluation, Navy, up to $3,000,000 for the Mobile On-Scene Sensor Aircraft Intelligence Command, Control, and Computer Centers.

Stevens (for Burns) Amendment No. 3530, to make available, from amounts appropriated for Research, Development, Test, and Evaluation, Army, up to $2,000,000 for the ‘Care of Battlefield Wounds’.

Stevens (for Roberts) Amendment No. 3531, to make available, from amounts appropriated for Research, Development, Test, and Evaluation, Army, $8,000,000 for the United States Army Intelligence and Security Command’s Information Dominance Center.

Stevens (for Kyl) Amendment No. 3532, to specify the availability of amounts for the Subterranean Target Identification Program.

Stevens (for Kyl) Amendment No. 3533, to specify the availability of amounts for the Program for Intelligence Validation.

Stevens (for Kyl) Amendment No. 3534, to express the sense of Congress on the continued development of an end-to-end point of care clinical diagnostic network to combat terrorism.

Stevens (for Kyl) Amendment No. 3535, to specify the availability of amounts for the Versatile, Advanced Affordable Turbine Engine.

Stevens (for Talent) Amendment No. 3536, to make available, from amounts appropriated for Research, Development, Test, and Evaluation, Air Force, $5,000,000 for X–43C development.

Stevens (for Pryor) Amendment No. 3537, to make available, from amounts appropriated for Research, Development, Test, and Evaluation, Defense-Wide, $5,000,000 for medical equipment and combat casualty care technologies.
Stevens (for Sununu) Amendment No. 3538, to make available up to $2,000,000 for the Advanced Composite Radome Project.

Stevens (for Levin) Amendment No. 3539, to authorize the demolition of facilities and improvements on certain military installations approved for closure under the defense base closure and realignment process.

Stevens (for Conrad) Amendment No. 3540, to set aside an amount for F–16 Theater Airborne Reconnaissance System upgrades.

Stevens (for Kohl/Reed) Amendment No. 3541, to ensure the availability of sufficient fiscal year 2004 funding for the Manufacturing Extension Partnership program of the National Institute of Standards and Technology.

Stevens (for DeWine) Amendment No. 3542, to require reports on mental health services available to members of the Armed Forces of the United States and their dependents.

Stevens (for Feinstein) Amendment No. 3543, to make available, from amounts appropriated for Research, Development, Test, and Evaluation, Navy, $5,000,000 for support of the TIGER pathogen detection system.

Inouye (for Dorgan) Amendment No. 3544, to provide funds for the North Dakota State School of Science, Bismarck State College, and Minot State University.

Inouye Amendment No. 3545, to set aside an amount for small business development and transition.

Rejected:

Biden Modified Amendment No. 3520, to appropriate funds for bilateral economic assistance. (By 53 yeas to 45 nays (Vote No. 148), Senate tabled the amendment.)

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Stevens, Cochran, Specter, Domenici, Bond, McConnell, Shelby, Gregg, Hutchison, Burns, Inouye, Hollings, Byrd, Leahy, Harkin, Dorgan, Durbin, Reid, and Feinstein.

Burma Sanctions: By 96 yeas to 1 nay (Vote No. 150), Senate passed H. J. Res. 97, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, clearing the measure for the President.

Middle East Peace Process: By 95 yeas to 3 nays (Vote No. 151), Senate agreed to S. Res. 393, expressing the sense of the Senate in support of United States policy for a Middle East peace process.

United Nations Democracy Caucus: Committee on Foreign Relations was discharged from further consideration of S. Con. Res. 83, promoting the establishment of a democracy caucus within the United Nations, and the resolution was then agreed to.

Western Shoshone Claims Distribution Act: Senate passed H.R. 884, to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, and 326–K, clearing the measure for the President.

AGOA Acceleration Act: Senate passed H.R. 4103, to extend and modify the trade benefits under the African Growth and Opportunity Act, clearing the measure for the President.

Recognizing J. Robert Oppenheimer: Senate agreed to S. Res. 321, recognizing the loyal service and outstanding contributions of J. Robert Oppenheimer to the United States and calling on the Secretary of Energy to observe the 100th anniversary of Dr. Oppenheimer’s birth with appropriate programs at the Department of Energy and the Los Alamos National Laboratory.


Legal Representation Authorization: Senate agreed to S. Res. 395, to authorize testimony, document production, and legal representation in Ulysses J. Ward v. Dep’t of the Army.

Commemorating Pennsylvania State University 150th Anniversary: Senate agreed to S. Res. 396, commemorating the 150th anniversary of the founding of The Pennsylvania State University.

Iraq Transition: Senate agreed to S. Res. 397, expressing the sense of the Senate on the transition of Iraq to a constitutionally elected government.

GAO Human Capital Reform Act: Committee on Governmental Affairs was discharged from further consideration of H.R. 2751, to provide new human capital flexibilities with respect to the GAO, and the bill was then passed, clearing the measure for the President.

D.C. Courts Long-Term Care Insurance Participation: Senate passed S. 2322, to amend chapter 90 of title 5, United States Code, to include employees of the District of Columbia courts as participants in long term care insurance for Federal employees.
Adjournment Resolution: Senate agreed to S. Con. Res. 120, providing for a conditional adjournment or recess of the Senate and the House of Representatives. Page S7499

Burma Sanctions—Agreement: A unanimous-consent agreement was reached providing for the consideration of S. J. Res. 39, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, that the statutory time limit be yielded back, the resolution be read a third time, and then returned to the Senate calendar. Page S7392

National Defense Authorization Act—Conferees: A unanimous-consent agreement was reached relative to H.R. 4200, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, previously passed by the Senate on Wednesday, June 23, 2004, that the Senate insist on its amendment, request a conference with the House thereon, and the Chair be authorized to appoint the following conferees on the part of the Senate: Senators Warner, McCain, Inhofe, Roberts, Allard, Sessions, Collins, Ensign, Talent, Chambliss, Graham (SC), Dole, Cornyn, Levin, Kennedy, Byrd, Lieberman, Reed, Akaka, Nelson (FL), Nelson (NE), Dayton, Bayh, Clinton, and Pryor. Page S7503

Also, a unanimous-consent agreement was reached with respect to further consideration of S. 2400, S. 2401, S. 2402, and S. 2403, Senate companion measures (all passed by the Senate on Wednesday, June 23, 2004); that if the Senate receives a message, with respect to any of these bills, from the House of Representatives, the Senate disagree with the House on its amendment or amendments to the Senate-passed bill and agree to or request a conference, as appropriate, with the House on the disagreeing votes of the two Houses; that the Chair be authorized to appoint conferees on the part of the Senate; and that the foregoing occur without intervening action or debate. Pages S7499–S7500

Appointments:

Parents Advisory Council on Youth Drug Abuse: The Chair, on behalf of the Majority Leader, pursuant to Public Law 105–277, Section 710, 2(A)(ii), appointed the following individual to serve as a member of the Parents Advisory Council on Youth Drug Abuse: Laurens Tullock, of Tennessee. Page S7499

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the report of the continuation of the national emergency with respect to the Western Balkans; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–89) Pages S7427

Nominations Confirmed: Senate confirmed the following nominations:

By 70 yeas 27 nays (Vote No. Ex. 152), Diane S. Sykes, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit. Pages S7360–66, S7397

Dora L. Irizarry, of New York, to be United States District Judge for the Eastern District of New York.

Peter W. Hall, of Vermont, to be United States Circuit Judge for the Second Circuit.

Robert Bryan Harwell, of South Carolina, to be United States District Judge for the District of South Carolina.

George P. Schiavelli, of California, to be United States District Judge for the Central District of California.

William Duane Benton, of Missouri, to be United States Circuit Judge for the Eighth Circuit.


John C. Danforth, of Missouri, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations.

10 Air Force nominations in the rank of general.

14 Army nominations in the rank of general.

8 Marine Corps nominations in the rank of general.

31 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Marine Corps, Navy. Pages S7399–S7401

Nominations Received: Senate received the following nominations:

Kiron Kanina Skinner, of Pennsylvania, to be a Member of the National Security Education Board for a term of four years.

Cathy M. MacFarlane, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

Dennis C. Shea, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

Romolo A. Bernardi, of New York, to be Deputy Secretary of Housing and Urban Development.

Kirk Van Tine, of Virginia, to be Deputy Secretary of Transportation.
Sue Ellen Wooldridge, of Virginia, to be Solicitor of the Department of the Interior.

Charles Johnson, of Utah, to be Chief Financial Officer, Environmental Protection Agency.

Ann R. Klee, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

Adam Marc Lindemann, of New York, to be a Member of the Advisory Board for Cuba Broadcasting for a term expiring October 27, 2005.

Edward Brehm, of Minnesota, to be a Member of the Board of Directors of the African Development Foundation for a term expiring November 13, 2007.

Beverly Allen, of Georgia, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2008.

Gail Daly, of Texas, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2008. (New Position)

Donald Leslie, of Wisconsin, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2006. (New Position)

Amy Owen, of Utah, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2008. (New Position)

Sandra Pickett, of Texas, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2005. (New Position)

Renee Swartz, of New Jersey, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2007. (New Position)

Kim Wang, of California, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2004. (New Position)

Juanita Alicia Vasquez-Gardner, of Texas, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2009 (Reappointment), to which position she was appointed during the last recess of the Senate.

Deborah Ann Spagnoli, of California, to be a Commissioner of the United States Parole Commission for a term of six years.

   1 Army nomination in the rank of general.

   A routine list in the Navy.

Messages From the House: Pages S7427

Measures Referred: Page S7427

Measures Read First Time: Page S7494

Executive Communications: Pages S7428–29

Petitions and Memorials: Pages S7429–32

Executive Reports of Committees: Pages S7432–34

Additional Cosponsors: Pages S7435–37

Statements on Introduced Bills/Resolutions: Pages S7437–87

Additional Statements: Pages S7424–27

Amendments Submitted: Pages S7487–93

Authority for Committees to Meet: Pages S7493–94

Privilege of the Floor: Page S7494

Record Votes: Six record votes were taken today. (Total—152) Pages S7377, S7384, S7392, S7395–97

Adjournment: Senate convened at 10:01 a.m., and adjourned at 9:06 p.m., until 9:30 a.m., on Friday, June 25, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S7397.)

Committee Meetings

(Committees not listed did not meet)

HEALTHY FORESTS RESTORATION ACT

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Forestry, Conservation, and Rural Revalidation concluded a hearing to examine the implementation of the Healthy Forests Restoration Act (P.L. 108–148), after receiving testimony from Mark Rey, Under Secretary of Agriculture for Natural Resources and the Environment; Chad Calvert, Deputy Assistant Secretary of the Interior for Land and Minerals Management; James L. Sledge, Mississippi Forestry Commission, Jackson, on behalf of the National Association of State Foresters; Robert Cope, Lemhi County Board of Commissioners, Salmon, Idaho, on behalf of the National Association of Counties and the Idaho Association of Counties; Carol Daly, Communities Committee of the Seventh American Forest Congress, Columbia Falls, Montana, on behalf of the Society of American Foresters; James R. Crouch, Jim Crouch and Associates, Russellville, Arkansas, on behalf of sundry organizations; Tom Partin, American Forest Resource Council, Portland, Oregon; and James Earl Kennamer, National Wild Turkey Federation, Edgefield, South Carolina.

AIRLINE DENIAL AUTHORITY

Committee on Appropriations: Subcommittee on Transportation, Treasury, and General Government concluded an oversight hearing to examine passenger screening and airline authority to deny plane boarding, after receiving testimony from Jeff Rosen, General Counsel, Department of Transportation; Tom Blank, Assistant Administrator, Office of Transportation Security Policy, Transportation Security Administration, Department of Homeland Security; Michael Smerconish, WPHT–AM, Philadelphia, Pennsylvania; Peggy Sterling, American Airlines, Dallas, Texas; and Christy E. Lopez, Relman and Associates, Washington, D.C.
BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the nomination of General George W. Casey, Jr., USA, for reappointment to the grade of general and to be Commander, Multi-National Force-Iraq, and 2,249 nominations in the Army, Navy, Marine Corps, and Air Force.

Prior to this action, committee concluded hearings on the nomination of General George W. Casey, Jr. (listed above), after the nominee testified and answered questions in his own behalf.

CRC REPORTS

Committee on Armed Services: Committee met in closed session to receive a briefing regarding ICRC Reports on U.S. military detainee operations from officials of the Department of Defense.

AVIATION SECURITY

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation concluded a hearing to examine security screening options for airports, focusing on the status of the private screening pilot (PP5) program and TSA’s plans to implement the Federal screening opt-out provisions of the Aviation and Transportation Security Act, after receiving testimony from Thomas Blank, Assistant Administrator for Transportation Security Policy, Transportation Security Administration, Department of Homeland Security; Patrick Pacios, BearingPoint, Inc., McLean, Virginia; Terry Anderson, Tupelo Regional Airport, Tupelo, Mississippi; and Richard A. Atkinson, III, Central West Virginia Regional Airport Authority, Charleston.

EARTHQUAKE HAZARDS REDUCTION AUTHORIZATION

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space concluded a hearing to examine H.R. 2608, to reauthorize the National Earthquake Hazards Reduction Program, after receiving testimony from David Applegate, Senior Science Advisor for Earthquake and Geologic Hazards, U.S. Geological Survey, Department of the Interior; Archibald C. Reid, III, Acting Deputy Director, Mitigation Division, Emergency Preparedness and Response Directorate, Department of Homeland Security; Sivaraj Shyam-Sunder, Acting Deputy Director, Building and Fire Research Laboratory, National Institute of Standards and Technology, Technology Administration, Department of Commerce; and A. Galip Ulsoy, Director, Division of Civil and Mechanical Systems, National Science Foundation.

NATIONAL HERITAGE PARTNERSHIP ACT

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded a hearing to examine S. 2543, to establish a program and criteria for National Heritage Areas in the United States, after receiving testimony from A. Durand Jones, Deputy Director, National Park Service, Department of the Interior; Barry T. Hill, Director, Natural Resources and Environment, General Accounting Office; Daniel M. Rice, Ohio and Erie Canalway Coalition, Akron, Ohio, on behalf of the Advocacy Committee of the Alliance of National Heritage Areas; and Robert J. Smith, Center for Private Conservation, and Craig D. Obey, National Parks Conservation Association, both of Washington, D.C.

BUSINESS MEETING

Committee on Finance: Committee failed to approve the Committee’s recommendation, as amended, to the proposed legislation implementing the U.S.-Australia Free Trade Agreement.

IRAQ

Committee on Foreign Relations: on Wednesday, June 23, Committee met in closed session to receive a briefing on the situation in Iraq with regard to the June 30, 2004 transition from Colin L. Powell, Secretary of State.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported S. 1735, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, with an amendment in the nature of a substitute.
**House of Representatives**

**Chamber Action**

**Measures Introduced:** 36 public bills, H.R. 4677–4712; 1 private bill, H.R. 4713; and 5 resolutions, H. Con. Res. 465–467, and H. Res. 695–697, were introduced. **Pages H4926–27, H5070–71**

**Additional Cosponsors:** Pages H4927–28, H5071–72

**Reports Filed:** Reports were filed today as follows:

- H.R. 3916, to improve circulation of the $1 coin, create a new bullion coin, amended (H. Rept. 108–568); and

**Chaplain:** The Prayer was offered today by Rev. Dr. Keith Boone, Pastor, First United Methodist Church in Rockwall, Texas. **Page H4995**

**Revising the Budget Resolution for FY 2005:** The House rejected H. Res. 685, revising the concurrent resolution on the budget for fiscal year 2005 as it applies in the House of Representatives, by a yea and nay vote of 184 yeas to 230 nays, Roll No. 301. **Pages H4908–22**

The measure was considered under a unanimous consent agreement that was reached on Tuesday, June 22.

**Suspension:** The House agreed to suspend the rules and pass the following measure which was debated on Wednesday, June 23:

- Recognizing the 40th Anniversary of Congressional passage of the Civil Rights Act of 1964: H. Res. 676, recognizing and honoring the 40th anniversary of congressional passage of the Civil Rights Act of 1964, by a ⅔ yea and nay vote of 414 yeas to 1 nay, Roll No. 304. **Pages H4929–30**

**Child Nutrition and WIC Reauthorization Act of 2004:** The House agreed to take from the Speaker’s table and pass S. 2507, to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs—clearing the measure for the President. **Pages H4930–52**

**Resolution Congratulating the Interim Government of Iraq:** The House agreed to H. Res. 691, congratulating the interim government of Iraq on its assumption of full responsibility and authority as a sovereign government, by a yea and nay vote of 352 yeas to 57 nays, Roll No. 319. **Pages H4953–61, H5066–67**

The measure was considered under a unanimous consent agreement reached on Wednesday, June 23.

**Spending Control Act of 2004:** The House failed to pass H.R. 4663, to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to establish discretionary spending limits and a pay-as-you-go requirement for mandatory spending, by a recorded vote of 146 ayes to 268 noes, Roll No. 318. **Pages H4988–H4990, H4991–H5066**

Rejected the Stenholm motion to recommit the bill to the Committee on the Budget with instructions to report the bill back to the House forthwith with an amendment, by a recorded vote of 196 ayes to 218 noes, Roll No. 517.

Agreed by unanimous consent to consider the Young amendment (No. 18 printed in H. Rept. 108–566) out of order and allow it to be subsequently withdrawn. **Page H4997**

Agreed to:
- Brady amendment (No. 1 printed in H. Rept. 108–566) that establishes a Federal Sunset Commission to review all federal agencies and programs for their efficiency, effectiveness, redundancy, and need (by a recorded vote of 272 ayes to 140 noes, Roll No. 305); and **Pages H4972–75, H4988**
- Kirk amendment (No. 6 printed in H. Rept. 108–566) that requires the Congressional Budget Office to prepare an annual analysis that compares budgeted entitlement spending to actual entitlement spending (by a recorded vote of 289 ayes to 121 noes, Roll No. 310). **Pages H4997–98, H5011–12**

Rejected:
- Chocola amendment (No. 2 printed in H. Rept. 108–566) that sought to replace the 20 budget functions with a one-page budget that divides spending into five categories (by a recorded vote of 126 ayes to 290 noes, Roll No. 306); **Pages H4975–78, H4988–89**
- Castle amendment (No. 3 printed in H. Rept. 108–566) that sought to eliminate the requirement of providing budget authority and outlays for the functional categories in the budget resolution (by a recorded vote of 185 ayes to 230 noes, Roll No. 307); **Pages H4978–80, H4989–90**
- Hensarling amendment (No. 4 printed in H. Rept. 108–566) that sought to impose an entitlement cap whereby the total level of direct spending is limited to inflation and the growth in a given program’s beneficiary population (by a recorded vote of 96 ayes to 317 noes, Roll No. 308); **Pages H4980–86, H4990**
Hensarling amendment (No. 5 printed in H. Rept. 108–566) that sought to provide for an automatic continuing resolution in the event that an agreement is not reached on spending levels by the legal deadline (by a recorded vote of 111 ayes to 304 noes, Roll No. 309);

Pages H4998–88, H4990–91

Ryan of Wisconsin amendment (No. 7 printed in H. Rept. 108–566) that sought to convert the current non-binding budget resolution into a joint budget resolution that if signed by the President would have the force of law (by a recorded vote of 97 ayes to 312 noes, Roll No. 311);

Pages H5001–03, H5012–13

Ryan of Wisconsin amendment (No. 8 printed in H. Rept. 108–566) that sought to establish Budget Protection Accounts which would allow Congress to target spending during the appropriation and direct spending processes and redirect that spending for deficit reduction at the end of the fiscal year (by a recorded vote of 137 ayes to 272 noes, Roll No. 312);

Pages H5001–03, H5013

Ryan of Wisconsin amendment (No. 9 printed in H. Rept. 108–566) that sought to initiate enhanced rescission for the President to propose the elimination of wasteful spending identified in appropriations bills (by a recorded vote of 174 ayes to 237 noes, Roll No. 313);

Pages H5003–06, H5013–14

Spratt amendment in the nature of a substitute (No. 15 printed in H. Rept. 108–566) that restores the original Pay-As-You-Go rules as they were originally established under the 1990 Budget Enforcement Act and extended in 1997 (by a recorded vote of 179 ayes to 233 noes, Roll No. 314);

Pages H5006–11, H5014–15

Hensarling amendment in the nature of a substitute (No. 16 printed in H. Rept. 108–566) that sought to make several major changes to the current budget process (by a recorded vote of 88 ayes to 326 noes, Roll No. 315); and

Pages H5015–44, H5062–63

Kirk amendment in the nature of a substitute (No. 17 printed in H. Rept. 108–566) that sought to make a number of changes to the current budget process (by a recorded vote of 120 ayes to 296 noes, Roll No. 316).

Pages H5044–62, H5063–64

Withdrawn:

Young of Florida amendment in the nature of a substitute (No. 18 printed in H. Rept. 108–566) that was offered and subsequently withdrawn that sought to require sequestration of mandatory spending in the event that the OMB baseline estimates of mandatory spending exceed previous estimates due to enacted legislation; require baseline estimates to exclude emergency spending; provide an exception for outlay components of certain expiring receipts legislation when making estimates of mandatory spending legislation; change the start date of the fiscal year to November 1; require sunsetting of all Federal programs (except earned entitlements) effective October 1, 2006, unless reauthorized prior to that date; require an adjustment to Appropriations Committee 302(a) allocations to ensure that the transportation guarantees contemplated in TEALU and Vision 100 are fully met; and make technical and conforming changes to the Balanced Budget and Emergency Deficit Control Act of 1985.

Pages H4991–97

H. Res. 692, the rule providing for consideration of the bill was agreed to by a recorded vote of 217 ayes to 197 noes, Roll No. 303, after agreeing to order the previous question by a yeas and nay vote of 217 yeas to 197 nays, Roll No. 302.

Pages H4922–23

Election Assistance Commission Board of Advisors: The Chair announced the Speaker’s appointment of Mr. J.C. Watts, Jr., of Norman, Oklahoma to serve a two-year term on the Election Assistance Commission Board of Advisors.

Page H5067

Presidential Message: Read a message from the President wherein he notified the Congress of the continuation of the national emergency with respect to the Western Balkans—referred to the Committee on International Relations and ordered printed (H. Doc. 108–196).

Page H4961

Senate Message: Message received from the Senate today appears on page H4895.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H4928, H5072.


Adjournment: The House met at 10 a.m. and adjourned at 12:23 a.m. on Friday, June 25.

Committee Meetings

DOD—CONTRACTOR SUPPORT

Committee on Armed Services: Subcommittee on Readiness held a hearing on contractor support in the Department of Defense. Testimony was heard from the following officials of the Department of Defense: Michael W. Wynne, Acting Under Secretary, Acquisition, Technology and Logistics; John J. Young, Jr., Assistant Secretary, Research, Development and Acquisition, U.S. Navy; Marvin R. Sambur, Assistant Secretary, Acquisition, U.S. Air Force; and Tina
Ballard, Deputy Assistant Secretary, Policy and Procurement, U.S. Army.

DOD—SMALL CALIBER AMMUNITION PROGRAMS

Committee on Armed Services: Subcommittee on Tactical Air and Land Forces held a hearing on Department of Defense small caliber ammunition programs. Testimony was heard from the following officials of the Department of the Army: MG Buford C. Blount, III, USA, Assistant Deputy Chief of Staff, G–3; BG Paul S. Izzo, USA, Program Executive Officer, Ammunition; and BG James Rafferty, USA, Deputy Commander, Joint Munitions Command; and public witnesses.

INNOVATIVE HEALTH INSURANCE OPTIONS

Committee on Education and the Workforce: Subcommittee on Employer-Employee Relations held a hearing entitled “Examining Innovative Health Insurance Options for Workers and Employers.” Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES


HOSPITAL BILLING AND COLLECTION PRACTICES

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled “A Review of Hospital Billing and Collection Practices.” Testimony was heard from the following officials of the Department of Health and Human Services: Herb Kuhn, Director, Center for Medicare Management, Centers for Medicare and Medicaid Services; and Lewis Morris, Chief Counsel, Office of Inspector General; and pubic witnesses.

OVERSIGHT—PUBLIC ACCOUNTING OVERSIGHT BOARD

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held an oversight hearing on the Public Company Accounting Oversight Board. Testimony was heard from William J. McDonough, Chairman, Public Company Accounting Oversight Board.

MISCELLANEOUS MEASURES; TARGET WASHINGTON: COORDINATING HOMELAND SECURITY EFFORTS

Committee on Government Reform: Ordered reported the following bills: S. 129, amended, Federal Workforce Flexibility Act of 2003; H.R. 3340, To redesignate the facilities of the United States Postal Service located at 7715 and 7748 S. Cottage Grove Avenue in Chicago, Illinois, as the “James E. Worsham Post Office” and the “James E. Worsham Carrier Annex Building,” respectively; H.R. 4327, To designate the facility of the United States Postal Service located at 7450 Natural Bridge Road in St. Louis Missouri, as the “Vitlas ‘Veto’ Reid Post Office Building;” and H.R. 4427, To designate the facility of the United States Postal Service located at 73 South Euclid Avenue in Montauk, New York, as the “Perry B. Duryea, Jr., Post Office.”

The Committee also held a hearing entitled “Target Washington: Coordinating Federal Homeland Security Efforts with Local Jurisdictions in the National Capital Region. Testimony was heard from Thomas Lockwood, Director, Office of National Capital Region Coordination, Department of Homeland Security; William O. Jenkins, Director, Homeland Security, GAO; George Foresman, Assistant to the Governor for Preparedness, State of Virginia; Dennis Schrader, Director, Office of Homeland Security, State of Maryland; Barbara Childs-Pair, Director, Emergency Management Agency, District of Columbia; and public witnesses.

LIVING WITH DISABILITIES

Committee on Government Reform: Subcommittee on Human Rights and Wellness held a hearing entitled “Living with Disabilities in the United States: A Snapshot.” Testimony was heard from Representative Langevin; Troy Justesen, Acting Assistant Secretary, Office of Special Education and Rehabilitation Services, Department of Education; Don Young, Deputy Assistant Secretary, Office of Health Policy, Department of Health and Human Services; and public witnesses.

MISCELLANEOUS MEASURES

Committee on International Relations: Ordered reported the following bills: H.R. 4303, amended, American Schools Abroad Support Act; and H.R. 4654, To reauthorize the Tropical Forest Conservation Act of 1998 through Fiscal Year 2007.

The Committee also favorably considered and adopted a motion urging the chairman to request that the following measures be considered on the Suspension Calendar: H.R. 1587, amended, Viet Nam Human Rights Act of 2003; H.R. 4660, to
amend the Millennium Challenge Act of 2003 to extend the authority to provide assistance to countries seeking to become eligible countries for purposes of that Act; H. Res. 615, amended, Expressing the sense of the House of Representatives in support of full membership of Israel in the Western European and Others Group (WEOG) at the United Nations; H. Res. 617, amended, Expressing support for the accession of Israel to the Organization for Economic Co-operation and Development (OCED); H. Res. 652, Urging the Government of the Republic of Belarus to ensure a democratic, transparent, and fair election process for its parliamentary elections in the fall of 2004; H. Res. 667, Expressing support for freedom in Hong Kong; H. Con. Res. 462, Reaffirming unwavering commitment to the Taiwan Relations Act; H. Con. Res. 304, Expressing the sense of Congress regarding oppression by the Government of the People’s Republic of China of Falun Gong in the United States and in China; H. Con. Res. 319, amended, Expressing the grave concern of Congress regarding the continuing repression of the religious freedom and human rights of the Iranian Baha’i community by the Government of Iran; H. Con. Res. 363, amended, Expressing the grave concern of Congress regarding the continuing gross violations of human rights and civil liberties of the Syrian people by the Government of the Syrian Arab Republic; H. Con. Res. 436, amended, Celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country; H. Con. Res. 415, Urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004; H. Con. Res. 418, Recognizing the importance in history of the 150th anniversary of the establishment of diplomatic relations between the United States and Japan; H. Con. Res. 422, Concerning the importance of the distribution of food in schools to hungry or malnourished children around the world; and S. 2264, Northern Uganda Crisis Response Act.

AFRICA—CONFRONTING WAR CRIMES
Committee on International Relations: Subcommittee on Africa held a hearing on Confronting War Crimes in Africa. Testimony was heard from Pierre-Richard Prosper, Ambassador-at-Large, Office of War Crimes Issues, Department of State; and public witnesses

TRAFFICKING IN PERSONS
Committee on International Relations: Subcommittee on International Terrorism, Nonproliferation and Human Rights held a hearing on Trafficking in Persons: A Global Review. Testimony was heard from John Miller, Senior Advisor to the Secretary and Director, Office to Monitor and Combat Trafficking in Persons, Department of State; and public witnesses.

IRANIAN PROLIFERATION
Committee on International Relations: Subcommittee on the Middle East and Central Asia held a hearing on Iranian Proliferation: Implications for Terrorists, their State-Sponsors, and U.S. Counter-proliferation Policy. Testimony was heard from John R. Bolton, Under Secretary, Arms Control and International Security Affairs, Department of State; Peter Flory, Principal Deputy Assistant Secretary, International Security Affairs, Department of Defense; and public witnesses.

OVERSIGHT—ADMINISTRATIVE CONFERENCE
Committee on the Judiciary: Subcommittee on Commercial and Administrative Law continued oversight hearings on the Administrative Conference of the United States, II: Why is There a Need to Reauthorize the Conference? Testimony was heard from public witnesses.

OVERSIGHT—LIMITING FEDERAL COURT JURISDICTION TO PROTECT MARRIAGE FOR THE STATES
Committee on the Judiciary: Subcommittee on the Constitution held an oversight hearing entitled “Limiting Federal Court Jurisdiction to Protect Marriage for the States.” Testimony was heard from former Representative William E. Dannemeyer, State of California; and public witnesses.

DC—ADDITIONAL COURT; OVERSIGHT—PATENT QUALITY IMPROVEMENT
Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property approved for full Committee action H.R. 112, To amend title 28, United States Code, to provide for an additional place of holding court in the District of Columbia. The Subcommittee also held an oversight hearing entitled “Patent Quality Improvement: Post-Grant Opposition.” Testimony was heard from James A. Toupin, General Counsel, Patent and Trademark Office, Department of Commerce; and public witnesses.

MISCELLANEOUS MEASURES
Committee on Resources: Held a hearing on the following bills: H.R. 831, To provide for and approve the settlement of certain land claims of the Bay Mills Indian Community; and H.R. 2793, To provide for and approve the settlement of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians. Testimony was heard from Representatives Dingell, Rogers of Michigan and Stupak; Aurene
Martin, Deputy Assistant Secretary, Indian Affairs, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Energy and Mineral Resources held a hearing on the following: H.R. 4010, National Geologic Mapping Reauthorization Act of 2004; and H.R. 4625, To reduce temporarily the royalty required to be paid for sodium produced on Federal lands. Testimony was heard from P. Patrick Leahy, Associate Director, Geology, U.S. Geological Survey, Department of the Interior; and public witnesses.

AMERICAN AQUACULTURE AND FISHERIES RESOURCES PROTECTION ACT

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held a hearing on H.R. 3320, American Aquaculture and Fisheries Resources Protection Act. Testimony was heard from Representative Ross; John Hogan, Deputy Director, U.S. Fish and Wildlife Service, Department of the Interior; and public witnesses.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2005

Committee on Rules: Granted, by voice vote, an open rule providing one hour of general debate on H.R. 4614, Energy and Water Development Appropriations Act, 2005, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill. Under the rules of the House the bill shall be read for amendment by paragraph. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI (prohibiting unauthorized appropriations or legislative provisions in an appropriations bill), except as specified in the resolution. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Hobson, Gibbons, Wilson of New Mexico, Visclosky, Eshoo, and Lofgren.

NUCLEAR R&D—IDAHO NATIONAL LABORATORY

Committee on Science: Subcommittee on Energy held a hearing on Nuclear R&D and the Idaho National Laboratory. Testimony was heard from William D. Magwood, IV, Director, Office of Nuclear Energy, Science and Technology, Department of Energy; and public witnesses.

VOTING EQUIPMENT—TESTING AND CERTIFICATION

Committee on Science: Subcommittee on Environment, Technology and Standards held a hearing on Testing and Certification for Voting Equipment: How Can the Process Be Improved? Testimony was heard from Hratch Szerjian, Acting Director, National Institute of Standards and Technology, Department of Commerce; and public witnesses.

OVERSIGHT—UPPER MISSISSIPPI AND ILLINOIS RIVERS

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held an oversight hearing on Upper Mississippi and Illinois Rivers—Recommendations for Navigation Improvements and Ecosystem Restoration. Testimony was heard from Representative Gutknecht; MG Carl Strock, USA, Director of Civil Works, Corps of Engineers, Department of the Army; John Jamian, Deputy Administrator, Maritime Administration, Department of Transportation; A. J. Yates, Administrator, Agricultural Marketing Service, USDA; Benjamin N. Tuggle, Chief, Division of Habitat and Resource Conservation; Jerri-Anne Garl, Director, Region 5, EPA; and public witnesses.

VETERANS LEGISLATION

Committee on Veterans’ Affairs: Subcommittee on Health held a hearing on the Department of Veterans Affairs Real Property and Facilities Management Improvement Act of 2004. Testimony was heard from Anthony J. Principi, Secretary of Veterans Affairs; representatives of veterans organizations; and public witnesses.

CUSTOMS AND BORDER SECURITY ACT OF 2004

Committee on Ways and Means: Subcommittee on Trade approved for full Committee action, as amended, H.R. 4418, Customs and Border Security Act of 2004.

INFORMATION SHARING AFTER 9/11

Select Committee on Homeland Security: Held a hearing entitled “Information Sharing After September 11: Perspectives on the Future.” Testimony was heard from James Gilmore, Chair, Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction; and public witnesses.
COMMITTEE MEETINGS FOR FRIDAY,
JUNE 25, 2004
(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the transition to sovereignty in Iraq, focusing on U.S. policy, ongoing military operations, and status of U.S. Armed Forces, 9:30 a.m., SD–106.

House

Next Meeting of the SENATE
9:30 a.m., Friday, June 25

Senate Chamber

Program for Friday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES
9 a.m., Friday, June 25

House Chamber

Program for Friday: Consideration of H.R. 4614, Energy and Water Development Appropriations Act, 2005 (open rule, one hour of general debate).